

MAINE STATE LEGISLATURE

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LAWS

OF THE

Commonwealth of Massachusetts,

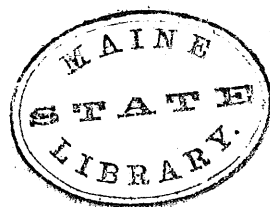
PASSED AT

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

OF THE COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT, AT THEIR SESSION

COMMENCED ON THE FOURTH WEDNESDAY OF JANUARY,

ONE THOUSAND EIGHT HUNDRED AND ELEVEN.



CHAP. XXVII.

An Act in addition to an act, entitled “An Act to incorporate Ebenezer Beckford and others for the purpose of establishing an Iron Manufactory, and other purposes therein mentioned.”

WHEREAS, the Danvers and Beverly Iron Works Company have built a Bridge of stone, and an Iron Preamble. Factory, at Porter's River, near the Salem Iron Factory, but have lately discontinued their operations—and it appears that this establishment can be conveniently united with that of the Salem Iron 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 the Salem Iron Factory Company shall be, and they hereby are authorized and made capable to purchase, be lawfully seized of, and to hold to them, their successors and assigns forever, all the real estate of the Danvers and Beverly Iron Works Company, consisting of their iron manufactory land, and all their other works and buildings, and their stone bridge, all situated on and adjacent to Porter's River aforesaid, with the land under the same, with the appurtenances, and such other real estate near thereto, as may be convenient for this es-

Licence to the Salem Iron Work Company.

tablishment : and may also hold so much personal estate as shall be actually employed therein, in addition to the personal estate which they are now authorized to have ; *provided*, that the value of the real estate and of the personal estate, to be purchased and acquired as aforesaid, shall not exceed the amount which the Danvers and Beverly Iron Works Company are capable of holding.

Privilege to
use bridge
and mills.

SEC. 2. *Be it further enacted*, That the Salem Iron Factory Company shall and may use the Bridge Iron Factory, and the mill or mills, works or buildings, which the Danvers and Beverly Iron Works Company have built on said Porter's River, and near thereto, and which they shall convey to the Salem Iron Factory Company ; and may erect any other mill or mills, works or buildings there, or near thereto, for such Iron Factory, or for carrying on any other useful manufacture or business which shall be found expedient for the Salem Iron Factory Company to establish and carry on there.

Appropriation of shares

SEC. 3. *Be it further enacted*, That the said real and personal estate, when purchased and acquired as aforesaid, shall be divided among the proprietors of the Salem Iron Factory Company according to their respective shares therein, in the same manner, to all intents and purposes, as if their original act of incorporation had extended to the same.

[This Act passed *February 8, 1811.*]

CHAP. XXVIII.

An Act to incorporate Joseph Hewins and others, by the name of The Sharon Cotton Manufacturing Company.

Persons in-
corporated.

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 Joseph Hewins, Philip Curtis, and Joseph Hewins, jun. with such others as already have, or may hereafter associate with them, their successors or assigns, be, and hereby are made a Corporation, by the name of The Sharon Cotton Manufacturing Company, for the purpose of manufacturing cotton in the town of Sharon, 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, 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 the said corporation may be lawfully seized and possessed of such real estate not exceeding the value of twenty-five thousand dollars, and such personal estate not exceeding the value of one hundred thousand dollars, as may be necessary for carrying on the manufacturing of cotton in the said town of Sharon. Possession of property allowed.

[This act passed *February 8, 1811.*]

CHAP. XXIX.

An Act to allow a further time to the proprietors of the Alford and Egremont Turnpike Corporation to complete their road.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time of one year from the first day of January, one thousand eight hundred and eleven, be allowed to the said proprietors to complete the said Alford and Egremont Turnpike Road, any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed *February 12, 1811.*]

CHAP. XXX.

An Act to incorporate a number of persons in the town of York, by the name of The York 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 Solomon Brooks, Alexander

Persons in-
corporated.

M'Intire, Daniel Carlisle, William Chace, Daniel Brooks, William Frost, and Elihu Bragdon, and their associates, together with such as may hereafter associate with them, be, and they are hereby made a Corporation, by the name of The York Cotton Factory Company, for the purpose of manufacturing cotton in the said town of York ; and for this purpose 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.

Sum allowed

SEC. 2. *Be it further enacted*, That the said Corporation may lawfully hold and possess real estate not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of fifty thousand dollars, as may become necessary and convenient for carrying on the manufacture of cotton in the said town of York.

[This act passed *February 12, 1811.*]

CHAP. XXXI.

An Act to establish a Corporation by the name of The Tyringham and Sandisfield Turnpike Corporation.

Persons in-
corporated.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That John Hunt, Francis Hearick, John Sweet, William Ingersol, William Hale, together with such other persons as shall hereafter associate with them, be, and they are hereby made a Corporation, by the name of The Tyringham and Sandisfield Turnpike Corporation, for the purpose of making and keeping in repair a turnpike road, beginning at the Hosatonick River Turnpike Road, near the house of Sylvanus Hulet, in the town of Lee, thence crossing the Hosatonick River, and running to or near the house of William Ingersol, in said Lee, thence in the most direct and convenient route to William Hale's dwelling-house, in that part of Tyringham, called Hobb Brook, thence on the most direct and convenient route to John Sweet's, in the town of Otis, thence in the most

convenient route to Solomon Deming's, in Sandisfield; 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.

[This act passed *February 12, 1811.*]

CHAP. XXXII.

An Act to allow a further time to the Wrentham and Walpole Turnpike Corporation to complete their Road.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That a further time of one year from the fourteenth day of March next, be, and hereby is allowed to said Corporation to complete their Turnpike Road, any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed *February 14, 1811.*]

CHAP. XXXIII.

An Act in addition to an act, entitled "An act to incorporate sundry persons by the name of The Trustees of Donations to the Protestant Episcopal Church."

WHEREAS the Trustees of Donations to the Protestant Episcopal Church have represented that the limited number of their members is inconvenient and unfavourable to the pious purposes of their incorporation—

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the first and second provisoes of the second section of the act to which this is in addition, which provisoes are in these words, viz. "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 Trustee shall be removed unless with the concurrence of two thirds of the whole number of Trustees,” be, and they hereby are repealed.

Power to
Trustees.

SEC. 2. *Be it further enacted*, That the said Trustees shall have authority from time to time to determine the number of Trustees which shall constitute a quorum for transacting business, and that no Trustee shall be removed unless with the concurrence of two thirds of the number constituting a quorum for the time being, nor without the concurrence of two thirds of the number present at any legal meeting of the said Trustees.

[This act passed *February* 14, 1811.]

CHAP. XXXIV.

An Act establishing The Portland Duck, Twine and Line Manufactory.

Persons in-
corporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel F. Hussey, Richard Hunewell, Ebenezer Mayo, James D. Hopkins, Ezekiel Day, and Joel Hall, together with such others as have, or shall hereafter join them, be, and they are hereby declared a body corporate, by the name of The Portland Duck, Twine and Line Manufactory, for the purpose of manufacturing Duck, Twine and Lines in the town of Portland, and for this purpose they are fully empowered and invested with all the rights, immunities and privileges contained in an act, entitled “An act defining the general powers and duties of Manufacturing Corporations,” made and passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, and subject to all the duties and obligations contained in the same act.

SEC. 2. *Be it further enacted*, That the said Portland Duck, Twine and Line Manufactory Corporation, shall and may lawfully purchase and hold such real estate as may be necessary to carry on the business of said Corpo-

ration, not exceeding fifteen thousand dollars, and such personal estate as they shall see fit, not exceeding one hundred thousand dollars.

[This act passed *February 16, 1811.*]

CHAP. XXXV.

An Act for the settlement of estates of persons deceased, wherein Judges of Probate may be interested.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whenever any Judge of Probate shall be interested in the estate of any persons deceased within his County, the same shall be settled in the Probate Court of the most ancient next adjoining County, and the will, if any, of such deceased may be proved, or administration granted, as the case may require; and all other forms and proceedings had thereon in such adjoining County as though such deceased had belonged to or died within the same. And whenever due application shall be made in writing to the Judge of Probate of such adjoining County for the probate of a will or the granting letters of administration in virtue of this act, he shall after giving due publick notice thereof, proceed thereon and settle such estate as fully, and to all intents, as he might any other estate within his proper jurisdiction; excepting, however, that when the Judge of Probate of Nantucket or Dukes County shall be interested in the estate of any person deceased within his jurisdiction, the same shall be settled in manner as herein before mentioned, in the Probate Court of the County of Barnstable. *Provided however*, that nothing in this act shall take away the right of appeal to the Supreme Court of Probate, as in other probate cases.

Provision for settling estates.

Proviso.

[This act passed *February 16, 1811.*]

CHAP. XXXVI.

An Act to incorporate township Number Three, in the fourth range of Townships north of the Waldo Patent, into a town, by the name of Exeter.

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 township Number Three, in the fourth range of townships north of the Waldo Patent, in the County of Hancock, bounded as follows—northwardly by township Number Three, in the fifth range, westwardly by township Number Four, in the fourth range, southwardly by township Number Three, in the third range, and eastwardly by township Number Two, in the fourth range, together with the inhabitants thereof, be, and hereby are incorporated into a town, by the name of Exeter, vested with all the powers, privileges and immunities, which other towns do, or may enjoy by the Constitution and Laws of this Commonwealth.

Township
incorporat-
ed.

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

Power to
call meeting

[This act passed *February* 16, 1811.]

CHAP. XXXVII.

An Act establishing an Academy in the town of Saco, in the County of York, by the name of Saco Academy.

WHEREAS the encouragement of literature in the rising generation has ever been considered by the wise and good as the basis upon which the safety and happiness of a free people ultimately depend, and it is

Preamble.

made the duty of legislatures and magistrates by the Constitution of this Commonwealth, to afford such encouragement ; and whereas Thomas Cutts, Esq. and others have petitioned this Court for the establishment of an Academy in Saco, in the County of York, for that purpose—

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there be, and hereby is established in the town of Saco, in the County of York, an Academy, by the name of Saco Academy, for the purpose of promoting piety and virtue, and for the education of youth, in such languages, and in such liberal arts and sciences as the Trustees herein after provided shall order and direct. Academy incorporated.

SEC. 2. *Be it further enacted,* That Thomas Cutts, Esq. Thomas G. Thornton, Esq. Cyrus King, Esq. Daniel Granger, Esq. Daniel Cleaves, Esq. Joseph Leland, Esq. Hon. Richard Cutts, James Gray, Esq. Foxwell Cutts, Esq. William Moody, Esq. Dr. Richard C. Shannon, Capt. Samuel Hartley, Capt. Ichabod Jordon, Major John Spring, and Mr. Jonathan Tucker, be, and they are hereby nominated and appointed Trustees of said Academy, and they are hereby incorporated into a body politick, by the name of The Trustees of Saco Academy, and they and their successors shall be and continue a body politick and corporate, by the same name forever. Trustees appointed.

SEC. 3. *Be it further enacted,* That the said Thomas Cutts and others, the Trustees aforesaid, and their successors be, and they are hereby made the Visitors, Trustees, and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner herein after specified, with full power and authority to elect such officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of this Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite. Empowered to elect officers.

SEC. 4. *Be it further enacted,* That the said Trustees and their successors, shall have one common seal, which they may break, change, and renew, from time to time, as they shall see fit ; and they may sue and be sued, in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the

name of the Trustees of Saco Academy, and may appoint an agent or agents to prosecute or defend such suit or suits.

Number
limited.

SEC. 5. *Be it further enacted*, That the number of the Trustees aforesaid, shall not at any time be more than fifteen, nor less than nine, five of whom at least shall be necessary to constitute a quorum for transacting business.

Vacancies
supplied.

SEC. 6. *Be it further enacted*, That whenever one or more of the Trustees aforesaid shall die, or resign, or in the judgment of the major part of the Trustees, shall be rendered incapable by age or otherwise, of discharging the duties of his office, the Trustees then surviving may elect one or more persons to fill the vacancy or vacancies.

Proviso.

SEC. 7. *Be it further enacted*, That the Trustees aforesaid and their successors be, and they are hereby rendered capable in law, to take and hold by gift or grant, devise, bequest or otherwise, any lands, tenements, or other estate, real or personal, which have been heretofore given or subscribed, or which may hereafter be given or subscribed for the purpose aforesaid. *Provided*, The annual income of the said real estate shall not exceed the sum of two thousand dollars, and the annual income of said personal estate shall not exceed the sum of five thousand dollars, and all deeds and instruments which the said Trustees may lawfully make, shall be sealed with their seal, and bind the Trustees and their successors, and be valid in law.

Grant to
Trustees.

SEC. 8. *Be it further enacted*, That there be and hereby is granted to the said Trustees and to their successors forever, for the use of said Academy, one half township of six miles square, of the unappropriated lands belonging to this Commonwealth in the District of Maine, (excepting the ten townships on Penobscot River, lately purchased by the Commonwealth of the Indians, and excepting likewise the land lately contracted to be sold to Jackson & Flint, and which contract is now rescinded) to be laid out and assigned by the Commissioners for the sale of Eastern lands, under the restrictions and reservations made in similar cases, on condition that the Treasurer of said Trustees shall within three years from the passing of this act, certify to said Commissioners that the sum of three thousand dollars has been actually raised, and secured for the endowment of said Academy, and appropriated to the use thereof.

Monies re-
ceived and
appropriat-
ed.

SEC. 9. *Be it further enacted*, That Thomas Cutts, Esq. be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof. First meeting directed.

[This act passed February 16, 1811.]

CHAP. XXXVIII.

An Act in further addition to an act, entitled “ An act for establishing the Fifth Massachusetts 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 the said Corporation be, and they hereby are authorized and empowered to remove the Gate erected on said Turnpike road, in the town of Gardner, from the place where it now stands, to a place about twelve rods east of Adam Noyes’ barn, in said Gardner ; *Provided however*, that the said Corporation shall not be entitled to demand or receive any toll at said gate from any of the inhabitants of said Gardner, or those of the inhabitants of Royalston, Winchendon, or Templeton, who in travelling on said Turnpike road enter upon the same near the dwelling-house of Elisha Jackson, jun. or by the road which passes by the meeting-house in said Gardner ; and *provided also*, that the inhabitants of Westminster be exempted from the payment of toll at said gate, when passing to or from said Westminster to the town of Gardner, excepting such inhabitants as carry bricks from a brick kiln near Otter river, and cross Gardner line, who shall be liable to pay toll in the same manner as other passengers.

Proviso.

Privilege to inhabitants to pass turnpike.

SEC. 2. *Be it further enacted*, That the said Corporation be, and they are hereby authorized and empowered to erect an additional gate on said Turnpike road near Gurnie’s Tavern, in Montague, on either side of Miller’s river, as the said Corporation may judge most convenient ; at which said gate, the said Corporation shall be entitled to demand and receive the same rate of toll as at the other gates on said road from all persons travelling thereon, except from such persons as pass or repass the bridge over

Authority to erect a new gate.

Feb. 16, 1811.

Connecticut river, at Montague city (so called) and continue on said road till they pass Gate No. 3, in the town of Athol, which said last described travellers, shall be altogether exempted from the payment of toll at the gate to be erected.

SEC. 3. *Be it further enacted*, That in addition to the toll already established, the said Corporation shall be and they hereby are authorized and empowered to demand and receive at each of the gates on said road, for every cart or waggon, drawn by more than four oxen or horses, twelve cents and a half for each additional ox or horse. And if any person travelling on said turnpike road, shall on his arrival at or near either of the said gates, separate from his team any ox or horse with intention to pass the same, separately, through either of the said gates, and thereby to avoid the payment of any part of the toll accruing by law to said Corporation, such person shall forfeit and pay the sum of two dollars, to be recovered by the Treasurer of said Corporation, to their use, in the same manner as other fines and forfeitures are to be recovered by the act to which this is in addition.

[This act passed *February* 16, 1811.]

CHAP. XXXIX.

An Act to incorporate township Number Two, in the fifth range of townships north of the Waldo Patent, into a town, by the name of New Charleston.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That township Number Two, in the fifth range of townships north of the Waldo Patent, in the County of Hancock, bounded as follows—northwardly by township numbered Two, in the sixth range, westwardly by township Number Three, in the fifth range, southwardly by township Number Two, in the fourth range, and eastwardly by township Number One, in the fifth range, together with the inhabitants thereof, be, and hereby are incorporated into a town, by the name of New Charleston, vested with all the powers, privileges and

immunities which other towns do or may enjoy by the Constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any Justice of the Peace within the said County of Hancock, be, and he hereby is empowered to issue his warrant to some suitable inhabitant of the said town of New Charleston, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of March and April annually. Justice to issue Warrant.

[This act passed *February* 16, 1811.]

CHAP. XL.

An Act to incorporate township Number Three, in the fifth range of townships north of the Waldo Patent, into a town by the name of Garland.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That township Number Three, in the fifth range of townships north of the Waldo Patent, in the County of Hancock, bounded as follows—northwardly by township Number Three, in the sixth range, westwardly by township Number Four, in the fifth range, south-westwardly by township Number Three, in the fourth range, and eastwardly by township Number Two, in the fifth range, together with the inhabitants thereof be, and hereby are incorporated into a town, by the name of Garland; vested with all the powers, privileges and immunities which other towns do or may enjoy by the Constitution and Laws of this Commonwealth. Garland incorporated.

SEC. 2. *Be it further enacted*, That any Justice of the Peace within the said County of Hancock, be, and hereby is empowered to issue his warrant, directed to some suitable inhabitant of the said town of Garland, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be Justice to issue Warrant.

Feb. 18, 1811.

expressed in said warrant, to choose all such officers as towns are by law required to choose in the months of March or April annually.

[This act passed *February* 16, 1811.]

CHAP. XLI.

An Act to incorporate the plantation numbered Four, in the County of Washington, as a town, by the name of Robinson.

Robbinston
incorporat-
ed.

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 township or plantation numbered Four, bounding on Schoodick, or St. Andrews bay, in the County of Washington, as described within the following boundaries, be, and the same is hereby incorporated and established as a town by the name of Robinson, viz.—Bounded easterly by Schoodick River, southerly by township Number One, on Passamaquoddy bay, westerly by township Number Three, and northerly by township Number Five (now Calais); and the said town 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.

Justice to is-
sue Warrant.

SEC. 2. *Be it further enacted,* That either of the Justices of the Peace within and for the County of Washington, is hereby authorized to issue a warrant to some freeholder of the said town of Robinson, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as towns are by law required to choose at their annual town meetings.

[This act passed *February* 18, 1811.]

CHAP. XLII.

An Act to annex Henry Sawin, with his family and estates, to the town of Waterford.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Henry Sawin, of Albany, in the County of Oxford, with his family and estate, containing about five acres of land, with the buildings thereon, be, and the same is hereby set off from the said town of Albany, and annexed to the town of Waterford, in the same County. And the said Henry Sawin shall be entitled to all the rights and privileges, and shall also be liable to the same duties and requisitions as an inhabitant of the town of Waterford, in like manner with the other inhabitants of the said towns, as fully and completely as if he with his estate, had been originally incorporated therewith.

Estate separated and annexed.

[This act passed February 18, 1811.]

CHAP. XLIII.

An Act to incorporate a number of the inhabitants of the town of Savoy, in the County of Berkshire, into a religious society, by the name of the First Congregational Society in Savoy.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Cheny Taft, Seth White, Joseph Woods, Ethan Maynard, Judson Woods, John Tileston, Obadiah Bliss, Stephen Hollis, Seth Bourn, Miles Carpenter, Simeon Goff, Simeon Hodges, Benjamin Wait, Benajah Sheldon, Wilks Walker, Jesse Smith, and Dyer Lewis, 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 Congregational Society in Savoy, with all the powers, privileges and immunities, and subject to all the duties to which other

Persons incorporated.

parishes or religious societies are entitled or subjected by the Constitution and Laws of this Commonwealth.

Justice to issue Warrant.

SEC. 2. *Be it further enacted*, That any Justice of the Peace in the County of Berkshire, be, and hereby is authorized to issue his warrant, directed to some suitable person who is a member of said society, requiring him to warn and notify the members thereof to meet at such time and place in said town as shall be directed in said warrant, to choose all such officers as parishes and other religious societies are by law authorized to choose in the months of March or April annually.

[This act passed *February 18, 1811.*]

CHAP. XLIV.

An Act to annex a part of the town of Wilton to the town of Chesterville, in the County of Kennebeck.

Authorized to annex towns.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a part of the town of Wilton, as described within the following boundaries, shall be, and the same is hereby annexed to, and made a part of the town of Chesterville, viz.—Beginning at the northeast corner of Jay, thence north about fourteen rods, to a range line, which is the south line of the lot numbered One Hundred and Eighty-two, in Wilton, thence north seventy-five degrees east on said range line to the west line of Farmington, thence a southerly course to the southeast corner of said Wilton, thence a westerly course on the south line of said Wilton to the town line of said Jay, thence north on the east line of said Jay to the first mentioned bounds; and the inhabitants and proprietors of the said tract shall hereafter be considered a part of the town of Chesterville, to all legal intents and purposes, as fully and completely as if they had been originally a part of, and incorporated therewith. *Provided however*, That the lot numbered Two Hundred and Five, being within the said described bounds, shall belong to the said town of Chesterville, and that the lot numbered Two Hundred and Six,

Proviso.

shall be and remain to the said town of Wilton, and the said lots shall be to and for the uses for which they were originally reserved.

[This act passed *February* 18, 1811.]

CHAP. XLV.

An Act establishing the Gardiner Iron 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 Robert H. Gardiner, John Stone, Joshua Lord, Stephen Jewett, Simon Bradstreet, James Marston, and Rufus Gay, with such others as Persons in- already have, or hereafter may associate with them, their successors or assigns, be, and hereby are made a Corporation, by the name of The Gardiner Iron Factory Company, for the purpose of rolling and slitting Iron, and for making bar iron from iron ore and pig iron, 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."

SEC. 2. *Be it further 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 thousand dollars in value, as may be necessary and convenient for carrying on the manufactory of iron in said town of Gardiner. Possession of property allowed.

[This act passed *February* 18, 1811.]

CHAP. XLVI.

An Act in addition to an act, entitled "An act to incorporate Jonathan Mason and others, into a company, by the name of the Union Marine Insurance Company."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Union Marine Insurance Company be, and they hereby are authorized to invest ten thousand dollars of their capital stock in real estate, over and above the sum of twenty thousand dollars they were authorized to invest in real estate by the second section of their act of incorporation, passed February the twenty-ninth, one thousand eight hundred and four.

[This act passed *February 21, 1811.*]

CHAP. XLVII.

An Act in addition to the several acts for incorporating a certain part of the town of Lee, into a District, by the name of The Hopland School District.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in all suits at law which may hereafter be depending in any Court within this Commonwealth, wherein the said District may be a party, or interested in the event of the suit, any inhabitant of the said District shall and may be admitted as a competent witness, and his deposition may be used, if duly taken, and for legal cause, in any trial of the cause, as well for as against the said District. *Provided,* he hath no other interest therein than as an inhabitant or member of said District, and is not otherwise legally disqualified; any law, usage or custom to the contrary notwithstanding.

[This act passed *February 21, 1811.*]

CHAP. XLVIII.

An Act to incorporate a number of persons in the towns of Bellingham, Mendon, Milford, and Franklin, as a religious society, by the name of The First Baptist Society in Bellingham.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Amos Adams, Amos Adams, jun. Caleb Adams, Samuel Adams, jun. Levi Adams, Joel Adams, Christopher Adams, Hamblet Barber, Elijah Bates, Ezekiel Bates, Ezekiel Bates, jun. John Bates, Otis Bates, Daniel Bullard, Wheelock Bullard, Asa Burr, Asa Burr, 2d, Lucretia Burr, Joseph Chilson, Joshua Chilson, John Chilson, Ichabod Chilson, Ethan Cobb, Elias Cook, Amaziah Cushman, Samuel Darling, Samuel Darling, jun. Simon Darling, Amasa Foristall, Only Foristall, David Hill, Aaron Holbrook, Amasa Holbrook, Amos Holbrook, Amzi Holbrook, Cephas Holbrook, Eliab Holbrook, Eliphalet Holbrook, Henry Holbrook, Luke Holbrook, Mary Holbrook, Simeon Holbrook, Daniel Jones, Warren Lasell, Nathan Penniman, Martin Rockwood, Stephen Sayles, Samuel Scott, Bethuel Slocumb, Peletiah Smith, Samuel Smith, John Scammell, Benjamin Spear, Alpheus Thayer, Elias Thayer, Marvellous Thayer, Mary Thayer, Silas Thayer, Amos Thompson, Eli Thompson, Joseph Thompson, John Wales, Laban Whitney, Eliab Wight, Seneca Wight, and Gurdon Williams, of Bellingham, and Otis Wales, of Franklin, in the County of Norfolk ; Nahum Bates, Daniel Lasall, and Joshua Lasall, Allen Thayer, Amos Thayer, Benjamin Thayer, and Dexter Thayer, all of Mendon ; and Calvin Holbrook, and Timothy Wiswall, of Milford, in the County of Worcester, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated and established, as a religious society, by the name of The First Baptist Society in Bellingham, with all the powers and privileges, and subject to all the duties of other religious societies, according to the Constitution and Laws of this Commonwealth : *Provided* Persons incorporated. *however,* That each and all such persons shall be holden to Proviso.

pay their several proportions of all monies voted and legally assessed, for parochial uses, in the parish or religious society, to which such person formerly belonged.

Method of
joining the
society.

SEC. 2. *Be it further enacted*, That any person in either of the aforesaid towns of Bellingham, Franklin, Mendon, or Milford, who may at any time within two years after passing of this act be desirous to unite with the said First Baptist Society in Bellingham, shall declare such intention in writing to the minister or clerk of the said society, and receive a certificate of admission, signed by the minister or clerk of the said society, that he or she has actually become a member of, and united in publick worship with the said society in Bellingham, and shall also give an attested copy of the said certificate, to the clerk of the parish or society to which he or she formerly belonged; such person, from the time of giving in said certificate, shall, with his or her polls and estates be considered a member of the said First Baptist Society in Bellingham.

Method of
leaving the
society.

SEC. 3. *Be it further enacted*, That when any member of the said First Baptist Society in Bellingham, shall see cause to leave the same, and to unite with any other religious society in the town in which he or she may live, in either of the towns aforesaid, shall declare such intention in writing to the minister or clerk of the said society in Bellingham, and also to the minister or clerk of such other religious society, fifteen days previous to their annual meeting; and if such person shall produce a certificate of admission, signed by the minister or clerk of such other religious society, that he or she has united in publick worship, and has actually become a member of such other society, such person, with his or her polls and estate, from the date of said certificate, shall be considered a member of such other society. *Provided however*, That in every case of secession from one society, and joining with another, as provided for in this act, every such person shall be holden to pay his or her proportion of all parish or society expenses, and assessments legally assessed and not paid, before such secession.

Justice to is-
sue Warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Norfolk, is hereby authorized, upon application therefor, to issue a warrant, directed to some freeholder in Bellingham, aforesaid, requiring him to notify and warn the members of the said First Baptist

Society in Bellingham, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as religious societies are by law empowered to choose and appoint, at their annual parish or society meetings.

[This act passed *February 21, 1811.*]

CHAP. XLIX.

An Act establishing The Union Religious Society, in the towns of Weymouth and Braintree.

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 White, Minot Thayer, Samuel Arnold, David P. Hayward, John Hollis, Mehitable Holbrook, Noah Bicknell, Susannah White, Alexander White, Josiah Vinton, Jacob Allen, Asaph Faxon, Jonathan Derby, Elihu White, Micah Richmond, David Loud, Jacob Allen, jun. Increase Clap, Asaph Faxon, jun. Josiah Vinton, jun. Isaac Damon, Robert Bates the second, William Bowditch, Joseph Allen, William Allen, Daniel Loring, Judah Loring, James Bowditch, Job Thayer, Thomas White, Benjamin Bowditch, Alexander White, jun. Boylston Vinton, Jonathan Bowditch, John Cushing, Joseph Nash the third, Caleb Hunt, Elisha Thayer, Jabez Porter, John P. Lavel, James L. Arnold, John Davis, Moses Nash, jun. Elisha Blanchard, Barnabas Thayer, the second, Job Nash, William Hunt, Nathaniel Pratt, Zeba Cushing, Sarah Capron, Thomas Cushing, Nathaniel Blanchard, Isaiah Thayer, Ezra Nash, William Beckwith, Moses Nash, Ebenezer Nash, Zadock Nash, Jacob Dyer, Isaac Phillips, Nathaniel Richards, jun. Samuel White, Edward Vinton, James Adams, Zadock Nash, jun. Aaron Ford, Stephen T. Soper, Jacob Tirrell, Andrew Howard, Turner Joy, Thomas Richards, Howland Cowing, Chauncey Williams, Peleg Jordan, Seth Cole, Jonas Welsh, Solomon Richmond, Samuel Jones, and Asa Nash, the petitioners, with such other inhabitants of said towns of Weymouth and Braintree, as shall desire to unite with them, and signify the same to the Clerk of the Union Re-

Persons in-
corporated.

ligious Society at any time within two years from the passing of this act, be, and hereby are incorporated into a religious society, by the name of The Union Religious Society in the towns of Weymouth and Braintree, with all the privileges, powers, and immunities, to which other religious societies in this Commonwealth are entitled to by law.

Time of taxation.

SEC. 2. *Be it further enacted*, That the polls and estates of all such persons, belonging to said towns respectively, who become members of said Union Religious Society, shall on the first day of May annually be taxable in said Union Religious Society, and in that only, for parochial purposes : *Provided nevertheless*, that so long as the Rev. Ezra Weld shall continue a minister of the parish in Braintree, the sum raised for his support shall, as heretofore, be assessed upon all the inhabitants of said town of Braintree.

Proviso.

SEC. 3. *Be it further enacted*, That any of the members belonging to the parishes of Weymouth and Braintree, or the Union Religious Society, being desirous to change his, her or their relations to or from the said Union Religious Society, shall have full liberty so to do, with his, her or their polls and estates, at any time within two years from the passing of this act of incorporation of said Union Religious Society ; *provided* they shall signify the same in writing to the Clerks of said parishes respectively, and to the Clerk of the said Union Religious Society, and they shall be recorded by said Clerk accordingly.

Joining the society.

SEC. 4. *Be it further enacted*, That all young persons in said towns, when they attain to the age of twenty-one years, and all persons who may hereafter settle within the limits of said towns, and shall desire to join the Union Religious Society, shall have full liberty so to do, at any time within two years from the time they attain to such age, or from the time of such settlement, with their polls and estates, by signifying their desire in writing to the Clerk of the parish within the limits of which they respectively reside, and to the Clerk of the Union Religious Society.

Power to tax.

SEC. 5. *Be it further enacted*, That the Union Religious Society shall have power to tax all pews in their meeting-house, not exceeding six per centum of their original valuation, made by a committee previous to the sale thereof, which shall be occupied by persons who do not

join said society, so that their polls and estates may be taxed, which taxes said occupants shall be held to pay.

SEC. 6. *Be it further enacted*, That all ministerial taxes assessed and raised within the towns of Weymouth and Braintree, on estates belonging to non-residents, shall be divided between the parishes within which said estates may be situated in said towns and the Union Religious Society, in the same proportion as the members of each parish collectively bear to each other in the State tax, which shall be assessed from time to time, to be annually compared and ascertained by the assessors of the Union Religious Society, and the assessors of each parish in said towns respectively, and to be drawn by the Union Religious Society from the Treasury of each parish in said towns. Appropriation of taxes.

SEC. 7. *And be it further enacted*, That a meeting of the Union Religious Society shall be holden at the new meeting-house in Braintree, on the first Tuesday of March next, at three of the clock in the afternoon, for the purpose of choosing a Clerk and other officers, and exercising such powers as are provided by an act for regulating parishes, and precincts, and the affairs thereof, passed June twenty-eight, one thousand seven hundred and eighty-six, and to agree upon a method of calling meetings of the society in future. Time of holding meeting.

[This act passed *February 21, 1811.*

CHAP. L.

An Act to confirm the town of Eden in their title and possession of a certain lot of land.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the said town of Eden be, and hereby is confirmed in their title and possession of a certain lot of land, containing four hundred and fifty acres, being the same lot which was reserved by the Grantee of the said township for the use and support of schools and the ministry in the said town, and the fee possession, and use of the said lot of land is hereby vested in the Selectmen of the said town for the time being, and in their discretion to use, improve and manage the same for the benefit of the Title secured.

Appropriation of funds

said town, as they may from time to time see cause, for the support of schools and the ministry. And the Selectmen, in behalf of the said town of Eden, are hereby authorized, under the vote and directions of the said town, to sell and convey the said lot of land, and to make and execute a sufficient deed of the same, when they may think it most for the interest of the town, and the proceeds of the said sale to vest in money at interest, taking a mortgage of the land, and such other security as the said town may judge necessary, and the income only of the said fund shall ever be applied to the support of schools and the ministry in the said town of Eden.

[This act passed *February 21, 1811.*]

CHAP. LI.

An Act establishing the First Baptist Society in Belfast.

Persons 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 John Meriam, William Grinnel, John Merrill, Robert Sargent, William Cunningham, Samuel Walton, Simon Watson, John H. Conner, Nathaniel Stanley, Ebenezer Peirce, Lewis Been, Josiah Been, Nathan B. Foster, George W. Bruce, George Kimball, Elijah Field, Jonathan Pitcher, Elijah Morrell, Samuel Patterson, Joseph Hinkson, Peter Cockrin, James M'Crillis, Hugh Ross, William Griffin, Isaac Senter, Nathaniel Eells, Thomas Houston, Annis Campbell, and William Morrell, together with their polls and estates, be, and they hereby are incorporated, by the name of The First Baptist Society in Belfast, with all the privileges, powers and immunities which parishes in this Commonwealth by law enjoy.

Method of joining the society.

SEC. 2. *Be it further enacted,* That when any person in the town of Belfast, who may desire to join with and become a member of said First Baptist Society, shall declare such intention in writing to the Clerk of said society, fourteen days at least previous to the annual meeting of said society, and shall receive a certificate, signed by said Clerk, that he or she has actually united

with and become a member of said society, and shall also leave an attested copy of such certificate, under the hand of said Clerk, with the Clerk of the parish or society to which he or she did belong on or before the last day of April then next ensuing, which certificate shall set forth that he or she has constantly attended publick worship with said Baptist Society for at least one year preceding the said first day of April; such person from the date of such certificate, shall be considered a member of the First Baptist Society, with his or her polls and estates, and shall be exempted from all future taxation for the support of publick worship in the parish or society which such person has left as aforesaid.

SEC. 3. *Be it further enacted*, That when any member of the said First Baptist Society shall desire to leave the same, and to join in religious worship with any other religious society, in the said town of Belfast, and shall give notice of such intention in writing to the Clerk of such other society, fourteen days at least previous to the annual meeting of such society, and shall receive a certificate of membership, signed by the Clerk thereof, setting forth that he or she has constantly attended publick worship with said society for at least one year previous to the said meeting of said society; and shall also leave an attested copy of such certificate, signed by said Clerk, with the Clerk of the society he or she did belong to, on or before the last day of April then next ensuing, such person shall be considered a member of the parish or society which he or she may so join, with their polls and estates, and shall be exempted from all further taxation for the support of publick worship in the society he or she hath left as aforesaid: *Provided however*, that in every case of secession, every such person shall be held to pay his or her proportion of all parish or society assessments, or other charges in the society from which such person has seceded, being assessed and not paid previous to leaving such society.

Method of
leaving the
society.

Proviso.

SEC. 4. *Be it further enacted*, That Thomas Whittier Esq. or either of the Justices of the Peace for the County of Hancock, upon application therefor, is hereby authorized to issue a warrant, directed to some one of the members of the said First Baptist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be expressed in the said warrant,

Justice to is
sue warrant
for meeting.

for the choice of such officers as religious societies are by law empowered to choose at their annual meeting of the parish or society.

[This act passed *February 21, 1811.*]

CHAP. LII.

An Act supplementary to an act, entitled "An act to incorporate James Sullivan and others, under the name of The Proprietors of the Middlesex Canal."

Preamble.

WHEREAS, by a Resolve passed the fourth day of March, in the year of our Lord one thousand eight hundred and nine, two townships of land in the District of Maine were granted to the Proprietors of the Middlesex Canal, to aid them in removing obstructions to water communications on Merrimack river, with said Canal, and for other purposes, promotive of its principal objects—And whereas, to effect the important publick purposes contemplated by said Resolve, the said Proprietors have found it necessary to become interested in several Canal incorporations, created by the Legislature of New-Hampshire, for the purpose of improving the navigation of the river aforesaid, and of removing its obstructions within said State—Therefore,

Proprietors
authorized
to hold
shares in N.
Hampshire.

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 Middlesex Canal, in their corporate capacity, be, and they hereby are authorized and empowered to subscribe for and hold shares in any company that is, or shall be incorporated by the Legislature of the State of New-Hampshire, for the purpose of improving or carrying on inland navigation by the river Merrimack, its branches and other waters, leading to the Middlesex Canal.

[This act passed *February 21, 1811.*]

CHAP. LIII.

An Act to cede to the United States the jurisdiction of the tracts of land which shall be required for the Light House, authorized by Congress to be erected at the entrance of the harbour of Scituate.

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 United States of America may purchase or take as hereafter is provided, any tracts of land, not exceeding six acres, which shall be found necessary for the Light House authorized by Congress to be erected at the entrance of the harbour of Scituate, within this Commonwealth, and may hold the same during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth exclusive jurisdiction over the land aforesaid, except so far as may be necessary to enable the United States to carry into effect the object aforesaid.

Authorized
to purchase
land.

SEC. 2. *Be it further enacted,* That if the agent or person employed for the United States, and the owner or owners of any tract or tracts of land which shall be found necessary for the said Light House, cannot agree in a sale and purchase thereof, such agent or person employed may apply to the Hon. Seth Sprague, Joshua Thomas, and Nathan Rice, Esqrs. who are hereby appointed a Committee to determine a just equivalent to the owner or owners of such land, which Committee shall be sworn before some Justice of the Peace, for the faithful discharge of their trust, and shall forthwith proceed to view, set off, and appraise such tract or tracts of land, and shall make a return of their doings to the Court of Common Pleas, within and for the County wherein the land lies; which award and return being accepted by the Court, and a description of the land so set off entered in the Registry of Deeds in the County wherein the land lies, and the amount of such appraisement being paid to the owner or owners of the land appraised and set off by such Committee, or if the owner or owners shall not appear, or shall refuse to receive the same, to such person or corporation, for the use of the owner or owners, as the same Court shall order, the tract or tracts of land so appraised and set

Committee
appointed to
appraise, &c.

Feb. 21, 1811.

Proviso.

off, shall be vested in the United States, and may be taken, possessed and appropriated for the purposes aforesaid ; *provided*, that all charges of such application and appraisement shall be paid by the United States, and *provided also*, that if the person or persons, whose lands shall be taken for the purposes aforesaid, shall find himself aggrieved by the doings of said Committee in estimating the value of said land, he may apply to the Court of Common Pleas, to be holden within and for the County of Plymouth, at the term when the return of said Committee shall be made, or at the term next after the acceptance of the return of said Committee, and the said Court is hereby empowered to hear and finally determine the same by a Jury, under oath, to be summoned by the Sheriff or his deputy for that purpose, if the person complaining desire the same.

[This act passed *February 21, 1811.*]

CHAP. LIV.

An Act to incorporate the Proprietors of the First Congregational Meeting-House, in Nantucket.

Persons 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 Benjamin Gardner, Ebenezer Fitch, William Cobb, Thomas Hillar, Obed Joy, John Gardner, Uriah Bunker 2d, Ebenezer Drew, Simeon Coffin, jun. Peter Myrick, Thomas M. Coffin, Humphry Cannon, Elisha Raymond, Roland Gelston, William Nichols, Edward Cary, jun. Shubael Coffin, Jonathan Coffin, Jedediah Fitch, Robert Folger, Reuben R. Bunker, Benjamin Walcutt, Joshua Coffin, Grafton Gardner, and Coffin Whippley, be, and they hereby are incorporated and made a body politic, by the name of The Proprietors of the First Congregational Meeting-House in Nantucket, with such other persons as are or may hereafter become interested with them in said Meeting-House, and the land it stands on, with power to raise by assessment on the pews and seats in the said Meeting-House, according to the admeasurement of the same, such sum and sums of money for the settlement and maintenance of a minister or ministers,

and for the incidental charges of said corporation, as the members of the same shall agree on, at any legal meeting to be called for that purpose.

SEC. 2. *Be it further enacted*, That it shall be lawful for the Treasurer of said Corporation for the time being, to sell at publick auction, after giving thirty days notice thereof, by posting an advertisement to that effect, at two of the doors of said Meeting-House, such pew or seats on which the taxes may not have been paid, within one year after the assessment as aforesaid, and upon such sale to execute a good and sufficient deed or deeds thereof to the purchaser, and after deducting the amount of such delinquent's assessment, together with legal interest thereon from the time the same was made payable, and all incidental costs and charges, the said Treasurer shall pay the surplus, if any, to such delinquent proprietor.

Empowered
to sell pews
and seats.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the County of Nantucket, be, and hereby is authorized and directed to issue his warrant to some principal member of said Corporation, requiring them to meet at such time and place, as shall be therein set forth, to choose a Moderator and a Clerk (who shall be duly sworn) a Treasurer, and such other officers as the proprietors shall judge necessary; and the Moderator of that and of all future meetings, shall have power to administer the oath of office to the Clerk.

Justice to is-
sue Warrant.

[This act passed *February 21, 1811.*]

CHAP. LV.

An Act in addition to an act, entitled "An act to incorporate certain persons for the purpose of building a Bridge over Androscoggin River, at Lewiston, between the Twenty Mile Falls and the Ferry Way.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, so much of the third section of the act aforesaid, as relates to exempting from toll all persons going to or returning from publick worship, shall be confined and

limited to persons going to or returning from publick worship on the Lord's day only ; and that the rates of toll on the articles herein after mentioned, shall be as follows, to wit : for any team, including cart or waggon, drawn by more than one beast, and not exceeding four, seventeen cents, and for any single horse and chaise, chair or sulkey, seventeen cents each, any thing in the act to which this is in addition to the contrary notwithstanding.

[This act passed *February* 21, 1811.]

CHAP. LVI.

An Act establishing The Kingston Cotton and Woollen 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 Isaac Bartlett, Jedediah Holmes jun. George Russell, together with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a corporation, by the name of The Kingston Cotton and Woollen Manufactory, for the purpose of manufacturing cotton and woollen in the town of Kingston, in the County of Plymouth, 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 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 in-
corporated.

SEC. 2. *Be it further enacted,* That said Corporation may be lawfully seized of such real estate, not exceeding the value of twenty thousand dollars, and such personal estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactory of cotton and woollen in Kingston aforesaid.

Power to
hold estate.

[This act passed *February* 22, 1811.]

CHAP. LVII.

An Act to incorporate the plantation of Eddington, into a town, by the name of Eddington.

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 plantation of Eddington, in the County of Hancock, as included within the following bounds, viz. Beginning at a stake and stones on the eastwardly side of Penobscot river, being the original corner of land as granted to Jonathan Eddy and others ; thence running south forty-eight degrees east, six miles and one hundred rods, to Jarvis' Gore ; thence south forty-two degrees west on said Gore, two miles and two hundred and eighty-five rods, to a corner of the town of Orrington ; thence north forty-eight degrees west, on the line of said Orrington, five and three quarter miles to a stone, being the eastwardly corner of a piece of land laid out for a public landing ; thence west seventy-one degrees south, to Penobscot river ; thence northwardly on said river to the bounds first mentioned, together with the inhabitants thereof, be, and hereby are incorporated into a town, by the name of Eddington, vested with all the powers, privileges, and immunities, which other towns do or may enjoy by the Constitution and Laws of this Commonwealth. Township incorporated.

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

[This act passed *February* 22, 1811.]

CHAP. LVIII.

An Act to incorporate certain persons, therein named, as Trustees, to improve and manage a fund towards the support of Grammar Schools in the town of Lincoln.

Persons in-
corporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Grosvenor Tarbell, Elijah Fisk, and Charles Wheeler, be, and they are hereby made and constituted a body politick and corporate, by the name of The Trustees of the Grammar School Fund, in the town of Lincoln, in the County of Middlesex, and they and their successors shall be and continue a body politick and corporate, by that name forever, and may have, keep and use a common seal, which they may alter and renew at pleasure, and by the name aforesaid, may sue and be sued in all actions real, personal, or mixed, and may prosecute and be prosecuted to final judgment and execution, by the name of The Trustees of the School Fund in Lincoln.

Number of
Trustees
limited.

SEC. 2. *Be it further enacted,* That the number of the said Trustees shall never be more than five, nor less than three, and a majority of them may be a quorum for doing business, and the senior Trustee present shall act as President, and the said Trustees shall at their annual meeting appoint a Treasurer and Clerk, who shall be sworn to the faithful performance of their duties, and the Treasurer shall give bond, with sufficient sureties, to the acceptance of the said Trustees, faithfully to account for all monies or other property belonging to the said School Fund, which he may receive into his care by virtue of this act; and in case of the death, resignation, removal, misconduct, or any other cause, which may occasion a vacancy in the number of Trustees, the town at their annual meeting, or at any other meeting, may fill up such vacancy or vacancies, and the said Trustees shall receive no compensation out of the said funds for any services they may perform, but may receive such compensation, when made by a special grant from the town.

Vacancies
supplied.

SEC. 3. *Be it further enacted,* That the said Trustees and their successors in office, be, and they are hereby vested

with full power to receive into their hands, all monies or other property, or securities therefor already received, and that now are, or hereafter may be bequeathed or given to the said School Fund; and it shall be the duty of the said Trustees to use and improve such funds, or real estate as shall be vested in them by this act, with due care and vigilance, so as best to promote the intention of the donor or donors thereof, and shall always loan, upon interest, all the money belonging to the said funds, in such sums and for such term of time, not exceeding one year, as they may think proper, upon the bond or note of the borrower, with at least two sureties for the payment thereof, and they shall never loan any sum exceeding three hundred dollars, without a mortgage on real estate to the value of three times the amount of the sum loaned, as collateral security for the payment thereof, with interest annually, and it shall be the duty of the said Trustees to appropriate the interest arising from said fund towards the support of the Grammar Schools in the said town of Lincoln.

Improve-
ment of
funds, &c.

SEC. 4. *Be it further enacted*, That the Treasurer of the said Trustees shall be the receiver of all monies and effects which may be due and coming to them in their official capacity, and in their name may demand, sue for, and recover the same, unless prohibited by them; and the said Treasurer shall have the care and custody of all the monies and effects, obligations and securities, for the payment of money, and all evidences of property belonging to the said School Fund, and shall be accountable to the Trustees 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, annually, and as often as he may be thereto required.

Treasurer's
power.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Clerk, at the expense of said Corporation, to provide and keep suitable and sufficient books for their records and accounts, and shall have the charge and keeping thereof, and of all papers and documents belonging to the said trust, and shall make and keep a fair and true record of all the votes and proceedings of the said Corporation, and shall certify the same when thereto required by the Trustees, and he shall call and notify meetings of the Corporation, when directed by any one or more of said

Clerk's duty

Trustees, and do and perform all other duties incident and belonging to the office and duty of Clerk of the said Corporation, and he shall deliver upto his successor in office all the records, papers and documents in his hands, in good order and condition.

Justice to issue Warrant.

SEC. 6. *And be it further enacted*, That any Justice of the Peace for the County of Middlesex, upon application therefor, is hereby authorized to issue a warrant, directed to either of the aforesaid Trustees, requiring him to notify and warn a meeting of the said Trustees, to meet at such time and place as shall be appointed in said warrant, to organize the said Corporation, by the appointment of its officers.

[This act passed *February 22, 1811.*]

CHAP. LIX.

An Act to amend an act, entitled “An act to establish the dividing line between Vassalborough and Harlem, in the County of Kennebeck,” passed on the seventeenth day of February, in the year of our Lord one thousand eight hundred and one.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the said act be so far amended that the words “West North West” be annulled, and the words East South East, be substituted in their place in said act.

[This act passed *February 22, 1811.*]

CHAP. LX.

An Act authorizing the sale of the ministerial lands in the town of Templeton, in the County of Worcester, to raise a fund for the support of the ministry.

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 inhabitants of the town of Templeton, in the County of Worcester, be, and they are hereby authorized by their agent or agents, to be duly elected by a majority of legal voters of said town, duly convened for that purpose, to make sale of all the ministerial lands in said town, either at publick or private sale, and the said agent or agents be, and they are hereby authorized to sell and convey in fee simple all the ministerial lands belonging to said town, and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof; which deed or deeds so executed and delivered, shall be sufficient in law to transfer and convey the said lands in fee simple to the purchaser or purchasers.

Authorized
to sell lands.

SEC. 2. *Be it further enacted,* That the money arising from the sale of said lands, shall forever remain and constitute a fund for the support of such gospel minister or ministers, of any religious sect or denomination as now are, or may hereafter be established in the said town of Templeton, and the interest thereof shall be annually appropriated for that purpose, in manner herein after provided.

Appropriation of monies.

SEC. 3. *Be it further enacted,* That the Selectmen of the said town of Templeton for the time being, and their successors in office, be, and they hereby are appointed Trustees, to receive and hold all the money which may accrue from the sale of the land aforesaid, together with all such sums as may be hereafter subscribed for the purpose aforesaid, in trust for the use and benefit of said town, the interest thereof to be annually applied towards the payment of the salaries of the several gospel ministers who now are, or hereafter may be established in the said town of Templeton, in such proportions as a major part of said Trustees shall deem just and reasonable.

Trustees appointed.

Trustee's
return.

SEC. 4. *Be it further enacted*, That said Trustees shall make an annual return in writing of their proceedings, and lay the same before the said town of Templeton in March or April, for their inspection.

Vacancies
supplied.

SEC. 5. *Be it further enacted*, That the inhabitants of said town may at any lawful meeting, duly warned for that purpose, remove any of the said Trustees from their said office, and appoint others in their stead, and also in case of the death, resignation or removal of any of said Trustees or their successors, to fill up any vacancy that may so happen from time to time.

Trustees in-
corporated.

SEC. 6. *Be it further enacted*, That the said Trustees and their successors in office, be, and they hereby are constituted and appointed a Corporation and body politick, by the name of The Trustees of the Templeton Ministerial Fund, and by that name may sue and be sued in all actions, and pursue and defend the same to final judgment and execution, and shall in all other respects have and exercise the same powers which belong to other corporations by the Laws of this Commonwealth.

[This act passed *February 25, 1811.*]

CHAP. LXI.

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

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

[This act passed *February 25, 1811.*]

CHAP. LXII.

An Act to repeal a part of an act, entitled An act to repeal certain acts concerning meadows and beaches in the north part of Harwich.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That so much of an act, passed in the year of our Lord one thousand eight hundred and nine, as repealed an act entitled An act in addition to an act made and passed in the year of our Lord one thousand seven hundred and sixty-one, entitled An act to prevent damage being done on the meadows and beaches lying in, and adjoining on the north side of the town of Harwich, between Skeket harbour on the east, and Quivet harbour on the west, be, and hereby is repealed.

[This act passed *February 25, 1811.*]

CHAP. LXIII.

An Act in addition to an act, entitled “An act for incorporating the Proprietors of Mattakesett Creeks (so called) in the town of Edgartown, in the County of Dukes County, into a body politick, by the name of The Proprietors of the Mattakesett Creeks, and also for the regulating and better improving the low grounds and meadows adjoining the said Creeks, and Great Pond, (so called) in the said town.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, a line drawn south from the most easterly part of a point of land called Cattama Point, across Mattakesett Bay (so called) to the South Beach, shall be considered and known as a boundary line between the said proprietors and others, and that the channels and waters to the westward of said described line within the said Bay, shall be considered

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and understood as being at or near the mouths of said Creeks, so far as the Alewives Fishery shall be affected thereby, any thing in the act to which this act is in addition to the contrary notwithstanding.

[This act passed *February 25, 1811.*]

CHAP. LXIV.

An Act to annex Bucks Harbour Neck to Machias.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the point of land, usually called Bucks Harbour Neck, in the County of Washington, bounded north by the town of Machias, west by Little Kennebeck River and Bay, south by the Bay of Funday, east by Machias Bay, together with all islands lying south of the same, within three leagues of the shore, including the Libbe Islands (so called) and all islands west of the usual ship channel in Machias Bay, be, and they hereby are, with their inhabitants, annexed to the town of Machias, to be hereafter considered a part of the same to all intents and purposes.

[This act passed *February 25, 1811.*]

CHAP. LXV.

An Act to enable the inhabitants of the town of Lovel, in the County of Oxford, to sell and appropriate their Parsonage lands to establish a fund for the support of the Gospel Ministry.

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 Stearns, Esquire, Stephen Heald, and Samuel E. Andrews, with the Selectmen and Town Clerk for the time being, be, and they are hereby appointed Trustees, to sell the Parsonage lands in the town of Lovel, and put out at interest the monies

Trustees appointed.

arising from such sale, in manner herein after mentioned for that purpose.

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 Lovel, 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. Trustees incorporated.

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 who shall be sworn to the faithful discharge of his trust, and a record thereof shall be made in the books of said Corporation. And the said Trustees shall choose a Treasurer to receive and apply the monies as herein after directed. Officers to be elected.

SEC. 4. *Be it further enacted*, That the number of Trustees shall not at 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 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. Number limited.
Vacancies supplied.
Time of meeting.

SEC. 5. *Be it further enacted*, That the said Trustees be, and they hereby are authorized to sell and convey in fee simple, all the Parsonage lands belonging to said town, and to make and 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 Trustees authorized to sell.

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effectual in law, to pass and convey the fee simple from the said town to the purchaser, to all intents and purposes whatever.

Monies to be secured. SEC. 6. *Be it further enacted*, That the interest 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 judge it best to invest the same in publick funded securities, or Bank Stock, which they may do.

Appropriation of interest. SEC. 7. *Be it further enacted*, That the interest arising from said funds, shall be annually applied towards the support of publick worship, in the said town of Lovel, agreeably to, and in conformity to the original grant. And it shall never hereafter be in the power of said town to alter or alienate the appropriation aforesaid.

Trustees to give bond. SEC. 8. *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.

Compensation provided. SEC. 9. *Be it further enacted*, That the Trustees or their officers, for the service they may perform, shall be entitled to no compensation out of the said monies arising from the funds aforesaid, but if entitled to any, shall have and receive the same from said town.

Annual statement. SEC. 10. *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 accountable for misconduct. SEC. 11. *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 are 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.

Justice to fix time of meeting. SEC. 12. *Be it further enacted*, That any Justice of the Peace in said County of Oxford, is authorized to fix the time and place of holding the first meeting of the said Trustees, and to notify each Trustee thereof.

[This act passed February 25, 1811.]

CHAP. LXVI.

An Act for allowing a further time to the Housatonic River Turnpike Corporation to complete their road.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a further time of two years from the passing of this act, be allowed the Housatonic River Turnpike Corporation for completing said road; and said Corporation shall be entitled to all the privileges which they now have, and be subject to all the duties to which they are now liable, any thing in the original act of incorporation to the contrary notwithstanding.

[This act passed February 25, 1811.]

CHAP. LXVII.

An Act establishing the First Congregational Society in Lyman.

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 inhabitants dwelling in the westerly part of Lyman, in the County of York, which part is bounded as follows, viz. Beginning at the southeast corner of said town, and thence running northeast on the head line of Wells and Arundell, about three miles, or until it comes to the southeast corner of Jonathan Hemingway's land, thence northwesterly to include Jeremiah Roberts, to Waterborough line, thence southwest by Waterborough line to Alfred line, thence by Alfred line to the first bounds, with their polls, families and estates, be, and they are hereby incorporated into a society, by the name of The First Congregational Society in the town of Lyman, with all powers, privileges and immunities, which other parishes or religious societies are entitled to by the Constitution and Laws of this Commonwealth.

Limits of Society.

Society incorporated.

Justice to is-
sue Warrant.

SEC. 2. *Be it further enacted, by the authority aforesaid,* That any Justice of the Peace in the County of York, upon application made to him by two or more of the inhabitants within the limits of the parish hereby created, be, and hereby is authorized to issue his warrant, directed to some suitable inhabitant within the said Congregational District, requesting him to warn the inhabitants thereof, qualified by law to vote in parish affairs, to meet in some convenient time and place, to choose such officers as parishes are by law empowered to choose, and to transact all matters and things necessary and lawful to be done by said parish.

[This act passed February 25, 1811.]

CHAP. LXVIII.

An Act to incorporate a number of persons in the town of Amesbury, as a religious society, by the name of The First Baptist Society in Amesbury.

Persons in-
corporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Barzillia Colby, Barzillia Colby, jun. Valentine Colby, Valentine Colby, jun. Joshua Colby, David Currier, Nathan Currier, Richard Currier, James Davis, Abigail Farrington, Samuel Farrington, Ebenezer Farrington, Daniel Hoyt, Daniel Hoyt, jun. Daniel Hoyt, 3d, John B. Hoyt, Jacob Hoyt, jun. Nathan Huse, Johnson Jenny, Anthony Kelley, Samuel Kelley, Isaac Merrill, Isaac Merrill, jun. John Merrill, John Merrill, jun. Joshua Merrill, Moses Morse, Daniel Morse, John Morse, John Morse, jun. Enoch Nichols, Enoch Nichols, jun. Moses Sargent, Joshua Sargent, 3d, Isaac Tukesbury, and David Tukesbury, together with their families, polls, and estates, and such others as may hereafter associate with them and their successors, according to the provisions of this act, be, and they are hereby incorporated as a religious society, by the name of The First Baptist Society in Amesbury, with all the powers and privileges of other religious societies, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it enacted*, That any person in said town of Amesbury, who may at any time hereafter actually become a member of, and unite in religious worship with the said Baptist Society, and give in his or her name to the Clerk of the town, and also to the Clerk of the parish to which he or she did formerly belong, and receive a certificate of admission, signed by the Minister or Clerk of the said Baptist Society, fifteen days previous to the annual meeting of the said society, which certificate shall set forth that he or she has constantly attended publick worship with said Baptist Society for at least one year previous to his receiving such certificate, such person shall, from and after the giving in of such certificate, with his or her polls and estates, be considered as a member of the said society. *Method of joining the society.*
Provided however, that such person shall be held to pay his or her proportion of all monies assessed or voted in the parish or society to which he or she belongs previous to that time. *Proviso.*

SEC. 3. *And be it further enacted*, That any Justice of the Peace for the County of Essex, is hereby authorized to issue his warrant, directed to some freeholder, a member of the said Baptist Society, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in said warrant, to organize the said society, by the appointment of its officers. *Justice to issue warrant.*

[This act passed *February 25, 1811.*]

CHAP. LXIX.

An Act to incorporate and establish a society, by the name of The Berkshire Agricultural Society, for the promotion of agriculture and manufactories.

WHEREAS, by the Constitution of this Commonwealth, it is made the duty of the Legislature “to encourage private societies and publick institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country ;” and whereas these objects will be greatly promoted by the establishment of a society for these purposes in the County of Berkshire, and divers *Preamble.*

persons having petitioned this Court to be incorporated into a society—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 the said petitioners, viz. Elkanah Watson, Ezekiel Bacon, John B. Root, Thomas B. Strong, Caleb Hyde, John Chamberlain, Samuel H. Wheeler, together with such others who shall become members thereof, be, and they hereby are incorporated into and created a body politick and corporate forever, by the name of The Berkshire Agricultural Society, for the promotion of agriculture and manufactures.

Persons in-
corporated.

Possession
of property
allowed.

Proviso.

SEC. 2. *Be it further enacted,* That the said Corporation are hereby declared and made capable in law of purchasing, taking and holding in fee simple, or any estate of a different tenure, whether by purchase, devise, or otherwise howsoever, any lands, tenements, or other estate, real or personal ; *provided,* that the annual income of the said real and personal estate shall not exceed the sum of five thousand dollars, and may also sell, alien, devise or dispose of the same estate, real and personal, but not to use the same in trade or commerce.

Power to act.

SEC. 3. *Be it further enacted,* That the said Corporation shall have full power and authority to create and use a common seal, and the same alter and renew at their pleasure, and the said corporation is hereby made capable to sue and be sued, to plead and be impleaded, and to act and transact any matters and things in courts of law, whether of record or otherwise, and in all places whatsoever, and in all actions, real, personal, or mixed ; and further may do generally all such other matters and things as shall appertain to them as a corporation.

Proviso.

SEC. 4. *Be it further enacted,* That the said Corporation may make, declare and put in execution, all such laws and regulations as may be necessary to the well being and government of the said society, *provided* the same shall not be repugnant in any respect to the laws and constitution of this Commonwealth ; and for the governing of the said corporation, and ordering of all their affairs, they hereby have authority to elect and appoint all such officers as they shall think proper, and all officers that shall be legally appointed in pursuance of the laws and regulations of the said Corporation, for the purposes aforesaid, are

hereby authorized to exercise such power and discharge all such duties as shall be provided for, or contained in the said laws and regulations; and the said corporation may from time to time admit persons to become members thereof, as shall be provided for in their regulations.

Admission
of members

SEC. 5. *Be it further enacted*, That Samuel H. Wheeler, Esq. is hereby authorized to appoint the time and place in said Pittsfield, for holding the first meeting of the said society, and to notify the members thereof, by publishing the same in one or more newspapers, printed in the said County of Berkshire, at least fourteen days previous to the day of meeting; and he shall preside at the said meeting, and cause the same to be duly organized, according to the regulations of the said society, and shall record or cause to be recorded in the society's book of records, for that purpose, all such his proceedings, and attest the same, which shall be taken and allowed as full evidence thereof.

Time of
meeting ap-
pointed.

SEC. 6. *Be it further enacted*, That the Legislature shall have power to alter, amend, or repeal this act whenever they shall think the publick good may require it.

[This act passed *February 25, 1811.*]

CHAP. LXX.

An Act to incorporate the Wiscasset Female Asylum.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Mary Packard, Tempe Lee, and Margaret Adams, and all others who now are members of The Female Charitable Society of Wiscasset, according to articles of mutual agreement adopted by them, together with such others as may become subscribers to said institution, and are admitted members of the same, according to bye laws to be adopted by the present members thereof, be, and they hereby are incorporated into a society, by the name of The Wiscasset Female Asylum; and by that name shall be a corporation forever, with power to have a common seal, to make contracts relative to the objects of their institution, to sue and be sued, to establish bye-laws

Persons in
corporated.

and orders, for the regulations of said society, and the preservation and application of the funds thereof, to take, hold, and possess any estate, real or personal, by subscription, gift, grant, purchase or otherwise, free from taxes, and the same to lease or otherwise improve, and sell and convey, for the sole benefit of said institution ; *provided*, the said bye-laws are not repugnant to the Constitution and Laws of this Commonwealth ; and the value of the real estate of said society shall never exceed twenty thousand dollars, and the annual income of the whole estate shall not exceed ten thousand dollars, and the funds of the said society shall be always improved and appropriated to the benevolent and humane purposes of relieving the wants and improving the morals of such indigent females as may appear to them objects of charity.

Proviso.

Funds limited.

Appropriated.

SEC. 2. *Be it further enacted*, That every married woman belonging to said society, who shall, with the consent of her husband, receive any of the money or other property of said society, shall thereby render her said husband accountable therefor to said society, and every woman, whether sole or married, who shall subscribe and pay to the funds of said society, the sum of one dollar annually, shall by such subscription and payment, become a member of said society ; liable however to be removed whenever she shall refuse to or neglect to pay her said annual subscription.

Condition of members.

SEC. 3. *Be it further enacted*, That the Treasurer of said society shall always be a single woman, of the age of twenty-one years or upwards, and shall give bond, with sufficient surety or sureties, to account annually, or oftener if required by said society or the board of managers, for all money and other property of said society, coming to her hands, and in general to discharge the duties of her said office with fidelity.

Duties of the Treasurer.

SEC. 4. *Be it further enacted*, That the time and place of the first meeting of said society may be appointed by any two of the persons named in this act, by their posting up notice of the same at two publick places in Wiscasset, seven days before the time of said meeting ; and at such meeting the said society may agree upon their mode of calling future meetings, and establish bye-laws to regulate their said society.

Provision for calling meetings.

[This act passed February 25, 1811.]

CHAP. LXXI.

An Act authorizing the sale of ministerial and school lands in the town of Farmington, and for other purposes.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Oliver Bailey, Elijah Norton, Nathan Cutler, and Timothy Johnson, ^{Trustees appointed,} be, and they are hereby appointed Trustees, to sell the ministerial and school lands in the said town of Farmington, in the County of Kennebeck, and to put out at interest the monies arising from such sale in manner hereinafter mentioned, and for that purpose.

SEC. 2. *Be it further enacted,* That the Trustees aforesaid, be, and they hereby are incorporated into a body ^{and incorporated.} politick, by the name of The Trustees of the Farmington Ministerial and School Funds, in the County of Kennebeck, and that 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.

SEC. 3. *Be it further enacted,* That the said Trustees and their successors shall annually elect a President and Clerk to record the doings and transactions of the Trustees ^{Officers elected,} at their meetings, and a Treasurer to receive and apply the monies herein after mentioned, as herein after directed, and any other needful officers for the better managing their business.

SEC. 4. *Be it further enacted,* That the number of Trustees at any time shall not exceed seven, nor be less than four; any four of their number to constitute a quorum for transacting business: and they shall and may from time to time fill up vacancies in their number, which may happen by death, resignation, or otherwise, from the inhabitants of said town, and shall have power to remove any of their number who may become unfit, or unable from age, infirmity, misconduct, or any other cause, of ^{Power and duties.}

discharging their duty, and supply vacancies so made by a new choice from the town aforesaid; and the said Trustees shall hold a meeting annually, in March or April, and oftener, if it be found necessary to transact their business, which said meeting, after the first, shall be notified and called in such way and manner as the Trustees at any meeting shall direct.

Time of
meeting.

SEC. 5. *Be it further enacted*, That Nathan Cutler, Esq. be, and he is hereby authorized to fix the time and place for holding the first meeting of said Trustees, and to notify each Trustee thereof.

Trustees
authorized
to sell land.

SEC. 6. *Be it further enacted*, That the said Trustees be, and they hereby are authorized to sell and convey the ministerial and school lands belonging to said town, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds, subscribed by the 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.

Security of
property.

SEC. 7. *Be it further enacted*, That all monies arising from the sale of the ministerial and school lands in said Farmington, shall, by said Trustees, be put to use as soon as may be, and secured by mortgage of real estate, to the full value of the property sold, or money loaned, or by two or more sureties, with the principal, unless the Trustees shall think it more expedient to invest the same in publick funded securities or bank stock, which they are authorized to do.

Trustee's
duty.

SEC. 8. *Be it further enacted*, That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said ministerial lands, as well as of the said school lands, and of all interest accruing on them respectively, which said accounts they and their successors in office shall exhibit to the town, at their meeting in March or April, annually.

Monies ap-
propriated.

SEC. 9. *Be it further enacted*, That the interest accruing on the monies that shall be due for the sale of the said ministerial lands, shall be annually appropriated for the support of the gospel ministry in the said town of Farmington, in the same way and manner as the income and profits of said ministerial lands would by law be appropriated if this act had not been passed; and the interest

accruing on any monies which may be due for said school lands, shall be annually appropriated for the use of the publick free schools, in said town, and it shall never be in the power of the said Trustees, or said town, to alter or alienate the appropriations of the fund aforesaid.

SEC. 10. *Be it further enacted*, That the Treasurer of the Trustees shall give bonds faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies that may come into his hands, conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in his said office. Trustees to give bond.

SEC. 11. *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 a reasonable compensation shall be paid them by the said town.

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

[This act passed *February 25, 1811.*]

CHAP. LXXII.

An Act in further 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 the Quarter Master General be, and he is hereby directed to furnish each inspector of gun-powder within this Commonwealth, with a howitzer, of the description mentioned in the act to which this is in addition, the expense of procuring the said howitzers to be paid out of the Treasury of this Commonwealth, and the said inspectors shall be responsible for the safe keeping of the said howitzers.

[This act passed *February 25, 1811.*]

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CHAP. LXXIII.

An Act in addition to an act, entitled "An act to incorporate the Wardens and Vestrymen of the Episcopal Church of St. Andrew's, in Scituate, into a society, by the name of The Episcopal Protestant Society of St. Andrew's Church, in Scituate," passed the twenty-third of February, one thousand seven hundred and ninety-seven.

Preamble.

WHEREAS, The Episcopal Protestant Society of St. Andrew's Church, in Scituate, represent that they have lately erected a house for publick worship within the bounds of the town of Hanover, where a principal number of the members of that society at this time reside ; and pray for some alterations in their corporate name and capacities, conformably to the present situation and circumstances of the said society. Therefore,

Society organized.

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 Wardens and Vestry, and members of the said Episcopal Society, be permitted and authorized to take the name of The Episcopal Parish of St. Andrew's Church ; by that name hereafter to sue and be sued, implead and be impleaded, and to have and retain the estate, real and personal, and all the rights, dues, powers and privileges, and to be liable to the debts, duties and contracts, of the said Episcopal Protestant Society of St. Andrew's Church, in Scituate.

Method of joining the society.

SEC. 2. *Be it further enacted,* That each and every person, who is or shall become a proprietor, or interested by subscription, purchase, or otherwise, in the house for publick worship, called St. Andrew's Church, lately erected by the said society in Hanover, in the County of Plymouth, and any person proposing to attend publick worship there, not being heretofore a member of the said society, who shall enter his or her name, and request to become a member with the Wardens and Vestry, or with the Clerk of the said society, shall be deemed taken and entitled, and they with their estates shall be liable in all lawful taxes and assessments, as members of the said

Episcopal Society and Parish. And the members of the said Episcopal Society and Parish shall be, and they with their estates, hereby are exempted from all other taxes and assessments for the support of publick worship in the town or parish where they may respectively reside. *Pro-^{Proviso.}vided*, that persons hereafter becoming members, shall give notice thereof in writing to the assessors or clerk of the parish or town where they reside, and until such notice, shall not be entitled to the exemption aforesaid: *And pro-^{Method or leaving the society.}vided*, that persons withdrawing from the said Episcopal Society and Parish, who shall give notice thereof in writing to the Wardens and Vestry, or Clerk for the time being, shall be no longer liable in any taxes or assessments, afterwards granted and voted therein; and they, with their estates, shall become again liable and holden in all other taxes and duties for the support of publick worship in the parish or town where they may respectively reside, and as other inhabitants there, not entitled to any special exemption, are or shall be by law liable and holden.

SEC. 3. *Be it further enacted*, That the said Episcopal Parish of St. Andrew's Church, shall be able and capa-^{Power to sell.}ble to take and hold, by gift, grant or purchase, any real or personal estate, and to manage, sell and dispose of the same; and for that purpose shall have a common seal, to be established, altered and renewed at their pleasure. *Pro-^{Proviso.}vided*, that the real estate holden by them at any one time, shall not exceed in annual income or value, the sum of four thousand dollars; *and provided*, that no sale thereof shall be valid and effectual, unless the same shall be made with the concurrence of their minister, if any, and of two thirds at least of the proprietors of pews in the said church, being members of the said society.

SEC. 4. *Be it further enacted*, That the said Episcopal Parish shall have the same authorities and powers in grant-^{Collection of taxes.}ing, voting, assessing and collecting taxes for the maintenance of a minister and the support of publick worship, which congregational parishes have or may enjoy, by virtue of any general statute of this Commonwealth. And assessments of taxes lawfully granted and made for the said Episcopal Parish, remaining due and unpaid after six months notice thereof, shall be recoverable by an action at law, in their name to be brought, as for sums of money

due and owing to the said parish, against the parties liable therefor, their executors or administrators.

SEC. 5. *Be it further enacted*, That the first meeting of the said Episcopal Parish, shall be holden on Easter Monday, being the fifteenth day of April next; and an annual meeting of the said parish shall be afterwards holden on Easter Monday in every year, at their said church, in Hanover, or such other place and at such hour of the day as their Wardens and Vestry for the time being shall or may appoint. And at such first meeting, and at such annual meeting afterwards, or at some adjournment thereof, the members of the said Episcopal Parish there assembled, shall choose their Wardens and Vestry, Clerk, Treasurer, and any other suitable officer or officers, for the management of the affairs of the said Corporation; and the annual taxes and assessments of the said parish, shall and may be voted and granted; and by standing rules, or otherwise, the mode of assessing and collecting taxes, of calling and notifying meetings, and the duties and authorities of the Wardens and Vestry, and other officers of the said corporation, and the manner in which vacancies happening by death, resignation or otherwise, shall be supplied, shall and may be agreed upon and determined.

[This act passed *February 25, 1811.*]

CHAP. LXXIV.

An Act to set off Charles Morris and James H. Morris from the first and second parishes in the town of Scarborough, and to annex them to the first parish in Gorham.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Charles Morris, and James H. Morris, both of Scarborough, in the County of Cumberland, with their polls and estates, be, and they are hereby set off from the first and second parishes in the town of Scarborough, and annexed to the first parish in the town of Gorham, for parochial purposes only; with all the privileges appertaining thereto, which are by law provided

Time of
holding
meetings.

Election of
officers.

Powers and
duties.

in like cases. *Provided*, that the said Charles Morris, and James H. Morris, shall be holden to pay their proportions of all parish charges assessed and due to the said first and second parishes in Scarborough aforesaid, prior to the passing of this act. Proviso.

[This act passed *February 25, 1811.*]

CHAP. LXXV.

An Act supplementary to "An act establishing the Sixteenth Massachusetts 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 two years from the fourteenth day of February, one thousand eight hundred and eleven, be, and hereby is allowed to said Corporation to complete their said Turnpike Road, any thing in the original act of incorporation, or any additional act to the same act heretofore passed to the contrary notwithstanding.

[This act passed *February 25, 1811.*]

CHAP. LXXVI.

An Act establishing the Sandy Bay Pier 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 Josiah Haskell, jun. David Story, and Nehemiah Knowlton, and all such person as Persons incorporated. are or shall be associated with them and their successors, shall be a Corporation, by the name of The Sandy Bay Pier Company, and shall by that name sue and be sued, implead and be impleaded, and shall and may appear, prosecute and defend in all actions or suits for or against them, until final judgment, execution and satisfaction; and they shall have a common seal, and shall be capable in law to take by purchase or otherwise, and to hold and con-

Proviso.

vey real estate ; *provided*, that the whole real estate which the Company may at any one time hold or possess, in their corporate capacity, shall not exceed thirty thousand dollars in value.

Conditions of building.

SEC. 2. *Be it further enacted*, That the said Pier shall be erected upon the westerly side of Bearskin Neck (so called) in Sandy Bay, in Gloucester, in the County of Essex, to be built of stone, and to commence at a sufficient distance from high water mark, and to run south eighty-four degrees west to a turn, thence to continue with a southerly inclination to the channel, the whole distance being two hundred and eighty-seven feet, more or less, and to be not less than sixty feet wide throughout, together with a projection twenty feet square, adjoining the head of said pier, upon the south side.

Time of meeting.

SEC. 3. *Be it further enacted*, That the said Haskell, Story, and Knowlton, or either of them, may call a meeting of said Corporation, by advertising the same in any of the publick newspapers printed in the County of Essex, at least ten days before the time of meeting, and at that or any other legal meeting, the said Corporation may agree on the mode of calling and warning future meetings, and may elect a President, Trustees, Clerk, or such other officers as they may judge fit for the orderly conducting of their affairs, and the prudent management of their estate, and such officers at their pleasure may change or remove ; and at all their meetings, the proprietors present may vote according to their interest in said property, allowing one vote to each share : *Provided however*, that no person shall have more than five votes, and absent proprietors may vote by proxy, authorized in writing, and the proprietors of said Corporation may at any legal meeting, adopt such bye-laws, rules and regulations, as shall be necessary and convenient for the management of their affairs, *provided* the same are not repugnant to the laws or Constitution of this Commonwealth.

Proviso.

SEC. 4. *Be it further enacted*, That the shares of any person in said Pier Company may be attached on mesne process, or taken and sold on execution, in the manner pointed out by an act, entitled "An act directing the mode of attaching on mesne process, and selling by execution, shares of debtors in incorporated companies."

Manner of holding shares.

SEC. 5. *Be it further enacted*, That the shares of each proprietor, in said corporate property, shall be, and be considered in all respects personal estate, and shall be transferred in such manner as the proprietors by their by-laws shall provide and direct.

[This act passed *February 25, 1811.*]

CHAP. LXXVII.

An Act establishing The First Baptist Society in Waterborough, Phillipsburg, and Lyman.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Timothy Ricker, Moses Ricker, Jonathan Knight, William Clark, Joshua Warren, Simeon Hamiltou, Sylvanus Hamilton, Phineas Ricker, George Goodwin, Joseph Hooper, George Clark, Thomas Clark, Richard Emery, James Smith, Nathaniel Bracket, George Ricker, Ebenezer Ricker, Benjamin Carpenter, Zebulon Knight, Carel Tarbox, Naum Jellison, Stephen Sanborn, William Dearing, Robert Bradeen, Reuben Hill, Stephen Dudley, jun. Jonathan Dearing, Nathaniel Tarbox, Peletiah Tingley, Timothy Stacy, David Burrows, Stephen Dudley, John Woodward, Dennis Johnson, Thomas Sedgley, Abel Chase, Thomas Webster, Daniel Emery, Packer Scribner, Abner Thing, Tristram Scribner, Eli Chase, John Henderson, Elijah Smith, James Bagley, Orlands Bagley, John Bagley, William Huntress, Moses Weymouth, John Carll, Samuel Bradeen, James Carlisle, Ebenezer T. Boltwood, Noah Thompson, Edward Walker, Jonathan Thompson, Jacob Weymouth, Daniel Townsend, Simeon Weymouth, Elisha Smith, Josiah Swett, William Tibbets, Benjamin Warren, Stephen Andrews, Loama Smith, Thomas Chase, Isaac Bradeen, Nathaniel Townshand, Hezekiah Young, Dominicus Smith, Nathaniel Knight, John Weymouth, William Dearing, jun. with their families and estates, together with such others as may hereafter associate with them and their successors, from either of the towns aforesaid, be, and they are hereby incorporated into a religious society, by the name of The

Persons in-
corporated.

First Baptist Society in Waterborough, Phillipsburg, and Lyman, with all the powers and privileges which are exercised and enjoyed by parishes, according to the Constitution and Laws of this Commonwealth.

Method of
joining the
society.

SEC. 2. *Be it further enacted*, That any person within the said towns of Waterborough, Phillipsburg and Lyman, who may desire to become a member of said Baptist Society, and shall declare such intention in writing, delivered to the Minister or Clerk thereof, fifteen days at least previous to the annual meeting of said society, and shall receive a certificate, signed by the said Minister or Clerk, that he or she had actually become a member of and united in religious worship with the said Baptist Society, such person shall from the time of leaving such certificate, be considered, with his or her polls and estates, a member of said society.

Method of
leaving the
society.

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

Proviso.

Justice to is-
sue Warrant.

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

[This act passed February 25, 1811.]

CHAP. LXXVIII.

An Act to ascertain the Rateable Estate within this Commonwealth.

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 assessors for each town, district and plantation in this Commonwealth, for the year one thousand eight hundred and eleven, shall, on or before the first day of November next, take and lodge in the Secretary's Office, a true and perfect list, agreeably to the list hereto annexed, of all male polls, including negroes and mulattoes, of sixteen years old and upwards, whether at home or abroad, (distinguishing those of sixteen years old and upwards, to twenty-one years, from those that are twenty-one years old and upwards, also distinguishing such as are exempted from taxation,) and of all rateable estate, both real and personal, lying within, or adjacent to their respective towns, districts or plantations, (not exempted by law from paying State taxes) expressing by whom occupied or possessed, particularly distinguishing such adjacent estate, and particularly mentioning dwelling-houses and shops, under the same roof, or adjoining thereto, shops separate from them, distill-houses, sugar-houses, tan-houses, slaughter-houses, pot and pearl-ash works, ware-houses, wharves, grist-mills, fulling-mills, saw-mills, iron-works, and furnaces, bake-houses, and all other buildings and edifices of the value of twenty dollars and upwards, and the number of tons of vessels, and small craft of every kind, upwards of *five tons* burthen, computing the same according to the rules established by the Laws of the *United States*, whether at home or abroad; and the amount of each person's whole stock in trade, including all goods, wares and merchandise, at home or abroad, paid for or not paid for, also those in their hands by factorage, also government securities of all kinds, particularly distinguishing securities of the *United States*, whether due for loans, upon their late established funds, or otherwise, and all other monies at interest more than any creditor pays interest for, also the whole amount of all monies on hand, including

Assessors directed.

The property which is to be valued.

such as may be deposited in any Bank, or with any agent, exclusive of such as may belong to any Stockholder, as such; the amount of Stock held by the Stockholders in any bank; the number of ounces of plate of all kinds, the number of shares in any toll-bridges or turnpikes; horses, neat cattle, and swine, of the respective ages, in the said list mentioned. And the said assessors, in taking the said valuation, shall distinguish the different improvements of land, and return the list in the following manner, viz.—

The number of acres of pasture-land, with the number of cows with all the after-feed of the whole farm, the same land will keep; the number of barrels of cider that has been annually produced on an average, upon the whole farm since the last valuation; the number of acres of tillage land, annually improved for that purpose, the number of bushels of grain and corn of all sorts, the same will yearly produce; the number of acres of salt marsh, with the tons of hay annually produced therefrom; the number of acres of English upland, and fresh-meadow mowing land, with the tons of hay of each sort, annually produced therefrom; also all cow rights, and all wood land of every kind, and lands belonging to any town or other proprietary, improved or unimproved; also the number of acres of land improved for roads, and covered with water, according to the best estimation of the assessors; and all such lands, the owners and occupiers of which, are holden to pay a quit-rent to Harvard College, pursuant to the direction of the original donor or donors, that the same may be considered in the valuation which may be established in pursuance of this act; excepting, however, the polls of the President, Fellows, Professors, including the Professors of Divinity, Tutors, Librarians, and Students of *Harvard, Williams, and Bowdoin* Colleges, of settled ministers, of grammar school masters, and preceptors of the several incorporated academies, with their estates, under their own actual occupation and improvement, and also all the estates belonging to the said Harvard, Williams, and Bowdoin Colleges, and to the said Academies.—*Provided always*, that the several articles of the produce of the lands herein before enumerated, shall not be taken into consideration in forming a valuation, for any other purpose, than for ascertaining the relative value of lands in the various parts of this Commonwealth. And the said assessors shall cause all the

Exceptions.

Proviso

columns of the several articles contained in the several lists, to be carefully cast up and footed; and the lists of the polls and rateable estates to be taken as aforesaid, shall be taken as of the first day of May next.

SEC. 2. *Be it further enacted*, That the said Assessors, before they enter on this work, shall take the following oath or affirmation, viz. You, A. B. being chosen an Assessor for the year one thousand eight hundred and eleven, do swear or affirm, that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an Assessor, as directed and enjoined by an act of this Commonwealth, made in the present year, entitled "An act to ascertain the Rateable Estate in this Commonwealth," without favour or prejudice. So help you God. Which oath or affirmation may be administered by such officers, as are now authorized by law to administer the usual oaths to town officers. And each and every Assessor shall be allowed, by the town, district or plantation, to which he belongs, the sum of *one dollar*, for every day he shall be necessarily employed in doing the duties enjoined by this act.

Assessors to take an oath.

Assessors compensation.

SEC. 3. *And be it further enacted*, That if any Assessor of any town, district or plantation, within this Commonwealth, for the year aforesaid, shall refuse to take such oath or affirmation, or having taken the same, shall neglect or refuse to do and perform the duties required by this act, or shall act in any way deceitfully therein, he shall, for each of those offences, forfeit and pay a fine of *fifty dollars*. And every person liable to be taxed, and not out of this Commonwealth, on and from the first day of May next, to the first day of September next, who shall refuse, or wilfully neglect to give the Assessors, in writing, and on oath or affirmation, if required, (which oath or affirmation the said Assessors are hereby respectively empowered to administer) a true account of all his or her rateable estate, according to the true intent and meaning of this act, shall be doomed by the said Assessors, according to their best skill and judgment, to the full amount of his or her rateable estate, and shall likewise be subjected to pay a fine of *six per centum* on the whole amount of the sums in which they shall have been thus doomed by the said Assessors. And the oath last mentioned, shall be of the following form, viz.— You, C. D. do swear or affirm, that all your rateable estate,

Penalty for misconduct of Assessor.

Individuals to give accounts of their estates on oath.

Affirmation
to be accept-
ed in certain
cases.

conformable to this list, here shewn by you, doth not exceed this account, by you now exhibited, according to your best knowledge and judgment. So help you God. *Provided nevertheless*, That every person conscientiously scrupulous of taking an oath in the form required by law, who shall be required to take either of the oaths aforesaid, shall be excused therefrom, upon solemnly and sincerely *affirming* the truth of the declarations, therein contained, under the pains and penalties of perjury.

Treasurer
directed.

SEC. 4. *Be it further enacted*, That the Treasurer of this Commonwealth shall forthwith transmit to the Sheriffs of the several Counties a suitable number of copies of this act, and of blank lists of the form prescribed in this act, sufficient for the use of the Assessors of the several towns, districts and plantations in their several Counties, who are hereby enjoined and required, immediately on receipt thereof, to cause the same to be delivered to the Clerks of the several towns, districts and plantations aforesaid.

Return to be
made before
Nov. next.

SEC. 5. *Be it further enacted*, That the Assessors of each town, district and plantation in this Commonwealth, for the year eighteen hundred and eleven, shall, on or before the said first day of November next, transmit to the Secretary's Office, a true and attested copy of the valuation, by which the Assessors of the said towns, districts and plantations, made the State tax in their respective towns, districts and plantations, for the year eighteen hundred and ten. And all fines and forfeitures, arising by this act, may be recovered in any Court of Record proper to try the same, by action of debt, one moiety to him or them who shall sue for the same, and the other moiety to the use of the Commonwealth.

Recovery of
fines.

SEC. 6. *Be it further enacted*, That the following shall be the form of the list for the valuation, for the year one thousand eight hundred and eleven.

A list of the Polls and Estates, real and personal, of the several Proprietors and Inhabitants of the town of _____ in the county of _____ taken pursuant

Form of list
of valuation

to an act of the General Court of this Commonwealth, passed in the year of our Lord eighteen hundred and eleven, entitled "An act to ascertain the rateable estate within this Commonwealth," by the subscribers, Assessors of the said _____ duly elected and sworn.

Number of polls rateable, sixteen years old and upwards, to twenty-one years.

Number of polls rateable, twenty-one years old and upwards.

Number of male polls not rateable, nor supported by the town.

Number of male polls supported by the town.

Number of dwelling-houses.

Number of shops within, or adjoining to dwelling-houses.

Number of other shops.

Number of distill-houses.

Number of sugar-houses.

Number of tan-houses.

Number of slaughter-houses and other working-houses.

Number of pot and pearl-ash works.

Number of ware-houses.

Number of rope-walks.

Number of grist-mills.

Number of carding machines, with their buildings.

Number of fulling-mills.

Number of spinning machines going by water, with their buildings.

Number of saw-mills.

Number of small arm manufactories, with their buildings.

Number of slitting-mills.

Number of cotton and woollen factories, with their buildings.

Number of other mills.

Number of iron-works and furnaces.

Number of bake-houses.

Number of barns.

Number of all other buildings and edifices of the value of twenty dollars and upwards.

Number of superficial feet of wharf.

Number of tons of vessels and small craft of five tons burthen and upwards, at home or abroad, computing the same, according to the rules established by the laws of the United States.

The amount of every person's whole stock in trade, goods, wares and merchandise, at home or abroad, paid for or not paid for.

The annual amount of commissions, arising from fac-torage.

The amount of securities of the United States, of this State, or any of the United States, and at what rate of interest.

The amount of money on hand, including such as may be deposited in any bank, or with any agent, and exclusive of such as may belong to any stockholder as such.

The amount of stock, held by the stockholders in any bank.

Number of ounces of plate.

Number of shares in any toll bridges or turnpikes, and the value of such shares, with the annual income thereof.

Number of acres of tillage land, including orchards tilled.

Number of bushels of wheat.

Number of bushels of rye.

Number of bushels of oats.

Number of bushels of Indian corn.

Number of bushels of barley.

Number of bushels of peas and beans raised on the said tillage land per year.

Number of pounds of hops.

Number of acres of English and upland mowing, including orcharding mowed.

Number of tons of hay, the yearly produce of the same.

Number of acres of fresh meadow.

Number of tons of hay, the yearly produce of the same.

Number of acres of salt marsh.

Number of tons of hay, the yearly produce of the same.

Number of acres of pasturage, including the orcharding pastured.

Number of cows the same will keep, with the after-feed of the whole farm.

Number of barrels of cider, which can be made yearly upon the whole farm.

Number of cow rights.

Number of acres of wood land, exclusive of pasture land inclosed.

Number of acres of unimproved land.

Number of acres of land unimprovable.

Number of acres of land owned by the town.

Number of acres owned by any other proprietors.

Number of acres of land used for roads.

Number of acres of land covered with water.

Number of horses three years old and upwards.

Number of oxen four years old and upwards.

Number of steers and cows three years old and upwards.

Number of swine of six months old and upwards.

Amount of estates doomed.

SEC. 7. *Be it further enacted*, That the Treasurer of this Commonwealth, or his successor in office, shall cause to be ascertained, the number of acres of wild land, situate in this Commonwealth, which are without the limits of any incorporated town, or of any district or plantation, where assessors are elected according to law, (and which wild lands are owned by non-resident proprietors) and the said Treasurer shall cause a true and correct list to be made of the same, and also of the several counties wherein the same are situated, and on or before the first day of November next, the said Treasurer shall transmit a copy of said list to the Secretary of State for the time being.

Quantity of
wild land as-
certained.

[This act passed February 25, 1811.]

CHAP. LXXIX.

An Act to incorporate certain persons for the purpose of making a Canal, by the name of The Proprietors of Hancock-Brook-Canal.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Philip Eastman, James Osgood, Robert Bradley, Robert Page, James W. Ripley, William Evans, John Evans, Abiel Farnum, Thomas Spring, Seth Spring, Joseph Howard, John M'Millen, and John Spring, together with such other persons as may be hereafter associated with them and their successors, shall be a corporation, by the name of The Proprietors of the Hancock-Brook-Canal; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted; shall have a common seal, which they may at pleasure alter, and shall enjoy all privileges and powers, and do and suffer all such matters and things, as are incident to similar corporations.

Persons in-
corporated.

SEC. 2. *Be it further enacted*, That the proprietors aforesaid, be, and hereby are empowered within the term

Proprietors
empowered
to make ca-
nal.

of five years from the passing of this act, to make a canal, from the outlet of said ponds (Hancock-Brook aforesaid) down said Brook to the mouth of the same, into Saco river, in the most convenient direction, and most suitable places for making said canal, and for loading and unloading and transporting any lumber and other commodities therein.

Provision
for damages.

Proviso.

SEC. 3. *Be it further enacted*, That if any person or persons shall suffer any damages by means of said canal, and the parties cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then, and in such case, some disinterested committee of three freeholders in the said county of Oxford, shall be appointed by the Court of Common Pleas, or by two Justices of the Quorum, in and for said county, and the determination of the committee or referees so appointed, shall be the measure of damages: *Provided however*, that if either party shall be dissatisfied with the report of said referees, so appointed, and shall at the same session of the court aforesaid, at which said report shall be made, apply to said court for a trial by jury, in the manner other causes are determined, the court aforesaid shall have power to determine the same by jury, as aforesaid, and if the verdict of the jury shall not give to the party applying a greater sum in damages than the said referees shall have awarded as aforesaid, then the said court shall award costs against the applicants; but if said last decision shall be more favourable to the party applying, than the report of said referees, then the said court shall render judgment accordingly, and issue execution in either case.

SEC. 4. *Be it further enacted*, That if any person or persons shall wilfully and mischievously in any manner destroy or injure said canal, or any works or part thereof, or divert or obstruct the waters, to the damage of the proprietors thereof, he, she or they shall pay treble the value of such damage, as said proprietors shall before the court and jury before whom the trial shall be had, make to appear said proprietors have sustained, by means of said trespass, to be sued for and recovered in any court proper to try the same.

SEC. 5. *Be it further enacted*, That for the purpose of remunerating said proprietors for the monies by them expended and to be expended in building and supporting

said canal, a toll be, and hereby is granted and established for the benefit of said proprietors, their heirs, successors and assigns, according to the rates following, viz. For each mill log, two cents ; for each thousand of clapboards Rate of toll. and shingles, one and an half cent ; for each thousand of boards, plank, and slitwork, three cents ; for masts, spars, ranging, and other timber, three cents per ton.

SEC. 6. *Be it further enacted*, That upon the application of any three of said proprietors to any Justice of the Peace in said County of Oxford, requesting him to call a meeting of said proprietors, to be holden at some convenient place near said canal, such Justice shall be, and is hereby empowered to issue his warrant, directed to one of said proprietors, (requesting him to notify and warn his associates to meet at such time and place as shall be directed in said warrant) who, when met, may agree upon a method for calling future meetings of said proprietors, and do and transact all other matters and things of said proprietors, as shall be expressed in said warrant, and not contrary to the laws and constitution of this Commonwealth. Justice to issue Warrant.

SEC. 7. *Be it further enacted*, That said proprietors be, and they are hereby authorized and empowered to purchase and hold to them and their successors forever, so much real estate as shall be necessary for the purposes aforesaid, not exceeding the value of one thousand dollars. Empowered to hold estate.

SEC. 8. *Be it further enacted*, That said proprietors shall, as soon as said canal is in the opinion of the Court of Common Pleas in said County of Oxford, or in the opinion of a committee appointed by said court, completed, have power to recover the toll as aforesaid, on all the several articles as they pass or repass, and to retain them or any part of them, if payment should be refused. Power to recover toll.

SEC. 9. *Be it further enacted*, That each proprietor shall have a right to vote in proprietary meetings, according to his interest, either in person or by legal representation.

[This act passed February 26, 1811.]

CHAP. LXXX.

An Act granting relief to defendants in actions of Scire Facias, in certain cases.

Relief in
case of for-
feiture.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in all actions of scire facias, now pending, or which may be hereafter brought in the name and on behalf of the Commonwealth, either in the Supreme Judicial Court, or any Court of Common Pleas, to recover the penalty or forfeiture of any recognizance taken or entered into in criminal prosecutions, either by principal or sureties, or by witnesses, to appear at either of the aforesaid courts, and give evidence on the part of the Commonwealth, when the forfeiture, breach, or non-performance of the condition of such recognizance shall be found by the default or confession of the party, or by verdict of a jury, or upon demurrer, the court before which such action may be brought may render judgment therein for the Commonwealth, according to the circumstances of the case, and the situation of the party, and may remit either the whole or any part of the penalty of such recognizance, upon such terms and conditions as to them shall seem reasonable and just, any law or usage to the contrary notwithstanding.

[This act passed *February* 26, 1811.]

CHAP. LXXXI.

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

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the jurisdiction of Boon Island, be, and hereby is granted to the United States of America, for the purpose of erecting a Light House on the same :

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

[This act passed *February 26, 1811.*]

CHAP. LXXXII.

An Act to regulate the taking Fish in the river Saint Croix.

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 from and after the passing of this act, no person shall be allowed to take fish in the westerly side of the river Saint Croix, with any large net or seine, excepting between sunrise on Monday, and sunrise on Thursday, of each week, nor shall any person be allowed to take fish with scoop-nets, or in wears, except between sunrise on Monday, and sunrise on Friday, of each week, under the penalty of fifteen dollars for each and every barrel of shad or salmon, and five dollars for each and every barrel of any other kind of fish so taken, to be recovered, with costs, on complaint of any person before any Justice of the Peace, or Court of Common Pleas, in the County of Washington, one moiety thereof to the complainant, and the other moiety thereof to the use of the town or plantation where such fish may have been taken.

Time of taking fish.

Penalty.

Time of
taking fish.

SEC. 2. *Be it further enacted*, That all weirs or other obstructions placed in the westerly side of said river, for the purpose of taking fish, shall be kept open from sunrise on Friday, till sunrise on Monday, of each week, under the penalty of fifty dollars for each offence of the owners or proprietors thereof, to be recovered and appropriated in manner aforesaid.

Town to
choose com-
mittee.

SEC. 3. *Be it further enacted*, That it shall be the duty of each town and plantation, adjoining said river on the westerly side, at their annual meeting in March or April in each year, to choose such number of persons as they may judge necessary, for fish committees, who shall be duly sworn, and whose duty it shall be to see that this law is carried into effect, and that all other general laws respecting sluice-ways for the passage of fish through dams shall be duly enforced, within their respective towns or plantations, and they may seize any net or seine, which they may find placed in said river, for the purpose of taking fish at any other time than is allowed by this act ; which net or seine so taken, shall be forfeited for the use of the town or plantation where it may be seized. *Provided however*, that this act shall not go into operation until the government of the British Colony of New-Brunswick shall have adopted similar regulations respecting the taking fish in the easterly side of said river.

Proviso.

[This act passed *February 26, 1811.*]

CHAP. LXXXIII.

An Act to incorporate The Bible Society of Salem, and its vicinity.

Preamble.

WHEREAS, the persons hereafter named, 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 or 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.

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 Honorable Israel Thorndike, Reverend Manesseh Cutler, L L. D. Rev. Benjamin Wadsworth, Rev. Thomas Barnard, D. D. Rev. John Prince, L L. D. Rev. Samuel Worcester, Mr. William Orne, Rev. Abiel Abbot, Moses Brown, Esq. Rev. Rufus Anderson, Hon. Timothy Pickering, Hon. William Reed, and Captain Jonathan Ingersol, 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 Salem, and its vicinity. Persons in-
corporated.

SEC. 2. *Be it further enacted*, That the said Israel Thorndike and others, with 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 fee simple or otherwise, and donations, bequests, and subscriptions of money or other property, to be used and improved for the purposes aforesaid. Possession
of property
allowed.

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*, that the value of the whole estate, real or personal of said society, shall not exceed the sum of one hundred thousand dollars. Provide.

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.

SEC. 5. *Be it further enacted*, That said society may choose a President, Vice President, Treasurer, Secretary, Trustees, and such other officers as they shall see fit, and may make and establish such rules and regulations as to Officers to
be elected.

Feb. 26, 1811.

them shall appear necessary. *Provided* the same be not repugnant to the laws or constitution of this Commonwealth.

SEC. 6. *Be it further enacted*, That Israel Thorndike and Manasseh Cutler, or either of them, be, and they are hereby authorized, by notification in the Salem Gazette and Essex Register, 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 *February 26, 1811.*]

Time of
holding
meeting.

CHAP. LXXXIV.

An Act to direct Officers in the levy of Executions.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever it shall happen that any Sheriff, Coroner, or other officer, authorized by law to serve executions, shall at the same time have several executions, wherein the creditor in one execution is debtor in the other, that in such case any such officer is hereby empowered and directed to cause one execution to answer and satisfy the other, so far as the same will extend. *Provided always*, that this act shall not be construed to extend to any judgments or executions wherein the creditor in one execution is not in the same capacity and trust debtor in the other. *And provided also*, that nothing in this act shall be construed to affect or discharge the lien which any attorney has or may have upon any judgments or executions for his fees and disbursements, or to affect the rights of any person to whom, or for whose benefit the same judgments, or executions, or the original cause of action, thereof may have been assigned bona fide and without fraud.

[This act passed *February 26, 1811.*]

CHAP. LXXXV.

An Act to establish the Baptist and Independent Society in Chester, in the County of Hampshire.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Samuel Bell, Daniel Bigelow, Joseph A. Rust, Samuel Russell, Harvy Bodurtha, Daniel Smith, John Stephens, James Wilcox, James Nooney, William Nooney, Grove Wenchell, Noah Ellis, Samuel Ormsby, Daniel Sizer, Jonathan Webber, jun. Hiram Moor, Lewis Wright, Elisha Wilcox, Elisha Wilcox, jun. Asa Wilcox, Samuel Bell, jun. Aaron Egleston, William Quigley, jun. James Briggs, Nathaniel Goodwell, William Henry, Abner Masters, Cephas Stow, Samuel Wait, Andrew Henry, Weeden Stanton, Samuel White, John Stevens, William Wythe, Boswell Moore, Jonathan Melven, David Mann, Silas Griffin, Nathan Seward, Roger Gibson, Samuel Sampson, Edmund Gilmore, Martin Calver, Hezekiah Elsworth, Eli Johnson, William Sizer, jun. James Elder, Azael French, Ezekiel Suire, Zadock Ingols, James Campbell, second, Jere Bodurtha, Horace Sizer, Asher Stanton, Salathiel Judd, George Nye, Asa Ayers, Stephen Dewey, John Dewey, Salah Day, Joshua Stephens, Martin Phelps, Moses Warner, George Stewart, John Warner, Joel Seward, Abner Smith, Othniel Belden, Alven Campbell, Ira Day, Seth Phelps, Artemas Elder, David Wells, John C. Bell, James Bell, second, William Hamilton, Nathaniel Coomes, Samuel Otis, Seth Wait, Pharez Clark, John Hunter, James Ingolls, Elijah Mack, Jacob Day, James Gilmore, Charles Calver, Aaron Hunter, Joab Smith, Jonathan Wait, Sylvester Belden, James Flemming, Joseph Shoats, and Matthew Campbell, together with such others as have or may hereafter associate with them and their successors, with their families, polls and estates, be, and they are hereby incorporated into a religious society, by the name of The Baptist and Independent Society in Chester, with all the powers and privileges to which other parishes or religious societies are entitled by the Constitution and Laws of this Commonwealth.

Persons in-
corporated.

Society's
title.

Feb. 26, 1811.

Method of
joining the
society.

SEC. 2. *Be it further enacted*, That any person in the town of Chester, being of the Baptist or Independent denomination, who may at any time hereafter actually become a member of and unite in religious worship with the said society, and give in his or her name to the Clerk of the said town of Chester, with a certificate of the minister or clerk of said society, that he or she has actually become a member of and united in religious worship with the said society, fifteen days previous to the annual town or parish meetings, shall, from and after giving in such certificate, with his or her polls and estates, be considered as part of and belonging to said society.

Method of
leaving the
society.

SEC. 3. *Be it further enacted*, That if any member of said society shall at any time hereafter see cause to leave the same, and unite in religious worship with the other society in said town of Chester, and shall declare such intention, in writing, to the minister or clerk of said society, fifteen days before the first Monday of March in such year, such person shall, from and after declaring such intention, with his or her polls and estates, be considered as belonging to the said other society.

Justice to is-
sue warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Hampshire, is hereby authorized to issue his warrant to some member of said Baptist and Independent Society, requiring him to notify and warn the members thereof to meet at such time and place as shall be appointed in said warrant, for the choice of all such officers as other parishes or religious societies are by law authorized to choose in the month of March or April annually. [This act passed *February* 26, 1811.]

CHAP. LXXXVI.

An Act requiring the Trustees of the property of Minors and others to give bond in certain cases.

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 persons, other than bodies corporate, who are or shall be constituted trustees of any estate, real, personal or mixed, belonging to minors, or

other persons, to whom such estate has been or may be devised in trust for such minors or other persons by the last will and testament of any person, shall give bonds to the Judge of Probate for the County in which such last will and testament hath been or shall be proved and approved, with sufficient surety or sureties, in such sum as the said Judge of Probate shall direct and order, conditioned for the faithful performance and execution of such trust, according to the terms, conditions and directions of the testator in such last will and testament expressed and contained, and also conditioned that during the existence of such trust, the trustee shall faithfully improve the aforesaid estate of such minors or others to the best advantage, according to the true intent and meaning of the testator, and that he shall make a true and perfect inventory of such minors and other persons goods and estate, to be returned into and filed in the Probate office in such county, at such time as the Judge of Probate shall order, and that he will annually render an account to the said Judge of Probate of the annual income and profits thereof, and at the expiration of such trust, that he will adjust and settle his accounts with the said Judge of Probate, and pay and deliver over all balances and sums of money or other property that may be due to them, and give possession of such other estate as may belong to the said minors and others, with which such trustees may have been entrusted. *Provided how-* Persons to give bond for investment of trust
ever, that no person or persons, who have heretofore been appointed trustees as aforesaid, and who have entered upon the execution of the trust, shall be obliged to give such bonds, or be subject to any of the requirements of this act, unless they shall be cited to appear before the aforesaid Judge of Probate upon complaint in writing, and it shall be made to appear to the said Judge, upon a full hearing, after such citation, that it is necessary that such bond should be given to secure the faithful performance of the trust created by said last will and testament. Provisq.

SEC. 2. *Be it further enacted,* That all persons who have been, or who shall be constituted trustees of such estate as aforesaid, belonging to minors or others, or to whom such estate has been or may be devised in trust in manner as aforesaid, who shall neglect or refuse to give such bonds, shall be considered as having declined the acceptance of, or relinquished such trust, and all the duties Trustees bonds.

Duties of
Trustees.

and responsibilities thereof; and the trustee or trustees who may be appointed by the said Judge of Probate as is hereinafter provided, shall and may thereupon be authorized to demand and receive of the trustees first appointed as aforesaid, all such estate which may have come to their hands by virtue of such trust, and to manage, improve, pay and deliver over such property to said minors and others, in the same manner and under the same restrictions, obligations and duties, as guardians are now by law obliged to do in other cases.

Power to
sue.

SEC. 3. *Be it further enacted*, That in all cases where a breach of the conditions of such bond shall happen or be committed, such bond may be put in suit, by order of the Judge of Probate to whom such bond shall be given, for the benefit of either, all or any of the said minors or other persons, in which case the proceedings may and shall be the same as are already provided in similar cases in and by an act, entitled An act for regulating the proceedings on probate bonds in the courts of common law, and directing their form in the Supreme Court of Probate.

Persons ap-
pointed by
Judge of
Probate.

SEC. 4. *Be it further enacted*, That the said Judges of Probate be, and they are hereby authorized to appoint one or more suitable persons, trustee or trustees, of the estate of such minor or other person, in case the person or persons appointed trustee or trustees, in and by the last will of a deceased person, shall decline the acceptance of the trust, or in case such trustee shall neglect or refuse to comply with the provisions of this act, and the person or persons so appointed by the Judge of Probate trustee or trustees, as aforesaid, shall be holden and bound by the provisions of this act, in the same way and manner as if he or they had been appointed in and by the will of such deceased person.

Appeal in
case of for-
feiture.

SEC. 5. *And be it further enacted*, That any person aggrieved at any order, sentence, decree or denial of any Judge of Probate upon any such citation or proceeding thereon, may appeal therefrom to the next Supreme Court of Probate to be held in the same County, and the same proceedings shall be had thereon in all respects, as are now by law held on other appeals from the Courts of Probate.

[This act passed *February 25, 1811.*]

CHAP. LXXXVII.

An Act to set off Gideon Hawley, Esq. with his poll and estate from the District of Marshpee, to the town of Sandwich, in the County of Barnstable.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Gideon Hawley, Esq. of the plantation of Marshpee, in the County of Barnstable, with his poll and estate, situate in Marshpee, aforesaid, be set off from Marshpee, aforesaid, and annexed to the town of Sandwich, in the County of Barnstable, and that the said Gideon be entitled from the passing of this act, to all the rights and privileges of an inhabitant of the town of Sandwich, aforesaid.

[This act passed *February 26, 1811.*]

CHAP. LXXXVIII.

An Act for the preservation of salmon, shad and alewives, in Penobscot river, and the streams emptying into said river, and for repealing certain laws heretofore made for that purpose.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That if any person shall make or continue any obstruction or incumbrance in or across Penobscot river, or any stream or pond emptying into the same, without providing a sufficient and convenient passage or sluice-way for salmon, shad and alewives to pass up and down in their season of going up to cast their spawn, and of returning, every such person shall forfeit and pay a fine not exceeding two hundred dollars, nor less than fifty dollars.

Fine for
breach of
duty.

SEC. 2. *Be it further enacted,* That such passage or sluice-way shall be kept open from the tenth day of May to the tenth day of July annually, excepting on the waters

Time of
keeping
open pas-
sage-way.

below the town of Orono, where such passage or sluice-way may be closed on the tenth day of June annually, and any person interested in any such obstruction or incumbrance, neglecting to keep open such passage or sluice-way as aforesaid, shall forfeit and pay a fine not exceeding forty dollars, nor less than ten dollars, for every day he shall so offend.

Time of
taking fish.

SEC. 3. *Be it further enacted*, That any person who shall catch any salmon, shad or alewives, in any of the waters aforesaid, between the tenth day of May and the tenth day of July annually, at any other time than between sunrise on Monday morning, and sunrise on Saturday morning in each week, shall forfeit and pay for every salmon two dollars, for every shad one dollar, and for every alewife twenty cents; and any person who shall set, or allow to continue in any of said waters, any net, seine, or other machine for catching any of said fish, between the said tenth day of May and the said tenth day of July annually, at any other time than between sunrise on Monday, and sunrise on Saturday, in each week, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars; and any person who shall use any net, seine, or other machine for catching any of said fish in the said waters which shall extend more than one third of the way across the stream or waters where the same may be used, shall forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars; and any person who shall attempt to catch any of said fish within four rods of any passage or sluice-way, at any time when the same is or by law ought to be open, shall (in addition to the before mentioned fine for every fish so caught) forfeit and pay for such attempt, a further sum of five dollars.

Fines.

For obstruc-
tions.

SEC. 4. *Be it further enacted*, That any person who shall erect any circular or other weare in the waters aforesaid, and shall neglect to keep open a clear and straight passage-way for said fish to pass out, at least four feet wide from the centre and deepest part of such weare to the river, from sunrise on Friday, to sunrise on Monday, in each week as aforesaid, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty dollars; and any person who shall catch or destroy in any manner whatever, any of said fish at any time between

the fifteenth day of July and the first day of December annually, shall forfeit and, pay a sum not exceeding ten dollars, nor less than five dollars.

SEC. 5. *Be it further enacted*, That every town and plantation adjoining any of the waters aforesaid, shall at every annual meeting in March or April, choose five or more freeholders, as fish wardens, who shall not be interested in any dams or other obstructions on said waters, and who shall be so situated as to be able in the most effectual manner, to detect any breaches of this act, and it shall be the duty of the Selectmen of such town, and the Assessors of such plantation to assign to each fish warden so chosen, his ward or district therein. And every town or plantation which shall neglect to choose such fish wardens, shall forfeit and pay the sum of one hundred dollars, and the said Selectmen, or the said Assessors shall forthwith appoint the said fish wardens, and assign to each his ward or district, and the persons so chosen or appointed shall be notified in the same manner as other town officers, and be sworn in like manner faithfully and impartially to discharge the duties required of them by this act, and any person so chosen or appointed, who shall not within seven days from the time he shall be notified of such choice or appointment, qualify himself accordingly, shall forfeit and pay the sum of ten dollars, and the said Selectmen or Assessors, as often as such neglect shall happen, shall continue to appoint until the office is filled; and every Selectman or Assessor who shall neglect to perform the duties aforesaid, shall forfeit the sum of ten dollars for every week after the first day of May annually. *Provided always*, that no person shall be obliged to serve as fish warden more than one year in three.

Fish warden
chosen.

Selectmen,
&c. to supply
vacancies.

SEC. 6. *Be it further enacted*, That it shall be the duty of every such fish warden to examine and inspect his ward or district, and he shall have authority to inspect any other ward, district or place, from the head waters to the mouth of said river; and it shall be his duty and also the duty of all grand jurymen, coroners and constables, to observe and give information of all breaches of this act in their respective towns and plantations; and all the fines and forfeitures aforesaid, shall be recovered by indictment or by action of debt, in the name of any fish warden, one moiety to the use of the town or plantation where the offence shall be

Fish warden's
duty.

committed, and the other moiety to the use of the plaintiff or informer ; and in the trial of any indictment any person may be admitted as a competent witness, by reason of his being entitled to any part of the said fines.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after the first day of March next, and that after said day all laws heretofore made for the purposes aforesaid, be, and they hereby are repealed, excepting an act, entitled " An act to prevent the destruction of the fish called shad and alewives, in their passage up and down the river and other streams in the town of Orrington, in the county of Hancock, and for regulating the taking and disposing of said fish, passed February the sixth, one thousand eight hundred and seven. *Provided nevertheless*, that all prosecutions and processes now pending, or that may be pending, before the said first day of March next, shall proceed to final judgment and execution as if this act had never been made.

Proviso.

[This act passed February 26, 1811.]

CHAP. LXXXIX.

An Act to establish the Baptist Society of Newbury and Newburyport.

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 Henry Merrill, Jesse Dorman, Ebenezer Pulcifer, Joseph Young, Joseph Loveitt, Jonathan C. Lewis, John Gilman, W. Gilman, Eben Runnells, John Knowlton, Southey Parker, John Hale, Dennis O'Brien, Abijah Wheeler, Emanuel Seward, John Page, Thomas Ordway, Joseph O'Brien, Enoch Pike, James Brackett, William Holleday, Robert Pierson, and Billings Putnam, and such others as now are, and hereafter may be associated with them in their particular religious persuasion and belief, with their polls and estates, be, and they hereby are incorporated, by the name of The Baptist Society of Newbury and Newburyport, with all the privileges, powers and immunities to which other parishes or religious societies in this Commonwealth are entitled.

Persons incorporated.

SEC. 2. *Be it further enacted*, That any person who may hereafter actually become a member of, and unite in religious worship with the said Baptist Society, and shall, fourteen days previous to the annual parish meeting, in the month of March or April, give in his or her name to the clerk of the parish to which such person may belong, together with a certificate, signed by the minister or clerk of said Baptist Society, setting forth that he or she hath actually become a member of and united in religious worship with said Baptist Society, and has constantly attended publick worship with the same, for at least one year preceding the date of such certificate, shall, from and after giving such certificate, and his or her name as aforesaid, be considered, with his or her polls and estates, as members of and belonging unto said Baptist Society. *Provided however*, that all such persons shall be holden to pay their proportion of all monies assessed in the parish to which they belonged previous to that time.

Method of
joining the
society.

SEC. 3. *Be it further enacted*, That when any member of said Baptist Society shall see cause or be inclined to leave said society, and join in religious worship with any other society, and shall, fourteen days previous to their annual parish meeting in the month of March or April, leave a certificate with the clerk of the Baptist Society aforesaid, signed by the minister or clerk of the parish with which he or she hath united themselves, setting forth that he or she hath actually become a member of, and united in religious worship with such other parish or religious society, and has constantly attended publick worship with the same for at least one year preceding the date of such certificate, and shall pay his or her proportion of monies voted in said Baptist Society to be raised previous thereto, such person, with his or her polls and estate shall, from and after giving such certificate to the clerk of said Baptist Society as aforesaid, be considered as a member of the society to which he or she hath so united.

Method of
leaving the
society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Essex, is hereby authorized to issue his warrant to some principal member of said Baptist Society, requiring him to notify all the members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place, mentioned in said warrant, to

Justice to is-
sue Warrant.

choose all such officers as parishes are by law required to choose in the month of March or April annually.

[This act passed *February* 26, 1811.]

CHAP. XC.

An Act to alter the times of holding the Supreme Judicial Court in the Counties of Middlesex, Worcester, and Berkshire.

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 Supreme Judicial Court now appointed by law to be holden at Concord, within and for the County of Middlesex, on the second Tuesday of April, and at Worcester, within and for the County of Worcester, on the third Tuesday of April, and at Lenox, within and for the County of Berkshire, on the first Tuesday next after the fourth Tuesday of April annually, shall from and after the passing of this act, be holden at Concord, within and for the County of Middlesex, on the first Tuesday of April, and at Worcester, within and for the County of Worcester, on the second Tuesday of April, and at Lenox, within and for the County of Berkshire, on the second Tuesday next after the fourth Tuesday of April, annually.

SEC. 2. *Be it further enacted,* That all writs, recognizances, warrants, complaints, and every other precept, matter or thing, returnable to said Court, in the said Counties respectively, at the times and places first above mentioned, and all parties and persons that have been or may be required or directed to appear and attend at the times and places first above mentioned, and all actions, indictments, matters and suits now pending in said Courts, in the said Counties respectively, shall be returned to, entered, appear and attend, have day, be heard, tried, and determined in said Court, at the times and places appointed by this act for holding the same, in the said Counties respectively.

[This act passed *February* 26, 1811.]

CHAP. XCI.

An Act for altering the times of holding the terms of the Supreme Judicial Court in the Counties of Norfolk, Bristol, Plymouth, and Barnstable.

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 from and after the passing of this act, the Supreme Judicial Court shall be holden annually at Barnstable, in and for the County of Barnstable and Dukes County, on the first Tuesday next after the fourth Tuesday of September; at Plymouth, in and for the County of Plymouth, on the second Tuesday next after the fourth Tuesday of September; at Taunton, in and for the County of Bristol, on the third Tuesday next after the fourth Tuesday of September; and at Dedham, in and for the County of Norfolk, on the fourth Tuesday next after the fourth Tuesday of September, by all or any three of the Justices of the same Court. *Provided*, that the term of said Court now by law to be holden at Dedham, in and for the County of Norfolk, on the first Tuesday in March annually, shall continue to be so holden, any thing in this act to the contrary notwithstanding.

Times for holding.

SEC. 2. *Be it further enacted*, That the Tuesday on which any of the said Courts are respectively to be holden, as mentioned in the first section of this act, may in all judicial proceedings, from time to time be expressed and designated by such Tuesday of the month as will be the Tuesday on which any Court is to be holden, pursuant to the aforesaid arrangement. And all writs, recognizances, warrants, complaints, and every other matter and thing that should, after the passing of this act, be returned to or entered at the Supreme Judicial Court, at the times and places heretofore appointed in the aforesaid Counties, and all parties and persons that may be required or directed to appear and attend after that time, at the aforesaid times and places, and all actions, matters and suits that may be pending in the same Court in said Counties, on the day of the passing of this act, shall be returned to, entered, appear and attend, have day, be tried and determined in

The Tuesday to be expressed in proceedings.

Writs, &c. to be returned.

said Court, in said Counties, at the respective times and places established by this act, pursuant to the true intent and meaning thereof.

Other acts
repealed.

SEC. 3. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be, and hereby are repealed.

[This act passed *February 26, 1811.*]

CHAP. XCII.

An Act to provide for the location of certain reserved lands.

Preamble.

WHEREAS, in grants of townships, or parts of townships, made by this Commonwealth, it has been usual to reserve certain lots therein for the use of said towns, and for publick uses; and whereas great inconveniencie has arisen, and may hereafter arise by reason of said lots not being seasonably located by the grantee or grantees of such townships, or parts thereof:—

Common.
Pleas to ap-
point a com-
mittee to lo-
cate.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That wherever in the grant of any township, or parts thereof, heretofore made, or which may be made hereafter, there may be certain lots therein reserved for the use of said township, and for publick uses, and the lots so reserved as aforesaid, shall not be located by the grantee or grantees of such township, or part thereof, by the time the said township may be incorporated, it shall and may be lawful for the Justices of the Court of Common Pleas within the County where such land lies, on application made to them by the assessors of such town, or a major part of them, and no sufficient cause being shewn to the contrary, to appoint a committee, by issuing their warrant under the seal of said Court, directed to three disinterested freeholders of said County, requiring them, as soon as may be, to locate the several lots in said township, reserved as aforesaid, and to designate the several uses for which the said lots were respectively reserved in the original grant of the said town, or of the parts thereof, the said lots to be of an average quality with the residue of lands in the said town.

SEC. 2. *Be it further enacted*, That the said Committee, previous to their proceeding to execute the warrant aforesaid, shall be sworn to the faithful discharge of their duty by any Justice of the Peace within said County, a certificate thereof to be made on the back of said warrant, and shall give notice of their appointment, and of the time and place of their meeting to execute said warrant, by causing the same to be published in one or more newspapers, printed in the Commonwealth, and by posting up written notifications, in two or more publick places within the town where said land lies, at least thirty days prior to their making the location aforesaid.

Committee to be sworn.

To give notice of their appointment.

SEC. 3. *Be it further enacted*, That the said Committee shall make return of said warrant, under their hands and seals, or the hands and seals of a majority of them, with their doings therein, to said Court of Common Pleas, as soon as may be after their service is performed, and the same being accepted by the said Court, and being recorded in the office of the Registry of Deeds in said County within six months from the date of the said return, shall be the legal assignment of the said lots to the several uses for which they were reserved.

To make return of their doings.

SEC. 4. *Be it further enacted*, That whenever any proprietor or proprietors of any grant of land, shall locate such lots as may have been reserved for publick uses, and make a return thereof to the said Court of Common Pleas, it shall be lawful for the said Court to confirm the same, and when so done, such lot shall be deemed legally located, and assigned for the uses intended and mentioned in the original grant of the same.

Court to confirm lots located by proprietors.

[This act passed *February* 26, 1811.]

CHAP. XCIII.

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

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, Roger King, of Brewster, in the County of Barnstable, shall be allowed to take the name of Elkanah King ;

that Quintus Carolus Turner, of Scituate, in the county of Plymouth, be allowed to take the name of Charles Henry Turner; that George Hodges, of Salem, in the county of Essex, be allowed to take the name of George Atkinson Hodges; that John Stinson, of Woolwich, in the county of Lincoln, be allowed to take the name of John Robinson Stinson; that Isaac Rea, and Ebenezer Rea, both of Beverly, in the county of Essex, be allowed to take the surname of Ray; that William Caldwell, the fourth, of Newburyport, in the county of Essex, be allowed to take the name of William Warner Caldwell; that Molly Clark, of Brewster, in the county of Barnstable, take the name of Mary Paddock Clark; that William Bancroft, jun. of Charlestown, in the county of Middlesex, be allowed to take the name of William Austin Bancroft; that Abel Coffin, son of Jonathan Coffin, of Nantucket, in the county of Nantucket, take the name of Abel C. Coffin; that Dyer Peters, of Ellsworth, in the county of Hancock, take the name of Edward Dyer Peters; that John Saunders, of Danvers, in the county of Essex, be allowed to take the name of John Wallis Saunders; that Jonathan Crosby, of Stow, in the county of Middlesex, be allowed to take the name of Salvo Crosby; that William Coolidge, of Boston, in the county of Suffolk, take the name of William Clark Coolidge; that Alexander Wheelock, of Boston, in the county of Suffolk, be allowed to take the name of Abel Wheelock; that Isaac Foster, of Brunswick, in the county of Cumberland, be allowed to take the name of Ferris De Ayr Foster; that Thomas Davis, of Sidney, in the county of Kennebeck, be allowed to take the name of Charles Stewart Davis; that Samuel Derby, of Salem, in the county of Essex, be allowed to take the name of Samuel Barton Derby; that Samuel Ayer, the third, of Haverhill, in the county of Essex, be allowed to take the name of Samuel W. Ayer; that John Carter, of Boston, in the county of Suffolk, be allowed to take the name of John S. Carter; that John Foster, junior, of Boston, in the county of Suffolk, son of the Reverend John Foster, of Brighton, be allowed to take the name of John Standish Foster; that John Bacon, of Boston, in the county of Suffolk, be allowed to take the name of John Arno Bacon; that Alderman Hyde, of New Marlborough, in the county of Berkshire, be allowed to take the name of James Alderman Hyde;

that Asa Wilder, of Newburyport, in the county of Essex, be allowed to take the name of Asa Waldo Wilder; that Abijah Peirce Hoar, of Charlestown, son of Samuel Hoar, of Lincoln, in the county of Middlesex, be allowed to take the name of Abijah Hoar Peirce; that Peter Brigham, of Boston, in the county of Suffolk, be allowed to take the name of Peter Welles Brigham; that Peter Thacher, of Boston, in the county of Suffolk, Esq. be allowed to take the name of Peter Oxenbridge Thacher;—and each of the persons before named, shall be severally allowed to assume the said names respectively, and they shall in future be called and known by said names, and the said names shall hereafter be considered as their only proper names, to all intents and purposes.

[This act passed *February 26, 1811.*]

CHAP. XCIV.

An Act to incorporate certain persons, by the name of
The Massachusetts General Hospital.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That James Bowdoin, John Adams, Elbridge Gerry, Theophilus Parsons, William Gray, John Thornton Kirkland, Harrison Gray Otis, Christopher Gore, William Eustis, William Phillips, John Quincy Adams, Henry Dearborn, Levi Lincoln, Isaac Parker, Joseph B. Varnum, George Cabot, Perez Morton, Thomas Dawes, Thomas Hazard, jun. Thomas Cutts, Israel Thorndike, Matthew Bridge, Samuel Brown, James Perkins, David Tilden, John Lowell, Samuel Dana, Joseph Story, William King, Samuel Fowler, Marshall Spring, Thomas H. Perkins, Thomas C. Amory, Benjamin Bussey, Aaron Hill, William Heath, Thomas Kittredge, James Prince, Benjamin Green, Thomas Melville, Joseph Coolidge, Elias H. Derby, John C. Jones, Jonathan Davis, Jonathan Harris, James Mann, Timothy Childs, Daniel Kilham, Benjamin Crowninshield, Arnold Welles, Jonathan Amory, Robert Hallowell, Andrew Cragie, John Warren, Richard Sullivan, and William Payne, together with such

Persons in-
corporated.

Incorporat-
ed.

other persons, as may hereafter be admitted members of the corporation herein after created, according to the by-laws thereof, be, and they hereby are incorporated and made a body corporate and politick, by the name of The Massachusetts General Hospital, 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.

May hold
grants, &c.

SEC. 2. *And be it further enacted*, That the said Corporation may take and receive, hold, purchase and possess, of and from all persons disposed to aid the benevolent purposes of this institution, any grants and devises of lands and tenements, in fee simple, or otherwise, and any donations and bequests, and subscriptions of money, or other property, to be used and improved for the erection, support and maintenance of a General Hospital, for sick and insane persons. *Provided*, that the income of said Corporation, from its real and personal estate together, do at no time exceed the sum of thirty thousand dollars.

State lunat-
icks to be
admitted.

SEC. 3. *And be it further enacted*, That it shall be in the power of the Legislature of this Commonwealth, or of any committee, or officer, duly appointed by them for that purpose, to introduce into the said hospital, all such lunatick and sick persons, as may hereafter be chargeable to this Commonwealth, and who would otherwise receive support and medical and other necessary aid and assistance, at the expense of the publick Treasury, as soon as said hospital may be in readiness, and to have provided for them therein suitable apartments, bed-clothing, board, and nurses, and the most skilful medical advice, free of all cost to the Commonwealth, and at the sole charge of the funds of the corporation. *Provided*, the whole number of patients so received into said hospital, at the request of the Legislature, or of officers appointed by them for that purpose, shall at no one time, exceed thirty, unless the trustees of said corporation shall consent to the admission of a further number of the state's poor.

Proviso.

Province
House
granted.

SEC. 4. *And be it further enacted*, That in consideration of the obligation aforesaid imposed upon said corporation in the foregoing section, the estate commonly called the Old Province House, with all the lands under and appurtenant to the same, be, and are hereby given and granted unto said corporation in fee simple, to be sold at the discretion of said corporation, and the proceeds thereof

to be held and applied, as a foundation for a general hospital. *Provided however*, that before such sale shall be made, the said corporation shall give bond to the Treasurer of this Commonwealth, with surety or sureties, to be approved of by His Excellency the Governor and Council, for the time being, that the proceeds of said sale, with the interest thereon, shall be paid into the Treasury, for the use of the Commonwealth, within five years from the passing of this act, unless an additional sum of one hundred thousand dollars shall have been raised and provided by private subscriptions or donations, other than by grants from the Commonwealth for the purposes of this act.

SEC. 5. *Be it further enacted*, That the said General Hospital shall be under the direction and management of twelve Trustees, who shall be chosen annually, and shall remain in office until others are chosen and qualified in their stead; four of which Trustees shall be chosen by the Board of Visitors, and the remaining eight by the Corporation aforesaid.

SEC. 6. *And be it further enacted*, That the said Corporation may at their first, or any subsequent meeting, choose all necessary and convenient officers, who shall have such powers and authorities as the said Corporation may think proper to prescribe and grant to them, and who shall be elected in such manner, and for such periods of time, as the by-laws of said Corporation may provide. And said Corporation may further make and establish such by-laws and regulations, for the internal government and economy of the Hospital, as they may think proper, not repugnant to the Constitution and Laws of this Commonwealth.

SEC. 7. *And be it further enacted*, That the Governor, Lieutenant Governor, the President of the Senate, and Speaker of the House of Representatives, with the Chancellors of both Houses, for the time being, be, and hereby are made and constituted a Board of Visitors of the said Hospital; with authority to visit the same semi-annually, and as much oftener as they may think proper, in order to inspect the establishment, and the actual condition of the sick, to examine the by-laws and regulations enacted by said Corporation, and if they see fit, to disallow and annul the same, and generally to see that the design of the institution be carried into effect, in a careful, tender and effectual manner; and especially to see that the State has

Corporation
to give bond
to the Com-
monwealth.

Trustees to
be chosen
annually.

Officers may
be chosen.

By-laws may
be made.

Board of
Visitors.

Authority.

its full proportion of patients in the Hospital, as provided in the third section of this act, and that the said patients are suitably attended to, and comfortably maintained.

District of
Maine.

SEC. 8. *And be it further enacted, by the authority aforesaid,* That in case of the separation of the District of Maine, and the erection of it into a separate State, pursuant to the provisions of the Constitution of the United States, the amount of the sale of the Province House shall be carried into the estimate, with the other publick property of the Commonwealth.

Name of the
Corporation
may be
changed.

SEC. 9. *And be it further enacted,* That it shall be lawful for the said Corporation, at any general meeting of the members thereof, to alter or change the name of said Corporation, either by substituting the name of any distinguished benefactor, who may contribute a sum exceeding the amount given by the Commonwealth, or by adding the name of such benefactor, to the name given to said Corporation by this act, in case the sum so given by such benefactor, shall not exceed the sum given by this Commonwealth. And upon such change so as aforesaid made, the said Corporation shall have a right to assume and take such name, and shall have, hold and enjoy all the powers and privileges given by this act, notwithstanding such alteration and change.

First meet-
ing to be
called.

SEC. 10. *And be it further enacted,* That James Bowdoin, Esq. be, and hereby is authorized to call the first meeting of said Corporation, by notification, and therein to appoint the time and place of said meeting: *Provided,* that no notification shall be deemed valid, unless it be published in all the newspapers printed in Boston, for six weeks in succession.

Legislature
may alter or
repeal this
act.

SEC. 11. *Be it further enacted,* That the Legislature shall have power to alter, amend, or repeal this act, whenever they shall be of opinion that the publick good may require it; *provided* that no such alteration, amendment or repeal, shall be made in such manner as to revest in the Commonwealth, the grant herein made, or the proceeds thereof, after a private subscription for the purposes of this act shall have been actually commenced.

To be erect-
ed out of
Boston.

SEC. 12. *Be it further enacted,* That the said Hospital may be erected in any place not included within the territorial limits of the town of Boston.

[This act passed February 25, 1811.]

CHAP. XCV.

An Act making further allowance to the Judge of Probate for the County of York, for his services.

WHEREAS, the fees of the Judge of Probate for the County of York, as by law established, prove to be an inadequate compensation for his services in that office— Preamble.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Treasurer of the County of York be, and he is hereby authorized and directed to pay the said Judge of Probate, for the time being, such sum as, together with the said fees, shall be equal to three hundred dollars annually ; provided that the said Judge shall keep an account of all the fees by him taken in said office, and shall present such account, attested by the Register of Probate, to the Treasurer of said County at the end of each year. Proviso

[This act passed February 26, 1811.]

CHAP. XCVI.

An Act to incorporate Ebenezer Burt and others, by the name of The Ware Mining 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 Burt, Thomas Snell, Judah Marsh, Joseph Luce, Ichabod Randell, Titus Randell, Lemuel Randell, Ichabod Randell, Isaac Burt, Jabez Town, Ebenezer Cutler, Benjamin Rider, Henry Higgins, Aquila Collins, Samuel Pike, and Samuel Bent, with such others as already have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Ware Mining Company, for the purpose of exploring, digging, and working any ore, minerals, metals, or fossils, in the* Persons incorporated.

W 17

Powers and
duties.

town of Ware, in the county of Hampshire ; 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."

Possession
of property
allowed.

SEC. 2. *Be it further enacted*, That said company may be lawfully seized and possessed of such real estate within the town of Ware, not exceeding the value of eighty thousand dollars, and such personal estate not exceeding the value of fifty thousand dollars, as may be necessary and convenient for carrying on the business of exploring, digging and working any ore, minerals, metals, or fossils, in the town of Ware.

[This act passed *February 27*, 1811.]

CHAP. XCVII.

An Act to authorize the sale of the lands reserved in the town of Bethel, for the use of Schools and the Ministry, and for other purposes.

Trustees in-
corporated.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Samuel Barker, Peregrine Bartlett, Timothy Carter, John Holt, Asa Kimbal, Eli Twitchel, and Peter York, be, and they are hereby appointed and incorporated, by the name of The Trustees of the Bethel School and Ministry Fund ; and by that name, they and their successors in the said office, shall be and continue a body politick and corporate forever; and they shall have a common seal, subject to alteration, 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 : and the said Trustees and their successors, may annually elect one of their number as President, and also a Clerk to record the doings of the said Trustees, and a Treasurer to receive and pay the monies, according to the provisions of this act, and also any other officers which may be necessary for the better

Officers to
be elected.

management and improvement of the said fund : and the Treasurer of the said fund shall give bond to the said Trustees for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct of any kind in his office.

SEC. 2. *Be it further enacted*, That the said Trustees be, and they are hereby authorized and empowered to sell and convey the lands which were originally reserved in the grant of the said township, for the use of Schools and the Ministry in said town ; and the monies arising from the sale of the said lands shall be put on interest, and form a fund for the support of schools and the ministry in the said town, and which shall be under the care and management of the Trustees aforesaid, in the manner provided for and directed in this act. And all donations, grants, bequests or legacies, which have been or may be hereafter made to the same use and purpose, shall be added to the said accumulating fund, and be under the same care and management of the Trustees aforesaid. And when the said Trustees do loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate to the full value of the estate or land sold, or money loaned, or by two or more sufficient sureties, with the principal, unless the said Trustees shall think it best to invest the said proceeds in publick funded securities, or in bank stock, which they shall have authority to do. And the interest, and that only, shall be annually appropriated for the uses aforesaid ; and it shall never be in the power of the said Trustees to alter or alienate the appropriations of the said fund. And the deed or deeds which the said Trustees may make in their said capacity, when duly executed and subscribed, acknowledged and delivered by the Treasurer, under the direction of the Trustees, shall be valid and effectual in law, to pass and convey the fee simple title from the town to the purchaser.

Trustees au-
thorized to
sell or con-
vey.

Security for
monies
loaned.

SEC. 3. *Be it further enacted*, That the said Trustees, Treasurer, or other officers shall be entitled to receive no compensation for the services they may perform, from any monies belonging to the said fund, but a reasonable compensation may be made them by the town, and the said Trustees, and each of them shall be responsible to the

Officers pay

Feb. 27, 1811.

town for their personable negligence or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting therefrom to the fund, and the debt or damage recovered in such suit, shall be to the use and disposal of the town. And the said Trustees and Treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the fund, at the annual meeting in March of April.

Justice to is-
sue Warrant. SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Oxford, is hereby authorized to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, at such convenient time and place as may be appointed in said warrant, to organize the said corporation by the election of its officers.

[This act passed *February 27, 1811.*]

CHAP. XCVIII.

An Act to incorporate a number of the inhabitants of the town of Winthrop, into a religious society, by the name of The Methodist Society in the town of Winthrop.

Persons in-
corporated. 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 Bishop, Thomas Jacobs, Benjamin Fairbanks, Rial Stanley, Asa Robbins, Eleazer Robbins, Otis Foster, Daniel Foster, Nathan F. Cobb, Alfred Chandler, Daniel Marrow, Timothy Foster, Enos Fairbanks, David Fairbanks, Benjamin Fairbanks, jun. Jonas Allen, and Elizabeth Lake, together with such others as already have associated 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 Winthrop, 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.

Proviso.

SEC. 2. *Be it further enacted*, That any person belonging to any other religious society in said town of Winthrop, 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, deacon, 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.

Method of
joining the
society.

SEC. 3. *Be it further enacted*, That when any member of 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.

Method of
leaving the
society.

Proviso.

SEC. 4. *Be it further enacted*, That either of the Justices of the Peace for the County of Kennebeck, 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.

Justice to is-
sue Warrant.

[This act passed February 27, 1811.]

CHAP. XCIX.

An Act in explanation of part of the fourth section of an act, entitled An act to authorize George Ulmer to build a toll bridge at Lincolnville, in the county of Hancock.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the persons exempted in the said act from paying toll when passing on the common and ordinary business of their family concerns, shall be understood to include and extend only to persons who follow some mechanical business, or day labourers in mills, who have their usual home or employment in the village contiguous to the said bridge.

[This act passed *February 27, 1811.*]

CHAP. C.

An Act to incorporate Moses Hall and others into a religious society, by the name of The First Universalist Society in Charlestown.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Moses Hall, John Kettell, Samuel Townsend, Timothy Thompson, jun. Isaac Smith, Samuel Thompson, Andrew Roulstone, Isaac Mead, David Smith, Isaac Sweetser, Thomas Harris, Barnabas Edmands, Ebenezer F. Freeman, Daniel Manning, Granvil Smith, Thomas Edmands, John Tapley, Otis Clap, Josiah Harris, Benjamin Adams, Edward Adams, Thomas J. Goodwin, James Kimball, Henry Vanvoochies, Hendrick W. Gordon, Jesse Brown, and Benjamin Gleason, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated and made a body politick and religious society, by the name of The First Universalist Society in Charlestown, and by that name may sue and be sued, and shall be invested with all the

powers and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only ; and the said society shall be capable in law, to purchase and hold estate, real and personal, *provided* the annual income thereof shall not exceed at any one time the value of three thousand dollars. Proviso.

SEC. 2. *Be it further enacted*, That the said society be, and they are hereby authorized and empowered to raise by assessment on the pews which may be made and built in any house, that may be hereafter erected by them, all such sum or sums of money, for the settlement and maintenance of a minister or ministers, repairing said house, and other expenses of publick worship, with such incidental charges as they shall agree on, at any legal meeting called for that purpose, and the same may assess, or cause to be assessed upon such pews or seats, as the proprietors or members as aforesaid, at any such meeting shall deem proper, according to the respective valuation made thereof, and recorded in the proprietors' books ; and the sums so assessed shall be paid by the proprietors of such pews or seats, and if any proprietor shall neglect to pay such assessment which shall have been legally made, for the space of one year, the Treasurer of said society shall be authorized and empowered to sell all the estate and interest of such delinquent proprietor in said corporation, at publick auction, first giving notice thereof thirty days at least previous to the sale, by posting up notifications at the door of said house, and upon such sale to execute good and sufficient deed or deeds thereof, and after deducting said delinquent's assessment, with incidental charges, the Treasurer shall pay the overplus, if any there be, to such delinquent proprietor. Provision for defraying expenses.

SEC. 3. *Be it further enacted*, That said society may have power to order and establish such regulations, rules and by-laws for their government, and for the management of their concerns, as they may see fit ; *provided* the same are not repugnant to the laws of this Commonwealth.

SEC. 4. *Be it further enacted*, That John Kettell, Esq. or any other Justice of the Peace for the county of Middlesex, be, and hereby is authorized to issue his warrant to any member of said society, to notify and warn all the members thereof to meet, and assemble at such time and place as he shall therein appoint, and when so met and Justice to issue warrant.

assembled to organize the society, by choosing a Clerk, and all such other officers as other similar societies may elect, and the annual meeting of said society shall always be held in the month of March.

[This act passed *February 27, 1811.*]

CHAP. CI.

An Act to incorporate The Congregational Society in the town of Buxton, in the County of York.

Persons in-
corporated.

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 Wentworth, Charles Coffin, Thomas Bradbury, Jacob Bradbury, Zenas Payne, James Emery, jun. Humphry Merrill, John Eaton, Ebenezer Wentworth, jun. Michel Hanson, Timothy Elyer, Royal Brewster, David Coffin, George Robinson, Ebenezer Davis, Pelatiah Harmon, jun. Joseph Donnell, Josiah Davis, Daniel Leavet, John Hopkinson, Isaac Libby, jun. Timothy Barker, Samuel Watts, Joseph Bradbury, jun. Isaac Lord, Joseph Spencer, Daniel Hanson, jun. James Pennell, Pelatiah Harmon, Asa Brown, John Meserve, James Merrill, James Bickford, Joseph Hill, Phineas Hanson, Joseph Bradbury, Barnabas Sawyer, Joseph and Robert Wentworth, together with all other persons in said town, who do not belong to any other religious society, be, and hereby are incorporated, by the name of The First Congregational Society in Buxton, with all powers and privileges which are exercised and enjoyed by parishes, according to the constitution and laws of this Commonwealth.

Method of
joining the
society.

SEC. 2. *Be it further enacted,* That any person in the said town of Buxton, being desirous of becoming a member of the said First Congregational Society, and declaring such intention, in writing, delivered to the clerk of the town, or the clerk of the said parish, fifteen days before the annual meeting, and receive a certificate of membership, signed by the minister or clerk of the said parish, that he or she has actually become a member of and united in religious worship with the said First Congrega-

tional Society in Buxton, such person from the date of such certificate, with his or her polls and estate, shall be considered as a member of said parish.

SEC. 3. *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 a warrant, directed to some member of the said First Congregational Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of such officers as religious societies are by law empowered to choose at their annual or society meetings.

[This act passed *February 27, 1811.*]

CHAP. CII.

An Act to authorize the town of Groton to sell certain real estate devised to said town.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Groton be, and they are hereby authorized and fully empowered to sell, and execute a deed or deeds, by a committee of three persons, or any two of them, to convey the whole or any part of the real estate devised to the said inhabitants in and by the last will and testament of Josiah Sawtell, Esquire, late of said Groton, deceased, for the support of a gospel minister in said town, as expressed in said will, and such deed or deeds executed in due form of law, shall be valid and effectual to convey such real estate, and the proceeds of any such sales shall be paid over by such committee, or any two of them, to the Trustees of Groton Ministerial Fund, and be denominated "The Sawtell Donation for the support of a gospel minister in the first parish in Groton," and shall be preserved, managed and appropriated by said Trustees, as by law they are required to preserve, manage, and appropriate any other funds in their hands, or under their care.

[This act passed *February 27, 1811.*]

CHAP. CIII.

An Act to annex a part of the town of Tyingham to the town of New Marlboro', in the County of Berkshire.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the tract of land described within the following bounds, be, and the same is hereby set off from the town of Tyingham, and annexed to the town of New Marlboro', in the county of Berkshire, viz.—Beginning on the line between New Marlboro' and Tyingham, on the west side of Six Mile Pond, thence west on the said line two hundred and fifty-eight rods, to the south-west corner of said Tyingham; thence north, on the line between Great Barrington and said Tyingham, one hundred and eighty-four rods, to the north-west corner of land of John Gibson; thence east thirty-seven degrees south, to the west bank of said Six Mile Pond; thence on the west side of said pond to the first mentioned corner, containing about one hundred and fifty acres; and the said tract is annexed to, and made a part of the said town of New Marlboro', as fully and completely as if it had been originally incorporated therewith.

[This act passed February 27, 1811.]

CHAP. CIV.

An Act to establish the town of Putnam.

SEC. I. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several tracts of land, as described within the following boundaries, be, and they are hereby incorporated into a town, by the name of Putnam: Beginning at a hemlock tree, standing on the west side of Madomack Stream, marked G; thence running north thirty-four degrees west, on the south line of land belonging to the company called the Twenty Associates, fifteen

hundred and forty-two rods, to a beech tree, marked G 1809, on the line of Palermo; thence south twenty-nine degrees west, five hundred and eighty-six rods on the east line of Palermo, to a large yellow birch tree, marked Lisbon; thence west twenty-two degrees and one half north, four hundred and fifty-four rods on the south line of Palermo; thence south fifty-six degrees west, three hundred rods, to a small white birch tree; thence south six hundred and eighty rods, to a large hemlock tree, marked on four sides; thence south thirty degrees west, four hundred and sixty rods, to a spruce tree, marked I A; thence south six hundred and twenty rods to a spruce, marked L C; thence south fifty-six degrees east, eight hundred and eighty rods, to a hemlock, marked Ballstown Corner, 1805, being on Jefferson north line; thence south seven degrees west, three hundred and sixty rods, to a stake marked B B; thence east four hundred and fifty-two rods to Medomack River; thence up said river, by its course, to the first mentioned bounds; containing by calculation about twenty-three thousand acres: and the said town of Putnam is hereby vested with all the powers and privileges, and subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That either of the Justices of the Peace for the county of Lincoln, be, and he is hereby authorized to issue a warrant, directed to a freeholder, an inhabitant of the said town of Putnam, requiring him to notify and warn the freeholders 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 and appoint at their annual town meetings.

[This act passed *February 27, 1811.*]

CHAP. CV.

An Act to incorporate Ezra Weston and others into a company, by the name of The Duxbury Marine Insurance 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 Ezra Weston, together with such others as have associated, or may hereafter associate with them, the petitioners for this act, and such others as they shall admit as their associates, being citizens of the United States, be, and they are hereby incorporated into a company or body politick, by the name of The Duxbury Marine Insurance Company, for and during the term of twenty years from the date of this act, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said company, subject to the restrictions herein after mentioned.

SEC. 2. *Be it further enacted*, That a share in the capital stock of the said company shall be one hundred dollars, and the number of shares shall be one thousand; and if the said number of shares are not already filled, subscriptions may be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled, and the whole capital stock, estate or property which the said company shall be authorized to hold shall never exceed one hundred thousand dollars, exclusive of premium notes, or profits arising from said business, of which capital stock or property, fifteen thousand dollars only shall be vested in real estate,

SEC. 3. *Be it further enacted*, That the stock, property and affairs of the said company shall be managed and conducted by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer, which Directors, at the time of their election, shall be Stockholders, and citizens of this Commonwealth, and shall be elected on

Persons in-
corporated.

Name.

Powers.

Directors.

President.

the first Tuesday in June in each and every year, at such time of the day and at such place in the town of Duxbury, as the majority of the Directors, for the time being, shall appoint, of which election publick notice shall be given, by posting up notice thereof, in two publick places in said town, fourteen days immediately preceding such election; and such election shall be holden under the inspection of three Stockholders, not being Directors, and shall be made by ballot by a majority of the votes of the Stockholders present, allowing one vote to each share in the capital stock; *provided*, that no Stockholder shall be allowed more than ten votes, and the Stockholders not present may vote by proxy, under such regulations as the said company shall prescribe; and if in case of any unavoidable accident, the said Directors should on the said first Tuesday in June, not be chosen as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed. Proviso.

SEC. 4. *Be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office, and in case of death, resignation, or inability to serve, of the President or any of the Directors, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections for Directors and President. Election of President.

SEC. 5. *Be it further enacted*, That the President and three of the Directors (or four of the Directors in the absence of the President) shall be a board competent to transact business, and all questions before them shall be decided by a majority of votes, and they shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution or laws of this Commonwealth, as to them shall appear needful and proper, concerning the management and disposition of the stock, property, estate and effects of said company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance; and shall also have power to appoint a Secretary and so many clerks and servants for carrying on the By-laws, Rules, &c.

said business, and with such salaries and allowance to them and to the President, as to the said board shall seem meet.

MEETINGS OF THE DIRECTORS. *SEC. 6. Be it further enacted,* That there shall be stated meetings of the Directors at least once in every month, and as often within each month as the President and Board of Directors shall deem proper ; and the President and a committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for dispatch of business, and the said Board of Directors, and the committee aforesaid, at and during the pleasure of the said Board, shall have power and authority on behalf of the company, to make insurance upon vessels, freights, money, goods and effects, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment ; and all policies of insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force as if under the seal of the said company ; and the assured may thereupon maintain an action of the case against the company, and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the company.

Provision in case of absence or death.

Duties of the Directors.

SEC. 7. Be it further enacted, That it shall be the duty of the Directors on the first Tuesday of January and July in every year, to make dividends of so much of the interest arising from the capital stock and the profits of the said company, as to them shall appear advisable ; but the monies received, and the notes taken for premiums or risks which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the company ; and in case of any loss or losses whereby the capital stock of the company shall be lessened, each proprietor's or stockholder's estate shall be held accountable for the instalment that may be due on his share or shares at the time of said loss or losses taking place, to be paid into the said company by assessments, or such other mode and at such time or times as the Directors shall order, and no subsequent dividend shall be made,

until a sum equal to such diminution shall have been added to the capital, and that once in every two years, and oftener if required by a majority of the votes of the stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SEC. 8. *Be it further enacted*, That the said company shall not directly or indirectly deal or trade in buying or selling any goods, wares or merchandise, or commodities whatsoever; and the capital of said company, after being collected at each instalment, shall within ninety days be invested either in the funded debt of the United States or of this Commonwealth, or in the stock of any incorporated bank in this Commonwealth, at the discretion of the President, and Directors of the said Company, or of other officers which the proprietors shall for such purpose appoint. Funds of the company.

SEC. 9. *Be it further enacted*, That fifty dollars on each share in said company shall be paid within sixty days after the first meeting of the said company, and the remaining sum due on each share within one year afterwards, at such equal instalments and under such penalties as the said company shall direct, and no transfer of any share in said company shall be permitted or be valid, until all the instalments on such shares have been paid. Monies due.

SEC. 10. *Be it further enacted*, That in case of any loss or losses taking place equal to the amount of the capital stock of said company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed; and no person being a Director of any company carrying on the business of Marine Insurance, shall be at the same time a Director of the company hereby established. Officers' estate accountable for default.

SEC. 11. *Be it further enacted*, That the President and Directors of the said company shall, previously to their subscribing to any policy, and once in every year after, publish in one newspaper, printed in Boston, the amount of their stock, against what risk they mean to insure, and the largest sum they will take on any one risk. *Provided* Provide.

nevertheless, that the said President and Directors shall not be allowed to take more on any one risk than ten per centum of the amount of the capital stock of said corporation actually paid in ; and the President and Directors of the said company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination concerning the same under oath.

Stockholders authorized to call meeting.

SEC. 12. *Be it further enacted*, That any three of the Stockholders are hereby authorized to call a meeting of the members of said company, as soon as may be, in Duxbury, by advertising the same for three weeks successively in some one newspaper printed in Boston.

[This act passed *February 27, 1811.*]

CHAP. CVI.

An Act to authorize the town of Brewster to sell the Ministry Lands, and to appropriate the proceeds thereof towards the ministerial funds, and to appoint Trustees for the management thereof.

Trustees appointed and 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 the Selectmen of the town of Brewster, for the time being, the Treasurer and the Clerk of the parish, and the Deacons of the Church for the time being, in the said town of Brewster, be, and they are hereby appointed and incorporated as Trustees, by the name of The Trustees of the Brewster Ministry Fund, and by that name they and their successors in office shall be and continue a body politick and corporate forever, and they shall have a common seal, subject to alteration, and they may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid, and shall have all other powers which are incident to and necessarily belonging to the like corporations ; and the said Trustees and their successors may annually elect one of their number as President, and a Clerk to record the doings of the said Trustees, and a Treasurer to receive and pay the

Officers to be elected.

monies belonging to the said fund, according to the provisions of this act, who shall give bond to the said Trustees for the faithful performance of his duty, and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office.

SEC. 2. *Be it further enacted*, That the said Trustees be, and they are hereby authorized and empowered to sell and convey the several lots of land belonging to the town of Brewster, which have been and are appropriated to the support of the ministry in the said town, and the monies arising from the sale of the said lands shall be put on interest, and shall form a fund for the support of the ministry in the said town, which shall be under the care and management of the said Trustees, in the manner provided for and directed in this act; and all gifts, grants, donations, bequests or legacies which have been or may be hereafter made, to and for the same use and purpose, shall be added to the said accumulating fund, and shall be under the same care and improvement of the Trustees aforesaid, and when the said Trustees shall loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate to the full value of the estate or land mortgaged, or money loaned, or by two or more sufficient sureties, with the principal, unless the said Trustees shall think it best to invest the said proceeds in publick funded securities or bank stock, which they shall have authority to do; and the interest, and that only, shall ever be appropriated for the uses aforesaid, and it shall never be in the power of the said Trustees to alter or alienate the appropriation of the fund aforesaid, and the said Trustees are hereby authorized to make and execute a good and sufficient deed or deeds of the said several lots of land, which shall be subscribed by the Treasurer, and when duly executed, acknowledged and delivered by the direction of the said Trustees, shall be valid and effectual in law to pass and convey the fee simple title from the town to the purchaser.

Authorized
to sell lands.

Monies to be
secured.

SEC. 3. *Be it further enacted*, That the said Trustees, Treasurer, Clerk, or other officers or persons, or persons employed by them, shall be entitled to receive no compensation for the services they may perform out of any

Feb. 27, 1811.

Compensa-
tion allowed.

monies belonging to the said fund, but a reasonable compensation shall be paid them by the town, and the said Trustees, and each of them shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage resulting thereby to the fund ; and the debt or damage recovered in such suit shall be to the use and disposal of the town ; and the said Trustees and Treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the fund at the annual meeting in March or April.

Justice to is-
sue Warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Barnstable, is hereby authorized, upon application therefor, to issue his warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation by the appointment of its officers.

[This act passed *February 27, 1811.*]

CHAP. CVII.

An Act in further addition to an act entitled "An act for incorporating certain persons for the purpose of building a Bridge over Merrimack River, between the towns of Haverhill and Newbury, in the county of Essex, and for supporting the same."

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 Merrimack Bridge be, and they are hereby authorized, from and after the first day of April next, to move the Lamp that is now placed on the end of the aforesaid bridge (next to Haverhill shore) to the centre of the first arch on the upper side of the said arch next to the aforesaid shore.

[This act passed *February 27, 1811.*]

CHAP. CVIII.

An Act to incorporate The Second Religious Society in Wiscasset.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Roger Smith, William Clark, Benjamin Allbee, William Thompson, Joseph Rawlings, James Kennedy, Michael Sevey, Samuel Clark, Joseph Currin, Samuel Hubbard, Calvin Pratt, Ebenezer Allbee, Joseph C. Fulker, Joshua Danforth, Rufus Kelton, Joseph Stephens, junior, Nathaniel Stevens, Joshua Boynton, William Allbee, John Getchell, Enoch Chase, Thomas M. Cargill, John S. Foye, John Warren, Jonathan Hemtoon, Ebenezer Brown, Robert L. Wheelwright, Nathaniel Austin, Daniel Quinnam, Andrew Haraden, Benjamin Jackson, Chandler Dammon, Nathan Smith, Thomas Tumdly, Joseph Foster, John B. Mange, James Gordon, John Taylor, Walter Madigan, Silas Smith, James Lyht, William Vincent, Stephen Coffin, Oliver Whitcomb, Caleb Smith, Joseph Stephens, George Snell, John Decker, Nathaniel Hawtt, James M. Kelsa, William Perkins, Samuel Munsey, William Elmes, John Hamlin, Benjamin Hayden, Thomas Hankerson, and Jeremiah Dalton, members of said religious society, with their polls and estates, be, and they are hereby incorporated, by the name of The Second Religious Society in Wiscasset, with all the privileges and immunities which parishes or religious societies in this Commonwealth are by law entitled to : *Provided however,* that all such persons shall be holden to pay their proportion of all monies assessed in said town of Wiscasset, for parochial purposes, previous to the passing of this act.

Persons in-
corporated.

SEC. 2. *Be it further enacted,* That any person in said town of Wiscasset, who may at any time actually become a member of and unite in religious worship with the said second religious society, and give in his name to the clerk of said town of Wiscasset, with a certificate, signed by the minister or clerk of said second religious society, that he hath actually become a member of and

Method of
joining the
society.

Proviso.

united in religious worship with said second religious society, fourteen days previous to the town or parish meetings, to be holden in the months of March or April, shall, from and after giving such certificate, be considered, with his polls and estates, as belonging to said second religious society. *Provided however*, that all such persons shall be holden to pay their proportion of monies assessed in the town or parish to which they belonged previous to that time.

Justice to issue Warrant.

SEC. 3. *Be it further enacted*, That any Justice of the Peace in the county of Lincoln, be, and he is hereby authorized to issue his warrant, directed to some suitable member of said society, requesting him to warn the members of said society, qualified to vote in parish affairs, to assemble at some suitable place in said town of Wiscasset, to choose such parish officers as are by law required to be chosen in the months of March or April annually, and to transact all other matters and things necessary to be done in said society.

[This act passed *February 27, 1811.*]

CHAP. CIX.

An Act supplementary to an act, entitled "An act to prevent damage by mischievous dogs."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of April next, every person in this Commonwealth, who is or may be the owner of any dog or dogs, above the age of four months, and the parent, guardian, master, or mistress of any minor or servant, who shall own or keep any such dog, who shall neglect to cause such dog constantly to wear a collar, agreeably to the provisions of the first section of the act to which this is in addition, shall forfeit and pay the sum of *Ten Dollars*, with costs of prosecution, to be sued for and recovered in an action on the case, before any Justice of the Peace, qualified to act in said office, to the use of him who shall sue for the same.

[This act passed *February 28, 1811.*]

CHAP. CX.

An Act to set off Elias Smith from the town of Hadley, and annex him to the town of Amherst, 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 Elias Smith, his family and his buildings of every description, together with so much of the farm whereon he now lives, as lies on the east side of a line parallel with the present boundary line between the towns of Hadley and Amherst, and ten rods west of the westernmost part of his dwelling-house, be, and they hereby are set off from the said town of Hadley, in the county of Hampshire, and annexed to the said town of Amherst, in the county aforesaid; and the said Elias and his family, shall hereafter be considered inhabitants of the town of Amherst, and shall there exercise and enjoy all their rights and privileges, and shall be subject to all duties and requisitions, in the like manner with the other inhabitants of said town of Amherst. *Provided however,* that the said Elias shall be holden to pay all taxes which have been legally assessed upon him by the town of Hadley, prior to the passing of this act.

[This act passed *February 28, 1811.*]

CHAP. CXI.

An Act supplementary to an act, entitled "An Act for regulating, governing and training the Militia of this Commonwealth."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all fishermen actually employed in vessels owned by citizens of the United States, either registered or licenced to carry on the fishing business, shall be, and they are hereby deemed to be mariners, and as such are exempted from militia duty while they are actually employed as aforesaid.

[This act passed *February 28, 1811.*]

CHAP. CXII.

An Act to preserve and regulate the taking or catching of fish called Smelts, in the Island River, so called, in the south part of the town of Malden, 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 from and after the passing of this act, it shall not be lawful for any person or persons to set and draw any seine, net, or drag nets in the Island River (so called) between Beacham's Point and a dam in said river, near the island so called, in said town of Malden, from the first day of October to the first day of May annually; and any person so offending herein, shall for each offence forfeit and pay a sum not more than twenty dollars, nor less than ten dollars, to be recovered by action of debt before any court proper to try the same, one half to the use of the town, and the other half to the use of him or them who may sue therefor.

[This act passed *February* 28, 1811.]

CHAP. CXIII.

An Act to repeal an act, entitled An act to regulate the fishery in the towns of Ipswich, Hamilton and Wenham.

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 first day of March, eighteen hundred and nine, entitled an act to regulate the fishery in the towns of Ipswich, Hamilton and Wenham, be, and the same is hereby repealed.

[This act passed *February* 28, 1811.]

CHAP. CXIV.

An Act for the relief of poor Debtors.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no person shall, from and after the first day of June next, be committed to gaol, or be liable to be imprisoned on any execution issued on any judgment founded on contract, made or entered into after the passing this act, unless the debt or damage in such execution shall exceed the sum of five dollars; and it shall hereafter be the duty of the Clerk of the Court, or Justice of the Peace who may issue execution upon any judgment founded upon contract, the amount of which judgment, exclusive of costs, does not exceed the sum of five dollars, so to vary the form of such execution, as that the same shall not run against the body of such debtor.

[This act passed *February* 28, 1811.]

CHAP. CXV.

An Act to set off Joshua Chase, of the town of Sutton, in the county of Worcester, from the South Parish, and annex him and his estate to the North Parish, in said town.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joshua Chase, of Sutton, in the county of Worcester, with his poll and estate, lying and being in the said south parish of Sutton, be, and hereby is set off from the said south parish, and annexed to the north parish in said town.

[This act passed *February* 28, 1811.]

CHAP. CXVI.

An Act in addition to an act, entitled “An act for providing and regulating of Prisons.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in any action (now lawfully pending) or which may hereafter be lawfully pending, in any of the courts of law, in this State, on any bond given to entitle a debtor to the liberty of gaol yard, if it shall appear to the court, either upon a hearing in equity or by the finding of a jury, that such debtor escaped not wilfully, but through accident, or through misapprehension of the limits of the day time, or of the limits of the gaol yard, then the court may enter judgment for the plaintiff, for the money due on the execution on which such debtor was committed, with interest thereon, and the charges of levying the same execution, together with the costs of said action, any law to the contrary notwithstanding. And when the jury shall find that such debtor did escape, they may also inquire and find whether such escape was not through accident or misapprehension, as aforesaid.

[This act passed February 28, 1811.]

CHAP. CXVII.

An Act in addition to an act, entitled An act to prevent the destruction of alewives and other fish in Ipswich river, and to encourage the increase of the same.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That it shall be lawful for the inhabitants of the towns of Ipswich, Hamilton, Topsfield, Reading, Danvers and Middleton, to take fish with seines, or drag nets in Ipswich river one day in each week, which day shall be Wednesday, at such place in each town as the fish committees in said towns shall respectively direct, and

under such regulations and restrictions as the towns aforesaid shall adopt, any thing in the act entitled "An act to prevent the destruction of alewives, and other fish in Ipswich river, and to encourage the increase of the same," to the contrary notwithstanding.

[This act passed February 28, 1811.]

CHAP. CXVIII.

An Act to establish a Methodist Society in the towns of Falmouth and Sandwich.

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 Barney Merchant, Barney Hammond, Nathaniel Hammond, Sylvanus Hammond, William Shearman, Seth Robinson, Barnabas Chadwick, jun. Nathaniel Nye, Ruth Hatch, Benoni Nickerson, Benjamin Smith, Robert Hammond, Luke W. Phelps, Peter Yost, Hugh G. Donaldson, Major Hatch, Barnabas Price, Jonathan Green, Rufus Butler, John Gorham, Joseph Palmer, David Hatch, jun. Ephraim Parker, William Nye, Elijah Nickerson, Ebenezer Wicks, Joshua Jenkins, Solomon Green, John Tobey, Benoni Studley, Timothy Bourn, Isaiah Fish, Malachi Davis, Ebenezer Studley, Hiram Chase, Obadiah Baker, James Bourne, Lothrop Lewis, Israel Bourne, Samuel Nye, Jonathan Parker, and John Edwards, all of Falmouth; David Dimmick, Moses Nye, Samuel Swift, Ward Swift, Jeremy Alney, Moses Swift, William Handy, Archelaus Tobey, Thomas Wing, John Witherill, David Wing, Isaiah Godfrey, Silas Perry, Covell Burgess, Crowell Burgess, Perez Burgess, John Perry, Arther Perry, John Finney, Jabez Finney, Edward Finney, John Finney, jun. Samuel Nye, Stephen Swift, Benjamin Bourne, Samuel Drody, Nathaniel Nye, John Dillingham, Levi Nye, David Bates, Elijah Bates, and Zacheus Hatch, all of Sandwich, together with their families and estates, and such others within the said towns of Falmouth and Sandwich, as may hereafter associate and join with them, be, and they are hereby incorporated into a religious society, by the name of The Methodist Society in Falmouth and

Persons incorporated.

Sandwich, with all the powers, privileges and immunities to which other religious societies are entitled by the constitution and laws of this Commonwealth.

Method of
joining the
society.

SEC. 2. *Be it further enacted*, That any person, in either of the aforesaid towns of Falmouth and Sandwich, who may at any time hereafter be desirous to unite with and shall become a member of said Methodist Society, shall declare such intention, in writing, by giving in his or her name to the minister or clerk of said Methodist Society, and shall receive a certificate of membership, signed by the minister, class-leader, or clerk of the said society, that he or she has united in religious worship with, and become a member of said Methodist Society, and shall also leave an attested copy of such certificate with the clerk of the parish or society to which he or she belonged, fourteen days previous to the annual parish meeting in March or April, shall, from and after giving in such certificate, with his or her polls and estates, be considered as a member of the said society. *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed and not paid to the society from which such person has seceded.

Method of
leaving the
society.

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

Justice to is-
sue Warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the county of Barnstable, be, and he is hereby authorized to issue his warrant, directed to some suitable member of the said society, requiring him to notify and warn the members thereof, qualified to vote in parish

affairs, to assemble at such convenient time and place as shall be appointed in said warrant, for the choice of such officers as parishes are by law empowered to choose at their annual parish meetings.

SEC. 5. *Be it further enacted*, That the members of the Methodist Society aforesaid, be, and hereby are empowered to receive and hold by deed in fee, such land as may be necessary for a meeting-house lot, burying-ground, and a small settlement for their ministers in each of the towns aforesaid. Empowered to hold estate.

[This act passed *February* 28, 1811.]

CHAP. CXIX.

An Act further regulating Divorces.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever any husband shall utterly desert his wife, or shall grossly or wantonly and cruelly neglect or refuse to provide suitable maintenance for her, being of sufficient ability thereto, in every such case the wife may be divorced, a mensa et thoro, and upon a libel for that purpose, the Supreme Judicial Court shall have as full authority as to alimony, and all other matters and things, as they now have, or may hereafter have in other cases of Divorce, a mensa et thoro.

[This act passed *February* 28, 1811.]

An Act to apportion and assess a tax of one hundred and thirty-three thousand three hundred and two dollars and fifty-two cents, and providing for the reimbursement of thirty-five thousand two hundred and fourteen dollars, paid out of the publick treasury to the members of the House of Representatives for their attendance at the two last sessions of the General Court.

[This act passed *February* 26, 1811.]

CHAP. CXX.

An Act in addition to an act, entitled An act to establish the Middlesex Turnpike Corporation, and to the several acts in addition thereto.

Preamble.

WHEREAS, by an act of the Legislature, passed March 6, 1810, it was provided that a part of the Middlesex Turnpike Road which had been laid out and partly made in the towns of West Cambridge and Lexington, viz. from a point in the old road in said Lexington, below the house of Joseph Harrington, to a point in the old road in said West Cambridge, near John Frost's blacksmith's shop, should be changed and altered, and instead thereof the course of said road should be from said point in Lexington, in the nearest practicable rout to a point in the old road in said West Cambridge, near the foot of the rocks (so called); *provided* the inhabitants of said West Cambridge should lay out and make said last mentioned piece of road for the use and benefit of said Turnpike Corporation. Now the said inhabitants of West Cambridge, having procured said road to be laid out and made, yet the same cannot accrue to the use and benefit of said corporation, because said piece of road was not laid out as a part of said Turnpike road, but as a County road, and is recorded and established as such—Therefore,

Road annexed to Turnpike.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That said piece of road, from a point in the old road in Lexington, below the house of Joseph Harrington, to a point in the old road in West Cambridge, near the foot of the rocks (so called) as the same is now laid out and made, shall and may become a part of the Middlesex turnpike road, extending from Buiscrib Bridge, in Tyngsborough, to Cambridge-Port, all which road is hereby established as fully as it could have been had it been all laid out under the Turnpike Act, according to law. And said corporation are hereby authorized to erect one of their gates on any part of said piece of road, between said point in Lexington and said point in West Cambridge, near the foot of the rocks (so called), any thing in the general Turnpike Law to the contrary notwithstanding.

[This act passed February 28, 1811.]

CHAP. CXXI.

An Act to repeal certain parts of an act, entitled “An act in addition to an act, entitled an act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth.”

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the first, third, fourth and fifth sections of an act passed the sixth day of March, in the year of our Lord eighteen hundred and ten, entitled “An act in addition to an act, entitled An act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth,” from and after the passing of this act, be, and the same is hereby repealed.

[This act passed *February 28, 1811.*

CHAP. CXXII.

An Act establishing The Sutton and Charlton Cotton, Woollen and Linen Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Estes Howe, Aaron Tufts, and John Spurr, 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 Sutton and Charlton Cotton, Woollen and Linen Association; for the purpose of manufacturing cotton, woollen and flax in the county of Worcester, and for that purpose 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, one thousand eight 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 forty thousand dollars, and personal estate not exceeding one hundred and twenty thousand dollars, as may be necessary and convenient for carrying on the manufacture of cotton, woollen and linen in the said county of Worcester.

[This act passed *February 28, 1811.*]

CHAP. CXXIII.

An Act in addition to an act, entitled An act to incorporate Dummer Sewall and others, proprietors of the new meeting-house, in the town of Bath, into a religious society, by the name of The Congregational Society in the town of Bath.

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 Congregational Society may, after the passing of this act, take the name and style of The North Congregational Society, in the town of Bath, and by that name shall in future be called and known.

Society's
name.

Power to
assess taxes.

SEC. 2. *Be it further enacted,* That the said Congregational Society be, and they are hereby empowered to assess one half of any sum they may legally vote to be raised in the same, upon the polls and estates of the members of said society, and to assess and raise the other half upon the pews and seats, according to the provisions of their act of incorporation; the half assessed on the polls and estates, to be assessed according as town taxes are assessed; and the assessors of said society are hereby authorized to issue their warrant to the collector of taxes for said society, in the same manner and form as selectmen issue theirs, for the collection of town taxes, and the collector shall have like powers and be liable to like restrictions and duties as collectors of town taxes are.

[This act passed *February 28, 1811.*]

CHAP. CXXIV.

An Act to prevent Livery Stables being erected in certain places in the town of Boston.

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, no building shall be erected within the town of Boston, and used and improved as a stable, for the taking in and keeping horses or chaises, or other carriages, upon hire, or to let, commonly called Livery Stables, within one hundred and seventy feet of any church or meeting-house, erected for the publick worship of God. *Provided how-* ever, that this act shall not be so construed as to prevent the finishing of any stable which has been in part erected, if the completion thereof shall be approved by the Selectmen of the town of Boston. Livery Sta-
bles.
Proviso.

SEC. 2. *Be it further enacted,* That for any offence against the provision of this act, the owner or owners, keeper or keepers of such building shall forfeit and pay the sum of one hundred dollars for every calendar month during which the same shall be so used and improved, to be recovered by action of debt, one half thereof to enure to the use of the poor of the town of Boston, and the other half thereof to him or them who shall sue for the same. Forfeiture.

[This act passed *February 28, 1811.*]

CHAP. CXXV.

An Act to change the name of the town of New Milford, in the county of Lincoln.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the name of the said town of New Milford, in the county of Lincoln, shall cease, and the said town shall be hereafter known and called Alna, any law to the contrary notwithstanding.

[This act passed *February 28, 1811.*]

CHAP. CXXVI.

An Act regulating the taking of fish called Alewives, in Mill-River and Mill-Brook, in the town of Duxbury.

Preamble.

WHEREAS, Abner Harlow, of said Duxbury, is the owner of a mill-pond, lying on the source of said Mill-Brook, and said pond being very convenient for the fish called alewives, to cast their spawn in—

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 fish called alewives, may be taken by the said Abner Harlow, or by whoever shall hereafter be the legal owner or owners of said mill-pond, in any part of said mill-brook, and at any time when it shall be most for his or their interest to take said fish, under such regulations and restrictions as is hereafter provided.

Inhabitants
authorized
to choose
overseers.

SEC. 2. *Be it further enacted,* That the inhabitants of said town of Duxbury, at their meeting for the choice of town officers, in March or April annually, be, and they hereby are authorized and directed to appoint one person to oversee the taking of said fish, as aforesaid; and the fish so taken by the said Abner Harlow, or his successors as aforesaid, shall, under the direction of said person so chosen, be distributed as equally as circumstances will admit, to such of the inhabitants of said town as may apply for the same; and for fish so supplied and delivered, the said Abner Harlow, or his successors as aforesaid, shall demand and receive of the person or persons applying therefor, payment, at such rate or rates as the inhabitants of said town at their annual meeting in March or April, may direct; the said Abner Harlow, and his successors as aforesaid, to pay all the expense that may be incurred in the preservation, taking and disposing of said fish.

Forfeiture.

SEC. 3. *Be it further enacted,* That if any person or persons shall obstruct in any manner whatever the passage-way of said fish in any part of said river or brook, above Abraham's Island (so called) such person or persons so offending, shall forfeit and pay a sum not exceeding sixty dollars, nor less than thirty dollars.

SEC. 4. *Be it further enacted,* That if any person or persons, other than the owner or the owners of the aforesaid

mill-pond, or such person or persons as shall be by them employed, shall take any of the said fish in the said river or brook, or in any part of either as aforesaid, at any time, or by any means whatsoever, each person so offending, shall forfeit and pay a sum not exceeding ten dollars, nor less than two dollars, for every such offence. Forfeiture.

SEC. 5. *Be it further enacted*, That all penalties incurred by the breach of this act may be sued for and recovered, by the said Abner Harlow, or his successors, as aforesaid, in any court in the county of Plymouth, proper to try the same ; and all sums so recovered, shall be appropriated, one moiety to the complainant, and the other moiety to the said Abner Harlow, or his successors as aforesaid ; and in case any minor shall offend against any part of this act, and thereby incur any or either of the penalties aforesaid, in all such cases the parent, master or guardian of such minor or minors, shall be accountable therefor ; and in case of prosecution of such minor or minors, for any offence, the action shall be commenced against the parent, master or guardian of such minor or minors, respectively, and judgment be rendered against any parent, master or guardian, in such case, in the same manner as for his or their personal offence. Penalties incurred subject to suit.

[This act passed *February 28, 1811.*]

CHAP. CXXVII.

An Act for the relief of persons who are scrupulous about taking oaths.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That whenever any persons shall be required to take or subscribe any oath, before he enters on the discharge of any office, place, or business, or on any other lawful occasion, and such person shall be of the denomination of the people called Quakers, he or she shall be permitted to make affirmation, instead of the oath which is or may be by law prescribed, changing such parts of any such oath as ought to be changed, conformably to the constitution of this Commonwealth. Affirmation instead of oath.

A a a

SEC. 2. *Be it further enacted*, That if any person shall wilfully, falsely, and corruptly, make or subscribe any such affirmation as aforesaid, he or she shall be liable to the same pains and penalties as are or may be by law provided against persons who wilfully, falsely and corruptly take or subscribe the oath for which such affirmation is substituted.

[This act passed February 28, 1811.]

CHAP. CXXVIII.

An Act in addition to an act, entitled "An act to regulate the manufacture and inspection of Stone Lime and Lime Casks, passed the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and ten,"

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 inspector, or his deputy, appointed by virtue of the act aforesaid, shall be paid by the manufacturer, or owner of said Lime, four cents for each cask of Lime inspected and branded, according to the provisions of the same act; and the said inspector shall be entitled to receive from any deputy he may appoint, one cent, for every cask said deputy inspector shall inspect, and brand, according to the act aforesaid, to which this is in addition.

Inspection
of lime.

SEC. 2. *Be it further enacted*, That the fourth section of the act to which this is in addition, be, and hereby is repealed.

[This act passed February 28, 1811.]

CHAP. CXXIX.

An Act establishing The First Methodist Society in Falmouth.

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 W. Collins, Joseph Sturdevant, Joseph Drinkwater, Jeremiah Cushing, Reu-

ben Kezer, Solomon Sawyer, Joseph Blanchard, Ambrose Hamilton, John Curit, Ebenezer Hill, James Hamilton, Lemuel Hamilton, Jonathan Hamilton, Nathaniel Hatch, Hezekiah Winslow, Daniel Ilsley, Daniel Babb, Benjamin Quimby, jun. Daniel Small, Joseph Small, Job Winslow, jun. Nathan Cloutman, Dean Frye, Moses Quimby, Benjamin Field, Nathaniel Wilson, jun. Samuel Proctor, Nathaniel Partridge, Nathan Barnett, Charles Pike, Timothy Pike, Solomon Sawyer, Jotham Whitney, Stephen Bennett, Jonathan Webber, Simeon Webber, George Marston, John Marston, 3d, Andrew Leighton, William Leighton, Ozni Harris, Amos Burnham, Samuel Frink, Obadiah Field, John Bracket, jun. Samuel Mountford, Obadiah Berry, Joshua Berry, Joseph Storer, Lemuel Hamilton, with their families and estates, together with such others as have or may hereafter have associated with them or their successors, be, and they are hereby incorporated as a separate religious society, by the name of The First Methodist Society in Falmouth and North Yarmouth, with all the powers and privileges to which parishes or religious societies are entitled, according to the constitution and laws of this Commonwealth. *Provided however*, that all such persons shall be holden to pay their proportion of all monies legally assessed for parochial purposes in the parish to which he or she formerly belonged.

Persons incorporated.

Proviso.

SEC. 2. *Be it further enacted*, That any person belonging to any other religious society, in either of the towns aforesaid, who may desire to join with the said Methodist Society, in the towns aforesaid, and who shall declare such intention, in writing, delivered to the parish clerk, or the clerk of such other religious society, and produce a certificate, signed by the minister or clerk of said Methodist Society, that he or she has actually become a member of and united in religious worship with the said Methodist Society, on or before the first day of March annually, such person shall, from the date of such certificate, be considered, with his or her polls and estates, a member of said Methodist Society.

Method of joining the society.

SEC. 3. *Be it further enacted*, That when any member of the said Methodist Society shall see cause to leave said society, and unite with any other religious society in the town in which he or she may dwell, or have their home, and shall give such notice of their intention, to the minister

Method of leaving the society.

Proviso.

or clerk of the said Methodist Society, and shall also give in his or her name to the minister or clerk of such other society, fifteen days before the annual parish or society meeting, such person shall, from the date of such certificate, with his or her polls and estate, be considered a member of such other society. *Provided however*, that in every case of seceding from one society to, and joining another, every such person shall be held to pay his or her proportion of all parochial expenses, incurred previous to leaving such society.

Justice to issue Warrant

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

[This act passed *February 28, 1811.*]

CHAP. CXXX.

An Act to incorporate The Proprietors of the New Meeting-House, in the town of Braintree.

Preamble.

WHEREAS, a number of persons associated in the month of March, in the year of our Lord one thousand eight hundred an ten, and did purchase a piece of ground, on which they have since erected and completed a new meeting-house, for publick worship, in the town of Braintree—

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 Minot Thayer, John White, Alexander White, John Hayward, Samuel Arnold, their associates and successors, be, and they hereby are constituted and made a corporation and body politick, by the name of The Proprietors of the Union Meeting-House Corporation; and shall by that name sue and be sued, defend and be defended, in all actions in which said corpo-

ration may be concerned ; have a common seal, which they may alter at pleasure, and may also ordain and establish such by-laws and regulations, and choose such officers as to them shall seem necessary. *Provided*, such by-laws Provido. and regulations shall be in no wise contrary to the laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That said corporation shall have full power to assess upon the individuals composing the same, in proportion to the number of shares in said meeting-house, subscribed for by each, such sum or sums of money as shall be sufficient to pay the debts now Power to assess monies. due from said corporation, and all necessary future charges, and to collect said assessments in such way and manner, and by such officers and agents as said corporation shall determine ; and said corporation shall also have power, by such officers or committee as they shall appoint therefor, to execute deeds of pews in said meeting-house, to purchasers thereof, and to convey said meeting-house, and the land thereto belonging, or any part of the same, to The Union Religious Society, or any member or members of the same, upon such conditions, and under such regulations as shall be agreed upon between said corporation and said society, or said members, reserving to individuals the pews owned and held by them respectively.

SEC. 3. *Be it further enacted*, That each proprietor, or agent duly authorized, in writing, shall have a right to vote Right to vote in all meetings of said corporation, and be entitled to as many votes as he has shares. *Provided*, that no person Provido. shall be entitled to more than ten votes.

SEC. 4. *Be it further enacted*, That the several meetings heretofore held by the associates hereby incorporated, and all proceedings thereat, conformable to the original articles of their association, necessary to carry the same into effect, be, and hereby are confirmed and made valid in law, and the officers and agents heretofore chosen by said associates, shall continue officers and agents of this corporation, until others shall be chosen in their stead.

SEC. 5. *Be it further enacted*, That any Justice of the Peace in the towns of Weymouth or Braintree, is authorized to fix the time and place of holding the first meeting Justice to fix time of meeting. of the proprietors, by causing a written notification (certifying the purposes for which said meeting is called) to be

posted up on the west door of the meeting-house, ten days at least previous to said meeting.

[This act passed *February 28, 1811.*]

CHAP. CXXXI.

An Act to enforce the satisfaction and payment of executions and warrants of distress, against certain corporations.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any judgment has been, or may hereafter be recovered in any court of law, against any turnpike, bridge, canal, or other company, incorporated by law, with power to receive toll, the franchise of such corporation, with all the privileges and immunities thereof, so far as relates to the right of demanding and receiving toll, as well as all other corporate property, either real or personal, shall be liable to the satisfaction and payment of such judgment, and may be taken and sold on execution, at publick vendue; the officer first giving notice of the time and place of sale, by posting up a notification thereof in any town, district or plantation, in which the clerk, treasurer, or any of the directors of said corporation may dwell, thirty days at least before the time of sale, and also by causing an advertisement, expressing the name of the creditor, the amount of said execution, and the time and place of sale, to be inserted three weeks successively, in some publick newspaper, published in any county, in which either of the aforesaid officers of said corporation may dwell, (if any such newspaper shall be there printed) the last publication to be at least four days before the day of sale.

Incorporation made liable for debts.

SEC. 2. *Be it further enacted,* That in the sale of such franchise, any person who will pay and satisfy said execution, and all legal fees and expenses thereon, in consideration of being entitled to receive, to his own use, for the shortest period of time, all such toll as the said corporation may by law be entitled to demand and receive, shall be considered as the highest bidder, and the same shall be

Regulation of sales.

struck off to him accordingly ; and the officer's return on said execution shall transfer to the purchaser all the privileges and immunities which by law belonged and appertained to said corporation, so far as relates to the right of demanding and receiving toll ; and the said officer shall, immediately after such sale, be authorized and empowered to deliver to said purchaser, possession of all the toll-houses and gates belonging to said corporation, in whatever county the same be situated ; and the said purchaser shall thereupon be entitled to demand and receive to his own use, all the toll which may accrue, within the time limited by the term of his purchase, in the same manner, and under the same regulations as the said corporation was before authorized to demand and receive the same. *Provided* however, that the said corporation shall, in all other respects, retain the same powers, be bound to the discharge of the same duties, and liable to the same penalties and forfeitures as before belonged to and were required of them by law ; and *provided also*, that if the said corporation shall, at any time within three months from the time of such sale, pay over or tender to said purchaser such sums of money as he may have paid, in satisfaction of said execution, with twelve per cent. interest thereon, in addition to the toll which he may have received, then the said franchise, and all the rights, privileges and immunities thereof, shall revert to said corporation, and shall in all respects belong and appertain to them, as if the same had not been sold as aforesaid.

In case of purchase.

Proviso.

Redemption of shares.

SEC. 3. *Be it further enacted*, That all the rights, privileges and immunities aforesaid, shall be liable to attachment on mesne process ; and when such attachment shall be made, or other service of a mesne process shall be made on any of the corporations aforesaid, the officer serving the same, shall leave an attested copy of said process, and his return thereon, with the clerk, treasurer, or some one of the directors of said corporation, thirty days at least before the day of the sitting of the court to which the same may be returnable.

Attachment.

SEC. 4. *Be it further enacted*, That whenever any damages have been, or may hereafter be assessed to any person or body politick, either by the report of a committee, or the verdict of a jury, for any injury sustained in his or their property, by the doing of any of the corporations

Assessment for damages

aforesaid, and the said damages shall remain unpaid for the space of thirty days after the final acceptance of such report or verdict, such person, or body politick, upon petition to any court, by which such report or verdict was accepted, shall be entitled to a warrant of distress against said corporation, for the damages so assessed, and the interest thereon, together with his or their reasonable costs; and the officers to whom such warrant of distress may be delivered, may proceed to execute the same, in the same manner as is herein before provided for the levying and satisfaction of executions. *Provided also*, that all such warrants of distress as may have already been granted or issued, against any of said corporations, may be levied and satisfied, in the same manner as herein directed.

Proviso.

SEC. 5. *Be it further enacted*, That the officer who may levy any execution or warrant of distress, by virtue of this act, shall be authorized to adjourn the vendue from time to time, not exceeding ten days at any one time, until the sale shall be completed.

Officers
power.

SEC. 6. *Be it further enacted*, That all proceedings under the authority of this act, may be had in any county in which either the creditor or the president, either of the directors, the treasurer, or clerk of said corporation, may reside or dwell.

Place of
meeting.

[This act passed *February 28, 1811.*]

END OF JANUARY SESSION, 1811.