

MAINE STATE LEGISLATURE

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D. Lowy

L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE TWENTY

NINTH DAY OF MAY, AND ENDED ON THE

TWENTIETH OF JUNE, 1816.



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



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1816.

1771

COMMONWEALTH OF MASSACHUSETTS

IN SENATE, January 17, 1871.

REPORT OF THE COMMISSIONERS OF THE LANDS

FOR THE YEAR 1870.

1871.

Printed by the State Printer, Boston.



MASSACHUSETTS
COMMONWEALTH
OFFICE OF THE COMMISSIONERS OF THE LANDS
BOSTON

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OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, COMMENCING ON THE TWENTY-NINTH DAY

OF MAY, AND ENDING ON THE TWENTIETH

DAY OF JUNE, A. D. 1816.

CHAP. I.

An Act to cede to the United States the jurisdiction of the rocks and flats under the piers in Merrimack river.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and hereby is ceded to the United States of America, the jurisdiction of so much of the rocks and flats under the piers in the river Merrimack, known by the name of the half-tide rocks and north rocks in said river, as may be necessary for the purpose of repairing and keeping in repair said piers ; *provided however*, that if the said United States shall neglect to keep the said piers in good repair, and in a condition useful to navigation, then this cession shall be void : *Provided also*, Cession to the United States. Provision. that this Commonwealth shall retain a concurrent jurisdiction with the United States, so far as respects all civil and criminal processes issued under the authority of this Commonwealth, in like manner, to all intents and purposes, as if this act had not been passed.

[Approved by the Governor, June 13, 1816.]

CHAP. II.

An Act respecting the Courts of Probate in the county of Norfolk.

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 July next, there shall be four terms of the Court of Probate holden in the first parish in Wrentham, in the county of Norfolk, in each year successively, at such times as the Judge of Probate for said county shall appoint.*

Probate Courts.

SEC. 2. *Be it further enacted, That this act shall continue in force for the term of two years, from and after the said first day of July next, and no longer.*

Limitation.

[Approved by the Governor, June 14, 1816.]

CHAP. III.

An Act to incorporate the Atherton 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 Rufus Atherton, Samuel Atherton, Sylvester Clafin, George F. Jenks, Nathaniel Ide, Asa Perrin, Samuel Sandford, Comfort Barrows, Elkanah Briggs, Daniel Clafin, Dexter Bishop, Calvin Clafin, Stephen Bourn, Eli Bourn, John Smith, Alanson Burt, George Jenks, Otis Perrin, David Cummings, Benjamin Cummings, Daniel Clafin, jun. Ona Carpenter, Levi Read, Sylvanus Newman, Siba Carpenter, George B. Richards, and Noah Clafin, jun. together with such other persons as have already, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of The Atherton Manufacturing Company, for the purpose of manufacturing cot-*

Persons incorporated.

ton and woollen goods in the town of Attleborough, 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."

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

[Approved by the Governor, June 14, 1816.]

CHAP. IV.

An Act granting certain pawers to the Hancock Aqueduct Association.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Proprietors of the Hancock Aqueduct, in Portland, in the county of Cumberland, be, and they are hereby authorized, in case of the neglect or refusal of payment of such taxes as may from time to time be legally assessed upon the shares of said Proprietors, to sue for the recovery of the same, in the name of the Treasurer of said Corporation, and to prosecute the said suit or suits to final judgment, in any Court or Courts proper to try the same. Treasurer may sue for taxes.

SEC. 2. *Be it further enacted*, That said proprietors, at any legal meeting, may, by the vote of a majority of those present at said meeting, admit, upon such conditions as may be consistent with the rules and regulations of said proprietors, any person or persons into said Corporation, who shall thereafter hold and enjoy their said share or shares, subject to the same. May admit proprietors.

liabilities and obligations as the said original proprietors.

[Approved by the Governor, June 14, 1816.]

CHAP. V.

An Act to cede to the United States the jurisdiction of so much of the Island of Petit Manan, near Naraguagas river, as may be necessary whereon to erect a light house.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and hereby is ceded to the United States of America, the jurisdiction of so much of the Island of Petit Manan, near the Naraguagus river, as may be necessary for the purpose of erecting a light house thereon: *Provided*, that this Commonwealth shall retain concurrent jurisdiction with the United States, so far as respects all civil and criminal processes issued under the authority of this Commonwealth, in like manner, to all intents and purposes, as if this act had not been passed.

[Approved by the Governor, June 15, 1816.]

CHAP. VI.

An Act in further addition to an act, entitled, "An act to incorporate the President, Directors and Company of the Kennebunk 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 of this act, the capital stock of the Kennebunk Bank shall and may be one hundred thousand dollars; the number of shares to remain as at present established by law, any thing in the act to which this is in addition to the contrary notwithstanding; and the

Cession to the United States.

Proviso.

Stock reduced.

Stockholders of said Bank are hereby wholly exonerated and discharged from paying in twenty per cent of the whole capital stock of said Bank on the first day of October next, as by the act in addition to the act establishing the Kennebunk Bank they are required.

[Approved by the Governor, June 15, 1816.]

CHAP. VII.

An Act to incorporate the Southbridge 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 Jeremiah Shumway, Benjamin F. Shumway, Joseph Marcey, Timothy Paige, jun. and Reuben Harrington, 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 Southbridge Manufacturing Company, for the purpose of manufacturing wool in the town of Southbridge, in the county of Worcester; and for the purpose aforesaid, shall have all the powers and privileges, and shall be subject to all the duties and requirements prescribed and contained in an act, entitled "An act defining the general powers of Manufacturing Corporations," passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

Persons incor-
porated.

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 fifty thousand dollars, and personal estate, not exceeding fifty thousand dollars, as may be necessary and convenient for carrying on the manufactory of wool in said town of Southbridge.

May hold real
estate.

[Approved by the Governor, June 15, 1816.]

CHAP. VIII.

An Act in addition to an act, entitled “ An act to establish a Literary Institution in the District of Maine, 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 Maine Literary and Theological Institution be, and they are hereby authorized and empowered to locate and establish their buildings in any town within the counties of Kennebec or Somerset; any thing contained in the first section of the act, entitled “ An act to establish a Literary Institution in the District of Maine, within this Commonwealth, to the contrary notwithstanding.

[Approved by the Governor, June 15, 1816.]

CHAP. IX.

An Act incorporating the Cummington Woollen Manufactory.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Asa Gurney, jun. James Claghorn, Robert Dawes, Darius Ford, and Robert Dawes, jun. together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and hereby are made a Corporation, by the name of The Cummington Woollen Manufacturing Company, for the purposes of manufacturing woollen cloth and yarn in the town of Cummington, in the county of Hampshire; and for those purposes 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

Particular location.

Persons incorporated.

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 ^{May hold real} estate, not exceeding the value of thirty-thousand ^{estate.} dollars, and personal estate, not exceeding the value of seventy thousand dollars, as may be convenient and necessary for carrying on the manufacture of woollen cloth and yarn, in said town of Cummington.

[Approved by the Governor, June 15, 1816.]

CHAP. X.

An Act to enforce the rendition of an account of Fees of Office.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That, from and after the passing of this act, all persons who are or shall be entitled by any law or resolve, to an annual salary, and who also receive fees of office, for which they are required to be accountable, shall render to the ^{Rendition of} Treasurer a quarterly account under oath of all Fees ^{fees.} of Office by them received, which oath the Treasurer is hereby authorized to administer. And no person shall be permitted to receive his quarterly salary from the Treasury, until such account of the Fees of Office has been rendered: *Provided however*, that this act ^{Proviso} shall not be considered as extending to the Justices of the Supreme Judicial Court.

[Approved by the Governor, June 15, 1816.]

CHAP. XI.

An Act in addition to an act, entitled "An act for dividing the county of Hancock, and establishing a new county, by the name of Penobscot."

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 Supreme Judicial Court to be*
holden at Castine, within the county of Hancock,
shall be holden for the county of Penobscot, as well as for the counties of Hancock and Washington, and shall, from time to time, have the same jurisdiction, power and authority for the decision and determination of all matters and things, civil and criminal, which have happened or shall hereafter happen within the said county of Penobscot, as though the said county of Penobscot had not been established.

Courts held.

SEC. 2. *Be it further enacted, That the Clerk of the Supreme Judicial Court, whenever he shall issue*
venires for any grand or traverse jurors to attend said Court, to be holden within the county of Hancock, shall be governed by the division into jury districts, which was made in the county of Hancock last before the county of Penobscot was established, until a new division into jury districts be made in both the counties of Hancock and Penobscot.

Jurors.

SEC. 3. *Be it further enacted, That all appeals which may be claimed according to law from the de-*
crees or orders of the Judge of Probate, for the county of Penobscot, shall and may be heard and determined by the Supreme Judicial Court to be holden within the county of Hancock, in the same way and manner as appeals from the orders and decrees of the Judge of Probate for the county of Hancock, may be heard and determined.

Appeals.

SEC. 4. *Be it further enacted, That the several Justices of the Peace in the county of Penobscot, who are or shall be duly commissioned and sworn as such, are hereby authorized to determine all causes hereto-*

fore duly entered and continued by them, and to issue or renew writs of execution on all judgments, recognizances, or acknowledgements of debts, heretofore recovered or taken before them respectively, as Justices of the Peace for the county of Hancock, in the same way and manner, as they might by law have done as Justices of the Peace for the county of Hancock, if said county of Penobscot had not been established: *Provided moreover*, that the Justices of the Peace for the county of Penobscot, shall have in their county the same jurisdiction, power and authority, as to the violations of the act for the preservation of fish in Penobscot river and bay, and the several streams emptying into the same, as the Justices of the Peace for the county of Hancock have in their county.

SEC. 5. *Be it further enacted*, That all persons committed to gaol in the county of Hancock, from the county of Penobscot, shall be entitled to the same benefits and indulgences, as though they lived and had their homes within the county of Hancock; and it is hereby made the duty of the proper Magistrates and other officers of the county of Hancock, to administer all the oaths and perform all the services which may be necessary for that purpose: *Provided* that all expenses incurred by the operation of this section of this act, as county charges, shall be defrayed by the county of Penobscot.

SEC. 6. *Be it further enacted*, That it shall be the duty of the Overseers of the Poor for the town of Bangor, to make the same provision for prisoners committed to gaol at Castine from the county of Penobscot, who are or may be unable to support themselves, as by law said Overseers would be required to do were such prisoners committed to a gaol in Bangor, upon proper application being made to them by the keeper of the gaol at Castine; and the town of Bangor shall be entitled to the same remedies at law against any other towns for the support of such prisoner or prisoners, as if they were committed to a gaol in Bangor.

SEC. 7. *Be it further enacted*, That the register of deeds, who is directed by a law of this Commonwealth, passed the twenty-eighth day of February,

in the year of our Lord one thousand eight hundred and fourteen, to keep his office in the town of Bangor, now in the county of Penobscot, be, and he hereby is authorized to do and perform all the duties of his Register of Deeds. said office, till a register of deeds be duly chosen and qualified for said county of Penobscot, in the same way and manner, and his official doings till the qualification of such new register are hereby declared to be as good and valid, to all intents and purposes, as though the said county of Penobscot had never been established.

[Approved by the Governor, June 17, 1816.]

CHAP. XII.

An Act to incorporate the Cummington Cotton Manufactory.

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 Asa Gurney, jun. E-liphalet Packard, and Chester Packard, together with such others as have associated or may hereafter join and associate with them, their successors and assigns, be, and they are hereby made a Corporation, by the name of The Cummington Cotton Manufacturing Company, for the purpose of manufacturing cotton, in the town of Cummington, in the county of Hampshire; 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.

May hold real and personal estate. SEC. 2. *Be it further enacted,* That the said Corporation may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and personal estate, not exceeding the value of seventy thousand dollars, as may be convenient and necessary

for carrying on the manufacture of cotton, in said town of Cummington.

[Approved by the Governor, June 17, 1816.]

CHAP. XIII.

An Act to set off part of the town of Buckstown, and to annex the same to Orrington.

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 following described tract of land, with the inhabitants thereon, be set off from the town of Buckstown, in the county of Hancock, and annexed to the town of Orrington, in the county of Penobscot, by the following lines, to wit: Boundaries.

beginning on the east bank of Penobscot river, at the south-western corner of school lot, so called, on the proprietor's plan; thence running on the southern line of said lot, to the eastern end of the same; thence across a gore of land to the southern corner of lot number eighteen on the second range of lots; thence on the southern line of said lot to the third range line; thence southerly on said range line, to the south-western corner of lot number forty-two, on the third range of lots; thence easterly on the southern line of said lot across the fourth range line, on the southerly line of lot number fifty-four, on the fourth range of lots, to the fifth range line; thence northerly on said fifth range line till it intersects the line between Buckstown and Orrington. And the said tract of land, with the inhabitants thereon, is hereby set off from said town of Buckstown, and is annexed to the town of Orrington; and the said inhabitants shall hereafter be considered inhabitants of said town of Orrington, and as belonging to the county of Penobscot, and shall there enjoy all the civil rights and privileges, and shall be subject to all their civil duties and requisitions in like manner with the other inhabitants of said town.

SEC. 2. *Be it further enacted,* That the said inhabitants shall be holden to pay all taxes heretofore Taxes.

Map

June 17, 1816.

legally assessed, and that may be assessed the present year on them by said town of Buckstown, in the same manner as if this act had not passed.

State Taxes.

SEC. 3. *Be it further enacted,* That in all future State taxes, seven cents on a thousand dollars shall be taken from the town of Buckstown and be added to the town of Orrington.

School Lot.

SEC. 4. *Be it further enacted,* That so much of the school lot within the boundaries before described, as is now the property of the town of Buckstown, shall continue to be exempt from taxation by the said town of Orrington, so long as it continues to be the property of the town of Buckstown, and when it shall become private property, the whole of said lot shall be subject to taxation in the same manner and proportion as other lands in the said town of Orrington.

[Approved by the Governor, June 17, 1816.]

CHAP. XIV.

An Act to set off Joshua Cole from the town of Frankfort, and to annex him with his family and estate to the town of Hampden.

Estate set off.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joshua Cole with his family and estate be, and hereby is set off from the town of Frankfort, and annexed to the town of Hampden; and the said Joshua Cole shall there exercise and enjoy all his rights and privileges, as an inhabitant of the said town, and shall also be subject to the same duties and requisitions, as the other inhabitants of the said town of Hampden.

[Approved by the Governor, June 17, 1816.]

CHAP. XV.

An Act authorizing the United States to purchase a certain tract of land in Watertown for an ordnance depot.

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 consent of this Commonwealth be, and hereby is granted to the United States, to purchase a tract of land not exceeding sixty acres, situated in the town of Watertown, in the county of Middlesex, on the left bank of Charles river, about one mile below the Watertown bridge, so called, for the purpose of erecting forts, magazines, arsenals, dock-yards, and other needful buildings, the evidence of the purchases aforesaid, to be entered and recorded in the registry of deeds in the said county of Middlesex: *Provided always*, and the consent aforesaid is granted upon the express condition that, this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far as that all civil, and such criminal processes as may issue under the authority of this Commonwealth against any person or persons, charged with crimes committed without the said tract of land, may be executed therein, in the same way and manner as though this consent had not been granted.

SEC. 2. *Be it further enacted*, That if the Agent or Agents employed for the United States, and the owner or owners of said tract of land so to be purchased, cannot agree in the sale and purchase thereof, such Agent or Agents may apply to any Court of General Sessions of the Peace, which shall be holden within and for the county of Middlesex aforesaid, which Court, after due notice given to the said owner or owners, are hereby empowered and directed to hear, and finally determine the value of the same tract of land, or any part thereof, by a jury, under oath, to be summoned by the Sheriff of said county or his deputy for that purpose, or by a committee of three per-

sons, if the parties aforesaid can agree upon them; and the value thereof being thus ascertained by the verdict of such jury, or the report of such committee, who are also to be under oath faithfully and impartially to value said tract of land, or any part or portion of the same; and such verdict or report being accepted and recorded by said Court, and the amount thereof being paid or tendered to the owner or owners of said tract of land, or to the owner or owners of any part of said tract of land that shall have been thus valued, with his, her or their reasonable costs, the said tract of land, or such parts of the same as shall be thus valued, shall for ever be vested in the United States, and shall and may be by them taken, possessed and appropriated to the purposes aforesaid.

[Approved by the Governor, June 17, 1816.]

CHAP. XVI.

An Act to incorporate a Board of Trustees to manage a fund for the support of the Ministry in the first Congregational Parish in Lebanon.

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 Ricker, Andrew Hayes, Nathaniel Chamberlain, John Rollins and Edward Grant be, and hereby are incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the first Congregational Parish in Lebanon, in the county of York; and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal, subject to be altered at their pleasure. And they may sue and be sued in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

SEC. 2. *Be it further enacted,* That said Trustees and their successors shall annually elect a President and Clerk, to record the doings and transactions of the

Trustees at their meetings ; and a Treasurer to receive and apply the monies hereafter mentioned, as hereafter directed, and any other needful officers for the managing of their business.

SEC. 3. *Be it further enacted,* That the number of said Trustees shall be five, any three of whom shall be a quorum for transacting business ; and the Members of said parish, at a meeting called for that purpose, shall fill vacancies which may happen by death, resignation or otherwise, from the members of said parish, and shall have power to remove any Trustee who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging his duty, and to fill the vacancy, so made, by a choice from the members of the parish aforesaid. And the said Trustees shall annually hold a meeting in March or April, and as much oftener as may be necessary to transact their business, which meetings, after the first, shall be called in such manner as the Trustees may direct.

Numbers and powers of Trustees.

SEC. 4. *Be it further enacted,* That Daniel Wood, Esq. be, and hereby is authorized to fix the time and place for the first meeting, and to notify the Trustees thereof.

SEC. 5. *Be it further enacted,* That the said Trustees be, and hereby are authorized to receive all donations, legacies and bequests to them for the support of a Congregational Minister in said parish, and that they shall have power to sell and convey all such lands as they shall become seized of by bequest, mortgage or by levying executions ; and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by their Treasurer and acknowledged by him, by direction of said Trustees with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple to the purchaser to all intents and purposes whatever.

May sell lands.

SEC. 6. *Be it further enacted,* That all the monies which said Trustees shall receive pursuant to this act, shall be put at interest, and secured by mortgage of real estate to the full value thereof, or by sufficient sureties with the principal, or invested in public funded securities, or bank stock, as in the opinion of

Fiscal power.

the Trustees will be most for the benefit of all concerned.

Application of money.

SEC. 7. *Be it further enacted,* That the Trustees shall apply the interest aforesaid, and the income of the stock aforesaid, to the support of the Congregational Minister now settled in said parish, or which may hereafter be settled there, or in such other manner as the donors may direct. And so long as the said parish shall remain without such settled Minister, the annual interest and income aforesaid, shall be put out at interest and secured as aforesaid, to increase the said fund until there shall be a settlement of such Minister as aforesaid. And it shall never be in the power of said parish to alienate or any wise alter the fund aforesaid.

Treasurer to give bond.

SEC. 8. *Be it further enacted,* That the Treasurer shall give bond with sufficient surety or sureties, in the penal sum of two thousand dollars, faithfully to perform his duty, and to be at all times responsible for the faithful application and appropriation of the monies which may come into his hands conformably to the true intent and meaning of this act, and for all negligence or misconduct of any kind in his office.

Recd.

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

Annual accounts.

SEC. 10. *Be it further enacted,* That the said Trustees shall exhibit to the parish, at their annual meeting in March or April, a regular and fair statement of their doings.

Responsibility of Trustees.

SEC. 11. *Be it further enacted,* That the said Trustees, and each of them, shall be responsible to the parish for their personal negligence or misconduct, whether they be officers or not; and be liable to a suit for any loss or damage arising thereby; the debt or damage recovered in such suit shall be applied to increase the said ministerial fund.

[Approved by the Governor, June 17, 1816.]

CHAP. XVII.

An Act extending the time allowed the Trustees of the Nantucket Bank to close their concerns.

BE 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 two years from the first Monday of October next, be granted and allowed to the Trustees of the Nantucket Bank, for the sole purpose of enabling said Trustees gradually to settle and close their concerns, and divide their capital stock, they conforming in all respects, to an act passed June the twenty-fourth, one thousand eight hundred and twelve, entitled "An act to enable certain Banks in this Commonwealth to settle and close their concerns."

[Approved by the Governor, June 17, 1816.]

CHAP. XVIII.

An Act to establish the town of Dexter.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the township numbered four, in the fifth range of townships north of the Waldo Patent, in the county of Penobscot, as described by the following boundaries, be, and hereby is established as a town, by the name of Dexter, viz. : East by the town of Garland ; south by township numbered four in the fourth range ; west by township numbered five in the fifth range ; and north by the town of Sanguerville. And the said town of Dexter is hereby vested, with all the corporate powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of

Justice may issue warrant.

the Peace, for the county of Penobscot, is hereby authorized, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Dexter, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place within the said town, as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose and appoint at their annual town-meeting.

[Approved by the Governor, June 17, 1816.]

CHAP. XIX.

An Act to authorize the First Congregational Society in Brunswick to sell certain Ministerial Lands.

Agents may sell and pass deeds.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the inhabitants of the Congregational Society in Brunswick be, and they are hereby authorized by their Agents, chosen for that purpose, to sell and pass deeds, to convey all the lands which were originally granted by the Pejepscoot proprietors to said Congregational Society in Brunswick for the use of the Ministry; and that Jacob Abbot, Daniel Stone, John Perry, Joseph McKeen, David Dunlap, Robert D. Dunning and Jacob Penell, all of said Brunswick, be, and they are hereby appointed Trustees for the due management of the fund that shall arise from said sale, to receive and hold the same in trust for the use and benefit of said Society, and the support of a Gospel Minister therein, and shall constitute a body politic and corporate, to have perpetual succession, consisting of persons belonging to said Society in Brunswick, for the due and faithful performance of said trust, and shall be vested with all powers incident to corporations necessary or requisite for that purpose.

SEC. 2. *Be it further enacted,* That the Trustees before mentioned, and their successors in office be,

and hereby are authorized to receive any donations of money and other property that now are or may be made to said parish, the annual income of which shall not exceed one thousand dollars, and place the same at interest on good security at their discretion, and apply the income arising therefrom to the support of such Gospel Minister as a majority of the Church and Congregation in said Society have or may settle, and said Trustees shall give bonds to said Society for the faithful discharge of their trust, to double the amount of their funds. Donations.

SEC. 3. *Be it further enacted,* That said Trustees shall make annual return, in writing, of their proceedings and disbursements, and lay the same before said parish at their annual meeting in March or April, for their inspection; and shall, at all times, be held accountable to said parish for the expenditure of the income aforesaid. Annual returns

SEC. 4. *Be it further enacted,* That when any vacancy happens in said Board of Trustees or their successors, either by death, resignation or removal, the said Trustees shall fill said vacancy within thirty days, and if they neglect so to do, then the said Congregational Society, at any meeting legally warned for that purpose, shall have power to fill such vacancy. Vacancies filled

SEC. 5. *Be it further enacted,* That any Justice of the Peace, within and for the county of Cumberland, shall, on application of a majority of said Trustees, fix the time and place for calling the first meeting of said Trustees. Justice to call meeting.

[Approved by the Governor, June 17, 1816.]

CHAP. XX.

An Act to incorporate Matthias Weeks and his associates, for the purpose of building a Bridge over Sebasticook river in the town of Clinton.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Matthias Weeks, with such others as may hereafter associate with him, and Persons incorporated.

their successors and assigns, shall be a Corporation by the name of The Proprietors of Sebacicook Falls Bridge, and by that name may sue and be sued to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and that said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure: And the said Corporation shall be, and they are hereby authorized to erect a Bridge over Sebacicook river, at such place on said river between Grant's Mills, so called, in Clinton, and the head of the dam to the Philbrook Mills, so called, in said town, as the proprietors shall judge will best insure its safety, and serve the public interest. And the said Corporation are hereby authorized, if they shall think it expedient, to use all such parts of the old Bridge on said Falls, as may be useful in carrying the objects of this Corporation into effect, and the same to dispose of as they shall think proper; and the said Bridge shall be well built of good materials, not less than eighteen feet wide, and well covered with plank or timber, with sufficient rails on each side for the safety of passengers.

SEC. 2. *Be it further enacted,* That the above named Matthias Weeks may call the first meeting of the said proprietors by personal notice, or by a written notification left at the usual place of abode of each of said proprietors, fifteen days at least prior to the time appointed for such meeting, and the said proprietors by a vote of a majority of those present, accounting and allowing one vote to each share: (*Provided* no person, either by his own right or by proxy, or by both, shall be entitled to more than five votes,) shall choose a Clerk who shall be sworn to the faithful discharge of the duties of his office, and at the same time, or at any subsequent meeting, choose such other officers as may be found necessary for managing the business of said Corporation, and shall agree on a method of calling future meetings; and at the same time, or at any subsequent meeting, may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said Cor-

May sue and be sued.

Meetings.

Votes.

Rules and regulations.

poration, effecting, completing and executing the purpose aforesaid, and for collecting the toll herein granted; and the same rules and regulations may cause to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties not exceeding ten dollars; *provided* that said rules and regulations be not repugnant to the Laws and Constitution of this Commonwealth. Provisg.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted and established for the use and benefit of said Corporation, according to the rates following, viz.: For each foot passenger, or one person passing said Bridge, two cents; one person and horse, six and one quarter cents; each single horse cart, sled or sleigh, eight cents; each wheel-barrow, hand-cart and every other vehicle capable of carrying a like weight, three cents; each team including cart, sled or sleigh, drawn by more than one beast and not exceeding four, ten cents; and for every additional beast above four, two cents each; each single horse and chaise, chair or sulkey, ten cents; neat cattle and horses exclusive of those rode on, or in carriages, carts or waggons, passing said Bridge, two cents each; sheep and swine, for each dozen, six cents; and at the same rate for a greater or less number; and the same toll shall be paid for all carriages passing said Bridge, whether the same be loaded or not, and to each team one man and no more shall be allowed as a driver to pass free from toll; and at all times when the toll gatherer shall not attend his duty at the said Bridge, the gate or gates shall be left open; and the toll shall commence on the first day of opening said Bridge for passengers, and shall continue for and during the space of seventy-five years from the said day, and collected as shall be prescribed by said Corporation; *provided* the said proprietors shall at all times keep the said Bridge in good repair, and at the end of said term, deliver the same to the Commonwealth for their use: *Provided also*, at the place where the toll shall be collected, there shall be constantly kept on a board or sign, exposed to open view, the rates of toll in legible letters. Rates of Toll. Proviset

SEC. 4. *Be it further enacted*, That if the said Corporation shall neglect or refuse, for the space of two

years from the passing of this act, to build and complete said Bridge, then this act shall be void and of no effect.

Regulation of
Toll

SEC. 5. *Be it further enacted*, That at the expiration of ten years from the opening said Bridge, the General Court may regulate anew the rates of toll receivable thereat.

[Approved by the Governor, June 17, 1816.]

CHAP. XXI.

An Act to incorporate the First Baptist Society in Barre.

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 Job Sibley, Daniel Harwood, Elias Chase, James Adams, Palmer Adams, William How, Jesse Harwood, James Newcomb, David Wadsworth, Asa Newell, Abner Harwood, Warren Sibley, Charles Sibley, Solomon W. Davis, Jason Fiske, Isachar Adams, Charles Newcomb, Henry Brigham, jun. Hartshorn Marsh, Jacob Waite, Isaac Follett, James Conant, Amos Clark, Wilcut Harwood, William Henry, Caleb Harwood, Forbes Hinds, Silas Knight, jun. Cyrus Varney, Jonas Underwood, David Knight, Joel Bacon, Schuyler Adams, Simeon Metcalf, Samuel Sibley, jun. together with their polls and estates, be, and they hereby are incorporated by the name of The First Baptist Society in Barre, with all the privileges, powers and immunities which parishes in this Commonwealth by law enjoy.

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

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

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

SEC. 4. *Be it further enacted*, That any Justice of the Peace within and for the county of Worcester, on the application of any three of the persons aforesaid in the first section of this act, be, and hereby is authorized to issue his warrant to one of said applicants, requiring him to warn the Members of said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said town of Barre, to choose such parish officers as are by law required to be chosen in the months of March or April annually, and to transact all other matters and things necessary to be done in said Society.

[Approved by the Governor, June 17, 1816.]

CHAP. XXII.

An Act to incorporate the Franklin Charitable Society.

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 Elijah Alvord, second, Hooker Leavitt, and George Grennell, jun. Esquires, the Reverend Titus Strong, Messrs. Thomas W Ripley, Franklin Ripley, Thaddeus Coleman, Patrick Welles, John Denio, Ebenezer Newcomb, jun. and Ansel Phelps, together with such others as may be admitted members of the Corporation hereby created according to the bye-laws to be adopted by the present members thereof, be, and they hereby are incorporated into a Society, by the name of The Franklin Charitable Society, and by that name shall be a Corporation forever, with power to have a common seal, to make contracts relative to the objects of their institution, to sue and be sued, to establish bye-laws and orders for the regulation of said Society, and the preservation and application of the funds thereof, to take, hold and possess any estate real or personal by subscription, gift, grant, purchase or otherwise, and the same to lease or otherwise improve, and sell and convey, for the sole benefit of said institution; *provided* the said bye-laws be not repugnant to the Constitution and Laws of this Commonwealth; and the value of the said estate shall never exceed five thousand dollars, and the funds of the said Society shall be always improved and appropriated to benevolent and humane purposes only.

May hold real
estate.

Proviso.

Meetings.

SEC. 2. *Be it further enacted,* That the time and place of the first meeting of said Society may be appointed by Hooker Leavitt, Esqr. by his giving personal notice thereof to all the members named in this act, seven days, at least, before the time of such meeting; and at such meeting, the said Society may agree upon their mode of calling future meetings, and establish bye-laws to regulate their said Society.

[Approved by the Governor, June 17, 1816.]

CHAP. XXIII.

An Act to incorporate the Proprietors of Liverpool Wharf, in the town of Boston.

WHEREAS sundry persons have become purchasers of a certain real estate, situate in Boston, in the county of Suffolk, bounded and described as follows, viz. northwardly on Purchase-street, and there measuring two hundred and eighty-four feet more or less; southwestwardly on land of Henderson Inches, Esq.; southeastwardly on the channel, or lowest boundary towards the sea, and there measuring two hundred and eighty-five feet more or less; northeastwardly on land now or late of the heirs of Daniel Ingersoll, from Purchase-street to the channel, together with all the wharves, docks, rights of way, buildings and privileges and appurtenances thereof; and the said purchasers have petitioned this Court, that they may be incorporated, for the purpose of enabling them the better to manage and improve their said estate:

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Tucker, Ebenezer Stocker, Daniel Hastings, and Amos Binney, all of Boston aforesaid, and their associates, successors and assigns be, and they hereby are constituted a body politic and corporate, by the name of The Proprietors of Liverpool Wharf; and the said Corporation by the said name, are hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and bye-laws for the regulation and management of said estate, consistent with the Laws of the Commonwealth; and generally to do and execute whatever bye-law shall appertain to bodies politic: Provided always,* that nothing herein contained shall be construed into any confirmation or acknowledgment of title in the said associates or Corporation, or into any grant or authority to extend the dimensions of said wharf.

SEC. 2. *Be it further enacted, That the said Cor-*

poration be, and hereby is declared capable to have, hold, and possess all the said real estate, with the appurtenances thereof; *provided* the lawful proprietors thereof shall legally convey the same to said Corporation; and the said Corporation shall have power to sell, grant, and alien in fee simple, or otherwise, their corporate property, or any part thereof, within the limits aforedescribed, and to lease, manage, and improve the same according to the will and pleasure of the said Corporation to be expressed at any legal meeting.

May sell or alien corporate property.

Shares.

SEC. 3. *Be it further enacted*, That the said corporate property shall be divided into shares not exceeding five hundred in number, as the said Corporation may find to be most expedient; and said shares shall be divided among the several proprietors according to the interest and portions, which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President of the Corporation, and issued to the proprietors accordingly; and the shares in said Corporation shall be transferable by endorsement on the back of said certificates; and the property in such shares shall be vested in the assignee or vendee thereof, when a record shall be made thereof by the Clerk of the Corporation, and new certificates shall be issued accordingly; and such shares shall in all respects be considered as personal estate.

Assessments.

SEC. 4. *Be it further enacted*, That the said Corporation shall have power, from time to time, to assess such sums of money, as may be deemed necessary for rebuilding or repairing any buildings, wharves, or other property of said Corporation, or necessary for the building any new wharves or tenements within the aforesaid limits; or for the improvement and good management of the corporate estate agreeably to the true intent and meaning of this act; and in case any proprietor shall refuse or neglect to pay any assessment, the said Corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale,

the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

SEC. 5. *Be it further enacted*, That the corporate property which the said Corporation shall have and hold at any one time in virtue of this act, shall not exceed in value the sum of two hundred thousand dollars. And in all meetings of the members of said Corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said Corporation; *provided always*, that no one member shall ever be entitled to more votes than shall be equal to one fourth part in value of the corporate property: *And provided further*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least in number and value of those present or represented at such meeting, nor unless public notice shall have been given at least ten days previous to such meeting, of the purpose of such meeting by publication thereof in one or more newspapers printed in Boston.—Proprietors may appear and act at any meeting by proxy in writing.

SEC. 6. *Be it further enacted*, That either of them, the said Tucker, Stocker, Hastings and Binney may call a meeting of said Corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said Corporation may at such, or any other meeting, agree on the mode of calling future meetings; and shall elect a President and Clerk, and may elect all such other officers as said Corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove as said Corporation shall see fit.

[Approved by the Governor, June 17, 1816.]

CHAP. XXIV.

An Act to establish the times and places for holding the Circuit Court of Common Pleas, within and for the counties of Hancock and Penobscot.

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 twentieth day of June current, the times and places for holding the several terms of the Circuit Court of Common Pleas within the counties of Hancock and Penobscot, instead of the times and places now designated by law, shall be, and hereby are established as follows, viz: at Castine, in the county of Hancock, on the third Tuesday of March, the second Tuesday of July, and the third Tuesday of November, in each and every year; and at Bangor, within and for the county of Penobscot, on the second Tuesday of March, the first Tuesday of July, and the second Tuesday of November annually.*

Court Terms.

Time limited.

SEC. 2. *Be it further enacted, That the session business cognizable by said Courts, shall not be commenced by the Justices thereof, at any term hereby established in the said counties of Hancock and Penobscot, earlier than Thursday of each week of said terms.*

Appéals, &c.

SEC. 3. *Be it further enacted, That all appeals, recognizances and other processes that now are, or may hereafter be, prior to the said twentieth day of June current, commenced or sued out, returnable to, continued in, or pending in said Courts, as heretofore by law established, shall be returnable, entered and continued to, pending in, prosecuted, tried, determined and adjudged, at the said Courts respectively to be holden by virtue of this act.*

[Approved by the Governor, June 17, 1816.]

CHAP. XXV.

An Act to establish the India Insurance Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jesse Putnam, David Hinckley and James Prince, and all such persons as have already or shall hereafter become Stockholders in the said Company, be, and hereby are incorporated into a company and body politic, by the name of The India Insurance Company, for and during the term of twenty years after the passing of this act ; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution ; and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Persons incor-
porated.

Powers.

SEC. 2. *Be it further enacted,* That the capital stock of the said Company shall be divided into shares of one hundred dollars each, which shall be paid into the said Company in the manner provided in the ninth section of this act ; and the whole number of shares shall be two thousand ; and the whole capital stock, estate and property which the said Company shall be authorized to hold shall be two hundred thousand dollars, exclusive of premium notes, and profits arising from the business of said Company ; of which capital stock, not more than twenty thousand dollars shall, at any time, be invested in real estate.

Stock.

SEC. 3. *Be it further enacted,* That the stock, property, affairs and concerns of the said Company shall be managed and conducted by five Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer ; and who shall at the times of their election be Stockholders and citizens of this Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time of the day and in such a place in the town of Boston, as a majority of the

Election of Di-
rectors.

Directors for the time being shall appoint, of which election public notice shall be given in at least two of the newspapers printed in the town of Boston, and continued for the space of ten days immediately preceding such election : and the election shall be holden under the inspection of three Stockholders, not being Directors, and the election shall be made by ballot, by a majority of the votes of the Stockholders present, allowing one vote to each share in the capital stock ; *provided* that no Stockholder shall be allowed more than ten votes ; and the Stockholders not present may vote by proxy, under such regulations as the Company may prescribe. And if, through any unavoidable accident, the said Directors shall not be chosen on the second Monday of January as aforesaid, it shall be lawful to choose them on any other day in the manner herein prescribed, and no Director of any other Insurance Company within this Commonwealth, shall at the same time be a Director of the Corporation hereby established.

Proviso.

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

Vacancies filled up.

SEC. 5. *Be it further enacted,* That the President and two of the Directors, or three of the Directors in the absence of the President, shall be a Board competent to the transaction of business, and they shall have power to make and prescribe such bye-laws, rules and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of the shares ; and touching the duties and conduct of the several Officers, Clerks and Servants employed and the election of Directors, and all such

Board of Directors.

matters as appertain to the business of Insurance, and shall also have power to appoint a Secretary and so many Clerks and servants for carrying on said business, and with such salaries and allowances to them, and to the President, as to the said Board shall seem meet; *provided* that such bye-laws, rules and regulations shall not be repugnant to the Constitution or Laws of this Commonwealth.

SEC. 6. *Be it further enacted,* That there shall be stated meetings of the Directors, for the despatch of business; and the said Board of Directors shall have power and authority, on behalf of the Company, to make insurance on vessels, freight, money, goods and effects, and against captivity of persons during their absence at sea, and to fix the premiums and terms of payment. And all Policies of Insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of the said Company; and all losses duly arising under any policy so subscribed may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company. Stated meet-
ings.

SEC. 7. *Be it further enacted,* That it shall be the duty of the Directors, on the first Monday of July and January in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said Company, as to them shall appear advisable; but the monies received, and notes taken for premiums on risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as part of the profits of the Company. And in case of any loss or losses, whereby the capital stock of the Company shall be lessened before all the instalments are paid in, each Proprietor or Stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares at the time of such loss or losses taking place; and no subsequent dividend shall be made until a sum arising from the profits of the Company equal to such diminution shall have been added to the capital; and that once in Dividends.

every three years, and oftener, if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.

SEC. 8. *Be it further enacted,* That the said Company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever ; and the capital stock of said Company, after being collected at each instalment, shall, within six months, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated Bank of this Commonwealth, in either or all of them, and in such proportion as may be most for the interest of said Company, at the discretion of the President and Directors of said Company, or of such other person or persons as said Stockholders shall for such purpose at any meeting appoint.

Investment of
stock.

SEC. 9. *Be it further enacted,* That fifty dollars on each share in said Company shall be paid in money, within twenty days after the first meeting of said Company, and the remaining sum of fifty dollars on each share shall be paid in money within one year afterwards, by such equal instalments and under such penalties as the Company shall direct.

SEC. 10. *Be it further enacted,* That the property of any Member of said Company vested in the stock of said Company, with the dividend or dividends due thereon, shall be liable to attachment and execution, in favor of any bona-fide creditor, in manner following, viz. whenever a proper officer, having a writ of attachment and execution against any such Member, shall apply with such writ or execution, to the Secretary of said Company, it shall be the duty of said Secretary to expose the books of the Corporation to such officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the said Member holds in said Company, and the amount of the dividend or dividends due thereon ; and when any such share or shares shall be attached on mesne process, or taken in execution, an attested copy of such writ of attachment or execution shall be left

Stock attach-
able.

with said Secretary, and such share or shares may be sold on execution, after the same notification of the time and place of sale, and in the same mode of sale as other personal property; and it shall be the duty of the officer making such sale, within ten days thereafter, to leave an attested copy of the execution with his return thereon, with the Secretary of the Company, and the vendee shall thereby become the proprietor of such share or shares, and entitled to the same, and to all the dividends which shall have accrued thereon after the taking in execution as aforesaid; or when there shall have been a previous attachment, after such attachment, notwithstanding any intervening transfer.

SEC. 11. *Be it further enacted,* That in case of any loss or losses taking place, that shall be equal to the amount of the capital stock of the said Company, and the President and Directors, after knowing of such loss or losses taking place, shall subscribe to any Policy of Insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies so subscribed. Personal estate liable in certain cases.

SEC. 12. *Be it further enacted,* That the President and Directors of the said Company shall, previous to their subscribing to any policy, and once in every year after, publish in two of the newspapers, printed in the town of Boston, the amount of their stock, against what risks they mean to insure, and the largest sum they mean to take on any one risk; *Provided nevertheless,* that the said President and Directors shall not be allowed to insure on any one risk, a larger sum than seven and an half per centum of the amount of the capital stock of said Corporation actually paid in. Yearly accounts. Proviso.

SEC. 13. *Be it further enacted,* That the President and Directors of the said Company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same, under oath. Shall report to Legislature.

SEC. 14. *Be it further enacted,* That Jesse Putnam be, and hereby is authorized to call a meeting of the Members of said Company as soon as may be, in Boston, by advertising the same for ten days in two of the newspapers, printed in said town, for the purpose of Meetings called.

their electing a first Board of Directors, who shall continue in office until the second Monday in January, one thousand eight hundred and seventeen.

[Approved by the Governor, June 18, 1816.]

CHAP. XXVI.

An Act regulating the storage, safe-keeping, and transportation of Gunpowder, in the town of Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no ship or other vessel, on board of which Gunpowder shall be laden, shall lay at any wharf in the town of Boston, nor within two hundred yards of any wharf within said town.

Landing Powder.

SEC. 2. *Be it further enacted,* That when any Gunpowder shall be landed in the town of Boston, from on board any ship or other vessel laying in the harbor of Boston, the same shall be brought to and landed at Tileston's wharf, so called, in said town, and shall be immediately carried from the place of landing, to the public Powder-house, on Pine-Island, in the town of Roxbury, either in boats, or in a waggon or waggons, cart or carts, or other carriage closely covered with leather or canvass, and without any iron on any part thereof, and which shall have been approved by the Firewards of the town of Boston, and marked in capital letters with the words, **APPROVED POWDER CARRIAGE**; and that when any Gunpowder shall be intended to be laden on board any ship or other vessel in the harbor of Boston, the same shall not be brought through any part of the town of Boston by land, unless the same be brought in a waggon, cart, or other carriage, made and approved as aforesaid, nor unless such Gunpowder be brought to Tileston's wharf aforesaid, and be thence carried directly on board the ship or other vessel, on board which the same is to be laden.

Where to be landed.

Where to be deposited.

Carriages.

SEC. 3. *Be it further enacted,* That no person or persons, not in public service or on military duty, shall

keep, have, or possess in any house, warehouse, shop, or other building, nor in any street, lane, alley or passage-way, yard or cellar, nor in any waggon, cart, or other carriage, nor on any wharf, nor on board any ship or other vessel, nor in any place within the town of Boston, Gunpowder in any quantity exceeding five pounds, in any way or manner otherwise than as by this act is permitted and allowed.

Limitation of samples.

SEC. 4. *Be it further enacted,* That the Firewards of the town of Boston be, and they hereby are authorized and empowered to make rules and regulations from time to time, in conformity with which, all Gunpowder which is, or which may be within the town of Boston, shall be kept, had, or possessed within said town; and no person or persons whomsoever shall have, or keep, or possess, within the town of Boston, any Gunpowder in any quantity, manner, form or mode, other than may be prescribed by the rules and regulations aforesaid; nor shall it be lawful for any person or persons to sell any Gunpowder which is within the town of Boston, in any quantity, by wholesale or by retail, without having first obtained from the said Firewards a license to sell Gunpowder; and every such license shall be written or printed, and duly signed by said Firewards, or by their Secretary, upon a paper whereon shall be printed and duly signed by said Firewards or by their Secretary, the rules and regulations which may be by them established as aforesaid.

Rules and Regulations of Firewards.

SEC. 5. *Be it further enacted,* That every license which the said Firewards may issue as aforesaid, shall be in force for the term of one year from the date thereof, and no longer, and may be at the end of that time renewed by endorsement thereon by said Firewards, or by their Secretary, from year to year; *provided always,* that the said Firewards may annul any license which they may have issued, if, in their opinion, the person or persons licensed has or have forfeited the right to use the same by infringing any of said rules and regulations.

Licenses.

SEC. 6. *Be it further enacted,* That the said Firewards, or any of them, may enter the store of any person or persons, who may have been licensed to sell

Firewards may enter stores.

KEEPING OF GUNPOWDER. *June 18, 1846.*

Gunpowder, when there shall be any alarm of fire, and may cause the Powder there deposited to be removed to a place of safety.

SEC. 7. Be it further enacted, That any person or persons who shall keep, have or possess any Gunpowder within the town of Boston, or shall sell the same contrary to the provision of this act, shall forfeit and pay a fine of not less than one hundred dollars and not exceeding five hundred dollars for each and every offence; and if any Gunpowder shall explode in any shop, store or warehouse, or other building, or in any place, the occupant, tenant, or owner of which has not been licensed to sell Gunpowder therein, such occupant, tenant or owner of such building or place, shall forfeit and pay a fine of not less than five hundred dollars and not exceeding one thousand dollars; one moiety of the sums which may be so forefeited shall accrue to the use of the poor of the town of Boston, and the other moiety to the use of any person or persons who shall prosecute and sue for the same, which forfeitures may be recovered by action of the case in any Court proper to try the same.

SEC. 8. Be it further enacted, That all Gunpowder which shall be had, kept, or possessed within the town of Boston, contrary to the provisions of this act, may be seized by any one or more of the Firewards, and shall within twenty days next after the seizure thereof, be libelled by filing in the office of the Clerk of the Municipal Court of the town of Boston, a libel, stating the time, place and cause of seizure, and a copy of said libel shall be served by the Sheriff of the county of Suffolk, or his Deputy, on the person or persons from whose possession or tenement the said Gunpowder shall have been seized, by delivering a copy thereof to such person, or leaving such copy at his, her or their place of dwelling in Boston, fourteen days at least before the sitting of the Court, that such person or persons may appear and show cause why the Gunpowder so seized or taken, should not be adjudged forfeit—and if the Gunpowder so seized shall be adjudged forfeit, the person or persons in whose possession the same was seized, or the occupant or tenant of the place wherein the same was seized, shall pay all costs of prosecution,

and execution shall be issued therefor: *Provided*, that it shall appear to the Court that the person or persons aforesaid had notice of the prosecution by service of the libel as aforesaid.

SEC. 9. *Be it further enacted*, That every person who shall suffer injury by the explosion of any Gunpowder, had, possessed, or being within the town of Boston, contrary to the provisions of this act, may have an action of the case in any Court, proper to try the same, against the owner or owners of such Gunpowder, or against any other person or persons who may have had the possession or custody of such Gunpowder at the time of the explosion thereof, to recover reasonable damages for the injury sustained. Actions for damages.

SEC. 10. *Be it further enacted*, That it shall and may be lawful for any two or more of the Firewards of the town of Boston, to enter any building or other place in the town of Boston, to search for Gunpowder, which they may have reason to suppose to be concealed, or kept contrary to the provisions of this act, first having obtained a search warrant therefor according to law. Search warrant.

SEC. 11. *Be it further enacted*, That every person who shall receive a license to sell Gunpowder as aforesaid, shall pay for the same the sum of five dollars; and every person on having a license renewed shall pay therefor the sum of one dollar, which sums shall be paid to the Secretary of the Firewards aforesaid, to and for the use of said Firewards, for the purpose of defraying the expenses of carrying this act into execution. Fees.

SEC. 12. *Be it further enacted*, That an Act passed on the twelfth day of March, in the year of our Lord one thousand eight hundred and twelve, entitled "An act in addition to acts regulating the storage, safe keeping and transportation of Gunpowder within the town of Boston," be, and the same is hereby repealed, and that all acts passed before the said last mentioned act, the provisions whereof come within the purview of this act, be and the same hereby are repealed. Former law repealed.

SEC. 13. *Be it further enacted*, That the fines, forfeitures and penalties, not otherwise disposed of by this act, shall accrue and be one moiety thereof to the

use of said Firewards, and the other moiety to the use of the poor of the said town, and be paid over to the overseers of the poor accordingly.

SEC. 14. *Be it further enacted*, That this act shall be in force from and after the passing thereof, and that it shall be the duty of the Firewards aforesaid to cause the same to be published in two or more of the Boston newspapers, together with such rules and regulations as they may establish by virtue of the power hereby given to them, and to continue the publication thereof, three weeks successively.

[Approved by the Governor, June 18, 1816.]

CHAP. XXVII.

An Act incorporating William Bartlet and others, by the name of the Merrimack River Association.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That William Bartlet, Moses Brown, John Pettingel, David How, Thomas Kittridge, John Greanleaf, Ebenezer Wheelwright, Stephen Howard, Thomas M. Clark, John Pearson, Anthony Davenport, Moses Davenport, Thomas Carter, Joshua Carter, Abner Wood, John Wood, Jonathan Gage, Edmund Kimball, Isaac Adams, Peter Le Breton, Ebenezer Moseley, William B. Bannister, Edward S. Rand, their associates and successors, are hereby incorporated, and shall be a Corporation forever, under the name of The Merrimack River Association, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be and hereby are vested with all the powers and privileges, which are by law incident to Corporations of a similar nature.

SEC. 2. *Be it further enacted*, That William Bartlet, Moses Brown and John Pettingel, or any two of them, are hereby authorized to call a meeting of the Members of said Association, as soon as may be, at Newburyport, in the county of Essex, by advertising

Division of
Fines.

Publication of
act.

Persons incor-
porated.

Meetings call-
ed.

the same in the newspapers, printed in Newburyport and Haverhill, fourteen days at least, previous to the holding of said meeting, for the purpose of electing a Clerk, Treasurer and such other officers as they may judge necessary, for ordering and regulating the business and affairs of said Corporation; to agree on the mode of calling future meetings, and to do and trans- Meetings re-
act such matters and things, as shall then and there be regulated.
thought proper, relating to said Corporation; and every proprietor who shall subscribe to the amount of twenty-five dollars, for the purposes of the Corporation, shall be entitled to a vote in the proprietors' meetings, in person or by representation under a special appointment in writing, and one additional vote for every hundred dollars so subscribed; and this act and all rules and regulations and votes of said Corporation shall be fairly and truly recorded by the said Clerk, in a book Clerk's records
to be kept for that purpose; and the said proprietors, at any legal meeting, may make and agree upon all such rules, regulations and bye-laws, (not repugnant to the laws of this Commonwealth) as they may deem necessary and expedient, for the management of their concerns, and the completion of the object of their incorporation.

SEC. 3. *Be it further enacted*, That the said Corporation be, and they are hereby authorized to erect such a number of locks as may be found necessary for the more easy and convenient navigation of the said river; and for that and other purposes of the Corporation, to take, occupy and enjoy in fee simple, any lands adjoining the said river, necessary for their purposes; they paying therefor in manner hereafter provided. Locks.

SEC. 4. *Be it further enacted*, That if any person shall suffer any damage by means of the said Corporation appropriating any of his, or her property, or lands, for the above purposes, and the parties cannot agree upon the amount of the value of the damages thus occasion- Damages made
ed nor upon some suitable person or persons to estimate good.
the same, then three disinterested persons shall be appointed by the Circuit Court of Common Pleas, with the Session Justices associated with said Court, and having jurisdiction in the several and respective coun-

ties of Essex and Middlesex, in cases happening in those counties respectively, whose award shall be the measure of damage; *Provided nevertheless*, that if either party shall be dissatisfied with the award of the referees appointed as aforesaid, and shall at the same session at which the report shall be made, apply to the Court for a Jury, the said Court is empowered to hear and finally determine the same by a Jury, under oath, to be summoned by the Sheriff or his Deputy, for that purpose, if the party complaining desire the same; or by a Committee, if the parties can agree therein; and if the Jury or Committee, agreed upon as aforesaid, (who are to be under oath) shall not give the party applying a larger sum than the referees have awarded as aforesaid, then 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 referees, then the Court shall award costs against the party not applying; and the Court shall render judgment and issue execution thereon accordingly: *Provided* that no part of the Jury to be summoned as aforesaid, shall be taken from the town, in which the owner of the property lives, or the lands are situated.

SEC. 5. Be it further enacted, That no member of said Corporation shall be compelled to pay for the purposes of said Corporation any greater or larger sum, than the sum he shall actually subscribe.

[Approved by the Governor, June 19, 1816.]

CHAP. XXVIII.

An Act extending the powers of the Justices of the Supreme Judicial Court 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 whenever any person, who is or may be arrested and in custody, or in prison, to answer for any crime or crimes, offence or offences, before the Supreme Judicial Court, shall be acquitted thereof by the Jury of trials, or shall not be indicted

by the Grand Jury, by reason of the insanity or mental derangement of such person, and the discharge, or going at large of such person shall be deemed, by the same Court, to be dangerous to the safety of the citizens, or to the peace of the Commonwealth, the said Court be, and hereby is authorized and empowered to commit such person to prison, there to be detained till he or she be restored to his or her right mind, or otherwise delivered by due course of law. And every person so committed shall be kept at his or her own expense, if he or she have estate sufficient for that purpose; otherwise at the charge of the person or town upon whom his or her maintenance would have been legally chargeable, if he or she had not been committed as aforesaid.

Cases of insanity.

SEC. 2. *Be it further enacted,* That whenever the Grand Jury, upon any inquiry, which they may hereafter make, as to the commission of any crime or offence by any person, shall omit to find a bill for the cause aforesaid, it shall be the duty of such Jury to certify the same to the said Court. And whenever the Jury of trials, upon the general issue of not guilty, shall acquit any person for the cause aforesaid, it shall be the duty of such Jury, in giving in their verdict of not guilty, to state that it was for such cause.

Duty of Jurors.

SEC. 3. *Be it further enacted,* That any one of the Justices of the Supreme Judicial Court, or any two Justices of the Peace, *quorum unus*, within their county, may discharge from confinement any such person, when it shall be made to appear, to his or their satisfaction, that the going at large of such person will not be dangerous to the safety of the citizens and to the peace of the Commonwealth.

Power of Judges.

SEC. 4. *Be it further enacted,* That upon the application of any friend or friends of such lunatic person, the Supreme Judicial Court, or any one of the Justices thereof, or any two Justices of the Peace, *quorum unus*, of the county in which such person is or may be in prison as aforesaid, be, and are hereby authorized and empowered to commit to the custody and safe keeping of such friend or friends, such lunatic person; *provided however,* that such applicant or applicants shall first give bonds with sufficient surety or sureties to the

Release of lunatics.

KEN BANK—TAKING FISH. *June 19, 1816.*

Judge of Probate for the county in which such lunatic is confined, conditioned for the safe keeping of such lunatic person, and for the payment of all damages which any person shall or may sustain by reason of the acts and doings of such lunatic; which bond shall be approved by the Court, Justice or Justices aforesaid; and may be put in suit, for the benefit of persons interested, in the way and manner, and like proceedings may be thereon had, as is by law provided in case of probate bonds; *provided* that nothing in this act contained, shall deprive any person of the benefit of the writ of *Habeas Corpus*.

[Approved by the Governor, June 19, 1816.]

CHAP. XXIX.

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

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 Kennebeck Bank shall annually elect seven Directors, three of whom may constitute a quorum for the transaction of business, any thing in their act of incorporation to the contrary notwithstanding.*

[Approved by the Governor, June 19, 1816.]

CHAP. XXX.

An Act to prevent the taking of Fish in a pond, (called Winchel's pond) in Egremont, in the county of Berkshire.

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

sing of this act, no person or persons shall be allowed to put or draw any seine or seines, or put or set any net or nets whatsoever in the pond (called Winchel's pond) in the town of Egremont, in the county of Berkshire, for the taking of Fish, called Pickerel; and any and every person, who shall presume to take any Fish, called Pickerel, with any seine or net from the said pond, shall incur and pay a penalty of ten dollars for every such offence, and the seine or net shall be forfeited to the said town of Egremont, as also all the Fish so taken, to be at the disposal of the Selectmen of said town. Penalty

SEC. 2. *Be it further enacted,* That no person or persons shall be allowed to take from said pond in any way whatsoever, any of the said Fish, called Pickerel, for the term of one year from the passing of this act; and any and every person, who shall presume to take in any way whatsoever from said pond, any of the said Fish, called Pickerel, within the said year, shall incur and pay a penalty of five dollars for every such offence. Specific fine.

SEC. 3. *Be it further enacted,* That all penalties incurred by any offence against this act, may be sued for and recovered in an action of debt, by the Treasurer of the said town of Egremont, for the time being, before any Justice of the Peace in said county of Berkshire, who does not belong to the town of Egremont aforesaid; and all sums of money, so recovered, shall be appropriated to the use of said town; and in case any minor or minors shall offend against this act or any part thereof, and thereby incur any of the penalties aforesaid, the parent, master, or guardian of such minor or minors shall be answerable therefor; in which cases the action shall be commenced against such parent, master or guardian (as the case may be) of such minor or minors respectively, and judgment rendered accordingly in the same manner and degree as for his or their personal offence. Appropriation of fines.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXI.

An Act to authorize John Breed to build a Bridge from Belle Island to Chelsea.

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 Breed, of Boston, (the proprietor of Belle Island) and his heirs and assigns be, and they hereby are authorized and empowered to build and keep in repair, at all times, a Bridge convenient for the accommodation of the proprietors of Belle Island, from the westerly part of said Island to the hard land in Chelsea, at a point in the farm of Samuel Cary, Esq. late of said Chelsea, deceased.

Location.

Shall have draw.

SEC. 2. *Be it further enacted,* That said Bridge shall be built with a draw, not less than fifteen feet wide, made of suitable materials, and conveniently placed for the accommodation of such vessels as may have occasion to pass between said Island and Chelsea. And the owner or owners, proprietor or proprietors of said Bridge, at his and their own expense, shall at all times, when necessary, have said draw raised for the convenient passing of vessels through the same; and in case any vessel about to pass said Bridge shall be detained at the draw more than one hour, the proprietor or proprietors of said Bridge shall forfeit and pay to the owner or owners of such vessel a sum not less than three dollars, nor more than ten dollars, to be recovered by action of debt in any Court proper to try the same, and shall also be liable to pay all damages, which the owner or owners of such vessel shall or may sustain by reason of such detention, to be recovered in an action of the case in any Court proper to try the same; and if the said John Breed, his heirs and assigns shall, for the space of three years, from the passing of this act, fail or neglect to erect said Bridge, then this act shall be null and void. And if the said Bridge shall be erected within said term of three years,

then the Legislature reserve the right to repeal this act after the expiration of twenty years from the time of passing the same.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXII.

An Act in addition to an act, entitled, "An act to incorporate John L. Sullivan and others, by the name and style of The Merrimack Boating 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 so much of the fourth section of the act, entitled, "An act to incorporate John L. Sullivan and others, by the name and style of the Merrimack Boating Company," as limits the number of shares to one hundred, be, and hereby is repealed, and that the property of the Corporation be divided into four hundred shares. Section of Act repealed.

SEC. 2. *Be it further enacted,* That in any action to be brought, or in any judgment to be rendered against said Corporation, the plaintiff or adverse party, not being able to find sufficient property of the Corporation to attach on mesne process or whereon to levy his execution, shall have the right of attaching on mesne process, or of levying his execution on any of the property of the individual members of the Corporation, in the same manner as though the action had been brought on the judgment rendered against them in their private and individual capacity. Mesne process.

SEC. 3. *Be it further enacted,* That the fifth section of the act to which this is in addition, be, and the same hereby is repealed; and also that so much of the first section of the said act, to which this is in addition, as limits the Corporation to the term of twenty years from the twenty-first day of June, in the year of our Lord one thousand eight hundred and eleven, be, and hereby is repealed. And that the said John L. Sullivan, his associates and successors, be, and hereby are a Corporation, for the purposes in said act men- Section of Act repealed.

tioned, so long as the Middlesex canal shall be kept open and in operation, and no longer.

[Approved by the Governor, June 19, 1816.]

CHAP: XXXIII.

An Act authorizing the sale of Ministerial Lands in the first Parish in Freeport, and for other purposes.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Barnabas Bartol, John Trustees. A. Hyde, Moses Soule, jun. Thomas Bishop, Nathan Nye, Cornelius Dillingham, and Jacob Johnson, be, and they hereby are appointed Trustees to sell the Ministerial Lands belonging to the First Parish in Freeport, to receive subscriptions and procure donations, in manner hereinafter provided.

SEC. 2. *Be it further enacted,* That said Trustees be. and they hereby are incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the First Parish in Freeport, and they and their successors shall be and continue a body politic and corporate by that name forever; and they shall have a common seal subject to be altered at the pleasure of said Parish, and they may sue and be sued, plead and be impleaded, in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution by the name aforesaid.

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

SEC. 4. *Be it further enacted,* That the number of Trustees shall at no time be more than seven nor less than five, any five of whom shall constitute a quorum for the transaction of business; and the said Parish, at any legal meeting thereof, shall and may from time

May sue and be sued.

Annual election of officers.

Limitation of officers.

to time fill up vacancies in the Board of Trustees, which may happen from death, resignation or otherwise, from the Members of said parish; and shall also have power to remove any of their number who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging their duties, and supply a vacancy so made by a new choice from their Parish within three months from the time of such removal. And the said Trustees shall annually hold a meeting in the month of March or April, and as much oftener as may be found necessary, to transact their business, which meeting, after the first, shall be called in such way and manner as the Trustees shall direct. And said Trustees shall be obliged, at the annual meeting of said parish to be holden in the month of March or April, to make a full and complete statement of all their doings to said parish. And no one of said Trustees shall hold his office as such, any longer than he remains a Member of said parish, and resides within the town of Freeport.

Vacancies suff.
plied.

SEC. 5. *Be it further enacted,* That Josiah W. Mitchel, Esq. be, and hereby is authorized to fix the time and place for calling the first meeting of the Trustees, and notify each Trustee thereof, and organize said meeting, and administer the necessary oath to the Clerk then to be chosen.

First meeting.

SEC. 6. *Be it further enacted,* That said Trustees be, and they hereby are authorized to sell and convey, in fee simple, all the Parsonage and Ministerial Lands belonging to said parish (saving and excepting that part made use of as a burying yard, that part where the Meeting-house now stands, and one acre of land around said Meeting-house to be excepted and located by said Trustees) and to make and execute good and sufficient warrantee deed or deeds of the same, subscribed by the name of the Treasurer, by direction of said Trustees, with their seal thereto affixed; which said deed or deeds shall be good and effectual in law to pass and convey the fee simple in said lands in the parish to the purchaser, to all intents and purposes whatever.

Trustees may
sell and convey
in fee simple.

SEC. 7. *Be it further enacted,* That said Trustees shall further be authorized to receive any donation to

Donations.

MIN. LANDS IN FREEPORT. *June 19, 1816.*

the use and for the benefit of said parish, the annual income of which shall not exceed one thousand dollars, and the same to place on the books and accounts to be kept by them, with the amount of the donation and the time when made.

Subscriptions.

SEC. 8. *Be it further enacted,* That said Trustees be, and they are hereby authorized and empowered to receive subscriptions for the use and benefit of said parish from any individual or individuals of said parish, to the amount or more of his or their proportion of taxes in the parish, to be paid for the support of the Ministry or other parish expenses; and on receiving the same, and making it secure by an obligation, to remit or discharge said individual or individuals, so subscribing or binding him or themselves from all taxes in said parish, so long as the subscription aforesaid shall remain and be in force, and no longer. The said obligation to be given to the Treasurer of said Board of Trustees for the use and benefit of said parish.

Stock to be put
on interest.

SEC. 9. *Be it further enacted,* That the monies arising from the sale of said lands, and the donations and subscriptions aforesaid shall be put at interest, as soon as may be, and secured by mortgage of real estate, to the full amount of the estate sold, or the monies loaned, or by two or more sufficient sureties with the principal, unless said Trustees shall judge it best to vest the amount in public funded securities or bank stock, which they are hereby authorized to do. And said parish shall at no time appropriate more than the interest that may actually arise from the sale of the lands aforesaid, and the donations and subscriptions aforesaid to the payment of the salary of their Minister, or any other parish charge or expense whatever.

Treasurer to
give bond.

SEC. 10. *Be it further enacted,* That the Treasurer of said Board of Trustees shall give a bond to the parish to double the amount of their funds, faithfully to perform his duty, and shall be responsible for the faithful application and appropriation of all the monies which may come into his hands, and for all negligence and misconduct in his office; and the Clerk of said Board of Trustees shall be under oath faithfully to record the doings of said Trustees.

SEC. 11. *Be it further enacted,* That the Trustees

or their officers shall be entitled to no compensation Compensation. for the services they may perform out of the monies arising from the fund aforesaid ; but if entitled to any, shall have and receive the same from said parish, as may be mutually agreed between the parish and them. And said Trustees shall at all times be liable to said Liability of Trustees. parish for any negligence or misconduct of which they may be guilty, and accountable for the expenditure of said income.

SEC. 12. *Be it further enacted,* That nothing contained in this act shall be construed to bar and prevent said parish from raising any monies they may deem necessary to discharge parish expenses, and to assess Assessments. the same in manner provided by law. And said Trustees shall be holden and obliged annually, between the first Monday in April and the first Monday in May, to furnish the Assessors of said parish with a correct list of all the persons excused and exempted from taxation Lists of persons excused. in said parish, as above provided. And it shall never be in the power of said Trustees, or of said parish to make any other appropriation of the funds aforesaid than to the payment of the salary of a Gospel Minister.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXIV.

An Act in addition to the several acts for establishing the Housatonic Turnpike Corporation, and the Hudson Turnpike Corporation.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Housatonic Turnpike Corporation and the Hudson Turupike Corporation be, and they hereby are empowered to remove the Gates removed. two half toll gates of the said Corporation, which are now situated about one mile west of Dwight's Mills, in the town of West Stockbridge, in the county of Berkshire, and to erect in lieu thereof, one half toll gate at any convenient place to be chosen by the said Corporation,

east of the road leading from Great Barrington to the village of West Stockbridge, and between the place where said road connects with the Housatonic Turnpike road and the foot of West Stockbridge Mountain, so called, any thing in the act defining the general powers and duties of Turnpike Corporations, to the contrary notwithstanding : *Provided always*, that all persons who may pass said gate either from the town of Stockbridge to Dwight's Mills, or from West Stockbridge to the Mills now owned by Elijah Brown, jun. and Company, or to Curtis' Mills, whose sole object shall be to obtain grinding at either of said Mills, shall be permitted to pass and re-pass said gate free of toll, together with their horses and carriages for the purpose aforesaid ; *and provided also*, that the inhabitants of the town of Lenox, passing and re-passing between Lenox and West Stockbridge, and going no further west on said Turnpike road than Dwight's Mills aforesaid, and also that the inhabitants of the towns of Egremont, Alford, Great Barrington and West Stockbridge, going to or returning from any of the Judicial Courts, in Lenox, in said county, shall pass and re-pass said gate with their horses and carriages free of toll, until a county road shall be opened from the village in West Stockbridge, at said Dwight's Mills, in a direction towards the Court-House, in said Lenox ; *and provided also*, that all persons exempt from paying toll by the fifth section of the act defining the general powers and duties of Turnpike Corporations be, and they hereby are exempted from paying toll at the half toll gate, by this act authorized to be erected ; *and provided also*, that all persons living in West Stockbridge, owning lands east of the place where said half toll gate may be erected, between said gate and the top of the West Stockbridge Mountain, so called, shall be permitted to pass and re-pass to and from their lands aforesaid, free of toll, and also all persons, with their horses and carriages, who live eastward of the place where the said gate may be erected, and west of the foot of the Stockbridge Mountain, so called.

SEC. 2. *Be it further enacted*, That each and every person that shall falsely or fraudulently claim the benefit of the above provisions of exemption from toll, shall

forfeit the sum of five dollars, to be recovered by either ^{Penalty.} of said Corporations, for the use of the Corporation suing therefor, in an action of the case, before any Justice of the Peace within and for the said county of Berkshire.

SEC. 3. *Be it further enacted*, That from and after the passing of this act, the Housatonic Turnpike Corporation shall be entitled to receive at the gate of said Corporation, in the town of Lee, in said county, in lieu of full toll now established by law, the following rates of toll, viz. for each coach, chariot, phaeton or other four wheeled spring carriage drawn by two horses, sixteen cents; and if drawn by more than two horses, two cents for each additional horse; for every waggon drawn by two horses, six and a quarter cents; and if drawn by more than two horses, two cents for each additional horse; for every cart or waggon drawn by two oxen, six and a quarter cents; and if by more than two, eight cents; for every curricle, twelve cents; for every chaise, chair, sulkey, or other carriage for pleasure, drawn by one horse, eight cents; for every cart, waggon or truck, drawn by one horse, four cents; for every man and horse, three cents; for every sleigh or sled, drawn by two oxen or horses, five cents; for each additional ox or horse, one cent; for every sleigh or sled, drawn by one horse, three cents; for all horses, mules, or neat cattle, led or driven, beside those in teams or carriages, one cent each; for all sheep or swine, at the rate of two cents by the dozen.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXV.

An Act to incorporate the Trustees of a Fund for the support of the Ministry and Schools in the town of Orland.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Jacob Sherburne, He-

Persons incor-
porated.

ratio Mason, Isaac Perry, Samuel Downs, Benjamin Morrell, Samuel Keyes and John Lee, be, and they are hereby appointed Trustees, to sell and convey all the public lots, which, in the original grant of the township of Orland, were reserved for the support of the Ministry and Schools therein; and the monies arising from the sale of the said lands, shall form a fund and shall be loaned out at interest in the manner hereinafter directed: And the said Trustees are hereby made and shall hereafter be known both in law and in fact, a body corporate and politic, by the name of The Trustees of the Ministerial and School Fund in the town of Orland. And the said Trustees and their successors in office, shall keep and use a common seal, and by the name aforesaid may sue and be sued, prosecute and be prosecuted in all actions, real, personal or mixed, and defend the same to final judgment and execution, and shall have and exercise all other powers and privileges incident and usually given to, and exercised by Corporations of a like nature and purpose.

Powers of /
Trustees.

SEC. 2. *Be it further enacted,* That the said Trustees and their successors in office, shall annually elect a Chairman to preside in their meetings, and also a Clerk to record their proceedings, and a Treasurer to receive and apply all the monies belonging to the said Funds as required by this act, under order and direction of the said Trustees; and all the elections made by the said Corporation shall be by written ballots. And all the said officers shall be qualified by taking an oath, to the faithful performance of their several trusts and duties; and the said Trustees may appoint an Agent and such other officers, for the better conducting the business of the said Corporation, as they may from time to time judge needful and convenient. And the freehold voters of the said town of Orland, 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 associate members of the said Corporation; and when the said Corporation is duly organized, according to the provisions of this act, one of the three associates, chosen as aforesaid, shall annually retire, beginning by seniority of years, and so proceeding annually in

General pow-
ers of officers.

succession forever, and such vacancy so occasioned shall be supplied by a new election, so that one new member of the said Corporation may be elected annually forever, and in like manner, any vacancy may be supplied, which may happen by death, resignation, removal, infirmity misconduct or inability from any other cause, which in the judgment of the said freeholders shall be sufficient cause for making such vacancy.

Annual Election.

Vacancies supplied.

SEC. 3. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell and convey the public lots in the said town of Orland reserved as aforesaid; and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof, which being signed by the Treasurer, in behalf of the said Corporation, and countersigned by their Clerk, with the Corporation Seal affixed thereon, shall be good and effectual in law, to pass and convey the fee simple of the said lands from the said town to the purchaser. And the monies accruing from the sale of the said lands shall be loaned at interest, as soon as may be, and secured by mortgage on real estate, to the full value of the property sold, or the money loaned, or by two or more sureties, together with the principal, unless the said Trustees shall think it more expedient to invest the same in public funded securities or bank stock, which they are hereby empowered to do at their discretion. And all donations, grants, bequests, or legacies, which may be hereafter made and given for the use of Schools or the Ministry in the said town of Orland, shall be added to the said fund, and appropriated to the same purpose, in the manner and according to the restrictions and provisions made in this act, and the interest and profits only arising from the said funds, shall be used and applied for the support of the Ministry and Schools in the said town; and it shall never be in the power of the said town to alienate, change, or vary the appropriation of the said funds; and the said Trustees and the other officers of the said Corporation, for the services they may perform, shall receive no compensation out of the said funds, interests, or profits aforesaid, but a reasonable compensation for such services may be paid to them by the town as they may see cause.

May sell lands.

Stock at interest.

Donations.

Appropriation of interest.

SEC. 4. *Be it further enacted,* That the said Trustees and all other officers in the said Corporation, and each of them severally, shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage to the said funds, arising thereby; and the debt or damage, recovered in such suit, shall be replaced in the said funds and applied accordingly; and at every annual meeting of the said town, the said Trustees and Treasurer shall exhibit a true and fair statement of their doings, and of the conditions of the said funds; and for this purpose, a book or books for the records of the Trustees and for the accounts of the Treasurer respectively shall be provided and kept at the expense of the said town of Orland. And the said Treasurer shall give bonds, with two sufficient sureties 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 in any part of the duties of his office; and it shall be the duty of the said Trustees and Treasurer 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 thereon respectively; 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 Orland; and the interest coming from the sale of the said School lands, shall be appropriated and uniformly applied for the support of the public town school in the said town of Orland.

Responsibility
of Trustees.

Records

Accountability
of Treasurer.

Separate funds.

SEC. 5. *Be it further enacted,* That any Justice of the Peace for the county of Hancock is hereby empowered, upon application therefor, to issue a warrant directed to a freehold inhabitant of the said town of Orland, requiring him to notify and warn 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. And the said Corporation

when fully organized, may at the same, or at any future meetings, adopt and settle such rules and bye-laws for conducting their business, and the mode and means of calling and notifying future meetings, as to them may seem needful and expedient.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXVI.

An Act to extend the term for paying the second Instalments into the Lynn Mechanics' Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further term of one year, from the first day of June in the present year, be allowed to the Stockholders of the Lynn Mechanics' Bank, to pay in the second instalment.*

[Approved by the Governor, June 19, 1816.]

CHAP. XXXVII.

An Act to incorporate the First Baptist Society in York.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Charles Bean, Francis Plaisted, George Moulton, William Roberts, Benjamin Colby, Jacob Ayres, Nathaniel Brooks, Nathaniel Gordon, Samuel Moulton, Joseph Moulton, Daniel Carlisle, Josiah Chase, Nathaniel Webber, Jeremiah Prebble, Ebenezer Prebble, Joseph Moore, Thomas Teal, Robert C. Moulton, Daniel Simpson, jun. Thomas Teal, jun. Joseph Prebble, Daniel Simpson, Nathan Gowen, George Hill, and Thomas Bragdon, members of the First Baptist Society in York, with their polls and estates, be, and they are hereby incorpor-*

Persons incor-
porated.

ated as a Religious Society, for religious purposes only, by the name of The First Baptist Society in York; with all the powers and privileges usually exercised and enjoyed by other Religious Societies according to the Constitution and Laws of this Commonwealth.

Membership.

SEC. 2. *Be it further enacted,* That any inhabitant living in the town of York, in the county of York, who may hereafter desire to become a Member of the said First Baptist Society in York, shall have a right so to do, by declaring such desire and intention in writing, and delivering the same to the Clerk of the said Baptist Society, fifteen days before the annual meeting of the said Society; and shall also deliver a copy of the same to the Town Clerk, or to the Clerk of any other Religious Society, with which such person has been before connected, fifteen days before the annual meeting thereof; and if such person doth receive and can produce a certificate of admission signed by the Clerk of said Baptist Society, and approved by the settled Minister thereof, certifying that he or she has united with and become a Member thereof, such person from the date of said certificate, with his or her polls and estate, shall be considered Members of the said First Baptist Society, and shall be exempted from taxation towards the support of any other Religious Society in the town or parish where such person may dwell.

Secessions.

SEC. 3. *Be it further enacted,* That when any Member of the said First Baptist Society in York may see cause to secede therefrom, and unite with any other Religious Society in the said town of York, the same forms and process of a written declaration and certificates shall be made, required and given, *mutatis mutandis*, as is required and prescribed in the second section of this act; *provided always*, that in every case of secession from one Society and joining another, the person so seceding shall be holden in law to pay his or her proportion of assessment of all parochial or Society debts and expenses, which have been voted or assessed, and not paid prior to such secession.

Proviso.

SEC. 4. *Be it further enacted,* That any Justice of the Peace, for the county of York, upon application therefor, be, and he hereby is empowered, to issue a

warrant, directed to a freehold inhabitant, and Member of the said First Baptist Society in York, requiring him to notify and warn the members thereof to meet at such convenient time and place as shall be appointed in the said warrant, to organize the said Society by the election and appointment of its officers.

Choice of officers.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXVIII.

An Act to authorize the sale of Ministerial and School Lands in the town of Woodstock.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Stephen Chase, Esq. Cornelius Perkins, Alexander Day, John Billings, Seth Curtis, Merrill Chase and Thomas Farrer, be, and they hereby are appointed Trustees to sell a right of land of one hundred and sixty acres for the support of Schools, and likewise one other right of one hundred and sixty acres for the support of the Ministry, originally reserved for said purposes in a grant of land to Gorham Academy; and the money arising from the sale of said lands to put out at interest in manner hereinafter directed; and the said Trustees are hereby created and shall hereafter be known in law, a body politic and corporate, by the name of The Trustees of the Ministerial and School Funds in the town of Woodstock; and they and their successors in 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 usually given to, and exercised by Corporations of a like nature.

Trustees.

Body corporate

SEC. 2. *Be it further enacted,* That the said Trustees and their successors in office, shall annually, in the month of March or April, from among their number, elect, by ballot, a President, and also a Clerk to record

Annual election.

the doings of the Trustees, who shall be sworn to the faithful discharge of his duty, and a Treasurer to receive and apply the monies belonging to the said funds, as is directed in this act, who shall give bonds to the acceptance of the said Trustees for the faithful performance of his duty, and he shall be at all times responsible for the faithful application and expenditure of the monies which may come into his hands, and for all negligence or misconduct of any kind in his said office, conformable to the true intent and meaning of this act.

SEC. 3. *Be it further enacted,* That the number of said Trustees shall at no time be more than seven nor less than five, and four of their number shall be necessary to constitute a quorum for transacting the business of said Corporation; and whenever any vacancy shall happen by death or otherwise, in the office of any of the Trustees aforesaid, it shall be the duty of the Clerk, within thirty days next after such vacancy, to give notice thereof to the Selectmen of the said town of Woodstock, and the said Selectmen shall in their next warrant for a meeting of the inhabitants of said town, insert an article for the choice of a Trustee or Trustees, to fill said vacancy or vacancies, who shall be chosen in such meeting in the same way and manner as the Selectmen of towns are by law to be chosen, and the inhabitants of said town, at their March or April meeting, in any year, upon the written complaint of the said Corporation, and not otherwise, may remove any Trustee, who through age, infirmity, or other cause, may become unfit or incapable of discharging his duty, and shall thereupon supply the vacancy so made by a new choice, in manner aforesaid, from among the inhabitants of said town of Woodstock.

SEC. 4. *Be it further enacted,* That the said Trustees and each of them shall be responsible to the said town of Woodstock, 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, recovered in such suit, shall be considered as belonging to said funds, and applied accordingly; and the said Trustees shall hold their meetings as often as the affairs of the said funds may require, which meetings shall be notified and

Vacancies filled
up.

Responsibility
of Trustees.

Trustee meet-
ings.

called in such manner as the said Trustees at any meeting may order and direct.

SEC. 5. *Be it further enacted,* That the said Trustees, or a major part of them, be, and they are hereby authorized and empowered to sell and convey in fee simple all or any part of the aforementioned rights of land, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed or deeds subscribed by their President and countersigned by their Clerk, by the direction and order of said Trustees, or a major part of them, with the seal of said Corporation thereunto affixed, shall be good and valid in law to pass and convey the fee simple of said lands from said town to the purchaser or purchasers thereof, to all intents and purposes whatsoever, and all the monies arising from the sale of the lands aforesaid shall be put to use, as soon as may be, and secured by mortgage on real estate to double the value of the property thus 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.

SEC. 6. *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 be by them employed in the business of the said funds, shall receive no compensation from the monies of 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 land shall be appropriated and uniformly applied to the support of the Gospel Ministry in the said town of Woodstock, and shall be divided between the Religious Societies of the several denominations in said town according to their numbers respectively; and the interest accruing 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 said town of Woodstock; and it never shall be in the power of the said town to alienate or alter the appropriation of the said funds provided in this act.

Justice may issue warrant.

SEC. 7. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, upon application therefor, is hereby authorized 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.

[Approved by the Governor, June 19, 1816.]

CHAP. XXXIX.

An Act to incorporate the Trustees of the Standish School Fund.

Persons incorporated.

May sue and be sued.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Edmund Mussey, John Lowell, Samuel Dennett, John Spring, Edward Thompson and Daniel Hasty, jun. together with the person who may be chosen Town Treasurer for the time being, be, and they are hereby constituted, appointed and declared to be the Trustees of a Fund for the support of Schools in the town of Standish, in the county of Cumberland, by the name of The Trustees of the Standish School Fund; and shall be, and continue a Corporation for the aforesaid purpose forever. And the said Corporation may keep and use a common seal, which they shall have power to change and renew as they may see cause. And the said Trustees, in their corporate capacity, may sue and be sued, prosecute and be prosecuted to final judgment and execution, in all actions, real, personal or mixed. And the said Trustees and their successors in office, shall annually elect, by written ballots, a Chairman to preside at their

meetings, and a Clerk to record the doings of the said Trustees, in a book or books, for that purpose to be provided and kept at the expense of the town. And at the same meeting they shall also elect, by ballot, a Treasurer to receive and apply the monies belonging to the said fund, to the amount and in the time and manner which the said Trustees may from time to time direct. And all the said officers shall be sworn to the faithful performance of their several duties. And the said Trustees shall also have power to appoint an Agent and such other officers as they may from time to time judge necessary.

Duties and powers of Trustees.

SEC. 2. *Be it further enacted,* That the number of Trustees shall never be less than five, nor more than seven, a major part of which Trustees, for the time being, may form a quorum for doing business; and the inhabitants of the said town of Standish, at any legal town meeting, shall fill up any vacancy or vacancies which may happen in the said Board of Trustees, from among the freeholders of said town: And the said inhabitants, in legal town meeting, shall also have power to remove, by voting and declaring vacant the place of Trustee or any other officer, who by reason of age, infirmity, misconduct, or any other cause, may become unable and unfit to discharge their several duties, and to supply the vacancy, so happening, by a new choice or appointment. And the said Trustees and the Treasurer shall annually make report of their doings and the state of the funds.

Vacancies filled up.

SEC. 3. *Be it further enacted,* That the Treasurer of the said Corporation shall give bond to the said Trustees, with two sufficient sureties for the faithful performance of his trust, according to the true intent and meaning of this act, and shall be responsible for any neglect or misconduct in his office. And the said Trustees and each of them shall be responsible to the town, for their personal negligence or misconduct, whether they be officers or not; and the loss or damage which may thereby happen to the said fund, shall be recovered by an action of debt or on the case, at the suit of the town in any Court competent to try the same, and the sum so recovered shall be replaced to the said fund. And the said Trustees and all the other officers

Responsibility of Treasurer.

of the said Corporation may receive such compensation for their services, as the said town may judge reasonable ; but no part of such compensation shall ever be made out of the said fund, interest or profits thereof. And it shall never be in the power of the said town to alienate, change or vary the appropriation of the said fund, from its original design and use, towards the support of Schools in the said town of Standish.

Justice may is-
sue warrant.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Cumberland, is hereby empowered, upon application therefor, to issue a warrant directed to an inhabitant of the said town of Standish, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at such convenient time and place as shall be expressed in the said warrant, to organize the said Corporation, by the election and appointment of its officers.

[Approved by the Governor, June 19, 1816.]

CHAP. XL.

An Act in addition to an act, entitled " An act to establish the Boston and Roxbury Mill Corporation."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whenever the Dam from Beacon-street to Sewall's Point shall be completed according to the provisions of the act, entitled " An act to establish the Boston and Roxbury Mill Corporation," and whenever either of the other Dams mentioned in said act shall be so far completed, as that mills can be established, employing a power equal to turning twenty pair of common mill stones, and said Corporation or its assigns shall have actually erected mills employing a power equal to ten pair of common mill stones, the said Corporation may receive the toll granted by said act : *Provided* that nothing herein contained shall be construed to exempt them from any of the obligations,

penalties or forfeitures expressed in said act, except only in so far as relates to the said toll.

[Approved by the Governor, June 19, 1816.]

CHAP. XLI.

An Act concerning the Separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and Independent State.

WHEREAS, in conformity to a Resolve of the General Court of this Commonwealth, passed at the last session thereof, the people of the District of Maine did, on the twentieth day of May last past, assemble in their respective towns and districts, and give in their votes upon the question proposed in said Resolve, to wit: "Shall the Legislature be requested to give its consent to the Separation of the District of Maine from Massachusetts Proper, and to the erection of said District into a separate State;" and a majority of the persons voting on the said question, have answered the same in the affirmative: Therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same. That the consent of this Commonwealth be, and the same is hereby given, that the District of Maine may be formed and erected into a separate and independent State, if the people of the said District shall in the manner hereinafter mentioned, express their consent and agreement thereto upon the following terms and conditions: *And provided* the Congress of the United States shall give its consent thereto before the fourth day of March next; which terms and conditions are as follow, viz.

First—All the lands and buildings belonging to the Commonwealth within Massachusetts Proper, shall continue to belong to said Commonwealth. and all the lands belonging to the Commonwealth within the District of Maine, shall belong, the one half thereof to the said Commonwealth, and the other half thereof to the State to be formed within the said District, to be

Exemption
from taxation.

divided as is hereinafter mentioned; and the lands within the said District which shall belong to the said Commonwealth shall be free from taxation while the title to the said lands remains in the Commonwealth; and the rights of the Commonwealth to their lands within said District, and the remedies for the recovery thereof shall continue the same within the proposed State, and in the Courts thereof, as they now are within the said Commonwealth and in the Courts thereof; and all obligations given to the Commonwealth with conditions to perform settling duties, so called, within the District of Maine, when all the principals are persons inhabiting the same District, shall become the property of the New State; and all other obligations with such conditions shall remain the property of this Commonwealth.

Obligations.

Secondly—All other property belonging to the Commonwealth shall be holden by said Commonwealth as a fund and security for the payment of all the debts due by the same. But at the end of three years, or whenever the Congress of the United States shall assume the debts contracted by the Commonwealth for the defence of the Commonwealth during the late war with Great Britain, the Commissioners to be appointed as hereinafter provided shall assign a just portion of the said property to the said Commonwealth as an equivalent and indemnification for all other debts which may remain due, and for the debt so contracted as aforesaid during the late war, in case the same should not be assumed within three years as aforesaid; but if the same should be assumed as aforesaid, then, for any loss which the Commonwealth may sustain from the manner in which the same shall be assumed. And all the surplus of said property shall be divided between the said Commonwealth and the said District of Maine in the proportion of three fourths thereof to the Commonwealth, and one fourth thereof to the said District. And if the property of the Commonwealth other than the lands and real estate aforesaid shall prove insufficient as a fund or security to pay and discharge the debts due by the said Commonwealth, and all demands against the same, the said District of Maine shall assume, pay and discharge one quarter part of the debts

Indemnifica-
tion.

and demands against the said Commonwealth which shall be found by the said Commissioners to be over and above the value of said property so held by the said Commonwealth as a fund and security as aforesaid. And if the Congress of the United States shall, after the expiration of said three years, assume the debts so contracted for the defence of the Commonwealth during the late war, then the said District of Maine shall be entitled to, and shall receive one quarter part of the Stock or Certificates which may be issued for the debt so assumed, beyond what may be required to pay the debts due, if exceeding the property reserved for that purpose. Distribution of debt, assumed by U. S.

Thirdly—Commissioners with the powers and for the purposes mentioned in this act, shall be appointed in the following manner; two shall be appointed by the Governor and Council of the Commonwealth, two by the said Convention of the Delegates of said District, and two more by the four first named; and, if they cannot agree, the appointment of the two last mentioned shall be with the Governor and Council of this Commonwealth; not however in that case to be inhabitants of said Commonwealth. And the said Commissioners may fill up any vacancies in their board not exceeding three, and four of their number shall constitute a quorum to transact business; and the determination of a majority of whom, shall, in all cases, be final. And all questions which may arise respecting the property of the Commonwealth, or the division thereof not herein expressed, shall be decided by the said Commissioners. And the said Commissioners shall determine what portion of the said public land shall be surveyed from time to time; and such surveys shall thereupon be made, and the expenses thereof shall be borne equally by the said Commonwealth and the proposed State: *Provided always*, that the said lands shall be surveyed into tracts of twelve miles square, or as near thereto as conveniently may be; and such tracts shall be divided by lot by the said Commissioners between the respective States. And if the said Commission shall expire, and a new Commission shall be required by either State, for the purpose of directing farther surveys or for any other purpose, six new Com- Commissioners. Vacancies. Surveys. Proviso.

missioners shall be appointed, two by each State, and the remaining two in the manner aforesaid, and with the powers aforesaid.

Perpetuity of contracts.

Fourthly—All grants of lands, franchises, immunities, corporate or other rights, and all contracts which have been or may be made by the said Commonwealth before the separation of said District shall take place, and having or to have effect within the said District, shall continue in full force after the said District shall become a separate State. But the grant which has been made to the President and Trustees of Bowdoin College out of the tax laid upon the Banks within this Commonwealth shall be charged upon the tax upon the Banks within the said District of Maine, and paid according to the terms of said grant.

Processes in law debts, taxes, not to be affected.

Fifthly—No laws shall be passed in the proposed State, with regard to taxes, actions, or remedies at law, or bars or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of said proposed State, and the lands and rights of property of the citizens of the proposed State, resident therein; and the rights and liabilities of all persons shall after the said separation continue the same as if the said District was still a part of this Commonwealth, in all suits pending or judgments remaining unsatisfied on the fifteenth day of March next, where the suits have been commenced in Massachusetts Proper, and process has been served within the District of Maine, or commenced in the District of Maine, and process has been served in Massachusetts Proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise where execution remains to be done; and in such suits, the Courts within Massachusetts Proper, and within the proposed State, shall continue to have the same jurisdiction as if the said District still remained a part of the Commonwealth. And this Commonwealth shall have the same remedies within the proposed State as it now has for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the Commonwealth, on or before the said fifteenth day of March next, within the said District of Maine; and all officers within Massa-

chusetts Proper and the District of Maine shall conduct themselves accordingly.

Sixthly—These terms and conditions, as here set forth, when the said District shall become a separate and independent State, shall, *ipso facto*, be incorporated into, and become a part of any Constitution, provisional or other, under which the government of the said proposed State, shall at any time hereafter be administered—subject, however, to be modified or annulled by the agreement of both the said States.

SEC. 2. *Be it further enacted*, That the Convention Convention. to be assembled for the purposes expressed in this act, shall be composed of Delegates chosen in manner following, viz: The inhabitants of the several Towns in said District of Maine, now entitled to send one or more Representatives to the General Court, shall, on the first Monday of September next, assemble in town meeting, to be notified by warrant of the Selectmen of said several towns, in due form of law; at which meetings, every inhabitant having the qualifications required by the constitution of this Commonwealth to vote for Senators, shall have a right to vote in the choice of a Delegate or Delegates to the Convention aforesaid; and each such town as aforesaid, shall and may elect one or more Delegates, not exceeding the number of Number of Delegates. Representatives which it is now entitled to send to the General Court. *Provided however*, that each such town may elect at least one. And at such meetings, the Selectmen of the said several towns shall preside impartially, and shall receive the votes of all the inhabitants of such towns present, and qualified as aforesaid to vote for such Delegates, and shall sort and count such votes in open town meeting, and in presence of the Town Clerk; who shall make a fair record in presence of the Selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes given for him; and the person or persons having a majority of all the votes shall be chosen; and fair copies of the said record shall be attested by the Mode of choosing Delegates. Selectmen and the Town Clerk, and one such copy shall be delivered by the Selectmen to each of the persons whom they shall determine to have been duly elected a Delegate. And the Delegates chosen as aforesaid, shall

Powers and duties of Convention.

The Question?

assemble in convention, on the last Monday of September next, at the Meeting-house, near the College, in Brunswick, in said District of Maine, and shall be the judges of the returns and elections of their own members, and may adjourn from time to time, and to such other place or places successively, in the towns of Brunswick or Topsham, as they shall think proper; and shall, as soon as may be, proceed to organize themselves, by choosing, by a vote of the majority of the Delegates present, a President, and such other officers as they may judge expedient, and establishing proper rules of proceeding;—which Delegates shall be paid by the inhabitants of the said District of Maine: and on the day of the meeting for the choice of Delegates as aforesaid, the inhabitants of the towns, districts and plantations in the District of Maine, qualified to vote for Senators, shall in open meeting summoned also for this purpose, give in their written votes on the question: “Is it expedient that the District of Maine shall be separated from Massachusetts and become an independent State?” upon the terms and conditions provided in an act, entitled “An act concerning the separation of the District of Maine from Massachusetts Proper, and forming the same into a separate and independent State:” And the Selectmen of the towns and districts, and the Assessors of the unincorporated plantations, shall, in open meeting, receive, count, sort and declare; and the Clerks thereof respectively, shall record the votes for and against such expediency; and said Selectmen and Town Clerks, and the Assessors and Clerks of said plantations, shall seal up and transmit said votes to the President of the Convention, at their meeting herein provided, within four days next after the last Monday of September next, and if it shall appear to said Convention, that a majority of five to four at least of the votes returned, are in favor of said District’s becoming an independent State aforesaid, then and not otherwise, said Convention shall proceed to form a constitution as is provided in this act.

SEC. 3. *Be it further enacted,* That if it shall appear to said Convention, that a majority of five to four—at least of the votes returned as aforesaid are in favor of said District’s becoming an independent State as a

foresaid, then the said Convention shall make known and declare the assent of the people of said District, expressed as aforesaid, to be formed into a separate and independent State, upon the terms and conditions above expressed, to the Governor and Council of this Commonwealth, and also to the Congress of the United States, and request its consent that the said District should be formed into a separate and independent State; and the said Convention, after having so declared such assent, shall proceed to form a constitution or frame of government for the said new State, and shall determine the style and title of the same: and such constitution, when adopted and ratified by the people of said District, in the manner hereinafter mentioned, shall, from and after the fifteenth day of March, one thousand eight hundred and seventeen (the consent of the Congress of the United States then being had as aforesaid) be the constitution of said new State.— And the said Convention shall, as soon as may be, after having formed such constitution or frame of government for such new State, cause the same to be published, and sent to the several towns, districts and plantations within the said District of Maine; and there shall be a meeting of the inhabitants in each of said towns, districts and plantations, to be called and warned by the Selectmen and Assessors respectively, in due course of law, at which meeting, every male inhabitant, having the personal qualifications herein declared requisite in the election of Delegates to said Convention, shall have a right to vote; and the people so assembled, shall give in their votes in writing, expressing their approbation or disapprobation of the constitution so prepared and proposed by said Convention. And the Selectmen of the several towns, and the Assessors of the several districts and plantations respectively, shall preside at such meetings, and shall receive the votes of all the inhabitants duly qualified as aforesaid, and shall sort and count them in the open meeting of the town, district or plantation, and the same shall be then and there recorded in the books of the town, district or plantation, and a fair copy of such record shall be attested by the Selectmen or Assessors, and the Clerk of the town, district or plantation, respectively,

Return to be
made to Gov-
ernor and Coun-
cil.

Constitution
formed.

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and shall be by the said Selectmen or Assessors, transmitted and delivered to the said Convention, or to the President thereof, for the time being, or to any Committee appointed to receive the same, on or before the first day of January next—on which day, or within ten days thereafter, the said Convention shall be in session, and shall receive and count all the votes returned and declare and publish the result; and if a majority of the votes so returned shall be in favor of the constitution proposed as aforesaid, the said constitution shall go into operation according to its own provisions; otherwise the constitution of Massachusetts, with the addition of the terms and conditions herein provided shall be, and be considered as the constitution of the said proposed State in manner as hereinafter provided. And to the end that no period of anarchy may happen to the people of said proposed State, in case a new constitution shall not be so adopted and ratified by the people of said District of Maine, the present constitution of the Commonwealth of Massachusetts shall, except as hereinafter excepted, be provisionally, the constitution or frame of government for said District; except only such parts of said constitution of Massachusetts as relate to the style or title of said State, or may be otherwise inconsistent with or repugnant to the situation and condition of said new State; and except that the people of said District shall choose in their Senatorial Districts as now established, three times the number of Senators now allowed them, and that the Legislature shall choose such a number of Counsellors not exceeding nine, as they shall determine to be proper. And the said Convention shall designate the place for the first meeting of the Legislature of said new State, and for the organization of its government; and shall appoint a Secretary, pro tempore, for said new State.

SEC. 4. *Be it further enacted,* That until a Governor of the proposed State shall be chosen and qualified according to the constitution which may be in operation in said State, the person last chosen President of the said Convention, shall, from and after the fifteenth day of March next, have all the power of the Governor and Council under the constitution of Massachusetts, until

Acceptance of
Constitution.

Provisional re-
gulations.

a new Governor shall be chosen and qualified in the said proposed State; excepting only, that the said President shall not have the power to remove from office any officer who may be duly qualified and executing the duties of his office according to the intent and meaning of this act.

And in order that there may be no failure of justice, and that no danger may arise to the people of the said District of Maine after the fifteenth day of March next, and before the new government of the said State shall be fully organized, therefore,

Sec. 5. *Be it further enacted.* That all the laws which shall be in force within said District of Maine upon the said fifteenth day of March next, shall still remain and be in force within the said proposed State, until altered or repealed by the government thereof, such parts only excepted as may be inconsistent with the situation and condition of said new State, or repugnant to the constitution thereof. And all officers who shall on the said fifteenth day of March next hold commissions or exercise any authority within the said District of Maine under the Commonwealth of Massachusetts or by virtue of the laws thereof, excepting only the Governor, Lieutenant-Governor and Council, the Members of the Legislature and the Justices of the Supreme Judicial Court of the said Commonwealth of Massachusetts, shall continue to have, hold, use, exercise and enjoy all the powers and authority to them respectively granted or committed, until other persons shall be appointed in their stead, or until their respective offices shall be annulled by the government of the said proposed State. And all Courts of Law whatsoever within the said proposed State, excepting only the Supreme Judicial Court, shall proceed to hear and determine all causes, matters and things which are or may be commenced or depending before them respectively upon the said fifteenth day of March next, or at any time afterwards, and before the government of the said proposed State shall establish new Courts within the same, and shall continue from and after the said fifteenth day of March next to exercise the like power and authority and in like manner as they now by law

Provision for
continuing offi-
cers.

may do, until such new Courts shall be so established in their stead

SEC. 6 *Be it further enacted,* That all actions, suits, and causes, civil and criminal, and all matters and things whosoever, that shall on the said fifteenth day of March next, be in any manner depending in the Supreme Judicial Court of the said Commonwealth of Massachusetts then last holden within any county in the said District of Maine, and all writs, recognizances, and other processes whatsoever, that may be then returnable to the said Supreme Judicial Court, shall be respectively transferred, and returned to, have day in, and be heard, tried and determined, in the highest Court of Law that shall be established in the said new State, by the government thereof; and at the first term of such Court, that shall be held within the county in which such action, writ, process, or other matter or thing, may be so pending or returnable. And in all cases of appeals from any Circuit Court of Common Pleas, or Probate, or other Court, which shall be made after the said fifteenth day of March next, in any action, cause, or suit whatsoever, and which would by law be made to the said Supreme Judicial Court thereof, it shall be sufficient for the Appellant to claim an appeal, without naming or designating the Court appealed to; and such appeal shall be entered at the Supreme or Superior Judicial Court, or highest Court of Law, to be established by the government of the said new State, which shall first thereafter be held within or for the county in which such action, cause or suit may be depending, and shall there be heard, tried and determined according to law :

Provided however, that nothing contained in this section shall be understood or construed to control in any degree, the right of the people of the said new State, or the government thereof, to establish Judicial Courts in such manner, and with such authority as they shall see fit; nor to prevent the said people or their government from making any other provisions, pursuant to their constitution, and not repugnant to the terms and conditions above set forth respecting all the said actions, suits, processes, matters and things, herein above-mentioned, as they shall think most proper, to prevent

Suits transfer-
red.

proviso.

the discontinuance thereof, and to avoid any delay or failure of justice.

[Approved by the Governor, June 20, 1816.]

CHAP. XLII.

An Act relative to the Nantucket Academy.

WHEREAS the Proprietors of the Nantucket Academy at Nantucket, are desirous of closing the concerns of said Institution, and that their corporate powers should be dissolved :

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 term of six months be allowed, from and after the passing of this act, to the proprietors of Nantucket Academy, to sell and dispose of all their property real and personal, to divide the same among their respective proprietors, and to bring to a final close all the concerns of said Institution. Time allowed.

SEC. 2. *Be it further enacted,* That an act, entitled an act to establish an Academy at Nantucket, by the name of the Nantucket Academy, passed on the third day of March, in the year of our Lord one thousand eight hundred and one, be, and the same is hereby repealed, from and after the expiration of six months from the passing of this act : *Provided nevertheless,* that this act shall not be construed in any way to affect or impair any contracts already made by, or to which the said Corporation is a party and the same are hereby confirmed ; *and provided further,* that the lands granted to the Trustees of said Nantucket Academy, in and by the sixth section of the said act, be reconveyed by the said Corporation to the Commonwealth, by a good and sufficient deed of the same, and that the same deed be delivered to the Treasurer of the said Commonwealth, on or before the expiration of said six months, from the passing of this act. Act repealed. Proviso

[Approved by the Governor, June 20, 1816.]

CHAP. XLIII.

An Act to repeal an act and part of another act relative to the passing or negotiating Bank Bills of certain descriptions.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the act, entitled an act in addition to an act requiring the several incorporated Banks in this Commonwealth, to adopt the stereotype steel plate in certain cases and for other purposes, passed the twentieth day of June, in the year of our Lord one thousand eight hundred and nine—also the second section of an act, entitled an act to enforce the payment of Bank Notes, passed the twentieth day of June, one thousand eight hundred and nine, be, and the same hereby are repealed.

[Approved by the Governor, June 20, 1816.]

CHAP. XLIV.

An Act to empower the town of Boston to choose a Board of Health, and to prescribe their power and duty.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the inhabitants of the town of Boston, qualified to vote for town officers, shall, on the first Wednesday of April, annually, meet in their respective Wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town, seven days previous to the time of meeting, and choose one able and discreet person, being a freeholder and resident within the Ward for which he shall be chosen, to be Member of a Board of Health, which Board shall consist of one person

Time of choosing members.

from each Ward, chosen by a majority of the voters present, and by ballot: And the Members of the Board of Health, for the time being, shall preside each in his respective Ward, at such meetings, and on the neglect of either of them, a Committee chosen by the Ward shall preside until a Clerk for such Ward is chosen by a majority of the voters present; whose duty it shall be to preside at future meetings of said Ward, for the ensuing year, to call for the votes, receive, count and declare the same in open meeting; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling-house, the Clerk shall, on the same day, leave a written notification of his being chosen as aforesaid; Powers of Clerk; and upon his refusal or non-acceptance within four days, after notice as aforesaid, the Clerk shall summon a new meeting of the inhabitants of his Ward at a time and place to be specified in two of the newspapers as aforesaid, three days at least previous to the intended meeting; *provided however*, in case of refusal to serve of any person, at the time of his election in any Ward, the said Ward shall proceed to a new choice, and in case of the acceptance of any person chosen as aforesaid, the Clerk of the Ward, where such person is chosen, shall notify the President of the Board of Health for the time being, or in case of his death or absence from Boston, the oldest Member of said Board, of such choice, within twenty-four hours after such choice is made; and in all cases the said Board of Health for the time being shall continue in power and office until a new Board is chosen and organized agreeable to the provisions of this act. Powers of President. And the President of the Board of Health, for the time being, or in case of his death or absence from the town of Boston, or incapacity to attend, the oldest Member of said Board present, shall within five days after the return made to him, by two thirds of the Clerks of the Wards aforesaid, where and when two thirds of said Members of said Board of Health are chosen as aforesaid, notify the new Members chosen and returned as aforesaid, to meet at the usual place of the meeting of said Board, and shall at such meeting preside until a President and Secretary shall be elected by the Members of said new Board,

Regulations.

for said Board ; and he hereby is authorized to administer to such Secretary an oath faithfully to record all the votes, orders, proceedings and regulations of said Board, and faithfully to perform all the duties of his said office, during his continuance therein, which oath shall be entered and subscribed by such Secretary on the records of said Board, and attested by the person administering the same, after which such Secretary shall have the custody of the records, books and papers of said Board ; and a certified copy of the votes, orders, proceedings and regulations of said Board, or a certified copy from the records of said Board, by such Secretary thereof, shall be received and admitted as evidence in all cases relating to the proceedings or concerns of said Board.

Powers.

SEC. 2. *Be it further enacted,* That said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth that may be injurious to the health of the inhabitants of the town of Boston, which do, or may exist within the limits of the town of Boston, or on any island, or in any vessel within the harbor of Boston, or within the limits thereof, and the same to destroy, remove or prevent, as the case may require ; and whenever said Board shall think it necessary for the preservation of the lives or health of the inhabitants of Boston to enter forcibly any building, or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the said town of Boston or the harbor thereof, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said Board have reason to believe is contained in such building or vessel—any Member of said Board, by order of said Board, may apply to any Justice of the Peace, within and for the county of Suffolk, and on oath complain and state, on behalf of said Board, the facts as far as said Board have reason to believe the same relative to such nuisance, source of filth or cause of sickness aforesaid ; and such Justice shall thereupon issue his warrant, directed to the Sheriff of the county of Suffolk, or either of his Deputies, or any Constable of the town of Boston, therein requiring them or either of them, taking

with them sufficient aid and assistance, and also in company with said Board of Health, or some two Members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of as existing as aforesaid ; and there, if found, the same to destroy, remove or prevent, under the directions and agreeable to the order of said Board of Health, or such Members of the same, as may attend and accompany such officer for such purpose ; *provided however*, that no Sheriff or Deputy Sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons under color of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry ; and all services so made, under color of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*. And in all cases where such nuisance, source of filth, or cause of sickness shall be removed, destroyed or prevented in manner aforesaid, the cost of so removing, destroying or preventing the same, together with all costs attending the proceedings relative thereto, shall be paid by the person or persons, who caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found. And in all cases where any contagious and malignant disorder exists, within the limits of the town of Boston, or on board of any vessel, or on any island within the harbor of Boston, and it appearing to said Board of Health, after the same has been examined into by the Physician of said Board, or some other respectable Physician of the town of Boston, that the public safety requires that any person or persons affected with any contagious, malignant disorder, should be removed to the Hospital on Rainsford Island, or to any other place within the limits of said town of Boston, on any island in the harbor of Boston, or should be confined or remain in the place where such person or persons thus affected then are ; in every such case the said Board of Health shall pass an order relative to the same, which order, all persons, dwelling in or occupying such place, building or vessel, notified thereof by Proviso.

said Board, or called on by said Board, shall be obliged to obey; and any person refusing to obey such order or resisting any officer or person acting under the authority of said Board or any Member of said Board in any of the duties or requirements in this section of this act, shall severally forfeit and pay for such offence, a sum not less than five, and not exceeding five hundred dollars, according to the nature and aggravation of the offence.

Rules and orders.

SEC. 3. *Be it further enacted.* That the said Board of Health shall have power to make such rules, orders and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Boston, or on board any vessel, or on any island in the harbor of Boston which they may think necessary; which rules, orders and regulations, from and after the same have been published in two newspapers, printed in the town of said Boston, shall continue in force and be obeyed by all persons until changed, altered or repealed by the same Board who made them, or by some succeeding Board of Health. And any person or persons who disobey or violate any such rules, orders or regulations, so as aforesaid made by such Board, shall severally forfeit and pay for such offence, a sum not less than one and not more than fifty dollars, according to the nature and aggravation of such offence.

May seize and destroy provisions.

SEC. 4. *Be it further enacted,* That the said Board of Health shall have power to seize, take and destroy, or to remove to any safe place without the limits of the town of Boston, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetable or other articles of the provision kind, or liquor, which in their opinion, first consulting the Physician of said Board, or some other reputable Physician of the town of Boston, shall not be fit for food and nourishment, and injurious to the health of those who might use the same: And the cost of such seizing, taking, destroying or removing shall be paid for by the person, or persons in whose possession the same unwholesome, putrid, or tainted article shall or may be found.

SEC. 5. *Be it further enacted,* That the said Board of Health shall have power, from time time, to make

and establish all such rules, orders and regulations relating to clothing or any article capable of containing or conveying any infectious disease, or creating any sickness, which may be brought into, or conveyed from the town of Boston, or into or from any vessel, or on or from any island in the harbor of Boston, as they shall think proper for public safety, or to prevent the spreading of any dangerous or contagious disease. And all such rules, orders and regulations, so as aforesaid by said Board made and established, shall be obeyed by all persons from and after the same have been published in two of the newspapers, printed in the town of Boston, and shall continue to be in full force until altered or repealed by the Board who made and established the same, or some other succeeding Board; and every person who shall disobey or violate any of such rules, orders and regulations, shall forfeit and pay a Fines. sum not less than one dollar, and not more than one hundred dollars, according to the nature and aggravation of such offence.

SEC. 6. *Be it further enacted,* That the said Board of Health shall have power to establish and regulate the quarantine to be performed by all vessels arriving within the harbor of the town of Boston, and for that purpose shall have power, from time to time, to establish, make and ordain all such orders, rules and regulations relating to said quarantine as said Board shall think necessary for the safety of the public and the security of the health of the inhabitants of the said town of Boston; which said rules, orders and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue to be in force from and after the same shall have been published in two newspapers, printed in the town of Boston, until the same are altered or repealed by the said Board establishing, making and ordaining the same, or by some succeeding Board of Health. And said rules, orders and regulations may extend as well to all persons arriving in such vessels, and to their property and effects aboard such vessels, and to all such persons as may visit, or go on board such vessels, after their arrival in said harbor of Boston, and to the cargo of all such vessels, as to the vessels themselves—

as also to every matter and thing relating to, or connected with such vessel, or the cargo of the same, or to any person or persons going on board or returning from the same ; and every person who shall knowingly or wilfully violate or disobey any of such rules, orders and regulations, so as aforesaid made, established or ordained by said Board of Health, shall severally forfeit and pay a sum not less than five dollars, and not exceeding five hundred dollars, according to the nature and aggravation of such offence. And the Board of Health shall have power at all times, to cause any vessel arriving in the harbor of Boston, which is foul and infected, or whose cargo is foul and affected with any malignant and contagious disease, to be removed and placed on quarantine ground, and the same to be thoroughly cleansed and purified at the expense and charge of the owners, consignees or possessors of the same ; and also all persons arriving in or going on board such infected vessel, or handling such infected cargo, to be removed to Hospital or Rainsford Island, under the care of said Board, and to the Hospital on the same, there to remain under the orders and regulations of said Board. All expenses incurred on account of any person under the quarantine rules, orders and regulations of said Board of Health, shall be paid by such persons.

Sec. 7. *Be it further enacted,* That said Board of Health shall have power, and it shall be their duty to elect and appoint a principal Physician to said Board, who shall reside in Boston, and an assistant Physician, who shall, during the time of quarantine, reside on Hospital Island, also an Island-Keeper, to reside on said Hospital Island, Boatmen and such other Officers and servants as will be necessary to carry into effect the rules, orders and regulations of said Board of Health, as it respects the quarantine ; and shall prescribe to them their duty, and establish their salary and fees, and displace or remove them at pleasure, and elect and appoint others in their places ; also said Board shall, from time to time, establish and regulate the fees or expenses attending the said quarantine regulations, shall have the care of said Rainsford or Hospital Island, and of the Hospital on the same, and of all

Fines.

Officers appointed for Hospital Island.

property on said Island and belonging to or connected with the Hospital on the same ; and shall annually in the month of January in each year, file in the Secretary's Office of this Commonwealth, an exact and true account of the state of the property in and connected with the Hospital establishment on said Island, and of the property belonging to the Commonwealth on said Island, and of all money expended thereon.

SEC. 8. *Be it further enacted,* That said Board of Health shall have power to elect and appoint Scavengers, Superintendants of burying grounds, Funeral Porters or Undertakers, and such other Officers and Servants, as shall be necessary to carry into effect all the powers and duties in this act given to, or required of the said Board of Health, and to fix and establish their fees of office or compensation ; and all officers elected or appointed by said Board, shall be removable from their said offices, at the pleasure of said Board, and others substituted, elected or appointed in their place. And a majority of said Board shall be competent to transact any business which the whole Board, were they all present, might or could transact.

SEC. 9. *Be it further enacted,* That all the powers and duties which are given to, or required of the Selectmen of the town of Boston, by a law of this Commonwealth, passed the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, entitled "An act to prevent the spreading of Contagious Sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to and made the duty of the Board of Health of the town of Boston, any thing in said laws to the contrary notwithstanding. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the Town Treasurer of the town of Boston ; and the accounts of said Board including all receipts and expenditures of money shall be examined by the Committee of accounts annually chosen by said town of Boston for that purpose, who shall report a state of them to the said town accordingly, and the same shall be paid by the Treasurer of said town of Boston. And on the death or resignation of any Member of said

Scavengers and
Funeral Porters

Transfer of
Powers.

Expenses.

Board of Health, the said Board may cause such vacancy to be filled by a new election from the Ward from which said Member was elected by directing the Clerk of such Ward to call a meeting of the inhabitants of such Ward, qualified to elect a Member of the Board of Health, to meet at such time and place, as shall be notified to him by said Board ; at which meeting such vacancy shall be filled, and such proceedings be had as are directed in the first section of this act, as to the choice and return and notification of the person elected as a Member of said Board as aforesaid.

SEC. 10. *Be it further enacted,* That whenever any prisoner confined in the gaol in Boston, or within the limits of said prison, shall be attacked with any contagious, malignant disorder, which in the opinion of said Board of Health, first having consulted with the Physician of said Board, or some other respectable Physician, of the town of Boston, endangers the safety and health of the other prisoners in said gaol, or the inhabitants of said town, and that the suffering such prisoners, so attacked as aforesaid, longer to remain in said gaol, or within the limits of said prison, is not consistent with the public safety, or the health of the inhabitants of said town, or the prisoners in said gaol ; in every such case, the said Board of Health shall make application in writing to any two Justices of the Peace, *quorum unus*, therein stating the facts relative to such case ; and the said Justices to whom such application shall be made, shall examine into such case, and if satisfied that the facts stated are true, shall issue their warrant to said Board of Health, authorizing and directing them to remove said prisoner so attacked with such contagious and malignant disorder, to the Hospital on Rainsford Island, or to some other place of safety, there to remain under the directions of said Board, until such prisoner either recovers or dies ; and in case of recovery, then to be returned by said Board to the place from which he was taken ; and such warrant so executed by said Board, or any Member thereof, shall be by them returned, with their doings thereon, into the Clerk's Office of the Court, from which the process for committing such prisoner to gaol, shall have issued ; and the place to which such prisoner shall be remove

Vacancies filled
up.

May remove
sick prisoners.

by virtue of such order, shall be considered as the gaol of the county of Suffolk ; and every prisoner removed as aforesaid, for the causes aforesaid, shall not thereby be considered as having committed any escape, so as to prejudice either himself, his Bondsmen, or the persons who had the custody of him in his confinement aforesaid.

SEC. 11. *Be it further enacted*, That the said Board of Health of the town of Boston are hereby authorized and empowered, from time to time, to make and establish rules, orders and regulations for the interment of the dead in said town, to establish the police of the burying grounds, appoint and locate the places where the dead may be buried in said town, and cause the places for the deposit of the dead in said town, and the burying grounds, to be repaired and properly enclosed. Also to make regulations for funerals and funeral processions, and appoint all necessary Officers and persons to carry the same into effect, and to appoint to them their duties and fees ; and shall also have the power to establish such penalties for the violation of any such rules, orders and regulations, as they may think proper : *Provided*, no one penalty for any one violation, shall exceed the sum of fifty dollars. And all such rules, orders or regulations, so as aforesaid made and established by said Board, shall be obeyed by every person, from and after the same have been published in two of the newspapers printed in Boston, and shall continue in full force, until the same are altered or repealed by the said Board, who made and established them, or by some succeeding Board.

SEC. 12. *Be it further enacted*, That the said Board of Health shall have power to grant permits for the removal of any nuisance, infected article, or sick person, within the town of Boston, when they think it safe and proper so to do ; and said Board, whenever they think justice requires it, may stop, discontinue, discharge or compromise any suit, complaint or information, originating under this act. And all fines, forfeitures, penalties, sums to be paid or recovered, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of "The Board of Health of the town of Boston," by complaint or information by said

said Board, to be made in writing to some Justice of the Peace within and for the county of Suffolk; which said Justice, upon said complaint or information being made to him as aforesaid, shall receive the same, and thereupon issue his warrant, therein reciting the said complaint or information, directed to the Sheriff of the county of Suffolk or either of his Deputies, or any Constable of the town of Boston, commanding them or either of them, to summon the party informed against or complained of, to appear before him at a time and place to be named in said warrant, to shew cause, if any they have, why they should not pay the sum demanded of them in such complaint or information: which said warrant, shall by the officer who receives the same, be served on the party informed or complained against as aforesaid, at least seven days before the day in said warrant stated, as the said day of trial, by giving such party in hand, a copy of such warrant, reading the same to him, or leaving a copy thereof at the last and usual place of the abode of such party; and if such party shall not appear at the time and place appointed, or appearing shall not show sufficient cause as aforesaid, the said Justice shall proceed to render judgment in every such case, that the said Board of Health shall recover such sum in damages or as fine, as the case may be, as according to the provisions of this act, they ought by law to recover, with costs, and shall proceed to issue his execution therefor, in the same manner as executions issue from Justices of the Peace in civil cases triable before them; and such executions shall be served and made returnable in the same manner as executions in civil actions are by law served, and made returnable, which issue on judgments rendered in the Supreme Judicial Court of this Commonwealth: *Provided however*, that in all such prosecutions as aforesaid, if the said Board of Health shall discontinue such prosecution or become nonsuit, or the same on the merits should be decided by such Justice trying such prosecution against them, in every such case, the said party informed against and complained of, shall recover his legal costs against said Board, which costs shall be paid by the Treasurer of the town of Boston. And in every prosecution under this act,

Forms of Pro-
cess.

Proviso.

before any Justice of the Peace as aforesaid, the party complained against in such prosecution, being dissatisfied with the judgment in the same, given by such Justice, may appeal therefrom to the Boston Court of Common Pleas, next to be holden at Boston, within and for the county of Suffolk, after such judgment is so as aforesaid given, or rendered by such Justice ; *provided* such appeal be entered within twenty-four hours after such judgment is given as aforesaid ; and the same proceedings in all respects relating to such appeal, shall be had as are by law required on appeals from judgments rendered in civil causes by Justices of the Peace in this Commonwealth ; and on the entry of such appeal in said Court, the said Court shall have cognizance and jurisdiction of the same, and shall proceed to hear and determine the same in the same manner, and award execution in the same way and manner as they have cognizance and jurisdiction, proceed to hear and determine and award execution in civil causes, on appeals to them from judgments given by Justices of the Peace in this Commonwealth. And in all cases of such appeals on prosecutions under this act, the party prevailing in the said Court shall recover his costs, to be paid in the manner prescribed in this section of this act : *Provided however*, that no appeal shall be allowed or granted to said Court in any prosecution under the provisions of this act, where the amount of the judgment rendered and had before, and by any Justice of the Peace, shall not amount to more than five dollars exclusive of costs. And all fines and forfeitures recovered by said Board of Health, under the provisions of this act, shall inure to the use of the inhabitants of the town of Boston, and be accounted for by said Board of Health, to and with the Town Treasurer of said town of Boston. *And provided also*, that in consequence of said appropriation of said fines and forfeitures, or the appropriation of any other monies by virtue of this act, no inhabitant of the said town of Boston shall be disqualified as a Justice of the Peace, a witness or juror in any prosecution under this act, nor shall the said Board of Health or any Member of the same, or any officer of the same, be rendered thereby incompetent witnesses in any prosecution under this

Appeals.

Costs.

Provisio.

act ; and the Members of said Board of Health, while they continue in such office, shall be exempted from all militia duty and every other duty and service, which by law the Selectmen of towns in this Commonwealth are exempted from : and all laws heretofore made relating to a Board of Health in the town of Boston, so far as they are inconsistent with or contrary to the provisions of this act, shall be, and the same are hereby repealed. *Provided however*, that the election of the present Board of Health for the said town of Boston, and all their doings under the said laws are hereby confirmed, and they shall have and exercise all the powers and duties required or permitted by this present act ; *and provided also*, that all prosecutions now pending, shall be proceeded in, in the same way and manner, as though this act had never been passed. And in all prosecutions under this act, the persons prosecuted, may plead the general issue, and give any special matter in evidence under the same ; and the complaint, information, pleadings or proceedings in any prosecutions under this act, may, by leave of Court, before whom the same is, or may be pending, be amended in any state of such prosecution, without the payment of costs by either party.

Exemptions.

Acts repealed.

May plead the general issue.

[Approved by the Governor, June 20, 1816.]

CHAP. XLV.

An Act, in addition to the act for regulating, governing and training the Militia of this Commonwealth.

Preamble.

WHEREAS, Congress on the twentieth day of April, in the present year, passed the following law, entitled " An Act concerning Field Officers of the Militia ; Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of May next, instead of one Lieutenant-Colonel-Commandant to each regiment, and one Major to each battalion of the Militia, as is provided by the act, entitled " An Act more effectually to provide for the national

defence, by establishing an uniform Militia throughout the United States, approved May the eighth, one thousand seven hundred and ninety-two, there shall be one Colonel, one Lieutenant-Colonel, and one Major to each Regiment of the Militia consisting of two battalions ; where there shall be only one battalion it shall be commanded by a Major : *Provided*, That nothing Proviso. contained herein shall be construed to annul any Commission in the Militia which may be in force, as granted by the authority of any State or Territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next :” Therefore, to carry the provisions of the foregoing law into effect within this Commonwealth :

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Field Officers of Field Officers. each regiment shall hereafter consist of one Colonel, one Lieutenant-Colonel and one Major, instead of one Lieutenant-Colonel-Commandant to each regiment, and one Major to each battalion.

SEC. 2. *Be it further enacted,* That all elections to the office of Lieutenant-Colonel-Commandant made on, or since the first day of May in the present year, be and they are hereby declared void—And that the Colonel, Lieutenant-Colonel and Major of each regiment shall be chosen by the written votes of the Captains and Subalterns of their respective regiments ; and be commissioned by the Commander in Chief in the grades to which they may be legally elected : *Provided, nevertheless, and,* Election of officers.

SEC. 3. *Be it further enacted,* That each Lieutenant-Colonel-Commandant of a regiment, who now is duly in commission bears date prior to the aforesaid first day of May, be, and he hereby is declared to be entitled to the rank of Colonel ; and each Major now senior in commission in every regiment, and who was in commission as Major prior to said first day of May, be, and he hereby is declared to be entitled to the rank of Lieutenant-Colonel ; and his Excellency the Commander in Chief is hereby authorized and requested to grant and issue to such Lieutenant-Colonels-Commandant, Brevet Commissions. and to such Majors, brevet commissions, conferring on

them the rank, to which they are herein declared to be entitled ; which brevet commissions shall avail the Officers entitled to, and receiving them, in all respects regarding rank, as if their first commissions contained the grade expressed in their brevet commissions.

[Approved by the Governor, June 20, 1816.]

CHAP. XLVI.

An Act to establish the town of North Hill, in the county of Somerset.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the township numbered two, on the east side of Kennebeck river, in the Bingham Purchase, (so called) in the county of Somerset, as contained within the following described bounds, be, and hereby is incorporated and established as a town, by the name of North Hill, viz. : easterly by the township numbered two, in the same range of townships ; northerly by the township numbered two, in the second range ; southerly by the town of Athens ; and westerly by the town of Bingham. And the said town is hereby vested with all the corporate powers and privileges, and subject to all the duties and requisitions of other corporate towns, according to the Constitution and Laws of this Commonwealth.

Boundaries.

Town meetings.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Somerset is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of North Hill, requiring him to notify and warn the freeholders and other inhabitants thereof, qualified to vote in the choice of town officers, 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 and empowered to choose and appoint at their annual town meetings.

[Approved by the Governor, June 20, 1816.]

CHAP. XLVII.

An Act to cede to the United States the jurisdiction of sites for Light Houses on Race Point, Nashaun Island and Point Gammon.

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 jurisdiction of ten acres of land on Race Point, in the town of Provincetown and the soil thereof, being the property of this Commonwealth, be, and hereby is granted to the United States of America, for the purpose of erecting a Light House on the same : *Provided*, that this Commonwealth shall retain and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land or in any building which may be erected thereon, in the same way and manner as if the jurisdiction had not been granted as aforesaid.

SEC. 2. *Be it further enacted*, That the United States of America may purchase any tract of land not exceeding four acres, which shall be found necessary for the Light House authorized by Congress to be built at Tarpaulin Cove, on Nashaun Island, and may hold the same during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth concurrent jurisdiction with the United States in and over the said land in manner and form as set forth in the first section of this act.

SEC. 3. *Be it further enacted*, That the United States of America may purchase any tract of land not exceeding seven acres, which shall be found necessary for the Light House authorized by Congress to be erected on Point Gammon, in the town of Yarmouth, and may hold the same during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth the concurrent jurisdiction with the United

States in and over the said land, in manner and form as set forth in the first section of this act.

[Approved by the Governor, June 20, 1816.]

CHAP. XLVIII.

An Act in addition to an act, entitled “ An act to incorporate the Proprietors of the Fryeburgh 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 Bear Pond, situate in Fryeburgh, and which lies in the course of the new channel, pointed out and authorized by an act, entitled “ An act to incorporate the Proprietors of the Fryeburgh Canal,” shall be deemed and taken to be the Pond intended by said act, notwithstanding the same is denominated “ Bean Pond” in the first section of the act aforesaid.

Designation of title.

Damages.

SEC. 2. *Be it further enacted,* That any person who shall be damaged in his property by the opening of said new channel, and who shall claim damages of said corporation, shall exhibit and deliver his claim in writing to the Clerk of the said Proprietors, and shall therein name the sum, so claimed by him ; and the said Corporation shall have and be allowed the term of ninety days, from and after the delivery of the written claim as aforesaid, to their Clerks, to settle with the person so claiming damages : and no application to the Circuit Court of Common Pleas, nor the Supreme Judicial Court, for the appointment of a Committee to estimate the damages so claimed as aforesaid, shall be made to and sustained by either of said Courts, until after the expiration of said term of ninety days.

May hold real estate.

SEC. 3. *Be it further enacted,* That the said Corporation may purchase and hold real estate, on said river and new channel, within said town of Fryeburgh, not exceeding the value of ten thousand dollars, and may erect such mills and other works thereon as they may deem expedient ; and may also be lawfully pos-

essed of and hold personal estate not exceeding ten thousand dollars : And they are hereby vested with all the powers requisite to enable them to manage and improve the same.

SEC. 4. *Be it further enacted,* That all claims or right of action which individuals may or shall have against said Corporation, or the Members thereof, by reason of opening the said new channel, shall be barred and cease at the expiration of four years from and after the time the cause of action shall have accrued. Limitation of claims.

SEC. 5. *Be it further enacted,* That the several Members of said Corporation are hereby authorized to have and maintain actions against the other Members thereof, to recover such sum or sums of money as shall indemnify the Member commencing said action, for all damages and costs he may have sustained or been subjected to in the payment of any execution recovered against said Corporation, or any monies due from said Corporation. Members sue-able.

[Approved by the Governor, June 20, 1816.]

CHAP. XLIX.

An Act to incorporate the Protestant Episcopal Parish of Saint Matthews, in Boston.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Abraham Gould, Barker Brooks, John Pronk, William Brown, William Summers and Josiah Dunham, together with such others as have, or may hereafter join them and their successors, together with their polls and estates, be, and they hereby are incorporated into a Society or body politic, by the name of The Protestant Episcopal Parish of St. Matthews, in Boston ; and the said Parish or Society are hereby invested with full power and authority to assess and collect of the Members belonging to said Parish, for the purpose of maintaining the public worship of God therein, and for maintaining their Persons incor- porated.

instruction of piety, religion and morality, and for erecting a house of public worship, and repairing the same from time to time, such monies as are or may be necessary for those purposes ; and they are hereby vested with such powers, privileges and immunities, as any other religious Society does or may enjoy by the laws of this Commonwealth.

Corporate powers.

SEC. 2. *Be it further enacted,* That if any other person or persons may hereafter incline to join said Episcopal Parish, in Boston aforesaid, and shall leave a certificate of the same, signed by the Rector, Clerk or Committee of said Parish, with the Clerk of the town to which he or they may respectively belong, he or they, with his or their polls and estates, shall be considered as belonging to said Episcopal Parish, in the same manner as though he or they were incorporated by name in this act. And whenever any person or persons, belonging to said Episcopal Parish shall see cause to leave the same, and unite with any other religious Parish or Society, and shall leave with the Rector or Clerk of said Episcopal Parish, a certificate of the same, signed by the Minister or Clerk of the Parish, or other religious Society, with which he or they may have united, he or they, with his or their polls and estates, shall be discharged from said Episcopal Parish, and annexed to the Parish or Society to which he or they may have joined themselves.

Transfer of membership.

SEC. 3. *Be it further enacted,* That the said Protestant Episcopal Parish be, and hereby is empowered to raise and establish a fund in such way and manner as it may see fit, the annual income or interest of which shall not exceed the sum of two thousand dollars ; the said income or interest, or so much thereof as shall be necessary, to be appropriated to the support of a Protestant Episcopal Minister or Ministers in said Parish.

Funds.

[Approved by the Governor, June 20, 1816.]

CHAP. L.

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

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, Stephen Minot Thayer Fogg, of Braintree, in the county of Norfolk, student at law, shall be allowed to take the name of Ebenezer Thayer Fogg : Mehitable Miller Soper, of Braintree aforesaid, shall be allowed to take the name of Eliza Mary Thomas Soper : John Child, of Boston, in the county of Suffolk, merchant, son of Daniel Child, of Newton, shall be allowed to take the name of John Richards Child : Daniel B. Strafford, of said Boston, shall be allowed to take the name of Kent B. Strafford : Lucy Foster, of Billerica, in the county of Middlesex, widow, shall be allowed to take the name of Lucy Hill Foster : John Child, of Boston aforesaid, merchant, son of Stephen Child, of Roxbury, shall be allowed to take the name of John Weld Child : Henry Coffin, of Boston, son of John Gorham Coffin, shall be allowed to take the name of Henry Rice Coffin : Loammi Hamilton, of Northampton, in the county of Hampshire, shall be allowed to take the name of Alexander Hamilton : Billy Hancock Grant, son of David Grant, of Wrentham, in the county of Norfolk, shall be allowed to take the name of William Hancock Grant : Israel Lakeman, of Boston aforesaid, merchant, son of Pelatiah Lakeman, shall be allowed to take the name of David Hinkley Lakeman : Gorham Benson of Scituate, in the county of Plymouth, shall be allowed to take the name of William Gorham Benson : George Thacher, second, of Boston aforesaid, shall be allowed to take the name of George Churchill Thacher : Peace Lee, of Portland, in the county of Cumberland, shall be allowed to take the name of Caroline Peace Lee : David Brownell, of Westport, in the county of Bristol, son of George Brownell, late of said Westport, shall be allowed to

Persons changing names.

take the name of David Milk Brownell . Rebecca Davis, daughter of Samuel Davis, of Newbury, in the county of Essex, shall be allowed to take the name of Rebeccah Kendal Davis : Jannah Ranny, of Northampton aforesaid, shall be allowed to take the name of George Jannah Ranny : William Bradford, of Boston aforesaid, merchant, shall be allowed to take the name of William Washer Bradford : Aaron Davis, son of Aaron Davis, of Newburyport, in the county of Essex, shall be allowed to take the name of Aaron Charles Davis : James Allen, of Boston aforesaid, merchant, son of Oliver Allen, of Bridgewater, in the county of Plymouth, shall be allowed to take the name of James Seymour Allen : William Spooner, of Boston aforesaid, son of William Spooner, of said Boston, Physician, shall be allowed to take the name of William Jones Spooner, And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to take and assume as aforesaid ; and said names shall forever hereafter be considered as their only proper and legal names to all intents and purposes.

[Approved by the Governor, June 20, 1816.]

CHAP. LI.

An Act authorizing the sale of Ministerial lands in the town of Hartford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That David Warren, Arvida Hayford, James Ricker, Joseph Soule, Oaks Thompson, Lemuel Thomas, and Sampson Read, be, and they are hereby incorporated into a body politic, by the name of The " Trustees of the Ministerial Funds in Hartford," and they and their successors shall be, and continue a body politic and corporate, by that name forever ; and shall have a common seal, subject to alteration at their pleasure : may sue and be*

Incorporation of
Trustees.

sued, prosecute and be prosecuted, defend and be defended in all actions to final judgment and execution.

SEC. 2. *Be it further enacted,* That the said Trustees or a major part of them be, and they are hereby authorized and empowered to sell and convey, in fee simple, all or any part of the Ministerial lands belonging to the said town of Hartford, and to make, execute and acknowledge a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by their President and countersigned by their Clerk, under and by the direction and order of the said Trustees, or a major part of them, with the seal of said Corporation thereto affixed, shall be good and valid in law to pass and convey the fee simple of said lands from said town to the purchaser or purchasers thereof, to all intents and purposes whatsoever.

May sell and convey lands.

SEC. 3. *Be it further enacted,* That said Trustees shall annually, in the month of March or April, from among their number, elect a President and also a Clerk; the duty of the Clerk shall be to record the doings of the said Trustees in a book or books to be kept for that purpose; and he shall be sworn to the faithful discharge of his duty, and a record thereof shall be made in the books of said Corporation; and the said Trustees shall also, in the month of March or April annually, choose a Treasurer, whose duty it shall be to receive and apply the monies hereinafter mentioned, in the manner and for the purpose hereinafter directed.

Choice and duties of officers.

SEC. 4. *Be it further enacted,* That the number of said Trustees shall at no time be more than seven nor less than five, and four of their number shall be necessary to constitute a quorum for transacting the business of said Corporation; and whenever any vacancy shall happen by death or otherwise, in the office of any of the Trustees aforementioned, it shall be the duty of the Clerk of the Corporation, within thirty days next after, to give notice thereof to the Selectmen of the said town of Hartford; and the said Selectmen shall, in their next warrant for a meeting of the inhabitants of said town, insert an article for the choice of a Trustee or Trustees, to fill said vacancy or vacancies, who shall be chosen in such meeting, in the same way and manner as the Selectmen of towns are by law to be

Number of Trustees.

Vacancies filled up.

chosen ; and the inhabitants of said towns, at their annual March or April meeting in any year, upon the written complaint of said Corporation, and not otherwise, may remove any Trustee, who through age, infirmity or other cause, may become unfit or incapable of discharging his duty, and shall thereupon supply the vacancy so made, by a new choice, in manner aforesaid, from among the inhabitants of said town of Hartford.

SEC. 5. *Be it further enacted,* That the monies arising from the sale of said lands, shall, as soon as may be, be loaned on interest, and shall be secured by mortgage of real estate, to the full value of the estate sold, or monies loaned, or by two or more sufficient sureties, with the principal and the said interest to be annually applied to the support of the Ministry in said town, and each religious Society shall draw their proportionable part of the interest according to the valuation of said town, to be applied as aforesaid ; *provided always,* it shall never be in the power of the town aforesaid, to alienate, or in any other way dispose of, or interfere with the fund or principal ; but the said Trustees shall exhibit or cause to be exhibited to said town at its annual meeting in March or April, a regular and fair statement of their doings.

SEC. 6. *Be it further enacted,* That the Treasurer of said Trustees shall give bonds in double the amount of their funds, with sufficient sureties to the said town of Hartford, conditioned for the faithful performance of his duty, and for the faithful application and appropriation of the monies which may come into his hands conformable to the true intent and meaning of this act.

SEC. 7. *Be it further enacted,* That any Justice of the Peace for the county of Oxford, upon application made to him by three of the said Trustees, is authorized to issue his warrant to one of the Trustees before named, requiring him to notify and warn the first meeting of said Trustees, at such convenient time and place as shall be appointed in said warrant, to organize the Corporation by the appointment of its officers.

[Approved by the Governor, June 20, 1816.]

Funds how secured and applied.

Provide.

Treasurer must give bond.

Justice to warn meeting.

CHAP. LII.

An Act in addition to an act, entitled “An act to incorporate the Linum and Duck Manufacturing Company.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Linum and Duck Manufacturing Company, in addition to their present powers, be, and the said Company hereby is authorized to manufacture nails and other iron and hard-ware, and to purchase, hold and employ machines and tools necessary and useful for the purposes aforesaid: *Provided however*, that nothing in this act contained shall be so construed as to increase the capital stock of said Company beyond the amount limited by the act to which this is in addition.

Powers of the Company.

[Approved by the Governor, June 20, 1816.]

CHAP. LIII.

An Act extending the time allowed the Trustees of the Bedford Bank, to close their concerns.

BE 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 the first Monday of October next, be granted and allowed to the Trustees of the Bedford Bank, for the sole purpose of enabling said Trustees, gradually to settle and close their concerns, and divide their capital stock, they conforming in all respects to an act passed on the twenty-fourth day of June, one thousand eight hundred and twelve, entitled “An act to enable certain Banks in this Commonwealth to settle and close their concerns.”

Time allowed for closing concerns.

[Approved by the Governor, June 20, 1816.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, August 15th, 1816.

The Laws contained in this pamphlet, passed at the session of the General Court, beginning May 29th, and ending June 20th, 1816, have been examined and compared with the originals in this office, and appear to be correct.

Attest:

ALDEN BRADFORD,

Secretary of the Commonwealth.

INDEX

TO THE LAWS PASSED AT THE SESSION, BEGINNING MAY 29th, AND
ENDING JUNE 20th, 1816.

A.

ACADEMY, Nantucket, allowed to sell and divide its property,	257
Aqueduct, Hancock, in Portland, its powers increased,	187
Association, Merrimack River, incorporated,	222
Atherton Manufacturing Company established,	186

B.

Bank, Kennebeck, to have seven Directors,	226
“ Kennebunk, to reduce its capital stock,	188
“ Lynn, to have more time to pay instalments,	239
“ Nantucket, Trustees of, allowed further time to close their concerns,	201
“ Bedford, Trustees of, allowed more time to settle concerns,	231
Banks not obliged to use stereotype plates,	258
Baptist Society in Barre incorporated,	206
Baptist Society in York incorporated,	239
Barre, Baptist Society in, incorporated,	206
Bartlett, William, and others incorporated, by name of Merrimack River Association,	222
Boston, Gunpowder, how to be stored and transported in,	218
“ Proprietors of Liverpool-wharf in, incorporated,	209
“ Episcopal Parish of St. Matthews in, incorporated,	275
“ and Roxbury Mill Corporation, additional act,	246
“ Board of Health established,	258
Breed, John, allowed to build a Bridge in Chelsea,	228
Bridge in Chelsea to be built,	228
Bridge over Sebasticook River to be built,	203—204
Brunswick, Congregational Society in, authorized to sell Ministerial Lands,	202
Buckstown, part of, annexed to Orrington,	193

C.

Canal, Fryeburgh, additional act,	274
Chelsea, bridge in, to be built by J. Breed,	228
Cole, Joshua, set off from Frankfort and annexed to Hampden,	196
Company, India Insurance, incorporated,	219
Company, Merrimack Boating, additional act,	229
Congregational Society in Lebanon, Trustees of funds of, incorporated,	198
Congregational Society in Brunswick authorized to sell Ministerial Lands,	202
Corporation, Housatonic Turnpike, additional act,	238
County of Hancock divided, additional act,	192
County of Penobscot erected, additional act,	192
Court, Supreme Judicial, to have power to confine lunatic and insane persons,	223

INDEX.

Courts, Circuit, of Common Pleas, times fixed for holding in Hancock and Penobscot, - - - - -	212
Courts, of Probate in Norfolk County, to be holden in Wrentham,	186
Cummington Woollen Manufactory established, - - - - -	190
Cummington Cotton Manufactory established, - - - - -	194

D.

Dexter, town of, incorporated, - - - - -	201
District of Maine, act for separation of, - - - - -	247
Duck and Linum Manufactory, additional act, - - - - -	281

E.

Egremont, the taking of Pickerel there regulated, - - - - -	226
Episcopal, Protestant, Parish of St. Matthews in Boston, - - - - -	275

F.

Fees of office to be accounted for by certain public officers, - - - - -	191
Firewards of Boston to regulate the keeping of Gunpowder, 219—220	219—220
Fish, the taking of, in Egremont, regulated, - - - - -	226
Franklin Charitable Society incorporated, - - - - -	208
Freeport, Ministerial Lands of first Parish in, may be sold, - - - - -	230
Fryeburgh Canal, additional act, - - - - -	274

G.

Gunpowder, how to be stored, kept, and transported in Boston, 218	218
“ quantity of, regulated by the Firewards, - 219—220	219—220
“ Licenses, to be had for keeping, - - - - -	219
“ fines and penalties for keeping it in large quantities, 220	220

H.

Hampden, Joshua Cole annexed to, - - - - -	196
Hancock Aqueduct Association in Portland granted additional powers, - - - - -	187
Hancock County divided, additional act, - - - - -	192
Hancock County, Circuit Courts fixed in, - - - - -	212
Hartford, Ministerial Lands in, may be sold, - - - - -	278
Health, Board of, in Boston, established, - - - - -	258
Housatonic Turnpike Corporation, additional act, - - - - -	233
Hudson Turnpike Corporation, additional act, - - - - -	233

I.

India Insurance Company incorporated, - - - - -	213
Justices of Supreme Judicial Courts to have power to confine lunatic and insane persons, - - - - -	222

K.

Kennebeck Bank to have seven Directors, - - - - -	226
Kennebunk Bank, Capital Stock of reduced, - - - - -	188

INDEX.

L.

Lebanon, Trustees incorporated to manage funds of first Congregational Parish in, - - - - -	198
Light-houses to be erected at Provincetown, Point Gammon, and Nashaun Island, - - - - -	273
Literary Institution in Maine allowed to place their buildings in Somerset or Kennebec Counties, - - - - -	190
Linum and Duck Manufactory, additional act, - - - - -	281
Liverpool Wharf in Boston, Proprietors of, incorporated, - - - - -	209
Lunatic and Insane Persons liable to be confined, - - - - -	222

M.

Maine, Literary Institution in, additional act, - - - - -	190
“ Act for the separation of, - - - - - 247—	257
Manan Petit, part of ceded to United States, - - - - -	188
Manufacturing Company, Atherton, in Attleborough established, - - - - -	186
“ “ Cotton in Cummington, established, - - - - -	194
“ “ in Southbridge, established, - - - - -	187
“ “ Woollen in Cummington, established, - - - - -	190
“ “ Linum and Duck, additional act, - - - - -	281
Merrimack River Association incorporated, - - - - -	222
“ “ Boating Company, additional act, - - - - -	229
“ “ Rocks and Flats under the piers in, ceded to the United States, - - - - -	185
Militia, additional act for regulating, - - - - -	270
Ministerial Lands in Freeport may be sold, - - - - -	230
“ “ in Brunswick may be sold - - - - -	202
“ “ in Orland may be sold, - - - - -	235
“ “ in Woodstock may be sold, - - - - -	241
“ “ in Hartford may be sold, - - - - -	278

N.

Names of certain persons changed, - - - - -	277
Nantucket Bank, Trustees of, allowed further time to settle their accounts, - - - - -	201
“ Academy allowed to sell and divide its property, - - - - -	257
Nashaun Island, Light House to be erected there, - - - - -	273
Norfolk County, Probate Courts is to be holden also at Wrentham, - - - - -	186
North Hill, town of, incorporated, - - - - -	272

O.

Officers, Field, of Militia, their rank fixed, - - - - -	270
Orland, Trustees of Ministry and School Fund in, incorporated, - - - - -	233
Orrington, part of Buckstown annexed to, - - - - -	195

P.

Penobscot County formed, additional act, - - - - -	192
“ “ Courts in, times fixed for holding, - - - - -	212

INDEX.

Petit Manan ceded in part to United States, - - -	188
Pickerel in Winchell's pond, in Egremont, the taking of, regulated, - - -	226
Point Gammon, Light House to be erected there, - - -	273
Portland, Hancock Aqueduct in, new powers granted them, - - -	187
Probate Courts in Norfolk County to be holden at Wrentham, - - -	186
Protestant Episcopal Parish of St. Matthews in Boston, - - -	275
Provincetown, land there ceded to United States for Light House, - - -	273

S.

School Fund in Standish, Trustees of, incorporated, - - -	244
“ “ in Orland, Trustees of incorporated, - - -	235
“ Lands in Woodstock may be sold, - - -	241
Sebasticook River, Bridge over, to be built, - - -	203
Society, Congregational, in Lebanon, Trustees of, incorporated, - - -	198
“ “ in Brunswick, may sell Ministerial Lands - - -	202
“ Franklin Charitable, incorporated, - - -	208
“ First Baptist, in Barre, incorporated, - - -	206
“ “ in York, incorporated, - - -	239
Southbridge Manufacturing Company established, - - -	189
Standish, Trustees of School Fund in, incorporated, - - -	244
Stereotype Plates not required to be used by Banks, - - -	258
Sullivan J. L. and others, Proprietors of Merrimack Boating Company, - - -	229

T.

Town of Dexter incorporated, - - -	201
“ of North Hill incorporated, - - -	272
Trustees incorporated to manage Funds of First Congregational Parish in Lebanon, - - -	198
“ of Nantucket Bank, allowed further time to close accounts of the Bank, - - -	201
“ of Bedford Bank, allowed more time to close its concerns, - - -	281
“ of School and Ministerial Funds in Orland, - - -	235
“ of Ministerial Lands in Hartford, incorporated, - - -	278
Turnpike, Hudson and Housatonic, additional act, - - -	233

U.

United States, Land in Watertown ceded to, - - -	197
“ Petit Manan ceded to, - - -	188
“ Rocks and Flats under piers in Merrimack River ceded to, - - -	185
“ cession of Land to, in Provincetown, at Point Gammon and Nashaun Island, for sites of Light Houses, - - -	273

W.

Watertown, a tract of land in, ceded to U. States, - - -	197
Weeks, M. and others, to build a Bridge over Sebasticook River, - - -	203-204
Wharf, Liverpool, in Boston, Proprietors of, incorporated, - - -	209
Woodstock, Ministry and School Lands in, may be sold, - - -	241

Y.

York, First Baptist Society in, established, - - -	239
--	-----