

MAINE STATE LEGISLATURE

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L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION,

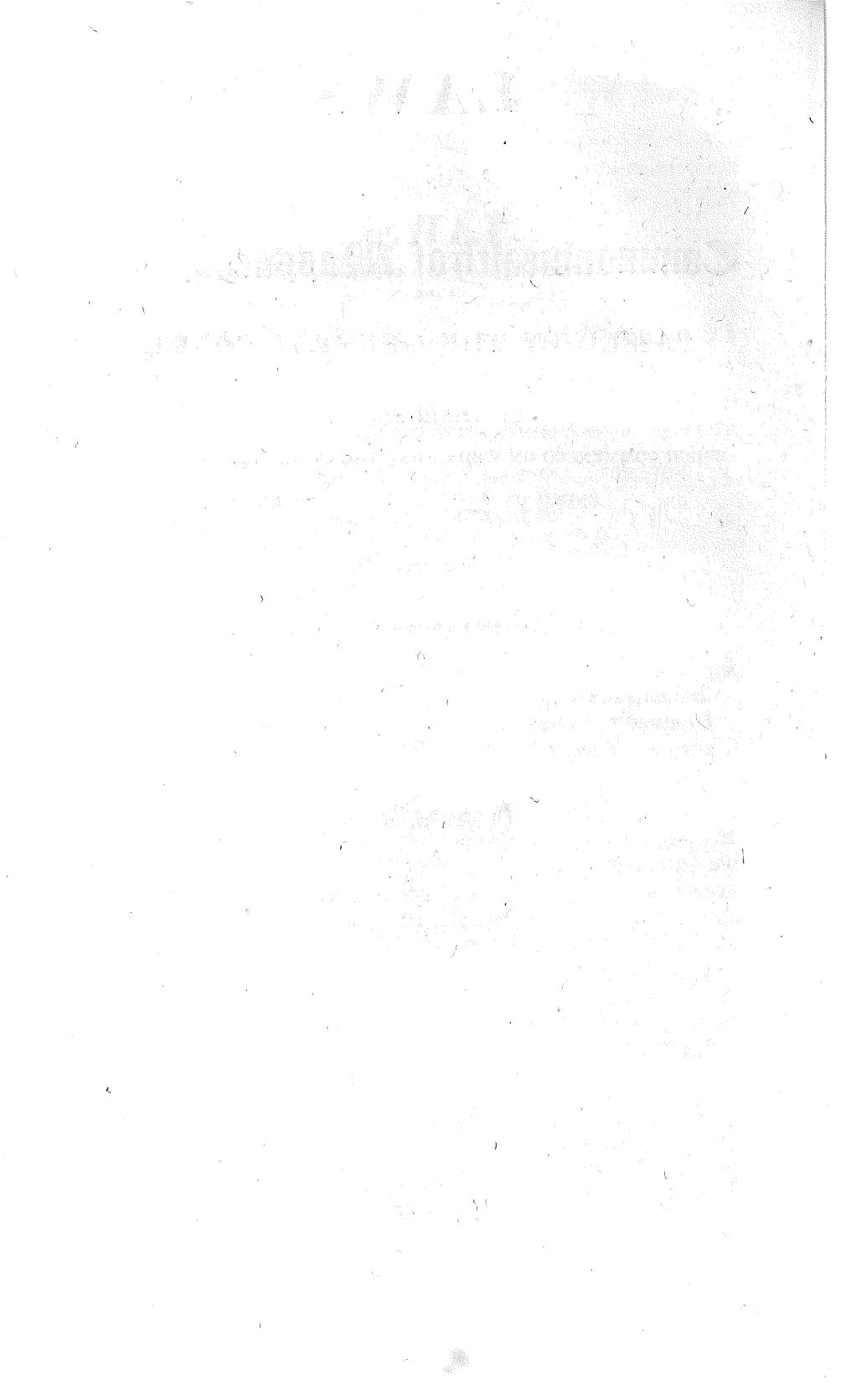
WHICH COMMENCED ON WEDNESDAY THE 13th OF NOVEMBER, AND
ENDED ON THE 14th OF DECEMBER, 1816.

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



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1816.



LAWs

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, COMMENCING ON THE THIRTEENTH DAY OF
NOVEMBER, AND ENDING ON THE FOURTEENTH DAY
OF DECEMBER, A. D. 1816.

CHAP. LIV.

An Act in further addition to an act, entitled "An act to incorporate Nicholas Thorndike and others into a Company, by the name of the Beverly Marine Insurance Company."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such further time, not exceeding five years, from and after the twenty-fourth day of August next, be allowed to the Stockholders in the Beverly Marine Insurance Company, named in an act, entitled "An act to incorporate Nicholas Thorndike and others into a Company, by the name of The Beverly Marine Insurance Company," to pay in the residue, being the last moiety of the instalments, and amounting in all to fifty dollars on a share, in the capital stock of the said Company, as the Directors thereof may judge proper, and that the said residue shall be paid in at such times and in such proportions as the said Directors shall order and appoint, within the period aforesaid: *Provided however*, that nothing in this act shall be construed to exonerate or discharge the es-

Further time
all owed to pay
instalments.

Nov. 25, 1816.

tates of the said Stockholders from being liable in the manner and for the purposes mentioned in the tenth section of the said original act, in addition to which this act is made.

[Approved by the Governor, November 23, 1816.]

CHAP. LV.

An Act in further addition to an act, entitled "An act for the relief of poor prisoners, who are committed by execution for debt."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, it shall be the duty of the Justices who may administer an oath to any person, who is committed by execution for debt, in order for the liberation and discharge of such person from prison, instead of the oath prescribed in any former act, to administer an oath in the form following, to wit:—

Preamble. *I*, do solemnly swear before Almighty God, (or affirm as the case may be,) that I have not any estate, real or personal, in possession, reversion, or remainder, sufficient to support myself in prison, or to pay prison charges, except the goods and chattels by law exempted from attachment and execution; and that I have not, since the commencement of this suit against me, or at any other time, directly or indirectly, sold, leased, or otherwise conveyed or disposed of, to, or entrusted any person or persons whatsoever, with all, or any part of the estate, real or personal, whereof *I* have been the lawful owner or possessor, with any intent or design to secure the same, or to receive or to expect any profit or advantage therefor; or have caused or suffered to be done, any thing else whatsoever, whereby any of my creditors may be defrauded—So help me God—(or this *I* do under the pains and penalties of perjury, as the case may be.)

New oath.

And the form of the certificate thereof, to be made by the Justices, shall be as follows, to wit :—

S—ss. To *Keeper of the Gaol at*

We, the subscribers, two of the Justices of the Peace for the said county of S —, and each of us of the Quorum, hereby certify, that (A. B.) a poor prisoner, confined upon execution for debt in the goal at — aforesaid, hath caused (D. E.) the creditor, at whose suit he was so confined, to be notified according to law Certificate. of his the said (A. B's) desire of taking the benefit of the act, entitled "An act for the relief of poor prisoners who are committed by execution for debt;" that in our opinion, the said (A. B.) hath not any estate, real or personal, sufficient to support himself in prison, except the goods and chattels by law exempted from attachment and execution ; and that he hath not conveyed or concealed his estate with design to secure the same to his own use, or to defraud his creditors ; and that we have, after due caution to the said (A. B.) administered to him the oath (or affirmation, as the case may be) prescribed in an act entitled an act in further addition to an act, entitled "An act for the relief of poor prisoners who are committed by execution for debt." Witness our hands and seals, this day of Anno Domini

Provided however, that in all cases in which, since the passing of the act entitled "An act to exempt cer- Proviso. tain goods and chattels of debtors from attachment and execution," the oath prescribed in the act, entitled "An act for the relief of poor prisoners who are committed by execution for debt," has been duly administered, and a certificate thereof made, in the form therein prescribed, and also in all cases in which the oath prescribed in the act first in this provision mentioned, has been duly administered, and the certificate thereof made in the form prescribed in the act to which this act is in addition, and also in all cases which may happen from and after the passing of the present act, until the first day of August next, in which similar proceedings shall be had, or the oath prescribed in the act first in this provision mentioned, shall be duly administered, and a proper certificate thereof made ; the discharge of such poor prisoner and prisoners shall be deemed, taken and

Nov. 27, 1816.

adjudged to be good and valid to all intents and purposes, any thing in the aforesaid act first in this proviso mentioned, or in the present act, to the contrary notwithstanding ; saving and excepting however all civil actions wherein final judgment has been rendered by the Supreme Judicial Court.

[Approved by the Governor, November 25, 1816.]

CHAP. LVI.

An Act to incorporate the Berkshire and Columbia Missionary Society.

Persons incorporated.

Objects of the Society.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Jacob Catlin, Alvan Hyde, Samuel Shepard, Henry Brown, Ebenezer Jennings, Joseph Woodbridge, Jonathan Nash, and James W. Robbins, with those who have, or may hereafter associate with them and their successors, be, and they hereby are incorporated and made a body politic, for the purpose of furnishing the means of christian knowledge and improvement, by the distribution of pious and religious books and tracts, and by sending Missionaries among the inhabitants of our own land, who are destitute of religious knowledge and instruction, or where such means are but partially provided ; and also to aid, as their funds will permit, in spreading the light of the Gospel among the heathen, by the name of the Berkshire and Columbia Missionary Society : and the Society aforesaid shall have perpetual succession, and may have a common seal, which they may change, break, alter and make new at their pleasure ; and may purchase and receive by gift or devise, lands, tenements and real estate of any kind, and the same hold in fee simple or less estate ; and also subscriptions, donations and bequests of money, or any other personal estate, the annual income of which shall not exceed the sum of ten thousand dollars ; and all grants, donations, subscriptions, devises,

and bequests, made to said Society, shall be improved in such manner, as the Trustees of said Society shall judge most conducive to the designs of the institution.

SEC. 2. *Be it further enacted*, That the said Society may annually elect, by ballot, by a majority of the Members present, a President, Vice-President, a ^{Powers and Duties.} Treasurer, Secretary, Clerk, and such number of Trustees as they may judge proper, (not less than eleven) and such other officers, as they may determine to be necessary ; and may, at their first meeting under this act, by vote of a majority of the Members present at said meeting, adopt and establish such constitution, or system of rules and bye-laws as they may think necessary for conducting and executing the business of said Society, and for more effectually securing the objects of their institution ; which constitution or system of bye-laws shall be for the government of said Society, and shall not be altered at any subsequent meeting, but in the manner therein pointed out : *Provided*, such rules and bye-laws be not repugnant to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That the Society aforesaid, shall at all times have power to sue and may ^{May sue and be sued.} be sued, and may defend, and shall be held to answer by the name, style and title aforesaid ; and if it shall so happen that the said Society shall become seized of lands and tenements, it shall be lawful by deed under the hand and seal of their President, for the time being, to sell and convey the same : *Provided* such sale shall be made by order and under the direction of the Trustees.

SEC. 4. *Be it further enacted*, That a particular account of all the funds of said Society, and the disposition thereof shall be exhibited by the Treasurer, at the stated annual meeting of said Society, a Committee of said Society having first examined and certified the same to be true ; and fair entries shall be ^{Records.} made in books provided for that purpose, of all donations made to said Society, and of all the estate, both real and personal, belonging to the same ; and said books shall be brought to the annual meetings, and be there open to the inspection of the Members.

Dec. 4, 1816.

Meeting. SEC. 5. *Be it further enacted,* That Joseph Woodbridge, Esquire, be, and he hereby is empowered to call the first meeting of said Society in their corporate capacity, by publishing a notification in both the newspapers printed in the county of Berkshire, three weeks in succession; the first publication to be thirty days at least before the time of said meeting.

[Approved by the Governor, November 27, 1816.]

CHAP. LVII.

An Act to incorporate the Second Baptist Society in Woolwich.

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 Abner Wade, John Shaw, James Williams, Daniel Walker, Barrilla Walker, James Bailey, junior, Francis Cushman, Simeon Williams, Asa Beals, George Bayley, William Gray, James Blin, Timothy Williams, Stephen Blackman, Isaiah H. Hedge, Alexander McKenney, Benjamin Beals, Jesse Bayley, Joseph L. Savage, Charles McKenney, Peter Berry, John Williams, John Shaw, junior, John Bayley, John Wright, junior, Abner H. Wade, Joseph Wright, James McKenney, Turner Wade, Aaron Hilton, Samuel Soule, Archibald McMurphy, Charles Wade, Richard Mitchel, John Card, Nathaniel Day, Members of a Religious Society, together with their polls and estates, be, and they hereby are incorporated, by the name of the Second Baptist Society in Woolwich, with all the privileges, powers and immunities to which parishes in this Commonwealth are entitled.

SEC. 2. *Be it further enacted,* That any and every person in the towns of Woolwich and Wiscasset, in the county of Lincoln, being of the Baptist denomination, who may at any time hereafter actually become a Member of, and unite in religious worship with said Society in Woolwich, and give in his or

her name to the Clerk of the town or parish, to which he or she belongs, with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a Member of, and united in religious worship with said Society in Woolwich, fourteen days previous to the town or parish meetings 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 estates, be considered as a Member of said Society: *Provided however,* that such person shall be held to pay his proportion of all monies assessed in the town or parish to which he or she belonged previous to that time.

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

SEC. 4. *Be it further enacted,* That any Justice of the Peace in and for the county of Lincoln, be, and he hereby is authorized to issue his warrant, directed to some principal Member of said Society, requiring him to notify the Members thereof, qualified to vote in parish affairs, to assemble at some suitable time and place, in said town of Woolwich, to choose such parish Officers as parishes are by law required to choose, in the month of March or April annually, and to transact all other matters and things necessary to be done in said Society.

[Approved by the Governor, December 4, 1816.]

CHAP. LVIII.

An Act to set off certain land from the town of Wayne, and annex it to the town of Winthrop.

Land set off. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the farm of William Lowell, of Winthrop, which lies within the town of Wayne, be, and it hereby is set off from the said town of Wayne and annexed to the town of Winthrop: *Provided however,* that the said Lowell shall be holden to pay all taxes, which have been duly assessed on him by the town of Wayne, in the same manner as if this act had not passed.

[Approved by the Governor, December 4, 1816.]

CHAP. LIX.

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

*Shall make Di-
vidends.* **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Directors of the Union Marine Insurance Company shall make dividends of the interest and profits arising on the capital stock and business of the Company as now by law provided, on the second Monday of April and October, in each year, instead of the times now prescribed; any thing in the act to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, December 4, 1816.]

CHAP. LX.

An Act to authorize the use of the Vibrating
Steelyard.

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 this act, the Vibrating Steelyard, invented or improved by Samuel Hills, be permitted to be used in all cases of weighing throughout this Commonwealth: *Provided*, that before being offered for sale or the same shall be used, each beam and the poizers thereof, shall be sealed by some public Sealer of Weights and Measures, appointed according to law.

[Approved by the Governor, December 4, 1816.]

CHAP. LXI.

An Act to incorporate the American Society for the education of pious youth for the Gospel Ministry.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Phillips, Samuel Salisbury, Eliphalet Pearson, William Reed, Joshua Bates, Asa Eaton, Samuel H. Walley, and Aaron P. Cleaveland, together with those who have associated, and who may hereafter associate with them, be, and they hereby are incorporated and made a body politic, by the name of The American Society for educating pious youth for the Gospel Ministry; and the Society aforesaid shall have perpetual succession, and may have a common seal, which it shall be lawful for them to alter at pleasure; and may purchase and receive by gift, or devise, lands, tenements, and real estate of any kind, and the same hold in fee simple, or less estate, the annual income and profits whereof shall not exceed the value of ten thousand dollars. And the said So-

Persons incorporated.

Application of
Funds.

ciety is hereby enabled to take and receive subscriptions of charitably disposed persons, and may take any personal estate in succession: and all donations to the Society, either by subscription, legacy or otherwise, (excepting such as shall be differently appropriated by the donors, or by a vote of the Society, agreeably to their constitution) shall make a part of, or be put into the capital stock of the Society, which shall be put out on interest on good security, or otherwise improved to the best advantage, and the income or profits applied to the purpose of aiding indigent young men of talents and hopeful piety, in acquiring a learned and competent education for the Gospel Ministry.

SEC. 2. *Be it further enacted,* That the said Society may choose a President, Vice-President, Clerk, Treasurer, and such other officers as they shall see fit; and may at their first meeting under this Incorporation, by the vote of two thirds of their Members present at said meeting, adopt such constitution or system of rules and by-laws, as they shall think necessary for the orderly conducting and executing the business of said Society, and for the most effectually securing the object of their Institution; which constitution or system of rules and by-laws, shall be for the government of said Society, and shall not be altered at any subsequent meeting, but in the manner therein pointed out: *Provided*, such rules and by-laws be not repugnant to the constitution and laws of this Commonwealth.

SEC. 3. *Be it further enacted,* That the Society aforesaid may, at all times, under the name, style and title aforesaid, sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and may appoint an agent or agents to

*May sue and be
sued.* prosecute and defend suits with power of substitution; and it shall be lawful for the said Society to make sale of any estate or personal property, given or purchased as aforesaid, or in any other way or right accruing to them in their corporate capacity, (unless that which is given be otherwise expressly ordered, or appropriated by the donor,) and convey the same by deed or other legal instrument duly executed, and when the property to be conveyed is real estate, under the hand of the Treasurer and the seal of the Society:

Provided that all monies arising from such sale be applied to the same use to which the income thereof was before applied.

SEC. 4. *Be it further enacted*, That William Phillips Esq. be, and he hereby is authorized, by notification in any two of the newspapers printed in Boston, to appoint the time and place of the first meeting of said Society. First Meeting.

[Approved by the Governor, December 4, 1816.]

CHAP. LXII.

An Act to authorize the Supreme Judicial Court to grant leave to claimants upon insolvent estates to institute suits in certain cases.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That, in all cases in which any person heretofore has, or hereafter shall present any claim for allowance to any Board of Commissioners, which have been or may hereafter be appointed by any Judge of Probate, to receive and examine the claims against the estate of any deceased person, which has been or may hereafter be represented insolvent, and such claim shall have been or may hereafter be rejected by such Commissioners, and a return of their doings made to the Judge of Probate, and the claimant, who has or may prefer such claim for allowance has by accident, mistake or otherwise, omitted to give notice, or shall hereafter omit to give notice, at the Probate Office, within twenty days after the making of such return of the Commissioners, that it is his or her intention to have such claim determined at common law, the Supreme Judicial Court, at any session thereof, holden in any county, upon such claimant's presenting a petition for relief, and making it to appear that he or she has reasonable grounds for expecting to support his or her claim, and that he or she has not lost his or her right to institute a suit against the Executor or Administrator of such estate, and have such claim determined

Appeals to Supreme Judicial Court.

Dec. 4, 1816.

at common law, by his or her negligence, is hereby authorized and empowered, after due notice to the adverse party, to grant such claimant a right to institute a suit for the recovery of such claim, against the Executor or Administrator of such insolvent estate, at the next Circuit Court of Common Pleas, to be holden in the county in which such Executor or Administrator dwells ; or at the next Boston Court of Common Pleas to be holden in the county of Suffolk, if such Executor or Administrator shall dwell in said county ; and the same proceedings shall be had in such suit, as are now by law provided, shall be had in suits, instituted by claimants for the recovery of claims against insolvent estates, which have been rejected by the Commissioners, appointed to receive and examine the claims *against* such estates ; *provided however*, that no such petition shall be sustained, unless the same shall be presented within two years from the return of the report of such Commissioners to the Judge of Probate, and that the distribution of any insolvent estate, which may have been made previously to the presenting of such petition and notice thereof to the Executor or Administrator of such estate, shall not be disturbed by the judgment which may be recovered in any such suit ; nor shall the right to institute any such suit be granted to any claimant after four years shall have elapsed, from the time of granting administration on such estate.

[Approved by the Governor, December 4, 1816.]

CHAP. LXIII.

An Act to incorporate the Fragment Society.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Mary Francis, Margaret C. Welch, and their associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are incorporated for the purpose of aiding and assisting

Persons incorporated.

indigent sick persons in the town of Boston, by the name of The Fragment Society ; and by that name shall be a Corporation forever, with power to have a common ^{Powers.} seal, to make contracts relative to the objects of their institution, to sue and be sued, to establish by-laws and orders for the regulation of said Society and the preservation and application of the fund thereof ; *provided* ^{Proviso.} the same be not repugnant to the constitution and laws of this Commonwealth, to take, hold and possess any estate, real and personal, by subscription, gift, grant, purchase, devise, or otherwise ; and the same to improve, lease, exchange or sell and convey for the sole benefit of said institution ; *provided* the value of the real estate of the said Society shall never exceed twenty thousand dollars, and the annual income of the whole estate of said Society shall not exceed five thousand dollars.

SEC. 2. *Be it further enacted,* That every married woman belonging to said Society, who shall, with the consent of her husband, receive any of the money or other property of said Society, shall thereby render her said husband accountable therefor to said Society ; and every woman, whether sole or married, who shall subscribe and pay to the funds of said Society, a sum not less than one dollar annually, shall by subscription and payment become a Member of said Society, liable however to be removed whenever she shall neglect or refuse to pay her annual subscription.

SEC. 3. *Be it further enacted,* That the said Society shall meet in Boston on the second Monday in October annually, for the purpose of electing by ballot ^{Annual Meet-} from their Members, a first and second President, a ^{ing for Officers.} Treasurer, Secretary, and a Board of not less than nine, nor more than twelve Managers, all of which officers shall hold their said offices for one year, and until others shall be elected to succeed them ; and the Managers for the time being shall publish a notification of the time and place of each annual meeting in one or more of the Boston newspapers, at least seven days before the time of holding the same. Upon any urgent occasion, the first or second President, or when requested in writing by fifteen Members of said So- ^{Special Meet-} ciety, any five of the Managers may appoint a special ^{ings.}

meeting of said Society, to be notified in the same manner as the annual meetings. And at any regular meeting of the Board of Managers, they may remove any Manager from office, and by ballot fill any vacancy so or otherwise made; *provided* two thirds of their whole number shall concur.

Treasurer.

SEC. 4. *Be it further enacted,* That the Treasurer of said Society shall be a single woman of the age of twenty-one years or upwards, and shall give bond with sufficient surety or sureties to account annually, or oftener, if required by said Society or the Board of Managers, for all money and property of said Society, and in general to discharge the duties of said office with fidelity.

Stock and Disbursements.

SEC. 5. *Be it further enacted,* That the Board of Managers for the time being shall have the management and application of the subscriptions, funds and estate of the Society, solely for the purpose of this Institution; and no sale or transfer of any of the real or personal estate of said Society shall be valid, unless approved by them; and no money shall be paid out of the Treasury of said Society except in pursuance of their order; they shall likewise have authority at their discretion to give or loan any articles belonging to said Society to such indigent and sick persons in the town of Boston, as they believe upon enquiry, recommendation, or visiting, to be proper objects for the charity of this Institution; and the Managers shall have authority to establish any rules and by-laws for the regulation of the proceedings of said Board, and the concerns of said Society, not repugnant to the laws of this Commonwealth, or the by-laws and orders of said Society; not less than five Managers shall constitute a quorum for transacting business, and all questions shall be decided by the votes of a majority of the Members present.

Rules and Regulations.

SEC. 6. *Be it further enacted,* That any writ or process against said Corporation may be served by the Officer's leaving an attested copy thereof with the Treasurer of said Society, or at her usual place of residence, thirty days before the return day thereof; and the said Treasurer, or any Agent appointed for that purpose, by the Society or Managers, may appear by Attorney, and

May be sued.

defend or prosecute any suit in behalf of said Society.

SEC. 7. *Be it further enacted,* That all instruments of conveyance or contract, which may lawfully be made by said Society, if approved by the Board of Managers, shall be signed by the first or second President, and countersigned by the Secretary ; and if necessary, sealed with the common seal of said Society ; and when so executed, shall bind the said Society and be valid in law.

Form of Instruments.

[Approved by the Governor, December 4, 1816.]

CHAP. LXIV.

An Act to incorporate the Trustees of the Ministerial Fund, in the first parish in Pembroke.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Alden Briggs, Nathaniel Loring, jun. and Anthony Collamore, be, and they hereby are appointed Trustees of the Ministerial Fund in the first parish in Pembroke, to receive and hold all the money and securities given to said first parish for the support of the Gospel, and to receive and hold all other property that now is, or that may be hereafter given to said parish, for the like purpose, in trust for the use and benefit of said parish, the interest of which to be applied for the support of a Gospel Minister, of the Congregational order or denomination ; and they and their successors in office shall constitute a body politic and corporate, by the name of The Trustees of the Ministerial Fund in the first parish in the town of Pembroke, to have perpetual succession for the due and faithful management of said trust ; and are hereby vested with all powers incident to Corporations, and necessary and requisite for that purpose.

Trustees.

SEC. 2. *Be it further enacted,* That the Trustees aforesaid shall hold their office for four years from the passing of this act, and until others are chosen in their place ; and all vacancies that take place, shall be filled by said parish ; and every four years said parish shall

Term of Office.

Dec. 5, 1816.

elect three persons, Members of said parish, as a new Board of Trustees; and whenever either of the Trustees shall cease to be a Member of the parish, he shall be considered as resigning his office as Trustee; and the vacancy thereby occasioned shall be filled by the parish; and the Trustees appointed by this act, and their successors, shall give bond to the Treasurer of said parish in double the amount of all money and securities in their hands as Trustees, with sufficient sureties, to the acceptance of the parish Committee, for the faithful discharge of the duties of their trust, and shall annually settle their accounts with the Committee of said parish, and pay over the interest arising from said fund to the Treasurer of said parish; and on producing from said Treasurer, a certificate of said payment, the parish Committee shall discharge said Trustees from the same; and said Trustees may exhibit their accounts for services to said parish for approbation and allowance, and the sums voted them shall be their compensation for services.

SEC. 3. Be it further enacted, That the Trustees aforesaid may loan the money belonging to said funds, but it shall be their duty in no case to loan it but as they secure the payment by a mortgage of real estate, unless such loan is made with the knowledge and consent of the parish Committee; and if said Trustees shall become seized of lands and tenements by mortgage as security for payment of any debts due said Trustees, or parish, and the fee by due course of law becomes vested in them as Trustees aforesaid, it shall be lawful for said Trustees, for the time being, to execute a good and lawful deed of the same to any purchaser; *provided* that the sale thereof be concluded on at any legal meeting of said parish: and whenever a Board of Trustees shall be discharged by the choice of a new one, or by any other cause, their bond shall not be cancelled by the Treasurer of said parish, until said Trustees shall produce a certificate from the parish Committee, that they have delivered over to the new Board of Trustees all the property in their hands belonging to said funds, in which case the Treasurer a-

Proviso.

Trustees may
loan money.

foresaid shall cancel their bonds, and execute their discharge.

[Approved by the Governor, December 5, 1816.]

CHAP. LXV.

An Act authorizing the sale of Ministerial Lands belonging to the first parish in North Yarmouth.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Ammi R. Mitchell, Samuel Mason, Alexander Barr, Jacob Mitchell, Nathaniel Jenks, John Hays, Timothy Davis, John Cut-
Persons incorporated
ter, Allen Drinkwater, Daniel Mitchell and David Seabury, be, and they are hereby constituted a body politic and corporate, by the name of The Trustees of the Ministerial Funds in the first parish in North Yarmouth; 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 the said Trustees, and their successors, shall and may annually elect a President and Clerk, who shall be under oath, faithfully to record the doings of said Trustees, at their meetings; and a Treasurer to receive and apply the monies hereinafter mentioned, as hereinafter directed, and any other needful officers, for the better managing their business. And said Treasurer shall give bonds to the President of said Trustees to double the amount of their funds, faithfully to perform his duty, and render an account of all monies which may come into his hands as Treasurer aforesaid, and to be responsible for all negligence and misconduct in his office.

SEC. 3. *Be it further enacted,* That the number of Trustees shall not, at any time, be more than eleven, nor less than seven, a majority of their number to con-

Election of Officers.

Number of Trustees.

Powers.

stitute a quorum for doing business ; and said Trustees shall have power to remove any of their number, who may become unfit and incapable, from age, infirmity, misconduct, or any other cause, of discharging their duty. And all vacancies shall be notified to the Assessors of said first parish, by the Clerk of said Trustees, and shall be filled by said parish, at any meeting legally warned for that purpose, within three months after being notified as aforesaid ; and if the said parish neglects so to do, within that time, then said Trustees, by a major vote, shall have power to fill up such vacancy.

Meetings.

SEC. 4. *Be it further enacted,* That 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 the said Trustees shall be obliged at each annual meeting of said parish to be holden in the month of March or April, to make a full and compleat 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 North Yarmouth.

Trustees may sue lands, and receive donations.

SEC. 5. *Be it further enacted,* That said Trustees be, and they hereby are authorised to sell and convey, in fee simple, all the Parsonage and Ministerial lands belonging to said parish, and to make and execute good and sufficient warrantee deed or deeds of the same, subscribed by their Treasurer by direction of said Trustees, with their seal thereunto affixed, which said deed or deeds shall be good and effectual in law to pass and convey the fee simple in said lands belonging to said parish, to the purchaser, to all intents and purposes whatever. And said Trustees are hereby authorized to receive any donations to the use and for the benefit of said parish, 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.

SEC. 6. *Be it further enacted,* That the monies arising from the sale of said lands, and the donations aforesaid, shall be put at interest as soon as may be, and

secured by mortgage of real estate to double the 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 authorized hereby to do.

Investment of Funds.

SEC. 7. *Be it further enacted,* That the annual income of the funds aforesaid shall be appropriated, two thirds thereof to the support of a Congregational Minister in said first parish, and the other third thereof to be added to the principal, until the annual income of said funds shall be sufficient to pay the Minister's salary, and all other parish charges, for defraying which parishes are now by law authorized to make assessments on the polls and estates within the same : and the said first parish shall have power to determine at any legal meeting called for that purpose, when the income of said funds is sufficient to pay the salary and expenses aforesaid, and when the whole of said annual income shall be appropriated to the payment thereof ; but it shall never be in the power of said Trustees or parish, to alienate the capital, or appropriate the annual income of said funds to any other than the purposes aforesaid.

Disposal of Income.

SEC. 8. *Be it further enacted,* That said Trustees, if entitled to any compensation for their services, shall receive such a sum or sums as may be voted by said parish, at any legal meeting thereof, to be paid out of the parish treasury. And said Trustees, their successors, and each of them, whether officers or not, shall at all times be accountable to said parish for any negligence, misconduct or wilful mismanagement of said funds, and the debt or damage recovered by said parish for such negligence, misconduct or mismanagement, shall be replaced in said funds, and applied accordingly.

Pay & accountability of Trustees.

SEC. 9. *Be it further enacted,* That Ammi R. Mitchell, Esq. be, and he hereby is authorized, to fix the time and place for holding the first meeting of said Trustees, and to notify each Trustee thereof.

First meeting.

[Approved by the Governor, December 5, 1816.]

CHAP. LXVI.

An Act to incorporate the Merchants' Insurance Company in Boston.

Persons incorporated.

SEC. 4. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Bourn Swett, James Howe, Joseph Balch, Benjamin Thompson and others, and such persons as have already or hereafter shall become Stockholders in said Company, being citizens of the United States, be, and they hereby are incorporated into a Company and body politic, by the name of The Merchants' Insurance Company in Boston, for and during the term of twenty years after the passing of this act ; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.*

SEC. 2. *Be it further enacted, That a share in the Capital Stock.*

capital stock of said Company, shall be one hundred dollars, and the number of shares shall be one thousand ; and if the said number of shares are not already filled, subscriptions shall be kept open, under the inspection of the President and Directors of said Company, until the same shall be filled ; and the whole capital stock, estate or property which the said Company shall be authorized to hold, shall never exceed two hundred thousand dollars, exclusive of premium notes or profits arising from said business ; of which capital stock or property, a sum not exceeding ten thousand dollars may be invested in real estate.

Officers.

SEC. 3. *Be it further enacted, That the stock, property, affairs and concerns of said Company, shall be managed and conducted by thirteen Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer ; which Directors shall, at the time of their election, and so long as they continue to be Di-*

rectors, be Stockholders and citizens of this Commonwealth, and not Directors in any other Company, carrying on the business of Insurance, and shall be elected on the first Tuesday in January, in each and every year, at such times of the day, and at such place in the town of Boston, as a majority of the Directors for the time being shall appoint ; of which election, public notice shall be given at least in two of the public newspapers, printed at Boston, at the time, and continued for ten days immediately preceding such election ; and such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors or President, and shall be made by ballot, by a majority of votes of the Stockholders present, allowing one vote to each share in the capital stock : *Provided*, that no Stockholder shall be allowed more than ten votes, and the Stockholders not present, may vote by proxy, under such regulations as the said Company shall prescribe.

Proviso.

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

Choice of Pres-
ident.

SEC. 5. *Be it further enacted*, That the President and six of the Directors (or seven of the Directors in the absence of the President) shall be a Board competent to transact business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of said Company,

Board of Off-
cers.

Duties.

and the transfer of shares, and touching the powers, duties and conduct of the several Officers, Clerks and Servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance or to the concerns of the Company ; and shall also have power to appoint a Secretary, and so many Clerks and Servants for carrying on the said business, and with such salaries and allowance to them, and to the President, as to the said Board shall seem meet : *Provided*, such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of this Commonwealth.

Proviso.

SEC. 6. Be it further enacted, That there shall be stated meetings of the Directors, at least once a month, and as often within each month as the President and Board of Directors shall deem proper ; and the President and a Committee of three Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the despatch of business ; and the said Board of Directors, and the Committee aforesaid, at and during the pleasure of the said Board, shall have power and authority on behalf of the Company, to make insurance upon vessels, freight, money, goods and effects, and in cases of money lent upon bottomry and respondentia, and to fix the premiums, risks 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 said Company ; and the assured may thereupon maintain an action upon the case against said Company ; and all losses duly arising under any policy, so subscribed, may be adjusted and settled by the President or Board of Directors, and the same shall be binding on the Company.

Dividends.

SEC. 7. Be it further enacted, That it shall be the duty of the Directors, on the third Tuesday of April and October in every year, to make dividends of so much of the interest arising from the capital stock and profits of the said Company, as to them shall appear advisable ; but the monies received, and notes taken

for premiums on risks, which shall be 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 the whole amount of stock is paid in, each Proprietor's or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares, at the time of said loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such time or times, as the Directors shall order ; and no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the capital ; and that, once in every two years, and oftener, if required, by a majority of 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.

Accountability.

Dividends.

SEC. 8. *Be it further enacted,* That the said Company shall not, directly or indirectly (except as is herein permitted for the investment of their funds) 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 after payment of each instalment, be invested in United States' stock, or in the funded debt of this Commonwealth, or in the stock of the United States' Bank, or of any incorporated Bank in this Commonwealth : *Provided*, that so much as the Company is at liberty to invest in real estate, may be kept in money or invested in stocks, until the same shall be invested in real estate, at the discretion of the President and Directors of said Company, or of other officers which the Proprietors shall for such purpose appoint.

Restrictions.

Proviso.

SEC. 9. *Be it further enacted,* That fifty dollars on each share subscribed in said Company, shall be paid within sixty days after the first meeting of the said Company, in money, and the remaining sum due on each share within one year afterwards, at such equal instalments, and under such penalties as the said Company shall direct ; and no transfer of any share shall

Instalments.

be permitted or be valid until all the instalments shall have been paid in.

SEC. 10. *Be it further enacted,* That the property of any Member of the said Company, vested in the stock of the said Company, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, to wit; in addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company, and the debtor's share or shares in the said Company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares not noted in the books of the Company previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Company, and his share or shares therein exposed to sale, in the same manner as is by law prescribed, where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of said Company; and the purchaser shall thereupon be entitled to the reception of all dividends and stocks to which the debtor was previously entitled; and upon any attachment being made or execution levied on any shares in said Company it shall be the duty of the Secretary of said Company, to expose the books of the Company to the officer, and furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Company, and the amount of the dividends due thereon.

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, subscribing or consenting to make any policy of insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed or made.

Real estate held
liable.

SEC. 12. *Be it further enacted,* That the President and Directors of said Company shall, previous to their subscribing any policy, and once in every year after, publish in two of the newspapers printed at the time in ^{Public notice,} 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.

SEC. 13. *Be it further enacted,* That the said President and Directors shall not be allowed to insure on any one risk, a larger sum than ten per centum of ^{Limitation of risks.} the amount of the capital stock of said Corporation actually paid in; and the said Company shall not, at any one time, have at risk more than five times the amount of the capital stock paid in.

SEC. 14. *Be it further enacted,* That the President and Directors of 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.

SEC. 15. *Be it further enacted,* That three of the Directors shall at every annual election become ineligible to a re-election, and remain ineligible for one year, so that nine only of any Board, and the President, can be re-elected.

Elections.

SEC. 16. *Be it further enacted,* That the said William B. Swett, James Howe, Joseph Balch and Benjamin Thompson, or any three of them, are hereby authorized to call a meeting of said Company as soon, and at such place in the town of Boston, as may be deemed expedient, by advertising the same for ten days, in two of the newspapers printed in said town, for the purpose of electing the first Board of Directors, who shall continue in office until the first Tuesday of January next following, and until others are chosen in their stead.

First meeting.

[Approved by the Governor, December 5, 1816.]

CHAP. LXVII.

An Act to incorporate the Second Congregational Society in Greenfield.

Sec. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Wells, Jonathan Leavitt, Jerome Ripley, Eliel Gilbert, George Grinnell, Ambrose Ames, Oliver Wilkinson, David Ripley, George Grinnell, jun. Quartus Wells, Abner Wells, Thomas W. Ripley, Franklin Ripley, John Russell, Asa Goodenough, Charles Stearns, Hooker Leavitt, John Dennio, Samuel Billings, Calvin L. Munn, Thomas Gilbert, Timothy Hall, Ansel Phelps, Guy Bordwell, Margaret Willard, Franklin Wells, Samuel Wells, jun. Timothy Hall, jun, Lucius Dickinson, Pliny Russell, Jonathan Smith, Elihu Severance, Alanson Clark, Ebenezer Newcomb, jun. Thomas Bridgman, Solomon Wells, Charles Lombard, Beriah Willard, John Russell, jun. Cyrus Martindale, Elizabeth Clap, Abner Wells jun. James Fisk, Jonathan Peirce, Betsy Bird, Rhoda Wells, Mary Swan, Theodore D. Lyman, Daniel Wells, Ebenezer Billings, Guy Arms, Elijah Alvord, 2d, James K. Cutler, Peter T. Sprague, Ascenath Stebbins, Elihu Lyman, Silas Logan, Joshua Leavitt, Clarissa Williams, Ezekiel B. Wells, and Ezekiel Bascom, with their families and estates, with such others as may here associate with them and their successors, be, and they hereby are incorporated into a Religious Society, by the name of The Second Congregational Society in Greenfield, with all the powers, privileges and immunities to which parishes are entitled by the constitution and laws of this Commonwealth; and may purchase, receive by gift or

*May hold real
and personal es-
tate.* otherwise, and hold real and personal estate, the annual income of which shall not exceed the sum of two thousand dollars, for the purpose of building a meeting-house and supporting public worship therein; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the

government of the said Society and the management of their ministerial funds ; *provided*, such by-laws and regulations shall be in nowise contrary to the laws and constitution of this Commonwealth.

SEC. 2. *Be it further enacted*, That the said Second Congregational Society in Greenfield shall be holden to pay their annual proportion of the salary of the Rev. Roger Newton, D. D. and it shall be lawful for the said town to cause the said salary to be assessed, collected and paid in the same manner as if the said town had continued one parish.

SEC. 3. *Be it further enacted*, That any person living in the said town of Greenfield, who may at any time hereafter be desirous of joining the said Second Congregational Society, and shall certify the same to the Clerk of the said town, which certificate shall be recorded by the said Clerk, shall thereafter, with his or her polls and estate, become a Member of said Congregational Society ; *Provided however*, that such person shall be held to pay to the parish or Society, which he or she shall leave as aforesaid, his or her proportion of all parish or Society taxes, assessed and not paid at the time of the filing such certificate with the town Clerk as aforesaid.

SEC. 4. *Be it further enacted*, That any Member of the said Second Congregational Society, who may at any time hereafter be desirous of leaving said Society and joining any other parish or religious Society in the said town of Greenfield, and shall certify the same to the Town Clerk of said town, which certificate shall be recorded by said Clerk, shall thereafter, with his or her polls and estates become a Member of such other parish or religious Society : *Provided however*, that such person shall be held to pay to said Second Congregational Society, his or her proportion of all Society taxes, assessed and not paid at the time of filing said certificate with the said Town Clerk as aforesaid.

SEC 5. *Be it further enacted*, That any Justice of the Peace for the county of Franklin, upon application therefor, be, and hereby is authorized and empowered to issue his warrant to some Member of said Second Congregational Society in Greenfield, requiring him

Proviso.

Continuity of
salary.Conditions of
secession.Conditions of
further seces-
sion.Justice to issue
warrant.

to notify and warn the Members thereof to meet at such convenient time and place as shall be appointed in said warrant for the election of such officers as parishes are by law required to choose at their annual parish meetings, and to transact such other parochial business as may be authorized in said warrant.

[Approved by the Governor, December 5, 1816.]

CHAP. LXVIII.

An Act to incorporate the First Congregational Society in Paris, in the County of Oxford.

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 Bolster, Isaac Bolster, Isaac Bolster, jun. David Bolster, Amari Brett, Luther Brett, Rufus Brett, Ezra Cary, David Clifford, David Durell, Abijah Hall, Cyprian S. Hall, Haven Hall, Caleb Prentiss, Asa Robinson, Joel Robinson, Jonathan Shurtliff, Daniel Stowell, Daniel Stowell, jun. Jacob Tewksbury and Charles Whitman, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated as the First Congregational Society in Paris, for religious purposes only, with all the powers and privileges, and subject to all the duties of other religious Societies, according to the constitution and laws of this Commonwealth.

SEC. 2. Be it further enacted, That any person dwelling in either of the towns of Paris or Hebron, who may hereafter be desirous to be a Member of the said First Congregational Society in Paris, shall declare his desire and intention in writing, and deliver the same to the Deacons or Clerk of said Society, fifteen days before the annual meeting of said Society, and shall also deliver a copy of the same to the Town Clerk, or to the Clerk of the religious Society, with which such person has been before connected, fifteen days before the annual meeting thereof; and if such person doth re-

Persons incorporated.

Rules for obtaining membership.

ceive, and can produce a certificate of admission, certifying that he or she has united with, and become a Member of the said first Congregational Society, such person, from the date of the said certificate, with his or her polls and estate, shall be considered Members of said First Congregational Society.

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

Conditions of
secession.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the county of Oxford, upon application therefor, be, and he is hereby empowered to issue a warrant, directed to a freehold inhabitant and Member of the said First Congregational Society in Paris, 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.

Justice to issue
warrant.

[Approved by the Governor, December 5, 1816.]

CHAP. LXIX.

An Act to incorporate Uriel Huntington and others, for the purpose of building a Bridge over the eastern branch of Cathance river.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Uriel Huntington, Isaac Leonard, William Lunt, Samuel Gray and Syms Gardner, together with such persons as already have or may

Persons incor-
porated.

BRIDGE OVER CATHANCE RIV. Dec. 5, 1816.

Privileges.

hereafter associate with them, be, and they are hereby made and constituted a Corporation, by the name of the Proprietors of the Bowdoinham Free Bridge ; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies politic may or ought to do or suffer : and the said Corporation shall and may use a common seal, and the same may break, alter or change at pleasure.

Meetings.

SEC. 2. *Be it further enacted,* That any three of the persons before named, may call a meeting of the Proprietors aforesaid, to be holden at any convenient time and place, by posting up one advertisement in some public place in Bowdoinham, seven days at least before said meeting ; and the said Proprietors, by a vote of a majority of those present, shall choose a Clerk, who shall be sworn to the faithful performance of his duty, and shall also agree on a method of calling future meetings , and at the same or some subsequent meeting, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary and proper for the regulation of the said Corporation, and for the carrying into effect the purposes aforesaid ; and this act, and all rules, regulations and proceedings of the said Corporation, shall be recorded by their Clerk, in a book or books to be kept for that purpose.

Election of officers.

SEC. 3. *Be it further enacted,* That the said Proprietors be, and they hereby are authorized and empowered to erect a Bridge over the eastern branch of Cathance river, (provided the same is completed within four years from the passing of this act) at any convenient place at or near the mouth of said branch,as may suit the said Proprietors; and that the said Bridge shall be well built, with good and durable materials, at least twenty-two feet wide, and covered with plank, with sufficient railing on each side for the safety of passengers, together with a draw of not less than thirty feet in width,which shall be duly attended, and at all times be opened by the Proprietors of the said Bridge when required, through which vessels may pass, both by day and by night, without toll ; and the said Bridge shall be seven

Dimensions of bridge.

feet high at the least, above high water across the channel.

[Approved by the Governor, December 5, 1816.]

CHAP. LXX.

An Act to incorporate the First Baptist Society in Westborough.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Elisha Morse, John Beeman, Seth Grout, Asahel Bellows, Moses Morse, John Belknap, Seth Belknap, Josiah Warren, Noyes Bryant, Abner Warren, Lawson Graves, Josiah Hardy, Elisha F. Valentine, Lydia Haskell, George Andrews, Phineas Haskell, William Williams, John Johnson, Jonathan Pike, Jabez G. Fisher, Hannah Hawes, George W. Beeton, Seth Peirce, Joshua Mellen, Joshua N. Mellen, Elam Stearns, Elijah Fay, Amasa Maynard, Edward Bellows, and Judson Woods, with their families and estates, together with such others, being inhabitants of either of the towns of Westborough, Southborough and Northborough, in the county of Worcester, and Hopkinton, in the county of Middlesex, as have or may hereafter associate with them, for the same purpose in the manner hereinafter described, be, and they are hereby incorporated into a religious Society, by the name of The First Baptist Society in Westborough, with all the powers and privileges and immunities to which other parishes are entitled by the constitution and laws of this Commonwealth for religious purposes only.

SEC. 2. Be it further enacted, That any person in either of the said towns of Westborough, Southborough and Northborough, or Hopkinton, being of the Baptist denomination aforesaid, who may at any time hereafter actually become a Member of, and unite in religious worship with the Society aforesaid, and give in his or her name to the Clerk of the town or parish to which he or she belongs, with a certificate

Proviso.

signed by the Minister or Clerk of said Society, that he or she has actually become a Member of, and united in religious worship with the aforesaid Baptist Society in Westborough, fourteen days previous to the town or parish meetings 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 part of said Society: *Provided however,* that such person shall be holden to pay the proportion of all money assessed in the town or parish, to which he or she belonged previous to that time.

Further secu-
sion.

SEC. 3. *Be it further enacted,* That if any Member of said Baptist Society shall at any time see cause to leave the same, and unite in religious worship with the parish in which he or she may reside, and shall lodge a certificate of such his or her intention, with the Clerk or Minister of said Baptist Society, and also with the Clerk of the town or parish in which he or she may reside, fourteen days at least before the annual town or parish meeting to be holden therein, in the month of March or April, and shall pay his or her proportion of all money assessed on said Society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which or she may reside, in the same manner, as if he or she had never belonged to said Baptist Society.

Warrant
meeting.

SEC. 4. *Be it further enacted,* That Nathan Fisher, Esq. be, and he is hereby authorized to issue a warrant, for directed to some suitable Member of said Baptist Society, requiring him to notify and warn the Members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose, in the month of March or April annually.

[Approved by the Governor, December 6, 1816.]

CHAP. LXXI.

An Act in further addition to an act, entitled "An act authorizing a Lottery for completing the repairs of Plymouth Beach."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Managers of the Plymouth Beach Lottery be, and they are hereby allowed to prosecute the business of said Lottery, until they shall have raised sixteen thousand dollars, with the necessary expenses attending the same, agreeable to the several acts passed on this subject; provided the Managers aforesaid shall, on or before the twenty eighth day of February next, give an additional bond to the Treasurer of the town of Plymouth, in the sum of fifteen thousand dollars, conditioned to pay into the hands of the Agent or Agents for applying the money to the object of this grant, the proceeds of the said Lottery, agreeable to the several acts passed on said subject; and when they shall have raised said sum, and closed the concerns of said Lottery, shall make up and exhibit to the Selectmen of the town of Plymouth, a fair account of their whole proceedings, which, if approved and accepted by said Selectmen, the said Managers shall be entitled to the return of their bonds in two years from the date of said settlement, and so much of the second and fifth sections of the act, entitled "An act authorizing a Lottery for completing the repairs of Plymouth Beach," as are inconsistent with the provisions of this act, be, and the same are hereby repealed.

Continuance of
lottery.
Managers' bond

[Approved by the Governor, December 9, 1816.]

CHAP. LXXII.

An Act to incorporate the New-England Religious Tract Society.

Persons incorporated.

SEC. 4. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Bartlet, of Newburyport, Nehemiah Cleaveland, of Topsfield, William Reed, of Marblehead, Joshua Bates, of Dedham, Henry Homes, of Boston, and their associates, be, and they hereby are incorporated and made a body politic, by the name of The New-England Religious Tract Society, for the purpose of publishing pious and useful books and tracts for distribution among the ignorant and destitute ; and by that name may sue and be sued, plead and be impleaded, appear in Court, defend and prosecute to final judgment and execution ; and, in their said corporate capacity, they may have and use a common seal ; and they and their successors forever, may take, possess and apply to the purposes of said Corporation, any monies which may be given for immediate use ; and may hold as a permanent fund, any estate, whether real or personal, the yearly income of which shall not exceed fifteen hundred dollars, and the same shall be faithfully appropriated to the object aforesaid, and not otherwise.

By-laws.

SEC. 2. Be it further enacted, That said Corporation may, at the first legal meeting thereof under this act, and at any subsequent legal meeting, make and establish such rules and by-laws, not repugnant to the constitution or laws of this Commonwealth, as shall be found expedient for the management of their concerns ; and may appoint such officers, and assign them such duties as the interest of the Corporation may require.

SEC. 3. Be it further enacted, That the first meeting of the said Corporation shall be held at Boston, on the Monday preceding the last Wednesday in May next, and that the said William Bartlet shall give notice of the time and place of meeting, by causing a

suitable advertisement to be inserted in the Columbian Centinel, at least three weeks successively before said day.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXIII.

An Act in addition to the act incorporating the Maine Missionary Society.

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 act incorporating "the Maine Missionary Society," passed the third day of March, in the year of our Lord one thousand eight hundred and nine, which limits the said act to the term of twenty years from the passing thereof, be, and the same is hereby repealed.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXIV.

An Act to incorporate the Trustees of the Ministerial Fund in the first parish in Cambridge.

Sec. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Abiel Holmes, Loammi Baldwin, William Hilliard, Abraham Hilliard, Timothy L. Jennison, Jonas Wyeth, the 2d, and Abel Whitney, all inhabitants of the first parish in Cambridge, be, and they hereby are constituted a body politic and corporate, by the name of The Trustees of the Ministerial Fund in the first parish in Cambridge; and they and their successors shall continue a body politic and corporate forever, by that name, for the purposes, with the rights and powers, and subject to the duties and obligations, hereinafter mentioned; and

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*May sue and be sued.**Proviso.**Trustees.**Vacancies filled up.**Funds.*

shall be vested with all other powers, incident to Corporations and requisite and necessary for those purposes ; and by the same name may sue and be sued, in

all actions, and pursue and defend the same to final judgment and execution : *Provided*, that the above named persons shall continue such Trustees as aforesaid, till said parish, at a parish meeting legally warned and holden for the purpose, shall elect seven persons, belonging to said parish, to be the successors of the above named persons in said Corporation, and until the persons, so chosen by said parish, shall accept the trust, and no longer.

SEC. 2. Be it further enacted, That said parish, if they see cause, may, annually, in March or April, at any legal meeting thereof, duly warned for the purpose, choose such number of Trustees as they shall judge proper, to be Members of said Corporation, instead of the same number of the then existing Members, who shall be designated by name in the vote of said parish.

SEC. 3. Be it further enacted, That whenever any vacancy happens among said Trustees, by death, resignation, removal, or otherwise, the said parish, at any parish meeting legally warned for that purpose, shall fill up said vacancy within one month after it shall happen ; and, if said parish neglects so to do within that time, then said Trustees, by a major vote, shall have power to fill up such vacancy.

SEC. 4. Be it further enacted, That the Trustees before mentioned, and their successors in office, be, and hereby are invested with power to demand, sue for, recover and receive all property, whether real, personal, or mixed, which now does, or which shall hereafter constitute said fund, or any part thereof, and all securities for, and evidences of such property, and to hold the same for the purposes mentioned in this act ; and to receive and hold, for the purposes herein mentioned, all subscriptions, donations, grants, bequests, devises and appropriations, that may hereafter be made, for the support of the Congregational Ministry in said parish ; *provided*, these, when added to the above mentioned fund, shall not exceed the annual income of two thousand dollars.

SEC. 5. Be it further enacted, That said Trustees

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may assemble and meet as often as they think necessary for the promotion of their trust, any four of whom shall constitute a Board for doing business, but the concurrence of four at least, shall be requisite to every act and proceeding whatever ; they may determine the manner of calling their meetings ; they shall appoint a Treasurer and Clerk ; an Agent or Agents, and other needful Officers and Committees ; they may make rules, regulations and by-laws, and annex to them penalties for the breach thereof, not repugnant to the laws of this Commonwealth ; they may have a common seal, and change the same at pleasure ; and they may alienate, by good and sufficient deed, or deeds, any real estate, the title whereof shall be vested in them, by way of mortgage, execution, or by operation of law.

Internal regulations.

SEC. 6. *Be it further enacted,* That the Clerk of said Corporation, who shall be a Member thereof, and shall be sworn in the same manner as town officers are, to the faithful performance of the duties of his office ; shall have the care and custody of all papers and documents belonging to said Trustees, excepting those, the care and custody of which are hereinafter given to the Treasurer ; and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereunto required ; and he shall call meetings when he may think the same necessary, or when thereto directed by said Trustees ; and do whatever else may be incident to his office ; and he shall deliver up to his successor in office, as soon as may be, all the papers, records and documents in his hands, in good order and condition ; and if he shall neglect so to do, for thirty days next after such successor shall be duly appointed, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such neglect afterwards.

Penalty.

SEC. 7. *Be it further enacted,* That the Treasurer shall give bond to said Trustees and their successors, with sufficient sureties, to be approved by them, in such penal sum as they shall require, amounting, at least, to twice the value of the fund, which they shall then hold and have the management of, for the purpose aforesaid, with condition to do and perform all the duties incum-

Duties of treasurer.

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bent on him as Treasurer; and he shall be the receiver of all money and effects due, owing and coming to them; and may demand, sue for and recover the same, in their name, unless prohibited by them; and he shall have the care and custody of the money and effects, obligations and securities for the payment of money, or other things, and evidences of property belonging to said Trustees, and be accountable to them therefor; and shall dispose of the same as they shall order and direct; and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, whenever they shall require the same to be done: and he shall deliver up to his successor in office, as soon as may be, all the books and papers, property and evidences of property, in his hands, in good order and condition; and if he shall fail to deliver up the same as aforesaid, for the space of ten days next after such Treasurer shall be duly chosen, he shall forfeit and pay a fine of fifty dollars, and the further sum of thirty dollars per month for such failure or neglect afterwards.

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

Records.

SEC. 9. *Be it further enacted,* That said Trustees shall cause to be recorded and kept in their book of records, by their Clerk, a correct statement of the funds and estate in their hands, wherein shall be particularly designated, so far as practicable, the nature and

amount of each original grant, devise, donation or purchase, the period when made, the design thereof, and the name of the grantor, devisor, donor, or vender, with his or her name, place of abode and addition, with such other facts and circumstances, as they shall think useful and proper, to distinguish the same and perpetuate the remembrance thereof; and they shall make a report of such statement to the inhabitants of said parish, ^{Annual report.} at their meeting in the month of March or April annually, where the same shall be publicly read, or to a select Committee, if said parish shall choose one for that purpose; together with a specific estimate of what estate they actually hold and by what tenure; what money and effects are due to them, and how the same are secured; and what receipts have been obtained, and what disbursements made by them, the preceding year.

SEC. 10. *Be it further enacted,* That said Trustees shall loan upon interest, at least, one half of all the money belonging to said fund, upon the bond, or note of the borrower, with a mortgage of real estate of double the value of the sum loaned, as collateral security for the repayment of the principal sum, with the interest annually, till paid, and the other half thereof they may loan as aforesaid, or vest in any of the public stocks, funds or banks of this Commonwealth; and said Trustees may appropriate the income of said fund, according ^{Appropriation of income.} to the intention of the donor, or donors, within the provisions of this act; so far as the manner of appropriation, has been or shall be prescribed by such donor or donors; but as to those parts of said fund, in relation to which the donor or donors have not, or shall not prescribe the manner of appropriation, said Trustees shall apply at least one third of the income thereof to augment said fund until the annual income of said fund shall amount to one thousand dollars, and then said Trustees may appropriate the whole interest of said fund, or any part thereof, so long as the annual income shall continue to be one thousand dollars, for the support of the Congregational Ministry in said first parish, as said parish shall from time to time direct; but in no case to lessen, or make use of, any part of the principal; and should said Trustees be possessed of a fund, the annual income whereof

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^{Proviso.} shall be more than sufficient to pay the salary or salaries of such Congregational Minister or Ministers, as shall be regularly ordained and settled in said parish by the joint concurrence of the inhabitants and church thereof, the surplus may be applied for the support of schools for teaching the principles of piety, morality and religion, and for teaching sacred music, or either of them, as said parish shall from time to time direct, or may be appropriated to increase said fund, within the limitation aforesaid: *Provided*, that nothing herein contained shall be construed to alter, impair, vacate, or in any way effect the contract now existing between said parish and their present Minister; but the proceeds of said fund, whenever the same shall be paid to him, shall be deemed to be in satisfaction of his salary, for the time being, so far as the same will apply to the discharge thereof.

^{Responsibility of Trustees.} SEC. 11. *Be it further enacted*, That if said Trustees shall fail to pay the annual income of said fund to the Congregational Minister, at any time legally settled in said parish, or so much thereof as such Minister shall be entitled to, for the space of thirty days after the same shall become payable, or they shall neglect to make report to said parish in March or April, annually, or to a select Committee, as in this act directed, they shall severally forfeit, for each offence, the sum of fifty dollars, and the further sum of thirty dollars per month afterwards, until they shall make payment as aforesaid, and until they shall prepare such report as aforesaid, and give notice thereof to the Clerk of said parish: Saving always, that said Trustees shall not be liable to the forfeiture aforesaid, for failing to make such payment as aforesaid, of said income, or so much thereof, as such Minister shall be entitled to, if they use due diligence to get possession of said income, and make payment thereof as aforesaid, on demand, after they shall have the possession thereof.

^{Compensation to Trustees.}

SEC. 12. *Be it further enacted*, That said Trustees shall be entitled to a reasonable compensation, to be paid by said parish, for their services and risk in managing and taking care of said fund and estate; but no part of such funds or estate, or the income thereof, shall ever be appropriated to that purpose.

SEC. 13. *Be it further enacted*, That all fines and

forfeitures incurred for any breach of this act, shall and may be recovered by action of debt by the inhabitants of said parish, if they shall sue for the same within six months after the same shall be incurred, for the use and benefit of said fund, and to be paid to said Trustees accordingly—otherwise by any person who shall sue therefor, one moiety thereof to his own use, and the other moiety thereof to the use and benefit of said fund, and shall be paid to said Trustees accordingly; and they may have and maintain an action of debt, to recover the same.

SEC. 14. *Be it further enacted,* That the above-named Loammi Baldwin, William Hilliard, and Abraham Hilliard, or any two of them, are hereby authorized and directed to appoint the time and place for holding the first meeting of said Trustees, and to warn such meeting accordingly.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXV.

An Act to incorporate the Trustees of the Salem-street Academy.

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 Rev. Asa Eaton, Shubael Bell, Thomas Clark, John Rice, Benjamin Smith, James W. Burditt, Nathaniel Faxon, John O. din, Scammel Penniman and Benjamin Clark, be, and they hereby are created a body politic and corporate, by the name of "The Trustees of the Salem-street Academy," and that they and their successors shall be and remain a body politic and corporate, under that name forever.

SEC. 2. *Be it further enacted,* That the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees to meet at such meetings; and also from time to time, to elect a President, Treasurer, Secretary, and such other officers of said Corporation as they shall judge expedient: Also to make orders, and enact, as occasion

Choices of Officers.

Regulations.

may require, a constitution, and such rules and regulations and by-laws, as they may think proper, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties for the good government of an Academy, erected in Salem-street, in the town of Boston.

Power of Trustees.

SEC. 3. Be it further enacted,, That the President and Trustees shall have full power and authority, from time to time, as they may determine, to elect a Preceptor, and such assistants, as they may judge proper, to manage the literary concerns of said Academy, to fix the salaries of each, and also to remove the Preceptor and assistants, when, in their judgment, they shall deem him or them incapable of discharging the duties of their offices, or shall neglect to perform the same.— And also to supply any vacancies that may happen by death, resignation or otherwise, in their Board; *provided nevertheless*, that the number of Trustees, including the President, shall never be more than five, nor less than three.

Proviso.

May sue and be sued.

SEC. 4. Be it further enacted,, That the said Corporation may have a common seal, which they may break, alter or renew at pleasure; and that all deeds and conveyances, signed and delivered by the Treasurer, and sealed with their seal, by order of the President and Trustees, shall, when made in their corporate name, be considered as binding on the Corporation. And that the said Corporation may sue and be sued, appear in Court, plead and be impleaded, in all actions, real, personal or mixed; and may prosecute the same to final judgment and execution, by the name of the Trustees of the Salem street Academy; and that the said Corporation shall have power to hold, and take, by gift, grant, devise or otherwise, any lands, tenements or other estates, real or personal; *provided* the annual clear income of the same does not exceed three thousand dollars.

First Meeting. **SEC. 5. Be it further enacted,**, That James W. Burditt be, and he hereby is authorized and empowered to call the first meeting of the Corporation, by leaving a written notification at the house of each Trustee, at least three days previous to the meeting.

[Approved by the Governor, December 9, 1816.]

CHAP. LXXVI.

An Act to incorporate the plantation, called Washington, into a town, by the name of Brooks.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the plantation, heretofore called Washington, lying in the county of Hancock, as described within the following boundaries, with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of Brooks ; beginning at a stake and stones in the northwest corner, surrounded by four beach trees, marked ; thence north eighty-seven degrees east three miles and one hundred and forty-nine rods to a beach tree, marked ; thence south twenty degrees west, three hundred and seventy-five rods to a hemlock tree, marked ; thence south seventy degrees east, three miles and two hundred and twenty rods to a spruce tree, marked ; thence south fifty-five degrees west four miles and two hundred and thirty nine rods to a birch, marked ; thence south sixty-eight degrees west two miles and one hundred and forty nine rods to a rock maple tree, marked ; thence north three degrees west six miles and six rods to the place of beginning. And the inhabitants of the said town of Brooks are hereby vested with all the powers and privileges, and shall also be 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 Phineas Ashmun, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable person, an inhabitant of the said town of Brooks, requiring him to notify and warn the inhabitants thereof, to assemble at such convenient time and place in said town, as shall be expressed in said warrant, for the choice of such town officers, as towns are by law required to choose at their meetings, in the months of March or April annually.

[Approved by the Governor, December 10, 1816.]

Boundaries.

Meetings.

CHAP. LXXVII.

An Act to establish an Academy in the town of Kingston.

SEC. 4. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be and hereby is established in the town of Kingston, in the county of Plymouth, an Academy, by the name of The Kingston Academy, for the purpose of promoting piety and virtue, and for the education of youth in the languages, and such of the liberal arts and sciences, as the Trustees hereafter named shall order and direct.

*SEC. 2. Be it further enacted, That Martin Parris,
Esq. Rev. Morrill Allen, and Dr. Zacheus Bartlett,
be, and they hereby are nominated and appointed Trus-
tees of said Academy, and are incorporated into a body
politic, by the name of the Trustees of Kingston Acad-
emy ; and they and their successors shall be and con-
tinue a body politic and corporate, by the same name,
forever ; and shall have a common seal, which they
may break, alter and renew at pleasure ; and may sue
and be sued in all actions, real, personal and mixed,
and prosecute and defend the same to final judgment
and execution, by the name of the Trustees of Kingston
Academy ; and shall have power and authority to elect
such officers as they shall judge necessary, and make
and ordain such laws, rules and orders, not repugnant
to the laws of this Commonwealth, for the government
of said Academy, as to them shall seem fit and requisite.*

May sue and be sued.

A.D. 1780.

and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of Kingston Academy; and shall have power and authority to elect such officers as they shall judge necessary, and make and ordain such laws, rules and orders, not repugnant to the laws of this Commonwealth, for the government of said Academy, as to them shall seem fit and requisite.

SEC. 3. Be it further enacted, That the number of the Trustees aforesaid shall not at any one time be more than seven, nor less than five, three of whom shall be necessary to make a quorum for transacting business; and the Trustees aforesaid shall have power to fill all vacancies, and, within three months from the date of this act, shall fill up the first Board of Trustees; and may, when said Board shall consist of at least five Trustees, hold, by grant, gift or devise, any estate, real or personal, which hath been heretofore given, granted, devised, or subscribed, or which may hereafter be given, granted, devised, or subscribed, for the purposes

Provisa.

aforesaid; *provided*, the annual income of said estate shall not exceed three thousand dollars; and all deeds and instruments, lawfully made by said Trustees, and sealed with their seal, shall bind said Trustees and their successors in office.

SEC. 4. *Be it further enacted*, That Martin Parris, Esq. be, and he is hereby authorized and empowered First Meeting to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXVIII.

An Act to divide the town of Dennis into two Parishes.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the town of Dennis, in the county of Barnstable, shall be, and hereby is divided into two separate Parishes, to be known as the North Parish, and the South Parish, by the following described lines, viz: Beginning at the division line between the towns of Yarmouth and Dennis, in the road to Chatham, near the Weldens'; thence easterly in said road opposite the house of Seth Bangs; thence easterly on such a course as to strike the easterly line of the said town of Dennis at a point therein, which is the northwest corner of the town of Harwich, and the southwest corner of the town of Brewster, near the White Pond, so called. And the said Parishes are respectively invested with all the corporate powers and privileges, and shall also be subject to all the duties and requirements of other parishes or religious societies, according to the constitution and laws of this Commonwealth.

Boundaries.

SEC. 2. *Be it further enacted*, That the public ministerial property in the said town of Dennis, shall be divided in such proportion as may be found and determined by the ministerial tax which was assessed for the present year, at the last assessment, made in the year of our Lord one thousand eight hundred and fif-

Division of property.

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teen. And each parishioner shall be taxed for his ministerial tax, on his whole property, in that Parish only in which he may dwell or reside.

SEC. 3. Be it further enacted, That any Justice of the Peace for the county of Barnstable, is hereby empowered to issue a warrant directed to a freehold inhabitant in each of said Parishes, respectively, requiring him to notify and warn the inhabitants in his own Parish, to meet at such convenient time and place as shall be appointed in said warrant, to elect and appoint such officers as parishes are by law empowered and required to choose and appoint, at their annual parish meetings.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXIX.

An Act to incorporate the First Congregational Society in Machias.

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 Stephen Jones, Peter Talbot, John Cooper, John Dickinson, Rosewell Hitchcock, Silas Turner, Walter Robbins, Israel Hovey, James Foster, Peter Talbot, jun. Samuel Elsemore, Edward Wiswall, Abijah Foster, George H. Avery, Luther Carey, Aaron L. Raymond, Moses Foster, William Pope, George Sevey, jun. Mariner Libbey, Ebenezer Libbey, David Libbey, Jacob Penniman, William A. Crocker, Moses Hanscom, Francis Libbey, John Crocker, Daniel Longfellow, John Stuart, John S. Kelley, John Conners, James Conners, Jonathan Longfellow, jun. William Flyn, James Elliot, William Silley, David S. Kelley, Abraham Butterfield, Ebenezer Albee, Ebenezer Inglee, George S. Smith, William Ellis Smith, William Sanborn, William Chase, Oake A. Ruggles, Elisha D. Chaloner, Elias Waterhouse, William Emerson, Henry S. Chase, Jabez W. Foster, Aaron M. Foster, Cyrus W. Foster, Enoch Hill, George Sevey, Enoch Waterhouse, jun. Micah J. Talbot, William Golding, Charles Emerson,

David Sevey, Pearl Howe, David Libbey, Edward Sevey, Marshall Thaxter, Jacob Longfellow, Samuel Smith, Newell Witherbe, Harrison Thacher, Nathan Longfellow, Josiah Hill, William Chaloner, Stephen S. Bowles, John Holway, Obadiah Hill, David Pineo, Nathaniel Ellis, John Palmer, Isaac Hanscom, John Smith, Ephraim Whitney, jun. Marshall Getchell, Enoch Longfellow, John Day, John C. Talbot, Levi Bowker, James W. Crocker, John Getchell, Joseph Goodhue, Daniel Averill, Amos Boynton, Stephen Smith, Caleb Carey, William Gardiner, Jonathan Longfellow, John Sevey, jun. Josiah Harris, Samuel Averill, Enoch Waterhouse, Consider Drew, Henry Lyon, and Alexander Drew, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated into a Society, by the name of The First Congregational Society in Machias, with all the powers, privileges, rights and immunities to which other parishes are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any person in said town of Machias, who may be desirous of becoming a Member of the said First Congregational Society, and shall declare such intention in writing, given to the Clerk of the said Society, fifteen days previous to the annual parish meeting, and shall receive a certificate thereof, signed by the said Clerk, that he or she has actually become a Member of, and united in religious worship with, the said First Congregational Society, such person shall be considered, with his or her polls and estate, as a Member of said Society.

Conditions of
Membership.

SEC. 3. *Be it further enacted,* That when any Member of said First Congregational Society shall desire to leave the same and unite in religious worship with any other religious Society in said town, and shall give notice of such intention in writing to the Clerk of said Society, and shall also give in his or her name to the Clerk of such other Society fifteen days previous to the annual meeting of said Society, such person shall have from the Clerk of said Society a certificate thereof, and be considered as released from the Society from the date of said certificate: *Provided however,* that every

Secession.

Proviso.

such person shall always be held to pay his or her proportion of all parish charges in the said Society assessed and not paid previous to leaving the same.

SEC. 4. Be it further enacted, That either of the Justices of the Peace for the county of Washington, upon application therefor, is authorized to issue his warrant, directed to some Member of the said Society, requiring him to notify and warn the Members thereof to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes are by law empowered and required to choose, at their annual meeting in March or April.

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

CHAP. LXXX.

An Act incorporating the town of Corinna 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 four, in the fourth range of townships, north of the Waldo patent, in the county of Somerset, as contained within the following described boundaries, be, and hereby is incorporated as a town, by the name of Corinna; viz. east by the town of Exeter, north by the town of Dexter, south by the town of Newport, and west by the town of St. Albans; and the inhabitants of the said town of Corinna are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other towns, according to the constitution and laws of this Commonwealth.

Boundaries.

Meeting for
choice of offi-
cers.

SEC. 2. Be it further enacted, That any Justice of the Peace for the county of Somerset, upon application therefor, is hereby empowered to issue a warrant directed to a freehold inhabitant of the said town of Corinna, requiring him to notify and warn the qualified voters therein to meet at such convenient time and place in the same 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 meetings in March or April.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXI.

An Act incorporating the town of Ripley 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 five in the fifth range of townships north of the Waldo patent, in the county of Somerset, as contained within the following described boundaries, be, and hereby is incorporated as a town, by the name of Ripley, viz. north by the township numbered five, in the sixth range of townships; east by the town of Dexter; south by the town of St. Albans, west partly by the town of Harmony, and partly by the township numbered three in the second range. And the inhabitants of the said town of Ripley are hereby vested with all the powers and privileges, and shall also be subject to all the duties and requisitions of other towns according to the constitution and laws of this Commonwealth.

Boundaries.

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 Ripley, requiring him to notify and warn the qualified voters therein to meet at such convenient time and place in the same 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 meetings in March or April.

Meeting for
choice of of-
ficers.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXII.

An Act to establish a Ministerial Fund in the First Parish in Topsham.

Sec. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Acter Patten, the second, Benjamin Orr, George Rogers, Humphry Purington, Thomas Gelston Sanford, George F. Patten, and Thomas Wilson be, and they are hereby appointed Trustees, and are incorporated into a body politic, by the name of The Trustees of the Ministerial Fund of the first parish in Topsham; and they and their successors shall be and continue a body politic and corporate forever; they shall have a common seal, subject to alteration; 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: The number of said Trustees shall not, at any one time, be more than seven, nor less than four, any four of whom shall be a quorum for transacting business: They may elect a President and a Clerk, who shall be sworn faithfully to perform the duties of his said office, and a Treasurer, who shall give bond to the said Trustees, in such penalty and with such sureties as they shall direct and approve of, conditioned for the faithful performance of the duties of said office, according to the true intent and meaning of this act; and the said Trustees shall supply all vacancies in their number from the Members of said parish; and they shall have power to remove any of their number, who may become unfit and incapable from age, infirmity, misconduct, or any other cause of discharging their duty; and they shall annually hold a meeting in March or April, and as much oftener as may be necessary for the election of officers and transacting other business of said Corporation; which meetings, after the first, shall be called and notified in such manner as the Trustees shall direct.

Sec. 2. Be it further enacted, That the said Trustees be, and they are hereby empowered to sell and con-

Persons incorporated.

Powers.

vey in fee, or lease for a term of years, not exceeding ten years, all the land, and any part thereof, belonging to the said parish, which has been, or may hereafter be granted and appropriated to the support of the Gospel Ministry therein ; and all deeds signed and delivered by the Treasurer of said Trustees, and sealed with their seal, by their order, shall, when made in their corporate capacity, be valid and sufficient in law, to pass and convey to the purchasers, the fee or term of years in the land aforesaid ; and the monies arising from the sale, or lease of said land shall be put on interest, and shall form a fund, the annual income of which shall be appropriated to the support of the Ministry in said parish ; and shall be under the care and management of said Trustees, in the manner provided and directed in this act. And all gifts, grants, devises or legacies which have been, or hereafter may be made to and for the same use and purpose, shall be added to the said fund, and shall be under the same care and management of the Trustees aforesaid ; and when said Trustees shall loan said monies, or any part thereof, the same shall be secured by mortgage on real estate of double the value of the money loaned, or secured by two or more sufficient sureties, with the principal, unless the said Trustees shall think it best to invest the said proceeds and fund in public securities or bank stock, which they, in their discretion, shall have power to do : And it shall never be in the power of the said Trustees, or the said parish, to alienate or alter the appropriation of the said Ministerial fund ; and the said Trustees shall annually apply the whole interests, rents and profits only of said fund to the support of the Ministry in said parish, in such manner as the parish, at a legal meeting shall direct ; and they shall, every year, at the annual meeting of said parish in March or April, exhibit to the parish their accounts with the Treasurer, expressing the receipts and payments, with the state of the fund ; and the Treasurer shall exhibit his account with the said Trustees, to the parish at the same meeting, and the parish may, at their discretion, appoint auditors, not exceeding three, to examine said accounts and vouchers, and report to the parish the state of said funds.

Disposition of
Funds.

Limitation of
Power.

Auditors.

Dec. 11, 1816.

Pay of officers.

SEC. 3. *Be it further enacted,* That the Trustees, or their officers, for any services they perform, shall be entitled to no compensation out of any money arising from the aforesaid fund, but a reasonable compensation may be made to them by the said parish ; and the said Trustees and their successors, and each of them, whether they be officers or not, shall be responsible to the said parish for their personal neglect and misconduct, and shall be liable to prosecution for any loss or damage resulting thereby to the funds aforesaid ; and the debt or damage recovered in such suit shall be added to said fund.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the county of Lincoln, upon application made by any two of said Trustees, in writing, under their hands, is hereby empowered to issue his warrant, directed to one of the Trustees, so applying, requiring him to notify and call a meeting of the said Trustees, to be held at such convenient time and place, as may be appointed in said warrant, to organize said Corporation, by the appointment of its officers, and for the transacting of any other proper business of the Corporation.

Call of meetings.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXIII.

An Act to incorporate the First Baptist Society in Corinth, in the county of Penobscot.

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 Joshua Herrick, Isaac Hodsdon, John Goodhue, George Simpson, Joseph Carr, William Stevens, Peletiah Simpson, Robert Simpson, Abner Tibbets, William Peabody, Benjamin Dyer, William Seaward, James Stevens, Oliver Stevens, Reuben Ball, Joseph Stevens, Timothy Simpson, John Hunting, Joseph Sylvester, together with their polls and estates, be, and they hereby are incorporated, by the name of The First Baptist Society.

in Corinth, with all the privileges, powers, and immunities, which parishes in this Commonwealth, by law enjoy.

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

Membership

SEC. 3. *Be it further enacted*, That when any member of said Society shall see cause to leave the same, and unite with any other religious Society, and shall give in his or her name to the Clerk of the said Baptist Society, signed by the Minister or Clerk of the parish, or other religious 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 Baptist 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.

Secession

SEC. 4. *Be it further enacted*, That Mark Trafton, Esq. be, and he is hereby authorized to issue his warrant, directed to some suitable Member of said Baptist Society, requiring him to notify and warn the Members of said Society, qualified to vote in parish affairs, to assemble, at some suitable time and place, in said town of Corinth, to choose such parish officers as are by law required to be chosen in the months of March

Meetings

or April annually, and to transact all other matters and things necessary to be done in said Society.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXIV.

An Act concerning Dower.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in all cases where any person has died or shall die, seized of any estate, leaving a widow, who is lawfully entitled to dower therein, such widow shall be, and hereby is entitled to have, and receive one undivided net third part of the rents, incomes and profits of such estate, until the heir or heirs of such deceased person shall assign and set out to such widow her dower, according to law, or until the same shall be actually assigned, and set out to her, under a judgment of Court, or an order of a Court of Probate.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXV.

An Act to incorporate an Association, for the support of a Parsonage in the town of Oxford.

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Nathan Hall, Elias Pratt, John Meriam, Stephen Prince, Sylvanus Town, Charles Town, Peter Butler, Ebenezer Meriam, Abijah Davis, Archibald Campbell, James Gleason, Samuel Coburn, Joseph Brown, jun. Martha Kingsbury, and David Nichols, be, and hereby are incorporated into a body politic, by the name of The Oxford Ministerial Association; and they and their successors shall be, and continue a body politic and corporate by that

Persons incor-
porated.

name forever ; and they may 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 may prosecute and defend the same to final judgment and execution.

SEC. 2. *Be it further enacted,* That said Association be, and hereby are authorized to raise, by subscription, the sum of four thousand dollars, to be appropriated to the purpose of purchasing land, whereon to erect a Parsonage House, for the use of the Congregational Minister in the town of Oxford, and for building said House and other necessary out-houses, under the direction of Trustees, to be chosen as is hereinafter provided ; and the said land and buildings shall forever continue the property of the Association for the use aforesaid, and no other.

Parsonage.

SEC. 3. *Be it further enacted,* That said property shall be divided into twelve equal shares, to be distributed among the Members of said Association, proportionally as they shall subscribe for the same ; and said shares shall, at all times, be transferable, and may be ^{shares transfer-} _{able.} conveyed, by deed or otherwise ; and the owners of said shares, or parts thereof, shall be Members of said Association ; and no person shall continue a Member when he or she shall cease to have an interest in the shares aforesaid.

SEC. 4. *Be it further enacted,* That there shall be a meeting of said Association on the first Monday of March annually, at which time there shall be chosen three or more Trustees, a Clerk, Treasurer, and such other officers as may be necessary to manage the concerns of the Association ; and said Trustees shall have the care and superintendance of the property aforesaid, and shall see that the same is exclusively appropriated for the purposes before-mentioned ; and shall render an account of their doings annually, and as much oftener as they may be required ; and said Trustees shall give bond to the Treasurer for the time being, in such sum as the Association shall direct, conditioned faithfully to discharge their trust.

Annual Meeting
for choice of
Officers.

SEC. 5. *Be it further enacted,* That whenever a vacancy may occur in any office, by death, resignation or removal from town, a meeting of the Association shall

Dec. 11, 1816.

Vacancies supplied.

be convened, as soon as may be, by the Clerk or Treasurer, by posting up a notification at the meeting house, or some public house or houses in Oxford, at least seven days before the time of said meeting ; at which meeting or an adjournment thereof, the vacancy may be supplied : And the Members of said Association shall have power, at any meeting regularly convened, to form and adopt such rules, regulations and by-laws as may be thought necessary ; *provided* the same be not repugnant to the constitution or laws of this Commonwealth.

Votes.

SEC. 6. *Be it further enacted,* That at all meetings of the Association, each share shall be entitled to a vote ; and if any share be holden by more than one individual, those owners thereof who shall be present, or shall have constituted a proxy, shall, together, be entitled to one vote, and no more.

Justices may call meeting.

SEC. 7. *Be it further enacted,* That either of the Justices of the Peace in the town of Oxford, may issue his warrant, directed to some Member of said Association, requiring him to notify and warn the first meeting thereof, at such time and place as said warrant shall designate ; at which meeting, the same being duly notified and convened, the said Association shall be organized, and proper officers chosen.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXVI.

An Act authorizing the President, Directors and Company of the State Bank to reduce their capital stock,

Diminution of Stock.

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 March next, the capital stock of the President, Directors and Company of the State Bank shall consist of a sum not more than three millions of dollars, nor less than eighteen hundred thousand dollars, as the same shall be determined at a meeting of the Stockholders of said Bank, to be holden as hereinaf-

ter provided ; the number of shares to be the same as at present established by law : *Provided however*, that no dividend of the capital stock of said Bank, as now existing, shall be made, until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, at the expense of the Corporation, that there exists in said Bank, funds belonging to said Corporation sufficient to pay all their bills in circulation, and all deposits and other demands existing against the same, beyond the sum then to be divided ; *provided also*, that nothing herein contained shall be construed to affect the liability of the Corporation, or the individual Stockholders, as established by the original act incorporating said Bank ; *and provided also*, that this act shall not authorize the reduction of the capital stock aforesaid, unless before the said first day of March next, the Stockholders of said Bank, at a legal meeting, to be called for the purpose, shall, by a majority of legal voters then present, agree to the provisions hereof ; *and provided also*, that the sum, to which the now existing capital stock of said Bank shall be reduced, as is herein before provided, shall be and continue the permanent capital stock of said Bank until the same shall be altered by law.

Proviso.

SEC 2. *Be it further enacted*, That the said President, Directors and Company shall be holden to pay into the Treasury of this Commonwealth, their proportion of the tax now required to be paid by law upon the existing capital of said Bank, until the same shall actually be reduced and the amount of such reduction divided and ordered to be paid over to the severall and respective Stockholders.

Tax.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXVII.

An Act to alter the times of holding the Circuit Court of Common Pleas, and Court of Sessions, within and for 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 the Circuit Court of Common Pleas, and Court of Sessions, within and for the county of Berkshire, shall, from and after the passing of this act, be holden at Lenox, within and for the Stated periods, said county, on the fourth Monday of February, June and October annually, instead of the times now appointed by law for holding said Courts.

SEC. 2. Be it further enacted, That all writs, recognizances, warrants, complaints, and every other process, precept, matter and thing returnable to said Courts on the first Monday of January next, and all parties and persons that have been or may be required or directed to appear and attend at the time and place last abovementioned, and all actions, indictments, suits, matters and things now pending in said Courts, or either of them, in said county, shall be returned to, entered, appear and attend, have day, be heard, tried and determined, in the said Courts respectively, at the term thereof, appointed by this act, to be holden on the fourth Monday of February next.

Transfer of bu-
siness.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXVIII.

An Act making provision for the payment of three fifth parts of the balance of the debt due from this Commonwealth for loans for defence in the late war.

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 Treasurer of this Commonwealth be, and he hereby is directed and em-

powered to pay on, and at any time after the twentieth day of February next, three fifth parts of the balance of the debt which may remain due from this Commonwealth on notes issued in conformity to an act passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fifteen, entitled "An act relating to loans made to defray expenses incurred by the Commonwealth during the late war, and for other purposes," in addition to the interest which then shall have accrued thereon : *Provided* a certain resolve, passed on the twentieth day of November, in this present year, authorizing the sale of the public stocks belonging to this Commonwealth, in the Boston and Union Banks, shall have been carried into effect; and so much of the money arising from said sales, as may be necessary, is hereby appropriated to this purpose.

Proviso.

SEC. 2. *Be it further enacted,* That the Treasurer shall issue new notes, bearing interest at the rate of six per centum per annum from the first day of October, in the year one thousand eight hundred and sixteen, to the several holders of the notes aforesaid, for the balance which shall be due to them, after deducting and paying off three fifth parts as aforesaid ; and the three fifth parts of the debt aforesaid shall cease to bear interest from the said twentieth day of February next.

New Notes

SEC. 3. *Be it further enacted,* That the new notes to be given by the Treasurer, shall be of the form following, signed by him, and countersigned by the Secretary of the Commonwealth, viz. :

LOAN FOR DEFENCE.

COMMONWEALTH OF MASSACHUSETTS.

1817.

No. 

Be it known, That there is due from the Commonwealth of Massachusetts, unto or bearer, the sum of dollars, bearing interest at the rate of six per centum per annum, from the first day of October, one thousand eight hundred and sixteen inclusively, payable half yearly, and subject to

Form of Note.

Dec. 13, 1816

redemption, in whole or in part, at the pleasure of the Commonwealth.

Secretary.

Treasurer.

[Approved by the Governor, December 11, 1816.]

CHAP. LXXXIX.

An Act to reduce the Capital Stock of the Boston Bank.

Sec. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first Monday of April, in the year of our Lord one thousand eight hundred and seventeen, the capital stock of the Corporation, created by an act of the Legislature, passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, by the name of The President, Directors and Company of the Boston Bank, be and the same hereby is reduced to the sum of nine hundred thousand dollars.

Diminution of Stock.

Shares.

Sec. 2. Be it further enacted, That the number of shares in said Bank shall, from and after the said first Monday of April, be twelve hundred, and that each share shall be of the estimated or nominal value of seventy-five dollars.

Sec. 3. Be it further enacted, That no dividend of the capital stock of said Bank, as now existing, shall be made until proof shall have been made to the satisfaction of the Governor and Council, or of Commissioners by them appointed, at the expense of said Corporation, that there now exists in said Bank funds belong-

funds. *ing to said Corporation, sufficient to pay all notes in circulation, and all deposits, and other demands existing against the same beyond the sum then to be reduced: and that nothing contained in this act shall be construed to affect the liability of the Corporation, or the individual Stockholders, as established by the original act incorporating said Bank, or any other existing law.— And the said Corporation shall be holden to pay into the Treasury of this Commonwealth, their proportion*

of the tax now required to be paid by law upon the existing capital of said Bank, until the same shall be actually reduced as aforesaid, and all arrearages of taxes paid.

SEC. 4. *Be it further enacted,* That the liability of the President, Directors and Company of the Boston Bank to loan to the Commonwealth, shall be in proportion to the sum of the capital of said Corporation, when reduced as aforesaid.

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

Tax.

Loans to State.

CHAP. XC.

An Act in further addition to an act, entitled "An act to regulate the paving of streets in the town of Boston, and for removing obstructions in the same."

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Selectmen of the town of Boston, for the time being, whenever in their opinion the safety or convenience of the inhabitants of said town shall require it, shall be, and they hereby are empowered to discontinue any street, lane or alley of the said town, or to make any alteration in the same, in part or in whole; reserving however, in all cases, to individuals who may sustain damage thereby, recompense for the same, to be ascertained and allowed in the same manner as is provided in the act, entitled "An act in addition to act entitled an act to regulate the paving of streets in the town of Boston, and for removing obstructions in the same."

Powers.

SEC. 2. *Be it further enacted,* That all orders, votes and determinations of the said Selectmen of the town of Boston, heretofore had and passed for the discontinuance of any street, lane or alley of the said town, or respecting any alteration in the same, in whole or in part, shall be held and considered as good and valid to all intents and purposes, as if the said act to which this is in addition, had explicitly vested said authority in the said Selectmen; reserving always to individuals

Orders, votes,
&c. valid.

Dec. 13, 1816.

recompense for damages sustained thereby as is provided in the said act.

Records.

Sec. 3. Be it further enacted, That the Selectmen of the town of Boston shall keep a record of all the streets, lanes and alleys of the said town, and of all the votes and proceedings relative to the same; and that copies thereof, certified by the Town Clerk, shall be valid to all intents and purposes.

Prohibitions.

Sec. 4. Be it further enacted, That from and after the passing of this act, no person shall raise up from any street, wharf or place of public resort within the town of Boston, for the purpose of storing the same, any cask, bale of goods, or other articles of merchandize, into the second or any higher story of any house, store or other building upon or adjoining the same, and on the outside of such buildings, and that no person shall deliver from the second or any higher story of any house, store, or other building on the outside of the same, which shall adjoin upon any street, wharf, or place of public resort, within the said town of Boston, any cask, bale of goods, or other article of merchandize, except at such times and places, and under such restrictions and limitations, as the Selectmen, for the time being, shall by writing authorize and direct. And every person who shall offend in manner aforesaid, shall forfeit and pay to the Commonwealth, for each and every such offence, a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered by indictment in the Municipal Court, for the town of Boston, with costs of prosecution; *provided*, that this shall not be construed to extend to the raising any materials or other articles which may be necessary in erecting, repairing or taking down any building within the said town of Boston, or for the convenience thereof, or for removing any merchandize or other article in case of danger by fire, or other inevitable casualty.

Penalties.

Proviso.

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

CHAP. XCI.

An Act concerning Banks.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, no Bank incorporated in this Commonwealth, shall issue any bill, note, check or draft, ^{Locality of bills} payable at any place other than said Bank, unless the same shall also, on the face thereof, be made payable at the Bank issuing the same; and no Bank shall issue any bill or note, redeemable at such Bank, in any other manner than by payment in specie.

SEC. 2. *Be it further enacted,* That every incorporated Bank within this Commonwealth, which has issued, or shall issue any bill, note, check or draft, redeemable in any other manner than by payment in specie, or payable at any place other than the place where such Bank is by law established and kept, shall be liable to pay the same in specie to the holder ^{Prompt payments.} thereof, on demand at said Bank, without a previous demand at the Bank or place where the same is, on the face of such bill, note, check or draft, made payable. And if the Bank which issued the same shall neglect or refuse to pay, on demand made as aforesaid, any bill, note, check or draft, such Bank shall be liable to pay to the holder thereof the same penalties as are provided in and by an act, entitled "An act to enforce the payment of Bank notes;" *Provided however,* that nothing herein contained, shall extend to any check or draft drawn by the President or Cashier of any Bank within this Commonwealth, on any other incorporated Bank, either within or without this Commonwealth, for any sum exceeding one hundred dollars; but all such checks or drafts shall first be presented for payment at the Bank on which the same shall be drawn, and in default of payment, the holder shall be entitled to recover against the Bank which issued the same, the amount of such check or draft, with two per cent. per month on the amount thereof,

Penalty.

Provis.

from and after the time when such check or draft shall have been refused payment, as additional damages in any action against such Bank for the recovery of such check or draft.

SEC. 3. Be it further enacted, That the second section of this act, so far as respects notes, bills, checks or drafts already issued, shall have effect from and after the first day of June next.
 Time of operation.

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

CHAP. XCII.

An Act to incorporate the Provident Institution for Savings in the town of Boston.

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 his Honor William Phillips, John Phillips, Samuel Parkman, James Perkins, Thomas Dawes, John Lowell, Russel Sturges, Jonathan Hunewell, Josiah Quincy, John D. Williams, James Prince, Thomas K. Jones, Richard Sullivan, Redford Webster, William Little, Samuel Snelling, Jesse Putnam, Esquires, Reverend Thomas Baldwin, D. D. Reverend William E. Channing, Reverend Charles Lowell, William Mackay, Elisha Ticknor, Jonathan Amory, jun. Samuel H. Walley, John L. Sullivan, John Bellows, Joseph Coolidge, jun. John Richards, Ozias Goodwin, John Dorr, Samuel May, Gedney King, William Ropes, Andrew Ritchie, Edward Tuckerman, jun. William Harris, David Greenough, Thomas Motley, Benjamin Smith, David W. Child, Gideon Snow, Edward Crust, Jacob Hiler, Jonathan Phillips, William Cochran, Nathaniel G. Snelling, Lewis Tappan, and James Savage be, and they hereby are incorporated into a Society, by the name, style and title of "The Provident Institution for Savings in the town of Boston;" and that they, and such others as shall be duly elected Members of the said Corporation, as is in this act provided, shall

be, and remain a body politic and corporate, by the same name, style and title forever.

SEC. 2. *Be it further enacted,* That the said Society and Corporation shall be capable of receiving, from any person or persons disposed to obtain and enjoy the advantages of said Institution, any deposit or deposits of money, and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

SEC. 3. *Be it further enacted,* That all deposits of money received by the said Society, shall be by the said Society used and improved to the best advantage ; and the income or profit thereof, shall be by them applied and divided among the persons making the said deposits, their Executors or Administrators in just proportion, with such reasonable deductions, and the principal of such deposits may be withdrawn at such times and in such manner as the said Society shall direct and appoint.

SEC. 4. *Be it further enacted,* That the said Society and Corporation shall, at their annual meeting in December, have power to elect, by ballot, any other person or persons as Members of the said Society.

SEC. 5. *Be it further enacted,* That the said Society may have a common seal, which they may change and renew at pleasure ; and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person, by their authority and direction, according to their Institution, shall be good and valid ; and the same Corporation shall, at all times, have power to sue, and may be sued, and may defend, and shall be held to answer, by the name, style and title aforesaid.

SEC. 6. *Be it further enacted,* That the said Society shall hereafter meet at Boston, sometime in the month of December annually, and as much oftener as they may judge expedient ; and any seven Members of the said Corporation, the President, a Vice President, Treasurer, or Secretary being one, shall be a quorum ; and the said Society, at their meeting in December annually, shall have power to elect and choose a President, Vice-President and all other such officers as to them shall appear necessary ; which officers, so cho-

Deposits;

Disposition of
the funds.

Annual meetings.

General pow-
ers.Election of offi-
cers.

sen, shall continue in office one year, and until others are chosen in their room ; and all officers, so chosen, shall be under oath to the faithful performance of the duties of their offices respectively.

By laws. SEC. 7. *Be it further enacted,* That the said Society hereby are, and forever shall be vested with the power of making by-laws for the more orderly managing the business of the Corporation ; *provided* the same are not repugnant to the constitution or laws of this Commonwealth.

First meeting. SEC. 8. *Be it further enacted,* That his Honor William Phillips, Esq. be, and he hereby is authorized, by public notification, in two of the Boston newspapers, to call the first meeting of the said Society, at such time and place, as he shall judge proper.

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

CHAP. XCIII.

An Act, in addition to an act, entitled " An act for incorporating certain persons therein named, by the name of the Trustees of the Church and Congregation in the second precinct in Pembroke,"

Additional trustees. 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 second precinct in Pembroke, in the county of Plymouth, be, and they hereby are authorized, at any legal meeting, by them called for that purpose, to choose by ballot, two or more Trustees, in addition to the number now appointed, under an act, entitled " An act for incorporating certain persons therein named, by the name of The Trustees of the Church and Congregation of the second precinct in Pembroke ;" provided, the whole number of Trustees shall not exceed nine, nor be less than five : and the Trustees, so chosen, as aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements of the present Board ; and all future compensation of said Board of Trustees for services, shall be paid by the precinct,

Proviso.

and shall not be taken from the fund, or its proceeds in their hands.

SEC. 2. *Be it further enacted*, That all future vacancies in said Board, shall be filled by said precinct, at any legal meeting of the same ; and a majority of the whole Board shall constitute a quorum for the transaction of business ; and so much of the act aforesaid, to which this is in addition, as is inconsistent with the provisions of this act, shall be, and the same is hereby repealed.

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

CHAP. XCIV.

An Act in addition to the several acts concerning Probate Bonds.

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 condition of the bond now by law required to be given by Administrators, before taking upon themselves that trust, shall be so far altered as to require Administrators (and Executors, in cases where by law they are now required to give bonds similar to those given by Administrators) to make a true and perfect inventory of all and singular the real estate, goods and chattels of the deceased intestate or testator : *Provided, however,* that all bonds which shall be given by Executors or Administrators, in the form heretofore provided, until the first day of June next, shall be, and hereby are declared to be good and valid, any thing herein contained to the contrary notwithstanding.

Inventories.

Proviso.

SEC. 2. *Be it further enacted*, That in cases where any Administrator shall have received the personal property of an intestate, and shall not have exhibited upon oath a particular inventory thereof, execution shall be awarded against him for such a part of the penalty of his administration bond as the Supreme Court of Probate shall, on a full consideration of all the circumstances of the case, judge reasonable ; any

Penalties.

thing in the second section of an act, entitled "An act for regulating proceedings on Probate Bonds, and directing their form in the Supreme Court of Probate," to the contrary notwithstanding.

Sureties. SEC. 3. *Be it further enacted,* That whenever the sureties in any Probate Bond, given by Executors, Administrators or Guardians, or by Trustees appointed in and by any last will, or by Trustees appointed by a Judge of Probate, shall be evidently insufficient for the purpose of such bond, the Judge of Probate, on the petition of any person interested, and after giving notice to the principal and sureties in such bond, shall have authority to require, from time to time, new bonds, with sufficient surety or sureties in the case; and if such Executors, Administrators, Guardians or Trustees, shall not, within a reasonable time, give such new bonds, they shall be removed from office, and others appointed in their stead: *Provided always,* that the original bonds of such Executors, Administrators, Guardians and Trustees, shall, notwithstanding such removal from office, remain in force for all the purposes for which they were originally given.

Proviso.

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

CHAP. XCV.

An Act authorizing Judges of Probate to make allowances to Widows of persons deceased, whose estates are insolvent.

*Allowance
widows.* SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in the settlement of the estates of persons deceased, insolvent, whether the deceased person died testate or intestate, the widow shall be entitled to her apparel, and such other and so much of the personal estate as the Judge of Probate shall determine necessary, according to her quality and degree; and such part of the personal estate as the Judge may allow the widow, shall not be assets in the hands of the Executor or Administrator; and in cases

where such allowances shall have been made from intestate estates, represented to be insolvent, which ultimately appear to be solvent, the Judges of Probate be, and hereby are respectively authorized, by a subsequent decree, to make such further allowances to the widow, from the personal estate of her husband, having regard to what shall have been allowed, as aforesaid, as is provided in and by an act, entitled "An act regulating the descent and distribution of intestate estates."

SEC. 2. *Be it further enacted,* That all allowances heretofore made by Judges of Probate from the personal estates of insolvent persons to their widows, be, and hereby are confirmed; saving and excepting, however, cases in which any order or decree of a Judge of Probate, making such allowance, has been revoked or annulled in the Supreme Court of Probate.

Allowances confirmed.

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

CHAP. XCVI.

An Act to incorporate the second Society of Universalists 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 Richard Faxon, John Brazer, Edmund Wright, Benjamin Russell, Thomas Wiley, Daniel C. Robinson, Martin Hersey, Nathaniel Hammond, Addison Bacon, William Barry, Levi Melcher, Elijah Loring, Caleb Wright, Pelatiah Rea, Daniel E. Powers, Joseph Badger, Samuel Hastings, Winslow Wright, Daniel Johnson, John Trull, and John Blunt, jun. and all others who may associate with them, be, and they hereby are incorporated as a Religious Society, by the name of The Second Society of Universalists in the town of Boston, with all the privileges, powers and immunities, to which other religious societies in this Commonwealth are entitled by law.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said Society shall be capable in law to purchase, hold and dispose

Dec. 13, 1816.

Proviso.

Assessments.

Meeting choice of officers.

of any estate, real or personal, for the use of said Society; *provided*, the annual income thereof shall not exceed at any time the value of three thousand dollars.

SEC. 3. *Be it further enacted*, That the Committee of the said Society, chosen at any legal meeting thereof, shall be authorized to raise, by assessment on each Member of said Society, such sum or sums of money as may be by them considered a proportionate part of the expenses of settling and maintaining such Minister or Ministers of the Gospel, as the Society may call and elect, and the contingent expenses of the Society; and generally to do and transact all business for the said Society as they may think fit and proper.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Suffolk, be, and he hereby is authorized to issue his warrant to some Member of said Society, requiring him to warn the members thereof to meet at such convenient time and place, in said town of Boston, as shall be therein directed, to choose a Moderator, a Clerk, a Treasurer and such other officers, Committee or Committees, as they shall think needful. And the Moderator, so chosen, and Moderators, chosen at any future meetings of the said Society, shall have authority to administer the oaths of office to the Clerk and any other Officers which the Society shall think proper to elect, and from whom the said Society may think it necessary and proper, by a vote in any of its meetings, to require an oath, for the faithful discharge of the duties of their office.

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

CHAP. XCVII.

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

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

sing of this act, the number of Directors in the Mechanics' Bank in Newburyport, shall be seven, four of whom shall be a quorum, any thing in the act to which this is in addition to the contrary notwithstanding.

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

CHAP. XCVIII.

An Act to prevent the destruction of Fish in the town of Pittsfield.

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, whosoever shall kill, take or catch any Pickerell or Trout in any pond, river or stream within the town of Pittsfield, other than by or with a hook, or hooks and line, shall forfeit and pay the sum of five dollars for each and every Pickerell or Trout so taken, to be recovered by any person who may sue for the same, to his own use, before any Justice of the Peace within the same county.

Penalty.

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

CHAP. XCIX.

An Act in addition to an act, entitled "An act for the preservation of Fish in Penobscot River and Bay, and the several streams emptying into the same."

SEC. 1. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all wears in the ^{Wears remov-}_{ed.} Penobscot River or Bay, or in the streams emptying into same, shall be, by the person or persons interested therein, entirely removed therefrom or demolished, on or before the fifth day of July annually; and in case the said person or persons, so interested in said wears,

Powers of War-
den.

shall fail so to remove or demolish the same within the time prescribed, he, she or they shall forfeit and pay the sum of fifty dollars, recoverable by indictment before the Circuit Court of Common Pleas, sitting in the county where the offence occurs; the whole to be to the use of the same county: *Provided* moreover, it shall and may be lawful for any Fish Warden, and he is hereby authorized to remove or demolish any wear aforesaid, which shall remain after said fifth day of July annually.

Duties of War-
den.

SEC. 2. *Be it further enacted,* That the Circuit Court of Common Pleas for the third Eastern Circuit, whenever sitting either in the county of Hancock or Penobscot, is hereby authorized and directed annually to appoint a suitable number of Fish Wardens, not exceeding ten, for the unincorporated places of the county contiguous to said river, and the streams emptying thereinto, and to assign to each of them their respective wards or districts; and the said Fish Wardens, so appointed by said Court, after being duly sworn to the faithful discharge of their trust, are to perform the same duties, to have the same powers, and to be subject to the same penalties, as other Fish Wardens are in the act to which this is in addition: and the said Court is further authorized to allow such Fish Warden, so appointed, to be paid out of the County Treasury of his County, one dollar for each and every day he shall be actually employed in the performance of his duties as a Fish Warden: *Provided* he render his account for services in writing, and on oath, before any allowance be made to him.

Penalties.

SEC. 3. *Be it further enacted,* That in case any wear be erected or continued in said river or bay, or any of the streams emptying into the same, without the license of the Selectmen of the town contiguous to the place where the erection or continuation of such wear is contemplated, every person who shall be interested or concerned in the erection of such wear shall forfeit and pay one hundred dollars, to the use of the county in which the offence occurs, recoverable by indictment in any Court proper to try the same within the same county.

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

CHAP. C.

An Act to incorporate the Congregational Society in
the town of Southbridge.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Daniel Morse, Joshua Harding, Samuel Newell, Oliver Plimpton, Jason Morse, Freeman Pratt, Frederick William Bottom,^{Persons incorporated.} Fletcher Foster, Abel Mason, jun. Timothy Paige, George Sumner, Oliver Mason, jun. James Wheelock, Ralph Harding, Elbridge G. Harding, Salem Marsh, Calvin Ammidown, Joseph Clark, Abel Mason, Ralph Wheelock, Waterman Potter, Pliny Arnold, Ebenezer D. Ammidown, Asahel Prouty, Oliver Mason, Smith Foster, Duty Marsh, jun. Moses Mason, Henry Hooker, Abijah Richardson, Parker Morse, John Rider, Munson Morse, Enoch Bacon, Stephen H. Eastabrook, Corban Lyon, John Newhall, Jonathan Green, George Gleason, Nathaniel Marsh, David Atherton, Smith Ellis, Denison Wheelock, Duty Marsh, John Marsh, Alpheus Foster, Joseph Eaton, Moses Wheelock, Aaron Putnam, John Marsh, jun. Joel Walker, Dresser Bacon, Benjamin Walker, Hinsdale Foster, Davis Wheelock, Calvin Wheelock, Luther Wheelock, Chauncy Plimpton, Samuel Austin Groves, Samuel Lewis Newell, Bela Carpenter, with their families and estates, together with such others as may hereafter associate with them and their successors, be, and they are hereby incorporated as a Religious Society, by the name of The Congregational Religious Society in Southbridge, with all the powers and privileges which other religious societies enjoy, according to the laws and constitution of this Commonwealth.

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 Congregational 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

Membership.

SOCIETY IN SOUTHBRIDGE. Dec. 13, 1816.

Clerk of said Society, that he or she hath actually become a Member of, and united in religious worship with said Congregational 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 said Congregational Society, and a certificate, signed by the Minister or Clerk of the parish, or other religious 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 such other 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 in such certificate, with his or her polls and estate, be considered as a Member of the Society with which he or she may so unite.

SEC. 4. *Be it further enacted,* That any Justice of the Peace in the town of Southbridge, be, and he hereby is authorized and empowered to issue his warrant, directed to some suitable Member of said Society, requiring him to notify and warn the Members of said Society, qualified to vote in parish affairs, to meet at such time and place in the said town of Southbridge, as shall be appointed in said warrant, 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, December 13, 1816.]

Proviso.

Secession.

Meeting to
choose officers.

CHAP. CI.

An Act to incorporate the Eastern River Lock and Sluice 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 John N. Swazey, Joseph R. Folsom, and Joseph Lee, together with such other persons as may be associated with them, and their successors, shall be a Corporation, by the name of The Eastern River Lock and Sluice Company; and by that name may sue and be sued, defend and be defended, prosecute and be prosecuted; shall have a common seal, which they may alter at pleasure, and shall enjoy all the privileges and powers, and do and suffer all such matters and things as are incident to similar incorporations.

SEC. 2. Be it further enacted, That said Corporation be, and hereby are empowered, within the term of five years from the passing of this act, to make a Sluice and Lock or Locks, from the outlet of Eastern River Great Pond, so called, to the waters below the falls, at the head of the tide in the town of Orland, in the most suitable and convenient place for making the same; and to erect such dam or dams, as may be necessary for the safety and convenience thereof: Provided that nothing in this act shall interfere with the provisions of a law, passed on the twenty-second of February, one thousand eight hundred and fourteen, entitled "An act for the preservation of Fish in Penobscot River and Bay, and the several streams emptying into the same;" or any subsequent law enacted, or which may be enacted for that purpose.

SEC. 3. Be it further enacted, That if any person or persons shall suffer any damage by means of said Lock or Sluice, and the parties cannot agree upon the amount of damages thus occasioned, nor upon some suitable person or persons to estimate the same, then in such case a disinterested Committee of three freeholders shall be appointed by the Circuit Court of Common Pleas

Dec. 13, 1816.

Proviso.

for the third Eastern Circuit, when holden in and for the county of Hancock, to ascertain the damages ; and the determination of the Committee, so appointed, shall be the measure of damages : *Provided however*, that if either party shall be dissatisfied with the report of said Committee, and shall, at the same session of the Court aforesaid, at which said report shall be made, apply to said Court for a trial by Jury, in the manner other like causes are determined, the Court aforesaid shall have power to determine the same by a Jury as aforesaid ; and if the verdict of the Jury shall not give the party applying, a greater sum in damages, than the said Committee shall have awarded as aforesaid, the said Court shall award costs against the applicants ; but if said decision shall be more favorable to the party applying, than the report of said Committee, the said Court shall render judgment accordingly, and issue execution in either case.

SEC. 4. Be it further enacted, That if any person or persons shall wilfully or mischievously, in any manner, injure or destroy said Locks or Sluice, or any other works connected with them, or parts thereof, or divert or obstruct the waters, to the damage of the proprietors thereof, he, she or they shall pay treble the value of such damage, as said proprietors shall, before the Court and Jury, before whom trial shall be had, make to appear said proprietors have sustained, by means of said trespass ; to be sued for and recovered, in any Court proper to try the same.

Wanton injury.

SEC. 5. Be it further enacted, That a toll be, and is hereby granted and established, for the benefit of said proprietors, their successors and assigns, according to the rates following, viz. : For each thousand feet of boards, plank and scantling, board measure, twenty cents ; for each cord of wood and bark, twenty cents ; for each ton of timber, ten cents ; for each thousand of staves, twenty cents ; for each thousand of clapboards, ten cents ; for each thousand of shingles, three cents ; for each hundred of posts and rails, fifteen cents : And as soon as the said Locks and Sluice shall be completed, the said Corporation shall have power to lay and collect the tolls aforesaid, on all the several articles as they pass the same.

Rate of tolls.

SEC. 6. *Be it further enacted,* That the persons named in this act or any two of them, shall have power to call the first meeting of said Corporation, giving First Meeting. each proprietor personal notice of the time and place of such meeting, seven days at least before the time appointed for said meeting ; and said proprietors, when met as aforesaid, may agree upon the method of calling future meetings, elect officers, and do and transact such other things as they may deem necessary.

SEC. 7. *Be it further enacted,* That if the said Corporation shall not, within the said term of five years, erect and complete the said Locks and Sluice as aforesaid, then this act shall be void ; and if the said Corporation at any future time after the said Locks and Sluice are completed, shall neglect to keep the same in suitable repair, for the space of one year, at any one time, then this act shall likewise become void and of no effect. Conditions.

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

CHAP. CII.

An Act to incorporate the Trustees of the Ministerial Fund in the north parish in Berwick.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joseph Fogg, Samuel Goodwin, Elijah Hays, Reuben Hays, Mark Libbey, Samuel Lord, Joseph Prime, John Staples, and Samuel Wentworth, be, and they are hereby appointed Agents and Trustees to sell the lands appropriated for the use of the Ministry in the north parish, in the town of Berwick, in the county of York ; and the monies arising from the sale of said lands to put out at interest in the manner hereinafter directed ; and the said Trustees are hereby made a body politic and corporate, by the name of The Trustees of the Ministerial Funds in the north parish in Berwick ; and they and their successors in that office, shall have and use a common seal, and, by the name aforesaid, may sue and be sued Persons incorporated.

in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution, and shall exercise all other powers and privileges incident to similar Corporations.

SEC. 2. Be it further enacted, That the said Trustees, and their successors in office, shall annually elect a President, and a Clerk who shall be sworn faithfully to record the doings of the said Trustees, and a Treasurer to receive and apply the monies belonging to the said Funds, as is directed in this act ; and also any other needful officers or agents, for the better managing their business ; and all such elections shall be by written votes.

SEC. 3. Be it further enacted, That the number of the said Trustees shall never exceed nine nor be less than six, any five of whom may be a quorum for doing business ; and they shall have power, from time to time, to fill up vacancies in their number, happening by death, resiguation or otherwise ; and they shall also have power to remove any one of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge his duty ; and to supply any vacancy, so occasioned, by a new choice from the inhabitants of said parish ; and the said Trustees, and each of them, shall be responsible to the said north parish in Berwick, 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 a meeting annually in March, and as often as the affairs of the said Fund may require ; which meetings shall be notified and called in such way and manner as the said Trustees at any meeting may order and direct ; and the Treasurer of the said Funds shall give bonds to the acceptance of the said Trustees, for the faithful performance of his duty, and be at all times responsible for the faithful application and expenditure of monies which may come into his hands, conformable to the true intent and meaning of this act, and for all negligence or misconduct of any kind, in his said office.

Number and
powers of trustees.

Treasurer to
give bonds.

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

SEC. 5. *Be it further enacted,* That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said parish Ministerial lands, and of the interest arising therefrom respectively; which accounts, they and their successors in office shall exhibit to the said parish, at their annual meeting for the choice of parish officers; and the said Trustees and others, who may by them be employed in the business of the said Funds, shall receive no compensation from the monies of the said Funds, but a reasonable compensation may be made to them, and the Treasurer, or other officers or agents, by the parish, at their discretion; and the interest accruing on the monies arising from the sale of the said Ministerial lands, shall be appropriated and uniformly applied for the support of the Gospel Ministry in the said north parish in Berwick; and it shall never be in the power of the said parish to alienate or alter the appropriation of the said Funds provided in this act.

SEC. 6. *Be it further enacted,* That any Justice of the Peace for the county of York, upon application therefor, is hereby authorized to issue a warrant, directed to 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 ap-

Records,

Compensation
to officers.

Dec. 13, 1816.

pointed in the said warrant, to organize the said Corporation by the election and appointment of its officers.

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

CHAP. CIII.

An Act for the more effectual regulation of the Market in the town of Salem, and for other purposes.

Rules & orders.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen of the town of Salem, for the time being, be, and hereby are authorized to make any rules and orders, not repugnant to the constitution or laws of this Commonwealth, for the due regulation and government of the Market-house of said town, and of the Market-carts, waggons, sleds, sleighs, and other vehicles or carriages, used for marketing in said town, and of the marketmen who frequent said town for the purpose of buying and selling provisions and other commodities in open market ; and the said Selectmen be, and hereby are authorized to appoint, from time to time, suitable places in the streets, squares and other public places in said town, in which all waggons, carts, sleds, sleighs, or other vehicles or carriages containing provisions, wood, hay, barrels, or other commodities for sale in open market, shall stand, for the purpose of such sale ; which rules and orders, when approved by the inhabitants of said town, in legal town-meeting assembled, shall be and become by-laws of said town, and shall be binding upon all persons whomsoever. And such rules and orders, when so approved, shall be published in all the newspapers printed in said town. And if any person or persons shall, after the same shall have been published as aforesaid, offend against any of such rules or orders, he, she or they shall, for each offence, forfeit and pay a sum not exceeding ten dollars, to be recovered on complaint of either of the Selectmen of said town, or of any person or persons who shall be appointed by them as Inspector or Inspectors of the Police of said town, before any

Penalties.

Justice of the Peace for the county of Essex, resident in said town, or elsewhere in said county. And all fines and forfeitures, recovered on any such complaint, shall be paid to the Overseers of the Poor of said town, to be distributed among such poor, according to the discretion of the said Overseers.

SEC. 2. *Be it further enacted*, That in every such complaint under this act, as well as in all other complaints for breaches of any of the by-laws of said town, it shall be sufficient summarily to state the offence, and to conclude with an averment that the same is against the by-laws of the said town, without reciting the by-law or by-laws on which such complaint shall have been founded, or the time or manner in which the same was or were passed or approved.

Averment on
complaints.

SEC. 3. *Be it further enacted*, That until such rules and orders shall be made by the Selectmen of said town, and approved as aforesaid, the present by-laws of said town upon the same subject shall be binding to all intents and purposes upon all persons coming within the purview thereof. And for breaches of the same by-laws, the same remedies may be had and pursued, in the same manner as is provided in this act for breaches of the rules and orders hereafter to be made and approved as is herein provided.

Regulations.

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

CHAP. CIV.

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

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That Joshua Woodman, Henry Morrell, James Folsom, Jonathan Collins, Chandler Dow, Joseph Parsons, and Thomas Flanders, be, and they hereby are appointed as Trustees to sell all the Ministerial and School lands in the town of Cornville in the county of Somerset, except the lands reserved for the first settled Minister in said town; and

Trustees.

Body Politic.

the monies arising from the sale of said lands, to put out at interest, in the manner hereinafter directed ; and the said Trustees are here made a body politic and corporate, by the name of The Trustees of the Ministerial and School Funds in the town of Cornville ; and they and their successors in that office shall have and use a common seal, and, by the name aforesaid, may sue and be sued, in all actions real, personal and mixed, and prosecute and defend the same to final judgment and execution ; and shall exercise all other powers and privileges, incident to similar Corporations.

*Powers.**Officers.**Records.**Annual Election.**Number of trustees.**Removal from office.**Responsibility.*

SEC. 2. *Be it further enacted,*, That the said Trustees and their successors in office shall annually elect a President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and apply the monies belonging to the said Funds, as is directed in this act, also any other needful officers or agents for the better managing their business. And all such elections shall be by written votes, and the inhabitants of said Cornville, 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 four persons, as associates with the before-named Trustees ; and after the said Corporation shall be duly organized according to the provisions of this act, one of the said four associates, chosen as aforesaid, shall annually retire by lot, and the vacancy, so made, shall be supplied by a new election, so that one new Member of the said Corporation may be elected annually forever.

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

tion for any loss or damage to the said Fund, 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 a meeting annually in March, and as often as the affairs of the said Funds may require, which meeting shall be notified and called in such way and manner as the said Trustees, at any meeting, may order and direct ; and the Treasurer of said Fund shall give bond to the acceptance of the said Trustees for the faithful performance of his duty ; and the Clerk shall be sworn to the faithful discharge of his trust.

SEC. 4. *Be it further enacted,* That the said Trustees are hereby authorized to sell and convey all the Ministerial and School lands in the said town of Cornville, which were reserved in its grant and location, excepting the lot usually reserved for the first settled Minister as aforesaid, and to make, execute, acknowledge and deliver good and sufficient deeds thereof ; which deed or deeds, subscribed by the Treasurer and countersigned by the Clerk, with the seal of said Trustees affixed, shall be good and effectual in law to convey the fee simple from said town to the purchaser ; and all the monies arising from the Ministerial and School lands in the said town of Cornville, shall be put to use, as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned, 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, which they may do at their discretion.

SEC. 5. *Be it further enacted,* That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said School lands, from those of the Ministerial lands, and of the interest arising therefrom, respectively ; which accounts they and their successors in office, shall exhibit to the town at their annual meeting for the choice of town officers ; and the said Trustees and others, who may by them be employed in the business of the said Funds, shall receive no compensation from the monies of the said Funds, but a reasonable compensation may be made to them ; and the Treasurer, or other officers or

Separate ac-
counts.

Compensation
to officers.

Appropriation
of interest,

agents, by the town, at their discretion ; and the interest accruing on the monies coming from the sale of the said Ministerial lands shall be appropriated and uniformly applied for the support of the Gospel Ministry in the town of Cornville. And the interest accruing on the monies coming from the sale of the said School lands, shall be appropriated and uniformly applied for the support of instruction in the public free Schools in the said town of Cornville ; 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.

First Meeting.

SEC. 6. *Be it further enacted*, That any Justice of the Peace for the county of Somerset, upon application therefor, is hereby authorized to issue a warrant, directed to one 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, December 14, 1816.]

CHAP. CV.

An Act to incorporate the West-Cambridge Baptist Society.

Persons incor-
porated.

Powers.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That James Frost, Benjamin Locke, Nathaniel Goddard, Isaac Cutter, Ger-shom Swan, Philemon R. Russell, Aaron Cutter, Samuel Jones, Timothy Swan, Samuel Cutter, Isaiah Jenkins, William Locke, James Locke, William Locke, jun. Elkanan Blanchard, Elizabeth Williams, Mary Cutter, Peter Swan, and Philemon R. Russell, jun. together with their families and estates, and such other persons as may hereafter join them and their successors, be, and they are hereby incorporated into a Religious Society, by the name of The West-Cambridge Baptist Society, with all the powers, rights, privileges and im-munities, and subject to all the duties to which other

Religious Societies within this Commonwealth are by law and the constitution respectively subject and entitled.

SEC. 2. *Be it further enacted*, That said Society, so incorporated, shall have power to receive, by donation or otherwise, and to purchase, hold and enjoy such real and personal estate, as they may deem necessary for the due support of religious worship in said Society ; ^{May hold real estate.} provided the same shall not exceed in value the sum of thirty thousand dollars.

SEC. 3. *Be it further enacted*, That James Frost of Cambridge, Benjamin Locke, of West-Cambridge, and Philemon R. Russell of Charlestown, be, and they hereby are appointed Trustees, to receive and manage any donations, legacies or devises, for the use and benefit of the said Society ; and the said Trustees, or any two of them are authorized to appoint a Treasurer ; ^{Trustees to appoint other officers.} and the said Trustees and said Treasurer shall give bond to the said Society, to be approved by said Society at a legal meeting thereof, for the faithful execution of their trust ; and the said Trustees and Treasurer shall be accountable to said Society ; and shall, as often at least as once in every year, pay over to the Treasurer of said Society, when required by their vote, the interest or proceeds of any estate or funds held by them for the use and benefit of said Society : *Provided however*, that if any donation, legacy or devise shall be expressly limited by the donor or testator thereof, to Trustees by him or her particularly named, the same shall enure to the use and benefit of said Society, in such manner and under such limitations as shall be consistent with the intention of such donor or testator.

SEC. 4. *Be it further enacted*, That whenever any vacancy shall happen in the Board of Trustees above-named, by death, resignation or otherwise, the same shall be forthwith filled by the said Society by ballot, ^{Vacancies filled up.} at a meeting, to be called for that purpose, by any Justice of the Peace agreeably to the provisions of this act, or the by-laws of the said Society.

SEC. 5. *Be it further enacted*, That Thomas Clark, Esq. of Watertown shall have power to appoint and notify the first meeting of said Society, for the purpose ^{First meeting.} of organizing the same, by the choice of a Clerk and

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other proper officers, and of establishing such by-laws as may be necessary for the future convenient management of the concerns of the said Corporation.

SEC. 6. Be it further enacted, That it shall be the duty of the Clerk of the said Society, on his being elected to that office, to take an oath before some Justice of the Peace for the faithful discharge of the duties of his office, and to notify the Members of said Society to meet annually in the months of March or April, to elect proper officers, and to transact the business of the Society ; and all other meetings which shall be necessary according to the provisions of this act, by giving such notice as shall be directed by the by-laws of said Society.

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

CHAP. CVI.

An Act authorizing the Protestant Episcopal parish of St. Andrews, in the county of Plymouth, to sell certain lands.

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Wardens of the Protestant Episcopal parish of St. Andrews, in the county of Plymouth, for the time being, be, and they are hereby authorized to make sale of two pieces of land lying in the town of Scituate, in said county, containing seven acres and six rods, granted said parish, by Addington Davenport, at public auction, at any time and place they may think proper, giving thirty days previous notice of the time and place of said sale, by posting up, in some public place in the town of Hanover and Scituate, notifications thereof ; and said Wardens are hereby authorized to make and execute good and sufficient deeds of said real estate to the person or persons who shall bid the most therefor, at said auction ; and the person or persons to whom said deed or deeds shall be executed as aforesaid, shall, by virtue thereof, be seized of said real estate.

Power to sell
lands.

SEC. 2. *Be it further enacted,* That the money arising from the sale of said real estate, when received by said Wardens, shall be paid over to the Trustees of the fund, for the support of religious worship in said parish, and be added to said fund, and considered hereafter as part of the same ; and the interest accruing on the money which may be produced by the sale of said lands, shall be annually appropriated for the support of the Gospel Ministry in the said Episcopal Parish of St. Andrews, and for no other purpose whatever.

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

CHAP. CVII.

An Act to incorporate the First Congregational Parish in Woburn.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the inhabitants of the town of Woburn, with all the lands in said town, (except such inhabitants and such lands as do by law belong to some other parish or religious society, or are exempt by law from parish charges in said town of Woburn) be, and they are hereby incorporated into a parish, by the name of The First Congregational Parish in Woburn, subject to all the duties, and vested with all the rights and privileges, to which parishes are by law entitled.

SEC. 2. *Be it further enacted,* That the votes and proceedings of the said town of Woburn relative to parish business, and the votes and proceedings of a parochial nature of the said inhabitants, hereby incorporated, under whatever name they may have acted, are hereby confirmed and made valid to all intents and purposes, as if the same votes and proceedings had been given and transacted in a legal meeting of an incorporated parish. And the said First Congregational Parish shall be deemed and taken to be successor to the said town of Woburn, as far as relates to parochial proceedings aforesaid ; and successor to said inhabitants here.

Proviso.

First Meeting,

tofore acting as a parish or society, in all their parish rights, and subject to all contracts of a parochial nature, which may have been made either by said town or said inhabitants hereby incorporated; *provided, however,* that nothing in this act shall take from the town of Woburn aforesaid any rights or property to which they are now legally entitled.

SEC. 3. *Be it further enacted,* That the first meeting of the said parish shall be convened by a warrant to be issued by any Justice of the Peace in the county of Middlesex, directed to any principal Member of said parish, requiring him to warn the Members of said parish to meet at a suitable time and place, to be appointed in said warrant.

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

CHAP. CVIII.

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

Names changed.

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, John Platts of Rowley, in the county of Essex, shall be allowed to take the name of Luther Platts Palmer; that Zerubbabel Kemp of Marblehead, in the same county, shall be allowed to take the name of Henry Kemp; that Tirzah Newcomb of Greenfield, in the county of Franklin, shall be allowed to take the name of Tirzah Smead; that Amelia Greenough of Boston, in the county of Suffolk, shall be allowed to take the name of Laura Ann Greenough; that Gideon Snow, jun. of said Boston, shall be allowed to take the name of Gideon Theodore Snow; that Lemuel Billings of said Boston, shall be allowed to take the name of Henry Lemuel Billings; that Ira Blanchard of Weymouth, in the county of Norfolk, shall be allowed to take the name of Ira Henry Thomas Blanchard; that Joseph Cabot of said Boston, shall be allowed to take the name of Joseph Sebastian Cabot; that John Rice

of Salem, shall be allowed to take the name of John Parker Rice ; that Asahel Plympton of said Boston, shall be allowed to take the name of Alexander Plympton ; that Nathaniel Emmons, son of Samuel Emmons of said Boston, shall be allowed to take the name of Nathaniel Henry Emmons ; that James Moulton of Westborough, in the county of Worcester, shall be allowed to take the name of Elijah Russell ; and that George Lyman, son of Theodore Lyman of said Boston, shall be allowed to take the name of George Williams Lyman ; And said persons shall in future be respectively known and called by the names which they are respectively allowed to take as aforesaid, and the same shall be considered as their only proper names to all intents and purposes.

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

CHAP. CIX.

An Act concerning Jurors in the county of Suffolk.

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 Clerks of the Supreme Judicial Court within the county of Suffolk, and for the counties of Suffolk and Nantucket, shall not be required to issue any writ of *venire facias*, to the respective Constables in the towns in said county of Suffolk, to summon any Traverse Jurors to attend at the term of the Supreme Judicial Court which is holden annually in the month of March, nor at any law term of the said Court within said county of Suffolk, any act or law to the contrary notwithstanding : *Provided, however,* that the said Supreme Judicial Court may at any time direct the Clerks of said Court to issue one or more writs of *venire facias*, to the respective Constables of the towns within said county of Suffolk, to summon Traverse or other Jurors to attend said Court at any term thereof in said

Writ of Venire
facias.

Proviso.

county of Suffolk, whenever the same shall be deemed expedient by the said Supreme Judicial Court.

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

CHAP. CX.

An Act in addition to an act, entitled “An act to enable certain Banks in this Commonwealth to settle and 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 all the Banks mentioned in the act entitled “An act to enable certain Banks in this Commonwealth to settle and close their concerns,” shall be, and they hereby are continued bodies corporate, for all the purposes for which the said act was passed, for the further term of three years from the passing of this act; and that the said act be, and the same is hereby continued in force until the expiration of the said term of three years.

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

CHAP. CXI.

An Act in addition to an act, entitled “An act for the relief of Poor Debtors.”

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of January next, whenever any person shall sue out a writ of execution, upon a judgment founded on a former judgment, which original judgment was rendered in a suit founded on contract, the Clerk of the Court, or Justice of the Peace, granting such writ of execution, shall so vary the form of the execution, that the same shall not run against the body

Writs may be altered.

of the debtor, and such debtor shall not be liable to be arrested, imprisoned, or committed to gaol, upon any such execution, unless the amount of the debt, or damage, for which the original judgment was rendered, shall exceed the sum of five dollars.

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

CHAP. CXII.

An Act in addition to an act entitled "An act for the due regulation of Licensed Houses."

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 April, which will be in the year of our Lord one thousand eight hundred and seventeen, no person shall presume to be a Confectioner within the town of Boston, in the county of Suffolk, except such person be first duly licensed, according to law, by the Justices of the Court of Sessions, of the same county, in Court assembled, on pain of forfeiting the sum of fifty dollars. And if any person shall at any time presume to be a Confectioner within the town of Boston, without licence therefor, duly had and obtained according to law, or if any Confectioner in said town shall presume to sell any spirituous liquors, or any mixed liquors, part of which is spirituous, or shall suffer any person to be drinking spirituous liquors in his or her house, store, or other place of business, or if any Confectioner or Victualler, as herein after described, shall keep open his or her house, store or other place of business, and entertain any person therein after ten of the clock of the evening of any working day, or on any part of the Lord's day or evening, such Confectioner or Victualler, in anywise so offending, shall, on conviction thereof, forfeit and pay for each offence a fine of ten dollars, with costs of prosecution.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Selectmen of the town of Boston, to certify, from time to time, to the said Court of Sessions,

Dec. 14, 1816.

Victuallers.

what number of Victuallers the said Selectmen judge necessary in the said town of Boston, for the public convenience, who shall not be required to furnish accommodations for horses or cattle, or lodgings for travellers or other persons, and shall make return to the said Court of the names and places of business of all persons who may be so approved by them as Victuallers of the description aforesaid; and the said Court of Sessions may thereupon license such persons as Victuallers as aforesaid, in the manner and for the term of time as set forth with respect to Innholders and other licenced persons in the act to which this is in addition.

Licenses.

Sec. 3. *Be it further enacted,* That no person shall presume to exercise the trade or business of a Confectioner, within the said town of Boston, unless he or she shall have been first recommended as a suitable person therefor by the Selectmen of the said town of Boston to the Court of Sessions, and shall have been licensed by the said Court of Sessions therefor, in like manner and for the same term of time as is provided in the act to which this is in addition, for Innholders and Retailers. And in all licenses hereafter to be granted to any Victualler, Confectioner, Innholder, or Retailer of spirituous liquors, within the said town of Boston, the street, lane, alley or other place within the said town, shall be specified where such licensed person shall carry on and exercise his or her respective employment, and such license shall not protect such person for carrying on and exercising his or her said employment in any place which is not therein so specified. And every person, so as aforesaid licensed, shall, before he or she shall commence or carry on and exercise his or her employment, cause a sign to be fixed upon a conspicuous place on the front of his or her house, shop, or other place of business, with his or her name painted, and with the business of Innholder, Retailer, common Victualler or Confectioner, for which he or she shall have been so licensed, thereon expressed; and no license shall protect any person in the exercise of his or her said employment, until he or she shall have complied with this provision.

Signs.

Sec. 4. *Be it further enacted,* That the Selectmen

of the town of Boston be, and hereby are authorized and empowered to appoint from time to time so many prudent and judicious persons, as Tythingmen of the said town, as in their opinion the public good may require, and for such term of time as they may think fit, and the same to remove from office at their pleasure. And the said Tythingmen, so appointed, shall be sworn to the faithful discharge of the duties of their said office, before they shall enter upon the same ; and it shall be the duty of the said Tythingmen, at all times, carefully to inspect all licensed houses, shops or other places within the said town of Boston, and of all offences against this act, and of all disorders or offences which shall at any time come to their knowledge to have been committed therein, duly to inform, so that prosecutions may be thereupon duly commenced ; and such Tythingmen are hereby authorized and empowered to enter into any licensed house, shop or other place, and into any rooms or apartments of the same upon the Lord's day, to the end that they may ascertain whether the laws regulating the same are duly observed ; and in case any person having a license, or any other person under him or her, or having charge of such licensed house, shop or other place, shall refuse to admit any such Tythingman into the same, or into any rooms or apartments therein, such licensed person, or other person under him or her, so refusing, shall, upon conviction thereof, forfeit and pay a fine of ten dollars, with costs of prosecution ; and the license of such person shall thereupon be forfeited ; nor shall a license to such person be renewed, except upon the recommendation of the Selectmen to the Court of Sessions, who may thereupon renew the same if they shall think fit so to do.

SEC. 5. *Be it further enacted,* That all fines and penalties, which are specified in this act, or forfeitures incurred under the same, or under the act to which this is in addition, within the town of Boston, shall be prosecuted for and recovered by indictments in the Municipal Court for the town of Boston ; and all monies so paid and received, shall be for the use of the county of Suffolk ; and the Clerk of the said Court, and likewise of the Supreme Judicial Court, to which any judgment of the said Municipal Court may be carried by appeal,

Tythingmen.

Fines and forfeitures.

Application of Fines.

Dec. 14, 1816.

Forfeit of licenses. shall certify to the Selectmen of the town of Boston within ten days after any conviction shall be had in the same against any person for any breach of this act, or of the act to which this is in addition, and of final judgment rendered thereon, the names and offences of all persons so convicted, and in all cases of such convictions as aforesaid, and of judgments rendered thereon, the person so convicted shall, in addition to the fine or penalty incurred thereby, likewise forfeit his or her said license; which however may be renewed upon recommendation of the Selectmen, by the Court of Sessions, in manner as is herein before provided. *Provided, however,* that nothing herein contained shall be considered as affecting in any degree the force and validity of any existing license, or the right of persons to receive and accommodate boarders and lodgers, but the law respecting the same is to continue as though this act had not passed.

Proviso.

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

CHAP. CXIII.

An Act authorizing the sale of certain lands in the town of Westfield, and for other purposes.

Persons incorporated.

SEC. 1. BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Shepard, Samuel Fowler, Isaac Welles, Jedediah Taylor, Azariah Moseley, William Moseley, Frederick Fowler, and William Atwater, be, and they are hereby incorporated into a body politic, by the name of The Trustees of the Ministerial Fund in the town of Westfield, and they and their successors shall continue a body politic and corporate forever; and they may sue and be sued in all actions real, personal and mixed, and prosecute or defend the same to final judgment and execution; and they are authorized to receive and hold any funds accruing from the sale of any lands, which have been or shall be hereafter appropriated or granted for the use of the Congregational Ministry in said town, or any

funds accruing for said purpose in any manner whatever, not exceeding in the whole the amount of ten thousand dollars, in trust for the use and benefit of said Ministry; and the interest arising the refromto be for-ever appropriated towards the support of a Congregational Minister in said town. ~

SEC. 2. *Be it further enacted,* That the Trustees aforesaid shall forever hereafter hold a meeting in the town of Westfield, in the month of March annually, the meeting to be warned by posting up notice thereof in one or more public places in the said town of Westfield, fifteen days at least before the time of said meeting: at such meeting, the major part of the Trustees present may elect a Treasurer, with whom the money or securities for money constituting the fund, may be deposited, and who shall, under the control and by the order of the Trustees, or the major part of them, receive in or deliver up, such money or securities; and the person so chosen shall give bond, if required, at the discretion of the Trustees, for the faithful performance of his duty; and the major part of the Trustees present at such meeting, are empowered to choose a Clerk annually, to keep a record of the proceedings and doings of the Trustees; and the Trustees are further empowered, from time to time, at any of their meetings called in the manner aforesaid, to fill up the vacancies occasioned by the death, resignation or removal of any of the Trustees.

SEC. 3. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell the tract or tracts of land aforesaid, or any part thereof, by public or private sale, the approbation of the town, and the consent of the Congregational Minister for the time being having been first obtained, and place the proceeds of the sales on interest, with good security, for the benefit of said fund.

SEC. 4. *Be it further enacted,* That the Trustees aforesaid, and their successors in office, be, and they hereby are invested with sufficient power to receive all subscriptions, grants, appropriations and donations, whether real or personal, that may be hereafter made for the purpose of supporting a Congregational Minister in said town; and place all the money in their hands as Trustees, on interest with good security at their dis-

Donations.

cretion; and apply the whole of the interest arising from any funds in their hands, or any part thereof, towards the support of the Congregational Ministry in said town; or for enlarging the fund, as the said town from time to time may order and direct, but not in any-wise to lessen or make use of any part of the principal of said fund.

SEC. 5. Be it further enacted, That the Trustees shall, at any time, when required by said town, make a report in writing of their proceedings, disbursements, receipts, and the state of the fund, and lay the same before said town, for their inspection; and said town shall have power to remove any Trustee who shall be guilty of any breach of trust; and it shall be the duty of the Trustees immediately to elect a new member to supply the vacancy.

SEC. 6. Be it further enacted, That any Justice of the Peace for the county of Hampden, upon application made to him by any Trustee before named, is authorized to issue his warrant to any Trustee before named, requiring him to notify and warn the first meeting of said Trustees.

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

CHAP. CXIV.

An Act for regulating the Fishery in the town of Gloucester.

WHEREAS the town of Gloucester, in the county of Essex, have purchased of Zaca-
riah Stevens, Esq. and opened a passage-way through his Mill-dam, for the fish called Alewives, into the Cape Pond, so called, and conveyed into it a number of said fish, at a considerable expense, whereby a great increase has arisen:

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 taking and disposing of the fish called Alewives, shall be under the care and management of a Committee of said town, to

consist of five persons, to be chosen at the annual town meeting in March or April, who shall be sworn to the faithful discharge of their duty, and shall distribute the fish that may be taken by them, or any person or persons under them, as equally as circumstances will admit, to such persons as shall apply for the same; and for the fish so supplied, the Committee aforesaid shall demand a sum not exceeding fifty cents for each hundred of fish, so delivered, and account with the Treasurer of said town for the proceeds thereof weekly, and settle their final account on or before the last day of September annually; and the money arising therefrom shall be paid over to the Treasurer of said town, and appropriated to the use of the said town; and the said Committee shall have a reasonable allowance for their services, and lay their accounts before the Selectmen of said town, for approbation and allowance, on or before the last day of November annually.

SEC. 2. Be it further enacted, That the said Committee, or either of them, shall have full power and authority to remove from or out of the rivers, brooks or streams, leading to the said Pond, any obstructions that may be made to the free passing of said fish into the said pond, or repassing from thence into the sea; and the said Committee, or either of them, (or of such person or persons as shall be employed by them) going on the land of any person or persons for this purpose shall not be deemed or held guilty of trespass. And the said Committee, or the major part of them, shall determine the particular places where the said fish shall be taken, and give public notice thereof by posting up one or more notifications in some conspicuous place or places in the said town, on or before the first day of May annually: *Provided however*, that the said fish shall not be taken any more than three days in each week, at the discretion of the Committee, and only between the rising and the setting of the sun, on said days: *And provided also*, that the said Committee, or any other person under them, shall not be authorized to appoint any such place for fishing on the lands of John Manning, Esq. without his consent.

SEC. 3. Be it further enacted, That no person shall

Distribution of
fish.

Powers of com-
mittee.

Proviso.

catch or take any of the said fish in any river, brook, or stream leading to, or from the said pond, without the direction of the said Committee, or the major part of them, in writing; and whoever shall presume at any time hereafter to take, kill, or haul on shore any of the said fish, with seines or drag nets in either of the rivers, or ponds, brooks or streams through which the said fish pass into the said Cape Pond, or shall with any seine or drag net, or in any other way, obstruct the passage of the said fish, to or from the said pond, or shall obstruct the said Committee, or either of them, (or those persons employed by them,) in the execution of their duty, in all and every of these cases, the offenders shall, for each offence, forfeit and pay a sum not exceeding twenty dollars, nor less than five dollars with costs of suit.

SEC. 4. Be it further enacted, That it shall be the duty of the said Committee, or either of them, and they are hereby vested with full power and authority to sue for and recover in the name of the Treasurer of said town, from time to time, all fines and forfeitures incurred by any breach of this act, before any Justice of the Peace for the county of Essex; and any Justice of the Peace of the town of Gloucester may hear and determine any complaint under this act, to the amount of twenty dollars, his being an inhabitant of the said town notwithstanding; and in case any minor or minors shall offend against any part of this act, and thereby incur any or either of the penalties aforesaid, in all such cases, the parent, master or guardian of such minor or minors shall be answerable therefor; and in case of prosecution of such minor or minors, the action shall be commenced against the parent, master or guardian of such minor or minors, respectively, and judgment rendered accordingly; and all such fines shall be to the use of said town, saving where any person shall give information of any breach of this act, the informer, upon conviction of the offender, shall be entitled to one half the forfeiture; and no person shall be considered as disqualified from being a witness on any trial that may be had pursuant to this act, on account of his being an inhabitant of the said town of Gloucester, or of his being one of the Committee aforesaid.

Recovery of
fines.

SEC. 5. *Be it further enacted,* That it shall be the duty of the Committee aforesaid to take care that a sufficient passage be kept open annually for the young Alewives to pass from the said pond to the sea.

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

CHAP. CXV.

An Act to incorporate the Corban Society.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Mary Mason, Sarah Dunn, Isabella Homes, Susan Huntington, Margaret C. Welsh, Mary Codman, Margaret Phillips, Han-
nah B. Tyler, Elizabeth Rogers, Phebe Cutler, Mar-
tha Ropes, and their associates to be elected into the
Society from among the annual subscribers to the same
institution, be, and they hereby are incorporated into
a Society, by the name of The Corban Society, to aid
and assist Candidates for the Gospel Ministry with
the means of instruction and subsistence; and for this
purpose 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 es-
tablish by-laws and orders for the regulation of the
said Society, and for the preservation and application
of the funds thereof; *provided* the same be not repug-
nant to the constitution or laws of this Common-
wealth; to take, hold, and possess any estate, real or
personal, by subscription, gift, grant, purchase, devise,
or otherwise, and the same to improve, lease, exchange,
or sell and convey for the sole benefit of the said insti-
tution; *provided*, that the value of the real estate of
said Society, shall never exceed twenty thousand dol-
lars, and the annual income of the whole estate of said
Society shall not exceed two thousand dollars.

SEC. 2. *Be it further enacted,* That every married woman belonging to said Society, who shall, with the consent of her husband, receive any of the money or other property of said Society, shall thereby render

Liability.

Dec. 14, 1816.

her said husband accountable therefor, to said Society : And every woman, whether sole or married, who shall subscribe and pay to the funds of said Society, the sum of two dollars annually, and be voted in by a majority of the Directors, shall become a Member of said Society ; liable, however, to be removed, whenever she shall refuse or neglect to pay her annual subscription.

SEC. 3. Be it further enacted, That said Society shall meet in Boston, on the last Monday in September annually, for the purpose of electing, by ballot, from their Members, a President, Vice-President, Secretary, Treasurer, and nine Assistants ; all which officers shall hold their said offices for one year, and until others shall be elected to succeed them ; and the Directors for the time being, shall publish the time and place of each annual meeting, in two of the newspapers, or by written notifications, at least seven days before the time of holding the same ; and at all such annual meetings, twelve Members shall constitute a quorum ; the Directors shall meet on the last Monday in December, March and June, also on their own adjournments, and at the call of the President ; and any seven of them shall constitute a quorum. Any Member may be dismissed at an annual meeting by the voice of two thirds of the Members present, the dismissal having been proposed at the preceding annual meeting.

Dismissals.

Qualifications of president.

SEC. 4. Be it further enacted, That the Treasurer of said Society shall be a single woman, of the age of twenty-one years or upwards, and shall give bond with sufficient surety or sureties, to account annually, or oftener if required by said Society or the Board of Directors, for all money and other property of said Society coming into her hands, and in general to discharge the duties of her said office with fidelity.

Board of directors.

SEC. 5. Be it further enacted, That the Board of Directors for the time being, shall have the management and application of all the subscriptions, donations, funds and estate of the Society, to be appropriated solely for the use of the Society ; and no sale or transfer of any real or personal estate of said Society shall be valid unless approved by them ; and no money shall be

paid out of the Treasury, except by their order ; they shall likewise have authority, at their discretion, to aid such indigent young men as may be recommended to them, whom they may judge to be suitable objects of charity, to enjoy the benefits of the Institution. And the Directors shall have authority to establish any rules and regulations for the proceedings of the Board and the concerns of said Society, not repugnant to the constitution or laws of this Commonwealth, or the by-laws of said Society.

Donations.

SEC. 6. *Be it further enacted,* That any writ or process against said Corporation may be served by the officers leaving an attested copy thereof with the Treasurer of said Society, or at her usual place of residence, thirty days before the return day thereof ; and the said Treasurer, or any Agent, appointed for that purpose by the Society or by the Directors, may appear by Attorney, and defend or prosecute any suit in behalf of said Society.

May be sued.

SEC. 7. *Be it further enacted,* That all instruments of conveyance or contract, which may lawfully be made by said Society, if approved by the Board of Directors, shall be signed by the President or Vice-President, and countersigned by the Secretary, and if necessary, sealed by the common seal of said Society ; and when so executed, shall bind the said Society and be valid in law.

Conveyances.

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

CHAP. CXVI.

An Act to establish a Fund for the support of the Ministry in the town of Wilton.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That Joseph Webster, Isaac Hathaway, Jun. Timothy Woodward, Nathan Wing, Micah Covell, Silas Gould, all of the town of Wilton, be, and they are hereby constituted a body politic and corporate, by the name of the Trustees of the

Dec. 14, 1816.

Powers of trustees & associates. Ministerial Fund in the town of Wilton ; and the said Trustees in their said capacity, shall have power according to their best discretion, to sell the public lot of land in the said town, which, in the original grant thereof, was reserved for the support of the Ministry in the said town ; and the monies arising from the said sale, to place at interest, in the manner provided by this act, which monies shall be a fund for the support of the Ministry in said town ; and the number of the said Trustees shall never exceed nine, nor be less than six, any five of whom may be a quorum for doing business ; and the said Trustees shall annually elect by written votes, a Chairman, and also a Clerk, to record and certify their doings, and a Treasurer to receive, keep, and apply the monies belonging to the said Ministerial Fund, as is herein directed ; and the said Treasurer shall give bonds, with two sufficient sureties, for the faithful discharge of his trust ; and the said Trustees may keep and use a common seal, subject to alteration at their pleasure, and by their corporate name aforesaid may sue and be sued, in any action, real, personal or mixed, and may prosecute and defend the same to final judgment and execution.

Rotation of offices. SEC. 2. *Be it further enacted,* That one of the said Trustees shall annually retire, beginning and proceeding accordingly by seniority of age, and such vacancy shall be supplied by election of the freeholders at their annual town meeting, for the choice of town officers ; and in like manner any vacancy may be supplied, which may happen by death, resignation, misconduct, infirmity, removal out of the town, or any other cause, which in the judgment of the said freeholders, shall be sufficient for declaring and filling such vacancy, so happening, and they may also remove any officer or agent by them employed, when they may see sufficient cause.

May sell land. SEC. 3. *Be it further enacted,* That the said Trustees be, and they are hereby empowered, at such time as in their discretion they may judge most suitable, to sell and convey the public lot, reserved for the use of the Ministry in the said town of Wilton ; and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof, which being signed by the Treasurer, and countersigned by the Clerk of the said Corpora-

tion, with their seal affixed, shall be good and effectual in law, to pass and convey the fee simple from the town to the purchaser ; and the monies arising from the sale of the Ministry lot shall be put at interest as soon as may be, and secured by mortgage on real estate to the full value of the property sold, or money loaned, or by two or more sureties with the principal, unless the said Trustees shall think it more expedient to invest the same in public funded securities or bank stock, at their discretion ; and all donations, grants, bequests or legacies which may be hereafter made and given to the said fund, for the support of the Ministry in the said town of Wilton, shall be appropriated to the same purpose, in the manner and within 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 benefit of the Ministry in the said town ; and it shall never be in the power of the said town to alienate, alter, or vary the appropriations of the said funds. And the said Trustees and all 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 said town when they may see cause.

SEC. 4. Be it further enacted, That the said Trustees 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 considered as belonging to the said funds, and applied accordingly. And at every annual meeting of the said town, in the month of March or April, the Trustees shall exhibit a true and fair statement of their doings, and of the condition of the said funds.

SEC. 5. Be it further enacted, That any Justice of the Peace for the county of Kennebec, is hereby empowered upon application therefor, to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and warn a meeting of the said Trustees to meet at such convenient time and place as shall be appointed in the said warrant, to organize the

Appropriation
of funds.

Responsibility
of trustees.

Warrant for
meetings.

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said Corporation, by the election and appointment of its officers ; and the said Corporation when duly organized, may adopt and settle the way and means of calling and notifying future meetings.

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

CHAP. CXVII.

An Act to apportion and assess a Tax of one hundred and thirty-three thousand three hundred and forty-two dollars, and thirty-two cents ; and to provide for the reimbursement of twenty-eight thousand four hundred and twelve dollars, paid out of the public Treasury, to the Members of the House of Representatives, for their attendance at the two last sessions of the General Court.

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

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, March 21st, 1817.

I hereby certify, that the Laws contained in this pamphlet, passed at the session of the General Court, beginning the 13th of November, and ending the 14th of December, 1816, have been examined and compared with the originals in this office, and appear to be correct, excepting in one instance, viz.:—page 324, 12th line from bottom, instead of "Salem Academy," it should read "Salem Street Academy."

ALDEN BRADFORD,

Secretary of the Commonwealth.

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TO THE LAWS PASSED AT THE SESSION OF THE GENERAL COURT,

BEGINNING NOVEMBER 13th, AND ENDING

DECEMBER 14th, 1816.

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