

MAINE STATE LEGISLATURE

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED AT THE SEVERAL

SESSIONS OF THE GENERAL COURT,

HOLDEN IN BOSTON,

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

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1812-15.

LAWS

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THE SESSION, COMMENCING ON THE 5th AND ENDING ON

THE 20th DAY OF OCTOBER,

1814.

CHAP. LVII.

An Act to authorise the President, Directors and Company of the Merrimack Bank to postpone the payment of their first instalment.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the President, Directors and Company of the Merrimack Bank be, and they hereby are authorized and empowered to postpone the payment of their first instalment of twenty five per centum of their capital stock until the first Monday of December next, any law to the contrary notwithstanding.

May Postpone
payment of first
instalment.

[Approved by the Governor, October 10, 1814.]

CHAP. LVIII.

An Act in addition to an act, "entitled An act to incorporate the President, Directors and Company of the Newburyport Bank."

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

Amount of capital stock and of each share

Proviso.

of this act, the capital stock of the Newburyport Bank, shall be divided into shares of sixty dollars each, and the whole number of shares shall be three thousand and five hundred ; any thing in the act, to which this is an addition, to the contrary notwithstanding : *Provided however*, That no dividend of the capital stock of said Bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, that there actually exists in the vaults of the Bank specie belonging to the Corporation, sufficient to pay off all the bills of the Bank in circulation, and all deposits, and other demands existing against the same, beyond the sum then to be divided : *Provided also*, That nothing herein contained, shall be construed to affect the liability of the Corporation, or the individual Stockholders, as established by the original act incorporating the said Bank.

[Approved by the Governor, October 13, 1814.]

CHAP. LIX.

An Act in further addition to an act, entitled “ An act to incorporate the President, Directors and Company of the Springfield Bank.”

Amount of capital stock and of each share.

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 capital stock of the President, Directors and Company of the Springfield Bank shall, and may consist of the sum of one hundred and twenty five thousand dollars, and no more ; any thing in the act incorporating them notwithstanding— to be divided into shares of one hundred dollars each, to be paid in four equal instalments ; the whole of the first instalment to be paid on or before the first day of November next, and the other instalments at the times prescribed by a law, in this behalf, passed in June last.

SEC. 2. *Be it further enacted*, That the proceedings of said Corporation shall, and may be valid, notwith-

standing their having failed to pay in the whole of the first instalment by the time prescribed by said law, passed in June last ; *Provided*, they shall pay in the first instalment by the time herein set and limited ; and *Provided also*, That no money shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said Bank, until the capital subscribed and actually paid in, and existing in gold and silver in their vaults, shall amount to one fourth part of the capital stock of said Bank,

SEC. 3. *Be it further enacted*, That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money that may be required, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest at a rate, not exceeding five per centum per annum : *Provided however*, That the Commonwealth shall never, at any one time, stand indebted to said Corporation, without their consent, for a larger sum than twenty per centum of the capital stock actually paid in.

SEC. 4. *Be it further enacted*, That, in all respects, not herein otherwise specially provided for, the said Corporation shall be subject to all the duties, and liable to all the restrictions and conditions, by law imposed upon them.

[Approved by the Governor, October 13, 1814.]

CHAP. LX.

An Act to incorporate the Wellington Cotton Mill 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 Simeon Williams, Joshua Williams, Isaac Babbitt, Barnabas Crane, Adoniram Crane, Nathaniel Wheeler, 2d, Jonathan Walker,

Nathaniel Walker, Hezekiah Anthony, Seth Presbrey and Job King, Jun. with such as may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation by the name of The Wellington Cotton Mill Company, for the purpose of manufacturing cotton cloth in the town of Wellington, in the county of Bristol; and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled "An act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

May hold real
and personal
estate.

SEC. 2. *Be it further enacted*, That said Corporation may be lawfully seized and possessed of such real estate, not exceeding thirty thousand dollars, and such personal estate, not exceeding sixty thousand dollars, as may be necessary and convenient for the purposes aforesaid.

[Approved by the Governor, October 15, 1814.]

CHAP. LXI.

An Act to establish the Springfield Manufacturing Company.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Benjamin Jenckes, Washington Jenckes, Joseph Bucklen and George Wilkinson, together with such persons as have already associated with them, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a Corporation, by the name of the Springfield Manufacturing Company, for the purpose of Manufacturing cotton and woollen cloth and yarn, and also iron, in the towns of Springfield and Ludlow, in the county of Hampden, with the business necessarily connected therewith; and for such purposes shall have all the powers and privileges, and be subject to all the

duties and requirements, contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of Manufacturing Corporations."

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

[Approved by the Governor, October 15, 1814.]

CHAP. LXII.

An Act to provide for the settlement of accounts for military services and supplies.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That His Excellency the Governor, with advice of Council, shall appoint three suitable persons as Commissioners on military accounts, whose duty it shall be, to receive, adjust and finally settle all accounts against the Commonwealth for military services or supplies, and for expences connected with any military operations, rendered by, or under the authority of the State. And the said Commissioners may prescribe the forms of accounts, and direct what vouchers shall be necessary to passing all such accounts. And the Governor, with advice of Council, may draw his warrants on the Treasurer in favour of said Commissioners for such sums, as may from time to time, be required, for paying said accounts, which sums shall remain in the hands of the Treasurer, subject to the orders of the Commissioners, or any two of them, which orders shall be drawn on each separate account, and shall refer to the same : Provided how-* Gov. to appoint Commissioners.
ever, That in lieu of drawing his warrants on the Treasurer as aforesaid, the Governor may, whenever Provision.

he sees fit, direct the Commissioners to report their accounts, as passed for final allowance, and payment by the Governor and Council.

Shall arrange
claim against
United States.

SEC. 2. *Be it further enacted*, That the said Commissioners shall prepare and arrange the claim of this State against the United States, with the vouchers to support the same, and file all such papers and accounts in the office of the Secretary of the Commonwealth, in such manner, and under such directions as they may, from time to time, receive from the Governor and Council, or the Legislature ; and they shall also, make monthly reports to the Governor and Council, when in session, of all accounts allowed by them.

SEC. 3. *Be it further enacted*, That the Commissioners to be appointed under this act, shall receive such compensation for their services as the Legislature shall from time to time direct.

[Approved by the Governor, October 15, 1814.]

CHAP. LXIII.

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

Act repealed.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an act, entitled " An act, supplementary to an act, entitled an act for regulating, governing and training the Militia of this Commonwealth," passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and eleven, be, and the same hereby is repealed ; and that the persons therein described shall be bound and obliged to perform military duty, and liable to the same penalties and forfeitures for the non performance of the same, as other citizens of this Commonwealth, not otherwise exempted ; any thing in the said act to the contrary notwithstanding.

[Approved by the Governor, October 15, 1814.]

CHAP. LXIV.

An Act in addition to an act, entitled “An act to incorporate the President, Directors and Company of the Pawtucket Bank.”

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, entitled an act, to incorporate the President, Directors and Company of the Pawtucket Bank, as regards the times at which the Stockholders of said Bank, are required to pay in their several instalments of the capital stock thereof, be, and hereby is repealed; and that the Stockholders of said Bank be, and hereby are required to pay in the several instalments of the capital stock of the said Bank, at the following periods, to wit; the first instalment on the first Tuesday of June next; the second instalment on the first Tuesday of December then next following; the third instalment on the first Tuesday of June then next following; and the fourth instalment on the first Tuesday of December next after; or at such earlier times as the Stockholders, at any meeting thereof, may order.

Act in part repealed.
Time for paying instalments.

[Approved by the Governor, October 15, 1814.]

CHAP. LXV.

An Act to incorporate the Oxford Central Cotton and Woollen 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 Daniel Fisk, John Hudson, William S. Fisk, Henry G. Learned, Joel and Daniel Eddy, Amos Hudson, Ezra Lovell, and Silvanus Pratt, together with such others as may hereafter associate with them, their successors and assigns, be, and

Persons incorporated.

they are hereby made a Corporation, by the name of the Oxford Central Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn, in the said town of Oxford ; and for this purpose, the said Company shall have all the powers and privileges, and shall be also subject to the same duties and requirements, as are prescribed and contained in an act, entitled "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, in their corporate capacity, may lawfully hold and possess real estate, not exceeding fifty thousand dollars, and personal estate, not exceeding one hundred thousand dollars, as may be necessary and convenient for carrying on the manufactures of the said company, in the said town of Oxford.

[Approved by the Governor, October 17, 1814.]

CHAP. LXVI.

An Act in further 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 authority of the same,* That, in addition to the officers of the Militia of this Commonwealth, provided for by the act entitled "An act for regulating, governing, and training the Militia of this Commonwealth," passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, and in pursuance of an act of the Congress of the United States, approved on the eighteenth day of April, in the year of our Lord, one thousand eight hundred and fourteen, there shall be to each division of the Militia of this Commonwealth, one Division Inspector, with the rank of Lieutenant Colonel, and one Division Quarter Master, with the rank of Ma-

May hold real
and personal
estate.

Number of of-
ficers to a Di-
vision and Bri-
gade.

jor, and to be appointed and commissioned by the Governor and Commander in Chief of this Commonwealth; to each brigade, one Aid-de-Camp, with the rank of Captain, to be appointed by the Brigadier General of said brigade, and commissioned by the Governor and Commander in Chief, and it shall be incumbent on the said officers to do and perform all the duties which by law, and military principles, are attached to their offices respectively.

[Approved by the Governor, October 17, 1814.]

CHAP. LXVII.

An Act to incorporate the Globe 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 Thomas Upham, David Fisk, Samuel Newell, James Walcott, Jun. Perry B. Walcott, Josiah J. Fisk, and Francis Wheelock, together with such other persons as may hereafter associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of The Globe Manufacturing Company, for the purpose of manufacturing cotton and woollen cloth and yarn, in the town of Sturbridge, in the county of Worcester; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled "an act defining the general powers and duties of Manufacturing Corporations," passed the third day of March, eighteen hundred and nine.

Persons incor-
porated.

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

May hold real
and personal
estate.

[Approved by the Governor, October 17, 1814.]

CHAP. LXVIII.

An Act in addition to the act, establishing a Marine Society at Newburyport.

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 Marine Society at Newburyport, may regulate and determine on their times of meeting, any thing in the act establishing that Society, passed on the eleventh day of October, one thousand seven hundred and seventy-seven, or in their bye-laws, as at present existing, to the contrary notwithstanding.*

May regulate
times of meet-
ing.

[Approved by the Governor, October 18, 1814.]

CHAP. LXIX.

An Act to establish the pay and rations of the militia while in actual service, and the allowance to be made to them for arms, equipments and clothing, when furnished by themselves.

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 militia, while in actual service, shall be entitled to receive the same pay and rations as are now allowed to the regular troops of the United States, and the value of the rations shall be considered at twenty cents each.*

Amount of pay
and rations.

SEC. 2. *Be it further enacted, That each non-commissioned officer and private, who shall arm and equip himself according to law, and so keep himself armed and equipped while in actual service, shall be entitled to receive therefor, fifty cents per month.*

Shall receive
extra pay for
arming and e-
quipping.

SEC. 3. *Be it further enacted, That each non-commissioned officer, musician and private soldier, who shall furnish himself with a suitable military uniform and blanket, when called into actual service, shall be*

entitled to receive monthly pay in addition to his stated pay, as follows, viz. serjeants and musicians, four dollars ; corporals and privates, three dollars and seventy-five cents ; and those who shall not so furnish themselves with uniform clothing, shall be allowed two dollars and fifty cents per month.

Shall receive extra pay and rations for uniform.

SEC. 4. *Be it further enacted*, That whenever the militia shall be discharged from actual service, they shall be allowed pay and rations to their several homes, at the rate of fifteen miles per day

[Approved by the Governor, October 18, 1814.]

CHAP. LXX.

An Act in addition to the several acts authorising the sale of real estates by Executors, Administrators and Guardians.

WHEREAS doubts have arisen whether the provision made in the sixth section of the act, passed the fourteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, that the printing a notification three weeks successively in such gazette or newspaper as the Court authorising sales of real estates might order and direct, should be deemed equivalent to the posting up notifications as had before been directed by law, extends to such notice being given, as well by Guardians of minors and others, as by Executors and Administrators ; for removing such doubts,

Preamble.

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 Guardian has been, or hereafter may be authorised by any Court of competent jurisdiction, to make sale of real estate belonging to the ward or wards of such Guardian, and it hath been or hereafter may be ordered by such Court, that the Guardian so authorised, should give notice of such sale or sales by printing a notification thereof in manner aforesaid, and such Guardian hath com-

Proviso.

plied or shall comply with such order, the same shall be deemed to be equivalent to the posting up notifications in manner as before by law prescribed: *Provided*, That this act shall not extend to any sale already made in pursuance of any notice by order of Court.

[Approved by the Governor, October 19, 1814.]

CHAP. LXXI.

An Act to regulate the collection of Taxes in the town of Marblehead.

Treasurer appointed Collector of taxes.

Powers.

Treasurer to issue warrant.

May collect taxes outstanding and uncollected.

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 Treasurer of the town of Marblehead shall be the Collector of taxes in said town, and shall be, and hereby is empowered to substitute and appoint under him, such and so many deputies, or assistants, as the service may require, who, together with said Collector, shall give bonds for the faithful discharge of their duty, in such sum, and with such sureties, as the Selectmen of said town may approve; and the said Collector, and his deputy, or deputies, shall have the same powers as are vested by law in collectors of taxes in other towns in this Commonwealth, and shall be subject to the same duties.

SEC. 2. *Be it further enacted, That* the said Treasurer may issue his warrants to his deputy or deputies, for collecting such part of the rates or assessments in said town of Marblehead, as he shall think proper to commit to such deputy or deputies, which warrant shall be of the same tenor with the warrant prescribed to be issued by the assessors for the collection of State taxes *mutatis mutandis*.

SEC. 3. *Be it further enacted, That* the Treasurer of the said town of Marblehead, his deputy or deputies, shall be empowered to collect all such taxes as may be outstanding, and uncollected, at the time of passing this act, or at any time of the election of Treasurer hereafter,

he and his deputies having first been duly qualified by giving bonds as aforesaid.

[Approved by the Governor, October 19, 1814.]

LXXXII.

An Act to authorise the appointment of Surgeons in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That each battalion of cavalry, and each battalion of artillery, within this Commonwealth, not attached to any regiment, shall be entitled to one Surgeon, to be appointed by the commanding officer of such battalion, and commissioned by the Commander in Chief.

Governor
commission
Surgeons.

SEC. 2. *Be it further enacted,* That in each brigade of the militia of this Commonwealth, where there are or shall be two or more companies of infantry, or riflemen, not attached to any regiment, there shall be a Surgeon, to be appointed by the commanding officer of such brigade, and commissioned by the Commander in Chief, for the service of all such companies.

Brig. General
to appoint Sur-
geons also.

[Approved by the Governor, October 19, 1814.]

An Act for regulating Public Stables throughout the Commonwealth.

CHAP. LXXIII.

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 building of any kind whatsoever, shall be used or occupied as a public or livery stable, in any town within this Commonwealth, for the keeping, boarding, hiring or letting of horses, or other cattle, which building belonging to the owner or occupier of such public or livery stable, shall be kept

for storing of hay, unless all the external sides and ends thereof, shall be built or composed of stone, or brick, except so much as may be necessary for doors and windows, and unless the roofs of all such buildings shall be covered with slate, tile, or some incombustible substance, or unless the same shall be approved and licensed by a majority of the Firewards in such towns where officers are chosen, or by a majority of the selectmen, where Firewards are not chosen : *Provided always*, That in case of such denial of approbation and license for any building now used and occupied as a public or livery stable, the owner or owners of such building shall receive a compensation for any damages he may thereby sustain, to be recovered by such owner or owners, and paid by the town, in such way and manner as is provided by law for the recompence of any owner or owners of land, or buildings, taken, or removed, for the laying out, or widening, of streets, within the said town of Boston.

Shall be built of
brick or stone.

Proviso.

Shall not be
near any Public
Buildings.

SEC. 2. *Be it further enacted*, That no building hereafter erected, shall be used as a public or livery stable, or for the keeping or storing of hay, unless the same shall be at least one hundred and thirty feet distant from any meeting-house, or other public edifice.

Fine and for-
feiture.

SEC. 3. *Be it further enacted*, That any person or persons who shall use or occupy any building or buildings for the purposes aforesaid, contrary to the true intent and meaning of this act, shall forfeit and pay the sum of twenty dollars for each and every week he or she may so occupy the same.

Light to be en-
closed in an in-
combustible
lantern.

SEC. 4. *Be it further enacted*, That if any person shall have in his or her possession in any stable where a horse or horses, or other cattle or hay is kept, any fire, lighted pipe, cigar, candle or lamp, unless the same be enclosed in an incombustible lantern or other incombustible vessel, he or she shall forfeit and pay for each offence, a sum not exceeding fifty dollars, nor less than five dollars.

Duty of Fire-
wards.

SEC. 5. *Be it further enacted*, That it shall be the duty of each and every fireward, and selectman, in their respective towns, and they, and each of them, are hereby required to inquire after and give information of any violations of the provisions of this act, that the same

may be prosecuted in such Courts as are proper to try the same. And all fines and forfeitures recovered shall be for the use of the town where the offence is committed.

SEC. 6. *Be it further enacted*, That this act shall be, and continue in force in the town of Boston, from and after the fifteenth day of November next ensuing, and in any other town within the Commonwealth, whenever the same shall be adopted by a majority of the inhabitants in town meeting, legally assembled, and not otherwise.

How long to continue in force.

[Approved by the Governor, October 19, 1814.]

CHAP. LXXIV.

An Act to provide for the safe keeping of the entrenching tools of this Commonwealth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Quarter Master General be, and he is hereby charged with the custody and safe keeping of all the spades, shovels, pick-axes, mattocks, crow-bars, barrows, and other entrenching tools and implements, being the property of this Commonwealth, and shall provide, at the public expense, suitable store houses and places of deposit for the same, when not in actual use; and it shall be the duty of said Quarter Master forthwith to cause the same to be designated by suitable permanent brands or marks, in some conspicuous place, upon each tool or implement, whether of wood, iron or other substance, that the same may be at all times known and designated as the property of this Commonwealth.

Shall appoint a place of deposit and cause marks.

SEC. 2. *Be it further enacted*, That any person who shall purchase, retain or have in his custody or possession either or any of the tools or implements aforesaid, the same not having been delivered to him or them by any officer or officers, agent or agents of this Commonwealth, having power and authority so to deliver the

Punishment by
fine.

same, shall be taken and deemed to be guilty of a misdemeanor, and shall be liable to be punished therefor, by fine, not exceeding ten times the just value of such article.

[Approved by the Governor, October 19, 1814.]

CHAP. LXXV.

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

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, Joseph Adams, of the late firm of Johnson & Adams, of Boston, in the county of Suffolk, shall be allowed to take the name of Joseph Henry Adams ;— That Thode Coats, of Middlefield, in the county of Hampshire, shall be allowed to take the name of Theodore Coats. 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, October 19, 1814.]

CHAP. LXXVI.

An Act empowering the Firewards of the town of Boston, to permit the building of Stables, and of Gun-houses, in certain cases.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Firewards of the town of Boston be, and they hereby are authorised and em-

powered to permit Stables to be built of brick, and properly slated, on land owned by Benjamin French, Jonathan Lovejoy, and Oliver C. Wyman, and others, situate in Back-street, in said town; and on land owned by Mary White, and situate near Marlborough-street and Hawley-street, in said town, and also to permit the continuance of any Gun-houses, which are now erected within said town, on such terms and conditions as the said Firewards may find to be consistent with the safety of said town from fire, any law to the contrary notwithstanding.

[Approved by the Governor, October 19, 1814.]

CHAP. LXXVII.

An Act to establish a Military Corps for the defence of the Commonwealth of Massachusetts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That his Excellency the Governor and Commander in Chief of the Militia of this Commonwealth, with the advice of Council, be, and he hereby is authorised and empowered to raise by voluntary enlistments, under such regulations as he may prescribe, a Military Corps, not exceeding in rank and file ten thousand men, for the defence of this State, during the present war, unless sooner discharged by the Commander in Chief; that said Military Corps shall consist of ten regiments—eight of infantry, and two of artillery, to be formed into brigades and divisions, as the Commander in Chief may direct; that each regiment of infantry shall consist of eight companies of infantry, one company of light infantry, and one company of riflemen; and that each company be composed of one Captain, two Lieutenants, one Ensign, five Sergeants, four Corporals, four Musicians, and ninety-six Privates; that each regiment of artillery shall consist of ten companies, and that each company shall be composed of one Captain, three Lieutenants, five Sergeants,

Governor to
raise ten thousand men.

Artillery to act
as cavalry.

four Corporals, four Musicians, eighty-eight Privates, and six Drivers ; and that one half of each regiment of artillery, shall be composed of horse artillery, which at the pleasure of the Commander in Chief, shall act also as cavalry.

Officers com-
posing the regi-
mental staff.

SEC. 2. *Be it further enacted*, That to each regiment there shall be one Lieutenant Colonel and two Majors, and that the Regimental Staff shall consist of one Adjutant, one Quarter Master, one Pay Master, one Chaplain, one Surgeon, two Surgeon's Mates, two Sergeant Majors, one Quarter Master's Sergeant, one Drum Major, and one Fife Major. All the Regimental Staff shall be appointed by the Lieutenant Colonels, excepting Pay Masters, Chaplains and Surgeons, the two latter of which shall be appointed by the Commander in Chief, with the advice of Council ; the Pay Master of each regiment shall be chosen by a majority of the written votes of the commissioned officers, including the Field and the Staff of each regiment respectively, and commissioned by the Commander in Chief, who shall require of the respective Paymasters such bonds, with sureties, as he may think proper, with condition, faithfully to perform the duties of their respective offices.—

Regimental
staff to be ap-
pointed by the
Lt. Colonels.

Captain to ap-
point non-com-
missioned offi-
cers.

The Captains of companies shall appoint their non-commissioned officers, and the Lieutenant Colonels shall issue warrants to the Sergeants.

Two regiments
shall be imme-
diately raised.

SEC. 3. *Be it further enacted*, That one of said regiments of infantry, to be called the first regiment of infantry, and one of the said regiments of artillery, to be called the first regiment of artillery, shall be immediately raised and called into actual service, pursuant to such orders as the Commander in Chief may issue, and shall be stationed and employed as he may direct.

Gov. to accept
services of vol-
unteers.

SEC. 4. *Be it further enacted*, That the remaining seven regiments of infantry, which shall be numbered by the Commander in Chief, and the other regiment of artillery, which shall be called the second regiment of artillery, shall be immediately raised either by voluntary enlistment as aforesaid, or by such volunteer corps as the Commander in Chief, with the advice of Council, may think fit to accept, should any such corps tender their services ; that said regiments shall be forth-

with armed and equipped, and prepared for actual service, to march at a moment's warning, and shall be called out for discipline, at such places, and on such days, as the Commander in Chief may designate ; and when called into actual service, shall be stationed and employed as he may direct ; and that the non commissioned officers and privates, who may enlist in the said regiments, or volunteer their services, shall, during the term of their enlistment, be exempted from the performance of militia duty, and from the payment of poll taxes.

Shall be exempted from poll taxes.

SEC. 5. *Be it further enacted,* That the pay, rations, clothing, and other stated monthly emoluments of the said first regiment of infantry, and of the first regiment of artillery, be the same in all respects as are now allowed to officers and members of similar corps, of like rank, in the actual service of the United States ; and that the pay and rations of the eight remaining regiments shall be the same as the pay and rations aforesaid, during the time they shall be called out for discipline ; and when embodied for actual service, they shall be entitled to all the emoluments and clothing as aforesaid ; and in case of wounds or disability, received while in the service of the State, they shall receive the same compensation as is allowed to the wounded and disabled troops of the United States.

Pay, rations, clothing, &c. same as United States.

SEC. 6. *Be it further enacted,* That the Commander in Chief with the advice of Council, be, and he hereby is authorised and empowered to appoint and commission as many Major Generals to command in said corps as he may think necessary, not exceeding two ; and as many Brigadier Generals as he may think necessary, not exceeding four ; and that he shall appoint and commission all Field and Company officers, and shall issue commissions to all officers entitled thereto ; that each Major General be entitled to two Aids-de-Camp, and each Brigadier General to one Aid-de-Camp, to be nominated by their respective principals, and if approved by the Commander in Chief, commissioned by him ; the Aids-de-Camp of Major Generals with the rank of Major, and the Aid-de-Camp of Brigadier Generals with the rank of Captain ; that the Commander in Chief

Gov. to appoint and commission officers.

shall appoint and commission all such other staff officers, whether for divisions or brigades, as he may deem necessary for good order and discipline ; and that the Commander in Chief make all such arrangements in the Quarter Master's, Commissary's and Medical departments, as the good of the service may, in his judgment, require ; and make all the requisite appointments of officers for organizing the same and commission them accordingly.

Gov to pre-
scribe uniform.

SEC. 7. *Be it further enacted*, That the Commander in Chief with the advice of Council, be, and he hereby is empowered to prescribe the uniform of said regiments, and the manner in which they shall be severally armed and equipped.

Shall be subject
to rules and re-
gulations.

SEC. 8. *Be it further enacted*, That the aforesaid Military Corps, and all the officers and members thereof, shall be governed by, and be subject to the rules and articles established and declared to be in force, for governing all troops stationed in forts and garrisons within this Commonwealth ; and also the militia, or any part thereof, when called into actual service, passed on the twenty-fourth day of October, in the year of our Lord one thousand seven hundred and eighty-six.

[Approved by the Governor, October 20, 1814.]

CHAP. LXXVIII.

An Act in addition to an act, entitled “ An act to provide for the settlement of accounts for military services and supplies.”

Gov to appoint
two additional
persons.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That his Excellency the Governor, with advice of Council, shall appoint two suitable persons, in addition to the three persons to be appointed in virtue of an act, entitled an act to provide for the settlement of accounts for military services and supplies, and the same to remove at pleasure, and appoint others in their stead ; and the five persons thus

appointed shall constitute and be denominated a Board of War, who shall perform and execute such duties, as shall, from time to time, be enjoined on or entrusted to them by the Governor of the Commonwealth, agreeably to the Constitution, relative to military commissions, or to the land and naval forces, ships, or warlike stores of this Commonwealth ; or to such other matters respecting military or naval affairs, as the Governor shall assign to said Board. And the said Board of War shall have authority to choose one person from their number, whose peculiar province it shall be, to perform all the duties in relation to receiving, adjusting and settling accounts, which are prescribed in the act to which this is in addition ; and they shall also have authority to choose one person from their number, whose peculiar province it shall be, to pay all such accounts as shall be duly adjusted and settled, who shall give bond to the Treasurer of this Commonwealth, with sufficient sureties to be approved by the Governor and Council, conditioned, that he will faithfully pay over all such sums of money as may come to his hands, and do and perform all the duties enjoined upon him by virtue of this act.

Accountant.

Paymaster,
who shall give
bond.

SEC. 2. *Be it further enacted,* That in case of disagreement between any persons presenting accounts for adjustment and allowance, and the person appointed to audit the same, such accounts shall be submitted to the whole Board, whose duty it shall be to revise, adjust and finally settle the same.

Board of War
to adjust and
settle accounts.

SEC. 3. *Be it further enacted,* That the Governor, with advice of Council, may draw his warrants on the Treasury, from time to time, in favour of the person who shall be appointed to pay the same ; which money shall remain in the hands of said Paymaster, subject to such orders as shall be drawn upon him by the Auditor, from time to time, in favour of those whose accounts shall be allowed. And the said Paymaster shall also, from time to time, exhibit his accounts to the Auditor for settlement ; and the same shall be stated and allowed by him, and afterwards revised by the said Board, or a majority of them.

Gov. to draw
warrants.

Salary of Commissioners.

SEC. 4. *Be it further enacted,* That each of said Commissioners shall be entitled to receive as a compensation for his services, one thousand dollars annually, during the time of their continuance in office ; and the person who shall be appointed Auditor, shall be entitled to receive four hundred dollars annually, in addition to the compensation made to the other members of the Board.

Board of War may appoint Secretary and Clerks.

SEC. 5. *Be it further enacted,* That the said Board may appoint a Secretary, and such number of Clerks, not exceeding three, as they may find necessary, and to make them a reasonable compensation for their services.

Act in part repealed.

SEC. 6. *Be it further enacted,* That this act shall continue in force till the end of the next session of the General Court, and no longer ; and that so much of the above recited act, as may be contrary to the provision of this act, shall be, and the same hereby is repealed.
[Approved by the Governor, October 20, 1814.]

CHAP. LXXIX.

An Act to incorporate the Proprietors of the Social Law Library.

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 William Prescott and Joseph Hall, together with their associates, being the Proprietors of a certain Library called and known by the name of The Social Law Library, in the town of Boston, and such other person or persons, as shall hereafter be admitted members of said Association, according to the rules, orders and conditions, which shall or may from time to time be established by the bye-laws and regulations of the Corporation herein after created, shall forever hereafter be, and they are hereby created a body politic and corporate, by the name of The Proprietors of the Social Law Library ; and by the said name shall sue and be sued, plead and be implead-

ed, defend and be defended, in all, or any Court or Courts of law, or elsewhere, in all manner of actions, suits, pleas, or controversies whatsoever; and in their said corporate capacity, by their said name, they and their successors shall be capable to purchase, receive, have, hold, take, and enjoy, in fee simple, or otherwise, lands, rents, tenements, and hereditaments; and likewise to take, receive, and hold by donation, subscription, bequest, or otherwise, money, goods, chattels, and personal property, and the same to give, grant, sell, and dispose of at their pleasure, so that the real and personal estate aforesaid, and the income and proceeds thereof, shall at all times be appropriated to the purposes of creating, enlarging, managing, and improving said Library; *provided nevertheless*, Proviso that the said Corporation shall at no time have or hold lands, rents, tenements, or hereditaments, for any other purpose than shall be necessary for the safe keeping and suitable accommodations of said Library, not exceeding in value twenty thousand dollars; and the said Corporation shall have power to have and use a common seal, and to alter, change, and renew the same, whenever they shall think the same expedient.

SEC. 2. *Be it further enacted*, That the said Corporation shall have full power and authority, to determine at what times and places their meetings shall be holden; and on the manner of notifying the associates or proprietors to convene at such meetings; and they shall have power to order and lay assessments upon the proprietors; to elect, once in every year, or oftener, from amongst the said proprietors, such officers, with such powers as they may think expedient; and also to ordain and enact any bye-laws for the due and orderly government of said Corporation, and for conducting the affairs thereof, and for, and concerning all matters and things relating to said Corporation, and the same, at pleasure, to alter, amend, and repeal; *Provided* That such powers vested, and bye-laws enacted, shall not be repugnant to the Constitution and laws of this Commonwealth. Times and places of meeting. Proviso

Fines.

SEC. 3. *Be it further enacted*, That for the purpose of giving a more effectual sanction to said bye-laws, the said proprietors shall have power to impose fines, not exceeding five dollars, for the non-fulfilment or breach of the said bye-laws; and that for the recovery thereof, the said Corporation shall have a suitable remedy by action at law, in any Court within this Commonwealth proper to try the same. And the said Corporation shall have further power to suspend the right of any proprietor to the use of the said Library, as a penalty for the breach of said bye-laws, or any of them; and likewise to sue for, and recover, any assessment duly imposed on the proprietors.

Proprietor's right.

SEC. 4. *Be it further enacted*, That the right, interest, and property, which each of the said proprietors and associates shall be deemed and taken to have in said Corporation, shall be the use and benefit of the said Library, according to the rules and regulations established by the bye-laws of the said Corporation, for, and during the term of his natural life; but the said shares shall be, and hereby are declared to be, not alienable or transferable.

Gov. &c. may have access to Library.

SEC. 5. *Be it further enacted*, That the Governor, Lieutenant Governor, and the Members of the Council of this Commonwealth, at all times, and the Members of the Senate, and House of Representatives, during any session of the General Court, shall have free access to, and the full and entire use and enjoyment of the said Library, and all the privileges and advantages thereof, free of expense, under the same regulations as may be provided by the bye-laws of the said Corporation, for the proprietors thereof; and the Judges of the Supreme Judicial Court, and of all the Judicial Courts of the County of Suffolk, and of the Courts of the United States, together with the Attorney General, and Solicitor General, and the Reporter of the Judicial Decisions of the Supreme Judicial Courts of this Commonwealth, and the Attorney of the United States for the District of Massachusetts, shall at all times, under the like regulations, have free access to, and the free use and enjoyment of the said Library, free of any expense.

SEC. 6. *Be it further enacted*, That for the purpose of enabling said Corporation to enlarge, increase, improve, and manage said Library, and to effect the laudable objects contemplated by said Corporation, there be, and hereby are granted and appropriated to said Corporation, all sums of money, which may be hereafter paid by way of tax or excise, by all persons admitted to practice as Attornies, in the Boston Court of Common Pleas, in the County of Suffolk; and the County Treasurer for the County of Suffolk, is hereby authorized and directed to account with, and pay over to the Treasurer of the said Corporation, or any other officer or officers, person or persons, duly authorized by said Corporation, to receive the same, the monies aforesaid, hereby granted and appropriated. Money appropriated for increasing Libr.

SEC. 7. But whereas doubts have arisen, whether the tax or excise, by law payable by attornies, on admission to the Circuit Court of Common Pleas, be extended to the Boston Court of Common Pleas, *Be it therefore further enacted*, That every person admitted as an Attorney to the Boston Court of Common Pleas, be required to pay to the Treasurer of the County of Suffolk, the same sum which is by law payable in other Counties, on admission to the Circuit Court of Common Pleas, and procure and produce to the Court, said County Treasurer's receipt therefor. Attorney to pay Treasurer.

SEC. 8. *Be it further enacted*, That there be granted and appropriated to said Corporation, one copy of the general and special Laws and Resolves of this Commonwealth, of the Ancient Charters, of the Massachusetts Reports, and of the Laws of the United States, now on hand, to be delivered by the Secretary of the Commonwealth to the Librarian of the said Corporation, or other person authorized to receive the same; and the said Secretary is in like manner authorized to deliver to such Librarian or other person two copies of such Laws, Resolves, public documents, and reports, as may be hereafter published, or procured for the use of the Commonwealth, to be preserved in said Library. Sec'y to furnish Library with laws, &c.

May call meet-
ing.

SEC. 9. *Be it further enacted,* That the said William Prescott, and Joseph Hall, or either of them, shall have power to call the first meeting of said Corporation, by advertising the same, seven days at least, before the day of such meeting, in some newspaper, printed in the town of Boston, at which meeting the said proprietors may proceed to execute any, or all the powers, vested in them, by this act.

[Approved by the Governor, October 21, 1814.]