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# LAWS

OF THE

## Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE 14th DAY  
OF JANUARY, AND ENDED ON THE 24th OF FEBRUARY, 1818.

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Published agreeably to a Resolve of 16th January, 1818.

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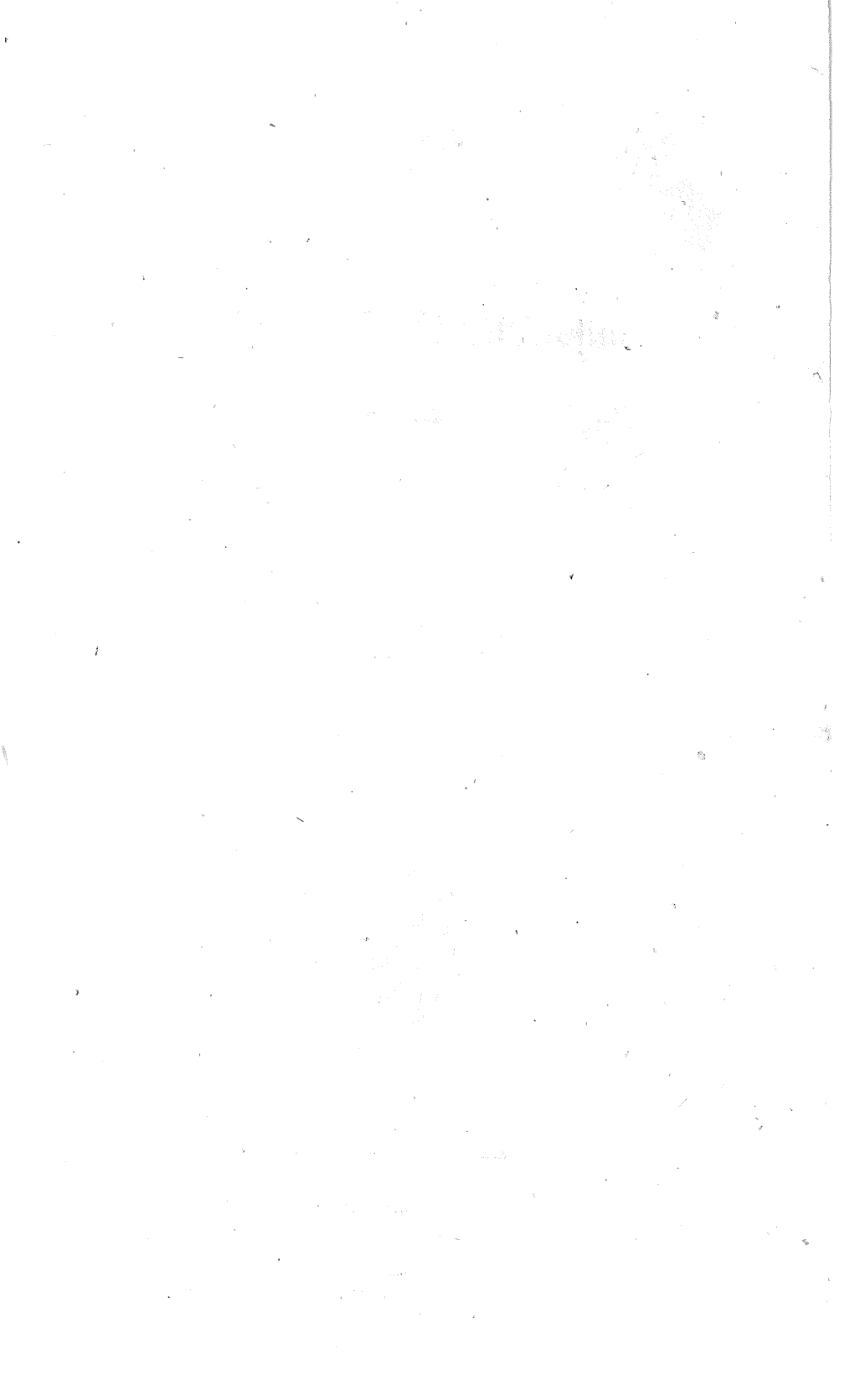
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BOSTON :

PRINTED BY RUSSELL, CUTLER & CO, FOR BENJAMIN RUSSELL,

PRINTER TO THE STATE.

1818.



# L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON THE 14th DAY OF  
JANUARY, AND ENDED ON THE 24th OF FEBRUARY, 1818:

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## CHAP. LVIII.

An Act regulating the hunting of Deer.

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, if any person shall hunt or kill any deer, except his own tame deer, or deer kept in his park, or on his island, between the first day of January and the first day of August in any year, he shall forfeit the sum of twenty-one dollars for every deer so killed; to be recovered by action of debt in any Court proper to try the same; one moiety thereof to the use of the person suing for the same, and the other moiety to the use of the town within which such offence shall be committed.

SEC. 2. *Be it further enacted,* That all former acts on this subject be, and they hereby are repealed.

[Approved by the Governor, January 27, 1818.]

## CHAP. LIX.

An Act to establish an Academy in the town of Bangor, by the name of the Young Ladies' 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 there be, and hereby is established, in the town of Bangor, in the county of Penobscot, an Academy, by the name of the Young Ladies' Academy, for the purpose of promoting the education of youth, particularly females, in the English and other languages, together with writing, arithmetic, needle-work and geography, rhetoric, history, music, and the art of speaking, and such other of the liberal arts and sciences as the Trustees hereinafter provided, shall order and direct.

Location.

**SEC. 2.** *Be it further enacted,* That the Reverend Harvey Loomis, Reverend Thomas Williams, Honorable Samuel E. Dutton, and William D. Williamson, Jacob McGaw, Joseph Carr, and Moses Patten, Esquires, Joshua P. Dickinson, M. D. and Captain Elisha Adams, be, and they hereby are nominated and appointed Trustees of said Academy, and they are hereby incorporated into a body politic, by the name of the Trustees of the Young Ladies' Academy in Bangor; and they and their successors shall be and continue a body politic and corporate, by the same name forever.

Trustees.

**SEC. 3.** *Be it further enacted,* That the said Trustees and their successors, shall have one common seal, which they may break, change and renew from time to time, as they shall see fit, and they may sue and be sued in all actions, real, personal and mixed; and may prosecute and defend the same to final judgment and execution, by their name aforesaid, either by themselves or their agents.

Powers.

**SEC. 4.** *Be it further enacted,* That the said Trustees and their successors be, and they hereby are made the Governors and Visitors, as well as the Trustees of said Academy, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect such preceptors,

Duties.

instructresses and teachers of the said institution, as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, not repugnant to the laws of the Commonwealth, for the good government of said Academy, as to them shall seem fit and requisite.

SEC. 5. *Be it further enacted*, That the number of the Trustees aforesaid shall not, at any one time, be more than fifteen, five of whom, at least, shall be necessary to constitute a quorum for transacting business. Limitation of Trustees.

SEC. 6. *Be it further enacted*, That as often as the number of the Trustees of said Academy shall be less than fifteen, the Trustees for the time being shall have power, and it shall be their duty to nominate, elect and appoint other suitable persons as Trustees, until that number shall be complete. Vacancies to be filled up.

SEC. 7. *Be it further enacted*, That the Trustees aforesaid and their successors be, and they hereby are rendered capable in law, to take and hold by gift, grant, devise, bequest, or otherwise, any lands, tenements, or other estate, real or personal: *Provided*, the annual income thereof doth not exceed five thousand dollars: and all deeds and instruments, which the said trustees may lawfully make, shall be sealed with their corporate seal, and shall bind the said Trustees, and their successors, and be valid in law. May hold real or personal estate.

SEC. 8. *Be it further enacted*, That any one of the said Trustees, being a Justice of the Peace, be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof. First meeting.

[Approved by the Governor, January 27, 1818.]

## CHAP. LX.

An Act to incorporate the Hampshire Education 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 Joseph Lyman, Enoch

Persons incor-  
porated.

Hale, Nathaniel Smith, Josiah Dwight, William Porter, and Vinson Gould, together with those who may 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 Hampshire Education Society ; 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 six thousand dollars. And the said society 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.

Powers,

Regulation of  
funds.

Officers chosen.

By-laws.

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 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.

May sue and  
be sued.

May sell real  
estate.

Proviso.

SEC. 4. *Be it further enacted*, That Josiah Dwight, Esquire, be, and he hereby is authorized, by notification in the Hampshire Gazette, printed in Northampton, to appoint the time and place of the first meeting of said society.

[Approved by the Governor, January 27, 1818.]

## CHAP. LXI.

An Act explanatory of an act, entitled "An act for the orderly solemnization of Marriages."

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any marriage which has been, or which shall hereafter be solemnized by any Minister or Justice of the Peace, agreeably to the provisions of the act, entitled "An act for the orderly solemnization of Marriages," in any plantation, which at the time of passing said act, was included within the counties of Cumberland or Lincoln, shall be deemed and taken to be legal to all intents and purposes, as if the said counties, or either of them, had not been divided. And every Justice of the Peace, or Minister, who shall hereafter solemnize any such marriage, shall transmit a certificate thereof to the Clerk of the Circuit

Court of Common Pleas for the county in which said plantation is situated, to be recorded by said Clerk, in a book to be by him kept for that purpose.

[Approved by the Governor, January 27, 1818.]

## CHAP. LXII.

An Act to incorporate certain persons by the name of The Associated Instructors of Youth, in the town of Boston, and elsewhere.

**SEC. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer Pemberton, Daniel Staniford, Jonathan Snelling, Thomas Payson, Joseph Mulliken, Lawson Lyon, Jonathan Huntington, Benjamin Gleason, Benjamin Holt, John Haskell, Proctor Pierce, Ephraim H. Farrar, John R. Cotting, Amos Clarke, Benjamin Chamberlain, their associates, and such others as may hereafter join them, be, and they hereby are incorporated into a body politic, by the name of The Associated Instructors of Youth, in the town of Boston, and elsewhere, with power to sue and be sued, to plead and be impleaded, to make and use a common seal, and to alter and renew the same at pleasure, and to exercise and enjoy all such rights, powers, and privileges, as are common to similar bodies corporate*

Persons incor-  
porated.

Powers.

May hold real  
estate.

May bestow  
premiums.

**SEC. 2.** *Be it further enacted, That the said corporation shall have power to receive, and take by grant, gift, or otherwise, property, real, personal, and mixed, not exceeding in amount or value, the sum of fifty thousand dollars, and to hold and manage the same at their pleasure, as a fund, towards the relief and support of superannuated and other indigent instructors of youth, their widows, and children; for instituting and granting premiums to excite and reward emulation and improvement among instructors and scholars; and for any other similar purposes of charity, to which the said corporation may apply the same.*

SEC. 3. *Be it further enacted*, That the said corporation shall have power, at any regular meeting of the same, to make such constitution and by-laws for the government of the same, as they may find necessary ; *provided*, that nothing in such constitution, or by-laws, shall be repugnant to the constitution or laws of the Commonwealth. Powers.

SEC. 4. *Be it further enacted*, That at any regular meeting of the said corporation, they may proceed to elect such officers as shall be found necessary for the government and orderly conducting the affairs of the same, according to the constitution and laws of said corporation ; and that Thomas Payson, Esquire, be, and he is hereby empowered and directed to call the first meeting of the same, within twenty days after the passing of this act, by giving notice of the time and place of holding the same, in one or more of the public newspapers printed in the town of Boston, three days at least, prior to the holding of the same. Choice of officers.  
First meeting.

[Approved by the Governor, January 27th, 1818.]

### CHAP. LXIII.

An Act vesting further powers in the Supreme Judicial Court, respecting amendments on review, and the return of writs of *venire facias*.

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 any action of review, pending in the Supreme Judicial Court, the Justices thereof shall have power to order any amendment of the original writ, record or proceedings, in any part thereof, upon such terms and conditions as they may consider just and reasonable, any law to the contrary notwithstanding. Amendment of writs.

SEC. 2. *Be it further enacted*, That any one, or more, of the said Justices, shall hereafter hold a Court, and be competent to the trial by jury, of any real or feigned issue, which may arise upon any appeal, which may be made, or taken, from the decree of any Court Justices Court.

of Probate, and such Justice or Justices shall have the same power over any such appeal, and may proceed to make a final decree therein, and exercise the same jurisdiction over any appeal depending upon such issue, as all the Justices of said Court may now do; any law to the contrary notwithstanding; subject however to all such exceptions and such proceedings thereon, as are now provided by law, in the trial of issues in fact before said Court, when holden by one, or two of the Justices thereof.

SEC. 3. *Be it further enacted*, That the Justices of the Supreme Judicial Court shall have power to order the writ of Venire Facias, which may be issued either for the Grand or Traverse Jurors to attend the same Court, to be returned on such day of the term of said Court, when holden for any county, as they may judge will best serve the purposes of justice, and facilitate the business of said Court.

[Approved by the Governor, January 29, 1848.]

## CHAP. LXIV.

An Act to incorporate the Institution for Savings, in the town of Salem and its vicinity.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward Augustus Holyoke, Joseph Story, Benjamin Pickman, Jacob Ashton, Joseph White, Moses Townsend, Jonathan Neal, Joseph Peabody, Benjamin Pickman, junior, Nathan Robinson, Nathaniel Bowditch, David Cummins, William Silsbee, Gideon Barstow, John Osgood, Willard Peele, Dudley L. Pickman, William Fettyplace, John W. Treadwell, Stephen White, and Leverett Saltonstall, together with such as have associated with them, be, and they hereby are incorporated into a society, by the name of the Institution for Savings, in the town of Salem, and its vicinity; 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 re-

Writs of Venire Facias.

Persons incorporated.

main a body politic and corporate, by the same name 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 <sup>Deposits.</sup> 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 net income or profit thereof shall be by them applied and divided among the persons making the <sup>Dividends.</sup> said deposits, their executors or administrators, in just proportion; and the principal of such deposits may be withdrawn at such reasonable 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 first meeting, and at their annual meetings in January, have power to elect, <sup>Election of members.</sup> by ballot, any 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 said corporation shall, at all times, have power to sue and be sued, and may defend, and shall be held to answer by the name aforesaid. <sup>May sue and be sued.</sup>

SEC. 6. *Be it further enacted*, That the said society shall hereafter meet at Salem, at such time in the month of January annually, and at such other times as the society or the President thereof may direct, 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 January, annually, shall have power to elect <sup>Choice of officers.</sup> and choose a President, and all other such officers as to them shall appear necessary; which officers, so chosen, shall continue in office one year, and until others

Jan. 29, 1818.

are chosen in their stead ; and the Treasurer and Secretary, 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 John Osgood, Willard Peele, and Stephen White, or any two of them, be, and they hereby are authorized, by public notification, in the two newspapers printed in Salem, to call the first meeting of the said society, at such time and place as they shall judge proper.

[Approved by the Governor, January 29, 1818.]

## CHAP. LXV.

An Act authorizing the President, Directors and Company of the Nantucket Pacific Bank to increase the amount of their Capital Stock.

Right of Stock-holders.

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 President, Directors and Company of the Nantucket Pacific Bank be, and they are hereby allowed to increase the capital stock of said bank, one hundred thousand dollars, in addition to the sum allowed by their act of incorporation ; the said additional sum to be subject to the same rules, restrictions and limitations, as are stated in the original act, to which this is in addition ; and the stockholders of said bank, for the time being, shall have a prior right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

Time of paying in stock.

SEC. 2. *Be it further enacted*, That fifty thousand dollars, of the above named additional sum, shall be paid into the said Bank, in ninety days after the passing of this act, and the remaining sum of fifty thousand dol-

lars, on or before the first Monday of October next : *Provided nevertheless*, that before the said corporation Proviso. shall proceed to do business upon the said additional capital, a certificate, signed by the President and Directors of said Corporation, verified by the oath or affirmation of the Directors, and attested by the Cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth.

[Approved by the Governor, January 29, 1818.]

## CHAP. LXVI.

An Act in addition to an act, entitled, "An act to incorporate a number of persons, by the name of the Methodist Society in Dresden."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the first section of an act, entitled "An act to incorporate a number of persons, by the name of the Methodist Society in Dresden," be, and the same is hereby repealed. Section repealed.

SEC. 2. *Be it further enacted*, That George Goodwin, Samuel G. Johnson, Stephen Twycross, Rowland Johnson, Solomon Blanchard, Edward Austin, Isaac Lilly, Benjamin Prescott, James Carney, Benjamin Goodwin, Moses Call, John Kidder, Edward Kidder, Stephen Marson, junior, Daniel Cate, Benjamin Cate, John Hathorn, junior, John Bickford, Samuel Allen, John Hathorn, John Alexander, James Stone, William Mayers, George Mayers, junior, John M'Gown, Ebenezer Parker, Amos Allen, Nathaniel Benson, Thomas Lines, Benjamin Kidder, William O'Brien, junior, William O'Brien, James O'Brien, Charles O'Brien, Samuel Allen, William Blair, John Blair, Ebenezer Hatch, William Hinckley, Reuben Hatch, Peter Allen, James White, John Webb, William Costolow, Amos Reed, junior, Benjamin Webb, Robert Lilly, Zebadiah Perkins, Jethro Hatch, Benjamin Robbins, Francis White, John White, Simeon Hatch, William Barker, Persons incorporated.

Feb. 2, 1818.

Benjamin Gray, Converse Reed, George Allen, John Allen, Daniel Robbins, John Siegars, James Bugnon, Samuel Alley, Aaron Bickford, George Bickford, Asa Dinsmore, Robert Bickford, John W. Barker, James Call, Richard Kidder, Joseph Fogg, Joseph McGown, David Call, Philip Call, and James T. Stilphen, with their families and estates, together with such others as may hereafter associate with them and their successors, in the manner provided by this act, and the act to which this is in addition, be, and they are hereby incorporated as a religious society, by the name of the Methodist Society in Dresden, with all the powers and privileges, which are exercised and enjoyed, and subject to all the duties and disabilities of other religious societies, according to the constitution and laws of this Commonwealth.

[Approved by the Governor, January 29, 1818.]

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## CHAP. LXVII.

An Act to annex John Cooper to the Second Parish in West Springfield.

**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 Cooper, of West Springfield, in the county of Hampden, with his polls and estate, be, and is hereby set off from the First Parish, and annexed to the Second Parish in said town: *Provided nevertheless*, that the said John Cooper shall be holden to pay all taxes legally assessed on him, by the First Parish, prior to the passing of this act.

Condition of  
recession.

[Approved by the Governor, February 2, 1818.]

## CHAP. LXVIII.

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

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the third and fourth instalments of twenty-five dollars on each share of the capital stock of the Pawtucket Bank, in lieu of being paid in, at the time by law now prescribed, may, respectively, be paid in at the discretion of the stockholders of said bank, at any time within one year from the passing of this act, any thing in the several acts to which this is in addition, to the contrary notwithstanding.

Payment of  
Stock extended

[Approved by the Governor, February 2, 1818.]

## CHAP. LXIX.

An Act in addition to an act, entitled “An act in addition to the several laws now in force, providing for the collection of Taxes.”

**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 may be lawful for any Town Treasurer, who may also have been chosen a Collector, as well as Treasurer, as is provided for in the act to which this is in addition, to issue his warrant to the Sheriff of the county, or his Deputy, or to any Constable of the same town, directing them to distrain the person or property of any person or persons, who may be delinquent in the payment of taxes, after the expiration of the time fixed for the payment thereof, by any vote of such town, subject to the same provisions as are directed by the act regulating the collection of taxes

Delinquents of  
Taxes dis-  
trained.

in the town of Boston, passed on the twelfth day of March, in the year of our Lord one thousand eight hundred and eight.

[Approved by the Governor, February 2, 1818.]

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## CHAP. LXX.

An Act respecting the packing of Pickled Fish.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the fourth section of an act, entitled "An Act to prevent fraud and deception in the packing of pickled fish, and to regulate the size and quality of the casks, and the sale and exportation thereof, within and from this Commonwealth, and to repeal all laws heretofore made on this subject," passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, as requires small fish to be packed edgewise in casks, be, and the same is hereby repealed.

Act repealed  
in part.

[Approved by the Governor, February 2, 1818.]

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## CHAP. LXXI.

An Act authorizing the President, Directors, and Company of the Merrimack Bank to increase the amount of their Capital 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 the President, Directors, and Company of the Merrimack Bank be, and they are hereby allowed to increase the capital stock of said bank, fifty thousand dollars, in addition to the sum allowed by their act of incorporation; the said additional sum to be subject to the same rules, restrictions and limitations as stated in the original act, to which this is in addition: And the stockholders of said bank,

for the time being, shall have the exclusive right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

SEC. 2. *Be it further enacted,* That twenty-five thousand dollars of the above named sum shall be paid into the said bank, on or before the first Monday of April next; and twenty-five thousand dollars on or before the first Monday of October next: *Provided* <sup>Time of paying in Stock.</sup> *nevertheless,* that before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the President and Directors of said corporation, verified by the oath of the Directors, and attested by the Cashier, that the same has been actually paid into the said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth. <sup>Proviso</sup>

[Approved by the Governor, February 2, 1818.]

## CHAP. LXXII.

An Act to set off part of the town of Paris, and to annex the same to Hebron.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following described tract of land, with the inhabitants thereon, be set off from the town of Paris, in the county of Oxford, and annexed to the town of Hebron, in the same county, by the following lines, to wit:—beginning at the south-east <sup>Boundaries.</sup> corner of Paris, thence running northerly the breadth of lot number one, and seventy rods on number two, to a ledge of rocks, being the bound of Amos Bryant's land, both in the ninth range of lots in said town; thence westerly on the line of said Bryant's land, which is a ledge, to the most westerly corner, which is a pile of stones standing on the said ledge; thence due west to the end of said lot; thence southerly on the line of said lot to its south-west corner; thence westerly between number one and number two, in range number

eight, the length of those lots, and thirty-six rods between number one and number two, in range number seven; thence by a right angle to Hebron line: And the said tract of land, with the inhabitants thereon, is hereby set off from the town of Paris, and annexed to the town of Hebron; and the said inhabitants shall hereafter be considered inhabitants of the said town of Hebron, and shall there enjoy all the civil rights and privileges, and shall be subject to all their civil duties and requisitions, in like manner with the other inhabitants of said town.

Rights & privileges confirmed

Taxes to be paid.

SEC. 2. *Be it further enacted*, That the said inhabitants shall be holden to pay all taxes heretofore legally assessed the present year, on them by said town of Paris, in the same manner as if this act had not passed.

[Approved by the Governor, February 2, 1818.]

### CHAP. LXXIII.

An Act for the due regulation of Licensed Houses in the town of Bath.

**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 act, entitled "An act in addition to an act, entitled an act for the due regulation of licensed houses," passed on the fourteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, shall have the same force and effect, to all intents and purposes, within the limits of the town of Bath, as it now has within the town of Boston; and the same proceedings shall in all respects be had within the limits of the said town of Bath, as are enjoined and authorized by said act, within the town of Boston, any law heretofore passed to the contrary notwithstanding: *Provided however*, that all fines and forfeitures incurred by any breach of this act, shall be prosecuted before any Court within and for the county of Lincoln, proper to try the same; and all fines and

Regulation of Licenses.

Proviso.

forfeitures so paid and received, shall be for the use of said county, and be paid over to its Treasurer accordingly.

[Approved by the Governor, February 2, 1818.]

## CHAP. LXXIV.

### An Act to incorporate the Proprietors of the New-England Museum and Gallery of Fine Arts.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* Ethan A Greenwood, Persons incorporated. Peter B. Bazin, John Dwight, and Samuel Jackson, with their associates, successors and assigns, shall be, and hereby are made a corporation, by the name of the New-England Museum and Gallery of Fine Arts, for the purpose of establishing said institution in the town of Boston; and by that name shall be and hereby are made capable in law to sue and be sued, plead and be May sue and be sued. impleaded, defend and be defended in any Court of Record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to alter or renew at pleasure; and also to appoint a Treasurer and Clerk, with such other officers as they may May choose officers, and make by-laws. think expedient; and also to establish and put into execution such by-laws and regulations as to them shall appear necessary and convenient for the government of said corporation and the prudent management of their affairs; *Provided* the same be not repugnant to the laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That said corporation are hereby made capable in law to hold and possess, for the purposes aforesaid, real estate to the amount May hold real & personal estate. of fifteen thousand dollars, and personal estate to the amount of twenty-five thousand dollars.

[Approved by the Governor, February 3, 1818.]

## CHAP. LXXV.

An Act concerning the Union and Boston Banks.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the seventh section of an act, entitled “An act to incorporate the President, Directors and Company of the Union Bank,” passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, and also the seventh section of an act, entitled “An act to incorporate the President, Directors and Company of the Boston Bank,” passed on the twenty-third day of June, in the year of our Lord one thousand eight hundred and twelve, be, and the same hereby are repealed.

[Approved by the Governor, February 3, 1818.]

## CHAP. LXXVI.

An Act to repeal certain acts prohibiting the passing of Bank Notes in certain cases.

**SEC. 1.** **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the fourth section of an act, entitled “An act requiring the several incorporated banks in this Commonwealth, to adopt the Stereotype Steel Plate, in certain cases, and for other purposes,” passed on the fourth day of March, in the year of our Lord one thousand eight hundred and nine, and also an act, entitled “An act in addition to an act requiring the several incorporated banks in this Commonwealth to adopt the Stereotype Steel Plate, in certain cases, and for other purposes,” passed on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and nine, be, and the same are hereby repealed.

**SEC. 2.** *Be it further enacted,* That the President and Directors of all the banks, which now are or may be hereafter incorporated under the authority of the Le-

Parts of acts  
repealed.

Acts repealed.

gislature of this Commonwealth, shall have the power to issue and emit bills of the denomination of one, two, and three dollars, to the amount of twenty-five per centum of their capital stock actually paid in, any thing in their respective acts of incorporation to the contrary notwithstanding.

SEC. 3. *Be it further enacted*, That no bank or banking company whatever, within this Commonwealth, shall, at any time, make or issue any bill or bills whatever, wherein a fractional part of a dollar is expressed, under a penalty of one hundred dollars for every bill so made and passed, to be recovered by action of debt in any Court proper to try the same, to the use of the person who shall sue therefor.

Emission of small bills.

Penalty for fractional parts of a dollar.

[Approved by the Governor, February 3, 1818.]

## CHAP. LXXVII.

An Act explanatory of an act, entitled “An act regulating the choice of Town Officers and Town Meetings.”

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever the inhabitants of any town or district are legally assembled to act on any subject relating exclusively to parishes, no person who is not a member of said parish, and liable to be assessed for parochial charges, shall be permitted to vote in such meetings.

Qualification of voters.

[Approved by the Governor, February 3, 1818.]

## CHAP. LXXVIII.

An Act to incorporate the town of China.

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 northerly part of

Feb. 5, 1818.

Separate town.

Boundaries.

the town of Harlem, in the county of Kennebec, together with a part of the towns of Fairfax and Winslow, in said county, as described within the following bounds, with the inhabitants thereon, be, and they are hereby incorporated into a separate town, by the name of China: beginning at the north-west corner of the town of Harlem, thence southerly on the line between the towns of Harlem and Vassalborough, to the centre of Twelve Mile Pond, thence south-easterly to the south-west corner of lot numbered thirty-five, in said town of Harlem, thence east south-east to the east line of the said town of Harlem, thence northerly on said east line to the north-east corner of said town of Harlem, thence west north-west on the dividing line between said towns of Harlem and Fairfax, to the south-west corner of a lot of land in said Fairfax, numbered thirty, thence northerly to the north-east corner of lot numbered eighty-eight, in said Fairfax, thence west north-west to the south-west corner of lot numbered eighteen, thence northerly to the south-east corner of lot numbered seven, thence west north-west to the outlet of Mud Pond in Winslow, thence southerly, by said stream and Mud Pond, to the original north line of said Harlem, thence west north-west to the bounds first mentioned.

Arrears of taxes must be paid.

Paupers.

SEC. 2. *Be it further enacted*, That the said town of China shall pay all arrears of taxes which have been assessed upon them, together with their proportion of all debts owed said towns of Harlem, Fairfax and Winslow, prior to the date of this act; and that all questions relative to property already existing shall be adjusted and settled in the same manner as if this act had not been passed; and that the military stores of said towns of Harlem and Fairfax shall be estimated and divided in the same proportion that each town paid at the time of the purchase thereof; and that no pauper shall be sent from one town to another of said towns for support, after the passing of this act, but each town shall support its own poor.

Division of taxes.

SEC. 3. *Be it further enacted*, That all future state or county taxes, levied on said towns of Harlem and China, previous to a new valuation, shall be assessed in the proportion of three eighths to Harlem and five

eighths to China; and also that one twentieth part shall be taken from the valuation of Fairfax, and added to said town of China.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Kennebec be, and he hereby is empowered, to issue his warrant, directed to a freehold inhabitant of said town of China, requiring him to notify and warn the inhabitants thereof qualified to vote in the choice of town officers, to meet at such time and place as shall be expressed in the said warrant, to choose all such officers as other towns within this Commonwealth are by law required to choose at their annual town meetings.

[Approved by the Governor, February 5, 1818.]

## CHAP. LXXIX.

### An Act to establish the Union Wheel Factory Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Mellen Battle, Benjamin Bass, Warren White, and Benjamin White, together with such other persons as now are, or may hereafter be associated with them, their successors and assigns be, and they hereby are made a corporation, by the name of the Union Wheel Factory Company, for the purpose of making wheels, pumps, blocks, screws, shives, and for the turning of wood and iron generally, in the town of Natick, in the county of Middlesex, and Boston, in the county of Suffolk; and for that purpose, shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act defining the general powers and duties of manufacturing corporations, passed the third day of March, in the year of our Lord one thousand eight hundred and nine.

SEC. 2. *Be it further enacted*, That the said corporation may lawfully hold and possess such real estate, not exceeding the value of thirty thousand dollars, and personal estate not exceeding the value of fifty

thousand dollars, as may be convenient and necessary for the carrying on of the manufactures aforesaid.

[Approved by the Governor, February 7, 1818.]

## CHAP. LXXX.

### An Act to incorporate the Attleborough City Manufacturing Company.

Persons incor-  
porated.

Powers and  
privileges.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joel Read, Lemuel May, Carlos Barrows, Squire French, Ebenezer Draper, and Nathaniel Allen, with such other persons as already have, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Attleborough City Manufacturing Company, for the purpose of manufacturing cotton yarn, on the Seven Mile River, (so called) in the town of Attleborough, in the county of Bristol ; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed on the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled " An act defining the general powers and duties of manufacturing corporations."*

May hold real  
estate.

SEC. 2. *Be it further enacted, That said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of thirty thousand dollars, and such personal estate, not exceeding the value of forty thousand dollars, as may be necessary and convenient for carrying on the manufactory of cotton yarn in said town of Attleborough.*

[Approved by the Governor, February 7, 1818.]

## CHAP. LXXXI.

## An Act incorporating the South Congregational Society in Barnstable.

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 Phinney, Paul Phinney, William Phinney, Solomon Phinney, Alvan Phinney, James Crosby, Job Childs, Ephraim Lewis, Levi Kelley, Thomas Lewis, Joseph Lewis, James Lewis, Edward Lewis, Freeman Kelley, Benjamin Jacob Childs, Eleazer Bearse, Ebenezer Case, Gershon Bearse, John Bearse, Moses H. Bearse, Eli Hinckley, Allen G. Drody, Silvanus Alexander, Moses Sturgess, Timothy Crocker, Lot Bearse, Benajah Berry, Timothy Bearse, Josiah Bearse, Allen Hallet, Ebenezer P. Bearse, Freeman Bearse, Samuel Pitcher, Peter Norris, Elisha Hall, Luther Hall, Ebenezer Case, junior, Lot Case, James Hathaway, junior, Seth Bassett, Henry Bassett, Samuel Sturgess, John Sturgess, John Sturgess, junior, Lot Sturgess, David Linnell, John Richardson, Richard Phinney, Thomas Phinney, Lewis Crosby, Silvanus Hinckley, Benjamin Hathaway, Levi Hinckley, and George Hinckley, with their polls and estates, be, and they are hereby incorporated into a society, by the name of the South Congregational Society in Barnstable, with all the privileges and immunities which other parishes in this Commonwealth are by law entitled to. Persons incorporated.

SEC. 2. *Be it further enacted,* That any inhabitant of the town of Barnstable, who may wish to become a member of said South Congregational Society, may, on or before the first day of March, in the year of our Lord one thousand eight hundred and twenty, join said society, and become a member thereof, he applying to the Clerk of said South Congregational Society, and entering his intention with him, and delivering to the Clerk of the parish he is about to leave, a certified copy of his intention. And any member of said South Congregational Society, who may wish to join either of the other congregational societies in Barnstable, on or before the first day of March, in the year of our Secession.

Lord one thousand eight hundred and twenty, may become a member of either of said societies, by the like proceedings.

Membership.

SEC. 3. *Be it further enacted*, That all persons, who may hereafter settle in the said town of Barnstable, and purchase the estates of members of said South Congregational Society, shall thereby become members of said South Congregational Society, and shall have the liberty of joining either of the other congregational societies in said town, within one year next afterward, by leaving a certified copy of his or her intention, as is provided by the second section of this act. And all other persons, who may hereafter settle in said town of Barnstable, may join said South Congregational Society, within one year next afterwards, by a similar proceeding.

May join church in one year.

SEC. 4. *Be it further enacted*, That when any person, an inhabitant of said town of Barnstable, shall arrive at the age of twenty-one years, and may wish to join said South Congregational Society, of which he or she is not a member, he or she shall be allowed one year next afterward, to join said South Congregational Society, in the same way and manner as is provided in the second section of this act; and all persons who may wish to leave said South Congregational Society, when they shall arrive at the age of twenty-one years, shall be allowed one year next afterwards, to join either of the other congregational societies, in the same manner.

May call meetings and choose officers.

SEC. 5. *Be it further enacted*, That David Scudder, Esquire, or any other Justice of the Peace for the county of Barnstable, be, and hereby is authorized, (upon application made for that purpose,) to issue his warrant, directed to some member of said South Congregational Society, requiring him to warn the members of said society, qualified by law to vote in parish affairs, to assemble at some suitable time and place, as shall be expressed in said warrant, to choose such officers as parishes by law are required to choose, in the month of March or April annually, and to transact all other matters and things necessary to the well being of said society.

[Approved by the Governor, February 7, 1818.]

## CHAP. LXXXII.

An Act to establish the Thomaston Marble Manufacturing Company.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sullivan Dwight and John Dwight, with such others as already have or may hereafter associate with them, their successors and assigns be, and they are hereby made a corporation, by the name of the Thomaston Marble Manufacturing Company, for the purpose of manufacturing marble on new and improved plans, in all its various forms and branches, from marble or lime quarries, in said town of Thomaston; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties and requirements prescribed and contained in an act passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations."*

SEC. 2. *Be it further enacted, That said corporation shall have power to build and erect suitable mills and other works for the manufacturing of marble or lime rock as aforesaid, and to purchase and to hold marble and lime quarries for the purpose aforesaid; within said town of Thomaston.*

SEC. 3. *Be it further enacted, That said corporation may be lawfully seized and possessed of such real estate within said town, necessary for said business, not exceeding the value of seventy thousand dollars, and personal estate, not exceeding thirty thousand dollars, as may be necessary and convenient for carrying on the manufacturing aforesaid.*

[Approved by the Governor, February 9, 1818.]

## CHAP. LXXXIII.

An Act in addition to an act, entitled “An act to incorporate the Trustees of the Standish School Fund.”

Justice to warn  
first meeting.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any Justice of the Peace for the county of Cumberland, upon application therefor, is hereby authorized to issue his warrant, directed to one of the Trustees named in the act, entitled “An act to incorporate the Trustees of the Standish School Fund,” requiring him to notify and call the first meeting of said Trustees, at such convenient time and place as shall be appointed in the said warrant, for the purpose of organizing the said corporation, by the election and appointment of its officers.

Section re-  
pealed.

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

[Approved by the Governor, February 9, 1818.]

## CHAP. LXXXIV.

An Act in addition to the several laws now in force, to secure to owners their property in logs, masts, spars, and other timber.

Extension of  
timber act.

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 same provisions, contained in the first section of the act, entitled “An act in addition to an act, entitled An act to secure to owners their property in logs, masts, spars, and other timber,” which is applied to Saco river, shall, after the passing of this act, be also extended to Presumscot river.

Section of act  
repealed.

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

SEC. 3. *Be it further enacted,* That the owner or owners of any logs, or other timber, or their agents, shall have liberty at all times, in a peaceable manner, to enter any mill, or any mill brow, boom, or raft of logs or other timber, in search of any logs or other timber, which they may suspect to be there; and any person or persons who shall prevent such search, shall forfeit and pay for each and every such offence, a fine not less than twenty-five dollars, nor more than one hundred dollars, to be recovered by action of debt in any court proper to try the same, in the name of the person who thus sustains the damage, and to be for his use.

May search  
mills, &c.

SEC. 4. *Be it further enacted,* That if any person shall be found to have in his saw mill or on his mill brow, lying on said Presumscot river, or on the rivers, streams or ponds emptying into the same, any mill log, or mast, marked with the mark of the proper owner, and which does not belong to the person who shall thus be found to have the same in possession as aforesaid, shall, for each and every log or mast so found, forfeit and pay the sum of twenty dollars, to be recovered by action of debt before any Justice of the Peace in the county where the offence is committed, for the use of the proper owner of said log or mast who shall sue for the same.

Fines for de-  
tention of logs.

[Approved by the Governor, February 9, 1818.]

## CHAP. LXXXV.

An Act to repeal the act granting the privilege of Review in Civil Actions.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act passed the twenty sixth day of February, in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An act granting the privilege of review in civil actions," be, and the same is hereby repealed: *Provided how-* ever, that the said act, and all the provisions thereof,

Act repealed.

Provide.

shall be and remain in force, as to all actions in which an appeal has already been entered from the judgment of any Court of Common Pleas.

[Approved by the Governor, February 9, 1818.]

## CHAP. LXXXVI.

An Act to incorporate the First Baptist Society in the town of Bath.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elijah Low, George W. Barton, William Bourk, John Blake, John Clifford, Ebenezer Colson, George Coombs, Isaac Crooker, Joshua B. Cushing, David Dexter, Jonathan Dresser, Joseph Dyer, Coburn Emerson, Ebenezer Emery, Joseph Hayes, James Foster, James Haley, Thomas Haley, David Haynes, Philip Higgins, Simeon Higgins, Noah Innis, John Lane, Daniel Allen, William Low, John Lemont, William Lemont, James McLellan, George Marston, John Matthews, Joseph Mitchel, 1st, Joseph Mitchel, 2d, John Mitchel, Edmund Mores, Stephen Morse, William Morse, Samuel Noble, Edward H. Page, junior, Joseph Parsley, David Percy, Daniel Peterson, John Ranks, Benjamin Riggs, George Riker, Thomas D. Robinson, William Rouse, Joseph Sewall, Oliver Snowman, Samuel Stanwood, Thomas P. Stetson, John B. Swanton, Joshua Thornton, John Todd, Fobes Turner, junior, James Wakefield, Timothy W. Waldron, David Walker, Edmund Warren, Benjamin White, Joseph White, William Whitney, Gamaliel Whittemore, Joshua Wingate, junior, Dunham Whitham, Henry Wyer, and Hezekiah Wyman, with their polls and estates, together with such other persons of the baptist denomination; as may hereafter associate with them for religious worship, be, and they are hereby incorporated as a religious society, for the purposes of social worship, according to the faith and order of the religious denomination of baptists, by the name of the First Baptist Society in Bath, with all the

Persons incor-  
porated.

corporate powers and privileges of other religious societies, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any inhabitant living in either of the adjacent towns, who may hereafter desire to join in religious fellowship with the said Baptist Society in Bath, shall have a right so to do, by declaring such desire and intention in writing, and delivering the same to the Minister, or Clerk of the said Baptist Society, fifteen days before the annual meeting thereof, and shall also deliver a copy of the same to the Town Clerk, or to the Clerk of any other religious society, with which such person has been before connected, fifteen days before the annual meeting thereof: and if such person can produce a certificate of admission, signed by the Minister and Clerk of said society, purporting that he or she has united with and become a member of said Baptist Society, such person, from the date of said certificate, with his or her polls and estate, shall be held and considered members of the said First Baptist Society in Bath, and shall be exempted from taxation, towards the support of any other religious society, in the town or parish where such person may dwell.

Regulations for  
becoming  
members.

SEC. 3. *Be it further enacted*, That when any member of said First Baptist Society in Bath, may see cause to secede therefrom, and to unite with any other religious society in the town of Bath, or in either of the adjoining towns, 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 to another, the person so seceding, shall be holden in law to pay his or her proportion, or assessment of all parochial or society debts and expenses, which have been voted and assessed, and not paid prior to such secession.

Secession.

Proviso.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the county of Lincoln be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Bath, belonging to said society, requiring him

Meeting called  
for choice of  
officers.

to notify and warn the members of the said First Baptist Society, 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.

[Approved by the Governor, February 9, 1818.]

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## CHAP. LXXXVII.

### An Act for giving further remedies in Equity.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Justices of the Supreme Judicial Court shall have power and authority to hear and determine in equity, all cases of trust arising under deeds, wills, or in the settlement of estates; and all cases of contract in writing, where a party claims the specific performance of the same, and in which there may not be a plain, adequate, and complete remedy at law; and the bill or complaint in such cases may be inserted in a writ of attachment or original summons, returnable to the same court, and such writ be served on the adverse party as other writs of attachment, or original summons are by law to be served, or the same may be otherwise brought according to the course of proceedings in the Courts of Chancery. And the said Justices of the Supreme Judicial Court shall have authority to issue all such writs and processes, as may be necessary, or proper to carry into effect the powers hereby granted: and to make, from time to time, all necessary rules and orders for the convenient and orderly conducting of the said business, *provided* the same be not repugnant to the constitution and laws of this Commonwealth; and *provided also* that the cases of contract, to which this act shall apply, shall be to such only as shall be hereafter made in writing.

Equity cases.

S. J. Court may  
issue writs, &c

[Approved by the Governor, February 10, 1818.]

CHAP. LXXXVIII.

An Act establishing the Compensation of Witnesses.

**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, each and every witness duly summoned to attend at the Supreme Judicial Court, or any Court of Common Pleas or Sessions, shall be entitled to one dollar for each and every day's attendance at either of said courts as a witness.

[Approved by the Governor, February 10, 1818.]

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CHAP. LXXXIX.

An Act concerning Constables.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all unincorporated plantations, which shall from time to time, be ordered by the General Court to pay any part or proportion of the public taxes, shall be and they hereby are fully vested with the same rights and powers of choosing Constables, as towns by law possess; and the powers, duties, oath and responsibilities of such Constables in plantations, shall be the same as of those in towns.

[Approved by the Governor, February 10, 1818.]

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CHAP. XC.

An Act to authorize the town of Hingham to sell certain real estate.

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

May sell land  
and pass deeds.

town of Hingham, at any legal meeting or meetings, by them to be held, may, from time to time, appoint a committee of three discreet freeholders, inhabitants of said town, who shall have power, during their continuance in office, to sell and pass deeds of any or all such pieces and parcels of land, held by the said inhabitants as aforesaid, to any person or persons, his, her or their heirs and assigns, for such consideration as shall be agreed upon; which deed and deeds, duly executed, acknowledged and recorded, shall pass good titles to the purchaser or purchasers, his, her or their heirs and assigns, so that neither the said inhabitants, nor the said proprietors or their legal representatives shall ever have, claim, demand, or recover the same, or any part of the said lands.

Appropriation  
of funds to  
schools, &c.

SEC. 2. *Be it further enacted*, That the money which shall be received for the sale of said lands, after deducting therefrom all expenses which shall be incurred in the transaction of the business, shall constitute a fund, the interest of which shall be applied, exclusively, to the support of public schools, and the maintenance of the poor of said town. And the Selectmen and Treasurer of said town, for the time being, shall be Trustees of said fund, place the same at interest, and apply said interest, as received, to the purposes aforesaid.

[Approved by the Governor, February 10, 1818.]

## CHAP. XCI.

An Act to annex Alexander Rice to the second parish in the town of Kittery.

Conditional  
set off.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alexander Rice, of the town of Kittery, in the county of York, with his polls and estate, be, and they hereby are set off from the first parish, and annexed to the second parish in said town: *Provided* the said Alexander Rice shall

pay his full proportion of all parish charges due from him to the said first parish, prior to the passing of this act.

[Approved by the Governor, February 10, 1818.]

## CHAP. XCII.

An Act to incorporate the President, Directors and Company of the Suffolk 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 Samuel R. Miller, Pat-* Persons incor-  
*rick T. Jackson, Eliphalet Williams, William Law-* porated.  
*rence, Daniel P. Parker, George Bond, Edmund Mun-*  
*roe, and their associates, successors and assigns, shall*  
*be, and are hereby created a corporation, by the name*  
*of the President, Directors and Company of the Suffolk*  
*Bank, and shall so continue from the third Wednesday*  
*in April next, until the first Monday in October, which*  
*will be in the year of our Lord one thousand eight hun-*  
*dred and thirty-one ; and the said corporation shall al-*  
*ways be subject to the rules, restrictions, limitations,* Rights, &c.  
*taxes and provisions, and be entitled to the same rights,*  
*privileges and immunities, which are contained in an*  
*act, entitled " An act to incorporate the President, Di-*  
*rectors and Company of the State Bank," except in so*  
*far as the same are modified or altered by this act, as*  
*fully and effectually as if the several sections of said*  
*act were herein specially recited and enacted.*

**SEC. 2.** *Be it further enacted, That the capital stock* Capital Stock.  
*of said corporation shall consist of the sum of five hun-*  
*dred thousand dollars in gold or silver, to be, besides such*  
*part as this Commonwealth may subscribe, in manner*  
*hereinafter mentioned, divided into shares of one hun-*  
*dred dollars each, which shall be paid in manner fol-*  
*lowing, that is to say ; one fourth part thereof on or be-* Time of pay-  
*fore the fifteenth day of April next ; one fourth part* ment.  
*thereof on or before the fifteenth day of July next ; one*  
*fourth part thereof on or before the fifteenth day of Oc-*  
*tober next ; and the residue on or before the fifteenth*

day of January next. And the Stockholders, at their first meeting, shall by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof; which, being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements, and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage or on execution, to any amount, as security for, or in payment of, any debts due to the said corporation: *And provided further*, that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed and paid in, and existing in gold or silver in their vaults, shall amount to one fourth part of the whole capital stock, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine and count the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose; and that it is intended therein to remain as part of said capital, and to return a certificate thereof to the Governor.

May hold real estate.

Proviso.

Disposition of Stock.

Inspection of vaults.

Location.

SEC. 3. *Be it further enacted*, That the said bank shall be established and kept in the town of Boston:

Loans to State.

SEC. 4. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money, which may be required, not exceeding ten per centum of the

capital stock, then actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital then paid in.

SEC. 5. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two of the newspapers printed in the town of Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting of the affairs of said corporation, as the stockholders shall deem necessary, and the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Meeting for  
choice of offi-  
cers,

SEC. 6. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

State subscrip-  
tion.

SEC. 7. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the Stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of said bank, in proportion as the sums paid from the treasury of the Commonwealth shall bear to the whole amount of stock actually paid into the said bank, if at any time hereafter, they shall judge fit to exercise that right.

State Directors.

SEC. 8. *Be it further enacted*, That the said bank shall not receive and issue as currency, or take by way of general deposit, or trade or traffic in, or in any man-

Shall not traf-  
fic in foreign  
bills,

ner receive or purchase, any bills, promissory notes, or other negotiable paper of any incorporated or unincorporated bank of any state, territory, colony or province, whatsoever, except such as may be issued by the bank of the United States or some of its branches, or by some of the banks within this Commonwealth.

Penalties.

SEC. 9. *Be it further enacted*, That should the said bank offend against the provisions of the preceding section, it shall forfeit and pay a sum equal to the whole amount of the bills so received, taken and issued as aforesaid, to be recovered in any court of competent jurisdiction, by bill, complaint or information, the one half for the benefit of the Commonwealth, and the other for the benefit of him or them who shall sue or prosecute for the same.

[Approved by the Governor, February 10, 1818.]

### CHAP. XCIII.

#### An Act to establish the Cony Female Academy.

Location.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be, and hereby is established in the town of Augusta, in the county of Kennebec, an Academy, by the name of the Cony Female Academy, for the purpose of promoting the education of youth, and more especially females.

Trustees.

SEC. 2. *Be it further enacted*, That the Honorable Samuel S. Wilde, the Honorable Nathan Weston, junior, Samuel Cony, Ruel Williams, and Daniel Stone, Esquires, be, and they are hereby incorporated into a body politic, by the name of the Trustees of the Cony Female Academy; and they and their successors shall be and continue a body politic and corporate, by the same name forever.

May sue and be sued.

SEC. 3. *Be it further enacted*, That the said Trustees and their successors, shall have a common seal, which they may break, change, and renew from time to time, as they shall see fit; and they may sue and be sued, in all actions, real, personal and mixed, and pro-

secute and defend the same to final judgment and execution, by the name of the Trustees of the Cony Female Academy; and may appoint an agent or agents, to prosecute and defend such suits.

SEC. 4. *Be it further enacted*, That the said Samuel S. Wilde and others, the Trustees aforesaid, and their successors be, and they are hereby made the Visitors, Trustees and Governors of the said academy, in perpetual succession, to be continued in the way and manner hereafter specified, with full power and authority to elect all such officers of the said academy, as they shall judge necessary and convenient, and to make and ordain such laws, orders, and rules, not repugnant to the laws of the Commonwealth, for the good government of said academy, as to them shall seem fit and requisite. General powers.

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

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

SEC. 7. *Be it further enacted*, That the Trustees aforesaid shall be deemed and taken in law to be and stand seized in fee simple and in possession of all the estate which was conveyed to them on the twenty-fifth day of December, one thousand eight hundred and fifteen, by the Honorable Daniel Cony, of Augusta, in trust for the use and support of a female academy; and they and their successors shall be, and they are hereby rendered capable in law to take and hold by gift, grant, devise, bequest or otherwise, any other lands, tenements or estates, real or personal: *Provided*, that the annual income of the said real estate shall not exceed one thousand dollars, and the annual income of the said personal estate shall not exceed the sum of three thousand dollars. And all deeds Donations.

Limitation of interest.

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and instruments which the said Trustees, or a major part of them may lawfully make and subscribe, shall be sealed with the seal of said corporation, and shall be valid in law to pass the estate therein conveyed.

First meeting. SEC. 8. *Be it further enacted*, That the Honorable Samuel S. Wilde be, and he is hereby authorized and empowered to appoint the time and place for holding the first meeting of said Trustees, and notify them thereof.

[Approved by the Governor, February 10, 1818.]

## CHAP. XCIV.

An Act to incorporate the Proprietors of Rowe's Wharf, in the town of Boston.

Persons incor-  
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Israel Munson, John French, John Perry, all of Boston aforesaid, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Rowe's Wharf; and the said corporation, by the same name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate hereinafter described, consistent with the laws of the Commonwealth, and generally to do and execute whatever by law shall appertain to bodies politic.

May sue and  
be sued.

May hold real  
estate.

SEC. 2. *Be it further enacted*, That the said corporation be, and hereby is declared capable to have, hold and possess certain real estate, situate in said Boston, bounded and described as follows, to wit: westerly on Battery March Street, there measuring two hundred and twenty feet, more or less, northerly by India Wharf and by the flats before the same, easterly on the channel, there measuring two hundred and fifty-four feet, more or less, and southerly by a thirteen feet high-way leading from the water to Fort Hill, or how-

ever otherwise bounded, together with all the rights, privileges and appurtenances thereof; *provided* the Proviso. lawful proprietors thereof shall legally convey the same to said corporation; and the said corporation shall have power to sell, grant and alien, in fee simple or otherwise, their corporate property, or any part thereof, within the said described limits, and lease, manage and improve the same according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided always*, and it is hereby well understood, that nothing herein contained shall be construed into any grant or confirmation of title to land in the said associates or corporation, or into any authority to extend the dimensions of said wharf beyond the title and authority, which the present proprietors thereof now have and possess in this behalf.

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

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess Assessments. such sums of money as may be deemed necessary for rebuilding or repairing any buildings whatever, or other property of said corporation, or necessary for the building of any new wharves, or tenements, within the aforesaid limits, or for the improvement and good management of the corporate estate agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such pro-

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Sale of delin-  
quent shares.

prietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

Limitation of  
corporate prop-  
erty.

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

Regulation of  
votes and as-  
sessments.

First meeting.

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

[Approved by the Governor, February 10, 1818.]

## CHAP. XCV.

An Act to incorporate the Trustees of the Charity Fund  
in the First Parish in Portland.

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 Reverend Ichabod Nichols, Honorable Samuel Freeman, Honorable Woodbury Story, Honorable Matthew Cobb, Honorable Asa Clap, Honorable Prentiss Mellen, Robert Boyd, Esquire, Isaac Hsley, Esquire, Nicholas Emery, Esquire, and Stephen Longfellow, junior, Esquire, and their successors, be, and they hereby are made a corporation and body politic, by the name of the Trustees of the Charity Fund, in the first parish in Portland; and by that name may sue and be sued, and prosecute and defend any actions at law or otherwise; may have and use a common seal, and agree upon and make such by-laws and regulations as they may think necessary for the management of the business of their office, not inconsistent with the laws of the land; and may take and hold any real or personal estate, not exceeding thirty thousand dollars in value; and may sell and pass deeds of any such real estate for accomplishing the objects hereafter mentioned; which deeds shall be good and effectual in law to pass such estate, being signed by any six of said Trustees, and sealed with the seal of the corporation.

Persons incorporated.

May sue and be sued.

May hold real & personal estate.

SEC. 2. *Be it further enacted,* That meetings of said Trustees may be called by giving personal notice to each member of the board, or by leaving a written notice at his house, at least one day before such meeting, which meetings may be adjourned from time to time; and any five of said Trustees shall constitute a quorum for transacting business, and the Trustees shall have power, at any meeting, to fill all vacancies which may happen in said board, by death, resignation or otherwise; and also to elect a President, a Treasurer, and such other officers as they may think proper, who shall hold their offices until others are chosen in their stead: *Provided however,* that the Minister or Minis-

Notice of meetings.

Vacancies filled.

Bonds to be  
given by Treas-  
urer.

ters of said first parish, shall always, ex-officio, belong to said board ; and also that the Treasurer, before entering on the duties of his office, shall give bond to the satisfaction of the board, for the faithful performance of his duty.

Meetings of  
Society.

SEC. 3. *Be it further enacted*, That the President of said board shall have power to call meetings of said Trustees, whenever he may think proper, and it shall be his duty to do it, when requested, in writing, by any five of said Trustees, or by any five of the subscribers, or donors to said fund : and in case of the death, absence or inability of the President, or any vacancy of his said office, meetings may be called by any other member of said board, when requested as above mentioned, notice being given as before provided.

Disposition and  
appropriation  
of stock.

SEC. 4. *Be it further enacted*, That it shall be the duty of said Trustees, for the time being, to place out at interest on good security, or invest in bank stock, or in the funds of the United States, or of this Commonwealth, the monies now composing said fund, or which may hereafter be added thereto, by subscription, donation or otherwise, and apply the income only of such fund in assisting and relieving the poor and necessitous members of said parish, according to their best discretion, so as most effectually to answer the design of those who have created the said fund.

First meeting.

SEC. 5. *Be it further enacted*, That the Reverend Ichabod Nichols be, and he hereby is authorized to call the first meeting of said Trustees.

[Approved by the Governor, February 10, 1818.]

## CHAP. XCVI.

An Act in addition to an act, entitled " An act to incorporate the Merchants' Insurance Company, 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 the capital stock of the Merchants' Insurance Company, in Boston, shall be

augmented from one hundred thousand dollars, to one hundred and fifty thousand dollars, and that the additional stock shall be divided into five hundred shares, of one hundred dollars each; and shall be subscribed under the inspection of the President and Directors, or a committee appointed by said company; and shall be subject to the conditions, provisions and restrictions contained in said act, except as is hereinafter mentioned. Augmentation of stock.

SEC. 2. *Be it further enacted,* That the fifty thousand dollars new stock, shall be paid in on or before the first day of May next, under such penalties as the President and Directors shall prescribe. Time of paying in stock.

SEC. 3. *Be it further enacted,* That so much of the thirteenth section of said act, as limits the whole amount said company may have at risk, at any one time, be, and the same hereby is repealed. Part of act, repealed.

[Approved by the Governor, February 10, 1818.]

## CHAP. XCVII.

### An Act to incorporate the Executive Committee of the Massachusetts Baptist Education 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 Thomas Baldwin, D. D. Reverend Joseph Grafton, Reverend Elisha Williams, Reverend Charles Train, Reverend Jeremiah Chaplin, Reverend Lucius Bolles, and Reverend Daniel Sharp, together with the Secretary and Treasurer of the corporation, for the time being, are hereby formed into and constituted a body politic and corporate, by the name of the Executive Committee of the Massachusetts Baptist Education Society; and they and their successors shall be and continue a body politic and corporate by that name forever. Persons incorporated.

SEC. 2. *Be it further enacted,* That the said committee shall have power to elect a Chairman, and such other officers as they may deem necessary; to have a common seal, and to alter the same at pleasure; May choose officers, and make by-laws.

to make all such by-laws as may be necessary to promote the objects of the society, not incompatible with the laws of this Commonwealth, and that the same society, by the name aforesaid, as a body politic and corporate, may sue and be sued, prosecute and defend suits to final judgment and execution.

SEC. 3. *Be it further enacted*, That the said committee shall be, and they are hereby made capable in law of receiving any grants or devises of lands or tenements, in fee simple, or for a less estate, and also any donations or bequests of money, or other personal estate, which may have been made, or which may hereafter be made, by any person or persons whatever, and to use and improve the same for the purposes and according to the directions herein mentioned: *Provided*, that the said society shall at no time take, hold or possess, in real and personal estate, a greater amount than sixty thousand dollars, upon a just valuation.

SEC. 4. *Be it further enacted*, That all grants, donations, devises and bequests of any real or personal estate to the said society, not exceeding in amount the sum of sixty thousand dollars, shall be used and improved to the best advantage; and the annual income thereof, together with the annual subscriptions and contributions, which shall be made to the said society, shall be applied annually to the assistance of such young men in their education for the ministry, as the executive committee shall determine to be fit subjects thereof.

SEC. 5. *Be it further enacted*, That the said executive committee, when seven of them, at least, shall deem it most for the advantage of the society, may sell and dispose of in fee simple, or otherwise, all or any of the real estate belonging to the society, and invest the same in funds, or may apply their personal estate in purchasing real estate, the proceeds of either being always applied to the object for which the said property was given.

SEC. 6. *Be it further enacted*, That all deeds, grants, covenants and agreements, to be made for, and in behalf of said society, shall be executed under the common seal of the same, and signed by the Chairman and Secretary.

SEC. 7. *Be it further enacted*, That the said exec-

May hold real  
estate.

Disposition of  
funds.

May sell real  
estate.

Execution of  
deeds.

utive committee shall not exceed nine, including the Secretary and Treasurer of the society, and shall be annually chosen by Trustees appointed by the Boston Baptist Association, and such others as shall unite with them for the same object.

Number of  
Executive com-  
mittee.

SEC. 8. *Be it further enacted*, That the said society shall hold their annual meeting on the Thursday next after the third Wednesday in September, at such place as the Boston Baptist Association shall meet.

Annual meet-  
ings.

SEC. 9. *Be it further enacted*, That the Legislature shall have power, at any time hereafter, to alter, amend or wholly repeal this act, whenever in their opinion the public good may require it.

Powers to alter  
this act.

[Approved by the Governor, February 10, 1818.]

## CHAP. XCVIII.

### An Act to incorporate the town of Monroe.

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 Lee, in the county of Hancock, as contained within the following described boundaries, be, and hereby is established as a town, by the name of Monroe, viz. beginning on the north line of the Waldo Patent, at the north-west corner of Frankfort, thence running south by Frankfort line, to Marsh river stream, thence westerly by said stream, to its confluence with Dead Brook, thence north, seventy degrees west, to the east line of the ten thousand acres, so called, thence south twenty degrees west, to the south-east corner thereof, thence by Swan Plantation and the town of Brooks, to the Plantation of Jackson, thence north twenty degrees east, by Jackson line to the north line of the Waldo Patent, thence eastwardly by said Patent line to the said corner of Frankfort. And the said town of Monroe is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate

Boundaries.

Corporate pow-  
ers.

Feb. 12, 1818.

towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Hancock be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Monroe, requiring him to notify and warn the freeholders and other inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual town meetings.

[Approved by the Governor, February 12, 1818.]

Choice of town  
officers.

## CHAP. XCIX.

An Act in addition to an act, entitled "An act for the protection of the Indians and their property, in that part of Dukes County known by the name of Christiantown."

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 Guardians appointed in pursuance of the act, entitled "An act for the protection of the Indians and their property, in that part of Dukes County, known by the name of Christiantown," be, and they hereby are required, within six months from the passing of this act, to file their account of guardianship, with the Circuit Court of Common Pleas for the County of Dukes County, which Court, after due notice to all parties concerned, shall settle and allow such account, in the same manner as Judges of Probate are now authorized to allow and settle the accounts of trustees. And the said Guardians shall hereafter, once in two years at farthest, settle a like account with the Court of Common Pleas, in manner above directed.

Indians in  
Dukes County.

SEC. 2. *Be it further enacted*, That so much of the act above named, as authorizes the Indians at Chris-

tiantown, with consent of their Guardians, to sell and convey any part of their land, be, and the same hereby is repealed; and that from and after the passing of this act, no part of said lands, now holden by Indians, shall be sold without the consent of the Legislature.

[Approved by the Governor, February 12, 1818.]

## CHAP. C.

An Act to set off William Hunnewell from the town of Charlestown, and annex him to the town of Cambridge.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Hunnewell, of Charlestown, in the county of Middlesex, with his family, polls and estate, be set off from the said town of Charlestown, and annexed to the town of Cambridge, in the said county of Middlesex: *Provided*, that the said Hunnewell shall be holden to pay his proportion of all sums of money granted by the town of Charlestown, prior to the passing of this act.

Conditional set off.

[Approved by the Governor, February 12, 1818.]

## CHAP. CI.

An Act respecting the Trustees of the Baptist Education fund.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all future meetings of the Trustees of the Baptist Education Fund, five members thereof shall constitute a quorum for the transaction of business, any thing in their act of incorporation to the contrary notwithstanding.

Number of Trustees to constitute a quorum.

[Approved by the Governor, February 12, 1818.]

## CHAP. CII.

An Act authorizing the town of Ellsworth to maintain a Free Bridge over Union River, in said town.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of Ellsworth shall have full power and right to maintain the bridge now standing over Union River, in said town, on the great post road between the Penobscot and Schoodick rivers, and to re-erect and keep the same in repair forever; and if any person or persons shall wilfully, maliciously, and contrary to law take up, remove, or in any way injure any part of said bridge, or shall be aiding and assisting in any such trespass, he shall, for every such offence, forfeit and pay to the aforesaid town of Ellsworth, double such damages as the said town shall, to the Justice, or Court and Jury, before whom the trial shall be, make it appear that it has sustained by means of the same trespass: *Provided*, that the said bridge shall be at least thirty-six feet in width, and that no toll shall ever be demanded for passing the same.

[Approved by the Governor, February 12, 1818.]

## CHAP. CIII.

An Act to prevent the destruction of certain useful Birds at unseasonable times of the year.

**W**HEREAS there are within the Commonwealth, many birds which are useful and profitable to the citizens, either as articles of food, or as instruments in the hands of Providence to destroy various noxious insects, grubs and caterpillars, which are prejudicial or destructive to vegetation, fruits and grain; and it is desirable to promote the increase and preservation of birds of the above description, and to prevent the wanton destruction of them at improper seasons:

Right to maintain a Bridge.

Penalty for trespasses.

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter it shall not be lawful for any person to take, kill or destroy, any of the birds called partridges and quails, at any time from the first day of March, to the first day of September in every year; and no person shall take, kill or destroy, any of the birds called woodcocks, snipes, larks and robins, at any time from the first day of March to the fourth day of July in each year; and if any person shall take or kill, or shall sell, buy or have in his possession after being killed, or taken, any of the birds aforesaid, within the times limited as aforesaid respectively, he shall forfeit and pay for each and every partridge, quail, or woodcock, so taken, killed or in his possession, two dollars; and for each and every snipe, lark or robin, so killed, taken, or in his possession, one dollar: the forfeitures aforesaid to be recovered by any person who will sue for the same, within one year from the time of the offence committed, to his own use, in an action of debt, in any Court having jurisdiction of the amount demanded; or said forfeitures may be recovered by complaint to any Justice of the Peace in the name of the Commonwealth, to the use of the county where the prosecution may take place; and on failure to pay such forfeiture and costs on conviction, the offender may be committed to prison for a term not less than five, nor more than fifteen days.

To prevent the  
destruction of  
birds, &c.

Penalties.

SEC. 2. *Be it further enacted,* That if any person shall shoot at or kill any of the birds aforesaid, or any other birds, upon lands not owned or occupied by himself, without license from the owner or occupant of such lands, at any time from the first day of March to the fourth day of July in each year, such person shall forfeit and pay to the occupant or owner of such lands, where he may shoot at, or kill such birds, ten dollars, as a penalty in addition to all other actual damages, to be recovered by the party injured, by an action of trespass, in any court having jurisdiction of the amount demanded: *Provided however,* that nothing in this act shall be construed to prevent the killing of crows, black-birds, owls, blue jays, and hawks, at any season of the year: *And provided also,* that the inhabitants of any

Provisos.

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town in the Commonwealth may at their annual meeting in March or April in any year, by vote, suspend the operation of the prohibitions and restrictions contained in this act, in whole or in part, within such town, and for such term of time, not exceeding one year, as to them shall seem expedient.

[Approved by the Governor, February 12, 1818.]

### CHAP. CIV.

An Act to establish the town of Perry, in the county of Washington.

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 numbered one, in the county of Washington, as contained within the following described boundaries, be, and the same is hereby incorporated and established as a town, by the name of Perry, viz. : easterly and southerly by the waters of Passamaquoddy Bay, northerly by Robinston, late township numbered four, in the same division of townships, and westerly by the township numbered two, incorporated the present session, by the name of Dennysville. And the inhabitants of the said town of Perry are hereby vested with all the powers and privileges, and shall be also subject to the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Washington, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Perry, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are by law required and empowered to choose at their annual town meetings.

[Approved by the Governor, February 12, 1818.]

Boundaries.

Powers and  
privileges.

Meeting for  
choice of offi-  
cers.

## CHAP. CV.

An Act authorizing the President, Directors and Company of the Wiscasset Bank to reduce the amount of their Capital Stock.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the capital stock of the President, Directors and Company of the Wiscasset Bank, shall be one hundred thousand dollars, 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 said corporation, that there exist in said bank funds belonging to said corporation, sufficient to pay all 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, or any other existing law : *Provided also*, 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 paid. Capital Stock.  
Proviso.  
Taxes to be paid.

[Approved by the Governor, February 13, 1818.]

## CHAP. CVI.

An Act to establish the town of Mexico, 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 the Plantation here-

Boundaries.

tofore called Holmanstown, on the north side of Great Amariskoggin River, in the county of Oxford, as contained within the following described boundaries, be, and the same is hereby incorporated and established as a town, by the name of Mexico, viz. easterly by Webb's river, (the present bounds between Dixfield and said Holmanstown,) southerly by the river Great Amariskoggin, westerly by the town of Rumford, northerly by the townships or plantations numbered four and seven. And the inhabitants of the said town of Mexico, are hereby vested with all the powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Powers and privileges.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Oxford, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Mexico, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers, as towns are by law empowered and required to choose at their annual town meeting.

Election of town officers.

[Approved by the Governor, February 13, 1818.]

## CHAP. CVII.

An Act to annex Ephraim Dorman, with his family and estate, to the town of Harrington.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ephraim Dorman, with his family and estate, be, and they hereby are set off from the town of Columbia, and annexed to the town of Harrington, and shall hereafter be considered a part thereof, there to do the duties, and enjoy the privileges equally with the other inhabitants of said town, as fully and completely as though the said Dorman, with his estate, had been originally included in the said town of Harrington: *Provided however*, that the said Dorman

Conditional set off.

shall be holden to pay all sums of money granted by the said town of Columbia, prior to the passing of this act, in the same way and manner he was before holden to pay the same, any thing in this act to the contrary notwithstanding.

[Approved by the Governor, February 13, 1818.]

## CHAP. CVIII.

An Act in addition to an act, entitled “An act exempting certain Goods and Chattels of Debtors from attachment, and execution.”

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 next, every citizen of this Commonwealth shall have a right to hold the following articles, altogether exempt from attachment on mesne process and execution, viz.—all cast iron stoves, and stoves made of sheet iron, used exclusively for the purpose of warming buildings : Provided, that not more than one such stove to each building, owned or occupied by the same person or family, shall be so exempted.*

Description of  
goods exempt-  
ed.

[Approved by the Governor, February 13, 1818.]

## CHAP. CIX.

An Act to prevent the destruction of Pickerel, in the town of Great Barrington.

*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, whoever shall kill, take or catch any pickerel, in any pond, cove, river, or stream, within the town of Great Barrington, other than by or with a hook or hooks and line, shall forfeit and pay the sum of five dollars, for each and every pickerel 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.

[Approved by the Governor, February 13, 1818.]

## CHAP. CX.

### An Act authorizing the Taxing of Pews in the First Parish Meeting House in Boothbay.

**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 first parish in the town of Boothbay, in the county of Lincoln, be, and they hereby are empowered to raise the whole or any part of any sum of money, which the said inhabitants may, hereafter, at any legal meeting called for the purpose, vote to raise, for the purpose of repairing the out side of their meeting house, by a tax upon the pews on the lower, or ground floor, in said house.*

Tax on Pews.

**SEC. 2.** *Be it further enacted, That for the equitable apportionment of the taxes to be assessed on said pews, the inhabitants of said parish shall cause a valuation thereof to be made by a committee, to be chosen by them for that purpose; and the report of that committee, stating the numbers and value of said pews, shall, when accepted and recorded, be binding on all persons interested for the purposes of taxation as afore-said; and the sums voted to be raised on said pews, shall be apportioned and assessed thereon by the assessors, for the time being, according to such valuation.*

Assessment of taxes.

**SEC. 3.** *Be it further enacted, That the assessors of said parish shall make out a fair list of the taxes assessed on pews, according to this act, and commit said list to the Treasurer of the parish, to receive and collect the taxes; and it shall be the duty of the Treasurer, as soon as may be, after receiving said list, to give notice thereof, by posting a copy of said list at said meeting house door, stating the number of each pew, and the amount of tax set against it, with a notifi-*

Duty of Treasurer.

cation thereon written, for persons interested in said pews, to pay the tax upon the same, within thirty days from the date of said notification; and if the tax upon any pew shall not be paid to the Treasurer within the thirty days, according to his notification as aforesaid, it shall be the duty of the Treasurer, and he is hereby empowered, to sell the pew upon which such tax or any part of it shall remain unpaid, at public auction, to the highest bidder; and his certificate or bill of sale to the purchaser, recorded in the records of the parish, shall give to the purchaser a perfect right and title to said pew, and he shall afterwards be considered the legal owner thereof: *Provided however,* that the Treasurer shall, Proviso. after the expiration of said thirty days, give at least ten days notice of the time and place of vendue, by posting up one advertisement at said meeting house, and one at some other public place in said town, stating the number of the pew to be sold, and the tax due upon it.

SEC. 4. *Be it further enacted,* That in case an adjournment of the sale of pews, shall appear to the Treasurer to be necessary, he may adjourn his sales for a time, not exceeding four days at a time, until his sales are completed; and in all cases, he shall pay over on demand, to the former owners of pews, the balance in his hands arising from the sales, after deducting the taxes due, and his reasonable charges for advertising and selling the same. Sale of Pews.

[Approved by the Governor, February 13, 1818.]

## CHAP. CXI.

An Act to establish the Town of Dennysville, in the county of Washington.

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 Dennysville, or township numbered two, in the eastern division of the Lottery Townships, so called, in the county of Washington, as contained within the following described bounds, be, and the same is Boundaries.

Powers and  
privileges.

hereby incorporated and established as a town, by the name of Dennysville, viz.—easterly, partly by the town of Perry, (or number one) incorporated the present session, and partly by Cobscook Bay, southerly by Cobscook Bay and River, westerly by Dennys River, and northerly by the township numbered three, unincorporated. And the inhabitants of the said town of Dennysville are hereby vested with all the powers and privileges, and shall be also subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Meeting  
for choice of  
officers.

SEC. 2. *Be it further enacted*, That any Justice of the Peace for the county of Washington, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Dennysville, requiring him to notify and warn the inhabitants thereof to meet at such convenient time and place as shall be expressed in the said warrant, for the choice of such officers as towns are by law required and empowered to choose at their annual town meetings.

[Approved by the Governor, February 13, 1818.]

## CHAP. CXII.

An Act to incorporate the Suffolk Insurance Company.

Act repealed.

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 act passed in the year of our Lord one thousand eight hundred and three, entitled “An act to incorporate John Codman and others into a company, by the name of the Suffolk Insurance Company,” and all other acts made in addition thereto, be, and the same hereby are repealed.

SEC. 2. *Be it further enacted*, That the persons now holding shares in the said Suffolk Insurance Company, together with all such persons as have agreed to associate themselves for the same purpose, and who shall become stockholders in the company hereinafter created, be, and they hereby are incorporated into a company and body politic, by the name of the Suffolk In-

insurance Company, for and during the term of twenty years after the passing of this act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute or defend till 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.

Re-incorporation.

Powers and privileges.

SEC. 3. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from said business, shall never exceed three hundred thousand dollars; and shall be divided into shares of thirty-three dollars, thirty-three and one third cents each; and the real estate, exclusive of mortgages, which the said company may hold, shall not exceed in value the sum of fifty thousand dollars.

Limitation of stock.

SEC. 4. *Be it further enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twelve Directors; one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer, and who shall, at the time of their election, be stockholders, and citizens of this Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time of the day, and in such 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, in at least two of the newspapers printed in the town of Boston, and continued for the space of ten days immediately preceding such election; and the election shall be made by ballot, by a majority of the votes of the stockholders present, allowing one vote to each share in the capital stock: *Provided*, that no stockholders shall be allowed more than thirty votes; and the stockholders not present may vote by proxy, under such regulations as the company shall prescribe. And if, through any unavoidable accident, the said Directors should not be chosen on the second Monday of January, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Number of officers.

Public notice of election of officers.

May vote by proxy.

SEC. 5. *Be it further enacted*, That the Directors, when chosen, shall meet as soon as may be, after every

Presidency.

election, and shall choose out of their body one person to be President, who shall be sworn faithfully to discharge the duties of his office, and who shall preside for one year ; and in case of the death, resignation or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the year, in which they happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections of Directors.

Board of Directors.

SEC. 6. *Be it further enacted*, That the President and three of the Directors, or four of the Directors, in the absence of the President, shall be a board competent for the transaction of 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, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks and servants employed, and the election of Directors, and all such matters as appertain to the business of insurance ; and shall also have power to appoint a Secretary and so many Clerks and Servants for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said board shall seem meet ; *provided* that such by-laws and regulations shall not be repugnant to the constitution or laws of this Commonwealth.

Shares to be paid for in money.

SEC. 7. *Be it further enacted*, That the sums subscribed by the new stockholders, admitted by the old company, whose charter is hereby repealed, shall be paid in money, at such equal instalments, and under such penalties as the said company shall direct.

To notify meetings in the public papers.

SEC. 8. *Be it further enacted*, That Epes Sargent, Esquire, President of said corporation, is hereby authorized to call a meeting of the members of said company, as soon as may be, in Boston, by advertising the same for one week, in two of the newspapers printed in said town, for the purpose of their electing a first board of Directors, who shall continue in office until the second Monday of January, one thousand eight hundred and nineteen.

SEC. 9. *Be it further enacted*, That notwithstanding the repeal, contained in the first section of this act, of the act of incorporation, passed in the year of our Lord one thousand eight hundred and three, the said Suffolk Insurance Company shall be and continue in full force, so far as may be necessary to settle any de- Old accounts  
pending risk, and all other outstanding affairs of said to be settled.  
corporation ; also for the recovery and settlement of any claims existing against said company.

[Approved by the Governor, February 13, 1818.]

### CHAP. CXIII.

An Act to incorporate the President, Directors and Company of the Boston Merchants' 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 Samuel G. Perkins, Timothy Williams, Thomas Kilby Jones, William Dehon, William Sawyer, and their associates, succes- Persons incor-  
sors and assigns, shall be, and are hereby created a porated.  
corporation, by the name of the President, Directors and Company of the Boston Merchants' Bank ; and shall so continue from the fifteenth day of April next, until the first Monday in October, which will be in the year of our Lord one thousand eight hundred and thirty-one ; and said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually as if the several sections of said act were herein specially recited and enacted. Rights, &c.

SEC. 2. *Be it further enacted*, That the capital stock of said corporation shall consist of the sum of five hundred thousand dollars, in gold or silver, to be, besides Capital Stock.  
such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of

one hundred dollars each ; which shall be paid in manner following, that is to say, one fourth part thereof on or before the fifteenth day of April next, one fourth part thereof on or before the fifteenth day of July next, one fourth part thereof on or before the fifteenth day of October next, and one fourth part thereof on or before the fifteenth day of January next, as the Stockholders, at any meeting called for that purpose, shall direct. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof ; which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of fifty thousand dollars, and no more, at any one time, with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable : *Provided however*, that nothing herein contained shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation ; *and provided further*, that no monies shall be loaned or discounts made, nor shall any bills or promissory notes be issued from said bank until the capital subscribed and paid in, and existing in gold or silver, in their vaults, shall amount to one fourth part of the whole capital stock, nor until said capital stock, actually in said vaults, shall have been inspected and examined by three commissioners, to be appointed by the Governor for that purpose, whose duty it shall be, at the expense of said corporation, to examine and count the monies actually existing in said vaults, and to ascertain, by the oath of the Directors of said bank, or a majority of them, that said capital stock hath been bona fide paid in by the stockholders of said bank, and towards payment of their respective shares, and not for any other purpose ; and that it is intended therein to remain, as part of said

Time of payment.

May hold real estate.

Proviso.

Disposition of Stock.

Inspection of vaults.

capital, and to return a certificate thereof to the Governor.

SEC. 3. *Be it further enacted,* That the said bank Location. shall be established and kept in the town of Boston.

SEC. 4. *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth any sum of money, which Loans to State. may be required, not exceeding ten per centum of the capital stock then actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided however,* that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital, then paid in.

SEC. 5. *Be it further enacted,* That the persons herein before named or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit to appoint, by advertising the same in any two newspapers printed in the town of Boston, for the purpose of making, ordaining and establishing such by-laws and regulations for the orderly conducting of the affairs of said corporation, as the stockholders shall deem necessary, and for the choice of the first board of Directors, and such other officers as they shall see fit to choose. May call meetings and choose officers.

SEC. 6. *Be it further enacted,* That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe on State subscription. account of the Commonwealth, a sum not exceeding two hundred and fifty thousand dollars, to be added to the capital stock of said corporation, subject to such rules, regulations and provisions, as to the management thereof, as shall be by the Legislature made and established.

SEC. 7. *Be it further enacted,* That whenever the Commonwealth shall subscribe to the capital stock of said corporation, in manner herein before provided for, in addition to the Directors by law to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of said State Directors.

bank, in proportion as the sums paid from the Treasury of the Commonwealth shall bear to the whole amount of stock actually paid into the said bank, if at any time hereafter, they shall judge fit to exercise that right.

Shall not traf-  
fic in foreign  
bills.

SEC. 8. *Be it further enacted*, That the said bank shall not receive and issue as currency, or take by way of general deposit, or trade or traffic in, or in any manner receive or purchase, any bills, promissory notes or other negotiable paper, of any incorporated or unincorporated bank, of any state, territory, colony or province, whatsoever, except such as may be issued by the bank of the United States, or some of its branches, or by some of the banks within this Commonwealth.

Penalties.

SEC. 9. *Be it further enacted*, That should the said bank offend against the provisions of the preceding section, it shall forfeit and pay a sum equal to the whole amount of the bills so received, taken and issued as aforesaid, to be recovered in any court of competent jurisdiction, by bill, complaint or information, the one half for the benefit of the Commonwealth, and the other for the benefit of him or them who shall sue or prosecute for the same.

[Approved by the Governor, February 13, 1818.]

## CHAP. CXIV.

### An Act to incorporate the Thomastown Coal and Mineral Company.

Persons incor-  
porated.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That John Gleason, Sullivan Dwight, Brown Stimpson, and Aaron Austin, together with such others as have associated, or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the Thomastown Coal and Mineral Company, for the purpose of digging and searching for coals and minerals, and for the purpose of erecting any buildings and wharves, necessary for effecting the object of their incorporation ; and they shall have all the powers and

privileges, and shall be subject to all the duties and requirements contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations."

SEC. 2. *Be it further enacted,* That said corporation may be lawfully seized and possessed of real estate in said town of Thomastown, not exceeding the value of one hundred thousand dollars, and personal estate not exceeding two hundred thousand dollars, as may be necessary and convenient for carrying on the manufacture aforesaid. May hold real estate.

[Approved by the Governor, February 16, 1818.]

## CHAP. CXV.

An Act in addition to an act, entitled "An act authorizing the President, Directors and Company of the Springfield Bank to increase the amount of their Capital Stock."

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act, entitled "An act authorizing the President, Directors and Company of the Springfield Bank to increase the amount of their capital stock," passed the seventeenth day of June, in the year of our Lord one thousand eight hundred and seventeen, be, and the same is hereby declared to be in full force and operation ; excepting, that whereas the time fixed by the said act, for paying in the additional capital stock, has elapsed, the same may and shall be paid in, one half part thereof on the first day of May next, and the other half on the first day of January next. Time of paying in Stock.

[Approved by the Governor, February 16, 1818.]

## CHAP. CXVI.

## An Act to establish the West Stockbridge and Alford Turnpike Corporation.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Sylvanus Tobey, Platt B. Tyler, John Burghardt, Elijah Andrus, and Amos Woodruff, together with such others as have or may hereafter associate with them, their successors and assigns, be, and they are hereby made a corporation, by the name of the West Stockbridge and Alford Turnpike Corporation, for the purpose of making a turnpike road, from the Alford and Egremont turnpike, to the Housatonick river turnpike; beginning at the most convenient place in the town of Egremont, on the Alford and Egremont turnpike, thence west of John Sanford's store, thence to or near Abraham Race's barn, thence to Apollos Dorman's dwelling house, thence to Erastus Hamlin's dwelling house, thence to or near the dwelling house of Sanford Fitch, thence near the west barn, so called, of James Picket, thence to West Stockbridge meeting house, thence north to a stone bridge, near the house of Benjamin Lewis, thence north to the Housatonick river turnpike, in the town of West Stockbridge; and for the purpose aforesaid, shall have all the powers and privileges, and shall also be subject to all the duties, requirements and penalties prescribed and contained in an act, passed on the sixteenth day of March, in the year of our Lord one thousand eight hundred and five, and any acts which have been passed in addition thereto: *Provided however*, that if the said corporation shall neglect to complete the said turnpike road for the space of three years from the passing of this act, the same shall be void and of no effect.

[Approved by the Governor, February 16, 1818.]

Persons incor-  
porated.

Course of the  
road.

General pow-  
ers.

Proviso.

## CHAP. CXVII.

An Act to incorporate the New England Glass 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 Amos Binney, Edmund Munroe, Daniel Hastings, Demming Jarvis, and their associates, successors and assigns, be, and they are hereby made a corporation, by the name of the New England Glass Company, for the purpose of manufacturing flint and crown glass, of all kinds, in the towns of Boston and Cambridge; and for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations."

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

[Approved by the Governor, February 16, 1818.]

## CHAP. CXVIII.

An Act to incorporate the Trustees of the Ministerial Fund in the First Parish in South 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 Ichabod Goodwin, Ivory Hovey, Northend Cogswell, Edward P. Hayman, Thomas Leigh, William Hight, and William A. Hayes, Esquires, be, and hereby are incorporated into a body

politic, by the name of the Trustees of the Ministerial Fund in the First Parish in South Berwick; 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.

May sue and  
be sued.

SEC. 2. *Be it further enacted*, That said Trustees and their successors shall annually elect a President, and Clerk to record the doings and transactions of the Trustees, at their meetings, and a Treasurer, to receive and apply the monies hereafter mentioned, as hereafter directed, and any other needful officers for the managing their business.

Choice of  
officers.

SEC. 3. *Be it further enacted*, That the number of said Trustees shall never be more than seven, nor less than five, any four of whom shall be a quorum for transacting business; and they shall fill vacancies which may happen by death, resignation or otherwise, from the members of said parish; and they shall have power to remove any Trustee who may become unfit and incapable from age, infirmity, misconduct, or any other cause, of discharging their duty, and to fill the vacancy so made, by a choice from the members of the parish aforesaid; and the said Trustees shall annually hold a meeting in March or April, and as much oftener as may be necessary, to transact their business; which meetings, after the first, shall be called in such manner as the Trustees may direct.

Number of  
Trustees.

General pow-  
ers.

SEC. 4. *Be it further enacted*, That any Justice of the Peace, in the county of York, be, and he hereby is authorized to fix the place and time for the first meeting, and to notify the Trustees thereof.

First meeting.

SEC. 5. *Be it further enacted*, That the said Trustees be, and they hereby are authorized to receive all donations, legacies and bequests to them for the support of a Minister in said parish, and that they shall have power to sell and convey all such lands as they shall become seized of by bequest, mortgage, or by levying execution, and to make, execute and acknowledge a good and sufficient deed or deeds thereof, which deed

May sell and  
convey lands.

or deeds, subscribed by their Treasurer, and acknowledged by him, by direction of said Trustees, with their seal thereto affixed, shall be good and effectual in law, to pass and convey the fee simple to the purchaser, to all intents and purposes whatever.

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

SEC. 7. *Be it further enacted*, That the Trustees shall apply the interest aforesaid, and the income of the stock aforesaid, to the support of the Congregational Minister now settled in said parish, or which may hereafter be settled therein: *Provided however*, that in all cases in which the donor or testator shall prescribe the manner in which the money, or other property, by them respectively given to said Trustees, or the interest or income thereof shall be appropriated, it shall be the duty of said Trustees, and they are hereby empowered, to appropriate the same in the manner prescribed by such donor or testator; and so long as the said parish shall remain without such settled Minister, the annual income and interest aforesaid, shall be put out at interest, and secured as aforesaid, to increase the said fund, until there shall be a settlement of such Minister as aforesaid. And it shall never be in the power of said parish to alienate or any wise alter the fund aforesaid. Application of interest money.

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

SEC. 9. *Be it further enacted*, That the Trustees or their officers, for the services they may perform, shall be entitled to no compensation out of any monies arising from the fund aforesaid; but if entitled to any, Compensation to officers.

shall receive the same of said parish, as may be mutually agreed on.

Exhibition of  
accounts.

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

Personal re-  
sponsibility.

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

[Approved by the Governor, February 16, 1818.]

## CHAP. CXIX.

An Act respecting the security of the town of Boston from damage by Fire.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the provisions of an act, passed on the twenty-fifth day of June, in the year of our Lord one thousand eight hundred and eleven, allowing the erection of wooden buildings within certain limits in the district of South Boston, which act was to continue in force during five years, be, and they hereby are renewed and shall continue in force for the term of five years, from the first day of January of the present year.

Fire in Boston.

[Approved by the Governor, February 16, 1818.]

## CHAP. CXX.

An Act to define the powers, duties, and restrictions of Insurance Companies.

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 Insurance Compa-

nies, which shall hereafter be incorporated under the authority of this Commonwealth, shall have power and authority to make insurances on vessels, freight, money, Insurance. goods and effects, and against captivity of persons, and on the life of any person during his absence at sea, and in cases of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment; and all policies of insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability, or absence, by any two of the Directors, and countersigned by the Secretary of such corporation, and shall be binding and obligatory upon the said companies, and have the like effect and force, as if under the seal of the said companies; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and board of Directors, and the same shall be binding on the said companies respectively. Obligations.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Directors of all such companies, at such times as the charter or by-laws of said companies shall prescribe, to make dividends of so much of the interest arising from the capital stock and the profits of the said companies, as to them shall appear advisable; but the monies received and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as parts of the profits of said companies; and in case of any loss or losses, whereby the capital stock of the said companies shall be lessened before all the instalments are paid in, each proprietor or stockholder's estate shall be held accountable for the instalments that may remain unpaid on his share or shares, at the time of such loss or losses taking place. And no subsequent dividend shall be made until the sum arising from the profits of the business of the said companies, equal to such diminution, shall have been added to the capital; and that once in every three years, and oftener, if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends. Dividends.

SEC. 3. *Be it further enacted,* That the said companies shall not directly nor indirectly deal or trade in buying or selling any goods, wares or merchandize, or commodities whatever; and the capital stock of said companies, collected at each instalment, shall, within six months, be invested, either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated bank in this Commonwealth, in either or all of them, and in such proportion as may be most for the interest of said companies, at the discretion of the President and Directors of said companies; or of such other person or persons as said companies shall, for such purpose, at any meeting appoint: *Provided however,* that the President and Directors of said companies, and of all other companies of insurance heretofore incorporated, shall have power to loan to any citizen of this state, any portion of their capital stock, not exceeding one half, on respondentia or bottomry: *Provided also,* that the sum loaned, on any one bottom at one time, including the sum insured in any other way upon the same bottom, shall not exceed ten per centum upon the capital stock of such companies; nor shall the same be loaned but with the assent of three fourths of the Directors of such companies; and such loans, together with the assent aforesaid, shall be entered at large in the records of said companies, and shall be laid before the stockholders at their meeting next following the said loan; and it shall be in the power of the Directors of said companies, in case they shall deem it more for the interest of the stockholders in said companies, than any of the investments above described, to loan any portion of their capital stock aforesaid, not exceeding two thirds of the whole amount, to any person or persons within this Commonwealth, either on mortgage of real estate within this Commonwealth, or on pledges of the public stocks of the United States, or of the bank of the United States, or of any other bank incorporated by the authority of this Commonwealth.

Shall not deal  
in goods, &c.

Proviso.

May loan mo-  
ney.

Proviso.

SEC. 4. *Be it further enacted,* That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of the said companies, and the President or Directors, after knowing of such los-

or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss, which shall take place under policies so subscribed.

SEC. 5. *Be it further enacted*, That the President and Directors of such companies shall, previous to subscribing to any policy, and once in every year after, publish in two of the newspapers printed within this Commonwealth, one of which at least, shall be in the town of Boston, the amount of their stock, against what risk they mean to insure, and the largest sum they mean to take on any one risk. Public notice  
of stock.

SEC. 6. *Be it further enacted*, That the President and Directors of such companies shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said companies, and submit to an examination concerning the same under oath. Examination of  
accounts.

SEC. 7. *Be it further enacted*, That the said companies shall never take, on any one risk, a sum exceeding ten per centum on the respective capital stocks of the said companies.

[Approved by the Governor, February 16, 1818.]

## CHAP. CXXI.

An Act in addition to the several acts now in force for the preservation of Salmon, Shad and Alewives, within the counties of Cumberland, Lincoln, Kennebec and 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 the fines mentioned in the fourth section of an act, passed on the first day of March, in the year of our Lord one thousand seven hundred and ninety-eight, shall henceforth be as followeth, viz.: for each and every salmon, caught contrary to the provisions of said act, and particularly described in said fourth section, by any person living or being within the counties of Cumberland, Lincoln, Ken- Regulation of  
Fines.

nebec, Oxford and Somerset, the person so offending, shall forfeit and pay the sum of four dollars for each and every salmon; for each and every shad, taken in like manner, one dollar, and for each and every alewife, fifty cents.

Forfeiture of  
Seines.

SEC. 2. *Be it further enacted*, That, in addition to the fines mentioned in the fifth section of the act aforesaid, the net, seine, or other machine, set in the manner, and for the purpose described in said fifth section, together with the boat, shall be forfeited, and be disposed of according to the law passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-four, entitled "An act prescribing the mode of recovering forfeitures of personal property, liable thereto by law, and also pecuniary forfeitures."

Regulation of  
Wears, &c.

SEC. 3. *Be it further enacted*, That any person owning or occupying wears or hedges, on any of the rivers, streams, bays, coves, or ponds of water within the counties aforesaid, from and after the tenth day of July, in each year, shall have an open space in each wing, curve, trap or pound of said hedge or wear, in which salmon, shad or alewives, are at any time taken, ten feet wide from top to bottom, in the deepest water, so as effectually to let all the fish, of every species, have a free passage out, without being caught or taken; and the same passage ways or spaces to be kept open through the remainder of the year, so that all the small fish, or spawn, as well as the large fish, shall have a free passage to the sea: and if any owner or occupier of any wear or hedge, within the counties aforesaid, shall neglect or refuse to make and keep open such passages or spaces therein, after the tenth day of July, in each year, such person or persons, so offending, shall forfeit and pay a fine of ten dollars, for each day he or they shall thus neglect their duty.

Fines.

SEC. 4. *Be it further enacted*, That every person who shall drift or drag any net or seine in the waters of Kennebec river, at Merry-meeting bay, or in the Amarekoggen river, emptying into the same, so as to scrape from the bottom, disturb or destroy any of the spawn or young of the salmon, shad or alewives, at any season of the year, he or they, so offending, shall forfeit

Nets not to  
drag on bottom.

and pay a fine of ten dollars for each and every offence, and shall moreover forfeit the net or seine and boat so used, to be disposed of according to the law passed on the twenty-second day of February, seventeen hundred and ninety-four.

SEC. 5. *Be it further enacted*, That if any owner or occupier of any wear or hedge within the counties aforesaid, between the twentieth day of April and tenth day of July, annually, shall refuse or neglect to keep open a free passage in each wing, curve, trap or pound in said hedge, where fish are at any time taken, in the deepest water or channel, at least six feet wide, and six feet high from the bottom of the flats, from sun rise on Saturday to sun rise on Monday of each week, so as to let every species of fish pass out without being taken, he or they, so offending, shall forfeit and pay, for each offence, the sum of twenty dollars. Passages for fish to be kept open.

SEC. 6. *Be it further enacted*, That all fines and forfeitures incurred by any breach of this act, shall inure one half thereof, to the officer or person who shall prosecute for the same, and the other half to the use of Disposition of forfeitures. the town within which the offence is committed.

[Approved by the Governor, February 16, 1818.]

## CHAP. CXXII.

An Act to incorporate the Agricultural Society of Maine.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Jesse Appleton, Isaac Adams, John Abbot, William Abbot, Phinehas Ashman, William H. Bordman, James Bridge, Thomas Bond, Benjamin Brown, E. Brown, John Blake, J. Black, J. Bennock, G. Bixby, B. Bryant, N. Blackwell, Supply Belcher, John Burnham, Oliver Bray, Daniel Cony, John Chandler, David Cobb, R. Cobb, Thomas Cobb, Nathan Cutler, Parker McCobb, William Crosby, Francis Carr, Philip Coombs, Eleazer Coburn, Henry Dearborn, John Davis, Pitt Dillingham, Persons incorporated.

S. E. Dutton, R. Dodge, S. Dore, I. Dane, Williams Emmons, Nicholas Emery, Thomas Eldred, H. W. Fuller, A. Fletcher, B. P. Field, William Gray, R. H. Gardiner, Benjamin Green, A. Gilman, Ezekiel Goodale, M. Greenleaf, I. Godfrey, junior, Z. Gilman, M. L. Hill, I. Hook, junior, A. Howard, G. Herbert, C. B. Hall, Jedediah Herrick, W. A. Hayes, D. Harding, junior, N. Hanson, Richard Harnden, Isaac Ilsley, L. Jarvis, Caleb Jewett, A. Jones, D. Johnson, William King, Martin Kinsley, James Lloyd, Stephen Longfellow, S. Longfellow, junior, Samuel Longfellow, Joseph Lamson, Lothrop Lewis, I. Loring, Cyrus Libby, Richard Lord, John Low, T. Leavitt, Thomas Leigh, Prentiss Mellen, A. Mann, John Merrick, B. McLellan, Jacob McGaw, I. Moulton, William Moody, John May, I. Nelson, I. G. Neil, Joseph North, William Prescott, J. Parker, S. M. Pond, J. Peirce, Nathaniel Peirce, O. Peirce, Chandler Robins, John Richards, Jesse Robinson, Samuel Redington, William Sullivan, David Sears, Calvin Selden, Richard Sawtell, James Starr, junior, Thomas W. Smith, Daniel Sewall, J. W. Seaver, T. Sibley, Benjamin Shaw, William Sylvester, S. Stephenson, Israel Thorndike, Israel Thorndike, junior, Samuel Thatcher, S. Thayer, Jonathan Tucker, Benjamin Vaughan, Charles Vaughan, William O. Vaughan, Samuel S. Wilde, Thomas L. Winthrop, Joshua Wingate, Joshua Wingate, junior, John Ware, Nathan Weston, junior, E. T. Warren, Peleg Wadsworth, Reuel Williams, Lemuel Williams, George W. Wallingford, D. Wood, James L. Wood, Abiel Wood, S. A. Whitney, John Wilson, George Watson, P. H. Washburn, James Waugh, William D. Williamson, S. Williamson, James Bowen, Benjamin Butman, John Brewer, John Balkam, James Bailey, Moses Carlton, Nathaniel Coffin, William Chamberlain, John Cooper, James Campbell, John Dole, Erastus Foote, Ebenezer Farley, Benjamin Hasey, James W. Head, Joshua Head, Josiah Harris, Stephen Jones, Ebenezer Inglee, Theodore Lincoln, James Malcom, Benjamin Orr, William H. Page, Benjamin Riggs, James Rogers, Thomas Ruggles, Dummer Sewall, Josiah Stebbins, Peleg Tallman, Ebenezer Thacher, Jacob Townsley, David Wash,

and Ephraim Whitney, together with such others, as shall become members thereof, be, and they are hereby incorporated into, and made a body politic and corporate forever, by the name of "The Agricultural Society of Maine," for the purpose of promoting useful improvements in agriculture and manufactures.

SEC. 2. *Be it further enacted*, That the said corporation be, and they are hereby declared capable in law, of purchasing, taking, and holding in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real and personal; *provided* the annual income of the said real and personal estate shall not exceed the sum of thirty thousand dollars; and also to sell, alien, devise or dispose of the same estate, real and personal, not using the same in trade or commerce. May hold real or personal estate.

SEC. 3. *Be it further enacted*, That said corporation shall have full power and authority to have and use a common seal, and the same to break, renew and alter, at pleasure; that it shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record, in all actions, real, personal and mixed; and to do and execute all and singular such other matters and things that to them shall and may appertain to do. May sue and be sued.

SEC. 4. *Be it further enacted*, That the said corporation may make, establish and put in execution, such laws and regulations, as may be necessary to the government of said corporation; *provided* the same shall in no case be repugnant to the laws and constitution of this Commonwealth; and for the well governing of said corporation, they shall have such officers as they shall, hereafter, from time to time, elect and appoint; and such officers as shall be designated by the laws and regulations of said corporation, for the purpose, shall be capable of exercising such power for the well governing and ordering the affairs of the said corporation, and calling and holding such occasional meetings for the purpose, as shall be fixed and determined by the said laws and regulations. By-laws. Proviso.

SEC. 5. *Be it further enacted*, That the place of holding the first meeting of said society, shall be in the town of Hallowell, and that the Honorable Samuel S. First meeting.

Wilde be, and he hereby is authorized to fix the time for holding said meeting, and to notify the same to the members of the said society, by causing the same to be published in such newspapers as he may think expedient, thirty days before the time appointed for holding said meeting.

[Approved by the Governor, February 16, 1818.]

### CHAP. CXXIII.

An Act in addition to an act, entitled "An act to incorporate the Eastern River Lock and Sluice Company.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the corporation established by an act passed on the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixteen, entitled "An act to incorporate the Eastern River Lock and Sluice Company," be, and they hereby are authorized to hold and be possessed of real estate, not exceeding the value of ten thousand dollars, and of personal estate not exceeding the same amount.

May hold real estate.

[Approved by the Governor, February 16, 1818.]

### CHAP. CXXIV.

An Act to incorporate the Howard Benevolent 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 Thomas Vose and his associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are hereby incorporated into a society, by the name of the Howard Benevolent Society; and by that name shall be a corporation forever; with power to have a common seal, to make con-

Persons incorporated.

tracts relative to the objects of their institution ; to sue <sup>Powers and</sup> and be sued ; to establish by-laws and orders for the <sup>privileges.</sup> regulation of the said society, and the preservation and application of the funds thereof ; *provided* the same be not repugnant to the constitution or laws of this Commonwealth ; to take, hold and possess any estate, real or personal, by subscription, gift, grant, purchase, devise <sup>Provisos.</sup> or otherwise ; and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution : *Provided*, that the value of the real estate of said society shall never, at any one time, exceed twenty thousand dollars, and the annual income of the whole estate of said society shall not exceed ten thousand dollars.

SEC. 2. *Be it further enacted*, That every person who shall subscribe and pay to the funds of said society, a sum not less than one dollar and a half annually, shall, by such subscription and payment, become a <sup>Annual sub-</sup> member of said society ; liable however to be removed <sup>scription.</sup> therefrom on neglect or refusal to pay the annual subscription aforesaid.

SEC. 3. *Be it further enacted*, That the said society shall meet annually in Boston, in the month of October, <sup>Annual meet-</sup> at the time and place their committee may appoint, and <sup>ing in Boston.</sup> shall elect from their members, by ballot, a President, Secretary, Treasurer, and not less than ten, nor more than fourteen persons, who, together with the President, Secretary and Treasurer, shall constitute the standing committee, who shall meet discretionally to make pecuniary appropriations, and transact such business as <sup>Pecuniary ap-</sup> may require their attention ; all which officers shall <sup>propriations.</sup> hold their respective offices one year, and until others shall be elected to succeed them, except in case of vacancy by death or resignation, in which case the committee shall have power to fill such vacancy until the ensuing annual election ; and five of them shall form a quorum. The society shall also meet in January and April, at the time and place the committee shall appoint, who shall give notice of all meetings of the society, by advertisements in two or more of the newspapers printed in Boston, at least seven days before each meeting.

SEC. 4. *Be it further enacted*, That the committee, for the time being, shall have the management and

Disposition of  
Funds, &c.

application of all the subscriptions, donations, funds and estate of the society, to be appropriated solely for the uses of the society ; *provided* such regulations are not repugnant to the laws of this Commonwealth, or the by-laws of this society ; and no sale or transfer of any real or personal estate of the society shall be valid, unless approved by the committee.

May sue and  
be sued.

SEC. 5. *Be it further enacted*, That any writ or process against said corporation, may be served by the officer leaving an attested copy thereof with the Treasurer of said society, or at his last or usual place of residence, thirty days before the return day thereof ; and the said Treasurer, or any person appointed for that purpose, by the society, or by the committee, may appear by attorney, and defend or prosecute any suit in behalf of said society. And all instruments of conveyance or contract, which may lawfully be made by the society, shall be approved by the committee, and signed by the President, and countersigned by the Secretary ; and, if necessary, sealed with the common seal of said society ; and when so executed, shall be binding thereon, and valid in law.

Notice of  
meeting.

SEC. 6. *Be it further enacted*, That Thomas Vose be, and he is hereby authorized to call the first meeting of the said society, by giving public notice of the time and place of meeting, by advertisement in one or more of the newspapers printed in the town of Boston, at least three days prior to such meeting ; and at which meeting, the officers before mentioned of the society shall be elected, and shall hold their offices until the first annual election of officers shall be holden, agreeably to the provisions of this act.

[Approved by the Governor, February 16, 1818.]

## CHAP. CXXV.

An Act establishing the Hampshire, Franklin and Hampden Agricultural 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 Joseph Lyman, Noah

Webster, Epaphras Hoyt, Samuel Lathrop, Thomas Longley, Josiah Dwight, Jacob Bliss, Jonathan Smith, Persons incorporated. Enos Foote, Moses Porter, Elijah H. Mills, Solomon Smead, William Wells, Elihu Hoyt, Isaac C. Bates, Pliny Arms, Jonathan H. Lyman, Perry Babcock, Abner Gibbs, Robert Sessions, Joseph Cummings, junior, Azariah Mosely, and Enos Smith, together with those who shall hereafter associate with them, and their successors, be, and they are hereby made a corporation, for the promotion of agriculture and the domestic arts, by the name of the Hampshire, Franklin and Hampden Agricultural Society; and for this purpose shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other incorporated agricultural societies in this Commonwealth; and the said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income whereof shall not exceed five thousand dollars. Powers and privileges.

SEC. 2. *Be it further enacted*, That said Joseph Lyman be, and he hereby is authorized to notify and call the first meeting of the society aforesaid, for the purpose of organizing said society, and the establishment of rules and by-laws for the government of the same, by giving public notice of the time and place of holding said meeting, two weeks successively in the public newspapers printed in Northampton, Greenfield, and Springfield. First meeting.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXVI.

An Act to annex Asa Webb, with his polls and estate, to the Union Religious Society in the towns of Weymouth and Braintree.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Asa Webb, with his polls and estate, be, and they hereby are set off from the Reverend Mr. Norton's parish, in the town of*

Conditional  
set off.

Weymouth, and annexed to the Union Religious Society in the towns of Weymouth and Braintree ; there to enjoy all the parochial privileges of the said Union Religious Society, and to pay his proportion of all necessary charges that may arise therein, for the purposes aforesaid : *Provided nevertheless*, that the said Asa Webb shall be holden to pay all taxes now assessed, or that may be assessed for any sums of money now granted by the said Reverend Mr. Norton's parish.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXVII.

An Act to incorporate a Society for removing Obstructions in Kennebec River.

Persons incor-  
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Samuel Redington, Thomas Bond, James McLellan, William H. Page, Parker McCobb, Robert Howard, Reuel Williams, Moody Thurlow, Rufus Gay, Peter Grant, Thomas Agry, Pitt Dillingham, and Moses Palmer, with such as already have, or may hereafter associate with them, their associates, assigns and successors, be, and they are hereby made a corporation, by the name of the Lincoln and Kennebec Society, for removing obstructions in Kennebec river, and rendering the navigation thereof more safe and convenient. And the society aforesaid, may have a common seal, which it may be lawful for them to change, break, alter, or make new at pleasure ; and may purchase or receive by gift or devise, any real estate, not exceeding six thousand dollars, and also subscriptions, donations and bequests of money, or any other personal estate, the annual income of which shall not exceed three thousand dollars ; and said society shall be, and hereby are made capable in law, to sue and be sued, plead and be impleaded, in any court of record, or other place whatever, and to ordain and establish such by-laws and regulations as to them shall appear necessary for the government of said*

General pow-  
ers.

corporation, and for the prudent management of their affairs ; *provided* such by-laws and regulations shall Proviso. in no wise be contrary to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted*, That Reuel Williams, Esquire, is hereby authorized to issue a warrant, directed to one of the members before named, requiring him to notify and warn the first meeting of said society, by giving thirty days notice in the newspapers printed at Hallowell, to be held at such place, and at such convenient time as he shall direct and appoint in said warrant, to organize the said society, by electing the necessary officers, and forming rules and regulations for the good government of said society. May call meeting and choose officers.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXVIII.

An Act for altering the times for holding the Supreme Judicial Court within the several counties of Middlesex and Worcester.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the term of the Supreme Judicial Court, now by law appointed to be holden at Concord, within and for the county of Middlesex, on the first Tuesday of April, shall hereafter be holden at Concord as aforesaid, on the fourth Monday in March ; Change of Terms. and the term of said Court, now by law appointed to be holden at Worcester, within and for the county of Worcester, on the second Tuesday of April, shall hereafter be holden at Worcester as aforesaid, on the second Tuesday next after the fourth Monday of March, annually ; and the said Court, to be holden last as aforesaid, may in all judicial proceedings, from time to time, be designated and expressed by such Tuesday of the month as will be the Tuesday on which said Court is to be holden pursuant to this act.

SEC. 2. *Be it further enacted*, That all writs, appeals, petitions, and processes, of what kind soever the

same may be, which were returnable to, or are now pending in the Supreme Judicial Court, at the times heretofore appointed by law for holding the same within said counties of Middlesex and Worcester; and all parties and persons that may be required or directed to appear and attend at the aforesaid times and places, before the passing of this act, shall be returned to, entered, appear, attend, and have day, be tried and determined in said Court, at the respective times and places established by this act, pursuant to the true intent and meaning thereof.

General Regulations.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXIX.

An Act in addition to an act, entitled "An act relative to Timber lodged on lands adjoining the Saco River, and the waters connected with 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 term of four years shall henceforth be allowed the owners of all logs and other timber carried by the freshets, or otherwise lodged upon any unimproved lands adjoining the Saco river, or the ponds or waters connected with said river, to remove such logs and timber from said lands; within which time the owner or owners aforesaid, shall have the right to remove said logs or other timber from such unimproved lands.

Four years allowed.

SEC. 2. *Be it further enacted,* That the provisions mentioned in the first and second sections of the act, entitled "An act relative to timber lodged on lands adjoining the Saco river, and the waters connected with the same," shall conform to this extension of time, so far as it respects the removal of said logs and timber from unimproved lands.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXX.

## An Act regulating the sale of Salt and Grain.

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 May next, no person or persons shall sell within this Commonwealth any salt, Indian corn, wheat, rye or buck wheat, barley or oats, unless the quantity so sold be first weighed; and in order to ascertain the mean or true weight of every quantity sold, the vender shall be required to weigh ten measures at least in every one hundred bushels sold; five measures at least in every fifty bushels sold, and two measures at least in every less quantity than fifty bushels sold; and any person or persons, who shall, after the said first day of May next, vend or sell any salt, Indian corn, wheat, rye or buck wheat, barley or oats, unless the same be first weighed and sold by weight as aforesaid, he, she or they, shall forfeit and pay the sum of two dollars for each and every bushel of the same, and after the same rate for any greater or less quantity so sold; to be recovered by an action of the case, by the person for his sole benefit, who shall first sue therefor, before any court proper to try the same: *Provided*, that this act shall not be construed to extend to the case of any sales of any quantity of any of the articles aforesaid, where the vender and purchaser shall appoint a third person to admeasure or ascertain the weight or quantity of the same, or otherwise shall mutually agree thereon: *And provided further*, that it shall not be construed to extend to any sales of the articles aforesaid, not exceeding ten bushels, where the purchaser shall not require the same to be weighed.

Salt and grain  
to be weighed.

Provisos.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, a bushel of salt shall be deemed and considered to be seventy pounds; a bushel of Indian corn or rye, fifty-six pounds; a bushel of barley or buck wheat, forty-six pounds; a bushel of oats, thirty pounds; a bushel of wheat, sixty pounds, as the standard weight and measure of the same, in all purchases and sales thereof in this Commonwealth.

Standard  
weights.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXXI.

## An Act regulating the Practice of Physic and Surgery.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* no person, from and after the first day of July next, who shall commence the practice of physic and surgery within this Commonwealth, not having received a medical degree from some College or University, or not having been duly licensed by some Medical Society, or College of Physicians, or by three Fellows of the Massachusetts Medical Society, to be designated in each county of this Commonwealth, by the Counsellors of said society, shall take the benefit of law for the recovery of any debt, or fees, accruing for his professional services.

Medical degree necessary to recover debts.

SEC. 2. *Be it further enacted, That* the Counsellors of the Massachusetts Medical Society shall, at the annual meeting of said society, appoint three persons in each county of this Commonwealth, with power to examine candidates for the practice of physic and surgery, and to grant licenses as aforesaid, and the persons so appointed, shall be governed by the laws and regulations of said Medical Society.

Licenses.

SEC. 3. *Be it further enacted, That* any person, who may hereafter be licensed to practice physic and surgery within this Commonwealth, shall deposit a copy of such license with the Clerk of the town, district or plantation, in which such licentiate may reside; and until such license shall be so deposited, those physicians and surgeons who may neglect the same, shall be subject to the disqualifications prescribed in the first section of this act, in the same manner as if no license had been granted. And it shall be the duty of said Clerk to file such copy in his office, with a certificate thereon, attested by him, of the day and year when the same was so deposited, for which he shall be entitled to receive from the licentiate who may deposit the same, the sum of fifty cents, and no more.

Licenses to be deposited with Town Clerks.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXII.

An Act to incorporate the First Congregational Parish in Milton.

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 Milton, 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 Milton,) be, and they are hereby incorporated into a parish, by the name of the First Congregational Parish in Milton, subject to all the duties, and vested with all the rights and privileges, to which parishes are by law entitled.

Designation of First Parish.

SEC. 2. *Be it further enacted,* That the said First Congregational Parish shall be deemed and taken to be successor to the said town of Milton, as far as relates to parochial proceedings, and successor to said inhabitants heretofore acting as a town, parish, or society, in all their rights and immunities of a ministerial or parochial nature; and all the duties, contracts, and undertakings of that description, now binding on the inhabitants of said town, shall devolve on and be obligatory on said parish; *provided* that nothing herein contained, shall be construed to divert the use of the ministerial lands in said town, from the intention of the donors, as expressed in the original appropriation thereof, or as altering or affecting the title of any such real estate.

Shall enjoy Parish Rights.

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 Norfolk, 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, 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.

Justice to warn first meeting.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXXIII.

## An Act to establish the Town of Swanville.

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, or tract of land, called Swan's Tract, in the county of Hancock, as contained within the following described boundaries, with the inhabitants thereon, be, and the same hereby is incorporated and established as a town, by the name of Swanville, viz.—beginning at the south-east corner of said Swan Plantation, running south sixty-eight degrees west, five miles and one hundred and sixty-three rods, to the south-west corner of said plantation, thence north twenty-four degrees west, three miles and eighty-seven rods, to the north-west corner of said plantation, thence north fifty-six degrees east, to Frankfort line, thence south, to the first mentioned bounds. And the said town of Swanville is hereby vested with all the corporate 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.

Boundaries.

Powers and  
privileges.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the county of Hancock, upon application therefor, is hereby empowered to issue a warrant, directed to a freehold inhabitant of the said town of Swanville, requiring him to notify and warn the freeholders and other inhabitants thereof, qualified to vote in town affairs, to meet at such convenient time and place as shall be appointed in the said warrant, for the choice of such town officers as towns are by law required to choose at their annual town meetings.

Meeting  
for choice of  
officers.

[Approved by the Governor, February 19, 1818.]

CHAP. CXXXIV.

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

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bryce McLellan, Eleazer Coburn, Brooks Dascomb, Benjamin Shepard, and Pickard Jewitt, be, and they are hereby appointed and incorporated as Trustees, by the name of the Trustees of the Ministerial Fund in the town of Bloomfield; and by that name, they and their successors in office, shall be and continue a body politic forever; and they shall have a common seal, subject to alteration; and they may sue and be sued, in all actions, real, personal and mixed; and prosecute and defend the same to final judgment and execution, by the name aforesaid; and shall have all other powers, necessarily incident to, and usually given to like corporations; and the number of the said Trustees shall not exceed five, nor be less than three; and they shall annually elect one of their number to act as Chairman, and a Clerk to record the doings of the said Trustees, and a Treasurer, to receive and pay the money belonging to the said fund, according to the provisions of this act, who, before he commences the duties pertaining to the said office of Treasurer, shall give bond to the said Trustees, for the faithful discharge of said trust, and shall be at all times responsible for the faithful application of the monies, which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his said office; and the said Trustees shall have power, from time to time, to remove any of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unfit to discharge their duties; and the vacancies, so occasioned, shall be supplied by the freeholders, at the town meeting next ensuing.

Persons incor-  
porated.

Powers and  
privileges.

Removals.

SEC. 2. *Be it further enacted,* That the said Trustees be, and they are hereby empowered to sell and

convey such part or proportion of the lot of land which now belongs to the town of Bloomfield, which, in the original grant to the town of Canaan, was reserved for the use of the ministry in said town; and the monies arising from the sale of the said land shall be put on interest, and shall form a fund for the support of the ministry in said town, which shall be under the care and management of the said Trustees, in the manner provided for and directed in this act; and when the said Trustees may loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate, to twice the value of the money loaned or secured, by two or more sufficient sureties, with the principal; and the interest, and that only, shall ever be appropriated for the uses aforesaid; and it shall never be in the power of the said Trustees to change or alienate the appropriation of the fund aforesaid. And the said Trustees are hereby empowered to make and execute a good and sufficient deed or deeds, of the said lot of land, which shall be signed by the said Treasurer, in behalf of the said Trustees, and by him duly acknowledged and delivered; and when so executed and delivered, shall be good and effectual in law, to pass and convey all the right of the said town, in and to said real estate, to the purchaser thereof.

**SEC. 3.** *Be it further enacted,* That the said Trustees, Treasurer, Clerk, or other officers or persons employed by them, shall be entitled to receive no compensation for the services they may perform, out of any monies belonging to the said fund, but a reasonable compensation shall be paid them by the town; and the said Trustees, and each of them, shall be responsible to the town for their personal neglect or misconduct, whether they be officers or not, and liable to prosecution for any loss or damage, resulting thereby, to the said fund; and the debt or damage, recovered in such suit, shall be to the use and addition of the said fund: and the said Trustees and Treasurer, and their successors in office, shall exhibit to the town a report of their doings, and the state of the funds, at the annual town meeting.

**SEC. 4.** *Be it further enacted,* That upon application to any Justice of the Peace for the county of Som-

Creation and  
disposition of  
funds.

Sale of real  
estate.

Compensation  
to officers.

Liability.

erset, he is hereby empowered to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and warn the first meeting of the said Trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation, by the election of its officers; and when so met, they may agree upon and adopt the means and manner of calling future meetings, and such rules and regulations as they may think needful and proper to conduct the business of the said corporation.

First meeting.

[Approved by the Governor, February 19, 1818.]

### CHAP. CXXXV.

An Act to annex William Cleverly, and others, to the Union Religious Society in the towns of Weymouth and Braintree.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Cleverly, and William Hancock, both of Braintree, in the county of Norfolk, with their polls and estates, be, and hereby are set off from the Reverend Mr. Storrs' parish, in Braintree, and annexed to the Union Religious Society in the towns of Weymouth and Braintree; and that Nathaniel Richards, junior, Phebe Richards, and Dorcas Bates, with their polls and estates, be, and hereby are set off from the first and second parishes in the town of Weymouth aforesaid, and annexed to the Union Religious Society in the towns of Braintree and Weymouth aforesaid, whereof the Reverend Jonas Perkins is pastor; *provided* that the aforementioned William Cleverly, William Hancock, Nathaniel Richards, junior, Phebe Richards, and Dorcas Bates, shall previously pay their proportion of taxes assessed upon them, and due to the aforementioned first and second parishes in Weymouth, and the Reverend Mr. Storrs' parish in Braintree.

Conditional  
set off.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXXVI.

An Act for the preservation of the Fish, called Alewives, in Mattapoisett River.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, any person or persons, who shall aid, assist or abet in the unlawful taking of any of the fish, called alewives, in Mattapoisett river, in Rochester, shall incur and be liable to the same forfeiture or forfeitures, as the person or persons actually taking said fish, to be recovered in the same manner.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXXVII.

An Act to incorporate the Hawes Place Congregational Society 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 Zephaniah Wood, Rufus Harrington, Thomas Hammond, Peleg Holmes, Lemuel B. Spear, Adam Bent, Abel Hewins, David Williams, William Briggs, junior, Theophilus Curtis, Daniel Hobbs, Job Souther, Isaac Thoms, Phineas Mosely, with such others as may hereafter associate with them, with their polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Hawes Place Congregational Society in Boston; and the said society is hereby invested with all the powers and privileges, and subjected to the same duties and requisitions as other religious societies are invested and subject to, according to the laws and constitution of this Commonwealth.

**SEC. 2.** *Be it further enacted,* That any person, who may at any time hereafter desire to become a mem-

Persons incor-  
porated.

Powers and  
privileges.

ber of said Hawes Place Congregational Society, shall declare his or her desire and intention thereof in writing, and deliver the same to the Minister or Clerk of said society, such person shall, from the time of delivering such declaration, be considered a member of said society.

Declaration for  
becoming  
Members.

SEC. 3. *Be it further enacted*, That when any member of the aforesaid society may think proper to secede therefrom, the same course and process shall be had and done, as is prescribed in the second section of this act: *Provided however*, that in every case of secession, every such person shall be holden to pay his or her proportion or assessment of all parish or society taxes, legally voted by the society, prior to his or her secession therefrom, in manner above pointed out.

Secession.

Proviso.

SEC. 4. *Be it further enacted*, That the three first persons mentioned in the first section of this act, or either of them, is hereby authorized to notify and warn the members of this society of the time and place for holding the first meeting, by advertising the same in one or more newspapers printed in the town of Boston, the last publication to be at least three days previous to the time of holding said meeting.

First meeting.

[Approved by the Governor, February 19, 1818.]

## CHAP. CXXXVIII.

An Act to incorporate the British Charitable 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 John Richards, John Grew, Henry Wainwright, William Wells, John Sowdon, and John Bacon, and their associates and their successors, be, and they are hereby incorporated, and made a body politic, by the name of the British Charitable Society; with power to have and use a common seal, to sue and be sued, to ordain and make, from time to time, by laws and rules for the government and management of the corporation; *provided* the same be not repugnant to the constitution and laws of this Com-

Persons incor-  
porated.

Proviso.

monwealth ; and that they have all the privileges usually given by acts of incorporation to charitable societies.

SEC. 2. *Be it further enacted*, That the said corporation may take by purchase, gift, grant, or in trust, or otherwise, and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of sixty thousand dollars, for charitable purposes.

SEC. 3. *Be it further enacted*, That John Richards be, and is hereby authorized to call the first meeting of said corporation, by advertisement in one of the newspapers printed in Boston, and appoint the time and place thereof, at which meeting by-laws may be passed, and the mode of calling other meetings regulated.

SEC. 4. *Be it further enacted*, That this act may be amended, revised or terminated, at the pleasure of the Legislature.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXXXIX.

### An Act respecting the Fishery in Penobscot River and Bay.

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 property, seized under the act, entitled "An act for the preservation of fish in Penobscot river and bay, and the several streams emptying into the same," be libelled and proceeded with conformably to an act, entitled "An act for prescribing the mode of recovering forfeitures of personal property liable thereto by law, and also pecuniary forfeitures," passed on the twenty-second day of February, in the year of our Lord one thousand seven hundred and ninety-four: *Provided however*, that in all cases, where no claimant appears, before the property seized is libelled, an appraisal thereof shall be deemed unnecessary, and the same so seized by any person, of whatever amount, may be libelled and proceeded

May hold real & personal estate.

Notice of meeting.

Property seized to be libelled.

with before a Justice of the Peace, with right of appeal, as provided in the act last mentioned.

SEC. 2. *Be it further enacted*, That all property, seized under the act first mentioned, shall be libelled <sup>Time of libelling.</sup> within six months from the time of seizure ; in default whereof, the person making such seizure shall be deemed and taken to be a trespasser.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXL.

An Act in addition to the several acts defining the powers and duties of Turnpike and Bridge Corporations.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That every Turnpike and Bridge Corporation within this Commonwealth, shall be allowed to demand and receive, at each gate, at which they are allowed to receive whole toll, and at all other gates in that proportion, for each waggon or carriage, with four wheels, drawn by one horse only, according to the following rates of toll, that is to say, <sup>Regulation of Bridge and Turnpike Tolls.</sup> for every such carriage, the body or seats of which shall be placed on springs, and covered with cloth, canvass, or leather, and used for the conveyance of persons and personal baggage only, the same toll they are allowed to demand and receive for a chaise ; for every such carriage without springs, the same toll they have a right to demand and receive for a cart drawn by one horse ; and for all other carriages of four wheels drawn by one horse, for the conveyance of persons and personal baggage, that rate of toll, which is or shall be the nearest the mean sum, in cents, between the two rates of toll above specified, as the same are, or shall be established, at each of such gates respectively.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXLI.

An Act in explanation of an act, entitled “An act for the orderly solemnization of Marriages.”

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all marriages (between persons who may or might lawfully enter into that relation) which have been or may hereafter be solemnized by any stated ordained Minister of the Gospel, in the town, parish, district, or plantation, within or over which such Minister, at the time, was, or may be settled, and where one of the parties resided, or shall reside, shall be, and be considered valid in law, notwithstanding such Minister, at the time, shall reside, or may have resided without the limits of the town, district, parish or plantation, within or over which he is, or was so settled. And it shall be sufficient that the certificate of any marriage, so solemnized, shall be lodged with the Clerk of the town, district or plantation, within or over which such Minister is so settled.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXLII.

An Act for facilitating Trials in Civil Causes.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever, in any action before the Supreme Judicial Court, or any Circuit or other Court of Common Pleas, it shall appear to said Courts, that an investigation of accounts, or an examination of vouchers, is necessary for the purposes of justice between the parties, it shall be lawful for the said Courts to appoint an Auditor or Auditors, to state the accounts between the parties, and to make report thereof to the Court as soon as may be ; and the report

Auditors to be appointed.

so made, shall, under the direction of said Court, be given in evidence to the Jury ; subject, however, to be impeached by evidence from either party ; and the said Court shall award reasonable compensation to such Auditor or Auditors, which shall be taxed in the bill of costs, to be recovered by the party prevailing in the suit, as in other cases.

[Approved by the Governor, February 20, 1818.]

### CHAP. CXLIII.

An Act in further addition to the act, entitled “ An act empowering towns to restrain Cattle from running at large within their several limits.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person shall rescue any creatures, which may have been taken up for being at large, contrary to the provisions of the act, entitled “ An act empowering towns to restrain cattle from running at large within their several limits,” out of the hands of the field driver, or from the custody and possession of any other person, about to drive or convey them to the pound, for being at large, whereby the field driver, or other person shall be prevented from impounding such creatures, and the law evaded, every person so offending, shall forfeit and pay a sum, not less than one dollar, nor more than seven dollars, to be recovered by action of debt, in any Court proper to try the same, to the use of any such field driver or person from whom such rescue may be made as aforesaid.

Penalties for  
resisting pub-  
lic officers.

SEC. 2. *Be it further enacted,* That instead of the penalty of twenty-five cents, provided in and by the act aforesaid, for the respective animals therein described being at large, contrary to the provisions of the same act, the penalty for the same shall, after the passing of this act, be fifty cents.

Fines for cattle  
going at large.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXLIV.

An Act to encourage the destruction of Bears, Wolves, and other mischievous animals.

**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 lawful for the inhabitants of any town, district or plantation, within this Commonwealth, qualified to vote in town affairs, at any meeting of the same legally warned for that purpose, to raise any sum of money they may think proper, and the money so raised, may be distributed in bounties, to encourage the destruction of bears, wolves, and other mischievous animals, or birds, in such sums as the town, district or plantation, which may levy the same, shall direct.*

[Approved by the Governor, February 20, 1818.]

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## CHAP. CXLV.

An Act further to provide for the payment of costs in criminal prosecution.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all costs arising in criminal prosecutions in the Supreme Judicial Court, the Circuit Court of Common Pleas, and the Municipal Court for the town of Boston, shall be paid out of the treasury of the Commonwealth : and all fines and forfeitures, and all monies paid by force of any sentence in the Courts aforesaid, in criminal prosecutions, shall be there accounted for, in the manner which is provided in the act, entitled "An act providing for the payment of costs in criminal prosecutions, and for preventing unnecessary costs therein :"* *Provided however, that nothing in this act shall be construed to authorize the taxing of other or higher fees in said Courts, than is now allowed by law.*

[Approved by the Governor, February 20, 1818.]

## CHAP. CXLVI.

An Act in addition to "An act regulating Bail in Civil Actions."

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be lawful for any person, who may have become, or may hereafter become bail for any debtor or other person arrested upon civil process, to commit to the common jail in the county where such arrest was made, or in that to which the writ is returnable, the principal for whom he has become bound, leaving with the jailer or prison keeper of such county an attested copy of the writ or process, whereby the arrest was made, and of the return endorsed, within fifteen days after such commitment: and such jailer or prison keeper is hereby authorized and required to receive the person so committed into custody, in the same manner, as if he had been committed by the officer making the arrest; and the person so committed shall be entitled to the liberties and privileges of the prison limits upon the same terms and conditions, and under the same restrictions, as are provided in the several statutes, in such cases made and provided. And the bail so committing their principal shall ever after be discharged from the bail bond by them given: *Provided however*, that no person shall have the benefit of this act, unless he shall have committed his principal as aforesaid, before final judgment upon *scire facias*; and if the commitment shall have been made after the writ of *scire facias* shall have issued, he shall pay the costs of that suit before he shall be discharged: *And provided also*, that any bail, who shall claim a discharge under this act, shall have notified, in writing, the plaintiff in the original suit, or his attorney, of the time when and the place where the principal has been committed, within fifteen days from the time of such commitment.

Commitment of the principal exonerates the bail.

Provisos.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXLVII.

An Act in addition to an Act, entitled "An act to provide for the Debt of this Commonwealth."

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the provisions of an act, entitled "An act to provide for the debt of this Commonwealth," passed on the first day of February, in the year of our Lord one thousand seven hundred and ninety-four, be extended and continued, for the purpose of loaning the several species of public paper therein mentioned, agreeable to the tenor thereof, until the first day of January, which will be in the year of our Lord one thousand eight hundred and twenty. And all such public papers as aforesaid, which shall not be presented at the treasury for the purpose of being loaned, agreeable to the provisions of the said act, on or before the said first day of January, which will be in the year of our Lord one thousand eight hundred and twenty, shall forever thereafter be barred.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXLVIII.

An Act in addition to an act, entitled "An act to enable Creditors to receive their just demands out of the goods, effects and credits of their Debtors, when the same cannot be attached by the ordinary process of law."

**SEC. 1. BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any person, summoned as trustee of any debtor, shall, in his answers, disclose an assignment to another, of the goods, effects or credits of the principal in his hands, and the plaintiff in the suit shall object that the assignment

ought not to have any effect to defeat his attachment; and the Court shall think it just or convenient, that the assignee should become a party to the suit, the person, so stated to be assignee, may, for the purpose of trying the validity and effect of the assignment, become a party to the suit, upon his appearing voluntarily, and claiming to be so admitted, or by coming into Court, upon being notified for that purpose, by a summons, which the Court, where the action is pending, is authorized to issue, to be served and returned in such time and manner as the Court shall think the circumstances of the case may require; and if such supposed assignee shall not appear at the time and place named in such summons, his non-appearance shall be entered on the record; or the case may be continued to the next term, for further notice to the assignee, at the discretion of the Court: and if the supposed assignee does not appear in person, or by attorney, the assignment shall have no effect to defeat the plaintiff's attachment; and upon such assignee becoming a party to the suit, the validity of the assignment, or its effect on the case, shall be tried by the Court, or by a Jury, as the case may require: In which trial, in addition to the usual evidence in other cases, the original defendant may be admitted as a witness, upon the application of either party; and the Court may award legal costs for and against any of the parties, at its discretion; and either party may appeal from any judgment of the Court, as in other cases.

Assignees may be a party.

Defendant a witness.

SEC. 2. *Be it further enacted*, That when any supposed trustee shall, at the time of the service of the writ upon him, dwell in any other county than that in which the writ is returnable, he shall not be required to appear in person in the original suit, nor in any suit upon a writ of *scire facias* founded thereon; but such supposed trustee may appear by attorney, and declare whether he had any, and what goods, effects or credits of the principal in his hands or possession, at the time when the writ was served on him, and thereupon submit himself to an examination on oath: and if the plaintiff shall not see fit, further to examine such supposed trustee, his declaration, so made by attorney, shall be deemed and taken to be true: and if the plaintiff shall think

Trustee may appear by attorney.

Oath before  
Judge or Jus-  
tice.

proper to examine such supposed trustee on oath, the answers of the trustee, upon such examination, may be sworn to before any Judge of the Court of Common Pleas for the county in which the trustee may dwell, or before any Justice of the Peace; and in all cases, when any supposed trustee shall have appeared in Court and submitted himself to an examination on oath, in the manner prescribed by law, his answers, upon such examination, may be sworn to before any Judge of the Court of Common Pleas for the county in which the trustee may dwell, or before any Justice of the Peace; and such examination, being duly filed in the Court in which the writ is pending, shall, in every case, have the same effect, and shall be considered in the same manner, in all respects, as if the same had been sworn to in the Court in which the writ is pending.

[Approved by the Governor, February 20, 1818.]

## CHAP. CXLIX.

### An Act for the better regulation of Prisons.

**SEC. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be the duty of the Sheriffs of the several counties within this Commonwealth, to see that the gaols in their respective counties are kept in as cleanly and healthy condition as may be; and cause the walls thereof to be white-washed with lime in April or May in every year, and as often as the Court of Sessions shall order the same, at the expense of the county. They shall also see that strict attention is paid to the personal cleanliness of the prisoners, as far as may be.*

Shall be kept  
clean and  
wholesome.

**SEC. 2.** *Be it further enacted, That it shall be the duty of every gaoler or prison keeper to keep prisoners committed for debt, separate and apart from felons, convicts, and prisoners committed upon charge of felony or other infamous crimes. And he shall also keep all minors who are committed to prison upon conviction or charge of any crime, and all prisoners in his custody*

upon a first conviction or charge of any crime, as separate and distinct from those who are notorious offenders, or who have been convicted more than once of any felony, or other infamous crime, as the construction and state of their respective prisons will admit.

SEC. 3. *Be it further enacted*, That no prisoner, who is confined in any gaol within this Commonwealth, either upon conviction and sentence for any crime, or upon charge of any crime before conviction, shall be allowed to have or drink any ardent or spiritous liquor, or any mixed liquor, part of which is spiritous, unless the physician, who is authorized to attend upon the sick in such prison, shall certify in writing, that the health of such prisoner requires it; in which case he shall be allowed the quantity prescribed by such physician, and no more.

Debtors and felons kept apart.

Prisoners not allowed spiritous liquors.

SEC. 4. *Be it further enacted*, That any gaoler or prison keeper, who shall wilfully, negligently or unnecessarily cause or suffer prisoners of different descriptions to be confined and kept together in the prison under his care, contrary to the provisions of the second section of this act, or shall voluntarily or negligently suffer any prisoner, in his custody, upon conviction or charge of any crime, to have or drink any spiritous liquor, or mixed liquor, part whereof is spiritous, contrary to the provisions of the third section of this act, shall, in each case, forfeit the sum of twenty-five dollars for the first offence, to be recovered in an action of debt by any person who will sue for the same, to his own use, in any Court of Common Pleas, or by indictment in the same Court; in which case the forfeiture shall be to the use of the county. And for a second offence, such gaoler or prison keeper, shall forfeit the sum of fifty dollars, to be recovered in manner, and to the uses aforesaid; and shall also be removed from his office, and be rendered and become incapable of holding the office of Sheriff, Deputy Sheriff or Gaoler, for the term of five years. And it shall be the duty of the Grand Jurors of the said Court, diligently to inquire of, and truly to present all offences against the provisions of this act.

Gaolers' fines for neglect of duty.

[Approved by the Governor, February 20, 1818.]

## CHAP. CL.

An Act in addition to an act, entitled “An act establishing the North-West River Canal Corporation.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the North-West River Canal Corporation be, and they hereby are allowed a further term of three years in addition to the time allowed in an act, entitled “An act in addition to act, entitled an act establishing the North-West River Canal Corporation,” passed on the thirtieth day of January, in the year of our Lord one thousand eight hundred and sixteen, to make and complete said canal, any thing in their act of incorporation to the contrary notwithstanding.

Further time  
allowed.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLI.

An Act to regulate the Fishery in Monatiquot River in the town of Braintree.

**SEC. 1.** **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town of Braintree, at their meeting in March or April annually, may, and they hereby are authorized to regulate the taking of the fish called alewives, shad and smelts, in Monatiquot river within said town, or to dispose of the privilege of taking the same, to their own use and benefit, in any manner or way that they may think proper, which sale shall not exceed three years, at one time; and said regulations when made, shall remain in force for one year next ensuing, and afterwards, until new regulations, in manner aforesaid, shall be adopted by the town. And it shall be the duty of said town at their aforesaid meeting, annually, to choose

May dispose of  
privilege.

three discreet persons by ballot, whose duty it shall be to inspect said river, to cause the regulations respecting said fishery to be carried into effect, and to prosecute all violations thereof that shall come to their knowledge; and who shall also be sworn to the faithful performance of their duty, in like manner, and under like penalties, as other town officers: *Provided* that nothing herein contained shall be construed to prohibit the inhabitants of the town of Braintree from taking smelts for their use and consumption, or any of the inhabitants of the towns of Quincy or Weymouth, for the same purpose, two days in each week, to be agreed upon by the town of Braintree, at their annual meeting in March or April.

SEC. 2. *Be it further enacted*, That the owners or occupiers of dams across said river shall, during the time said fish are passing up, constantly keep open a passage through, over or round their respective dams, sufficient for the passage of said fish, to the satisfaction of the Selectmen of the said town, for the time being, or a major part of them, under penalty of a sum, not less than twenty, nor more than fifty dollars, for each and every twenty-four hours that they shall neglect to open a passage as aforesaid, from and after said owner or occupier has been notified and required, in writing, by said committee, for the space of two days so to do.

SEC. 3. *Be it further enacted*, That if any person or persons shall make any wear across said river, or cause any obstructions to the free passage of said fish, contrary to the regulations of the town, the person or persons so offending, shall, for each offence, forfeit and pay a sum not exceeding fifty dollars, nor less than one dollar, at the discretion of the Court before whom the same may be tried.

SEC. 4. *Be it further enacted*, That all penalties incurred by a breach of this act, may be prosecuted and sued for, before any Court of record proper to try the same, by any inhabitant of said town, being a freeholder; and no person shall be considered as disqualified from being a witness on any trial, that may be had pursuant to this act, by reason of his or her being an inhabitant of said town, (who is not a complainant,) or of being one of the committee aforesaid.

Gifts of fish to  
the poor.

SEC. 5. *Be it further enacted*, That the town of Braintree shall cause to be given to every poor and necessitous family in said town, annually, two hundred of said alewives, and the Selectmen of the said town of Braintree, for the time being, shall or may determine what necessitous or poor family shall be entitled to the benefit of said fish.

Distribution of  
Fines.

SEC. 6. *Be it further enacted*, That all fines and penalties, recovered for a breach of this act, shall be one third part for the use of the complainant, and the other two thirds for the use of the town of Braintree.

Committee to  
be paid by  
town.

SEC. 7. *Be it further enacted*, That the committee, chosen by virtue of this act, shall be compensated for their service by the town of Braintree, at such rate as the town may agree upon, at the time they are chosen.

Acts repealed.

SEC. 8. *Be it further enacted*, That an act, entitled "An act to regulate the taking of fish, called alewives, in Monatiquot river in the town of Braintree, passed on the first day of March, in the year of our Lord one thousand seven hundred and ninety-nine, and an act, entitled an act in addition to an act, entitled an act to regulate the taking of the fish, called alewives, in Monatiquot river, in the town of Braintree, passed on the twenty eighth day of February, in the year of our Lord one thousand eight hundred and twelve, be, and hereby are repealed.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLII.

### An Act to establish the Massachusetts Bay Canal Corporation.

Preamble.

WHEREAS a navigable Canal or Canals, connecting the waters of Buzzard's Bay, or those of the southern side of Cape Cod, with the waters of Barnstable Bay, will be of great public advantage, and essentially promote the commerce, not only of this state, but of the United States, and be the means, under Providence, of saving many lives and much property, otherwise exposed to the dangers of an intricate and haz-

ardous navigation : And whereas, in and by a resolve, passed on the eighth day of March, in the year of our Lord one thousand seven hundred and ninety-two, the aid and encouragement of the Legislature were promised to any person or persons who might thereafter apply for authority and power to effect the intentions and desires of the government in this behalf : And whereas application to this Legislature hath been made by Israel Thorndike, Thomas H. Perkins, Henry A. S. Dearborn, John T. Apthorp, William Tudor, junior, Uriah Cotting, Charles Davis, and Thomas M. Jones, for an act of incorporation, to carry into full effect the useful purposes aforesaid ; and this Legislature, moreover, being satisfied of the public benefits to be derived from the completion and establishment of a Canal or Canals, connecting the said waters : Therefore,

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Israel Thorndike, Thomas H. Perkins, Henry A. S. Dearborn, John T. Apthorp, William Tudor, junior, Uriah Cotting, Charles Davis, and Thomas M. Jones, their associates and successors, be, and they hereby are made a corporation and body politic forever, by the name and style of the Proprietors of the Massachusetts Bay Canal, with all the powers, privileges and immunities incident to a corporation aggregate. And said corporation is hereby made capable in law, of having, holding, purchasing, and taking in fee simple, or in any less estate, by gift, grant, devise, or otherwise, any lands, tenements, hereditaments, or other estate, real, personal, or mixed, necessary for the making, upholding, and maintaining a navigable canal or canals, as aforesaid.

Persons incorporated.

Powers and privileges.

SEC. 2. *Be it further enacted,* That said corporation shall have a common seal, and shall be capable in law, to prosecute and defend to final judgment and execution, any action or other process before any Court, Tribunal or Magistrate whatever, and to do and perform all such other acts, matters and things, as an aggregate corporation may, or of right can do. And they shall have power to make and establish such by-laws and regulations, as they may find necessary or useful for the well ordering and governing their officers, agents,

By-laws, &c.

servants, estates, rights, property and interest; and they shall have power to appoint a President, Treasurer, Secretary, and such other officers, agents and servants, as they may find necessary and convenient for them; and to invest them with such powers, and subject them to such duties as may be provided in and by the by-laws and regulations aforesaid; *provided* the same are not repugnant to the laws of this Commonwealth.

SEC. 3. *Be it further enacted*, That said corporation shall have power to explore, mark, and lay out one or more parcels of land, not more than fifty rods wide, across the isthmus of Cape Cod, from Barnstable Bay to Buzzard's Bay, in any direction, through either of the towns of Sandwich, Barnstable, Wareham, or Plymouth; through and over any of which parcels of land they may dig, make and complete, a navigable canal or canals, of suitable depth for the passage of vessels, drawing ten or more feet of water; and for the purposes of supplying and maintaining said canal or canals, the said corporation is hereby authorized to take and use any water of and from any pond or ponds, rivers, and other water courses, as the same may be convenient or necessary; and to make, in any part of such canal or canals, and at the extremities thereof, on both or either the southern and northern sides of the said Cape, all such locks, flood-gates, docks, embankments, artificial harbors, basins, piers, wharves, and other works, as well above as below low water mark, as may be convenient or necessary for the purposes of this act.

SEC. 4. *Be it further enacted*, That when the said corporation cannot agree with purchase of any other corporation or individual, over and through whose lands the said canal or canals may pass, then they may apply by petition to the Circuit Court of Common Pleas, for the southern circuit, when holden within and for the county of Barnstable, therein setting forth, by a proper description, the quantity of land they want; and that they are unable to purchase the same by agreement, and requesting the said Court to have the same valued; and may file the same in the office of the Clerk of said court, and may take out a summons from

Location of  
Canal.

Disputes on  
value of land  
settled.

him under the seal of said Court, with a copy of said petition annexed thereto, returnable at the next term of said Court, which summons shall be served at least thirty days before the sitting of said Court, to which it is returnable; and being duly served and returned by the Sheriff of said county, or his Deputy, the same may be entered with the other actions of the said Court; and the said Court shall thereupon proceed to inquire, and by the verdict of a jury, at the bar of said Court, to ascertain the value of the land taken from any individual or corporation, for the purposes aforesaid; and the same verdict, being allowed and recorded, shall be conclusive on all parties; and the amount, so ascertained, being paid or tendered by said corporation, and if not accepted, left with the said Clerk, for the use of the party entitled to the same, or his or their legal representative, shall operate a transfer of the estate so taken, and vest the same in said corporation, in fee simple, and thereupon they may enter upon, use, occupy and enjoy the same forever: And the said Court, and all officers, who may perform any service on any such application, shall be entitled to the same fees as are by law taxable in civil actions; and the said corporation may join in the said application, any one or more individuals, whose lands may be taken; and the said jury shall, in each case, return separate verdicts for each several respondent; and if, in the opinion of the said Court, it may be necessary, they may, upon the motion of any party, direct a view of the premises by the jury.

SEC. 5. *Be it further enacted*, That if any person or corporation sustain damage in his or their lands or rights, by using, diverting or drawing off any pond or water course, or by overflowing any lands, in consequence of any act or thing done by said corporation; and the said corporation shall tender and offer to pay to the party injured as aforesaid, such sum as said corporation may deem a just and reasonable compensation; the same, if found to be sufficient, as hereinafter provided, shall be a bar to any further damages for such injury. Damages to be made good.

SEC. 6. *Be it further enacted*, That any person or corporation, who may sustain damage as aforesaid, may

state his complaint in writing, directed to the Circuit Court, or other Court of Common Pleas, holden for the county in which such lands lie, at any term thereof, therein setting forth with legal certainty, the injury they have sustained ; and a true copy of such complaint being left with the President or Secretary of the said corporation, twenty days, at least, before the sitting of such Court, and being afterwards entered upon the docket, said Court may hold jurisdiction of such complaint, and give judgment and issue execution thereon ; and the said corporation may appear and plead to such complaint, any matter in bar, or abatement, or may traverse the facts therein set forth ; and the said Court, if an issue in law shall be joined thereon, shall proceed to determine the same ; and if an issue in fact shall be joined thereon, the same shall be committed to a jury at the bar of said Court, who shall try it and return their verdict thereon, and the same jury shall also inquire, and by their verdict ascertain, what damages the party complaining has suffered ; and if the said corporation shall not appear, the Court may, upon their default, proceed to inquire by a jury, and ascertain the damages any complainant has sustained. And the same proceedings shall be had respecting such damages as might have been had if the said corporation had appeared and answered to such complaint. And if the jury who may inquire of the damages, in any case where the party has appeared and pleaded in bar of damages, shall not by their verdict find a greater sum in damages than was tendered as aforesaid, then the respondent shall go free of such complaint. And if the said corporation shall have neglected to tender amends for any injuries done as aforesaid, before they shall be served with a copy of such complaint, then they may, at any Court, where such process may be pending, bring into the same Court, under a rule for that purpose, for the use of the party complaining, such sum, in satisfaction of the injuries complained of, together with the costs which may then have arisen ; and if the complainant will not accept thereof, and shall not afterwards by the verdict of the jury recover a greater sum in damages than shall have been paid into

Process of suit  
for damages.

the Court under such rule, then the party complained of shall go free of such complaint.

SEC. 7. *Be it further enacted*, That any party aggrieved at the judgment of any Court of Common Pleas, may appeal therefrom, to the next Supreme Judicial Court, to be holden within or for such county as aforesaid; and the party appealing shall, before the same be granted, enter into recognizance with one or more sureties, to prosecute his appeal, and to pay such additional costs and damages as may be awarded against him: and the Supreme Judicial Court shall proceed on such appeal, in all respects, as the Court having original jurisdiction thereof. Appeals.

SEC. 8. *Be it further enacted*, That if any person or persons, shall wilfully, maliciously, or contrary to law, take up, remove, break down, dig under, or otherwise injure any part of said canal or canals, or any work or works connected with, or appertaining to the same, or any part thereof, such person or persons, for every such offence, shall forfeit and pay to such corporation, a sum not less than fifty dollars, nor more than five thousand dollars, according to the nature and aggravation of injury done or committed: and such offender or offenders, shall further be liable to indictment for such trespass or trespasses, and, on conviction thereof, shall be sentenced to pay a fine to the use of the Commonwealth, of not more than one hundred dollars, nor less than twenty-five dollars. Penalties for injuring the Canal.

SEC. 9. *Be it further enacted*, That the stock and property of this corporation, shall be divided into ten thousand shares; certificates of which, shall issue under the seal of said corporation, and be signed by the President and Treasurer thereof; and the said shares shall be deemed and taken to be personal estate, and may be transferred by endorsement, and such transfer shall be recorded by the Secretary of said corporation. And the said corporation may make assessments on the shares, for the purpose of effecting the objects of the corporation; *provided however*, that the whole amount of the assessments on each share, after deducting the amount of all dividends previously declared thereon, shall not exceed the sum of fifty dollars. And in case the amount of fifty dollars, so assessed on each share, Number of Shares. Assessments.

will not supply the necessary funds, the corporation may raise the funds required, by selling any shares not subscribed for; or, by creating and selling any necessary number of shares, over and above the said ten thousand. And if the proprietor of any share or shares, shall neglect or refuse to pay any assessment, for the term of thirty days, after the same hath become due, the share or shares, on which there is a delinquency, may be sold at public auction; notice of the time and place of such sale, being given by the Treasurer of said corporation, in two public newspapers printed in Boston, three weeks at least, previous to the time appointed for such sale: and the proceeds of the sale shall be applied to the payment of the assessments due on the share or shares, so sold, with the incidental charges; and the surplus, if any, shall be paid to the former owner, or his legal representatives, on demand. And such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate or certificates therefor; *provided however*, that if, before the actual sale of any such delinquent share or shares, the proprietor thereof pay the assessments due thereon, with interest from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

SEC. 10. *Be it further enacted*, That said corporation shall be entitled to ask and receive of and from all vessels passing through said canal or canals, at and after the following rates: From each vessel chiefly laden with lumber, wood, fish, lime, plaster of paris, or stones, and each vessel in ballast, or empty vessel, not more than thirty cents per ton; from every vessel employed in the coasting trade, and chiefly laden otherwise than as aforesaid, not more than forty cents per ton; from every vessel bound to, or coming from any island in the West Indies, or other islands in the Atlantic Ocean, or to or from any of the British possessions in North America, not more than fifty cents per ton; from every vessel bound to, or coming from any port or place in Europe, Africa or the Atlantic Coast of South America, not more than eighty cents per ton; from every vessel bound to or coming from the Cape of Good Hope, or beyond said Cape, or round Cape Horn, not more than

Delinquents  
Shares may be  
sold.

Rates of Toll.

one hundred and fifty cents per ton: the tonnage in all cases to be ascertained by the register, or coasting or fishing license of the vessel passing said canal or canals. And said corporation shall also be entitled to ask and receive of and from all boats and vessels under thirty tons burthen, and of and from all rafts of lumber, wood, and other articles, passing through said canal or canals, such reasonable toll, in proportion to the rates aforesaid, as may be fixed by the regulations of said corporation; and shall also be entitled to ask and receive of and from every vessel, boat or raft, entering any artificial harbor appertaining to said canal or canals, and not passing through the same, such reasonable rates of dockage, anchorage and wharfage, as may be fixed by the regulations of said corporation. And in all cases the amount of toll, dockage, anchorage or wharfage, due from any vessel, boat, raft, or other thing or article, shall be a lien in favor of said corporation, on such vessel, boat, raft, or other thing or article, until the amount due as aforesaid be paid to said corporation.

SEC. 11. *Be it further enacted*, That it shall be the duty of said corporation to make and keep in good repair, at all times, good and sufficient bridges, with draws, over said canal or canals, where any county or town roads now cross the land which may be taken for the same, for the passage of teams, mail stages and carriages, and every thing else necessary for the public convenience, toll free. Free Bridges  
to be erected.

SEC. 12. *Be it further enacted*, That the stock and property of said corporation shall be exempted from all public taxes, until a dividend shall be made on the shares of said corporation, equal to an annual income of six per centum on the money actually expended by said corporation in making said canal or canals, and other works connected with, and appertaining to the same. Exemption of  
Taxes.

SEC. 13. *Be it further enacted*, That no grant, authority, or permission shall be given or granted to any person or persons, corporation or corporations, to make any canal, connecting the waters on the southern side of Cape Cod, with the waters on the northern side thereof, without the consent of the corporation hereby Rights secured.

created : *Provided however*, if the said corporation shall not complete a canal or canals, as aforesaid, passable for vessels drawing at least ten feet of water, within six years from and after passing this act, the same shall be void.

First meeting.

SEC. 14. *Be it further enacted*, That any four of the persons named in the first section of this act, may call the first meeting of said corporation, to be holden at such time and place as they may judge proper ; of which meeting they shall give notice, by publishing the same in any two of the Boston newspapers, the first publication to be at least fourteen days previous to said meeting. And at all meetings of said corporation, one vote shall be allowed to a share, and one vote for every additional two shares, owned by the same proprietor ; *provided*, no one proprietor shall be allowed more than forty votes ; and absent proprietors may vote by proxy, duly authorized in writing.

[Approved by the Governor, February 20, 1818.]

### CHAP. CLIII.

An Act granting further time to the Stockholders of the Lynn Mechanic's Bank for the payment of the second instalment of their Capital Stock.

Time of payment.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the further time of twelve months, from the first Monday in January, in the year of our Lord one thousand eight hundred and eighteen, be, and the same is hereby allowed to the Stockholders of the Lynn Mechanic's Bank, for the payment of the remaining half of the capital stock of said corporation, the same to be divided into two equal instalments of twenty-five thousand dollars each : the first instalment to be paid on the first Monday in July, in the year of our Lord one thousand eight hundred and eighteen, and the remainder to be paid on the first Monday in January, in the year of our Lord one thousand eight hundred and nineteen ; and that all other

acts, heretofore made respecting the times of payment of the capital stock of said bank, so far as the same are inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved by the Governor, February 20, 1818.]

#### CHAP. CLIV.

**An Act to revive and continue in force, an act, entitled**  
**“An act to establish a Corporation, by the name of**  
**the Woburn Turnpike Road and Dracut Bridge**  
**Corporation.”**

**SEC. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the act, entitled “An act to establish a corporation, by the name of the Woburn Turnpike Road and Dracut Bridge Corporation,” passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, be, and the same is hereby revived and continued in force, for the term of five years from the passing of this act, for the purpose of enabling the persons therein named, their associates and assigns, to build and complete the said bridge over the said Merrimack river, agreeable to the provisions described in said act, any law to the contrary notwithstanding. Grant of further time.

**SEC. 2.** *Be it further enacted,* That Josiah Brown, Esquire, be, and he is hereby authorized and directed to notify and warn a meeting of said proprietors, to be holden sometime in the month of April or May next, at such place as he may appoint, for the purpose of choosing a President, Clerk, Directors, and Treasurer, and to transact any other business relative to the affairs of the said corporation, by publishing notification thereof, in one or more of the public newspapers printed in Boston, two weeks at least, before the holding of said meeting. Meeting for choice of officers.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLV.

An Act to provide for the repeal of the fifth section of an act, entitled "An act to establish a Town, by the name of North Brookfield."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Austin Flint, of Leicester, Nathaniel Jones, of Barre, in the county of Worcester, and Joseph Cummings, of Ware, in the county of Hampshire, be, and they are hereby appointed a Committee to hear and consider the claim of Brookfield on the one part, and of North Brookfield on the other, under the fifth section of the "Act to establish a town, by the name of North Brookfield;" and thereupon, finally to determine whether the said town of North Brookfield ought on any ground whatsoever, in future, to pay any part of the expenses of maintaining the bridges and causeways in the town of Brookfield; and if any, then what part, and in what manner the same shall be paid, and when the liability of the said North Brookfield shall altogether cease: And, after duly notifying the said towns, and hearing them, touching the premises, to make their report in writing, under their hands, filing the same in the office of the Secretary of this Commonwealth.

Claims to be  
adjusted.

SEC. 2. *Be it further enacted*, That from and after the time the report of said Committee, or of a major part of them, shall be made, and filed in the office of the said Secretary, the said fifth section of said act, incorporating the said town of North Brookfield, shall be repealed; and the duties and liabilities of said North Brookfield, resulting from the said section, shall altogether cease: and thenceforth, the said towns, Brookfield and North Brookfield, touching the subject matter of said incorporating act, shall be regulated and governed by the principles and provisions contained in the report of the said Committee. The expenses of the said Committee to be paid by the said towns, in such proportions as the said Committee shall determine:

Conditional re-  
peal of act.

*Provided always*, that nothing in this act shall be considered as relating to any claim for past expenses of maintaining the said bridges and causeway.

SEC. 3. *Be it further enacted*, That the whole report of said Committee may, and shall be enforced at law, in any Court proper to try the same; *provided* the said parties do not voluntarily and completely perform the same, agreeably to its provisions and requirements. Enforcement of Rule.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLVI.

An Act relating to the Braintree and Weymouth Turnpike Corporation.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the turnpike road from Quincy meeting-house to Queen Ann's corner, as the same has been laid out and made by the Braintree and Weymouth Turnpike Corporation, and approved by the Supreme Judicial Court, agreeably to the provisions of the law of incorporation; and all the proceedings relative to the laying out and making of the said road, be confirmed and made valid and effectual, to all intents and purposes whatsoever, any omission in the record of the oaths to the Surveyor and Committee notwithstanding. Incorporation law confirmed.

SEC. 2. *Be it further enacted*, That any Justice of the Peace within the county of Norfolk be, and hereby is authorized to appoint a Committee of three disinterested persons, to appraise a small piece of land taken to make said road, which was omitted being appraised, in consequence of the owner's refusing to take any compensation for the same: and which Committee, when appointed, shall be sworn to the faithful performance of their duty; and shall or may perform said business when called upon by either party, after giving proper notice of the same, and who shall be compensated for their trouble by said corporation. Committee of appraisement.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLVII.

An Act to prevent the taking of Fish near the Dam, at the Canal at South Hadley Falls, on Connecticut River.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person or persons, at any time hereafter, shall take any salmon or shad, within one mile and a half of any part of the dam in Connecticut river, near the canal at South Hadley, with any net, seine, pot, scoop-net, or any other instrument or machine whatever: And if any person or persons, shall take or catch any salmon or shad, contrary to the true intent and meaning of this act, each person so offending, shall, for every such offence, forfeit and pay a fine of twenty dollars.*

Fines.

Seines forfeited

SEC. 2. *Be it further enacted, That all nets, seines, or other instruments, or machines, used in taking salmon or shad as aforesaid, shall be, and hereby are forfeited to any person or persons, who shall prosecute for the same, with costs of suit, to his or their own use, upon complaint or information to any Justice of the Peace, in and for either of the counties of Hampshire or Hampden; who may thereupon issue his warrant to seize the same, to be kept until trial of the said complaint or information, which the said Justices are hereby fully authorized to hear and determine.*

Fines may be  
sued for.

SEC. 3. *Be it further enacted, That all sums of money, forfeited by any breach of this act, shall, and may be sued for and recovered by action or information, with costs of suit, before any Justice of the Peace within the counties of Hampshire or Hampden; and one half of such fine shall enure to him or them, who shall sue or prosecute for the same; and the other half thereof, for the use of the county in which said action or information shall be prosecuted: And any person or persons, aggrieved at the sentence of any Justice of the Peace, given in pursuance of this act, may appeal therefrom to the next Circuit Court of Common Pleas, to be holden in the county in which judgment may be rendered.*

[Approved by the Governor, February 20, 1818.]

## CHAP. CLVIII.

An Act authorizing the President, Directors and Company of the Phoenix Bank, to increase the amount of their Capital 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 the President, Directors and Company of the Phoenix Bank, be, and they are hereby allowed to increase the capital stock of said bank, one hundred thousand dollars, in addition to the sum allowed by their act of incorporation: the said additional sum to be subject to the same rules, restrictions, and limitations, as are stated in the original act, to which this is in addition: And the stockholders of said bank, for the time being, shall have a prior right to subscribe said sum, in proportion to the several shares held by them respectively, at the time of said subscription.

Amount of increase.

SEC. 2. *Be it further enacted,* That fifty thousand dollars of the abovenamed additional sum shall be paid into the said bank, in ninety days after the passing of this act, and the remaining sum of fifty thousand dollars, on or before the first Monday of October next: *Provided nevertheless,* that before the said corporation shall proceed to do business upon the said additional capital, a certificate, signed by the President and Directors, and attested by the Cashier, that the same has actually been paid into said bank, in gold or silver coin, shall be filed in the office of the Secretary of this Commonwealth.

Time of payment.

Proviso.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLIX.

An Act to incorporate the Hydraulic Machine 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 Isaac Hull, William

Persons incor-  
porated.

Payne, John Binney, Joseph Hall, junior, Edward Renouf, and Samuel Bridge, with such others as now are, or may be hereafter associated with them, their successors or assigns, be; and they hereby are constituted a corporation, by the name of the Hydraulic Machine Company, for the purpose of manufacturing Baker's Patent Eliptic Valve Boxes; and for such purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in an act, entitled "An act defining the general powers and duties of manufacturing corporations."

May hold real  
& personal es-  
tate.

SEC. 2. *Be it further enacted*, That the said corporation may be lawfully seized and possessed of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding one hundred thousand dollars, as may be necessary for the purposes aforesaid.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLX.

### An Act to incorporate the First Universal Society in Attleborough.

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 Newell, John Titus, James Bott, George W. Robinson, William S. Robinson, Joseph A. Richards, Richard Robinson, James Holmes, Lemuel Fuller, Obed Robinson, Jabez Newell, Ebenezer Robinson, Manning Richards, Stephen Richardson, junior, Ira Richards, Avery Gilmore, Otis Robinson, James Robinson, Daniel Richardson, junior, Eliphalet Wilmarth, William George, James Draper, Milton Holmes, Jeremiah Ingraham, Elkanah Miller, Daniel Richardson, 4th, John Draper, junior, John Draper, Nathaniel Allen, Otis Ingraham, Levi Maxey, Charles Day, Ebenezer Bolkam, Thomas Cooper, Thomas Starks, Samuel Sanford, Samuel Newell, junior, Jabez Newell, 2d, Darius Briggs, Thomas Stanley, Obed Robinson, George El-

Persons incor-  
porated.

lis, Paul Draper, Jeremiah Pierce, Jesse Stanley, Samuel Cushman, junior, Asa Allen, William H. Earl, Jeremiah Ingraham, junior, Milton Barrows, Samuel Draper, George Bacon, Dan Carpenter, James Jackson, junior, Stephen Briggs, and William W. Pike, with their polls and estates, together with such other persons as may hereafter associate with them, be, and they are hereby incorporated and made a body politic and religious society, by the name of the first Universalist Society in Attleborough; and by that name, may sue and be sued; and shall be invested with all the powers and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only. And the said society shall be capable in law to purchase and hold estate, real and personal; *provided* the annual income thereof, shall not exceed, at any one time, the value of three thousand dollars. Powers and immunities.

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

delinquent's assessment, with incidental charges, the Treasurer shall pay the overplus, if any there be, to such delinquent proprietor.

By-laws.

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

First meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace in the county of Bristol be, and hereby is authorized to issue his warrant to any member of said society, to notify and warn all the members thereof, to meet and assemble at such time and place as he shall therein appoint; and when so met and assembled, to organize the society, by choosing a Clerk, and all such other officers, as other similar societies may elect: and the annual meeting of said society, shall always be in the month of March.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLXI.

An Act authorizing the sale of the Ministerial Land in Falmouth, belonging to the Society of St. Paul's Church in Portland.

Wardens may  
sell church  
land.

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 St. Paul's Church in Portland, for the time being, be, and they are hereby authorized to sell and convey in fee simple, a lot of land laid out and granted by the proprietors of the town of Falmouth, in the county of Cumberland, for the benefit of the Minister of St. Paul's Church in said Portland, and to make, execute and acknowledge a good and sufficient deed thereof; which deed, subscribed by the Wardens, with their seal thereto annexed, shall be sufficient in law to transfer all the right, which said society have in said land, to the purchaser thereof.

SEC. 2. *Be it further enacted*, That the monies arising from the sale of said land, shall be put at interest, as soon as may be, secured by mortgage of real estate, to the full value of the estate sold, or by two or more sufficient sureties with the principal, unless said Wardens shall think fit to vest the same in bank stock, or in the funded stock of the United States : And the Wardens and Vestry of St. Paul's Church, for the time being, are hereby constituted a body politic and Trustees of the money arising from the sale of said land ; and vested with power to demand, sue for and receive the same, and the interest accruing, and apply the proceeds to the support of the ministry in said society, agreeably to the intent of the original grantors.

Stock to be put  
on interest.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLXII.

An Act to prevent the destruction of Shad and Alewives in the South River, so called, in the town of Marshfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the town of Marshfield, at their meeting for the choice of town officers, in March or April, annually, be, and they are hereby authorized and empowered to appoint three or more persons a Committee to superintend the taking of shad and alewives, at such places and on such days, as said inhabitants at said meeting shall direct ; which Committee shall dispose of said fish, as said town shall order, and shall be allowed such compensation for all their said services, as said town shall think just and reasonable ; and shall settle their accounts annually with the Selectmen of said town, and pay the balance into their hands for the use of said town.

Committee of  
superintend-  
ance.

SEC. 2. *Be it further enacted*, That the said Committee, or the major part of them be, and they are hereby authorized and empowered to cause to be made and

Sluice ways to  
be kept open.

kept open, sufficient sluice ways, at proper times, for the passage of said fish up and down said river, through, round or over all dams for mills or other water works, which now are, or shall be hereafter made over said river in said town; and if any person or persons shall obstruct or impede the passage ways, allowed or authorized by said Committee, or a major part of them, for the passage of said fish up and down said river, or shall, by any means whatsoever, hinder the said fish from passing up and down said river, otherwise than is directed by this act, such person or persons, so offending, shall forfeit and pay for every such offence, a sum not exceeding one hundred dollars, nor less than fifty dollars.

Penalties.

Persons must  
be authorized  
to take fish.

SEC. 3. *Be it further enacted*, That if any person or persons, other than the said Committee, or such person or persons as shall be by them employed or permitted, shall take any of the said fish in said river, or any stream that belongs to it, at any time, or by any means whatever, each person, so offending, shall forfeit and pay a sum not exceeding ten dollars, nor less than five dollars, for every such offence.

Fines.

SEC. 4. *Be it further enacted*, That all penalties incurred by any breach of the provisions of this act, shall be sued for and recovered by the Treasurer of said town of Marshfield, for the time being, in any Court in the county of Plymouth, proper to try the same; and all sums of money so recovered, shall be appropriated to the use of said town; and in case any minor or minors shall offend against any part of said act, and thereby incur any or either of the penalties of this act, in all such cases, the parents, masters or guardians of such minors respectively, shall be answerable therefor; and in case of any prosecution of such minor or minors, for any of the aforesaid offences, the action shall be commenced against the parent, master, or guardian of such minor or minors respectively, and judgment shall be rendered against them, in such case, in the same manner as for his or their personal offence.

Parents and  
Guardians ac-  
countable for  
Minors.

[Approved by the Governor, February 20, 1818.]

CHAP. CLXIII.

An Act to incorporate the President, Directors and Company of the Agricultural 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 Nathan Willis, Joseph Shearer, David Campbell, John B. Root, Thomas Gold, Theodore Hinsdale, junior, Lemuel Pomroy, Henry C. Brown, Samuel D. Colt, Josiah Bissell, Jonathan Allen, Timothy Childs, Henry H. Childs, and Phineas Allen, and their associates, successors and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Agricultural Bank; and shall so continue until the first day of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and by that name shall be, and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any Courts of record, or in any other place whatever; and also to make, have, and use a common seal, and to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as to them may appear necessary and convenient for the government of the said corporation, and the prudent management of their affairs; *provided* such by-laws, ordinances and regulations, shall in no wise be contrary to the constitution and laws of this Commonwealth; and the said corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Persons incorporated.

Powers and privileges.

Provide

SEC. 2. *Be it further enacted*, That the capital stock of the said corporation shall consist of the sum of one hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at three instalments; the one half part of said capital stock to be paid in on the first day of June next, the one fourth part thereof, to be paid in on the first day of November next, and the remaining fourth part thereof, to be paid in on the first day of March, which will be in the year of our Lord one thousand

Capital Stock.

Proviso.

eight hundred and nineteen, and as much sooner as the stockholders shall direct: *Provided* no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of said instalments. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock and the profits thereof, which being entered in the books of said corporation, shall be binding on the stockholders, their successors and assigns. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of ten thousand dollars, and no more, at any one time; with power to bargain, sell and dispose of the same, and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided however*, that nothing herein contained, shall restrain or prevent the said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided further*, that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

May hold real estate.

Provisos.

Rules binding.

SEC. 3. *Be it further enacted*, That the rules, reservations, restrictions, limitations, and provisions, which are provided in and by the third section of an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," shall be binding on the bank hereby established: *Provided only*, that the bond required to be given by the Cashier, shall be in the penalty of ten thousand dollars, and that the number of Directors, to be annually chosen, shall be five, and three may constitute a quorum for transaction of business: *And provided also*, that the amount of bills at any one time issued by said bank, shall not exceed fifty per cent. beyond their capital stock actually paid in.

Number of Directors.

SEC. 4. *Be it further enacted*, That the said bank shall be established and kept in the town of Pittsfield.

SEC. 5. *Be it further enacted*, That any Committee specially appointed by the Legislature for that purpose, shall have a right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if upon such examination it shall be found, and after a full hearing of the corporation thereon, be determined by the Legislature, that said corporation have exceeded the power herein granted them, or failed to comply with any of the rules, restrictions, and conditions, in this act provided, their incorporation may thereupon be declared forfeited and void. Legislative examination.

SEC. 6. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, (by advertising the same for three weeks successively in the Pittsfield Sun, printed at Pittsfield,) for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting of the affairs of the said corporation, as the said stockholders shall deem necessary; and for the choice of the first board of Directors, and such other officers as they shall see fit to choose. First meeting.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Directors of said bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said corporation, and of the debts due the same, of the monies deposited therein, and of the notes in circulation, and of the gold and silver, and copper coin, and the bills of other banks on hand; which statement shall be signed by the Directors, and attested by the Cashier, and shall be verified by oath, or affirmation before some person competent to administer the same. Semi-annual statements.

SEC. 8. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration. Original amount of counterfeit notes to be paid.

State tax.

Proviso.

SEC. 9. *Be it further enacted*, That the said corporation, from and after the first day of June next, shall pay by way of tax, to the Treasurer of this Commonwealth, for the use of the same, within ten days, after each semi-annual dividend, the half of one per cent. on the amount of the original stock, which shall, at the time of the said dividend, have been actually paid in : *Provided however*, that the same tax, payable in manner aforesaid, shall be required by the Legislature, of all banks that shall be hereafter incorporated within this Commonwealth : *And provided further*, that nothing herein shall be construed to impair the right of the Legislature to lay a tax upon any bank already incorporated under the authority of this Commonwealth, whenever they may see fit so to do.

Appropriation  
of funds.

SEC. 10. *Be it further enacted*, That one tenth part of the funds of said bank, shall always be appropriated to loans, to be made to citizens of this Commonwealth, and wherein the Directors shall wholly and exclusively regard the agricultural and manufacturing interest ; which loans shall be made in sums, not less than one hundred dollars, nor more than five hundred dollars, and upon the personal bond of the borrower, with collateral security by mortgage of real estate, to the satisfaction of the Directors of said bank, for a term not less than one year ; and on condition of paying the interest annually, on such loans, and subject to such forfeitures and rights of redemption, as is by law prescribed in other cases.

State Loans.

SEC. 11. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money, not exceeding ten per centum of the amount of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth ; with the annual payment of interest, at a rate not exceeding five per centum per annum : *Provided however*, that the Commonwealth shall never, at any one time, stand indebted to the said corporation, without their consent, for a larger sum than twenty per centum of the capital stock actually paid in.

SEC. 12. *Be it further enacted, That the Commonwealth shall have a right, whenever the Legislature shall make provision by law, to subscribe, on account of the Commonwealth, a sum, not exceeding thirty thousand dollars, to be added to the capital stock of said company, subject to such rules, regulations, and provisions, as shall be by the Legislature made and established, as to the management thereof.* State may own Stock.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLXIV.

An Act to establish a Ministerial Fund in the town of Canaan.

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 Wyman, Wentworth Tuttle, Joseph Haskell, Nathaniel Hubbard, and Joseph Ireland, all of the town of Canaan, be, and they are hereby incorporated into a body politic and corporate, by the name of the Trustees of the Canaan Ministerial Fund; and by that name, they and their successors in office, shall be and continue a body politic forever: and they shall have a common seal, subject to alteration; and they may sue and be sued in all actions, real, personal, and mixed, and prosecute and defend the same to final judgment and execution, by the name aforesaid; (and shall have all other powers, which are incident to, and necessarily belong to, the like corporations. And the said Trustees and their successors, shall annually elect one of their number as President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the money belonging to said fund, according to the provisions of this act, who shall give bond to the said Trustees, for the faithful performance of his duty; and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office.* Persons incorporated. Powers and privileges. Treasurer to give bonds.

May sell ministerial lands.

Disposition of funds.

Trustees may execute deeds.

Vacancies to be filled up.

SEC. 2. *Be it further enacted,* That the said Trustees be, and they are hereby authorized and empowered to sell and convey all the land belonging to said town, lying in the town of Bloomfield, which, in the original grant of the town of Canaan, was reserved for the use of the ministry in said town; and the monies arising from the sale of the said land, shall be put on interest, and shall form a fund for the support of the ministry in said town, which shall be under the care and management of the said Trustees, in the manner provided for and directed in this act: And when the said Trustees may loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate, to twice the value of the money loaned; or secured by two or more sufficient sureties, with the principal; and the interest, and that interest only, shall ever be appropriated for the uses aforesaid; and it shall never be in the power of the said Trustees to alter or alienate the appropriation of the fund aforesaid. And the said Trustees are hereby empowered to make and execute a good and sufficient deed or deeds, of the said lot of land, which shall be signed by the Treasurer, with their seal affixed thereto, and by the said Treasurer duly acknowledged and delivered; and when thus executed and delivered, shall be good and effectual in law to pass and convey all the right of the said town, in and to said real estate, to the purchaser thereof.

SEC. 3. *Be it further enacted,* That the number of Trustees shall never exceed seven, nor be less than five; any four of whom, shall constitute a quorum for doing business; and they shall 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 when any vacancy shall happen as aforesaid, or by the death, resignation or otherwise, there shall be a vacancy in said board of Trustees, the inhabitants of said town, at any legal town meeting held for that purpose, shall fill all vacancies thus created, from among the freeholders of said town. And the said Trustees, Treasurer, Clerk, or other officers, or persons employed by them, shall not be entitled to receive any compensation for the services they may perform, out of any monies belonging to the

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

Compensation  
to officers.

SEC. 4. *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 one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation, by the appointment of its officers.

First meeting.

[Approved by the Governor, February 20, 1818.]

## CHAP. CLXV.

An Act in addition to the act, entitled “ An act establishing a Court of Common Pleas within and for the county of Suffolk, to be styled the Boston Court of Common Pleas.”

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 office of Town Judge for civil actions, not exceeding twenty dollars, as established by the second section of the act, to which this is in addition, entitled “ An act establishing a Court of Common Pleas within and for the county of Suffolk, to be styled the Boston Court of Common Pleas,” shall be holden by some one Justice of the Peace for the county of Suffolk, to be designated and commissioned

Limited  
amount of ac-  
tions.

therefor by the Governor and Council, as soon as may be, according to the constitution; and the person so commissioned, shall have all the authority, power, privileges and emoluments, with respect to the actions aforesaid, as are by said act conferred on the Judge of the Boston Court of Common Pleas; and all appeals from his judgments, shall lie to the Boston Court of Common Pleas: and he shall hold his Courts at the times, and proceed therein in the manner provided by said act; and shall have and enjoy all the fees which shall by law appertain to a Justice of the Peace, in all actions that may be brought before him.

Appeals.

SEC. 2. *Be it further enacted*, That from and after the said first day of March, so much of the act to which this is in addition, as may be repugnant to the provisions of this act, shall be repealed; and that the office of Recorder of said Town Court, shall then cease and be abolished; and the records of said Town Court, then remaining, shall be lodged in the Clerk's office of the said Boston Court of Common Pleas, which Clerk shall certify the same, whenever he shall be required thereto.

Acts repealed.

[Approved by the Governor, February 21, 1818.]

## CHAP. CLXVI.

An Act to establish an Agricultural Society in Winthrop.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Alexander Belcher, Peleg Benson, David Foster, Charles Harris, Dean Howard, Nathan Howard, Joseph Metcalf, Issachar Snell, Joseph Tinkham, Enoch Wood, Elijah Wood, and Samuel Wood, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a corporation, by the name of the Winthrop Agricultural Society, for the promotion of agriculture, the mechanic arts, and manufactures; and for this purpose shall have the same powers

Persons incorporated.

and privileges, and shall also be subject to the like duties and restrictions as other incorporated agricultural societies within this Commonwealth; and the said corporation are hereby declared and made capable in law of purchasing and holding in fee simple, or any estate of a different tenure, whether by purchase, devise or otherwise, any lands, tenements or other estates, real or personal; *provided* that the annual income of the real estate shall not exceed the value of five thousand dollars, and the annual income of the personal estate shall not exceed three thousand dollars; and may also sell, alien or dispose of the same estate, real and personal, but not to use the same in trade or commerce.

General powers.

May hold real & personal estate.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to keep and use a common seal, subject to alteration at their pleasure; and the said corporation is hereby made capable in law to sue and be sued, to plead and be impleaded, and to act and do any matters and things in courts of law, whether of record or otherwise, and in all places whatsoever, and in all actions, real, personal or mixed, and generally all such other matters as may appertain to them as a corporation. And the said corporation may also make, declare and put in execution, all such laws and regulations as may be necessary to the well being and government of the said society; *provided* the same shall not be contrary to the constitution and laws of this Commonwealth: and for the well governing the said corporation, they shall have power to elect and appoint such officers as they may think needful and proper; and all officers which may be legally appointed, in pursuance of the laws and regulations of the said corporation, for the purposes aforesaid, are hereby empowered to exercise such power, and discharge all such duties, as shall be provided for in the said laws and regulations. And the said corporation may, from time to time, admit persons to become members thereof, as shall be provided for in their regulations.

May sue and be sued.

Officers chosen.

SEC. 3. *Be it further enacted*, That any Justice of the Peace for the county of Kennebec, upon application therefor, is hereby empowered to issue a warrant, directed to one of the persons herein before named, re-

First meeting.

quiring him to notify and warn the first meeting of the said society, for the choice of the officers of the said corporation; and being duly organized, may at the same, or at any future meeting, agree upon and adopt the mode and means of notifying and holding future meetings; and a fair record of all their doings shall be recorded in a book or books, for that purpose to be provided and kept.

[Approved by the Governor, February 21, 1818.]

### CHAP. CLXVII.

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-one thousand, three hundred and ninety-six 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, February 21, 1818.]

### CHAP. CLXVIII.

An Act to establish the Worcester Agricultural 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 Daniel Waldo, Oliver Crosby, Thomas Howard Blood, James Humphries, Stephen P. Gardner, Bezaleel Lawrence, John Thurston, Samuel Read, Simeon Draper, Seth Field, David Rice, Abraham Lincoln, and Samuel Sawyer, together with such others as may hereafter associate with them and their successors, be, and they are hereby made a corporation, by the name of the Worcester Agricultural Society, for the promotion of agriculture, the mechanic arts and manufactures; and for this purpose shall have the same powers and privileges, and shall also be sub-*

Persons incor-  
porated.

Powers and  
privileges.

ject to the like duties and restrictions, as other incorporated agricultural societies within this Commonwealth : And the said corporation are hereby declared and made capable in law to purchase and hold in fee simple, or any estate of a different tenure, whether by purchase, devise or otherwise, any lands, tenements, or other estate, real or personal; *provided*, that the annual income of the real estate, shall not exceed the value of five thousand dollars, and the personal estate shall not exceed the value of three thousand dollars; and the said corporation may also sell, alien or dispose of the same estate, real and personal, but not to use the same in trade or commerce. Proviso.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to keep and use a common seal, subject to alteration at their pleasure; and the said corporation is hereby made capable in law to sue and be sued, to plead and be impleaded, and to act and do any matters and things in Courts of law, whether of record or otherwise, and in all places whatsoever, and in all actions, real, personal or mixed, and generally all such other matters as may appertain to them as a corporation : And the said corporation may also make, declare and put in execution, all such laws and regulations as may be necessary to the well being and government of the said society; *provided* the same shall not be contrary to the constitution and laws of this Commonwealth. And for the well governing the said corporation, they shall have power to elect and appoint such officers as they may think needful and proper : and all officers, which may be legally appointed, in pursuance of the laws and regulations of the said corporation, for the purposes aforesaid, are hereby empowered to exercise such power, and discharge all such duties as shall be provided for in the said laws and regulations. And the said corporation may, from time to time, admit persons to become members thereof, as shall be provided for in their regulations. May sue and be sued.

SEC. 3. *Be it further enacted*, That upon application to any Justice of the Peace for the county of Worcester, he is hereby empowered to issue a warrant, directed to one of the persons herein before named, requiring him to notify and warn the first meeting of Proviso.

Choice of officers.

First meeting.

the said society, for the choice of the officers of said corporation; and being duly organized, they may, at the same or any future meeting, agree upon and adopt the mode and means of notifying and holding future meetings; and a fair record of all their doings shall be recorded in a book or books, for that purpose to be provided and kept.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXIX.

An Act in addition to an act, entitled "An act to incorporate certain persons for the purpose of making a Canal, by the name of the Proprietors of the Hancock Brook Canal.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in addition to the five years allowed for making the Hancock Brook Canal, by the act, entitled "An act to incorporate certain persons for the purpose of making a canal, by the name of the Proprietors of Hancock Brook Canal," the further time of three years be, and hereby is granted to the said proprietors, for completing the Hancock Brook Canal aforesaid.

Extension of  
time.

SEC. 2. *Be it further enacted,* That the fifth section of the act aforesaid, granting a toll on certain articles, be, and the same is hereby repealed; and in lieu thereof, the following shall be the rates of toll to be demanded and received by the said proprietors, viz.: for each mill log, eight cents; for each thousand of clapboards and shingles, at the rate of five cents for one thousand; for each thousand feet of boards, plank and slit work, at the rate of six cents for each thousand feet; for masts, spars, ranging and other timber, at the rate of six cents for each ton; as the aforesaid articles or either of them, shall be passed or repassed in said canal, after the same shall have been completed.

Tolls.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXX.

An Act regulating the packing and selling of Paper, within this Commonwealth, and for repealing an act heretofore made, on that subject.

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 paper, excepting paper of foreign manufacture, press paper, bonnet paper, and such paper as is usually sold by weight, which from and after the fifteenth day of March next, shall be made or offered for sale within this Commonwealth, shall be packed in reams, each ream containing twenty quires, and each quire twenty-four sheets, and on the centre of the face of each ream, shall be pasted a piece of substantial white paper, at least four inches square, having the name or names, of the manufacturer or manufacturers, and his or their place of residence, and also the words "one ream," legibly stamped thereon : *Provided however,* that printing paper may be packed in parcels of two reams each, and on the centre of the face of each parcel so packed, shall be pasted a piece of substantial white paper, at least four inches square, having the name or names, of the manufacturer or manufacturers, and his or their places of residence, and also the words "two reams," legibly stamped thereupon.

Name and residence labelled.

Proviso.

SEC. 2. *Be it further enacted,* That any and every person so making or offering for sale, or selling paper except as aforesaid, not packed and stamped as aforesaid, or who shall transport, or cause to be transported out of this Commonwealth, or shall put on board any vessel, or other carriage of conveyance, with intention to transport the same out of this Commonwealth, any paper, except as aforesaid, not packed and stamped as aforesaid, shall, for each offence, forfeit and pay the sum of four dollars for each ream, package or parcel so offered for sale, or sold, or which shall be transported out of this Commonwealth, or which shall be put on board of any vessel or other carriage of conveyance, with intention to transport the same out of this Commonwealth.

Fines.

Feb. 23, 1818.

Penalties re-  
covered.

SEC. 3. *Be it further enacted,* That the penalties in this act shall be recovered in an action of debt, in any Court having jurisdiction to try the same, one moiety thereof to the use of the county in which such offence shall be committed, the other moiety thereof to the use of the person suing for the same; and all such paper, not packed, or not stamped as aforesaid, shall also at all times, be liable to be seized to the use of any person who may seize the same; *provided* the person so seizing shall, within seven days after the seizure, commence his action as aforesaid, and shall prosecute the same to the recovery of the penalty aforesaid.

Act of 1813  
repealed.

SEC. 4. *Be it further enacted,* That an act, entitled "An act regulating the packing and selling of paper within this Commonwealth," passed the twenty-seventh day of February, in the year of our Lord eighteen hundred and thirteen, shall cease to be in force from and after the fifteenth day of March next; *saving however,* the right of commencing and prosecuting all actions for penalties which may arise from or by reason of said act, before said fifteenth day of March next.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXXI.

An Act to secure the town of Boston from damage by Fire.

Houses of wood  
not to exceed  
ten feet in  
height.

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 house or building of any kind whatsoever, which shall be more than ten feet high, from the ground to the highest point in the roof thereof, shall be erected or built within the town of Boston, unless all the external sides and ends thereof shall be built or composed of brick or stone; except so much as may be necessary for doors and windows; and unless the roofs of all such houses or buildings shall be entirely covered with slate, tile, or some incombustible composition, and the gutters secured effectually against fire; and no brick or stone wall shall be deemed sufficient,

within the meaning of this act, unless the same shall be at least twelve inches thick in the lower story, and eight inches thick above the lower story; and all additions which shall be made to houses or buildings already erected, and all houses or buildings which shall be erected on old foundations, in part or in whole, shall be deemed and considered within the restrictions and regulations of this act: *Provided nevertheless*, that Proviso. upon any wharf, marsh, or other place, where no sufficient foundation can be obtained, without unreasonable expense, on permission of the Firewards of said town, or the major part of them, in writing, wooden houses or buildings, of not more than two stories high, may be erected, which shall be covered on all sides with slate, tile, or lime mortar, and filled in with bricks laid in mortar, and the roofs and gutters shall be secured as before directed.

SEC. 2. *Be it further enacted*, That in all cases where one dwelling house, ware house, store, mill, stable or other building, above ten feet high, is separated from another dwelling house, or ware house, or store, Partitions, or mill, or stable, or other building, above ten feet high, by a partition, such partition shall be built of stone or brick, and shall be twelve inches thick in the lower story, and eight inches thick above the lower story, and shall be built up as far as may be necessary in order to cover or cap the same with flat stones above the roof; and such wall shall be entirely covered or capped with flat stones, at least two inches in thickness above the roof; and every person offending against this Penalties. section, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than fifty dollars.

SEC. 3. *Be it further enacted*, That no wooden building more than ten feet high shall be removed from any part of the town of Boston, to any other place within the same town, without the permission of the Firewards of said town, or the major part of them, under such restrictions and provisions as they shall prescribe; nor shall any wooden building heretofore erected within the said town, and not now used as a dwelling house, be hereafter occupied as a dwelling house, or for any other purpose than that to which it is now applied, without the permission of the Firewards, as aforesaid. Removal and occupation of houses.

SEC. 4. *Be it further enacted,* That every person who shall erect or add to, or cause to be erected or added to, any building in said town of Boston, contrary to the true intent and meaning of this act, and every person owning such building so unlawfully erected, and any person who shall remove or alter, or cause to be removed or altered, any building as aforesaid, and every person who shall hereafter use and occupy as and for a dwelling house, any wooden building, heretofore erected within the said town, and not now used or intended for a dwelling house, or shall convert the same to any other purpose than that to which it is now applied, without permission first had and obtained from the Firewards of said town, or the major part of them; every person, in either wise so offending, shall forfeit and pay a fine not less than fifty dollars, nor more than five hundred dollars, according to the nature and aggravation of the offence.

Repairs by  
permission of  
Firewards.

SEC. 5. *Be it further enacted,* That in addition to the fines above mentioned, there shall be laid and assessed upon every house or other building which shall be erected contrary to the true intent and meaning of this act, the sum of fifty dollars annually, and every year, until such building or addition thereto shall be effectually secured against fire, and made to conform to the provisions of this act. And it shall be the duty of the Firewards of the said town of Boston, to return to the Assessors of said town annually, a list of all such houses or other buildings erected contrary to the provisions of this act, together with attested copies of the record of the conviction of any person or persons for such offence; and thereupon it shall be the duty of the said Assessors, to assess upon the owner or owners of the said building or buildings, the sum of fifty dollars for each and every successive year thereafter, until said house or building shall be made conformable to the provisions of this act, which sum shall be payable by the person or persons by whom said house or building shall be owned, and shall be collected in the same manner as other taxes are collected: *Provided nevertheless,* that no such house or building shall be subjected to such annual tax, until an attested copy of said conviction shall have been duly recorded in the

Fines and pen-  
alties.

Proviso.

office of the Register of Deeds for the county of Suffolk, whose duty it shall be to receive and record the same.

SEC. 6. *Be it further enacted*, That if any person or persons shall, within the said town of Boston, roast or cause to be roasted, any cocoa, for the purpose of manufacturing the same into chocolate, in any building whatever, excepting such as may or shall be licensed for that purpose, by the major part of the Firewards of the town aforesaid, he, she or they, shall forfeit and pay, for every such offence, a sum not exceeding five hundred dollars, nor less than two hundred dollars.

No cocoa to be roasted without license.

SEC. 7. *Be it further enacted*, That all houses or buildings within the said town of Boston, which have been or which shall hereafter be erected in the manner described in this act, and which are now, or which may hereafter be covered with slate, tile, or other incombustible composition, shall continue to be so covered with slate, tile, or other incombustible composition, and shall be kept effectually secured against fire, in manner as is herein before described. And if any person or persons, being owner or proprietor of any house or other building, or having authority, or whose duty it shall be to repair the same, shall hereafter suffer his, her or their house or other building to remain in whole or in part uncovered with slate, tile, or other incombustible composition, for the space of thirty days after he, she or they shall have been notified to repair or cover the same, by the Firewards of the town of Boston, he, she or they shall forfeit and pay for such offence a sum, not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards, that such house or building shall be by him, her or them suffered to remain so uncovered, in the manner required by this act.

Covering of houses.

SEC. 8. *Be it further enacted*, That whenever any house or other building within the said town of Boston, hereafter erected, shall be found to have been erected contrary to the provisions of this act, the owner or owners of such house or building, or other person lawfully holden to keep the same in repair, shall be held and required to alter and make such house or building to conform to the provisions of this act. And any person

Penalties for neglect of repairs.

or persons as aforesaid, who shall suffer his, her or their house or other building to be and remain not conformable to the provisions of this act, for the space of thirty days, after he, she or they shall have been notified by the Firewards of the said town thereof, shall forfeit and pay for such offence, a sum not exceeding one hundred dollars, nor less than twenty dollars, and shall be subject to a like fine for every thirty days afterwards, that such house or building shall be by him, her or them suffered to remain out of repair, and exposed to fire as aforesaid, and not conformable to the provisions of this act.

Tar kettles to  
be secured.

SEC. 9. *Be it further enacted*, That every tar kettle, which shall be made use of in said town, for the purpose of boiling tar, for the use of any rope walk, and every kettle, boiler or copper, for the use of any caulker, graver, ship carpenter, tallow chandler, soap boiler, painter, or other like artificer, shall be so fixed as to prevent all communication whatsoever between the contents of such kettle, boiler or copper, and the fire, and that the fire place under every such tar or other kettle, boiler or copper, shall be constructed with an arch built over the same and secured by an iron door, in such manner as to enclose the fire therein; and every person who shall erect any tar kettle or other kettle, boiler or copper, or use the same for any or either of the purposes aforesaid, contrary to the provisions of this act, shall for every such offence, forfeit and pay a sum not exceeding three hundred dollars, nor less than fifty dollars, according to the degree and aggravation of the same.

Penalty for  
carrying fire in  
the streets.

SEC. 10. *Be it further enacted*, That every person who shall carry any fire through the streets, lanes, or on any wharves in said town, except in some covered vessel, or who shall kindle a fire in any of the places aforesaid, without the permission therefor in writing, of one or more of the Firewards of said town, or shall smoke, or have in his or her possession, any lighted pipe or cigar, in any street, lane or passage way, or on any wharf in said town, shall forfeit and pay, for each and every offence, the sum of two dollars, to be recovered of the person so offending, or of his parent, guardian, master or mistress.

SEC. 11. *Be it further enacted*, That if any person shall have in his or her possession, in any rope walk, or in any barn or stable, within said town, any fire, lighted pipe or cigar, lighted candle or lamp, except such candle or lamp is kept in a secure lantern, the person so offending, shall forfeit and pay for each offence, a sum not exceeding one hundred dollars, nor less than twenty dollars. Penalty for exposing fire in barns, &c.

SEC. 12. *Be it further enacted*, That all and any of the penalties which are given in and by this act, or in and by a certain act, made and passed the fifteenth day of June, in the year of our Lord one thousand eight hundred and sixteen, entitled "An act regulating the storage, safe keeping, and transportation of gunpowder in the town of Boston," may be recovered by indictment, information, or complaint, in any Court proper to try the same; and in such indictment, information, or complaint, it shall not be necessary to set forth any more of said acts, than so much thereof as relates to and is necessary, truly and substantially to describe the offence alleged to have been committed. And it shall be the duty of each and every Fireward in the town of Boston, and they and each of them are hereby required to inquire after all offences which shall come to their knowledge, and which shall be committed against the true intent and meaning of this act, and shall cause the same to be duly prosecuted. Recovery of Fines.

SEC. 13. *Be it further enacted*, That it shall be lawful for any one or more of the Firewards of said town, to require and compel the assistance of all or any of the inhabitants of said town, and any other persons, who shall be present as spectators of any fire; and in any suit or prosecution therefor, it shall be lawful for them to plead the general issue, and give this act in evidence; and if any person shall disobey the lawful and reasonable command of any Fireward or Firewards, to aid in extinguishing such fire, or in rescuing property from destruction thereby, such person, so offending, shall be liable to a fine not exceeding twenty dollars, to be recovered in manner aforesaid. Duties and authorities of Fire Wards.

SEC. 14. *Be it further enacted*, That all acts heretofore passed to secure the town of Boston from damage by fire, be, and the same are hereby repealed, except- Repeal of former acts.

ing that such parts thereof as may be necessary to recover all fines and penalties, incurred upon the acts aforesaid, shall still remain in full force for that purpose.

Distribution of  
Fines.

SEC. 15. *Be it further enacted*, That all the fines, penalties and assessments, which shall be recovered by force of this act, shall accrue and enure, one half to the use of the poor of the town of Boston, to be paid to the Overseers of the Poor thereof, and the other half to the Firewards of said town: *Provided however*, that whenever in the trial of any prosecution under this act, any one or more of the said Firewards shall be sworn and examined as a witness, or as witnesses therein, record thereof shall be made in Court, and the whole fine or penalty, in such case, shall enure to the use of the poor of the town of Boston, and be paid to the Overseers of the Poor thereof as aforesaid.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXXII.

An Act in addition to an act, entitled "An act for altering the times for holding the Supreme Judicial Court within the several Counties of Middlesex and Worcester."

**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, entitled "An act for altering the times of holding the Supreme Judicial Court within the several counties of Middlesex and Worcester," which passed the present session of the General Court, as provided for holding the said Court at Worcester, within and for the county of Worcester, on the second Tuesday next following the fourth Monday of March, be, and the same is hereby repealed; and that instead thereof, the said Court shall be holden within and for said county, on the third Tuesday next following the fourth Monday of March annually, any thing in the said act to the contrary notwithstanding.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXXIII.

An Act to prevent the destruction of White Pine and other Forest Trees in this Commonwealth.

**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, if any person shall wilfully cut, fell, destroy, or carry away any white pine tree, or other tree which shall be at the time of cutting, felling or destroying the same, of the diameter of twenty-four inches, or upwards, at the height or distance of twenty-four inches from the ground, standing or growing on any tract of land within this Commonwealth, belonging either to the said Commonwealth, or to any body corporate, or to any individual or individuals, without leave or license therefor, every such offender, and every person present, aiding and abetting in the commission of such offence, or accessory thereto before the fact, by counselling, hiring or procuring the same to be committed, or accessory thereto after the fact, by aiding in removing the same after they are cut or felled as aforesaid, and being thereof duly convicted on indictment or information thereof, either before the Circuit Court of Common Pleas, or before the Supreme Judicial Court, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common gaol, not exceeding one year, to be ordered by the Court before which the conviction may be had, according to the degree and aggravation of the offence. And if any person shall wilfully cut, fell or destroy any other tree of less diameter than twenty-four inches at the height or distance of twenty-four inches from the ground, standing or growing on any tract of land aforesaid, without leave or license therefor, every such offender, and every person present, aiding or abetting the commission of such offence, or accessory thereto before the fact, by counselling, hiring or procuring the same to be committed, or accessory thereto after the fact, by aiding and assisting in removing the same, after having been cut or felled as aforesaid, and being

Fines.

thereof duly convicted on indictment or information, before either of the Courts in this section mentioned, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the common gaol not exceeding six months, according to the degree and aggravation of the offence. And all persons so offending, shall moreover be liable to the Commonwealth, to the body corporate, or to the person or persons injured, as the case may be, in a sum equal to five times the value of all the trees which shall be wilfully cut, felled, destroyed or carried away, or removed as aforesaid; to be recovered by action of debt in any Court of competent jurisdiction: *provided* all prosecutions for breaches of this act, shall be commenced and prosecuted within two years from the time the offence shall have been committed, or the penalties shall have accrued, and not afterwards.

Proviso.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXXIV.

An Act to establish the South boundary line of the town of Foxcroft, and the South boundary line of the town of Sebec.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, the south boundary line of the town of Foxcroft, in the county of Penobscot, shall be a straight line, running east from the south-west corner of said town; and that the south boundary line of the town of Sebec, in the county of Penobscot, shall be a straight line, running from the south-west corner of said town of Sebec, east, to the south-east corner thereof; the said south boundary of said towns, respectively, being the same whereby the townships now called Foxcroft and Sebec, were originally laid out.

Boundaries.

SEC. 2. *Be it further enacted,* That all persons who are inhabitants, and dwelling southwardly of the said south boundary line of said towns, as hereby es-

tablished ; and northwardly of the river Pisquataquis, within the township as originally laid out, now called Plantation Number Three, in the sixth range of townships north of the Waldo Patent, be, and such persons and their estates are hereby annexed to said plantation number three, any acts or resolves heretofore passed to the contrary notwithstanding.

Persons annexed.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXXV.

An Act in addition to an act, entitled "An act to incorporate the Proprietors of the Fryeburg Canal."

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the real estate of the persons named in the first section of the act passed on the second day of March in the year of our Lord one thousand eight hundred and fifteen, entitled "An act to incorporate the proprietors of the Fryeburg Canal," shall be subject to be taken and set off on execution, to respond any damages which may be recovered by any individual by reason of opening said new channel, only so long as, and during the time the said persons shall own said real estate, any thing in the second section of said act to the contrary notwithstanding.

Damages to be responded.

SEC. 2. *Be it further enacted,* That all claims or right of action, which individuals may or shall have against said proprietors in their corporate or individual capacity, to make good the damages sustained by any person or persons by the opening of a new channel for the Saco river, within the town of Fryeburg, as authorized by the first section of the act aforesaid, or in consequence of opening the said new channel, shall be barred and cease, at the expiration of six years from and after the time the said Saco river shall have been turned, and taken its course through the said new channel.

Limitation of claims.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXXVI.

An Act making further provision for the punishment of Convicts sentenced to hard labor, and the better regulation of the State Prison.

**SEC. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be the duty of the Warden of the State Prison to cause all the regulations, established by the Directors for the government and discipline of the convicts, to be strictly and promptly enforced; and he shall give immediate information to the Directors, of any failure or neglect of any officer to enforce strictly the discipline that may be established; and the Directors shall forthwith remove any officer who shall have been guilty of such neglect of duty.*

Duties of Warden.

**SEC. 2.** *Be it further enacted, That if any convict committed to said prison shall resist the authority of any officer, or refuse to obey his lawful commands, it shall be the duty of such officer immediately to enforce obedience, and for that purpose, to use such weapons and such aid as may be effectual. And if such convict, so resisting, shall be wounded, maimed, or slain, by such officer, or his assistants, they shall be indemnified and held guiltless.*

Officers held guiltless.

**SEC. 3.** *Be it further enacted, That convicts in solitary confinement, in execution of the sentence of any Court, or for the violation of the rules and regulations of the prison, shall, during such confinement, be fed with bread and water only, unless the Directors, in consequence of the written certificate of the physician, that the health of such convict requires other diet, shall otherwise direct.*

Restriction of diet.

**SEC. 4.** *Be it further enacted, That no convict, committed to said prison, shall be entitled to his discharge therefrom, until he shall have completed the full term of time for which he was sentenced, exclusive of the time he may have been in solitary confinement for any misconduct, or violation of the regulations of the prison.*

Regulation of discharges.

SEC. 5. *Be it further enacted*, That whenever any person, who shall be convicted of any crime, before any Court competent to try the same, the punishment whereof shall, by law, be confinement to hard labor for any term of years, shall have been before sentenced to a like punishment by any Court, of this, or any other of the United States, whether such convict shall have been pardoned, or not, he shall be sentenced to solitary imprisonment, not exceeding thirty days, and confinement to hard labor, not exceeding seven years, in addition to the punishment by law prescribed for the offence for which he shall be tried; and in case such convict shall have been before twice convicted and sentenced in manner aforesaid, he shall be punished by confinement to hard labor for life, and by solitary imprisonment as is herein before provided. Punishment for repetition of offences.

And whereas, at the time of indictment and trial of any persons charged with crimes, to be punished as aforesaid, it may not be known to the Grand Jury or to the Attorney of the Commonwealth, attending them on behalf of the Commonwealth, whether the person, so charged, has been before convicted or not—Therefore,

SEC. 6. *Be it further enacted*, That whenever it shall appear to the Warden of the State Prison, or the Directors thereof, that any convict, received into the same, pursuant to the sentence of any Court, shall have before been sentenced, by competent authority of this or any other state, to confinement to hard labor for term of life or years, it shall be the duty of the said Warden, and of the said Directors, or either of them, to make representation thereof, as soon as may be, to the Attorney or Solicitor General; and they or either of them shall, by information, or other legal process, cause the same to be made known to the Justices of the Supreme Judicial Court, at any term of said Court to be holden in Boston or Cambridge: and the said Justices shall cause the person or persons, so informed against, to be brought before them, in order, that if he deny the fact of a former conviction, it may be tried according to law, whether the charge contained in such information be true. And if it appear by the confession of the party, by verdict of the jury, or otherwise, according to law, that said information is true, the Court Process of criminal trials.

Feb. 23, 1818.

shall forthwith proceed to award against such convict, the residue of the punishment provided in the foregoing section; otherwise the said convict shall be remanded to prison, there to be held on his former sentence.

Classification of  
criminals.

Regulation of  
dress.

SEC. 7. *Be it further enacted,* That the Directors shall, as soon as may be, divide and arrange the convicts into three general classes, as they shall be distinguished by their behavior and merit, in regard to cleanliness, sobriety, submission, respectful deportment towards the officers, and industry and faithfulness in their work. The first class shall consist of those who are the most orderly and meritorious, and shall be dressed in cloth of the quality now used, but of one color only; and they shall be placed in the most comfortable lodging rooms at night, and allowed the use of lights, at such time during the evening as the Directors may think proper. In the dress of the second class, the trowsers only shall be of different colors; and they shall be allowed lights, not more than one evening in a week, in the discretion of the Directors. The dress of the third class shall be that now in use; and they shall not be allowed any lights at night. And it shall be the duty of the Warden to keep the said classes separate at night, and as far as possible during the day; and they shall not speak to any person of a different class, without permission of the Warden or Keeper. All convicts on entering the prison shall be placed in the third class, from which they may be advanced to the others, at the discretion of the Directors, upon the recommendation of the Warden; and for misconduct shall be liable in like manner to be degraded. And the Directors shall not consider an application to recommend for pardon any convict who shall not belong to the first class.

Recommendations.

SEC. 8. *Be it further enacted,* That when any convict shall be discharged, who shall have uniformly conducted well, during his confinement, the Directors may give him a recommendation, or assist him in procuring employment, at his request, if they shall see fit. And every convict, previous to his being discharged, at the expiration of his sentence, on a second commitment, shall have the letters *Mass. S. P.* and also the year in figures, when his discharge shall take place, marked

on the inner surface of the upper part of his left arm, by puncturing the skin, and rubbing some coloring matter on the same.

SEC. 9. *Be it further enacted*, That the present military guard shall be disbanded within two months; and the Directors shall appoint such additional overseers as they may think necessary, for the secure keeping and employment of the convicts; and assign them such duties as they may see fit. Overseers to be Guards.

SEC. 10. *Be it further enacted*, That so much of the third section of an act, passed on the first day of March, in the year of our Lord one thousand eight hundred and fifteen, entitled "An act in further addition to an act, entitled an act providing for the government and regulation of the State Prison," as relates to the annual salary of the Directors, be, and the same is hereby repealed; and that the provisions for the compensation of the Directors, contained in the twelfth section of an act, passed on the twenty-first day of June, in the year of our Lord one thousand eight hundred and eleven, entitled "An act providing for the government and regulation of the State Prison," be, and the same hereby are revived. Compensation to Directors.

[Approved by the Governor, February 23, 1818.]

## CHAP. CLXXVII.

An Act to empower Edward Kellern and others, to build a Toll Bridge across St. Georges River, in Thomastown, in the county of Lincoln.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Edward Kellern, John Gleason, John Paine, and William Pope, together with such others as may hereafter associate with them, and their successors and assigns, be, and they are hereby empowered to build, maintain, and keep in repair a bridge over St. George's river, between Vose's wharf and the lime store, (so called) in the town of Thomastown; and for this purpose shall have all the Persons empowered.

Powers and  
privileges.

powers and privileges incident and usually granted for building toll bridges, by the name of the Proprietors of the Thomastown Bridge; and by that name may sue and be sued, defend and be defended against, prosecute and be prosecuted to final judgment and execution, and do and suffer all such matters and things, as bodies politic may or ought to do and suffer.

Tolls.

SEC. 2. *Be it further enacted*, That for the reimbursing to the said proprietors the money they may expend in building and keeping in repair the said bridge, a toll is hereby granted and established for the sole benefit of the said proprietors, according to the following rates, viz. : for each foot passenger two cents; for one person and horse, six cents; for each horse and chaise, or sulkey, sixteen cents; for each waggon, cart, sled, or sleigh, drawn by one beast, eight cents; for each wagon, cart, sled or sleigh, drawn by two beasts, twelve cents, and three cents for each additional beast; for neat cattle in droves, or single, two cents each; and to each team one person, and no more, shall be allowed as a driver, to pass free from toll; but all persons going to, and returning from public worship, on the Lord's day, and all children going to, and returning from school, and all persons on military duty, shall pass free from toll.

Persons to  
pass free of  
toll.

Draw.

SEC. 3. *Be it further enacted*, That the said bridge shall be well built, of sound and durable materials, at least twenty-two feet wide, with sufficient rails on each side, for the safety of passengers; and shall also be provided with a draw, not less than twenty-six feet wide, for all vessels to pass through; and the said draw shall be raised, when required, for all vessels having masts, without any unreasonable delay, and without toll; and it shall be lawful for the proprietors of the said bridge to make the leaves of the said draw only sixteen feet long, instead of the width of the said bridge; and all vessels above fifty tons, having taken in a full load above the Narrows, and not stopping in Thomastown, shall receive two cents per ton: And if the said corporation should unreasonably neglect to build and keep in good repair the said bridge, on such neglect being made to appear to the Court of Sessions for the county of Lincoln, it shall be in the power of

the said Court to prohibit the said proprietors from demanding or receiving toll from any person or persons passing said bridge, until it is by them put into such repair, as shall be deemed sufficient by the said Court; and in case such neglect shall continue for the term of one year, after the adjudication of the said Court, the same shall operate to vacate this act, and render it null and void: And the said toll shall commence when the said bridge shall be fit and safe for carriages to pass over it, and shall continue to the said corporation and their successors, for the term of thirty years from the passing of this act, subject to alteration by the General Court; and the said proprietors shall moreover provide a sufficient sluice way, not less than forty feet wide, for the passage of rafts and gondolas, and leave the same always open: *And it is further provided*, that the said proprietors shall build and keep in good repair, a substantial and sufficient pier or wharf on each side of the said draw, for the use of vessels passing through the same; and in default of which, they shall forfeit and pay a sum not exceeding twenty dollars: *Provided however*, that if the said bridge, draw, pier, sluice way, and their appurtenances, are not built and completed within five years, then this act shall be null and void.

Responsibility  
of Proprietors.

Term of act.

Sluices kept  
open.

Proviso.

SEC. 4. *Be it further enacted*, That whenever any execution shall issue against said corporation, and the said corporation shall not, before the time, when such execution is returnable, shew the officer having the same, sufficient personal property to discharge and satisfy its amount, then in such case the judgment creditor may sue out another execution, which may be levied on the bodies and property of the corporators, or members of the said corporation; *provided however*, such subsequent execution shall not be so levied, unless the officer, having the prior execution, shall, before the same was returnable, have demanded payment of some member of said corporation, and have certified thereon such demand.

Proprietors  
may be sued.

Proviso.

SEC. 5. *Be it further enacted*, That in case said corporation, or any appointed agent of theirs, shall neglect or refuse to open the draw of said bridge, at any time, by night or by day, or unreasonably detain any

Penalties. vessel about to pass through the same, the said corporation shall forfeit and pay, for every such neglect, refusal, or unreasonable detention, a sum not exceeding fifteen dollars, nor less than one dollar, to be recovered in the name of the master or owner of such vessel, by action of debt, in any Court proper to try the same.

First meeting. SEC. 6. *Be it further enacted,* That any three of the proprietors herein named, may call the first meeting of said proprietors, by posting up notifications, at least seven days before said meeting, in three public places in said Thomastown ; and at said first meeting the said proprietors may agree upon the mode and means of calling future meetings.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXVIII.

An Act to incorporate the Eagle Manufacturing Company, in the town of Wrentham.

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 Jonathan Adams, Josiah J. Fiske, Henry Fiske, Adams Foster, Nathaniel Thayer, and Davis Thayer, together with such others as may hereafter associate with them, their successors or assigns, be, and they are made a corporation, by the name of the Eagle Manufacturing Company, for the purpose of manufacturing cotton yarn and cloth, in the town of Wrentham, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and shall be subject to all the duties and requirements, prescribed and contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled " An act defining the general powers and duties of Manufacturing Corporations ;" and also an act in addition to said act, passed at the present session of this General Court.

Powers and privileges. May hold real or personal estate. SEC. 2. *Be it further enacted,* That the said Eagle Company, in their corporate capacity, may lawfully hold and possess such real and personal estate as may

be necessary and convenient for carrying on the said manufacture; *provided*, the value of such real estate shall not exceed fifty thousand dollars, and the value of such personal estate shall not exceed one hundred thousand dollars.

[Approved by the Governor, February 24, 1818.]

### CHAP. CLXXIX.

#### An Act to incorporate the Proprietors of the Maine Flour Mills.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Thomas Agry, John Agry, Chandler Robbins, and William Oliver Vaughn, all of Hallowell, be, and hereby are, together with their associates, made, and they hereby are constituted a corporation and body politic, under the name of the Proprietors of the Maine Flour Mills, for the purpose of manufacturing corn and grain, of every description, into meal or flour; and with power and authority to do, in their corporate name and capacity, all things which are necessarily incident and proper to the purchasing and manufacturing of corn and grain into meal or flour, and vending thereof.

Persons incor-  
porated.

General pow-  
ers.

SEC. 2. *Be it further enacted,* That the said corporation be, and the same hereby is authorized and empowered to purchase and hold, in their corporate name, lands and tenements, within the county of Kennebec, not exceeding the value of thirty thousand dollars in the whole, and personal estate, not exceeding the value of twenty thousand in the whole, which may be suitable and necessary to carry into effect the purposes intended by this act.

May hold real  
& personal es-  
tate.

SEC. 3. *Be it further enacted,* That the corporate property shall be divided into five hundred shares, at one hundred dollars a share; and that the shares in said corporation shall be considered to be personal estate, and transferable in the same way and manner in

Number of  
shares.

which turnpike shares and bridge shares are transferred on the books of the corporation.

SEC. 4. *Be it further enacted*, That the said corporation shall never be indebted, at any one time, in an amount exceeding twenty-five thousand dollars ; and that whenever any execution shall issue against such corporation, on any judgment rendered in any civil action, and the said corporation shall not, within fourteen days after demand thereof made upon the President or Treasurer of the corporation, by the officer to whom the writ or execution has been committed to be served, shew to such officer sufficient estate to satisfy such execution, the officer may then levy the same upon the estate of any person or persons who were members of said corporation, at the time when the debt was contracted, for which such execution was issued.

SEC. 5. *Be it further enacted*, That it shall be the duty of said corporation to cause each and every barrel and half barrel, or other vessel containing flour, or meal, manufactured and prepared for sale, by this corporation, to be branded with the name of the said corporation, durably and legibly ; and that the said corporation shall be liable to a penalty of two dollars for each and every barrel of flour which shall be offered for sale, from the manufactory of said corporation, without having been so branded ; and said penalty may be recovered in any Court having jurisdiction in such cases, with costs, by the Selectmen of the town, in which such manufactory may be situated, for the use of the poor of the town.

SEC. 6. *Be it further enacted*, That if any person or persons shall counterfeit the brand of said corporation, or use the brand of said corporation, to mark any barrel or half barrel, or other vessel containing flour or meal, not manufactured by said corporation, or its agents or factors, or shall fraudulently use any barrel or half barrel, or other vessel which may have been lawfully branded by said corporation, and emptied of its contents, such person or persons so offending, shall forfeit and pay the sum of twenty dollars for each and every such offence, to be recovered by action of debt, in any Court proper to try the same ; one half of which

Personal liability.

Marks and brands.

Fines.

sum shall be to the use of the person who shall sue for the same, and the other half to the use of the said corporation.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXX.

### An Act to incorporate the Massachusetts Hospital Life Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Ebenezer Francis, David Hinckley, Thomas Morton Jones, Samuel Parkman, James Perkins, Thomas H. Perkins, William Prescott, John Phillips, Josiah Quincy, and their associates, are hereby created a body politic and corporate, by the name and style of the Massachusetts Hospital Life Insurance Company; and shall, by the same name and style, be capable of suing and being sued, and maintaining and defending any action to final judgment and execution; and shall be, in law, capable of purchasing, holding, improving and conveying any estate, real or personal, for the use of the said corporation; *provided* they shall not hold real estate beyond the value of one hundred thousand dollars, excepting such as may be taken on execution for debt. And the said corporation shall have power to ordain and establish, and put in execution, such by-laws, ordinances and regulations as shall be necessary for the government thereof.

Persons incorporated.

May sue and be sued.

Proviso.

By-laws.

SEC. 2. *Be it further enacted,* That the capital stock of the said corporation shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; and the same shall be paid for or satisfied in manner following; that is to say—that each and every subscriber shall, within ten days after public notice given by the President and Directors chosen by the stockholders, in any two of the papers printed in the town of Boston, pay or cause to be paid, to the said President and Directors, for the

Amount of Capital.

Instalments.

use of the said corporation, the sum of twenty dollars, in part of each share subscribed for, either in specie or in stock of incorporated companies or government securities, of the descriptions hereinafter provided, at the option of the President and Directors aforesaid; and the residue of the money, payable on each and every share, shall be paid to the President and Directors in such sum or sums, and at such time or times, as they, by public notice, shall, in their discretion, direct and appoint. And if any subscriber shall refuse or neglect to make the payments aforesaid, he or she shall cease to be deemed a subscriber or member of the said corporation, and his or her subscription shall be forfeited; and the shares so forfeited, may be sold by the corporation, in such manner as they may think proper: *Provided however*, that in case the amount of the said capital stock, actually paid in, shall at any time prove insufficient for the payment of the just debts due from the said corporation, each original stockholder

Proviso.

Debts of Corporation.

shall be liable for the debts due by the said corporation, to an amount not exceeding that part of his original subscription, which shall, at such time, remain due and unpaid. And any creditor, who may have obtained an execution against said corporation, may have his full remedy against all and every the said stockholders, to the amount by them respectively due as aforesaid, in the same manner as if the same had been issued out against them personally.

Number of Directors.

Annual meetings.

SEC. 3. *Be it further enacted*, That for the well ordering of the affairs of the said corporation, there shall be thirteen Directors, a majority of whom, shall be citizens of this Commonwealth, and stockholders of the said corporation, elected by the stockholders, at their general meeting, to be held on the third Monday of January annually, for that purpose. And the Directors, at their first meeting after such election, shall choose one of their own number as President: The votes of the stockholders for Directors, being taken by ballot, each stockholder having one vote for each share he may hold; but no stockholder shall vote at any election for Directors, unless the share or shares, upon which he or she may claim to vote, shall have been standing in his or her name, in the books of the

said corporation, for at least three months previous to such election. In case of absence from the general meeting, any stockholder may be entitled to vote by proxy.

SEC. 4. *Be it further enacted*, That the Directors of the said corporation, for the time being, five of whom shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons, as shall be necessary for the conducting and executing the business of the said corporation; and to allow the said persons so appointed, such compensation for their services respectively, as they shall deem reasonable; and generally to exercise all other powers and authority for well governing and ordering the affairs and funds of the said corporation.

Choice of officers.

SEC. 5. *Be it further enacted*, That it may be lawful for the said corporation to invest the capital stock thereof, and all monies received for premiums of insurance, and in any other way, in the funded debt of the United States, or of this Commonwealth, or in the stock of the bank of the United States, or of any of the banks incorporated within this Commonwealth, or in the purchase of ground rents, or mortgages on real estate; and also to sell and dispose of, and transfer all or any of the said stock or securities, and in like manner invest the proceeds thereof, at their discretion, as the safety or welfare of the said corporation, as the President and Directors thereof may deem expedient: *Provided*, that no part of the capital stock aforesaid, shall be divided without the assent of the Visitors and Trustees of the Massachusetts General Hospital, as well as of the Legislature of this Commonwealth.

Investment of Stock.

Provide.

SEC. 6. *Be it further enacted*, That the President and Directors shall have full power, on behalf of the said corporation, to make insurances on lives, by sea and on land, and to contract for reversionary payments, and generally to make all kinds of contracts, in which the casualties of life and interest of money are principally involved; and to make, execute and perfect such and so many contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the case shall or may require.

Insurance on lives.

Annual state-  
ment of ac-  
counts.

Dividends.

SEC. 7. *Be it further enacted*, That the President and Directors shall, on the first Monday of January in each year, direct the books of the said corporation to be balanced and settled, up to the thirty-first day of the preceding December, and submit a copy of its balances to a Committee appointed by the Trustees of the Massachusetts General Hospital, who shall have power to verify the said balances with the books of the said corporation, and generally to inspect them; and on the third Monday of January of every year, the President and Directors of this corporation shall pay over to the said Trustees, for the use of the hospital, one third of the net profits which shall have arisen from the insurances on lives, made during the preceding year; and after this deduction, shall declare and divide so much of the remaining profits as to them shall appear safe and adviseable; and the dividend, so declared, shall be paid to the respective stockholders, agreeably to such rules as the President and Directors shall make for that purpose: *Provided* that in case the Trustees of the hospital fail to signify to this corporation its appointment of a Committee, that then the President of this corporation shall invite the President of the hospital to inspect the books, and submit to him the list of balances, and pay him, for the use of the hospital, the aforesaid third of the net profits, which shall have arisen from the insurance on lives.

Exclusive priv-  
ileges.

SEC. 8. *Be it further enacted*, That so long as this corporation shall well and truly pay to the General Hospital the aforesaid share of profit, it shall not be lawful for any persons or corporation within the Commonwealth, to make insurance on lives upon land, unless empowered so to do, by any future legislature of this Commonwealth. And whenever any persons or corporation shall hereafter be thus empowered, the obligation of this corporation, to pay the Trustees of the General Hospital, for the use of said hospital, the third part of the net profits, which may thereafter arise on insurance on lives, shall cease; unless the same obligation shall be imposed on such persons or corporation thus hereafter empowered.

SEC. 9. *Be it further enacted*, That the shares of the said corporation shall be assignable and transfer-

able according to such rules and regulations as the President and Directors shall, for that purpose, ordain and establish, and not otherwise. Shares transferable.

SEC. 10. *Be it further enacted*, That this corporation shall not have power to pay over any sums to the heirs of those who shall die by the hand of justice, or by suicide, or in consequence of a duel.

SEC. 11. *Be it further enacted*, That it shall be the duty of the Directors of the corporation hereby created, once in each year, to make a full, fair and explicit statement of all their real estate, funds and investments of every kind whatever, which shall be subscribed and verified by the oath of a majority of the Directors; and on or before the tenth day of January, annually, to deliver the same to the Secretary of the Commonwealth, who shall cause the same to be laid before the Governor and Council. And the General Court, or either branch of the Legislature, shall have power, by their Committee, to examine the records and doings of the said corporation; and for this purpose, shall have access to all their buildings, offices and places of business, and to all places of deposit of their files, records and proceedings. Legislature may examine records.

SEC. 12. *Be it further enacted*, That any two or more persons, named in this act of incorporation, may call the first meeting of the stockholders, at such time and place as they may think proper, by advertising the same in any two public newspapers, at least ten days previous to the time of meeting; at which meeting, the stockholders may proceed to elect Directors, and to transact such other business as may come before them. First meeting.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXXI.

An Act in addition to an act, entitled "An act prescribing the mode of taking depositions, and administering oaths and affirmations."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever any depo-

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sition is to be taken before any Justice of the Peace in the cases provided in the first and second sections of the act, entitled "An act prescribing the mode of taking depositions, and administering oaths and affirmations," such notice shall first be given to the adverse party, living twenty, or more than twenty miles from the place of caption, as is prescribed by said act to be given, if he shall live within that distance: *Provided nevertheless*, that the notification to the adverse party may be issued by the Justice, before whom the deposition is to be taken, or by any other Justice of the Peace within the Commonwealth, mutatis mutandis, at the election of the party at whose request such deposition is to be taken; *and provided further*, that notice may be given verbally, by the Justice taking said deposition, or notice may be dispensed with, if the adverse party, or his attorney shall, in writing, waive the same. And when the adverse party is not present at the taking of such deposition, the Justice taking the same shall certify that he was duly notified.

Provided.

Certificate of depositions.

SEC. 2. *Be it further enacted*, That where any deposition shall be taken in perpetual remembrance of a thing, the Justices taking the same shall certify the names of all persons, whom they notified of the taking thereof.

Acts repealed.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force, on and after the first day of May next; and that on and after that day, so much of the act aforesaid, as is repugnant to the provisions of this act, shall be, and hereby is repealed.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXXII.

An Act directing the mode of selling Real Estate lying within this Commonwealth, belonging to persons living without 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 from and after the pass-

ing of this act, the Supreme Judicial Court, and the Courts of Common Pleas, be, and they are hereby authorized and empowered to grant license to, and authorize Executors of the last will and testament, and Administrators upon the estate of persons deceased, who resided out of this Commonwealth, owning real estate within the same, at the time of their decease; and also Guardians of minors, persons non compos mentis, or persons given to excessive drinking, idleness, gaming, or debauchery; such minors, or other persons, not living within this Commonwealth, but owning real estate within the same, to sell and convey such real estate lying within this Commonwealth, in the same way and manner, and under such conditions, restrictions and limitations, as are now provided by law, for the sale of real estate by Executors, Administrators and Guardians, within this Commonwealth: And all proceedings necessary to be had before any Judge of Probate within this Commonwealth, respecting such sale, shall be had before the Judge of Probate within and for the county where such real estate may be situated.

Courts to grant license.

SEC. 2. *Be it further enacted*, That whenever any Executor, Administrator or Guardian, has been duly appointed, and approved by any Judge of Probate, or any Court having probate jurisdiction in any other state, a certified copy of such appointment and approval, filed in any Probate office in this Commonwealth, shall be sufficient evidence of such appointment and approval, and entitle such Executor, Administrator or Guardian, to all the rights and powers, incident to such appointment, as far as it respects the sale of real estate as aforesaid, which he might or could have, if he was appointed and approved as Executor, Administrator or Guardian, by a Judge of Probate in this Commonwealth; and any bond required by law, previous to such sale of real estate, may, in such cases, be given to, and approved by the Judge of Probate, or Court having probate jurisdiction, by whom, or before which the original letters of administration or guardianship were granted, or the will was approved: and a certified copy of such bond, approved as aforesaid, filed with the Judge of Probate in this Commonwealth, to

Powers of Executors.

whom any application may be made by virtue of this act, shall be sufficient, and thereon no additional bond shall be required in this Commonwealth.

[Approved by the Governor, February 24, 1818.]

### CHAP. CLXXXIII.

An Act in addition to an act, entitled “An act defining the general powers and duties of Manufacturing Corporations.”

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any action shall be commenced against any manufacturing corporation, that may hereafter be created, or whenever any execution may issue against such corporation, on any judgment rendered in any civil action, and the said corporation shall not, before the day on which the said execution is returnable, after demand thereof made upon the President, Treasurer or Clerk of such corporation, by the officer to whom the writ or execution against such corporation has been committed to be served, shew to the same officer sufficient personal estate to satisfy any judgment that may be rendered upon such writ, or to satisfy and pay the creditor the sums due upon such execution, then, upon such neglect and default, upon the issuing of an alias execution, the officer, to whom such execution may be committed for service, may serve and levy the same writ and execution, upon the body or bodies, and real and personal estate or estates of any member or members of such corporation; or upon the body or bodies, and upon the estate real and personal of any person or persons, who were members of said corporation, at the time when the debt or debts accrued, upon which such writs or executions may have issued.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXXIV.

An Act further regulating Parish and Precinct Meetings.

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 each respective parish and precinct, of twenty-one years of age, who shall be liable to pay to either state, town or county taxes, exclusive of the poll or polls, a sum equal to two thirds of a single poll tax, shall have a right to vote in all parish or precinct meetings, in the parish or precinct to which they belong.

SEC. 2. *Be it further enacted*, That, at all parish or precinct meetings, the Clerk of the parish or precinct shall preside in the choice of a Moderator.

[Approved by the Governor, February 24, 1818.]

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## CHAP. CLXXXV.

An Act regulating and restricting Appeals from the several Courts of Common Pleas.

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 appeal shall be allowed from the judgment of any Court of Common Pleas in this Commonwealth, in any personal action, wherein the sum demanded for debt or damage, or the value of the property in dispute in case of replevin, as estimated in the bond, shall respectively not exceed seventy dollars.

Appeals under  
seventy dollars.

SEC. 2. *Be it further enacted*, That in any personal action, wherein the demands for debt or damage shall exceed the above named sum of seventy dollars, if the plaintiff in such action shall appeal to the Supreme Judicial Court, and, upon the trial of such appeal, shall not recover more than seventy dollars, he shall not be entitled to his costs on the appeal, but the

Trials of ap-  
peals.

defendant shall be entitled to his costs, and shall have a separate judgment and execution therefor; unless the same shall be set off against the judgment which the plaintiff may recover: which set-off the said Court is authorized to order, on motion therefor; *provided however*, that if the Supreme Judicial Court shall certify that there was reasonable cause for such appeal, the plaintiff may thereupon recover his costs of the appeal.

Double costs.

SEC. 3. *Be it further enacted*, That whenever an appeal shall be made by the defendant in any action, on which judgment may be rendered in any Court of Common Pleas, for a sum not exceeding seventy dollars, if the plaintiff prevail on the appeal, he shall recover against the defendant double the costs arising in the Court appealed unto, unless the debt or damages shall be so reduced, as to render it proper, in the opinion of the Court, that he should have appealed; in which case single costs only shall be allowed, at the discretion of the said Supreme Judicial Court.

Trespasses.

SEC. 4. *Be it further enacted*, That all actions of trespass shall, for the purposes of this act, be deemed and taken to be personal actions, excepting those in which the title to real estate shall, by the pleadings, be brought into question.

Exceptions  
may be made.

SEC. 5. *Be it further enacted*, That it shall be lawful for any party, thinking himself or herself aggrieved by any opinion, direction or judgment of any Court of Common Pleas, in any matter of law, to allege exceptions to the same, which exceptions being reduced to writing in a summary mode, and being presented to the Court, before the adjournment thereof, and found conformable to the truth of the case, shall be allowed and signed by the presiding Judge or Justice of said Court, and thereupon all further proceedings in such action in said Court shall be stayed; and the party making such exceptions shall enter such action at the Supreme Judicial Court, at the next term thereof for the same county, and shall produce there a copy of all the papers, as in case of appeal. And the said Supreme Judicial Court shall have cognizance thereof, and consider and determine the same action, in the same manner as they are authorized to do in respect to ac-

tions on which questions of law are reserved, in any of the modes prescribed by law, by any one Justice of the Supreme Judicial Court; and shall render judgment and issue execution thereon; or may grant a new trial at the bar of said Court, as law and justice shall require: *Provided*, that when any party, alleging exceptions as aforesaid, shall fail to enter the action, at the first succeeding term of the said Supreme Judicial Court for the same county, and complaint thereof shall be made, by the adverse party, as is provided in cases of appeal, or whenever the said Supreme Judicial Court shall determine, that any exceptions, alleged in manner aforesaid, are frivolous, and intended only for delay, the said Supreme Judicial Court shall award double the costs of that Court, against the party making the exceptions. But when the exceptions shall not appear to have been made for delay only, although they may, by the said Supreme Judicial Court, be deemed insufficient for arresting judgment, the said Court shall, in such case, award only single costs against the party making the exceptions, and shall increase any damages recovered in the Court, before which such exceptions were allowed, so as that interest, at the rate of six per cent. per annum, be allowed to the time of rendering the final judgment.

SEC. 6. *Be it further enacted*, That nothing in this act shall be construed to deprive any party of his or her right to a writ of error, for any error appearing of record in any action, or to prevent any party aggrieved by the opinion or judgment of any Court of Common Pleas, rendered upon any issue of law, or case, stated by the parties, (and where it is not agreed, that the decision of such Court shall be final,) from appealing therefrom to the Supreme Judicial Court, as heretofore: *Provided*, that no right be reserved or allowed, to waive the pleadings or statement of the case joined or made, in the said Court of Common Pleas; but the Supreme Judicial Court shall decide the cause upon the same pleadings, or state of the case, upon which the judgment appealed from, was founded. And that all acts and parts of acts, heretofore made, which are inconsistent with, or repugnant to any of the provisions of this act, be, and they are hereby repealed.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXXVI.

An Act concerning Poor Prisoners, and other persons.

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices, before whom any prisoner may appear, for the purpose of taking the poor debtor's oath, shall have power to adjourn their proceedings to any convenient time, on the same, or the following day, until the examination shall be completed: *Provided however*, that they shall not adjourn more than twice upon the same examination, nor more than twenty-four hours at one time: And the execution creditor, or his attorney, attending such examination, may propose to the debtor such interrogatories in writing, pertinent to the inquiry, as he may see fit; which interrogatories shall be answered in writing, before the said Justices, by the debtor; and, if required by the creditor or his attorney, shall be by him signed and sworn to, before the said Justices proceed to administer the oath to discharge such debtor from imprisonment. And the said creditor or attorney shall have a right to receive the said interrogatories and answers, certified by the said Justices, for which he shall pay them the same fees (travelling fees excepted,) as for taking a deposition of the same length. And each Justice shall receive of the debtor one dollar for each day they shall be necessarily employed in said examination, besides fifty cents to the Justice who shall issue the notification to the execution creditor, and the same travelling fees as for taking depositions. And if it shall not clearly appear upon the interrogatories and answers, and the other evidence produced by the debtor and creditor, that such debtor is entitled to his discharge, the said Justices shall not administer the said oath to him, notwithstanding he may offer to take it.

Adjournment.

Proviso.

Interrogatories.

Fees.

**SEC. 2.** *Be it further enacted*, That no person who is committed to prison upon execution for debt, and who shall have obtained the liberty of the yard, upon

giving bond for that purpose, shall be chargeable to any town or district, as a pauper, for a longer time than forty-five days after he shall have given bond as aforesaid. Limitation of charges for confinement. And if the execution creditor, or other person to be notified of the intention of such debtor to take the said oath, shall reside in the same county, or within fifty miles of said prison, such debtor shall not be so chargeable beyond the space of forty days: *Provided nevertheless*, that no such debtor shall be chargeable to any town or district, for his support, more than four days after he has obtained the liberty of the yard, until he shall make oath before some Justice of the Peace of the same county, that, by reason of his poverty, he is unable to pay for his board, and that he cannot procure employment, within the prison limits, whereby he can support himself; or that, by reason of bodily indisposition, he is unable to support himself by labor. And such Justice shall also certify, that he has fully inquired into the truth of the declaration of such prisoner, and believes the same to be true.

SEC. 3. *Be it further enacted*, That the Overseers of the Poor of any town, in which there is a county gaol, are hereby authorized and directed, at their discretion, by their order in writing, to set to work, under their own direction, or the direction of any other suitable person, any debtor, committed to prison upon mesne process or execution, and actually chargeable to any town or district in this Commonwealth, for his support, whether such prisoner shall have the liberty of the yard, or not. And the order of said Overseers shall remain in force, until they shall revoke the same, or such prisoner shall provide for himself: *Provided however*, that no prisoner shall be required to labor more than is necessary to pay the expense of his support. And no prisoner shall be chargeable to any town or district, as a pauper, while such order of the Overseers respecting him shall remain in force, except for the deficiency of his earnings to pay the expense of his support. Debtors obliged to work.

SEC. 4. *Be it further enacted*, That no person who is committed to gaol on execution, or mesne process, and who shall apply to the Overseers of the Poor for relief, shall be permitted to have and use any spirituous Denied spirituous liquors.

liquors, without the consent of the said Overseers. And if the keeper of any gaol, or other person, shall give, sell or deliver to any such prisoner, or to any other person for his or their use, any spirituous liquors, without the consent, in writing, of the said Overseers, or one of them, first had and obtained, shall forfeit and pay for each offence, a sum not less than five, nor more than ten dollars, to be recovered by complaint to any Justice of the Peace for the same county; one moiety thereof to him who shall prosecute for the same, the other moiety to the use of the poor of the town where the gaol is situated. And it is hereby made the duty of the Sheriff, Gaoler and Overseers of the Poor to prosecute for all offences which may come to their knowledge, against the provisions of this section.

Actions of Assumpsit.

SEC. 5. *Be it further enacted*, That the inhabitants of any town or district within this Commonwealth, who have incurred expense for the support of any pauper, whether he was legally chargeable to them by means of his settlement, or not, may recover the same against such person, his executors or administrators, in an action of assumpsit, for money paid, laid out, and expended for his use.

Overseers may sell property of paupers.

SEC. 6. *Be it further enacted*, That upon the death of any pauper, who, at the time of his decease, shall be actually chargeable to any town or district within this Commonwealth, the Overseers of the Poor of such town or district, may take into their possession all the personal property belonging to such pauper. And if no administration shall be taken upon the estate of such pauper within thirty days after his decease, said Overseers may sell so much of such property, as may be necessary to repay the expenses incurred for such pauper. And if any part of such property shall be withheld from said Overseers, they shall have the same remedy for the recovery of such property, or the value thereof, that an administrator of the estate of said pauper might have in like case.

SEC. 7. *Be it further enacted*, That this act shall take effect, and be in force, on and after the first day of June next.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXXVII.

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

**BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, Calvin Bailey, son of Calvin Bailey, of Hanover, in the county of Plymouth, shall be allowed to take the name of Bernard Calvin Bailey ; Edward Jenkins, of Scituate, in the same county, shall be allowed to take the name of Edward Henry Jenkins ; Lory Jones, of Greenwich, in the county of Hampshire, shall be allowed to take the name of Lorenzo Baldwin Jones ; John Deblois, son of Stephen Deblois, of Boston, in the county of Suffolk, shall be allowed to take the name of John A. Deblois ; Thomas Smalley Delano, of the same Boston, shall be allowed to take the name of Nathaniel Lewis Nickerson ; Thomas Carter, of Newburyport, in the county of Essex, shall be allowed to take the name of Thomas Duncan Carter ; George Carter, of the same place, shall be allowed to take the name of George Duncan Carter ; Ithamar Beard, junior, of Littleton, in the county of Middlesex, shall be allowed to take the name of Ithamar Ames Beard ; Pliny Cutler, the 2d, of said Boston, shall be allowed to take the name of Henry Pliny Cutler ; John Ward, of said Boston, merchant, shall be allowed to take the name of John George Ward ; Henry Gray, of said Boston, shall be allowed to take the name of Henry D. Gray ; Emery Brigham, of Southborough, in the county of Worcester, shall be allowed to take the name of Emery Cushing Brigham ; Thomas Williams, of Boston, aforesaid, shall be allowed to take the name of Thomas Kendall Williams ; Henry Hale Gay, son of Mary Gay, of Dedham, in the county of Norfolk, shall be allowed to take the name of George Henry Gay ; Larkin Newton, of said Southborough, shall be allowed to take the name of Henry Martial Pinkney ; Samuel Putnam, junior, of Salem, in the

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county of Essex, shall be allowed to take the name of Samuel R. Putnam ; Washington Thayer, of said Boston, shall be allowed to take the name of George Washington Thayer ; John Parker McQuillin, of Beverly, in the county of Essex, shall be allowed to take the name of John Hills Parker ; Thomas R. Amory, of Boston, aforesaid, shall be allowed to take the name of Thomas C. Amory ; Job Williams, son of Gideon Williams, of Taunton, in the county of Bristol, shall be allowed to take the name of Francis Job Williams ; Adolphus Frederick Packard, of Springfield, in the county of Hampden, shall be allowed to take the name of Frederick Adolphus Packard ; Jacob Thompson Wild, of Boston, aforesaid, shall be allowed to take the name of James Thompson Wild ; John Low, junior, of said Boston, shall be allowed to take the name of John Vaughan Low ; Charles Adams, of said Boston, shall be allowed to take the name of Charles Frederick Adams ; Josiah Trott, of Woolwich, shall be allowed to take the name of Josiah Winship Trott ; Nathan Foster, of Boston, aforesaid, silk dyer, shall be allowed to take the name of Nathan Orris Foster ; Daniel Rogers, junior, of Gloucester, in the county of Essex, shall be allowed to take the name of Daniel W. Rogers ; Harriet Walker, of Boston, aforesaid, shall be allowed to take the name of Harriet Walker Boardman ; Francis Shaw Blake, son of Sarah Blake, of Boston, shall be allowed to take the name of Edward Blake ; Lucy Ann Bradlee, daughter of Josiah Bradlee, of said Boston, shall be allowed to take the name of Lucy Hail Bradlee ; Edward Augustus Holyoke Turner, shall be allowed to take the name of Edward Augustus Holyoke ; and the said several persons shall hereafter be called and known by the names, which, by this act, they are severally and respectively allowed to take as aforesaid ; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXXVIII.

## An Act concerning Plates for printing Bank Notes.

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, all plates used by any incorporated bank within this Commonwealth, for the purpose of making impressions of bills or notes issued by such bank, shall at all times be kept in the vaults of said bank, when not in actual use for making impressions of bills or notes as aforesaid. And whenever the same plate or plates shall be wanted for the purposes aforesaid, the same shall not be taken from the vaults of the bank aforesaid, but in the presence of the President, a Director, or the Cashier of said bank; and the same plates shall be returned every night to the vaults of said bank in the presence of the President, a Director, or the Cashier of said bank, as aforesaid; and during all the time they shall be out of said vaults, they shall be in the sole custody, and be used only in the presence of such President, Director, or Cashier.

Must be used  
in presence of  
one of the officers.

SEC. 2. *Be it further enacted,* That each and every plate or plates, used for the purpose of making impressions of the bills or notes of any incorporated bank within this Commonwealth, when such plate or plates shall be used by two or more banks, shall be deposited in the vaults either of the Massachusetts Bank, the State Bank, or the Boston Bank, in the town of Boston, or in the Newburyport Bank, or Mechanic's Bank, in the town of Newburyport; and said plate or plates shall not be removed from the vaults of the bank, in which they may be so deposited, except in the presence of the President, a Director, or the Cashier of the bank, in which they may be so deposited, or for the use of which they shall be taken out, as aforesaid; and the said plate or plates shall, on every night, be returned to and deposited in the vaults of one of the banks aforesaid; and during all the time they shall be out of said vault, they shall be in the sole custody, and be

Plates to be  
nightly secured

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used only in the presence of the President, of a Director, or Cashier, of the bank for the use of which they shall be taken out.

SEC. 3. *Be it further enacted*, That if any person, after thirty days from the passing of this act, shall have in his possession any plate or plates, used for making impressions of bank bills or notes, contrary to the provisions of this act, or having the same in custody under the authority of this act, shall put the same out of his custody, or shall suffer the same to be used out of his presence, or shall not return the same to such vault every night, as herein before provided, and be thereof convicted upon indictment in any Court of competent jurisdiction, such person shall forfeit, and pay to the use of the Commonwealth, a fine not exceeding ten thousand dollars; or be punished by imprisonment in the common jail, or confinement to hard labor in the state prison, for a term not exceeding ten years, at the discretion of the Court, before whom the conviction may be.

Penalties.

[Approved by the Governor, February 24, 1818.]

## CHAP. CLXXXIX.

An Act authorizing the Proprietors of Churches, Meeting Houses, and other Houses of Public Worship, to regulate and manage their property and interests therein.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever the proprietors of any church, meeting house, or other house of public worship, shall deem it expedient to alter, enlarge, repair, rebuild, or remove the same, it shall be lawful for them, at a legal meeting called for that purpose, to raise such sums of money, as they may judge needful, to carry any of said purposes into effect, and to purchase any land necessary for the same. And such monies may be assessed on the pews in such church or house, and the assessment be committed to

Assessments.

the Treasurer chosen by said proprietors to receive the same; who shall forthwith give notice thereof, by posting up an advertisement, stating the completion of such assessment, and the day of delivery thereof to him, at the principal outer door of such house: and if said taxes, or any part thereof, remain unpaid by the space of three months, beyond the time of posting up notifications as aforesaid, it shall be the duty of said Treasurer to collect the same forthwith, by sale at public vendue, of the pews whereon the tax, or any part thereof, shall remain unpaid, in manner hereinafter provided.

SEC. 2. *Be it further enacted*, That whenever it shall become the duty of the Treasurer to sell said pews as aforesaid, he shall post up a notification of the intended sale thereof, at the principal outer door of such church or house, at least three weeks before the time of sale, therein setting forth the numbers of the pews, if any, the names of the owners or occupants, if known, and the amount of the taxes due thereon. And if said taxes, or any of them, remain unpaid at the time appointed for such sale, the Treasurer shall sell every pew whereon the tax or any part thereof is unpaid, at public vendue, to the highest bidder; and shall make, execute and deliver to the purchaser, sufficient deeds of conveyance of the same; and the monies arising from such sale, over and beyond the taxes and incidental reasonable charges, said Treasurer shall pay over to the former owners of the pews so sold, respectively, or their assigns on demand.

Public notice  
of sale.

SEC. 3. *Be it further enacted*, That the affidavit of any disinterested person, on the back of any original notification, or a copy thereof, made before any Justice of the Peace in the same county, and recorded on the proprietors' records, within six months next after such sale, shall be one mode of proof of the posting up of the notifications herein before required.

Affidavits.

SEC. 4. *Be it further enacted*, That any meeting of said proprietors, for any of the purposes mentioned in this act, may be called by warrant from any Justice of the Peace in the same county, granted on application to him in writing, by any five of said proprietors, and directed to one of them; or by notification by the Clerk

General meet  
ings.

Feb. 24, 1818.

of said proprietors, if any there be, whose duty it shall be to warn a meeting of said proprietors on the like application: and in either case, such meeting may be warned by posting up a notification thereof, at the principal outer door of such church or house, fourteen days at least, before the time appointed for such meeting.

Profits of sales  
distributed.

SEC. 5. *Be it further enacted*, That whenever said proprietors shall deem it necessary, for the purpose of repairing, altering, enlarging or rebuilding any such church or house, to take down any pews therein, it shall be lawful for said proprietors so to do; such pews being first appraised by a Committee of disinterested persons, chosen by said proprietors for that purpose. And the pews newly erected, shall be sold by the Treasurer of said proprietors, at public vendue, to the highest bidder, in manner herein before directed, and deeds thereof given as aforesaid; and the monies arising from such sale shall first be applied to the payment to each proprietor of such pew taken down, of the value thereof appraised as aforesaid; the deficiency, if any, to be paid by said proprietors: such payment to be made within thirty days next after such sale.

[Approved by the Governor, February 24, 1818.]

## CHAP. CXC.

An Act to regulate the jurisdiction and proceedings of the Courts of Probate.

Powers of  
Judges.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That a Court of Probate shall be held within the several counties of the Commonwealth; and there shall be, in the manner the constitution directs, some able and learned person in each county in the Commonwealth, appointed, or to be appointed Judge, for taking the probate of wills, and granting administrations on the estates of persons deceased, being inhabitants of, or resident in the same

county, at the time of their decease, or having died without the Commonwealth, and leaving estate of any kind, within the same; for appointing guardians to minors, and other persons; for examining and allowing the accounts of executors, administrators, or guardians; and for such other matters and things as the Courts of Probate, within the several counties aforesaid, shall, by law, have cognizance and jurisdiction of. And the said Judges of Probate shall have full power and authority to make out such process or processes as may be needful for the discharge of the trust reposed in them; and all Sheriffs, Deputy Sheriffs, Coroners and Constables, are required duly to serve and execute all legal warrants, or other process, to them directed by any Judge of Probate. And contempt of authority, in any cause or hearing before any Judge of Probate, shall, and may be punished in like manner as such contempt of authority in any Court of Common Pleas, may or can by law be punished.

SEC. 2. *Be it further enacted*, That there shall be, in manner, as the constitution directs, a suitable person in each county appointed, or to be appointed Register of wills, administrations, accounts, decrees, orders, determinations, and other writings, which shall be made, granted, or decreed upon, by the Judges of Probate, in their respective counties; which Register shall be sworn to the faithful performance of the duties of his office, and have the care and custody of all files, papers and books, to the Probate office belonging; and in case of the death, sickness, or necessary absence of the Register, it shall and may be lawful for the Judge of Probate to nominate and appoint some meet person to officiate as a Register, to be sworn as aforesaid, until the standing Register shall be able to attend his duty, or until a new one shall be appointed by the Governor and Council.

Powers of  
Registers.

SEC. 3. *Be it further enacted*, That the Judges of Probate, in the respective counties, shall have certain fixed days for the making and publishing of their orders and decrees; and such days shall be made known, by public notifications thereof, in the several counties, and all orders and decrees of Judges of Probate shall be made in writing, and duly recorded.

Fixed time for  
Courts.

Counsellors.

SEC. 4. *Be it further enacted*, That no Judge of Probate shall be allowed or admitted to have a voice in judging and determining, nor be permitted to be of counsel, or to act as an attorney, either in or out of Court, in any civil action, or other process or matter whatsoever, which may depend on, or have relation in any way, to any sentence or decree, made or passed by him in his office aforesaid. Nor shall he be of counsel or attorney in any civil action for or against any executor, administrator or guardian, as such, within the county in which said Judge shall reside. And no Register of Probate shall be appointed an administrator or commissioner of insolvency, appraiser or divider of or upon any estate, or in any manner be interested in the fees and emoluments arising therefrom; or be of counsel, or in any way, directly or indirectly, act as an attorney in any matters and things whatsoever, which are or may be pending in the Court of Probate, of which he is Register, or in any appeals therefrom.

Removal of cases.

SEC. 5. *Be it further enacted*, That whenever any Judge of Probate shall be interested in the estate of any person deceased, within the county of such Judge, such estate shall be settled in the Probate Court of the most ancient next adjoining county; and the will, if any, of such deceased person, may be there proved, or administration granted, as the case may require; and all other proceedings had thereon, in such adjoining county, as if such deceased person had belonged to or died within the same. And whenever due application shall be made in writing to the Judge of Probate, of such adjoining county, for the probate of a will, or the granting of letters of administration, in virtue of this act, he shall, after giving due public notice thereof, proceed thereon, and settle such estate as fully, and to all intents, as he might any other estate within his proper jurisdiction; *excepting, however*, that when the Judge of Probate of Nantucket or Dukes' County shall be interested in the estate of any person deceased, within his jurisdiction, the same shall be settled in manner as herein before mentioned, in the Probate Court of the county of Barnstable: *Provided always*, that nothing herein contained shall take away the right

of appeal to the Supreme Court of Probate, as allowed in other cases.

SEC. 6. *Be it further enacted*, That the Supreme Judicial Court shall be the Supreme Court of Probate, and shall have appellate jurisdiction of all matters determinable by the Judges of Probate in their respective counties; and all appeals from any order or decree of a Judge of Probate, which shall be made after the passing of this act, shall be to the said Supreme Court of Probate, accordingly.

SEC. 7. *Be it further enacted*, That any person aggrieved at any order, sentence, decree, or denial, of any Judge of Probate in any county, may appeal therefrom to the said Supreme Court of Probate; *provided* <sup>Common appeals.</sup> such appeal be claimed within one month from the time of making such order, sentence, decree, or denial, and bond be given, and filed in the Probate office by the appellant, within ten days after such appeal shall be claimed and granted, for the prosecution thereof to effect at the next Supreme Court of Probate, and for paying all intervening costs and damages, and such costs as the said Supreme Court of Probate shall tax against him. And such appeal shall be taken notice of and proceeded upon at the next term of the Supreme Judicial Court, which shall be holden next after the expiration of thirty-four days after such appeal shall be made, within and for the county where such order, sentence, decree, or denial was made: and the appellant shall file the reasons of appeal, in the Probate Court appealed from, within ten days after the bond is given, and shall serve the adverse party or parties with an attested copy of such reasons, fourteen days at least before the sitting of the said Supreme Court of Probate, at which the trial is to be had. And when it shall appear from the reasons of appeal, that the sanity of the testator, or the attestation of the witnesses in his presence, as the law directs, is the question in controversy, on any will or codicil, the said Supreme Court of Probate may, for the determination thereof, direct a real or a feigned issue to be tried before a jury in the same Court, at the expense of the appellant, in case the issue be found against him. And in case the party or parties appealing fail in the prosecution of the said appeal to

effect, then the adverse party, or any person interested in the sentence or decree so appealed from, shall have the benefit of the same, by filing a complaint before the Supreme Court of Probate, in like manner as is provided by law for affirming the judgment of the Court of Common Pleas, in the Supreme Judicial Court; and the Supreme Court of Probate may assess reasonable costs, in all cases that may be brought before them, by way of appeal, from the respective Judges of Probate, and grant execution therefor: *Provided always*, that any person beyond sea, or out of the United States, who shall have no sufficient attorney within the Commonwealth, at the time of such order, sentence, decree or denial, shall have one month, after his or her return, or constitution of such attorney, to claim and prosecute an appeal as aforesaid.

Proviso.

SEC. 8. *Be it further enacted*, That whenever any person has been or shall be aggrieved by any order, sentence, decree, denial, or decision of any Judge of Probate in any county, and such person, by accident, mistake, or otherwise, shall not have appealed to the Supreme Court of Probate agreeably to the provisions of law, the said Supreme Court of Probate, upon petition to them, and after notice to the person or persons interested to support such order, sentence, decree, denial, or decision, and upon its appearing that the petitioner has not lost his appeal by his own neglect, and that justice requires a revision of such order, sentence, decree, denial, or decision, may grant an appeal therefrom, to be entered, heard and determined in the said Supreme Court of Probate: *Provided always*, that such petition shall be preferred within one year next after such order, sentence, decree, denial, or decision, shall have been made by such Judge of Probate.

Special appeals.

SEC. 9. *Be it further enacted*, That whenever there shall be an appeal from any order or decree of any Judge of Probate of any county to the Supreme Court of Probate as aforesaid, and the appellant shall file in the Probate office, his reasons of appeal, and give bonds to prosecute the same to effect, according to law, and shall give notice thereof to the adverse party; in such case, all further proceedings, in consequence of such order, sentence, decree, denial, or decision, shall be

Bonds.

staid, until a final determination shall be had thereon in the said Supreme Court of Probate.

SEC. 10. *Be it further enacted*, That the Courts of Probate of the respective counties shall have the same authority, which the Courts of Common Law have, upon petition, to empower and license executors, administrators, and guardians of minors or others, to sell the real estate of their testators, intestates, and wards respectively, for the payment of just debts and legacies, with incidental charges; and such authority to sell shall extend, as well to any real estate which is, or may have been held by such testator or intestate in mortgage, and of which such executor or administrator shall have recovered seisin and possession, or which shall have been set off on execution to such executor or administrator for the use of the widow, heirs, or devisees of such testator or intestate, as to the other real estate of such testator or intestate: *Provided always*, that no such license shall hereafter be granted by either of the Courts aforesaid, until after personal notice, or notice given by an advertisement for three weeks successively, in such newspaper as the Court shall order, to all persons interested therein, of the time and place at which they may be heard concerning the same; and if the said persons interested, or any of them, shall give bond with sufficient sureties to pay such debts and legacies, with incidental charges, then such license shall not be granted. *And provided further*, that an appeal shall be allowed from any order, sentence, decree, denial, or decision of any Judge of Probate, respecting any petition for such license in like manner as in other cases.

SEC. 11. *Be it further enacted*, That every executor, administrator, guardian or other person, who shall have or obtain a license from any Court, according to law, for selling real estate of any person deceased, or under guardianship, shall, previous to fixing upon the time and place of the sale of such estate, take the following oath or affirmation, before the Judge of Probate, or before some Justice of the Peace, whose certificate thereof shall be returned to the Judge of Probate, to wit:—"I, A. B. do solemnly swear, (or affirm, as the case may be) that in disposing of the estate late-

License to ex-  
ecutors.

Oaths.

ly belonging to now deceased, (or under guardianship, as the case may be) I will use my best skill and judgment in fixing on the time and place of sale; and that I will exert my utmost endeavors to dispose of the same in such manner as will produce the greatest advantage to all persons interested therein; and that, without any sinister views whatever."

Orders of sale.

SEC. 12. *Be it further enacted*, That no such license as aforesaid for the sale of real estate, granted by any of the Courts aforesaid, shall be in force for a longer term of time than one year from the time when such license shall have been granted. And no action by any heir or other person, interested for the recovery of any real estate, sold under such license, shall be sustained, unless such action shall be brought within the term of five years after the execution and delivery of the deed given under such license: *Provided always*, that minors, and other persons under legal disabilities, and persons out of the Commonwealth at the time of such sale, may maintain such action at any time within the term of five years from the removal of their disabilities, or from their return to the Commonwealth, as the case may be.

Adjourned sales.

SEC. 13. *Be it further enacted*, That any executor, administrator, guardian, or other person, licensed by any of said Courts to make sale of real estate, may adjourn such sale, if expedient, for any space of time not exceeding fourteen days.

Administration.

SEC. 14. *Be it further enacted*, That after the decease of any person intestate, administration of such intestate's goods and estate shall be granted unto the widow or next of kin of such intestate, upwards of twenty-one years of age, or to both, as the Judge of Probate shall think fit, within thirty days; and an inventory taken of all the real estate, goods and chattels, rights and credits of the deceased, within three months, by three suitable persons, appointed by the Judge of Probate, and sworn by him to the faithful discharge of their trust, except in cases where provision is now made by law for their being sworn in any other manner; but when such estate lies more than ten miles from the place of holding the Court of Probate, to which such inventory is to be returned, or when any part of such

estate lies without the limits of the county of the Judge of Probate, who has jurisdiction of the settlement of such estate, it shall be lawful for the Judge of Probate, or for any Justice of the Peace to appoint such three persons to take the inventory of the estate so distant as aforesaid, or so without the county as aforesaid; and the persons so appointed by said Justice of the Peace, shall be sworn to the faithful discharge of their trust by said Justice, who shall also certify the same, together with the appointment to the said Judge of Probate; and such appointment by the Justice of the Peace, shall be valid and effectual in law. And after the expiration of thirty days from the death of any person intestate, in case the widow or next of kin shall refuse or neglect to take out letters of administration, being cited before the Judge of Probate for that purpose, if resident within the county, the said Judge of Probate may commit administration of such estate to some one or more of the principal creditors, and in case of their refusal, to such other person or persons as the said Judge shall think fit. And every administrator shall, before entering upon the execution of the trust, give bond to the Judge of Probate, with good and sufficient sureties, upon condition, among other things, to make and return a true inventory of the estate administered upon, into the Probate office, within three months, and to render an account of administration within one year from the time of taking administration: which bond shall be in the form following:—

Know all men by these presents, that we

within the Commonwealth of Massachusetts, are holden and stand firmly bound and obliged, unto

Judge of  
Probate of Wills, and for granting administration  
within the county of \_\_\_\_\_ in the  
full and just sum of \_\_\_\_\_  
to be paid to the said \_\_\_\_\_

and his successors in said office; to the true payment whereof we do bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, by these presents, sealed with our seals.  
Dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

of our Lord one thousand eight hundred and

The condition of this obligation is such, that if the above bounden administrator of all and

singular the goods and estate of

deceased, do make or cause to be made, a true and perfect inventory of all and singular the real estate, goods and chattels, rights and credits of said deceased, which have or shall come to the hands, possession or knowledge of the said or into

the hands or possession of any other person or persons for , and the same so made do exhibit or cause to be exhibited into the Registry of the Court of Probate of the said county of at or before

the day of next ensuing ;

and the same goods and chattels, rights and credits, and all other the goods and chattels, rights and credits of the said deceased, at the time of death, which at any time after shall come to the hands and possession of the said or into the hands

and possession of any other person or persons for the said do well and truly administer

according to law ; and further do make or cause to be made, a just and true account of said administration upon oath on or before the day of

which will be in the year of our Lord one thousand eight hundred and and all

the rest, residue, and remainder of the said goods and chattels, rights and credits, which shall be found remaining upon the said administration account, (the same being first examined and allowed by the Judge for the time being of Probate of Wills and for granting administrations within the county of

aforesaid,) shall deliver and pay unto such person or persons, respectively, as the said Judge by his decree or sentence, pursuant to law, shall limit and appoint ; and if it shall hereafter appear, that any last will and testament was made by said deceased, and the executor or executors therein named do exhibit the same into the Court of Probate of the said county of

making request to have it allowed and approved accordingly ; if the said above

bounden, being thereunto required, do render and deliver the said letter of administration (approbation of

such testament being first had and made) into the said Court; then the before written obligation shall be void and of none effect, or else shall abide and remain in full force and virtue.

Sealed and delivered, }  
in presence of us. }

SEC. 15. *Be it further enacted*, That where two or more persons have letters of administration granted them of any intestate estate, and one or more of them take all or the greatest part of such estate into their hands, and refuse to pay the debts or personal charges of such intestate, or refuse to account with the other administrator, then, and in such case, it shall be lawful for such aggrieved administrator to bring his action of account against the other administrator or administrators, and recover his proportionable share of such intestate's estate as shall belong or appertain to him.

Provisions for settling disputes.

SEC. 16. *Be it further enacted*, That when any person who has died or shall die intestate without the Commonwealth, shall leave estate of any description within the same to be administered, any person interested in such estate shall be entitled to letters of administration thereon, in like manner as if such intestate had died within the Commonwealth; and the Judge of Probate of any county, wherein such estate shall be found, shall have power to grant such letters of administration accordingly, which shall extend to all the estate of such intestate within the Commonwealth; and the same estate shall be settled in the county where such letters of administration shall have been first granted; and after such letters shall have been granted and notice thereof given by the administrator in like manner as in other cases, any new letters of administration on the same estate shall be void.

Particular administrations.

SEC. 17. *Be it further enacted*, That administration shall not be originally granted upon the estate of any deceased person after the expiration of twenty years from the death of such person; nor shall administration of the goods or estate of any deceased person, not administered upon by a former executor or administrator, be granted, until it shall evidently appear to the Judge of Probate, by the oath of the party applying, or otherwise, that there is personal estate of such deceased

Limited administrations.

person, to the amount of twenty dollars or upwards, or debts of the like or greater value due from such deceased person unpaid.

SEC. 18. *Be it further enacted*, That whenever any executor or administrator shall die, or be removed from office, during the pendency of any suit brought by, or against him, in said capacity, the same suit may be prosecuted by, or against any administrator de bonis non, who shall thereupon be appointed, and process may thereupon issue in due form of law, to compel any such administrator de bonis non to become a party to the suit; and if such administrator de bonis non shall, after due service of such process, neglect or refuse to become a party to the suit, judgment may be rendered against him in the same manner as if he had voluntarily come in and become a party to the suit, and had therein been defaulted or non-suited. And when judgment shall be had in any suit in which an executor or administrator is a party, and such executor or administrator shall afterwards die or be removed from office, in such case a scire facias may be sued and execution taken out upon such judgment, either by, or against any administrator de bonis non, who shall be thereupon appointed, and any execution, which may have duly issued upon such judgment, may be perfected by either of said parties respectively; and a writ of error to correct any errors in such judgment, may be brought in manner prescribed by law, either by, or against such administrator de bonis non, in like manner as might have been by, or against the original executor or administrator, who was a party to such judgment.

SEC. 19. *Be it further enacted*, That every administrator shall be held to account with the Judge of Probate, for the personal estate of the deceased, as the same shall be appraised, unless the said Judge shall think it will be more for the benefit of the parties interested, otherwise to dispose of the same; in which case the said Judge shall order the same or any part thereof, to be sold at public auction, or at private sale, in such manner as he shall determine will best serve the interest of all parties interested; and the administrator shall account for such estate as the same shall have been sold: *Provided always*, that such sale shall

Administra-  
tors de bonis  
non.

Appraisements

be ordered within the term of three months from the return of the inventory, and not afterwards, unless the said Judge of Probate shall, for special reasons, think proper to allow a further term, not exceeding six months.

SEC. 20. *Be it further enacted*, That in any case, where the oath of an executor, administrator, or guardian. is, or may be required by law to be made personally before the Judge of Probate, to any account which is to be settled by such Judge, and such executor, administrator, or guardian, shall be unable, by reason of sickness, bodily infirmity, or otherwise, to attend before such Judge, it shall be lawful for such Judge, by commission of *dedimus potestatem*, to authorize any disinterested Justice of the Peace to administer such oath, a certificate whereof shall be returned to such Judge, together with such commission and account and the vouchers to prove the same. Dedimus oaths.

SEC. 21. *Be it further enacted*, That whenever it shall appear to any Judge of Probate, that any debtor to any estate within his jurisdiction is unable to pay all his just debts, and that it is reasonable that his creditors should discharge him from all demands, upon their receiving from him a fair and equitable dividend of all his estate, it shall be lawful for the executor or administrator of any deceased creditor, by the consent and approbation of such Judge, to join with those creditors who may agree in such discharge, and to sign the same upon such executor or administrator's receiving a just portion of said debtor's property, to which the said deceased creditor would have been entitled. Debts of insolvents compounded.

SEC. 22. *Be it further enacted*, That whenever any heir or legatee shall be entitled to demand any distributive share or legacy in any estate, the executor or administrator of such estate may, before payment of such distributive share or legacy, require bonds to be given to himself, if the Judge of Probate shall deem it reasonable, with such surety or sureties as the said Judge shall approve, by the parties or any of them who shall demand payment of such distributive shares or legacies, with condition, that the party or parties, to whom the same shall be paid, shall refund a propor- Shares refunded.

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tional part of such estate, or otherwise indemnify such executor or administrator against any demands which may be made against the testator or intestate respectively.

Bonds to be approved.

SEC. 23. *Be it further enacted,* That in all cases wherein by law bonds are required to be given to any Judge of Probate, or to be filed in the Probate office, it shall be the duty of the said Judge first to examine and approve of such bonds, and upon their being so approved, but not otherwise, the said Judge shall order the same to be filed or recorded in the Probate office.

Partitions, &c.

SEC. 24. *Be it further enacted,* That whenever in the settlement of the estate of any person deceased, there shall be any real estate to be divided among his or her heirs or devisees, the Judge of Probate having jurisdiction of the settlement of such estate, shall by warrant directed to a committee of three discreet and disinterested freeholders, who shall be under oath, cause such real estate, situated in one or more counties in the Commonwealth, to be divided among the heirs or devisees of the person deceased, pursuant to his or her will or to the laws regulating the descent and distribution of intestate estates, as the case may be; and where such real estate cannot be divided among all the heirs or devisees, or their legal representatives, without great prejudice to, or spoiling the whole, the said Judge may assign the whole to one, or to so many of the heirs or devisees as the same will conveniently accommodate; always having due regard to the terms of any devise there may be in the case, and also preferring males to females, and among the children of the deceased, elder, to younger sons; and if any heir or heirs, devisee or devisees, to whom any real estate shall be so assigned, shall not accept the same and make or secure payments to be made as the said Judge of Probate shall direct, then and in such case the same may be so assigned to one or more of the other heirs or devisees successively; in every case the heir or heirs, devisee or devisees to whom the same estate shall be assigned as aforesaid, paying to the other heirs or devisees, their heirs or assigns, their proportionable shares of the true value thereof on an appraisement to be made by such committee, or giving such

sufficient security to pay the same, and in such convenient time or times as the said Judge of Probate shall direct, with lawful interest until paid. And no conveyance, made by any heir or devisee, of his or her interest or estate in the lands of any testator or intestate, shall take from such Judge of Probate his jurisdiction and authority to divide and assign the real estate of any testator and intestate among his or her heirs or devisees, in manner aforesaid.

SEC. 25. *Be it further enacted*, That when the Judge of Probate shall issue such warrant for the purposes aforesaid, or for the assignment of dower in any such real estate, and such real estate shall lie in common and undivided with that of any other person or persons, the said Judge shall direct the committee named in such warrant, first to sever and divide the estate of the deceased from that of such other person or persons, the said committee first giving timely notice to all parties interested in said estates, that they may be present, if they see fit, at the making of any such divisions. Estates severed

SEC. 26. *Be it further enacted*, That such division of any such real estate, made as aforesaid, and accepted by the said Judge of Probate, and recorded in the Probate office of the same county, shall be binding on all persons interested; *provided nevertheless*, that when any minor or any person non compos mentis, or otherwise incapable to take care of their estates, or any persons who shall be out of the Commonwealth, are interested either in the estate of such deceased person, or in the estate with which it so lies in common, guardians shall be appointed for such minors, persons non compos, or otherwise incapable; and some suitable person shall be appointed for such absent persons by the said Judge before such division. to represent and act for them respectively in the making thereof; *and provided also*, that before an order for such division shall issue, it shall be made to appear to the said Judge of Probate, that the several persons interested in such estate, if living within the Commonwealth, and the attorney, if any, or other suitable person or persons, appointed as aforesaid, of such as may be absent from the Commonwealth, have had such due notice of such partition as the said Judge shall have ordered, and Rights of minors.

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have had opportunity to make their objections to the same : *Provided also*, that where an estate is devised, it shall be lawful for the said Judge to order the whole or that part of it whereof partition is applied for, to be divided among the devisees, according to their true proportions thereof by said committee.

Partition committee sworn.

SEC. 27. *Be it further enacted*, That every committee appointed to make division as aforesaid, may be sworn before the Judge of Probate appointing them, or before some Justice of the Peace ; and in case there shall be no Justice of the Peace in the town where such estate may lie, then before the Town Clerk of such town ; and a certificate of such oath shall be returned by such Justice or Town Clerk, to the Probate office from which the warrant for such division shall have issued.

Validity of partitions.

SEC. 28. *Be it further enacted*, That all such partitions of real estate, made, accepted and recorded as aforesaid, shall be valid in law to all intents and purposes, unless upon the appeal of any party aggrieved thereby, the same should be reversed or altered by the Supreme Court of Probate ; but no partition shall be ordered by any Judge of Probate under this act, when the proportions of the heirs or devisees, or any of them, shall be disputable by the tenor of the will in the case, or any other matter in writing from which it shall appear that the proportions are uncertain, and ought, in the opinion of said Judge, first to be legally ascertained.

Assignments.

SEC. 29. *Be it further enacted*, That when any messuage, tract of land, or other tenement, shall be of greater value than the share of any party in any real estate, to be divided as aforesaid, and the same messuage, tract of land, or other tenement, cannot without great inconvenience be sub-divided ; the same may be assigned to one of the parties only, such party paying such sum or sums of money to the other parties, who in consequence thereof have less than their shares of such real estate so divided, as the committee appointed to divide the same shall award.

SEC. 30. *Be it further enacted*, That when any partition shall be made as aforesaid, and any one or more of the parties interested in the estate descended or devised, shall neglect or refuse to pay their just pro-

portion of the charges attending the same partition, it shall be lawful for the said Judge of Probate to issue a warrant of distress against such delinquent for the amount of such proportion and costs of such process : *Provided always*, that an account of such charges be first exhibited to the said Judge, and the just proportion of such party so interested, be settled and allowed, such party having had due notice to be present at the settlement and allowance thereof.

Warrants of  
distress.

SEC. 31. *Be it further enacted*, That in case of any division and settlement of real estate, pursuant to the warrant of a Judge of Probate in manner aforesaid, it shall be lawful for such Judge to order a division of the reversion and remainder expectant upon the determination of any estate in dower, in like manner as the division of the other parts of such estate ; and the division of such reversion and remainder shall be ordered and made, either at the same time with the division of the other parts of such real estate, or upon the determination of the estate in dower, at the discretion of the said Judge, whether such estate in dower shall be determined by the decease of the tenant in dower, or by the voluntary relinquishment thereof, or in any other manner : That the guardian of any minor, having a right in reversion or remainder in and to any estate set off to the widow of any deceased person, as and for her dower, may, with the consent of the Judge of Probate, having jurisdiction of the settlement of such estate, purchase from the tenant in dower or her assigns, her or their interest in the same, for the benefit of such minor, and from his or her personal estate. And all monies, so applied, may, by such guardian, be charged to such minor in account ; and all the rents and profits of such estate shall be credited to the minor, in like manner as the rents and profits, which arise from his or her other estate ; *provided always*, that it be satisfactorily proved to the Judge of Probate, that such purchase will be for the manifest advantage of such minors.

Estates in  
dower.

SEC. 32. *Be it further enacted*, That whenever any executor or executors of the last will of any person deceased, knowing of their being so named and appointed, shall neglect to cause such will to be proved and recorded, pursuant to the provisions of the sixteenth sec-

Penalty on  
executors.

tion of an act, entitled "An act prescribing the manner of devising lands, tenements and hereditaments," passed on the sixth day of February, in the year one thousand seven hundred and eighty-four, and such executor shall incur the forfeiture provided in the same section of said act, for so neglecting his trust and duty in that behalf; such forfeiture shall be had and recovered by any party interested in the estate devised by such will, and by no other person, by action of debt in the Court of Common Pleas, holden within and for the county where such will ought by law to be proved; and in case of such forfeiture being incurred as aforesaid, judgment may be rendered by the Court for any sum not exceeding sixteen dollars a month, for and during the time of delay mentioned in the same section of said act.

Wills proved  
by one or more  
witnesses.

SEC. 33. *Be it further enacted*, That in cases where it shall clearly appear to the Judge of Probate, either by the consent of heirs at law in writing, or by other satisfactory evidence, that there is no objection to the probate of any will being granted, it shall be lawful for the said Judge, at his discretion, to grant probate thereof, upon the testimony of one or more of the three subscribing witnesses required by law, as the said Judge shall think proper, whether such witnesses are within the process of the said Judge or otherwise.

SEC. 34. *Be it further enacted*, That every guardian, who shall be hereafter appointed to any minor having real estate, goods and chattels, rights or credits, shall be required to return into the Probate office a true and perfect inventory of all such real estate, goods and chattels, rights and credits, within such time as the Judge of Probate shall order, in like manner as the trustees of minors, appointed by any last will and testament, are by law required to do.

Guardians re-  
stricted.

SEC. 35. *Be it further enacted*, That before any guardian shall transfer or draw from any loan office, bank, insurance office, or other corporation, any loan office certificate, or share in such bank, insurance office or other corporation, or any stock (so called) in any public fund, belonging to the ward of such guardian, it shall be the duty of such guardian to obtain license so to do from the Judge of Probate of the county where such guardian has been or shall be appointed; and

upon neglect thereof, such guardian shall be removed from office, and shall be considered as having forfeited his probate bond.

SEC. 36. *Be it further enacted*, That any Judge of Probate may dismiss any guardian of a minor, idiot, non compos or lunatic person, or of persons who spend their estates by excessive drinking, idleness, or debauchery, whenever it shall appear to the said Judge, that necessity or expediency require the same, and to appoint some other guardian in his place: *Provided always*, that no such guardian shall be dismissed as aforesaid, before he shall have had notice, in writing, from said Judge, fourteen days at least before the time of hearing, to appear and show cause why he should not be so dismissed. Guardians may be dismissed.

SEC. 37. *Be it further enacted*, That all persons who are or may be constituted Trustees of any estate, real, personal or mixed, belonging to minors or other persons, to whom such estate has been or may be devised, in trust for such minors or other persons, by the last will and testament of any person, shall, except in the cases hereinafter mentioned, give bond to the Judge of Probate of the county in which such last will and testament has been or shall be proved, approved and allowed, with sufficient surety or sureties within the Commonwealth, in such sum as the said Judge shall order, conditioned for the faithful execution of such trust according to the true intent and meaning of the testator, and that the trustee shall make a true and perfect inventory of the real estate, goods and chattels, rights and credits of such minors or others, to be returned filed and recorded in the Probate office of such county, at such time as the said Judge shall order, and that the said trustee will annually render an account to the said Judge of the annual income and profits thereof, and at the expiration of such trust will adjust and settle his accounts with the said Judge, and will pay and deliver over all balances and sums of money or other property that may be due, and give possession of the other estate belonging to such minors or others with which such trustee may have been entrusted: *Provided nevertheless*, that no trustee, so long as he Duties of Trustees.

shall continue faithfully to execute the trust, shall be obliged to give bond as aforesaid, in any case in which the testator in his last will shall have directed or requested that such bond should not be given, nor in any case, in which all the cestui que trusts being of full age and legal capacity shall signify to the Judge of Probate his or her request that such bond should not be taken : *And provided also*, that no person appointed a trustee before the passing of this act, and having entered upon the execution of the trust without having given bond as aforesaid, shall be obliged to give such bond or be subject to any of the requirements of this act, unless, after being cited to appear before the said Judge upon complaint in writing, it shall appear to the said Judge, upon a full hearing, that it is necessary that such bond should be given in order to secure the faithful execution of such trust: *And provided also*, that such bond shall not be required of any such trustee who entered upon the execution of his trust before the passing of an act, entitled "An act requiring the trustees of the property of minors and others to give bond in certain cases," made and passed on the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and eleven, and who has continued and shall continue faithfully to execute his trust: *And provided also*, that nothing in this or in either of the following sections shall be construed to take away any of the powers which are now by law vested in the Supreme Judicial Court.

Trustee Bonds.

SEC. 38. *Be it further enacted*, That any person who has been or shall be constituted a trustee as aforesaid, and who shall neglect or refuse to give bond as aforesaid, shall be considered as having declined the acceptance of such trust; and the trustee or trustees who may be appointed by the Judge of Probate as is hereinafter provided, shall and may thereupon be authorized to demand and receive of the trustees originally appointed as aforesaid, all such estate as may have come to their hands by virtue of such trust, and to manage, pay and deliver over such property to said minors and others, in the same manner and under the same restrictions, obligations and duties as guardians are now by law obliged to do.

SEC. 39. *Be it further enacted,* That any trustee appointed either by the testator as aforesaid or by the Judge of Probate, shall, upon request in writing to the said Judge, be permitted to resign the trust, first accounting for, and paying and delivering over such estate as shall have come to his hands by virtue of such trust, to such other person as the said Judge shall appoint a trustee in his stead: *Provided always,* that no such resignation, except in the case of an executor or administrator who shall succeed to such trust upon the decease of his testator or intestate, shall be accepted and allowed, unless it shall clearly appear to the said Judge to be expedient and proper. Trustees may resign.

SEC. 40. *Be it further enacted,* That in case any person, who has been or shall be appointed a sole trustee, or any two or more persons, who have been or shall be appointed joint trustees in any last will, no provision being therein made for perpetuating such trust, and such sole trustee or any one or more of such joint trustees shall decline the acceptance of the trust, or shall die either before or after having accepted the trust, or shall neglect or refuse to comply with the provisions of this act, the respective Judges of Probate shall, after notice to the cestui que trusts, appoint one or more suitable persons to be trustee or trustees in the place of the trustee or trustees, so dying or declining to accept as aforesaid; and any trustee or trustees appointed by the Judge of Probate shall be holden and bound by the provisions of this act, in the same manner as if he or they had been so appointed in and by such last will; and the estate, so given in trust by such last will, shall vest in the trustee or trustees, so appointed by the said Judges of Probate, in like manner to all intents and purposes as the same vested in the original trustee or trustees under such last will. Trustees may be substituted.

SEC. 41. *Be it further enacted,* That when any trustee, appointed either by any testator or by any Judge of Probate, shall, in the opinion of the Judge of Probate, be disqualified for the discharge of the trust, by becoming *nom compos mentis* or otherwise incapable or evidently unsuitable for the execution of such trust, it shall be lawful for the said Judge, after notice to such trustee, and the parties interested in the trust estate, to Trustees may be removed.

remove such trustee, and to appoint and substitute another in his stead. And whenever any person shall be appointed and substituted as a trustee by the Judge of Probate as aforesaid, in the place of any former trustee, who may either have been removed from office, or have deceased, or have declined or resigned the trust as aforesaid, the person so appointed and substituted by the said Judge shall give bond with sufficient surety or sureties, and shall be held to perform all the duties prescribed in the thirty-seventh section of this act. *Provided however*, that it shall be in the discretion of the said Judge to direct an inventory to be made and returned, or not, by such new trustee, who in no manner whatever shall be deemed a trustee or authorized to act as such until such bond shall be given.

Sufficiency of  
Bonds.

SEC. 42. *Be it further enacted*, That whenever the sureties in any bond given to the Judge of Probate shall be evidently insufficient for the purposes of such bond, the Supreme Court of Probate, on the petition of any person interested, and after due notice to the principal and sureties on such bond, shall have authority to require from time to time new bonds, with sufficient surety or sureties in the case; and whenever any surety or sureties on any bond given to the Judge of Probate, shall, at any time after six years from the date of such bond, petition the Supreme Court of Probate, that he or they may be discharged from any further responsibility upon such bond, the said Court, after due notice to all persons interested, may, in their discretion, discharge such surety or sureties from all further responsibility on such bond. And the said principal or principals shall, in all such cases, be required to procure other sufficient surety or sureties upon such bond, or upon a new bond to be given to the Judge of Probate for the purpose, to the satisfaction of said Court. And if such principal or principals shall not, within such time as shall be ordered by said Court, give such new bonds as may be required by virtue hereof, he, she or they shall be removed from their trust, and some other person or persons shall be appointed in his, her or their stead.

SEC. 43. *Be it further enacted*, That any bonds given pursuant to this act, may be put in suit by order

of the Judge of Probate, to whom the same shall have been given, for the benefit either of all or any of the minors or other persons interested in the estate given in trust as aforesaid; and the proceedings in such case shall be the same as in the cases of suits on other Probate bonds.

Trustee bonds  
how sued.

SEC. 44. *Be it further enacted*, That any person aggrieved by any order, sentence, decree, or denial of any Judge of Probate, upon any matter touching such trusts as aforesaid, may appeal therefrom, as in any other case of an order, sentence, decree, or denial of a Judge of Probate. And the Supreme Court of Probate and the Judges of Probate, respectively, may in their discretion award reasonable costs to either or both parties, in all those cases where justice shall require it, and shall grant execution therefor.

Appeals in  
trustee cases.

SEC. 45. *Be it further enacted*, That this act shall be in force from and after the first day of July next; and that from and after that day the several acts and parts of acts hereinafter mentioned be, and the same are hereby declared to be repealed; that is to say—the proviso contained in the fifth section of an act, entitled “An act directing the descent of intestate estates and for empowering the Judges of Probate to make partition in certain cases,” passed on the ninth day of March, in the year of our Lord one thousand seven hundred and eighty-four; and also all the parts of the same act subsequent to the said proviso, except so much thereof as relates to advancements therein mentioned; and also the tenth section of an act, entitled “An act empowering the Judges of Probate to appoint guardians to minors and others,” passed on the tenth day of the same month; and also, an act, entitled “An act for establishing Courts of Probate,” passed on the twelfth day of the same month; and also an act, entitled “An act authorizing Judges of Probate to dismiss Guardians from their guardianship in certain cases,” passed on the first day of March, in the year of our Lord one thousand seven hundred and ninety; and also an act, entitled “An act for the settlement of estates of persons deceased wherein Judges of Probate may be interested,” passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and elev-

Acts repealed.

en ; and also an act, entitled “ An act requiring the trustees of the property of minors and others to give bond in certain cases,” passed on the twenty-fifth day of the same month ; and also an act, entitled “ An act authorizing Judges of Probate in certain cases to alter the times appointed by law for holding Probate Courts and to continue any process or proceedings therein,” passed on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and twelve ; and also an act, entitled “ An act to authorize the Justices of the Supreme Court of Probate to grant appeals in certain cases,” passed on the twenty-second day of June of the same year ; and also an act, entitled “ An act further regulating suits by and against executors and administrators,” passed on the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and thirteen.

[Approved by the Governor, February 24, 1818.]

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## CHAP. CXCI.

**An Act regulating the management and drawing of Lotteries in certain cases, within this Commonwealth.**

**SEC. 1.** *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall not be lawful for any person within this Commonwealth, from and after the passing of this act, to have in possession any ticket or paper, purporting to be the number of any ticket or part of any ticket, of any lottery not granted or permitted by this Commonwealth, with intent to sell, negotiate or dispose of the same, or to sell, negotiate or advertise in any way whatever, any such ticket or part of a ticket, or in any way or manner to advertise or make public, or aid or assist in advertising or making public, any scheme or class of any lottery, not granted or permitted to be drawn, by this Commonwealth ; or as agent, factor, broker or attorney for, or on behalf of any other person or persons, to aid, assist, or in any way to have any concern with any other person or per-*

May not sell or  
advertise for-  
eign Lottery  
Tickets.

sons, in selling, disposing of, negotiating or transferring any ticket, or part or parts of any ticket, or scheme, or class of any lottery, not granted, established, or permitted by this Commonwealth: And any person, offending in any of the particulars aforesaid, shall forfeit and pay a sum not less than fifty dollars, and not exceeding five thousand dollars, to be recovered by action of debt, to, and for the use of any person who shall prosecute and sue for the same, in any Court of competent jurisdiction.

SEC. 2. *Be it further enacted*, That all such sums of money as shall be hereafter drawn, or received by any person or persons, being inhabitants or residents within this Commonwealth, at the time of so drawing or receiving the same, by virtue of owning or possessing any ticket or part of a ticket, which ticket or part of a ticket was issued, sold, delivered or negotiated by any lottery, or the agents or managers of any lottery, granted, permitted, or established by any power or authority, other than that of this Commonwealth, shall be forfeited; and may be recovered of such person or persons, so drawing or receiving the same, to the use of said Commonwealth, by indictment in any Court of competent jurisdiction. Forfeitures.

SEC. 3. *Be it further enacted*, That the agents or managers of lotteries, established or granted within this Commonwealth, shall never, in any class or scheme which they may publish or draw, by deduction for the use of the lottery, with the expenses of managing and drawing the same, in any way or manner, raise or receive, or attempt to raise or receive, by virtue of such class, or scheme, a larger sum than the amount granted and allowed by the General Court, in the act granting, establishing, or permitting the said lottery: And every person, offending against the provisions of this section, shall be subject to like penalties and forfeitures, and to be recovered in like manner, and to like uses, as is provided in the first section of this act. Managers not to derive profit.

SEC. 4. *Be it further enacted*, That the agents or managers of lotteries established, granted, or permitted in this Commonwealth, and by the authority of the same, viz.: the Plymouth Beach Lottery, so called; Regulating the drawing of Lotteries.

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the Union Canal Lottery, so called ; the Springfield Bridge Lottery, so called ; after the said Union Canal Lottery have finished the drawing of the class in said lottery, they are now drawing, which shall not exceed the fifteenth day of May next ; and after the managers of the Springfield Bridge Lottery have finished drawing the class in the said lottery, lately published, and which shall not exceed the first day of July next ; hereafter observe the following directions, in the management and drawing of their respective lotteries ; the aforesaid agents and managers of said lotteries having manifested their assent to the same, viz. : The agents and managers of the said Plymouth Beach Lottery shall issue and publish their scheme of the next class in said lottery ; first dispose of their tickets, and commence and finish the drawing of said class of said lottery, before any other agents or managers of any other lottery granted or established, or permitted to be managed or drawn, by or within this Commonwealth ; *provided* said agents or managers of said Plymouth Beach Lottery shall commence and finish the drawing of such class within five months from the time they shall so publish their scheme of said class. And the said agents or managers of the said Union Canal Lottery, so called, shall, next in succession to said Plymouth Beach Lottery, commence and finish drawing their said class in like manner, in like time, and under like restrictions, and with like privileges with said Plymouth Beach Lottery. And the said agents or managers of the Springfield Bridge Lottery, so called, shall, next in succession to the said Union Canal Lottery, so called, commence and finish drawing their said class of said lottery in like manner, in like time, and under like restrictions, and with like privileges with said Plymouth Beach Lottery ; and in like manner, in like succession and order, and under like restrictions of time, and with like privileges shall the agents and managers of the several lotteries, as aforesaid, proceed with, manage and draw, the several classes or schemes of their respective lotteries, until the objects of their several grants are accomplished and finished, according to the several charters respectively granted for the attainment

of said objects. And any person or persons offending against the provisions of this section, shall severally forfeit and pay a fine to the use of this Commonwealth, of a sum not less than fifty dollars, nor more than five thousand dollars, to be recovered in like manner as is provided in the first section of this act.

SEC. 5. *Be it further enacted,* That no person or persons shall make public, or in any way or manner publish any scheme of any lottery within this Commonwealth, sell or dispose of any tickets in any lottery, or any part of the same, or attempt to draw or manage any scheme or class of any lottery within this Commonwealth, other than the scheme, class or tickets which by the provisions of the fourth section of this act may be made public, sold or disposed of, drawn or managed, agreeably to the provisions of said fourth section; and every person or persons offending against any of the provisions of this section, shall severally forfeit and pay a sum not less than ten thousand dollars, and not exceeding twenty thousand dollars, according to the degree or aggravation of said offence, to be recovered in like manner, and for the like use, as is provided in the first section of this act. Penalties.

SEC. 6. *Be it further enacted,* That in case the managers of any lottery or lotteries, already granted by this Commonwealth, shall take or reserve any of the tickets in any class or classes of such lottery or lotteries, to and for the use of, and at the risk of such lottery or lotteries, such tickets, so taken and reserved, shall be considered as actually sold or disposed of, to all intents and purposes, as though they had been sold to any individual person or persons; and in case any loss shall happen or accrue to any of the lotteries aforesaid, by reason of the managers of such lottery or lotteries taking and reserving any of the tickets as aforesaid, to and for the use of, and at the risk of such lottery or lotteries, the amount of such loss shall be considered as a part of the sum granted and intended to be raised, for the benefit of such lottery or lotteries, and the amount of such loss shall not be carried forward, or charged to such lottery or lotteries, by the managers thereof, in any future class or scheme, which shall be published or drawn by said managers; and all accounts Managers shall not reserve Tickets.

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of the managers of such lottery or lotteries, shall be hereafter settled with the Governor and Council, conformably to the provisions and requirements in this section contained; nothing in this act to be construed to affect any proceedings under any class of any lottery now drawing, or to prevent the managers of any lottery now granted, from carrying forward any loss which has already occurred from any class heretofore drawn, or which is now drawing.

[Approved by the Governor, February 24, 1818.]

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COMMONWEALTH OF MASSACHUSETTS.

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SECRETARY'S OFFICE, APRIL 28, 1818.

BY this I certify, that the Laws contained in this pamphlet, and passed at the Session of the Legislature begun January 14th, and ending February 24th, 1818, have been compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

*Secretary of Commonwealth.*