

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# LAWS

OF THE

## Commonwealth of Massachusetts,

PASSED AT THE SEVERAL

*SESSIONS OF THE GENERAL COURT,*

HOLDEN IN BOSTON,

BEGINNING 26th MAY, 1812, AND ENDING ON THE 2d MARCH, 1815.

---

Published agreeably to a Resolve, passed 16th January, 1812.

---



VOL. VI.

---

*BOSTON:*

PRINTED BY RUSSELL, CUTLER, AND CO. FOR BENJAMIN RUSSELL,

PRINTER TO THE STATE.

.....

1812-15.

# L A W S

OF THE

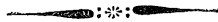
## COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT AT THE SESSION,

COMMENCING ON THE

27<sup>th</sup> DAY OF JANUARY AND ENDING ON THE 27<sup>th</sup> DAY OF FEBRUARY,

ONE THOUSAND EIGHT HUNDRED AND THIRTEEN.



### CHAP. LXXIV.

An Act in further addition to an act, entitled, "An act to incorporate the persons herein named into a Company by the name of The Broad-street Association, in the town of Boston."

**B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act, entitled, "An act to incorporate the persons herein named into a Company by the name of The Broad-street Association, in the town of Boston," shall be, and the same is hereby continued in force, until the first day of March, in the year of our Lord, one thousand, eight hundred and fourteen, for the purpose of enabling said Corporation to sell their estate and close their concerns. Act continued.

[Approved by the Governor, Feb. 5, 1813.]

## CHAP. LXXV.

An Act to incorporate the Framingham Manufacturing Company.

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 Calvin Sainger, Aaron Leland, Joseph Sanger, Leonard Dearth, Benjamin Wheeler, Luther Belknap, Hopstill Leland, jun, Comfort Walker, Moses Adams, Lewis Wheeler, Micah Adams, Joseph Lovell Richardson, Phillips Clark, and Elias Whiting, together with such others as may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Framingham Manufacturing Company, for the purpose of manufacturing wool and cotton, in the town of Framingham, in the county of Middlesex; and for those purposes shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, entitled, "An act defining the general powers and duties of manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

Value of  
estate.

SEC. 2. *Be it further enacted*, That said Corporation, in their corporate capacity, shall, and may lawfully hold and possess such real estate, not exceeding in value, thirty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on said manufactures in their various branches as aforesaid.

[Approved by the Governor, Feb. 6, 1813.]

## CHAP. LXXVI.

An Act to alter the name of Joshua Gee Whittemore, Jun.

**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, Joshua Gee Whittemore, jun. of Gloucester, in

the county of Essex, mariner, shall be allowed to take the name of Harvev C. Mackay, and he shall in future be called and known by the said name; and the said name shall forever hereafter be considered as his only proper and legal name, to all intents and purposes. Name altered.

[Approved by the Governor, Feb. 13, 1813.]

---

## CHAP. LXXVII.

An Act to establish the Falls Cotton Manufacturing 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 William Blackinton, John Cheever, Asa Read, Lemuel May, Edward Richards, jun. Persons in- Artemas Stanley, and Woodward Stanley, together with corporated. such others as have associated, or may hereafter join and associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of the Falls Cotton Manufacturing Company, for the purpose of manufacturing cotton and wool, in the town of Attleborough, in the county of Bristol; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in 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 may lawfully hold and possess such real estate, not exceeding the value of fifty thousand dollars, and personal estate, not exceeding the value of one hundred thousand dollars, as may be convenient and necessary for carrying on the manufacture of cotton and wool, in the said town of Attleborough. May hold estate.

[Approved by the Governor, Feb. 13, 1813.]

## CHAP. LXXVIII.

An Act to establish a Cotton and Wool Factory Company  
in the town of Readfield.

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 Robert Page, Luther Sampson, Daniel Campbell, John Hubbard, Joel Bean, Jere Page, Lory Bacon, David Wheelock, Aaron Winslow, Joshua Packard, Peter Norton, John Smith, and Jonathan G. Thurston, together with such others as may hereafter associate with them, and their successors and assigns, be, and they hereby are made a Corporation by the name of The Readfield Cotton and Wool Factory Company for the purpose of manufacturing cotton and wool, in the said town of Readfield, in the county of Kennebeck; and for this 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, eighteen hundred and nine.

May hold  
estate.

SEC. 2. *Be it further enacted,* That the said Corporation shall, and may lawfully hold and possess real estate, not exceeding thirty thousand dollars, and personal estate, not exceeding one hundred thousand dollars, for carrying on the manufacture of cotton and wool in the said town of Readfield.

[Approved by the Governor, Feb. 13, 1813.]

## CHAP. LXXIX.

An Act to incorporate The Oxford Cotton and Wool  
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 Enoch Adams, James Wells, Ezekiel Merrill, Moses Bartlett, Samuel Poor, Enos

Abbot, Nathan Adams, Nathan Adams, jun. Phineas Howard, Samuel Kimball, Stephen Bartlett, Paul Powers, Ebenezer Bartlett, David Burbank, and Elijah Bartlett, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation by the name of *The Oxford Cotton and Wool Factory Company*, for the purpose of manufacturing cotton and wool in either of the towns of Bethel or Rumford, in the county of Oxford; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act "defining the general powers and duties of manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

Persons in-  
corporated.

SEC. 2. *Be it further enacted*, That the said Corporation shall, and may hold and possess real estate, not exceeding six thousand dollars, and personal estate, not exceeding forty thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton and wool in their various branches, in said county.

Value of  
estate.

[Approved by the Governor, Feb. 16, 1813.]

## CHAP. LXXX.

### An Act to incorporate The Amesbury Wool and Cotton Manufacturing 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 Paul Moody, Ezra Worthen, Thomas Boardman, and Samuel Wigglesworth, and their associates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby made a Corporation by the name of *The Amesbury Wool and Cotton Manufacturing Company*, for the purpose of manufacturing wool and cotton in the town of Amesbury; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements prescribed and contained in an act, entitled, "An act defining the general powers and duties of manufacturing Corporations," passed the third day of March, one thousand eight hundred and nine.

Persons in-  
corporated.

Feb. 16, 1813.

Value of  
estate.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding the value of one hundred thousand dollars, as may be necessary and convenient for the carrying on the manufacture of wool and cotton in said town of Amesbury.

[Approved by the Governor, Feb. 16, 1813.]

## CHAP. LXXXI.

An Act to set off Thomas Miles and his estate from the town of Fitchburg.

Thomas  
Miles.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Thomas Miles of Fitchburg, in the county of Worcester, with his estate, within the bounds herein described, viz. beginning at the south-westerly corner of said Miles' farm, at a stake and stones on Westminster line, thence south eighty degrees east, one hundred and thirteen rods to a stake and stones, thence north eight degrees east, one hundred and thirty-three rods to a bunch of maples marked on the river bank, thence up the river one hundred eighteen rods to a stake and stones at the edge of the meadow, near said river, by said Westminster line, be set from the said town of Fitchburg, and annexed to the town of Westminster, there to do duty and receive privileges. *Provided however*, that the said Thomas Miles be holden to pay all taxes legally assessed upon him by the said town of Fitchburg, before the passing of this act.

Proviso.

[Approved by the Governor, Feb. 16, 1813.]



## CHAP. LXXXII.

An Act to alter and establish the line between the towns of Chesterville and Vienna, in the county of Kennebeck.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the line between the towns of Chesterville and Vienna shall in future be established by the following described lines, viz. beginning on Gundy's Stream (so called) at the north-west corner of lot number nineteen, commonly called the Bachelder Lot, at a large monument of stones there to be erected, thence to run to Perry's Pond, (so called) at another large monument of stones there to be erected; thence southerly, down the said pond, to the north-west corner of lot number twenty-three, where a large monument of stones shall be erected; thence on the westerly side line of said lot numbered twenty-three to the south-west corner of said lot, to another monument of stones there to be erected; thence south-easterly on the range line to Parker's Pond, (so called) at another monument of stones there to be erected, at which place the line between the said towns terminates.

Line as-  
tablished.

[Approved by the Governor, Feb. 16, 1813.]

## CHAP. LXXXIII.

An Act in addition to an act, entitled, "An act for dividing the county of Berkshire into three districts, for the purpose of choosing Registers of Deeds in the said districts."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the town of Otis, in the south Registry of deeds district, in the county of Berkshire, be annexed to the district composed of the towns of Lenox, Pittsfield, Richmond, Stockbridge, Lee, Tyringham,

Berkshire  
districted.

Becket, Washington, and Partridgefield; and that all deeds and other conveyances of lands situate in the said town of Otis, from and after the first day of March next, shall be recorded in the Registry of deeds at Lenox, instead of Great Barrington, in the south district, any law, usage or custom, to the contrary notwithstanding.

[Approved by the Governor, Feb. 16, 1813.]

#### CHAP. LXXXIV.

An Act in further addition to, and amendment of an act, entitled, "An act in addition to an act, passed the fourth day of March, one thousand seven hundred and ninety, entitled, an act to regulate the catching of salmon, shad and alewives, and to prevent obstructions in Merimac river, and in the other streams running into the same, within this Commonwealth."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the act aforesaid to which this is in addition, passed the twenty-seventh day of March, seventeen hundred and ninety-three, which prohibits the taking of any fish, "within fifty rods below, or twenty rods above the mouth of any river or stream in the town of Andover, emptying into Merimac river," be so amended, as that any person or persons may hereafter, with the consent of the proprietors of the soil, or having otherwise the right of fishing thereon, draw any seine for catching shad and salmon in Merimac river, at any place between fifty and twenty-five rods below the mouth of Shausheen river, and between twenty and ten rods above the mouth of Cocheco brook, in the town of Andover, any thing in the act aforesaid, to the contrary notwithstanding.

[Approved by the Governor, Feb. 16, 1813.]

## CHAP. LXXXV.

An Act to annex the township numbered four in the fourth range, north of the Waldo Patent, to the county of Somerset.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township numbered four in the fourth range of Townships, north of the Waldo Patent, which lies partly in the county of Somerset, and partly in the county of Hancock, be, and hereby is declared to be wholly within the county of Somerset.

Township  
annexed to  
Somerset;

[Approved by the Governor, Feb. 16, 1813.]

## CHAP. LXXXVI.

An Act in addition to an act, entitled, "An act to repeal all the existing Excise Acts, and to provide for the expenses of justice in the several counties."

**SEC. 1. BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That so much of the fourth Section of the act, to which this act is in addition, as requires that any person proposed to be admitted as an Attorney in the Court of Common Pleas in any county, shall produce the certificate of the Treasurer of the county, that he has paid him twenty dollars before he shall have the oaths administered to him, shall be, and the same is hereby repealed.

Act repeal-  
ed.

**SEC. 2. Be** *it further enacted,* That any person who, after the passing of this act, shall be proposed to be admitted as an attorney in any Circuit Court of Common Pleas, within this Commonwealth, shall not have the oaths administered to him until he shall produce the certificate of the Treasurer of the county wherein the said Circuit Court may then be in session, that he hath paid to him twenty dollars for the use of the said county, to be appropriated as the said law directs.

Shall pro-  
duce a cer-  
tificate.

[Approved by the Governor, Feb. 16, 1813.]

## CHAP. LXXXVII.

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

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That so much of the following lots of land as the same are numbered in the town of Harlem, and lying within the towns of Winslow, and Fairfax, viz. so much of lot number twenty-four as is lying within the town of Winslow, and so much of lots number eleven, twenty-five and eighty-five, as are lying within the town of Fairfax, be, and they are hereby set off from the respective towns of Winslow and Fairfax, in the county of Kennebeck, and annexed to the town of Harlem, in the same county.

Set off.

SEC. 2. *Be it further enacted,* That there shall be taken three milles from the State valuation of the town of Fairfax, and added to the town of Harlem, which shall be the rule for assessing the said towns for State and County taxes, until there shall be a new State valuation taken.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. LXXXVIII.

An Act to incorporate the Proprietors of Buxton Boom.

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 Lane, Samuel Merrill jun. Gibeon Elden, together with such other persons as now are, or shall hereafter become proprietors in said Boom, be, and they hereby are constituted and made a Corporation for laying and maintaining a boom across Saco river, in the towns of Buxton and Hollis, in the county of York, by the name of the Proprietors of Buxton Boom, and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and

Persons incorporated.

to do and suffer all such matters and things, as bodies politic and corporate may, or ought to do and suffer ; and the said Corporation shall have power to keep and use a common seal, and the same to break, alter and renew, at pleasure.

SEC. 2. *Be it further enacted*, That Isaac Lane and others, his associates, or any three of them, may, by an advertisement, posted up in some public place, in the town of Buxton, call a meeting of said proprietors, at some suitable time and place, giving at least ten days' notice of such meeting, and the said proprietors being so met, by vote of the major part of the proprietors present, or represented at said meeting, shall proceed to choose a Clerk, Treasurer, and such other officers as they may, from time to time, find necessary, who shall be duly sworn to the faithful discharge of their respective trusts, and shall also agree on the method of calling future meetings of said proprietors, and at the same or any subsequent meetings, may make and establish any rules and regulations which may be found necessary or convenient for regulating said Corporation, for collecting the toll or fees herein established, and for the more effectually executing and completing the general purposes of this act ; and shall have power to assess and recover reasonable fines and penalties, for any breach or breaches of such rules and regulations, not exceeding ten dollars. *Provided* such rules and regulations shall not be repugnant to the constitution and laws of this Commonwealth ; and all applications and representations made at such meetings shall be in writing, and signed with the name of the person making the same, which shall be filed with, and recorded by the Clerk ; and this act, with all the rules, regulations, votes and doings of said Corporation, shall be fairly and truly recorded by the said Clerk, in a book or books for that purpose to be provided and kept.

May choose officers.

Proviso.

SEC. 3. *Be it further enacted*, That said proprietors be, and they are hereby authorised and empowered to build and keep in repair, such side booms and piers above the said main boom, as may be necessary for securing and saving the timber and logs coming down said river, and to facilitate the passing of masts, timber and logs, through said main boom, belonging to persons below said boom, on said river, free of toll.

Authorised to build side booms.

SEC. 4. *Be it further enacted*, That the said Corporation shall be entitled to receive, of the respective owner or owners of masts, logs and timber, which shall be rafted and secured at said boom, by any person or persons, the following respective fees or toll : for each mast, four cents ; for each pine mill log of thirty feet in length and upwards, four cents ; for each pine mill log under thirty feet in length, three cents. *Provided however*, That the fees or toll shall, at all times hereafter, be subject to the revision or alteration of the Legislature.

May receive  
fees or toll.

Proviso.

SEC. 5. *Be it further enacted*, That said proprietors may purchase and hold to them and their successors, any real estate contiguous to said main boom or side booms, which shall be necessary for the purpose of making, maintaining or improving the said booms ; and may, at any legal meeting called for that purpose, agree upon the number of shares, into which the estate and property of said Corporation shall be divided, not exceeding one hundred shares ; and upon the form of the certificate to be given to individuals of the number of shares by them respectively held ; upon the mode and conditions of transferring the same, which shares shall be held and considered as personal estate, to all intents and purposes whatever. Said proprietors shall also have power to assess upon each share, all such sums of money, as may be necessary for building and repairing said boom, and the necessary side booms, and for the improvement and good management of said estate, and to sell and dispose of the share or shares of any delinquent proprietor, for the payment of his assessment, in such way and manner as said Corporation may, by their rules and regulations, determine and agree upon. *Provided*, Said real estate of said Corporation shall not exceed in value three thousand dollars.

May hold  
real estate.

Proviso.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. LXXXIX.

An Act to incorporate the Saco Cotton and Wool 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 Foxwell Cutts, Reuben H. Green, and Edmund Moody, together with such others as may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of The Saco Cotton and Wool Factory Company, for the purpose of manufacturing cotton and wool, in the town of Saco, in the county of York; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act entitled, "An act defining the general powers and duties of manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

Persons in-  
corporated.

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

May hold  
estate.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. XC.

### An Act to incorporate The Duxbury Manufacturing 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, Ezra Weston, jun. Samuel A. Frazier, Reuben Drew, Abner Harlow, George Loring, Eleazer Harlow, Ahira Wadsworth, Jacob Weston, Benjamin Billings, and Daniel Atherton, together with such other persons as have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Duxbury manufacturing Company, for the purpose of manufacturing wool and cotton, at Duxbury, in the county of Plymouth; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord, one thousand eight

Persons in-  
corporated.

hundred and nine, entitled, "An act defining the general powers and duties of manufacturing Corporations."

Value of estate.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufacture of cotton and wool, at Duxbury aforesaid.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. XCI.

An Act in further addition to an act, entitled, "An act establishing The Hartford and Dedham Turnpike Corporation."

Toll altered.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That The Hartford and Dedham Turnpike Corporation be, and hereby are authorised, instead of the toll to which they are now entitled, for every chaise, chair, or other carriage, drawn by one horse, to demand and receive for the same, twelve and a half cents, at the gate where they are now entitled to receive ten cents; and six cents and one fourth of a cent, at the two other gates, where they are now entitled to receive five cents.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. XCII.

An Act to incorporate The Boston Manufacturing Company.

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 Francis C. Lowell, Benjamin Gorham, Uriah Cotting, and Patrick T. Jackson, their associates, successors and assigns, be, and they hereby are



made a Corporation, by the name of The Boston manufacturing Company, for the purpose of manufacturing cotton, woollen, and linen goods, at Boston, in the County of Suffolk, or within fifteen miles thereof, or at any other place or places, not exceeding four; 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, eighteen hundred and nine, entitled, "An act defining the general powers and duties of manufacturing Corporations."

SEC. 2. *Be it further enacted*, That the capital stock of said Corporation shall not exceed four hundred thousand dollars; and they may be lawfully seized and possessed of such real estate as may be necessary and convenient for the purposes aforesaid, not exceeding the value of one hundred thousand dollars, exclusive of buildings and improvements that may be made thereon, by the said Corporation.

May hold  
real estate.

[Approved by the Governor, Feb. 23, 1813.]

### CHAP. XCIII.

An Act in addition to an act, entitled, "An act for the speedy assignment of Dower, and for the preventing of strip and waste by tenants therein."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the widow of any citizen of the United States, who may have been, or shall be an alien at the time of intermarriage with such citizen, shall be entitled to dower in her husband's estate, in this Commonwealth, in the same manner as those who are now by law entitled to dower.

Widow est,  
titled to  
dower.

SEC. 2. *Be it further enacted*, That in all cases wherein the respective Judges of Probate in this Commonwealth, before the ninth day of March, in the year of our Lord, one thousand seven hundred and eighty-four, ordered distribution or assignment of the reversion of any widow's dower to the heirs of her husband, in the life of said

Proviso.

widow, any person or persons, to whom such reversion has been so distributed or assigned, and those claiming under them shall forever hereafter hold the same by as good title as if the distribution or assignment aforesaid had been regular and legal. *Provided*, that nothing in this act shall effect any question now pending, or which has been decided in any of the courts of this Commonwealth, nor entitle any widow, being an alien as aforesaid, to dower in any land conveyed from her husband by deed, or extended on execution, before the passing of this act.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. XCIV.

An Act to incorporate The Augusta Cotton and Wool Manufacturing Company.

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 Samuel Howard, William Robinson, Pitt Dillingham, Theophilus Hamlin, Thomas W. Smith, Joseph Ladd, John S. Kimball, Josiah. H. Vose, Benjamin Ross, Jesse Robinson, Alexander Orrok, and William Emmons, 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 Augusta Cotton and Wool Manufacturing Company, for the purpose of manufacturing cotton and wool, in the town of Augusta; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of manufacturing Corporations."*

Value of estate.

**SEC. 2.** *Be it further enacted, That 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 seventy-five thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton and wool in the said town of Augusta.*

[Approved by the Governor, Feb. 23, 1813.]

CHAP. XCV.

An Act in addition to an act, entitled, "An act authorising the sale of ministerial lands in the first parish in Gorham, to raise a fund for the support of the ministry, and appointing Trustees for those 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 from and after the passing of this act, whenever a meeting of the Trustees aforesaid shall be notified to be holden, and a sufficient number of Trustees shall not assemble to form a quorum, agreeably to the Fourth Section of the act, entitled, "An act authorising the sale of ministerial lands in the first parish in Gorham, to raise a fund for the support of the ministry, and appointing Trustees for those purposes," any three of their number, then assembled, shall have power to adjourn said meeting for a term not exceeding ten days.

Trustees  
may adjourn  
meeting.

[Approved by the Governor, Feb. 23, 1813.]

CHAP. XCVI.

An Act to empower the selectmen of the towns of Newton and Needham to appoint engine men.

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 towns of Newton and Needham be, and they hereby are respectively authorised and empowered to nominate and appoint, as soon as may be, after the passing of this act, and ever after, in the month of March annually, so long as there shall be a good engine, at or near the lower falls, so called, on Charles river, any number of suitable persons, not exceeding twenty-one in the whole, thirteen of whom shall always be of the inhabitants of Newton, to be one company of engine men, to take charge of, and manage said engine; who shall be subject to the same duties, and

May annually elect  
engine men.

Feb. 23, 1813.

vested with the same powers, and entitled to the same rights, privileges and exemptions, that all other engine men, by law now are or hereafter may be.

*PENALTIES, how recovered.*  
 SEC. 2. *Be it further enacted,* That all rules and regulations respecting their duty as engine men shall, before they be established, be approved of by the selectmen of said towns; and all penalties annexed to the same, may be recovered by the Clerk of said engine men, before any Justice of the Peace, in the county where the person who may forfeit the same shall reside.

*Act repealed.*  
 SEC. 3. *Be it further enacted,* That the act which passed the eighteenth day of June, in the year of our Lord, eighteen hundred and twelve, entitled, "An act to empower the selectmen of the towns of Newton and Needham to appoint engine men," be, and hereby is repealed.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. XCVII.

An Act to remove the Records of the lands in Hopkinton and Upton, belonging to the Hopkins' donation or trust, and for other purposes.

*Records removed.*  
 SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That after the first day of April next, the books of records of deeds and other conveyance of lands lying in the towns of Hopkinton, in the county of Middlesex, and Upton, in the county of Worcester, belonging to the Hopkins' donation or trust, shall be deposited and kept in the town of Hopkinton aforesaid, in some suitable place, and by some suitable person, to be appointed for that purpose by the Trustees of the said Hopkins' donation; and that from and after said day, all conveyances of said lands, or any parcel thereof, by deed, extent of execution, or otherwise, shall be recorded in said books, in said town of Hopkinton, by the Register, so to be appointed by said Trustees; and such registry of the conveyances aforesaid shall have the same force

and effect as if the same were recorded in the registry of deeds, for the county in which said lands may be.

SEC. 2. *Be it further enacted*, That it shall be the duty of the said Trustees, on or before the said first day of April, to cause the said records to be removed to, and deposited in the said town of Hopkinton, and to appoint, from time to time, a suitable person to take the custody of said records, who shall hold his office during the pleasure of said Trustees, and to receive and register therewith all conveyances of said lands as aforesaid, not already recorded therein; and it shall be the duty of the person so appointed, or acting as Register for said lands, safely to keep the books of records, and to receive and record therein all conveyances of said lands, by deed, levy of execution, or otherwise, in the order of time as they are received, and to note thereon the time of receiving the same; and said Register, before entering upon the duties of said office, shall be sworn faithfully to discharge the same, and he shall be liable for all damages occasioned to any person, by reason of misbehaviour in his said office, and he shall be entitled to receive for his services as Register, the same fees as county Registers are by law entitled to receive

Duty of the Register.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. XCVIII.

An Act to annex Francis Day, Ebenezer Hewins, and Elisha Parker, with their families and estates, to the town of Hallowell.

**B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Francis Day, Ebenezer Hewins, and Elisha Parker, with their families and estates contained in a Lot numbered one hundred and one, be, and hereby are set off from the town of Augusta, and annexed to the town of Hallowell, excepting that part of the said lot owned by James Page, jun. being about ten acres: and the said Francis Day, Ebenezer Hewins and Elisha Parker, shall hereafter be considered as inhabitants of the said town of Hallowell, to all legal intents and purposes, there to do

Persons set off to other town.

Proviso.

the duties, and exercise and enjoy the privileges, in like manner with the other inhabitants of the said town of Hallowell; *Provided*, that the said Day, Hewins and Parker, shall be holden to pay all taxes assessed on them by the town of Augusta, due and unpaid before the passing of this act, and also their proportionable part of all State and county taxes, which shall be laid upon the said town of Augusta, until another general valuation shall be made.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. XCIX.

An Act to annex a part of the Plantation called Twenty-five Mile Pond, to the town of Unity, in the county of Kennebeck.

Part town-  
ship annex-  
ed.

**B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That so much of the Plantation, called Twenty-five Mile Pond, as is contained within the following described lines, be, and the same is hereby annexed to the town of Unity, in the county of Kennebeck, viz. beginning at the north-east corner of Unity, thence north six degrees west, on the westerly line of Kingville, one mile and two hundred and fourteen poles, thence north sixty-seven degrees and an half west until it strikes the margin of Twenty-five Mile Pond, thence southerly by the margin of said Pond, to the north line of the said town of Unity, thence south sixty-seven degrees and an half east, one mile and two hundred and sixty-two poles, on the north line of the said town of Unity, to the first mentioned bounds. And the inhabitants of the tract hereby annexed to the town of Unity shall have, use, exercise and enjoy, all town privileges, and shall also be subject to the same duties and requisitions, as the other inhabitants of the said town: *Provided however*, That the said inhabitants hereby annexed to the said town of Unity shall continue to pay their State and county taxes to the said Twenty-five Mile Pond Plantation, until a new

Proviso.

valuation is taken, and shall also be holden to pay all arrears of Plantation taxes now due and unpaid, to the said Plantation.

[Approved by the Governor, Feb. 23, 1813.]

## CHAP. C.

An Act to establish the Fryeburgh Aqueduct 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 Robert Bradley, Joshua Durgin, Abiel Farnum, Samuel Southen, John Bradley, Henry Y. B. Osgood, Oliver Griswold, Jeremiah Stickney, and Timothy Osgood, their associates, successors and assigns, be, and they hereby are incorporated by the name of The Fryeburgh Aqueduct Corporation, and by that name may sue and be sued, and do and suffer all matters and things which bodies politic may or ought to do or suffer, and may purchase and hold one or more pieces of land, in said Fryeburgh or any adjacent town (not to exceed two acres in one place) where there are springs of water, and thence bring water in subterraneous pipes, to any place within said town of Fryeburgh, and may construct and erect on said land reservoirs and buildings: *Provided*, the funds of said Corporation shall not exceed twenty-five thousand dollars, and *Provided*, that nothing in this act shall authorise said Corporation to enter upon or use the land of any person, without licence therefor first had and obtained of the proprietor of said land, and the shares shall be considered as personal property.

Persons incorporated.

Proviso.

SEC. 2. *Be it further enacted*, That any three of said persons may, by advertisements posted up at two public places in said town of Fryeburgh, call a meeting of said Proprietors, to be holden at any suitable time and place in said town of Fryeburgh, seven days at least after the posting up of said advertisements; and the Proprietors, by a major vote of them present, accounting one vote to each share, may choose a Clerk of said proprietors, who shall be sworn to the faithful discharge of his duty; agree

May call meeting.

May elect  
officers.

upon a mode of calling future meetings of said Proprietors, and may also elect any other officers, which to them may appear necessary for carrying into effect the object of their Incorporation; may enjoin and order fines and penalties for the breach of any of their rules and by-laws, not exceeding ten dollars for any one breach thereof. And all persons appearing at any of said meetings, to represent any of said Proprietors, shall have an appointment in writing, signed by the person so to be represented, which shall be filed with, or recorded by the Clerk of the Corporation, whose duty it shall be fairly and truly to enter and record in a book, to be kept for that purpose, this act, and all rules and by-laws, votes and proceedings of said Corporation.

Authorised  
to place  
pipes,

SEC. 3. *Be it further enacted*, That the said Proprietors be, and they hereby are authorised to enter upon and dig up any highway for the purpose of placing such pipes as may be necessary to complete said aqueduct, or for repairing the same; *provided*, they do not thereby impede the passing of travellers.

Penalty

SEC. 4. *Be it further enacted*, That any person or persons, who shall wilfully injure said aqueduct, shall be subjected to the same penalties as are provided in the Second Section of an act, entitled, "An act for the more effectually preventing trespasses in divers cases," passed in the year of our Lord, one thousand seven hundred and eighty-five, and shall be liable to make good all damages to said Proprietors.

Mode of  
transferring  
shares.

SEC. 5. *Be it further enacted*, That the mode of selling or transferring the shares of said Corporation shall be by deed acknowledged before a Justice of the Peace, and recorded by the Clerk of said Corporation, in a book to be kept for that purpose.

Treasurer  
to sell  
shares.

SEC. 6. *Be it further enacted*, That when any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by said Corporation, to the Treasurer of said Corporation, within thirty days after the time set for the payment thereof, the Treasurer is hereby authorised to sell at public vendue, the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes, and necessary and incidental charges, after duly notifying in one of the News papers printed in Portland, the sum due on any such shares, and



the time and place of sale two weeks successively, the last publication to be seven days at least before the time of said sale; and such sale shall be a transfer of the share or shares sold, to the person purchasing; and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of said Corporation, and such person shall be considered, to all intents and purposes, the Proprietors thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares shall have been thus sold.

[Approved by the Governor, Feb. 24, 1813.]

## CHAP. CI.

An Act to incorporate The Third Congregational Parish in Abington.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas H. Arnold, Noah Beal, Zadock Beal, David Beal, Melzar Beal, Nathan Beal, Nathaniel Beal, Isaac Burrill, Caleb Chard, jun. Eleazer Chubbuck, Thomas Chubbuck, Joshua Curtis, James Tilloon, Abner Gardner, Caleb Gardner, Noah Gardner, Melvin Gurney, David Hearsy, Elijah Hobart, Daniel Holbrook, Josiah Holbrook, Reuben Holbrook, William Holbrook, William Holbrook, jun. Reuben Hunt, David Hunt, Elias Hunt, Silas Hunt, Thomas Hunt, Moses Jones, Eleazer Josselyn, Andrew Lane, Caleb Lane, Charles Lane, Isaiah Lane, Daniel Lane, jun. John Lane, Silas Lane, Caleb Loud, Noah Lovell, Alexander M' Donald, Zebulon Payn, Stephen Payn, David Pool, Micah Pool, John Pool, Noah Pratt, Cyrus Pratt, David Pratt, Goddard Reed, Samuel Reed, Thomas Reed, jun. John Ripley, William Ripley, jun. Abraham Shaw, Abraham Shaw, jun. Brackley Shaw, 2d. Elijah Shaw, Jared Shaw, Melvin Shaw, Nehemiah Smith, James Smith, Zenas Smith, Zenas Smith, 2d. John Stetson, Oliver Stetson, Nathan Stoddard, Nathan Studley, Elihu Tirrell, William*

Persons in-  
corporated.

Proviso.

Torrey, Daniel Townsend, Alexander Vining, Benjamin Vining, Ebed Vining, Elisha Vining, Barzillai Whiting, Eleazer Whiting, and Thomas Whiting, together with their families and estates, within the town of Abington, be, and they are hereby incorporated, as a distinct religious Society, by the name of The Third Congregational Parish in Abington, with all the powers and privileges, and shall be also subject to all the duties and requirements of other parishes or religious societies, according to the constitution and laws of this Commonwealth: *Provided, however,* That the persons before named shall be holden to pay all taxes previously assessed in the parish from which he or she may separate, and also to pay their proportionate part of the stated salary of the Rev. Samuel Niles, which is ninety-three pounds six shillings and eight pence, equal to three hundred and eleven dollars and eleven cents annually, so long as the said Rev. Samuel Niles continues to be the minister of the first parish, in the said town, and the said salary shall continue to be assessed, as has been heretofore practised in the First Parish.

May become members.

Proviso.

SEC. 2. *Be it further enacted,* That any person belonging to the town of Abington, who may hereafter be desirous of becoming a member of the said Third Congregational Parish in Abington, shall declare such intention in writing, to the Clerk of the said town, and also deliver a copy of the same to the Minister or Clerk of the said Third Parish, and also to the Clerk of the parish or society, from which such person may secede; and if such person doth receive, and can produce a certificate, signed by the Clerk of the said Third Parish, that he or she has actually united with, and become a member of the said Third Parish, at any time previous to the first day of March, A. D. 1815, such person shall, from and after the date of such certificate of admission, with his or her polls and estates, be considered a member of the said Third Parish: *Provided however,* That all such persons shall be holden to pay all taxes previously assessed in the parish or society, from which such person may secede.

SEC. 3. *Be it further enacted,* That any member of the said Third Parish in Abington, who shall see cause to leave the same, and to unite with any other parish or society in the said town, at any time previous to the first

day of March, 1815, such person shall declare such intention in writing, to the Clerk of the said Third Parish, and deliver a copy of the same to the Town Clerk, and also to the Clerk of the parish or society with which such person desires to unite, and if such person doth receive, and can produce a certificate of admission, signed by the Clerk of such other society, such person shall, from the date of such certificate of admission, with his or her polls and estate, be considered a member of such other parish or society: *Provided however*, That in all cases of secession from one parish, and joining another, every such person shall be holden to pay his or her proportion or assessment of all parish taxes assessed therein prior to leaving the same.

Manner of  
leaving the  
Society.

Proviso.

SEC. 4. *Be it further enacted*, That all young persons, within the limits of the town of Abington, when they become twenty-one years of age, shall have full liberty, within twelve months thereafter, to unite with their polls and estate, to the said Third Parish; and also all persons who may settle within the limits of the said town, shall have the same liberty to join the said Third Parish: *Provided always*, That all such persons shall notify their intentions in writing, and the same process shall be had and done, as is provided for in this act.

Proviso.

SEC. 5. *Be it further enacted*, That any Justice of the Peace, for the county of Plymouth, is hereby authorised to issue a warrant directed to one of the members of the said Third Congregational Parish, requiring him to notify and warn the inhabitants and members thereof, to meet at such convenient time and place as shall be appointed in the said warrant, to choose such officers, as parishes have a right by law to choose and appoint, at their annual parish meetings, and to do and regulate such other matters and things, as the well being of the said parish may require.

Justice au-  
thorised to  
issue war-  
rant.

[Approved by the Governor, Feb. 24, 1813.]

## CHAP. CII.

An Act to repeal part of an act, entitled, "An act to regulate town meetings in the town of Danvers."

Act repeal-  
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 so much of an act passed the fourteenth day of July, A. D. seventeen hundred and seventy-two, entitled, "An act to regulate town meetings in the town of Danvers," as provides for the choice of Selectmen and Assessors alternately, in the North and South Parishes in the town of Danvers, be, and the same is hereby repealed.

Town Offi-  
cers how  
chosen.

SEC. 2. *Be it further enacted,* That hereafter annually, two of the Selectmen, and two of the Assessors, shall be chosen from the qualified inhabitants and voters in the North Parish; and two of the Selectmen, and two of the Assessors, from the inhabitants and qualified voters in the South Parish; and one Selectman, and one Assessor, from the inhabitants and qualified voters in that part of the South Parish, called the Neck of land, or the New Mills District.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CIII.

An Act to regulate the taking of Fish in Connecticut River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That no person or persons what-ever be allowed, from and after the passing of this act, to catch any salmon or shad, or draw any seine for the purpose of catching any salmon or shad in that part of Connecticut river which passes through this Commonwealth, from the twenty-fifth day of June to the first day of December annually; and if any person or persons shall catch any salmon or shad in said river, or shall drag any seine or

net for the purpose of catching any of the said fish in said river, within this Commonwealth, between the said twenty-fifth day of June, and the said first day of December annually, each and every person so offending shall forfeit and pay for each offence, a fine of ten dollars.

Penalty for taking fish contrary to law.

SEC. 2. *Be it further enacted*, That if any person or persons, at any time, in the river aforesaid, within this Commonwealth, shall fish with a seine or net exceeding forty-five rods in length, or extend more than one seine or net on the same fishing ground, at one and the same time, he or they shall, for each offence, forfeit and pay a fine of twenty dollars.

SEC. 3. *Be it further enacted*, That all the fines and forfeitures incurred by a breach of this act shall be recovered in an action of debt, before any Court of competent jurisdiction, in the county where the offence is committed, and all such fines and forfeitures, so recovered, shall enure to the benefit of him or them who shall prosecute for the same.

Fines, how recovered.

SEC. 4. *Be it further enacted*, That no action founded on this act shall be sustained, unless the same be commenced within one year from the time in which the offence complained of may be committed.

SEC. 5. *Be it further enacted*, That all seines, nets, boats, or other fishing implements, which shall be used in violation of any provisions of this act, shall be liable to attachment, and held to respond such damages and costs as may be recovered in any action prosecuted under this act.

Seines &c. attached for breach of act.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CIV.

An Act to annex Ichabod Warren and Ichabod Warren, Jun. to the town of Denmark.

**B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Ichabod Warren and Ichabod Warren, jun. with their families and so much of their real estates as to include their homestead, be, and

Persons set  
off to other  
town.

they are hereby set off from the town of Fryeburgh, and annexed to the town of Denmark; and the said families with their estates hereby annexed to said Denmark, shall be considered as a part of said town, and shall there exercise and enjoy equal privileges, and be also subject to the like duties and requisitions as the other inhabitants of said town: *Provided*, That the said Ichabod Warren and Ichabod Warren, jun. shall be holden to pay their assessment of all taxes assessed on them and their estates, by the said town of Fryeburgh, prior to the date of this act, and the State and county taxes which shall in future be paid to the said town of Denmark, by the said Ichabod Warren and Ichabod Warren, jun. shall be ascertained and settled according to the return made in the last valuation, by agreement between the assessors of the said towns of Denmark and Fryeburgh, who are hereby empowered for that purpose.

Proviso.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CV.

An Act further regulating suits, by and against Executors and Administrators.

May prosecute de bonis non.

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 Executor or Administrator shall die or be removed from office during the pendency of any suit, brought by or against him, in his said capacity, the same suit may be prosecuted by or against any Administrator de bonis non, who shall thereupon be appointed, and process may thereupon issue, in due form of law, to compel any such Administrator de bonis non to become a party to the suit, and if such Administrator de bonis non, shall, after due service of such process, neglect or refuse to become party to the suit, judgment may be rendered against him in the same manner, as if he had voluntarily come in and become a party to the suit.

SEC. 2. *Be it further enacted*, That where judgment shall be had in any suit, in which an Executor or Admin-

istrator is a party, and such Executor or Administrator shall afterwards die or be removed from office, in such case a scire facias may be sued forth, and execution taken on such judgment, either by or against any Administrator de bonis non, who shall be thereupon appointed, and any execution, which may have duly issued upon such judgment, may be perfected by either of said parties respectively, and a writ of error to correct any errors in such judgment, as also a writ of review thereof may be brought in the manner prescribed by law, either by or against such Administrator de bonis non, in like manner as it might have been by or against the original Executor or Administrator who was party to such judgment.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CVI.

An Act in further addition to an act, entitled, "An act to remove and prevent obstructions to the passage of shad, alewives and other fish, in Parker River, and the Falls River, so called, in the county of Essex, and the streams and brooks running into said Falls River."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the sluice ways at each and every dam made for the passage of fish on the Falls river, so called, in the county of Essex, shall at all times, from the fifteenth day of April to the first day of June annually, be such, that the perpendicular section of the water running in each of the said sluice ways shall be equal to one hundred and forty-four square inches, and the said sluice ways shall be made in such form, at such places, and with such convenient passages thereto, in and at the several dams aforesaid, as Dennison Wallis and Nathan Felton, Esqrs. of Danvers, in the county of Essex, shall direct. And the mill-holders are hereby obliged to make at their own expense the sluice ways and passages as above directed, if not already made, and keep the same in repair during the continuance of the act to which this is in addition, and

Mill-holders  
shall make  
sluice ways.

shall not be holden to make any other alterations at their expense during the continuance of the said act; and the said mill-holders shall be liable to the same penalties, to be sued for and recovered, in the same manner for any breaches of the duties enjoined upon them by this act, as are prescribed for the like offences in the act to which this act is in addition.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CVII.

### An Act to Incorporate The Pawtucket Manufacturing 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 Eliphalet Slack, Oliver Starkweather, Ebenezer Tyler, Benjamin S. Walcut and Elijah Ingraham, together with such other persons as have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Pawtucket Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, at Seekonk, in the county of Bristol, and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of manufacturing Corporations."

Persons incorporated.

May hold estate.

**SEC. 2.** *Be it further enacted,* That said Corporation may be lawfully seized of such real estate, not exceeding the value of one hundred thousand dollars, and such personal estate, not exceeding the value of three hundred thousand dollars, as may be necessary and convenient for establishing and carrying on the manufactures aforesaid, in the town of Seekonk.

[Approved by the Governor, Feb. 26, 1813.]



## CHAP. CVIII.

An Act to alter and establish a part of the line between the Counties of Kennebeck and Somerset.

**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 part of the line between the counties of Kennebeck and Somerset shall be as follows; viz. beginning at the North-west corner of township number four (now Kingville) and running due West until it strikes the line of the town of Clinton, at a monument of stones there to be erected. Line altered.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CIX.

An Act to incorporate The Eagle Steel 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 Thomas Dunbar and William Dunbar, with such others as already have, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of The Eagle Steel Company, for the purpose of manufacturing steel in the town of Canton, in the county of Norfolk; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act passed the third day of March, in the year of our Lord, one thousand eight hundred and nine, entitled, "An act defining the general powers and duties of manufacturing Corporations." Persons incorporated.

**SEC. 2.** *Be it further enacted,* That 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 fifty May hold estate.

thousand dollars, as may be necessary and convenient for carrying on said manufactory of steel in said town of Canton.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CX.

### An Act to incorporate The First Baptist Society in Bluehill.

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 Hinkley, Isaiah Hinkley, Jeremiah Stover, Seth Kimball, Peter Parker, jun. Benjamin Bunker, Jonathan Darling, jun. Benjamin Clay, Spencer Trueworgy, Betsy Parker, Samuel Parker, Henry Dority, John Roundy, Isaac Ingalls, Samuel Johnson, Walter Roundy, John Candage, Amos Allen, Benjamin Friend, Martha Friend, Joseph Candage, Jeremiah Eaton, James Day, Joseph Candage, jun. Samuel Morse, James Carter, and James Carter jun. together with their polls and estates, be, and they hereby are incorporated, by the name of The First Baptist Society in Bluehill, with all the privileges and immunities, which parishes in this Commonwealth by law enjoy.

Persons in-  
corporated.

SEC. 2. *Be it further enacted*, That any person who may desire to join in religious worship with, and to become a member of the said Society, shall have a right so to do, by giving notice of his intention in writing, to the Clerk of the Society, to which such person previously belonged, and also to the Clerk of said Baptist Society, fifteen days before the annual meeting of said Societies respectively. And such person shall thenceforth, with his or her polls and estate, belong to said Baptist Society.

May become  
members.

Manner of  
leaving the  
Society.

Proviso.

SEC. 3. *Be it further enacted*, That when any member of said Baptist Society shall see fit to leave the same, and to unite with any other religious Society, the like notice and process shall be made, and given, mutatis mutandis, as is prescribed in the second Section in this act; *Provided always*, That in every such case of secession from one Society and joining another, the person so se-

ceding shall be holden in law to pay his or her proportion of all parochial expenses assessed and not paid prior to leaving such Society.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Hancock is hereby authorised to issue a warrant, directed to some member of the said Baptist Society, requiring him to notify and warn the first meeting of the said Society, 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 authorised to choose and appoint at their annual meetings.

Justice authorised to issue warrant.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CXI.

An Act to divide the town of Lovel, and to establish the southerly part thereof a separate town by the name of Sweden,

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That all that part of the town of Lovel, which lies south of the following described line; viz. beginning on Fryeburgh town line, at the south-easterly corner of lot number thirteen, in the first division of lots in said Lovel, thence on the southerly line of said lot number thirteen and of lot number one, in the third division, to the south-easterly corner of lot number two in said third division, thence on a straight line to the north-west corner of lot number two in the fourth division of lots in said town, thence following the north line of said lot number two, and lots number one hundred and eighteen, one hundred and twelve, and one hundred and thirteen, to Waterford line, with the inhabitants thereon, be, and the same are hereby incorporated into a town, by the name of *Sweden*, with all the powers and privileges, and subject to all the duties of other towns, according to the constitution and laws of this Commonwealth.

Town incorporated.

SEC. 2. *Be it further enacted*, That all the public property of the said town of Lovel, the debts due and unpaid,

the future support of the poor of the town, and the proportion which shall in future be paid of the State and County taxes, shall be divided between the said towns of Lovel and Sweden, in such proportion as shall be mutually agreed upon by the said towns, according to the last valuation.

Justice to  
issue war-  
rant.

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

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CXII.

An Act for altering the easterly line of the town of Palermo, in the County of Lincoln.

Line altered.

Proviso.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the easterly line of the town of Palermo, in the county of Lincoln, be, and is hereby so far altered as that the same be in future bounded by the line run by Ephraim Ballard, in the year one thousand seven hundred and ninety-five, for a dividing line between the land of the Plymouth Company, so called, and of that part of the Waldo Patent, called the Twenty Associates' land, and by the line of the Commonwealth, called Titcombs Line, which runs north seven degrees east, that so much of the town of Palermo, as lies easterly and north-easterly of said lines, be, and is hereby set off to the plantation within the said Associates' tract; *Provided nevertheless*, That those persons liable to be assessed in said tract, shall be still holden to pay their proportionable part of all taxes, which are already assessed or granted by the said town of Palermo, in like manner as though this act had not been made, and shall also pay their proportionable part of taxes that shall be laid on the said town of

Palermo, by the Commonwealth and by the county of Lincoln, previous to another general valuation being made.

[Approved by the Governor, Feb. 26, 1813.]

### CHAP. CXIII.

An Act in further addition to an act, for incorporating James Sullivan, Esq. and others, by the name and style of the Proprietors of The Middlesex 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 the proprietors of The Middlesex Canal, be, and they hereby are authorised and empowered, in order to render Merimac river completely and conveniently navigable for boats from the said canal up Merimac river to the boundary of the State, to make and construct a lock and a dam at the rapids in Tyngsborough, known by the name of Wicasee Falls, at such place, or part of said rapids or falls, and on whichever side of the island situated thereat may be found most convenient: *Provided however,* That in the construction of the said dam to raise the water to float loaded boats into the said lock, sufficient openings, slopes or fish ways, shall be left for the free passage of fish, and for the passage of rafts down said river, at such times as they do commonly descend the same; and if it should appear to any person or persons, that good and sufficient fish ways shall not be made and kept open in the said dam as aforesaid, that on application made to the Court of Sessions in the county of Middlesex, setting forth the fact, the said Court shall appoint five impartial men, a committee, to view the premises and take cognizance of the facts; and the report of said committee, accepted by the said Court, shall be binding on the said proprietors, who shall thereupon be bound to alter their said dam conformably thereto; and if any alteration shall be deemed necessary by said committee and the said Court, the costs shall be borne by the said proprietors, if otherwise, by the complainant.

May build a  
lock and  
dam.

Proviso.

SEC. 2. *Be it further enacted*, That in carrying the grant hereby made into effect, the said proprietors shall be under the same liability for damages, and have the same privileges as heretofore granted.

Toll estab-  
lished.

SEC. 3. *Be it further enacted*, That in consideration of the expenditures necessary to construct the said lock, and other works for the purpose aforesaid, and to remunerate the said proprietors, a toll for the passage of said locks, be, and hereby is established of ten cents a ton, on each and every ton of merchandise that shall be conveyed up through the said lock in boats, but that empty boats shall have a right to pass freely through the same; also boats descending with wood or other loading, subject however to the regulations and by-laws, which the said proprietors may establish for the management thereof, according to existing laws, giving to them that authority over the Middlesex Canal, which powers are hereby extended to the said works and locks to be built at said Wicasee Falls.

[Approved by the Governor, Feb. 26, 1813.]

## CHAP. CXIV.

An Act to establish The Royalston Cotton and Wool 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 Benjamin Davis, Isaiah Fairbanks, Eliphalet Chase, Silas Hale, Francis Twichell, Daniel Fairbanks, Francis Fletcher, and Ebenezer Blanding, together with such others as have already, or may hereafter associate and join with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Royalston Cotton and Wool Manufacturing Company, for the purpose of manufacturing cotton and wool, in the town of Royalston; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in "An Act defining the general powers and duties of manufacturing Corporations," passed the third day of March,

in the year of our Lord, one thousand eight hundred and nine.

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

[Approved by the Governor, Feb. 26, 1813.]

### CHAP. CXV.

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

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the proprietors of The Middlesex Canal shall be allowed a further time of five years from the twenty-second day of June next, to render Concord river boatable and navigable, and for cutting other canals in the county of Middlesex, pursuant and according to the tenor of the acts heretofore passed on that subject. Further time allowed.

[Approved by the Governor, Feb. 26, 1813.]

### CHAP. CXVI.

An Act to incorporate the Proprietors of The Cumberland Law Library.

SEC. .1 **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Prentiss Mellen, James D. Hopkins, Daniel Howard, Charles S. Davis, Dudley Todd, Nicholas Emery, Simon Greenleaf, Elisha P. Cut-

Persons in-  
corporated.

ler, Hezekiah Frost, Horatio Southgate, Samuel Fessenden, Jacob S. Smith, Barret Potter, Joseph Adams, Stephen Longfellow, jun. Isaac Gates, Josiah W. Mitchel, Nathan Kingsman, Woodbury Storer, jun. Oliver Bray, William B. Sewall, Ezekiel Whitman, and Joseph D. Learned, and all such as may hereafter associate with them, their successors and assigns, shall be, and hereby are constituted a body corporate, by the name of the Proprietors of The Cumberland Law Library, and by that name may sue and be sued in any Court of record, may make, have and use a common seal, and also ordain, establish and put in execution, all such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government and interest of said Corporation, and relative to the assessment of the shares in said Corporation, and the collection of said assessments; and for the breach of such by-laws, may order fines and penalties, not exceeding ten dollars for every breach: *Provided*, such by-laws shall not be repugnant to the laws of this Commonwealth.

Proviso.

First meet-  
ing, where  
held.

May choose  
officers.

SEC. 2. *Be it further enacted*, That the first meeting of said Proprietors shall be holden at the Court house in Portland, on Tuesday the twenty-fifth day of May next, at which time and place, said Proprietors shall agree on the mode of calling future meetings, and may then choose a President, Secretary, Treasurer, Librarian, Collector, and any other officer they may deem proper for the ensuing year, and then transact any other business, which by virtue of this act, they are authorised to do and perform.

SEC. 3. *Be it further enacted*, That the annual meeting for the choice of officers shall be held at said Portland, on the fourth Tuesday of May annually, until said Proprietors shall otherwise determine.

[Approved by the Governor, Feb. 26, 1813.]



## CHAP. CXVII.

An Act to apportion and assess a tax of one hundred and thirty-three thousand, three hundred and thirty-three dollars, and ninety-seven cents, for the service of the State, and also a further sum of thirty-three thousand, three hundred and thirty-three dollars, and forty-nine cents, towards reimbursing the expense of attendance of the members of the House of Representatives, now paid out of the Treasury of the Commonwealth.

[Approved by the Governor, Feb. 26, 1813.]

---

## CHAP. CXVIII.

An Act in addition to an act, entitled, "An act to establish The Brookfield and Charlton Turnpike Corporation."

**B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the further time of three years, from and after the twelfth day of March next, be, <sup>Further time allowed.</sup> and hereby is allowed to said Corporation to build and complete their said road, any law to the contrary notwithstanding.

[Approved by the Governor, Feb. 27, 1813.]

---

## CHAP. CXIX.

An Act in addition to an act, entitled, "An act supplementary to the act to incorporate the Proprietors of St. Peter's Church, in Salem, in the county of Essex."

**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, in all defaults of payment on any assessment, duly made on the Proprietors of said church, the pew or seat upon which such deficiency arises, shall revert to the

A a

Proviso.

Corporation in ninety days after public notice is given, as provided for in the aforesaid supplementary act, any thing in said act of incorporation to the contrary notwithstanding: *Provided however*, That any proprietor, whose pew or seat may be forfeited as aforesaid, may at any time within one year thereafter redeem the same by paying the deficiency for which the same may have been sold, with interest and all costs that shall have arisen thereon.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXX.

An Act to annex Edmund Cleaves and William Cleaves to the town of Pownal

Persons set  
off to other  
town.

Proviso.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Edmund Cleaves and William Cleaves, with their families, and about one acre of land, with the buildings standing thereon, be, and they are hereby set off from the town of North-Yarmouth, and annexed to the town of Pownal; and shall there exercise and enjoy the privileges, and shall also be subject to the like duties and requisitions of the other inhabitants of the said town of Pownal: *Provided however*, That the said Edmund Cleaves and William Cleaves shall be holden to pay all the taxes assessed upon them in the town of North-Yarmouth, prior to the passing of this act.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXI.

An Act in further addition to an act, entitled, "An act directing the method for laying out highways."

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That in all cases where any highway has been or shall be lawfully discontinued in whole

or in part, and any person shall think himself aggrieved thereby, he may apply for damages, by reason of such discontinuance, to the Court of Sessions in any adjoining county, which Court is hereby empowered and directed to hear and determine the same in like manner as is by law prescribed in case of the discontinuance of any town or private way, and thereupon to assess damages for the party injured, to be paid by the town or district in which the said highway was situated; and in default of payment after a reasonable time, the said Court shall levy the same by warrant of distress upon the personal property of any of the inhabitants of such town or district, to the use of the person or persons to whom the damages may be awarded: *Provided*, That such application be made within one year next after the discontinuance complained of.

Court of  
Sessions to  
assess dam-  
age.

Proviso.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXII.

An Act to establish a Corporation by the name of The Ten Mile Canal 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 William Lane, Isaac Bradbury, Thomas Howard, and Joseph Howard, jun. together with such others as may hereafter associate with them and their successors, shall be, and hereby are made a Corporation, by the name of The Ten Mile Canal Corporation, and by that name may sue and be sued, in all actions, real, personal and mixed, and may have, keep and use a common seal, which they may alter or change at their pleasure, and may exercise and enjoy all the powers and privileges, and do and suffer all such other things as are incident to Corporations of a like nature and purpose.

Persons in-  
corporated.

SEC. 2. *Be it further enacted*, That the Proprietors aforesaid be, and they are hereby empowered within the term of five years from the passing of this act, to make a canal, between the waters of Clement's Pond and Saco River, in the most convenient direction, and the most suitable places for loading, transporting and unloading

Time lim-  
ited.

Penalty in  
case of wil-  
ful injury.

lumber or any other commodities therein; and if any person shall in any way wilfully and mischievously injure or destroy the said canal, or any part thereof, or any of the works thereto appertaining, or obstruct or divert any of the waters thereof, to the damage of the said Proprietors, such person shall pay treble the amount of such damage, as the said Proprietors may make to appear before the Court and Jury, by whom the said action may be tried.

Justices to  
appoint ap-  
praisers.

Proviso.

SEC. 3. *Be it further enacted*, That if any person or persons shall suffer any damage 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 appraise the same, the Justices of the Circuit Court of Common Pleas, for the circuit in which said proposed canal lies, are hereby authorised and empowered, at any session thereof, upon application of either party, after due notice given, to appoint three disinterested freeholders, within the county of Oxford, whose appraisement upon oath being returned into said Court, and by them accepted, shall be final between the parties, and shall vest the estate so appraised, in the Proprietors of said canal, their heirs and assigns forever: *Provided nevertheless*, That if either party shall be dissatisfied with the determination of said appraisers, appointed as aforesaid, and shall at the same session at which the report shall be made, apply for a Jury, the said Court shall have power to determine the same by a Jury, in the same manner that other causes are determined; and if the verdict of the Jury shall not give to the party applying a larger sum, or a more favourable decision than the appraisers appointed as aforesaid, the Court shall award costs against the party applying; but if the last decision shall be more favorable to the party applying, than the decision of the appraisers, the Court shall award costs against the party not applying; in both cases the judgment shall be made up agreeably to the verdict or report of the committee, so far as respects damage, with or without a deduction of the costs, as the case may require, and execution shall issue accordingly.

SEC. 4. *Be it further enacted*, That when the said canal shall be completed, and having the approbation of the Court of Sessions for the county of Oxford, or to the acceptance of a committee appointed by the said Court, the

said Proprietors shall have a right to demand and receive toll for all articles transported on the said canal, and to retain them or any part of them, until payment shall be made; and the following shall be the rates of toll, viz. for each board log, mast or spar, passing a slip or lock, one cent each; for each thousand of boards, planks and slit work, three cents; for each thousand of clap-boards and shingles, one cent each; and in all cases one cent shall be paid for the use of the canal, for each of the said articles. May receive or toll.

SEC. 5. *Be it further enacted*, That the said Proprietors shall be, and they are hereby authorised to purchase and hold real estate, to them, their heirs and assigns, to the amount of three thousand dollars, and personal estate, to the amount of one thousand dollars; and in all meetings of the said Proprietors, the votes shall be counted and determined according to the number of shares, and interest held by each Proprietor, either in person or by proxy. May hold estate.

SEC. 6. *Be it further enacted*, That on the application of either of the said Proprietors, any Justice of the Peace for the county of Oxford is hereby authorised to issue a warrant directed to one of the said Proprietors, requiring him to notify and call a meeting of the said Proprietors, at such time and place as shall be appointed in the said warrant, to organize the said Corporation, by the election of its officers, to agree upon a mode of notifying future meetings, to establish their rules and regulations of doing business, and to act upon any other matter expressed in said warrant. Justice authorised to issue warrant.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXIII.

An Act to establish The Plympton 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 Zachariah Eddy, Ebenezer Deane, William Goodwin, Joshua Eddy, jun. Jonathan Parker, jun. Levi Bradford, jun. W. S. Eddy, Robert Blair, Martin Hayward, Josiah White, Daniel Parker, Persons incorporated.

Isaac Wright, Isaac Bartlett, James Cushman, Ezra Weston, Ezra Weston, jun. Benjamin Billings, Nathaniel Eddy, Greenleaf Pratt, Josiah Cook, jun. Dan Wilmarth, Ephraim Edson, and Barzillai Crane, together with such others as may associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Plympton Cotton Manufacturing Company, for the purpose of manufacturing cotton, wool and linen yarn and cloth, in Plympton, in the county of Plymouth; and shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed 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.

May hold  
estate.

SEC. 2. *Be it further enacted*, That said Corporation, in their corporate capacity, shall and may lawfully hold and possess such real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on said manufacture in their various branches as aforesaid.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXIV.

An Act in further addition to an act, entitled, "An act to divide the county of Hampshire, and to constitute the northerly part thereof into a county, by the name of the County of Franklin."

Entitled to  
due proportion  
of monies and  
credits.

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 county of Franklin shall be entitled to such due proportion of all the monies and credits of the county of Hampshire, at the time the act to which this is in addition took effect, which remained after the payment of the debts, then due and owing from the said county of Hampshire, as the amount assessed upon the several towns in the said county of Franklin, in the last county tax assessed upon them, while they con-

stituted a part of said county of Hampshire, bore to the whole assessment; and the Treasurer of the said county of Hampshire is authorised and required to pay the same over to the Treasurer of the said county of Franklin accordingly.

And to the end, that a just and equitable distribution of such monies and credits, at the several times, when the laws establishing the counties of Franklin and Hampden took effect, may be made, and that the due proportion of the counties of Franklin and Hampden therein may be ascertained:

SEC. 2. *Be it further enacted*, That the Justices of the several Courts of Sessions for the counties of Hampshire, Franklin and Hampden, be, and they hereby are authorised and directed, at the Courts first by them respectively holden after the passing of this act, to appoint one commissioner each, and it shall be the duty of the commissioners, so appointed, to meet at Northampton as soon as may be after their appointment, and examine the accounts of the Treasurer of the said county of Hampshire, and compute and adjust the equitable share of each of said counties, in said monies and credits, according to the proportion provided in the first section of this act; and if upon such examination and adjustment, it shall appear that more than the equitable proportion of the said county of Hampden, in the said monies and credits, has been paid into the treasury thereof, the same shall be reimbursed to the said county of Hampshire, according to the justice and equity of the case.

Justices to  
appoint com-  
missioners.

SEC. 3. *Be it further enacted*, That so long as the Supreme Judicial Court shall be holden at Northampton, for the counties of Hampshire, Franklin and Hampden, each of the said counties shall be holden to bear one third part of the expense of the Grand and Traverse Juries for said Court, to be paid out of their respective county treasuries.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXV.

An Act to alter and change the names of certain persons therein mentioned, and for other purposes.

Names altered.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, Samuel White, of Boston, in the county of Suffolk, shall be allowed to take the name of Samuel Kellogg White; that Mary Leo Griffith, daughter of the widow Mary Griffith, of the same Boston, shall be allowed to take the name of Mary Elizabeth Newall Griffith; that Johnston Brown, of Boston aforesaid, jeweller, son of Robert Brown, late of Plymouth, in the county of Plymouth, deceased, shall be allowed to take the name of Robert Johnston Brown; that Abiah Williams, of said Boston, shall be allowed to take the name of Maria Williams; that Charles Parsons, of Boston aforesaid, merchant, shall be allowed to take the name of Charles Chauncy Parsons; and all acts heretofore lawfully done by the said Parsons, in the name of Charles Chauncy Parsons, are hereby ratified and confirmed; that Lucy Ann Innes Whitwell, an infant daughter of Benjamin Whitwell, Esq. of the same Boston, shall be allowed to take the name of Lucy Cushing Whitwell; that James Dickinson, of said Boston, comedian, shall be allowed to take the name of James Amos Dickson; that Ebenezer Baker, of Boston aforesaid, son of Ebenezer Baker, late of Dorchester, in the county of Norfolk, deceased, shall be allowed to take the name of Ebenezer Richard Baker; that William Wyer, of the same Boston, mariner, shall be allowed to take the name of William Fitzpatrick Wyer; that George Hall, of said Boston, son of Dr. George H. Hall, late of Brattleboro', Vermont, deceased, shall be allowed to take the name of George Ward Hall; that John Browne, of Salem, in the county of Essex, cordwainer, shall be allowed to take the name of John D. Browne; that John Smith, jun. of Newburyport, in said county of Essex, merchant, son of Leonard Smith, of the same Newburyport, shall be allowed to take the name of John



Augustus Smith; that Salvador Sabate, of Cohasset, in the county of Norfolk, shall be allowed to take the name of Samuel Snow; that William Leonard, jun. of Plymouth, in the county of Plymouth, son of Nathaniel Leonard, Esq. of Taunton, in the county of Bristol, shall be allowed to take the name of William B. Leonard; that Harry Sargent, of Leicester, in the county of Worcester, gentleman, shall be allowed to take the name of Henry Sargent; that Albert Lamberton, commonly called Albert Lewis, a minor and godson of Darius Lewis, of Egremont, in the county of Berkshire, shall be allowed to take the name of Albert Lewis; that Jesse Hunter, of Becket, in said county of Berkshire, yeoman, shall be allowed to take the name of John Larkin Hunter; that Pardon Shippey, otherwise called Pardon Trask, of Cheshire, in the county of Berkshire aforesaid, yeoman, shall be allowed to take the name of Pardon Lincoln; that Harvey Needham, of South Brimfield, in the county of Hampden, gentleman, shall be allowed to take the name of James Harvey Needham; that John Tompson, the fourth, of Berwick, in the county of York, shall be allowed to take the name of John S. Tompson; that Abel Prescott 2d. of Concord, in the county of Middlesex, son of the late Willoughby Prescott, of the same Concord, deceased, shall be allowed to take the name of Abel Heywood Prescott; and the several persons before named, from the time of the passing of this act, shall be called and known by the names, which by this act they are respectively allowed to take and assume as aforesaid; and the said names shall forever hereafter be considered as their only proper and legal names, to all intents and purposes.

[Approved by the Governor, Feb. 27, 1813.]

---

## CHAP. CXXVI.

An Act in addition 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  
B b

Feb. 27, 1813.

*authority of the same,* That if the Selectmen of any town in this Commonwealth shall neglect or refuse to perform the duties required of them in the ninth and twenty-third sections of an act, entitled, an act for regulating, governing and training the militia of this Commonwealth, every Selectman, so neglecting or refusing, shall forfeit and pay to the use of the Commonwealth, a sum, not exceeding fifty dollars, to be recovered by indictment in the Supreme Judicial Court, any Circuit Court of Common Pleas, or any Court of Common Pleas, for the counties of Nantucket and Duke's county.

Penalties,  
how recovered.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXVII.

An Act in addition to the several acts to prevent the destruction of alewives and other fish in Ipswich river.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the time for the passage way or ways to be kept open, for the fish to pass and repass through any mill dam or dams now erected, or to be hereafter erected on the stream running from Humphrey's pond, so called, into said Ipswich river, shall be from the tenth day of May to the tenth day of June annually, any thing in the before-mentioned acts to the contrary notwithstanding.

Passage  
ways, when  
kept open.

SEC. 2. *Be it further enacted,* That the agent appointed by The Danvers Cotton Factory Company shall always be one of the fish committee provided for in the acts to which this is in addition and amendment.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXVIII.

An Act to incorporate a religious society, by the name of  
The Eastern Methodist Society in Lynn.

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 Parker Mudge, Joseph Ingalls, James Clough, Samuel Mudge, Daniel Fuller, Jonathan Ingalls, Abner Ingalls, Robert Mansfield, Ephraim Brown, William Ashton, Robert Mansfield, jun. Edmund Lewis, jun. John Ireson, Ezra Mudge, George Hamlin, Benjamin N. Hallowell, Thomas Vickery, John Lewis, Nathaniel Ingalls, John Chase, John Lewis, jun. Ebenezer Tarbox, jun. James Lewis, Nathaniel Lewis, Samuel Ashton, Samuel Ashton, jun. Joseph Lewis, Benjamin Lewis, jun. Nathaniel Parrott, Hepzibah Parrott, James Parrott, jun. Hannah Parrott, Theophilus Burrell, Isaac Proctor, Nathan Mudge, jun. Samuel Ireson, Jacob Ingalls, John Ingalls, 4th. Jacob Jackson, Mark Graves, John Ingalls, jun. William Parrot, William Marshall, Eleazer Ingalls, Joseph Fuller, jun. Henry Segar, Joseph Richards, Joseph Richards, jun. Jacob Phillips, Theophilus Clark, Joseph Blaney, jun. Richard Hanford, Joseph Currier, Micajah Burrell, James Bickford, Theophilus Burrell, jun. Nathan Mudge, Zachariah Atwell, Peter G. Robbins, Edward Ingalls, William Phillips, John Gibbons, Rufus Parrott, Ebenezer Burrell, jun. James F. Lewis, John Richards, jun. Jacob Ingalls, jun. Peter Barry, John D. Atwell, Timothy Newhall, Enoch Mudge, jun. Benjamin Stone, Marshall Brown, Jonathan Chase, Daniel C. Watts, John Brown, John Mansfield, Joseph Ingalls, jun. Joseph Lewis jun. Joseph Mudge, jun. Caleb Stone, Jesse L. Atwell, Abijah Ramsdale, jun. Richard Richards, John Richards, 3d. William Ingalls, Stephen Lewis, Robert Mc. Farlain, Ezra Brown, jun. Jonathan Tuttle, Blaney Lewis, Nathan Lewis, and Leonard Curn, with such others as shall hereafter associate with them, together with their families and estates, be, and they hereby are incorporated into a religious society, by the name of The Eastern Methodist Society in Lynn,

Persons in-  
corporated.

Proviso.

with all the powers, privileges and immunities, to which all other parishes within this Commonwealth are by law entitled : *Provided however*, That the persons set off as aforesaid, shall be holden to pay their proportion of all monies assessed in each of the other religious societies in said town, for parochial purposes, to which he or she formerly belonged.

May hold estate.

SEC. 2. *Be it further enacted*, That the said Corporation may hold the lot of land, whereon they have lately built a meeting-house, together with said meeting-house, and such other estate, real and personal, as the Corporation shall determine to own : *Provided*, that the annual income of the whole estate of the Corporation, beside the meeting-house and land under it, shall not exceed two thousand dollars ; and the said Corporation may sue and be sued by its corporate name, and may make and use a common seal, and break and alter it at pleasure ; and may make any by-laws for the government thereof, and for the management of the corporate property, that a major part of the members present (calculating according to their respective interests as is hereafter set forth) shall think best : *Provided*, the same are not contrary to the constitution and laws of this Commonwealth.

Proviso.

SEC. 3. *Be it further enacted*, That the proprietors or owners of the pews in the meeting-house, belonging to said Society, shall be solely authorised and empowered to vote in, and manage the concerns of said Corporation, and they, with their families and estates, and not the persons who occasionally hire pews or seats in said house, shall be liable to all assessments or taxes for the charges of the said parish ; and in all cases two votes and no more may be given in the right of each pew, and the said Corporation are hereby authorised to raise by an assessment on the pews in said meeting-house, such sum and sums of money for the maintenance of a minister or ministers, for repairing the meeting-house, and for defraying the other expenses of public worship, with incidental charges, as the aforesaid voters shall agree on at a legal meeting to be called for that purpose.

May assess pews.

SEC. 4. *Be it further enacted*, That if any proprietor of such pew or pews shall neglect to pay any assessment which shall be legally made thereon as aforesaid, for one year after the same shall have been made, the Treasurer

of the said Corporation, for the time being, shall be authorised and empowered to sell and convey all the estate, share and interest of such delinquent proprietor in the said Corporation, at public auction, first giving notice thereof, fourteen days at least previous to the sale, at the door of the said meeting-house; 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, and all incidental costs and charges, the Treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

Treasurer to  
sell shares.

SEC. 5. *Be it further enacted*, That when any member of the said Eastern Methodist Society shall see cause to leave the same, notice must be given by him or her to the Clerk of said Society, of such an intention; and in every case, such person shall be held to pay his or her proportion of all parochial expenses incurred previous to the leaving said Society.

Manner of  
leaving the  
Society.

SEC. 6. *Be it further enacted*, That any Justice of the Peace in the county of Essex is hereby authorised, upon application of three of the said Society, to issue a warrant for calling the first meeting of said Society, to be directed to some member of said Society, to be served as in said warrant shall be directed; and said Society may, at said meeting, agree upon a method of calling future meetings.

Justice to  
issue war-  
rant.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXIX.

An Act to annex Jason Hartshorn and others to the Third Parish in Roxbury.

**B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jason Hartshorn, Joseph Heath, Josiah Foster, Jonathan Smith, Paul Gore, Isaac Davis, jun. James Watson, Elisha Seaverns, Aaron Kingsbury, Sears Hearsey, and Ebenezer Hearsey, with their families and estates, be, and they are hereby set off from the first, and annexed to the third parish in Roxbury: *Provided*, That each of the persons herein named shall be

Set off.

holden to pay his respective proportion of taxes assessed upon him, and due to the said first parish, prior to the date of this act.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXX.

An Act regulating the packing and selling of paper within this Commonwealth.

**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 all paper, excepting press paper, bonnet paper, and such as is usually sold by weight, which from and after the first day of May next, shall be made or offered for sale within this Commonwealth, shall be packed in reams or parts of reams, each ream containing twenty quires, and each quire twenty-four sheets, and each package or parcel shall be stamped with the name of the manufacturer or manufacturers, and his or their place of residence, and also with the quantity of paper each package or parcel shall contain.

Paper to be stamped.

**SEC. 2.** *Be it further enacted,* That any and every person so making and offering for sale, or selling paper not packed and stamped as aforesaid, or which shall not contain the quantity so stamped thereon, shall for each offence forfeit and pay the sum of four dollars, for each package so offered for sale or sold, to be recovered in an action of debt, in any Court having jurisdiction to try the same, one moiety thereof to the use of the county in which such offence shall be committed, the other moiety thereof to the use of the person suing for the same, and all such paper not stamped as aforesaid, or which shall not contain the quantity so stamped thereon, shall also at all times be liable to be seized to the use of any person who may seize the same; *Provided,* the person so seizing shall within seven days after the seizure, commence his action as aforesaid, and shall prosecute the same to the recovery of the penalty aforesaid.

Penalty

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXXI.

An Act to establish a Literary Institution in the District of Maine, 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 there be erected and established in the District of Maine, in the township hereafter mentioned, a Literary Institution, for the purpose of educating youth, to be called and known by the name of The Maine Literary and Theological Institution, to be under the government and regulation of a body politic, as in this act is hereafter described.

Institution  
established.

SEC. 2. *Be it further enacted,* That Daniel Merrill, Caleb Blood, Sylvanus Boardman, Thomas Green, Robert Low, Benjamin Titcomb, Thomas Francis, Ranson Norton, Daniel Mc. Masters, Hon. James Campbell, Samuel Stinson, John Hovey, David Nelson, Alford Richardson, John Haynes, Samuel Baker, Joseph Bailey, Phineas Pilsbury, Hezekiah Prince, Moses Dennitt and John Neal, together with the President and Treasurer of the said Institution for the time being, to be chosen as in this act is hereafter directed, be, and hereby are erected a body politic and corporate, by the name of The President and Trustees of the Maine Literary and Theological Institution; and that they and their successors, and such others as shall be duly elected members of the said Corporation, shall be and remain a body politic and corporate, by that name forever.

Persons in-  
corporated.

SEC. 3. *Be it further enacted,* That for the more orderly conducting the business of the said Corporation, the President and Trustees shall have full power and authority, from time to time as they shall determine, to elect a Vice-President, Treasurer and Secretary of said Corporation, and to declare the tenure and duties of their respective offices, and also to remove any Trustee from the said Corporation, when in their judgment he shall be rendered incapable by age or otherways, of discharging the duties of his office, and to fill up all vacancies in the said Corporation, by electing such persons for Trustees

May choose  
officers.

Proviso.

as they shall judge best: *Provided nevertheless*, That the number of the said Corporation, including the President of the said Institution, and the Treasurer for the time being, shall never be greater than thirty-one, nor less than twenty-one.

SEC. 4. *Be it further enacted*, That the said Corporation may have one common seal, which they may change, break or renew, at their pleasure; and that all deeds signed and delivered by the Treasurer, and sealed with their seal, by the order of the Corporation, shall, when made in their corporate name, be considered in law, as the deed of the said Corporation; and that the said Corporation may sue and be sued, in all actions real, personal and mixed, and may prosecute and defend the same to final judgment and execution, by the name of The President and Corporation of the Maine Literary and Theological Institution; and that the said Corporation shall be capable of having, holding and taking in fee simple, or any less estate, by gift, grant, devise or otherwise, any lands, tenements or other estates real or personal: *Provided nevertheless*, That the annual clear income of the same shall not exceed the sum of thirty thousand dollars.

Proviso

SEC. 5. *Be it further enacted*, That the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees, to convene at such meetings, and also from time to time, to elect a President and Treasurer of said Institution, and such Professors, Tutors, Instructors, and other officers of the said Institution, as they shall judge most for the interest thereof; and to determine the duties, salaries, emoluments and tenures of their several officers aforesaid; The said President for the time being, when elected and inducted into his office, to be ex-officio, President of the said Corporation; and the said Corporation are further empowered to purchase or erect and keep in repair, such houses and other buildings, as they shall judge necessary for the said Institution, and also to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of said Institution, and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their ad-

May purchase buildings.



mission: *Provided nevertheless*, That no corporate business shall be transacted at any meeting, unless thirteen at least of the Corporation are present.

SEC. 6. *Be it further enacted*, That the clear rents, issues and profits of all the estate, real and personal, of which the said Corporation shall be seized or possessed, shall be appropriated to the endowment of the said Institution, in such manner as shall most effectually promote virtue and piety, and a knowledge of such of the languages, and of the liberal arts and sciences, as shall be hereafter directed from time to time by the said Corporation. Estate, how appropriated.

SEC. 7. *Be it further enacted*, That the Hon. John Woodman, Esq. be, and he is hereby authorised and empowered to fix the time and place for holding the first meeting of the said Corporation, of which he shall give notice by an advertisement in a Portland, and one other eastern news-paper, at least fourteen days previous to the time of said meeting. First meeting.

SEC. 8. *Be it further enacted*, That the Treasurer of said Corporation shall, before he enters upon the execution of the duties of his office, give bonds to the said Corporation, in such sums and with such sureties as they shall approve of, conditioned for the faithful discharge of the said office, and for rendering a just and true account of his doings therein, when required; and that all the money, securities and other property of the said Corporation, together with all the books in which his accounts and proceedings as Treasurer were entered and kept, that shall be in his hands at the expiration of his office, shall, upon demand made upon him, his executors or administrators, be paid and delivered over to his successor in that office, and all monies recovered by virtue of any suit at law, upon such bond, shall be paid over to the Corporation aforesaid, and subjected to the appropriation above directed in this act. Treasurer to give bonds.

SEC. 9. *Be it further enacted*, That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers by this act vested in the said Corporation, as shall be judged necessary to promote the best interests of the said Institution; and the said Corporation shall be holden to render an account to the Legislature, whenever they shall see fit to

require it, of all their proceedings, and the manner of disposing of the funds of said Institution.

Township  
granted.

SEC. 10. *Be it further enacted*, That there be, and hereby is granted a township of land six miles square, to be laid out and assigned from any of the unappropriated lands belonging to this Commonwealth, in the District of Maine, under the same restrictions, reservations and limitations, as other grants, for similar purposes, are now usually made; the same to be vested in the Corporation of said Institution, and their successors forever, for the use, benefit and purpose of supporting said Institution, to be by them holden in their corporate capacity, with full power and authority to settle, divide and manage the same tract of land or township, or any part thereof, or to sell, convey or dispose of the same, for settlement only, and to no one person a larger quantity than one thousand acres, in such way and manner, as shall best promote the welfare of said Institution; the same to be laid out under the direction of the committee for the sale of eastern lands, and a plan thereof returned to the Secretary's office, within three years after the expiration of the present war with Great-Britain.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXXII.

An Act to preserve and regulate the eel fishery in the town of Chatham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of September next, it shall not be lawful for any person not an inhabitant of the town of Chatham, to take within the limits of said town, any eels, without a permit in writing from the major part of the selectmen of the said town, expressing the name of the person, and the quantity permitted to be taken; and every person so offending shall forfeit and pay for every dozen so taken, the sum of twenty-five cents; *Provided nevertheless*, That the major part of the selectmen for the time being shall have power

Penalty.

to give permits in writing to any person to take eels in said town of Chatham, at such times and in such quantities as they shall deem reasonable, and express in their permit: *Provided also*, That every inhabitant of said town of Chatham without such permit, shall have a right to take eels within the limits of said town for the use of his family.

Proviso.

SEC. 2. *Be it further enacted*, That if any boat, cart, sled, horse or craft, shall be found within the limits of said town of Chatham, and not owned therein, with any eels taken within the limits of the said town, without a permit as aforesaid from the selectmen, it shall be lawful for any of the fish wardens, or for any inhabitant or inhabitants of the town of Chatham, to seize and detain the same, not exceeding twenty-four hours, in order that the same, if need be, may be attached or arrested by due process of law, in that time to answer the said fines and forfeitures, with cost of suit.

SEC. 3. *Be it further enacted*, That all fines and forfeitures which may be incurred thereby, shall enure one half to him or them who may sue for the same, and the other half to the said town of Chatham; and the same shall be recovered with legal costs of suit, in an action of debt, before any Justice of Peace for the county of Barnstable not interested therein.

Fines and forfeitures.

[Approved by the Governor, Feb. 27, 1813.]

---

## CHAP. CXXXIII.

An Act to enlarge the Jurisdiction of the Municipal Court in the town of Boston.

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Municipal Court in the town of Boston shall have original jurisdiction concurrent with the Supreme Judicial Court, of all crimes and offences arising or happening within the county of suffolk, not capital; and the said Municipal Court shall and may exercise such jurisdiction, any law, usage or custom, to the

Feb. 27, 1813.

contrary notwithstanding; saving to any party the right of appeal to the said Supreme Judicial Court, as is now provided by law in other cases.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXXIV.

An Act authorising certain punishments in cases therein mentioned.

**BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That whenever any person or persons shall or may be prosecuted to conviction before the Supreme Judicial Court of this Commonwealth, for any crime or misdemeanor, which is now by law punishable by whipping, standing in the pillory, sitting on the gallows, or imprisonment in the common gaol of the county, such Court may, at their discretion, in cases not already provided for, in lieu of the punishments aforesaid, order and sentence such convict or convicts to suffer solitary imprisonment, for a term not exceeding three months, and to be confined to hard labour, for a term not exceeding five years, according to the aggravation of the offence.

Punishment  
altered.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXXV.

An Act to prevent towns from choosing and returning more than their constitutional number of Representatives.

**SEC. 1.** **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That every town in this Commonwealth, which shall in any year, choose and return a Representative to the House of Representatives in the General Court, when it shall not be constitutionally en-

titled to a Representative ; and every town in this Commonwealth, which shall in any year elect and return to the House of Representatives in the General Court, a greater number of Representatives, than such towns shall be constitutionally entitled to, shall forfeit and pay a sum not less than one hundred dollars, nor more than three thousand dollars, at the discretion of the Court before whom the conviction may be had, for each and every such Representative so unconstitutionally elected and returned.

SEC. 2. *Be it further enacted*, That the fines and forfeitures mentioned in this act shall and may be recovered by information or indictment before the Supreme Judicial Court, Circuit Court of Common Pleas, or Court of Common Pleas for the county of Duke's county, holden in and for the counties respectively, in which any town may be, incurring the penalties of this act ; one half whereof shall enure to the use of the complainant who shall prosecute therefor, and the other to the use of the Commonwealth.

Fines, how recovered.

SEC. 3. *Be it further enacted*, That every and all penalties, fines and forfeitures, which may accrue by virtue of any breach of this act, in the town of Boston, in the county of Suffolk, shall be prosecuted as aforesaid, either before the Supreme Judicial Court, or Circuit Court of Common Pleas, to be holden in and for the county of Middlesex, and every and all penalties, fines and forfeitures, which may accrue by means of any breach of this act, in the town of Nantucket, shall and may be prosecuted as aforesaid, either before the Supreme Judicial Court, or Circuit Court of Common Pleas, to be holden in the county of Suffolk.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXXVI.

### An Act establishing The Taunton and Dighton 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 Thomas S. Baylies, Samuel Crocker, Hilliard Earl, James Sproat, Job W. Hall and

Persons incorporated.

John West, together with such persons as have associated or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of The Taunton and Dighton Turnpike Corporation, for the purpose of laying out and making and keeping in good repair a turnpike road, beginning at or near Taunton Green, in the town of Taunton, in the county of Bristol, thence proceeding on the most favourable route to Warren, in the State of Rhode Island, so far as this Commonwealth extends; and for this purpose shall have all the powers and privileges, and be subject to all the duties, requirements and penalties contained in an act entitled, "An act defining the general powers and duties of turnpike Corporations," passed the sixteenth day of March, one thousand eight hundred and five.

**SEC. 2.** *Be it further enacted,* That the Proprietors of the said turnpike shall be allowed to erect and keep two gates, and shall be entitled to demand and receive the following rates of toll at said gates, viz. for each coach, chariot, phaeton or other four wheel carriage, for pleasure or travelling, drawn by two horses, twenty-five cents, and if drawn by more than two horses, two cents for each additional horse; for each cart or waggon, drawn by two horses or oxen, ten cents, and if by more, one cent for each additional beast; for every sled or sleigh, drawn by two horses or oxen, eight cents, and one cent for each additional beast; for every cart, waggon, truck, sled or sleigh, drawn by one horse only, six cents; for every curricule, fifteen cents; for every chaise, chair, sulkey or other carriage for pleasure, drawn by one horse, twelve and an half cents; for every man and horse, four cents; for all horses, mules or neat cattle, led or driven, not in teams or carriages, one cent each; and for all sheep or swine, at the rate of three cents by the dozen.

**SEC. 3.** *Be it further enacted,* That said Corporation, shall not, without the consent of the owner or owners of any land over which said road shall pass, throw open the fences or other enclosures upon the same, or make said road, or in any way injure the property of any owner or owners of such lands, until the damages done by the passing of said road through such land, shall have been first ascertained by a committee, who may by law be authorised to assess the same, and such damages, so assessed,

Committee  
to assess  
damages.

shall have been paid or tendered to the person entitled to receive the same : *Provided however*, That nothing herein contained shall be construed to prevent said Corporation, their agents or servants, from entering on any land to survey or lay out the same.

Proviso:

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXXVII.

An Act for incorporating certain persons for building a bridge over Androscoggin river, between Lisbon and Durham, and for supporting the same.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Ezekiel Thompson, Nathan Nye, Samuel Holbrook, Nathan Wesson, Jacob Johnson, Daniel Dunham, James Johnson, Thomas Means, Cornelius Dillingham, Joseph Lufkin, Solomon Dennison, Samuel Talbert, James W. Purrington, Thomas Roberts, Melvin Stow, Isaac Tibbetts, Paul C. Tibbetts, John Tibbetts, Benjamin Whitney, jun. Joseph Woodward and William Woodward, be, and they are hereby constituted a Corporation and body politic, for the purpose of building and supporting a bridge over Androscoggin river, between Lisbon and Durham, so long as they shall continue to be proprietors in the fund to be raised for that purpose, together with all those who are or shall hereafter become proprietors of the said fund, under the name of The Proprietors of Lisbon Bridge ; and by that name may sue and prosecute, and be sued or prosecuted to final judgment and execution, and do and suffer all other matters and things, which bodies politic may and ought to do and suffer, and that said Corporation shall and may have full power and authority to make, have and use a common seal, and the same to break and alter at pleasure.

Persons incorporated.

SEC. 2. *Be it further enacted*, That Ezekiel Thompson, Nathan Nye, and Samuel Holbrook, or any two of them, may, by posting up advertisements in the towns of Lisbon and Durham, in some public places, call a meeting of said Proprietors, to be holden at any proper place,

May call meeting.

May choose  
officers.

Proviso.

after fifteen days from the posting up said advertisements; and the Proprietors, by a vote of the majority of those present or represented at the said meeting, shall have power to choose a Clerk and such other officers as may be deemed necessary; to establish by-laws, agree on the mode of calling future meetings, and at the same or subsequent meetings, may transact any business for the benefit of said Corporation; *Provided*, it be not repugnant to the constitution or laws of this Commonwealth; and this act, and all rules, regulations and votes of said Corporation shall be fairly and truly recorded by the Clerk, in a book or books for that purpose.

Toll estab-  
lished.

Proviso.

SEC. 3. *Be it further enacted*, That for the purpose of reimbursing said Proprietors, the monies by them expended, or that may hereafter be expended in building and supporting said bridge, a toll be, and is hereby granted and established, for the sole benefit of said Proprietors, according to the rates following, that is to say, for each foot passenger, two cents; for each person and horse, six cents; for each chaise or sulkey, drawn by one horse, ten cents; for each sleigh, drawn by one horse, six cents; for each sleigh, drawn by two horses, seven cents; for each coach, phaeton or curricle, twenty cents; for each cart or waggon, sled, or other carriage of burthen, drawn by one or two beasts, seven cents; and for each additional beast in the same team, one cent; and for each wheelbarrow, hand-cart or other vehicle, capable of carrying a like weight with one person, three cents; for neat cattle or horses, other than those rode or in carriages, or teams, one cent each; for sheep and swine, at the rate of six cents the dozen; and to each team, one person and no more shall be allowed as a driver, for the toll as established for teams. And at all times when the toll-gatherer shall not attend to his duty, the gate or gates shall be left open, and the said toll shall commence on the day of the opening said bridge for passengers, and shall continue for the benefit of the said Corporation forever; *Provided*, that after the term of thirty years, the rate of toll shall be subject to the regulations of Government.

SEC. 4. *Be it further enacted*, That said bridge shall be well built, at least twenty-eight feet wide, of good and suitable materials, and be well covered with plank or timber suitable for such a bridge, with sufficient rails on



each side for the safety of passengers, and the same shall be kept in good, safe and passable repair. And the Proprietors, at the place or places where the toll shall be received, shall erect and keep constantly exposed to view, a sign or board with the rates of toll, of all the tollable articles fairly and legibly written thereon, in large or capital letters.

SEC. 5. *Be it further enacted*, That the place where the bridge shall be built, shall be at or near the foot of the Ten Mile Falls, so called, in the towns of Lisbon and Durham. Bridge,  
where built.

SEC. 6. *Be it further enacted*, That if the said Proprietors shall neglect, for the space of six years from the passing this act, to build and erect said bridge, then this act shall be void and of no effect.

[Approved by the Governor, Feb. 27, 1813.]

#### CHAP. CXXXVIII.

An Act in addition to an act, entitled, "An act to incorporate The Proprietors of Fresh Pond Meadows, for the purpose of draining them."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Proprietors of Fresh Pond Meadows may erect at the bridge on the county road between Cambridge and West Cambridge, and from time to time, keep a gate or machine for the purpose of facilitating the draining the Fresh Pond Meadows (so called) in the towns of Cambridge and West Cambridge; Shall keep  
a gate.  
*Provided*, that the said gate or machine may be kept open by the selectmen of either of the towns of Cambridge or West Cambridge, from the first day of March to the fifteenth day of June, in each and every year, for the free passage of fish. Proviso.

SEC. 2. *Be it further enacted*, That if it shall be found that the time aforesaid is not sufficient for the free passage of shad and alewives, that on the application of the selectmen of either of the towns of Cambridge or West Cambridge, the Court of Sessions, for the county

of Middlesex, may direct that the said gate or machine shall be kept open for such further time as may be deemed necessary for the preservation of said fish.

Penalty in  
case of wil-  
ful injury.

SEC. 3. *Be it further enacted*, That if any person shall wilfully destroy, injure or impede the operation of the said gate or machine, the person so offending, shall forfeit and pay for each offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, to be recovered before any Court proper to try the same, one half to the use of the informer, and the other half to the use of the Proprietors of the Fresh Pond Meadows aforesaid.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXXXIX.

An Act making further allowance to the Judge of Probate for the county of Cumberland, for his service in that office.

Proviso.

**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 twenty-sixth day of February, one thousand eight hundred and eleven, the Treasurer of the county of Cumberland, be, and he hereby is authorised and directed to pay to the Judge of Probate for the county of Cumberland for the time being, such sum as, together with the fees of office, shall be equal to three hundred dollars per annum ; *Provided*, That the said Judge shall keep an account of all fees by him taken in said office, and shall present said account, attested by the Register of Probate, to the Treasurer of said county, at the end of each year.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXL.

An Act directing the mode and time of making returns of the several incorporated banks in this Commonwealth to his Excellency the Governor and the Honourable Council.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the Directors of the several banks, which are or may be incorporated within this Commonwealth, shall on the first Monday of January and June in every year, and as much oftener as may be required of them, make a return of the state of their several banks, as it existed on the day immediately preceding the Monday aforesaid, and that they transmit the same as soon thereafter as may be, not exceeding fifteen days, to the Secretary of this Commonwealth; which return shall specify the amount of the capital stock actually paid in, the value of the real estate belonging to the Corporation, the amount of all debts due, and of the cash deposited, bills in circulation, gold, silver and other coined metals on hand, bills of other banks, incorporated by the State, bills of other banks, incorporated elsewhere, bills of one, two and three dollars in circulation, and the amount of said bills on hand, the rate and amount of the last dividend of profits, with the amount of reserved profits of said bank; which said returns shall be signed by a majority of the Directors, and by the Cashier of the several banks, who shall make oath or affirmation before some Magistrate qualified to administer oaths, and who shall have no interest in said corporate body, to the truth of said return, according to their best knowledge and belief.

Returns,  
when made.

SEC. 2. *Be it further enacted,* That all such parts of the existing laws of this Commonwealth, as relate to the mode and time of making returns of the state of the several banks incorporated by the Legislature of this Commonwealth, be, and they are hereby repealed.

Laws re-  
pealed.

SEC. 3. *Be it further enacted,* That in case the Directors of any bank, incorporated in this Commonwealth,

Penalties,  
how recov-  
ered.

shall neglect or refuse to comply with the provisions of this act, the said Corporation shall forfeit and pay the sum of five thousand dollars for each neglect or refusal, to be sued for and recovered in an action of debt, by either the Attorney or Solicitor General, for the use of the Commonwealth.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXLI.

An Act in addition to, and for repealing the First Section of an act, entitled, "An act regulating the selection, the empannelling, and the services of Grand, Traverse and Petit Juries, and repealing all laws, or clauses of laws, touching these subjects, so far as they are provided for by this act."

Act repeal-  
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 first section of an act, entitled, "an act regulating the selections, the empannelling, and the services of Grand, Traverse and Petit Jurors, and repealing such laws or clauses of laws, touching these subjects, so far as they are provided for by this act," made and passed on the twelfth day of March, in the year of our Lord, one thousand eight hundred and eight, be, and the same is hereby repealed.

Duty of the  
Selectmen.

SEC. 2. *Be it further enacted,* That the selectmen, in each town or district in this commonwealth, shall provide, and at all times cause to be kept in their respective towns, one jury-box, and shall, before the first day of June next, and once at least in every three years afterwards, prepare a list of such persons, under the age of seventy years, in their respective towns, as they shall judge well qualified to serve as Jurors, being persons of good moral character, and qualified as the constitution directs, to vote in the choice of Representatives, excepting the Governor, Lieutenant Governor, Counsellors, Judges, and Clerks of the Common Law Courts, Secretary and Treasurer of the Commonwealth, Loan officers, and Revenue officers, Judges and Registers of Probate, Registers of Deeds,

settled Ministers of the gospel, Officers of any college, Preceptors of incorporated academies, Physicians and Surgeons regularly authorised, Cashiers of incorporated banks, Sheriffs and their Deputies, Marshalls and their Deputies, Counsellors and Attornies at law, Justices of the Court of Sessions, Criers of the Judicial Courts, Constables and constant Ferrymen; and having written their names upon tickets, they shall cause them to be placed in a box to be called the jury-box, and shall then lay the whole of their doings before the town for a revision, who may confirm the same, or make such alterations therein as they may deem proper; and the said box shall be held and kept by the town or district Clerk; and the persons whose names shall be continued in said box, shall be liable to be drawn, and serve on any Jury, at any Court for which they may be drawn, once in every three years and not oftener.

Persons ex-  
empted.

SEC. 3. *Be it further enacted*, That it shall be the duty of the several towns and districts to provide and have constantly kept in said box, ready to be drawn when required, a number of Jurors, equal at least to one for every sixty persons which said town or district may contain, computing by the last census which may have been taken, next before the preparing the box.

Duty of the  
several  
towns.

SEC. 4. *Be it further enacted*, That all other parts of the act herein before recited, so far only as the same are inconsistent with the provisions of this act, be, and the same hereby are repealed.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXLII.

An Act to repeal and alter certain parts of the act therein mentioned.

**B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That so much of the third section of the act, entitled, an act to repeal an act, entitled, "An act to invest the committee of the second precinct in Rehoboth with corporate powers for certain purposes therein mentioned, and to incorporate a number of the inhabitants

Act repeal-  
ed

of said precinct, by the name of the Catholic Congregational Church and Society, in the second precinct in the town of Rehoboth," as provides that the annual income of the fund appropriated for the support of the ministry in the second precinct in the town of Rehoboth, shall be limited to five hundred dollars, be, and the same is hereby repealed; and the annual income of the said fund shall be, and hereby is allowed to be augmented and extended to one thousand dollars, and the Trustees of the said Catholic Congregational Church and Society in the said second precinct shall be, and they are hereby further empowered to receive donations and subscriptions, both real and personal, to such an amount as that the annual income from the said fund shall produce the said sum of one thousand dollars, and the said income from rents, issues and profits, shall be applied and used, as in the aforesaid act is directed.

[Approved by the Governor, Feb. 27, 1813.]

### CHAP. CXLIII.

An Act to incorporate The Trustees of the Congregational Ministerial Fund in Concord.

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 John White, Francis Jarvis and John L. Tuttle, and such others as shall hereafter be duly appointed, be, and they hereby are incorporated and made a body politic and corporate, by the name of The Trustees of the Congregational Ministerial Fund in Concord.

May hold  
estate.

SEC. 2. *Be it further enacted*, That the said Corporation may have and use a common seal, and the same may break, alter and renew at pleasure, shall be capable of suing and being sued, in any actions real, personal or mixed, in any Court having jurisdiction thereof, shall or may take and hold in fee simple or otherwise, by purchase, gift, grant or devise, any estate, real, personal or mixed, and may sell and dispose thereof at pleasure, not using the same in trade or commerce, may make and ex-

ecute any by-laws and rules for the government of the Corporation, which the Trustees may think expedient, not repugnant to the laws of this Commonwealth, and may appoint such officers, and invest them with such powers as they may think fit.

SEC. 3. *Be it further enacted*, That the end and design of the aforesaid Corporation, be to obtain and secure a fund, the income of which shall be appropriated by the said Trustees, for the support of a gospel minister of the Congregational denomination of christians in the town of Concord. Income, how appropriated.

SEC. 4. *Be it further enacted*, That whenever any of the Trustees shall have died or resigned their office as such, the vacancy shall be supplied by the vote of the inhabitants of said town qualified to vote in town affairs, at any town meeting legally called for that purpose. Vacancies, how supplied.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXLIV.

### An Act against perjury, and subornation of perjury.

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 being lawfully required to depose the truth in any proceeding in a course of justice, shall commit any manner of wilful perjury, every person so offending, and being thereof convicted before any Justice of the Supreme Judicial Court, shall be punished by solitary imprisonment, for a term not exceeding three months, and by confinement afterwards to hard labour, for a term not less than two years, and not exceeding fifteen years. Punishment for perjury.

SEC. 2. *Be it further enacted*, That if any person shall commit subornation of perjury, by procuring another person to commit wilful and corrupt perjury as aforesaid, every person guilty of such subornation of perjury, and being thereof duly convicted, shall be liable to, and suffer the same punishment and disability, as in this act is provided for the punishment of wilful perjury.

Feb. 27, 1813.

SEC. 3. *Be it further enacted*, That if any person shall wilfully and corruptly endeavour to incite or to procure another person to commit wilful and corrupt perjury as aforesaid, and the person so incited do not commit such perjury, the person so corruptly endeavouring to incite and procure the committing of perjury, shall be punished by solitary imprisonment, for a term not exceeding two months, and by confinement afterwards to hard labour, for a term not exceeding five years.

SEC. 4. *Be it further enacted*, That the oath of any person offending in any manner aforesaid, and thereof duly convicted as aforesaid, shall not be received in any Court of record, until such time as the judgment given against such person shall be reversed.

SEC. 5. *Be it further enacted*, That an act, entitled, "an act against perjury and subornation of perjury," passed the ninth day of March, in the year of our Lord one thousand seven hundred and eighty-five, shall be and the same is hereby repealed; *Provided*, that the same shall be and remain in force for the cognizance, trial and punishment of the crimes and offences therein mentioned, committed before the passing of this act, and respecting all proceedings and matters thereon arising, this repeal to the contrary notwithstanding.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXLV.

An Act to authorise the sale of lands in the town of Strong, reserved for the use of the ministry and schools, and to incorporate Trustees 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 William Read, William Hiscock, Joseph Kersey, Henry Davis, Thomas Hunter, Reuben Dyer and Samuel Patterson, be, and they are hereby appointed Trustees to sell all the ministerial and school lands in the town of Strong, in the county of Somerset; and the monies arising from the sale of said lands to put out at interest in the manner hereinafter directed;

Trustees in-  
corporated



and the said Trustees are hereby made, and shall hereafter be known, in law and in fact, a body politic and corporate, by the name of The Trustees of the Ministerial and School Funds in the town of Strong; and they and their successors in that office, shall have and use a common seal, and by the name aforesaid, may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, and shall exercise all other powers and privileges incident to, and usually given to, and exercised by Corporations of a like nature and purpose.

SEC. 2. *Be it further enacted*, That the said Trustees, and their successors in office, shall annually elect a President, and a Clerk to record the doings of the said Trustees, and a Treasurer to receive and apply the monies belonging to the said funds, as is directed in this act, and also any other needful officers or agents, for the better managing their business; and all such elections shall be by written votes, and the inhabitants of the said town of Strong, who are qualified to vote in town affairs, at their annual town meetings for the choice of town officers, shall have the privilege to elect three persons as associates with the before named Trustees, and after the said Corporation shall be duly organised according to the provisions of this act, one of the said three associates chosen as aforesaid, shall annually retire by lot, and the vacancy so made shall be supplied by a new election, so that one new member of the said Corporation may be elected annually forever.

May elect  
officers,

SEC. 3. *Be it further enacted*, That the number of the said Trustees shall never exceed ten, nor be less than six, any five of whom may be a quorum for doing business; and they shall have power from time to time to fill up vacancies in their number, happening by death, resignation or otherwise; and they shall also have power to remove any one of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge his duty, and to supply any vacancy so occasioned, by a new choice from the inhabitants of said town; and the said Trustees and each of them shall be responsible to the said town of Strong, for their personal misconduct or neglect, whether they be officers or not, and liable to prosecution for any loss or damage to the said funds arising thereby; and the debt or damage

May supply  
vacancies.

Treasurer to  
give bonds.

recovered in such suit, shall be considered as belonging to said funds, and applied accordingly, and the said Trustees shall hold a meeting annually in March, and as often as the affairs of the said fund may require, which meetings shall be notified and called in such way and manner as the said Trustees, at any meeting, may order and direct; and the Treasurer of the said funds shall give bonds to the acceptance of the said Trustees, for the faithful performance of his duty, and to be at all times responsible for the faithful application and expenditure of the monies which may come into his hands, conformable to the true intent and meaning of this act, and for all negligence or misconduct of any kind, in his said office; and the Clerk shall be sworn to the faithful discharge of his duty.

May sell  
lands.

SEC. 4. *Be it further enacted*, That the said Trustees be, and they are hereby authorised to sell and convey all the ministerial and school lands in the said town of Strong, which were reserved in its grant and location, and to make, execute, acknowledge and deliver good and sufficient deeds thereof, which deed or deeds subscribed by the Treasurer, and countersigned by the Clerk, with the seal affixed, shall be good and effectual in law to convey the fee simple from said town to the purchaser; and all the monies arising from the ministerial and school lands in the said town of Strong, shall be put to use, as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned, or by two or more sureties with the principal, unless the said Trustees shall think it more expedient to invest the same in public funded securities or bank stock, at their discretion.

Duty of  
Trustees.

SEC. 5. *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 school lands, from those of the ministerial lands, and of the interest arising therefrom, respectively; which accounts, they and their successors in office, shall exhibit to the town at their annual meeting for the choice of town officers, and the said Trustees and others who may by them be employed in the business of the said funds, shall receive no compensation from the monies of the said funds, but a reasonable compensation may be made to them, and the Treasurer, or other officers or agents, by the town at their

discretion; and the interest accruing on the monies coming from the sale of the said ministerial lands shall be appropriated, and uniformly applied for the support of the gospel ministry in the said town of Strong; and shall be divided between the religious societies of the several denominations in the said town, according to their numbers respectively, in such proportions as shall be voted and determined by the said Trustees, and the interest accruing on the monies coming from the sale of the said school lands shall be appropriated, and uniformly applied for the support of instruction in the public free schools in the said town of Strong; and it shall never be in the power of the said town to alienate or alter the appropriation of the said funds, provided in this act.

Interest how  
appropriat-  
ed.

SEC. 6. *Be it further enacted*, That any Justice of the Peace for the county of Somerset, upon application therefor, is hereby authorised to issue a warrant directed to one of the Trustees before named, requiring him to notify and call the first meeting of the said Trustees, at such convenient time and place as shall be appointed in the said warrant, to organize the said Corporation, by the election and appointment of its officers.

Justice to  
issue war-  
rant.

[Approved by the Governor, Feb. 27, 1813.]

## CHAP. CXLVI.

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

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 first day of April next, every person who shall own or keep any dog or dogs, shall cause to be placed about the neck of each dog so by him owned or kept, and constantly worn by such dog, a collar with the name and place of residence of such owner or keeper of any dog or dogs, legibly marked on the same.

Dogs to  
wear col-  
lars.

SEC. 2. *Be it further enacted*, That from and after the said first day of April next, it shall be lawful for any person to kill any dog or dogs found and being without a collar as aforesaid.

May kill  
dogs.

