

MAINE STATE LEGISLATURE

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LAWS

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE 27th DAY
OF MAY, AND ENDED ON THE 13th OF JUNE, 1818.

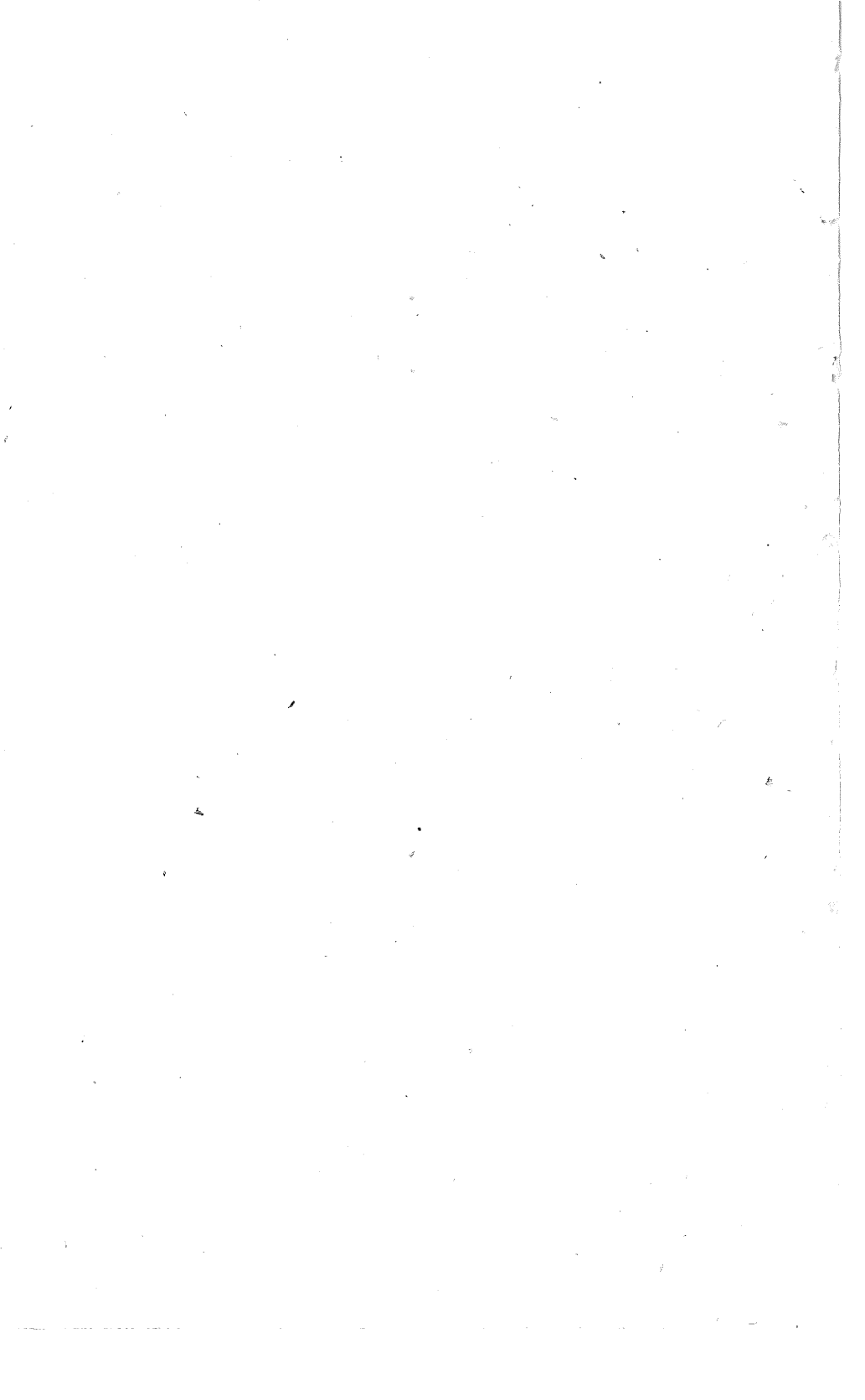
Published agreeably to a Resolve of 16th January, 1812.



BOSTON :

PRINTED BY RUSSELL & GARDNER, 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 27th DAY OF
MAY, AND ENDED ON THE 13th OF JUNE, 1818.

CHAP. I.

An Act for continuing in force “An act respecting the
Courts of Probate in the county of Norfolk.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, entitled “An act respecting the Courts of Probate in the county of Norfolk,” passed on the fourteenth day of June, in the year of our Lord one thousand eight hundred and sixteen, be, and the same is hereby continued in force, until repealed by the Legislature : *Provided however,* that there shall be, hereafter, three terms only of said Court of Probate, holden in the first parish in Wrentham, in each year, successively, at such times as the Judge of Probate for said county shall appoint.*

[Approved by the Governor, June 6, 1818.]

CHAP. II.

An Act in further addition to "An act establishing a law term of the Supreme Judicial Court to be holden within and for the counties of Plymouth and Bristol."

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 counties of Barnstable and Dukes' County shall be and they hereby are annexed to the law circuit of the Supreme Judicial Court, now held at Plymouth and Taunton for the counties of Plymouth and Bristol, alternately and annually. And all the provisions, privileges, duties and requirements, contained in "an act establishing a law term of the Supreme Judicial Court to be holden within and for the counties of Plymouth and Bristol," passed on the second day of March, in the year of our Lord one thousand eight hundred and fifteen; also, in an act, entitled "an act in addition to the act establishing a law term of the Supreme Judicial Court within and for the counties of Plymouth and Bristol," passed on the twenty-fourth day of January, in the year of our Lord, one thousand eight hundred and sixteen, shall extend to, and operate upon all actions, suits, processes, and matters and things, now by law to be heard, tried and acted on, in the Supreme Judicial Court to be held at Barnstable, in the county of Barnstable, and for the counties of Barnstable and Dukes' County, and which may hereafter arise and happen within the same counties of Barnstable and Dukes' County, in the same way and manner as if the said counties of Barnstable and Dukes' County had been named and included in the aforesaid acts, and in the same way and manner as the same provisions, privileges, duties, and requirements, now by law, extend to, and operate upon all actions, suits, processes, and matters and things, to be heard, tried and acted on in the Supreme Judicial Court, to be held by law at Plymouth and Taunton, for the counties of Plymouth and Bristol, annually and alternately, agreeable to the provisions of the aforesaid acts. And

Counties annexed.

all the provisions, privileges, duties and requirements, contained in the acts aforesaid, as the same respects the Justices of the Supreme Judicial Court, their Clerks, and all other officers of the counties of Plymouth and Bristol, shall extend to the said Justices, the Clerk of the Supreme Judicial Court for the county of Barnstable, and such other officers in the counties of Barnstable and Dukes' County, in the same way and manner, as they now by law extend to them, in the counties of Plymouth and Bristol, by virtue of the acts aforesaid.

SEC. 2. *Be it further enacted*, That from and after the first day of August next, the term of the Supreme Judicial Court, which, by the first section of the act, entitled "An act establishing a law term of the Supreme Judicial Court to be holden within and for the counties of Plymouth and Bristol," passed on the second day of March, in the year of our Lord one thousand eight hundred and fifteen, is therein provided to be holden annually, alternately at Plymouth, in the county of Plymouth, and at Taunton, in the county of Bristol, on the second Tuesday in July, shall be annually held at Plymouth, in the county of Plymouth, and for the counties of Plymouth, Bristol, Barnstable and Dukes' County, on the second Tuesday in July.

Times of holding Courts.

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

CHAP. III.

An Act in addition to the act, entitled "An act for the more effectually preventing of Trespasses in divers 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, if any person shall enter upon any grass land, orchard or garden, without permission from the

June 12, 1818.

owner thereof, with intent to cut, destroy, take, or carry away, any grass, hay, fruit, or vegetables, with the intent to injure or defraud such owner, each person, so offending, shall forfeit and pay, for every such offence, a sum not less than two dollars, nor more than ten dollars, to the use of the Commonwealth, to be recovered on complaint before any Justice of the Peace of the county in which the offence shall be committed; and the persons so offending shall also be liable in damages to the party injured.

Fines.

SEC. 2. *Be it further enacted*, That from and after the passing of this act, if any person, having entered upon any grass land, orchard or garden, shall take therefrom, without permission of the owner thereof, and with the intent to injure and defraud such owner, any grass, hay, fruit, vegetable, or shrub, cultivated thereon for ornament or use, such person, so offending, shall forfeit and pay, for each offence, to the use of the Commonwealth, a sum not less than five, nor more than fifty dollars, to be recovered by indictment, or information, before the Circuit Court of Common Pleas, in the county where such offence shall be committed, or the Municipal Court of the town of Boston, if such offence be committed in the county of Suffolk; and the person, so offending, shall be also liable to the party injured, in a sum equal to three times the value of such grass, hay, fruit, vegetable, or shrub, to be recovered by action of the case in any Court of competent jurisdiction.

Penalties.

SEC. 3. *Be it further enacted*, That any person, who having entered upon any grass land, field or orchard, shall, without permission of the owner thereof, and with the intent to injure him, break, bruise, cut, mutilate, injure, or destroy, any fruit tree, tree for ornament or shade, or shrub cultivated thereon, for ornament or use, and which shall be standing or growing thereon, such person so offending, shall forfeit and pay to the use of the Commonwealth, a sum not less than ten dollars, nor more than one hundred dollars, to be recovered by indictment or information, in manner as is provided in the second section of this act.

Forfeitures.

SEC. 4. *Be it further enacted*, That if any person shall commit any of the trespasses mentioned in this

act, on the Lord's day, or in the night time, that is to say, between sun setting and sun rising, he shall be liable to double the penalties and forfeitures, the same to be prosecuted for, and recovered, in manner as before provided; and all prosecutions for breaches of this act, shall be commenced within one year from the time the offence shall be committed, or the penalties or forfeitures shall have accrued, and not afterwards. Double Penalties.

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

CHAP. IV.

An Act for the preservation of Bird Island, in Boston Harbour.

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 earth or stones shall be taken from the island, called Bird Island, in Boston harbour, in the county of Suffolk, without license first had and obtained of the Selectmen of the said town of Boston, for that purpose, in writing, by the person taking the same, specifying the quantity allowed to be removed, and the object of removing it. And every person, who, without permission obtained as aforesaid, shall remove any earth or stones from the said Island, in any boat, or in any ship or vessel whatsoever, shall forfeit and pay for each offence, the sum of twenty dollars, to the use of the said town, to be recovered by the Selectmen of the said town, by an action of debt, in any Court proper to try the same.

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

CHAP. V.

An Act to change the Names of the several 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, George Mayo Edgar of Boston, shall be allowed to take the name of Mayo Graves Edgar ; that John Harris, son of the late Samuel Harris of Boston, shall be allowed to take the name of John Welch Harris ; that Daniel Johnson of Boston, shall be allowed to take the name of Daniel Bridges Johnson ; that John Wilkins of Boston, trader, shall be allowed to take the name of John Fox Wilkins ; that Robert Breck Williams, son of Thomas Williams of Boston, shall be allowed to take the name of Robert Breck Garven Williams ; that Daniel Chase Hazeltine, resident in Boston, (late of New-Hampshire,) shall be allowed to take the name of Daniel Hazeltine Chase, all of the county of Suffolk ; that Benjamin Browne the third, of Salem, apothecary, shall be allowed to take the name of Benjamin F. Browne ; that Josiah Newhall of Lynn, shall be allowed to take the name of Josiah Selkirk Newhall ; that Jonathan Phillips of said Lynn, shall be allowed to take the name of Benjamin Jonathan Phillips, all of the county of Essex ; that the name of Clementina Harrington of Southbridge be, and hereby is confirmed to her the said Clementina ; that Henry Marshall Pinkney of Southborough, shall be allowed to take the name of Larkin Newton ; that Lucius Paige, son of Timothy Paige, Esquire, of Hardwick, shall be allowed to take the name of Lewis Robinson Paige, all of the county of Worcester ; that Elijah Hoar, of Montague, shall be allowed to take the name of Elijah Hanson, and that his several minor children shall be allowed to take the same name, viz. : Lucretia Hanson, Erastus Gunn Hanson, Morilla Hanson, Asahel Gunn Hanson, and Elisha Shaw Hanson ; that William Hoar, of Deerfield, shall be allowed to

take the name of William Hanson, and that his several minor children shall be allowed to take the same name, viz.: Lucy Hanson, Ariel Hanson, Submit Hanson, Flavilla Hanson, John Milton Hanson, Caroline Hanson, Melinda Hanson, Persis Hanson, and Edwin Hanson; that John Hoar of Greenfield, shall be allowed to take the name of John Hoar Wheeler; that John Cheney of Orange, shall be allowed to take the name of John Cheney Hill, all of the county of Franklin; that Eliza Stebbins Snow of Northampton, in the county of Hampshire, shall be allowed to take the name of Eliza Snow Stebbins; that Briggs Sampson of Duxbury, in the county of Plymouth, shall be allowed to take the name of Henry Briggs Sampson; that Benjamin Sisson, of Westport, in the county of Bristol, shall be allowed to take the name of Benjamin Baylies Sisson; that Marsena Graton of Sandwich, in the county of Barnstable, shall be allowed to take the name of Alwin M. Graton; that Randolph Codman of Limerick, in the county of York, shall be allowed to take the name of Randolph Augustus Lawrence Codman. 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 name.

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

CHAP VI.

An Act to prohibit the hunting and killing of Deer, in the counties of Hampden, Hampshire and Franklin.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, until the expiration of five years from and after the passing of this act, if any person shall hunt, chase with dog or dogs, or intentionally suffer any dog or dogs to chase, or shall kill any deer, not his own, within the counties of Hampshire,

June 12, 1818.

Hampden, or Franklin, he shall, for every such offence, forfeit the sum of twenty-one dollars, 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 therefor, and the other moiety thereof to the use of the town wherein such offence shall be committed.

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

CHAP. VII.

An Act to alter the time of holding the Boston Court of Common Pleas, within and for the county of Suffolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Boston Court of Common Pleas, now by law appointed to be holden at Boston, within and for the county of Suffolk, on the first Tuesday of October, annually, shall, from and after the passing of this act, be holden at Boston within and for the county of Suffolk, on the last Tuesday of September, annually.*

[Approved by the Governor, June 12th, 1818.]

CHAP. VIII.

An Act repealing an act, entitled "An act in addition to an act making provision for the holding of a term of the Supreme Judicial Court in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire."

SEC 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act passed on the*

seventeenth day of June, in the year of our Lord one thousand eight hundred and seventeen, entitled "An act in addition to an act making provision for the holding of a term of the Supreme Judicial Court in the counties of Franklin and Hampden, and for altering the time of holding the same in the counties of Hampshire and Berkshire," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That the Supreme Judicial Court, which shall be holden in the said county of Hampden, at their adjourned term, on the first Tuesday of September next, shall have cognizance of all crimes and offences committed within the said county of Hampden, in the same way and manner as they would have at any regular and established term of said Court, and may direct the Clerk of said Court to summon a Grand Jury to attend at the said adjourned term, if in their opinion the number of prisoners in the gaol in said county, or other circumstances, shall render it expedient or necessary.

SEC. 3. *Be it further enacted*, That all appeals, which shall or may be made from any judgment, decree or sentence of the Circuit Court of Common Pleas, which shall be holden in said county of Hampden, on the fourth Monday of August next, shall be entered, have day, and be proceeded upon, at the adjourned term of the Supreme Judicial Court to be holden in said county, on the first Tuesday of September next, in the same way and manner as by law appeals may be entered and acted upon at any regular term of said Court.

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

CHAP. IX.

An Act to alter the times of holding the Court of Sessions in the county of Dukes' County.

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 Court of Sessions for the county of Dukes' County, shall be holden at Edgarton, in said county, on the Wednesday next after the third Monday of May, and on the Wednesday next after the first Monday of November, annually ; instead of the times heretofore established for holding said Courts ; and all petitions, recognizances, warrants, reports and processes whatsoever, shall be returned to, be entered, have day in, and be proceeded upon, in the same Court, to be holden on such Wednesdays aforesaid, any law to the contrary notwithstanding.

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

CHAP. X.

An Act directing the Judge of Probate, within and for the county of York, to hold Probate Courts in the town of Limerick.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of July next, the Judge of Probate, within and for the county of York, be, and he is hereby directed to hold two Probate Courts in each year in the town of Limerick, in said county, at such times as he may think proper ; previously giving public notice thereof in said county ; any usage or law to the contrary notwithstanding.*

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

CHAP. XI.

An Act in further addition to an act, entitled "An act concerning general and common Fields."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* when the major part, in interest, of the proprietors of any tract of land, consisting of several allotments, shall be desirous of enclosing, fencing and improving the same in one general field, they may apply to the Court of Common Pleas in the county where such land lies; and when such land lies in different counties, then to the Supreme Judicial Court to be holden in either; and on such application, the said Court shall notify the proprietors concerned in said land to appear at the same Court at the same or the next term thereof, in such manner and form as the Court shall judge proper; and if on hearing the said proprietors, it shall be deemed for their general benefit by the said Court, they shall decide that such land shall be fenced, enclosed and improved in one general field; and after such tract of land shall be so established as a general field, the first meeting of the proprietors may be called, on application to a Justice of the Peace, in the manner provided by the act, entitled "An act in further addition to an act, entitled an act concerning general and common fields," at any time in the year; and at such first meeting, the proprietors of such field may agree upon the manner of calling and notifying future meetings, as well the annual as special meetings, of such proprietors; and such proprietors shall be entitled to all the rights and privileges, and subject to all the duties, to which proprietors of general and common fields now are, by the laws of this Commonwealth.

Manner of applying for leave to fence in lands.

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

CHAP. XII.

An Act authorizing the town of Charlestown to establish a Board of Health.

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 Charlestown, qualified to vote for town officers, may, in the month of March, annually, in town meeting assembled, elect, by ballot, seven able and discreet persons, being freeholders and residents in said town, to be a Board of Health, whose duty it shall be, when notified by the Town Clerk, of their election as aforesaid, to meet within six days after such notice, and organize themselves by electing a President and Secretary. The Secretary thus chosen, to be sworn to the faithful discharge of the duties of said office; which oath shall be entered and subscribed by such Secretary, on the records of said board, and attested by the person administering the same; and a certificate from the records of said board, shall be received and admitted as evidence in all cases relating to the proceedings of said board. On the death or resignation of any member of the said Board of Health, such vacancy shall be filled by election, by ballot, at the next town meeting which may be holden after such vacancy exists; and a majority of the board shall be competent to transact any business which the whole board could transact.

First meeting.

Organization
of Board.

SEC. 2. *Be it further enacted,* That the said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth, that may be injurious to the inhabitants of the town of Charlestown, which do or may exist within the limits of said town, or in any vessel at any wharf within the limits thereof; and the same to destroy, remove, or prevent, as the case may require; and all the expenses attending the same, to be paid by the person or persons, who caused such nuisance to exist, if known; and if not known, such

General Powers.

expense to be paid by the town: And in all cases, where such nuisance, source of filth, or cause of sickness, shall be found on private property, the owner or occupier thereof, on being notified by the authority of this board, and ordered to destroy or remove the same, shall forthwith remove or destroy such filth or nuisance; and in case said owner or occupier shall refuse or neglect to remove such filth, nuisance, or cause of sickness, from his, her, or their property, within the time specified by said board, he, she, or they, so offending, shall forfeit and pay a fine, of not less than one dollar, nor more than one hundred dollars, to be sued for and recovered by said Board of Health, in manner hereafter directed. And any two members of this board may cause the same nuisance to be removed or destroyed, as the case may require; and all costs or expenses, incurred in removing or destroying the same, shall be paid by such owner or occupier, on whose premises, or in whose possession such cause of sickness, nuisance, or source of filth may be found. And the said board may have power to appoint scavengers when necessary, to carry into effect the requirements of this act, and the same to remove, and substitute others at the pleasure of the board.

SEC. 3. *Be it further enacted,* That the said Board of Health shall have power to seize, take, and destroy, Seizures. or to remove to any safe place within the limits of the town, or cause the same to be done, any unwholesome and putrid, or tainted meat, fish, bread, vegetables, or other articles of the provision kind, or liquor, which in their opinion (first consulting some respectable physician of the town of Charlestown,) shall be injurious to the health of those who might use them; and the cost of seizing, taking, destroying, or removing, shall be paid by the person or persons, in whose possession the same unwholesome, putrid or tainted article shall or may be found: And whenever said board shall think it necessary for the preservation of the lives or health of the inhabitants of said town, to enter forcibly any May enter houses. building or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the town of Charlestown, for the purpose of examining into, destroying, removing or preventing any nuisance, source

of filth, or cause of sickness aforesaid, which said board have reason to believe is contained in such building or vessel; any member of said board, by order of said board, may apply to any Justice of the Peace, within and for the county of Middlesex, and on oath complain and state, on behalf of said board, the facts, as far as said board have reason to believe the same, relative to such nuisance, source of filth, or cause of sickness aforesaid; and such Justice shall thereupon issue his warrant directed to the Sheriff of the county of Middlesex, or either of his Deputies, or any Constable of the town of Charlestown, therein requiring them, or either of them, taking with them sufficient aid and assistance, and also in company with said Board of Health, or any two members of the same, between the hours of sun rise and sun set, to repair to the place where such nuisance, source of filth, or cause of sickness, complained of as existing as aforesaid, and there if found, the same to destroy, remove or prevent, under the directions and agreeably to the order of said Board of Health, or such members of the same as may be present for such purpose: *Provided however*, that no Sheriff, Deputy Sheriff, or Constable, shall execute any civil process, either by arresting the body, or attaching the goods or chattels of any person under color of any entry made for the purpose aforesaid, unless such service could by law be made without such entry; and all services, so made under cover of such entry, shall be utterly void; and the officer making such service shall be considered a trespasser to all intents *ab initio*; and in all cases where such nuisance, source of filth, or cause of sickness, shall be removed as aforesaid, the costs arising in such proceedings shall be paid by the person or persons who caused or permitted the same nuisance, source of filth, or cause of sickness to exist, or in whose possession the same may be found.

SEC. 4. *Be it further enacted*, That the said Board of Health shall have power to make such rules, orders and regulations from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Charlestown, which they may think necessary; which rules, orders and regulations, after having been posted up

Proviso.

Fines.

Rules, &c.

in three or more public places within the town, shall continue in force and be obeyed by all persons until altered or repealed by said board, or by the town; and any person or persons who shall disobey or violate any such rules, orders or regulations so as aforesaid made, shall severally forfeit and pay for such offence a sum not less than one dollar, nor more than fifty dollars, according to the nature and aggravation of such offence.

SEC. 5. *Be it further enacted*, That the powers and duties which are given to, or required of the Selectmen of the town of Charlestown, by a law of this Commonwealth, passed on the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety seven, entitled "An act to prevent the spreading of contagious sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to, and made the duty of the Board of Health of the town of Charlestown, from and after the election of said board, any thing in the said laws to the contrary notwithstanding. And for all expenses, which may arise in the execution of their duty, the said Board of Health shall be authorized to draw upon the Town Treasurer of the town of Charlestown; and the accounts of said board, including all receipts and expenditures of money, shall be examined annually, and reported to the town by a committee chosen for that purpose; and the same shall be paid by the Town Treasurer of the said town of Charlestown.

Transfer of powers.

Annual statement of accounts.

SEC. 6. *Be it further enacted*, That all fines, forfeitures and sums to be paid, arising under any of the provisions of this act, shall be prosecuted for, by and in the name of the Board of Health of the town of Charlestown, in the same manner within the county of Middlesex, as is pointed out by the twelfth section of an act passed on the twentieth day of June, one thousand eight hundred and sixteen, entitled "An act to empower the town of Boston to choose a Board of Health, and to prescribe their power and duty for the recovery of all fines and forfeitures arising under said act in the county of Suffolk:" and all monies, arising by fines, forfeitures or sums to be paid under any of the provisions of this

Fines.

act, shall enure to the use of the inhabitants of the town of Charlestown, and shall be accounted for by said board to the Treasurer of said town.

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

CHAP. XIII.

An Act to regulate the Fishery in First Herring Brook, in the town of Scituate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Scituate shall be Fish Wardens in said town, and shall have authority to open necessary and convenient sluice ways through any dam erected on the First Herring Brook, so called, in said Scituate, and shall annually form and publish such regulations respecting the preservation, and the time and manner of taking alewives in said First Herring Brook, with suitable fines and penalties annexed to the breach of said regulations as they may judge proper; said fines and penalties to be recovered by action or complaint in any Court having competent jurisdiction: *Provided*, said regulations are not inconsistent with the constitution and laws of this Commonwealth: *And provided also*, that the said town of Scituate, at any legal meeting for that purpose, shall have power to dispose of the right of fishing in said First Herring Brook, according to the regulations aforesaid, to such persons, and upon such terms, as they may determine to be proper; and all fines and penalties, which may be recovered for breaches of this act, shall enure one half to the complainant, or person who may sue for and recover the same, and the other half to the poor of said town of Scituate. And the said regulations, which may be so formed and adopted by the Selectmen, shall be recorded in the town records; and it shall be deemed sufficient notice

Wardens,
their authority

Proviso.

Appropriation
of Fines.

to all persons of the publication of said regulations, by posting them up in three several places in the said town, as the discretion of the Selectmen may direct.

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

CHAP. XIV.

An Act to establish the First Baptist Society in Colraine.

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 Lyons, George Winslow, David Smith, Calvin Smith the second, Ebenezer Taylor, Eliphalet Adams, Thomas Fox, Ephraim Manning, John Manning, Ira Call, John Smith, Jonathan Johnson, Jonathan M. Smith, Lemuel Pierce, Aaron Carey, Robert Merryfield, Nathaniel Smith, Hezekiah Smith, George Walker, Junior, Jacob Gragg, Reuben Hillman, Hugh McLellan, Micajah Caril, Ephraim Wilcox, Cirenus Wilcox, Edmund Wood, Jonathan Totman, Stoddard Totman, Caleb Totman, Lathrop Perkins, Willard Thomas, junior, Aaron Coy, Joshua Vincent, Levy Coy, Orien Vincent, Moses C. Howard, Aaron Coy, junior, Edward Adams, John Burrington the second, Lemuel Eddy, Amasa Winslow, Abraham Tisdale, Reuben Donelson, Daniel Donelson, Ignatius Pickins, Robert Merryfield, junior, Willard Thomas, Sebra Thomas, Simeon Blandier, George Eels, John Call, Ira Donelson, Jesse Pickins, Daniel B. Sprague, Reuben Coy, Erastus Coy, John Smith the second, Samuel Brown, James McClallen, and Daniel Wilcox, 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 hereby are incorporated into a religious society, by the name of the First Baptist Society in Colraine; with all the powers and privileges, and subject to all the duties and requirements of other religious societies in this Commonwealth.

June 12, 1818.

Condition of
membership.

SEC. 2. *Be it further enacted,* That any inhabitant living in Colrairie, or either of the adjacent towns, who may hereafter desire to join in religious fellowship with said First Baptist Society, shall have a right so to do, by leaving with the Clerk of said society, fifteen days before the annual meeting thereof in March or April, a certificate in writing thereof; and shall also deliver a copy of the same to the Clerk of the town or society, with which such person has been before connected, at least fifteen days before the annual meeting thereof in March or April; and such person, from the day of so leaving such a certificate of his intentions, and such copy thereof as aforesaid, shall be considered to all intents and purposes as belonging to said First Baptist Society; and shall thereafter be exempted from taxation, of a nature exclusively parochial, in the town or society, to which before that time he belonged

Certificate of
secession.

SEC. 3. *Be it further enacted,* That when any member of said First Baptist Society may see cause to secede therefrom, and to unite with any other religious society in the town of Colrairie, or in either of the adjoining towns, the like rule, in relation to certificates, shall be observed and required, *mutatis mutandis*, as is required in the second section of this act: *Provided always*, that in every case of secession from one society and joining another, the person so seceding shall be holden in law to pay his or her proportion of all taxes assessed, or voted to be assessed, on him or her, and on his or her estate, in the society so removed from.

First meeting.

SEC. 4. *Be it further enacted,* That any Justice of the Peace within the county of Franklin, be, and he hereby is, on application therefor, empowered to issue his warrant, directed to some freeholder belonging to said First Baptist Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be therein appointed, to organize said society, by electing such officers as are usual in other similar societies; and by transacting such other business of a parochial nature, as in said warrant shall be expressed. And such officers, so chosen, shall hold their respective offices until others shall be

chosen and sworn in their stead, in the month of March or April next after the first meeting of said First Baptist Society.

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

CHAP. XV.

An Act to incorporate the American 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 Thomas H. Perkins, William H. Boardman, Paschal P. Pope, Jonathan Amory, junior, James Perkins, Benjamin Rich, David Hinckley, Daniel P. Parker, Edmund Munroe, Seth Knowles, Richard D. Tucker, Samuel Parkman, junior, Robert G. Shaw, Moses Wheeler, Ebenezer Farley, Francis J. Oliver, and Caleb Loring, with their associates, successors, and assigns. be, and they hereby are incorporated into a company and body politic, by the name of the American Insurance Company; with the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations, contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of insurance companies," passed on the fifteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure; and may purchase, hold and convey any estate, real or personal, for the use of said company; *provided* they shall not hold real estate exceeding the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Persons incor-
porated.

Powers.

May sue and
be sued.

Proviso.

SEC. 2. • *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits, arising from business, shall not be less than three hundred thousand dollars, nor more than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; ten per centum of which shall be paid in money, by each and every subscriber, on the amount of his subscription, 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; and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and be paid in such sum or sums, at such time or times, and under such penalties as the said President and Directors shall, in their discretion, direct and appoint.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company shall be managed and conducted by thirteen Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others 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 Tuesday 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 stockholder 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 unavoidable accident, the said Directors should not be chosen on the second Tuesday of January as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Capital Stock.

Securities.

Management
of business.Annual elec-
tion of officers.

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

Presidency.

Vacancies filled up.

SEC. 5. *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 and laws of this Commonwealth.

Board of Directors.

Powers and duties of Directors.

SEC. 6. *Be it further enacted*, That any two or more persons named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Boston, by advertising the same for one week, in two of the newspapers printed in the said town, for the purpose of electing a first Board of Directors, who shall continue in office until the second Tuesday of January, in the year of our Lord one thousand eight hundred and nineteen.

First meeting.

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

CHAP. XVI.

An Act to annex Paul Crowell and others, to the Calvinistic Congregational Society, in Sandwich.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Paul Crowell, William King, Lavina Howland, Richard Derrick, and Shubael Ewer, with their families and estates, be, and they hereby are set off from the first parish in the town of Sandwich, and annexed to the Calvinistic Congregational Society in said Sandwich, with all the rights and privileges which other members of the said Calvinistic Congregational Society have and enjoy.

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

CHAP. XVII.

An Act to incorporate the Nantucket Phoenix 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 Joseph Chase, Paul Gardner, Zenas Coffin, and others, and all such persons as have already, or shall hereafter, associate with them, being citizens of the United States, be, and they hereby are incorporated into a company and body politic, by the name of the Nantucket Phoenix Insurance Company; and shall have all the powers and privileges, and be subject to all the duties, requirements and restrictions contained in an act, entitled "An act to define the powers, duties and restrictions of Insurance Companies," passed on the sixteenth day of February last; which corporation shall continue for and during the term of twenty years from the passing of this act; and

Persons incorporated.

Powers and privileges.

by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution ; and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate, for the use of said company.

SEC. 2. *Be it further enacted,* That a share in the capital stock of said company shall be one hundred dollars, and the number of shares one thousand ; and if the whole number of shares are not already filled, subscriptions shall be kept open, under the direction and inspection of the President and Directors of said company, until the same shall be filled ; and the whole capital stock and property, which the said company shall be authorized to hold, shall be one hundred thousand dollars, exclusive of premium notes, or profits, arising from their business ; of which capital stock or property, not more than ten thousand dollars shall be invested in real estate.

SEC. 3. *Be it further enacted,* That the concerns of said corporation shall be managed by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer ; which Directors shall, at the time of their election, be stockholders, and citizens of the Commonwealth, and shall be elected on the second Monday of January in each and every year, at such time and place in the town of Nantucket, as a majority of the Directors, for the time being, shall appoint ; of which election public notice shall be given, by advertising, at two of the most public places in the town of Nantucket, for the space of ten days immediately preceding such election ; and such election shall be holden under the inspection of three stockholders, not being Directors, to be appointed previous to every election, by the Directors ; and shall be made by ballot, by a majority of votes of the stockholders present, allowing one vote for each share in the capital stock ; *provided,* no stockholder shall be allowed more than ten votes, and the stockholders not present may vote by proxy, under such regulations as the company may prescribe ; and, if by any unavoidable accident, the Directors should not be chosen, on the second Monday of Janu-

Capital Stock.

Management of business.

Election of Officers.

Proviso.

ary as aforesaid, it shall and may be lawful to choose them on another day, in manner aforesaid.

Presidency.

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

Board of Directors.

Duties and emoluments of Officers.

SEC. 5. *Be it further enacted*, That the President and three Directors, or four of them in his absence, shall constitute a board competent to do 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 may appear needful, respecting the management and disposition of the stock, property and estate of said company, and shall have power to appoint a Secretary, Clerks and Servants, for the purpose of managing said business, and allow them such salaries for services, and such compensation to the President, as shall be deemed equitable and just; *provided*, such by-laws, rules and regulations, shall not be repugnant to the laws of this Commonwealth.

Meetings of Directors.

SEC. 6. *Be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Directors shall deem proper; and the President and committee of three of the Directors, to be by him appointed, in rotation, shall assemble daily, if necessary, for the despatch of business; and it shall be the duty of the Directors, on the second Monday of January and June, in every year, to make dividends of so much of the interest arising from their capital stock, and the profits of said company, as to them shall appear advisable; and fifty dollars on each share of said stock shall be paid within sixty days after the first meeting of said company; and the remaining sum due

on each share, within one year next afterwards, by Instalments. such instalments as said company shall direct ; and no transfer of any share in said company shall be valid, until all the instalments on such share shall have been paid.

SEC. 7. *Be it further enacted*, That no person, being a Director of any other company, carrying on the business of marine insurance, shall be eligible as a Director of the company by this act established ; and the property of any member in said company, with the dividends due thereon, shall be liable to attachment and execution in favor of any *bona fide* creditor, in manner following, viz. whenever a proper officer, having a writ of attachment or execution against any member, shall apply to the Secretary of said company ; it shall be his duty to expose the books of the corporation to such officer, and furnish him, in his official capacity, with a certificate under his hand, ascertaining the number of shares which the said member holds, and the amount of dividends due thereon ; and when any such shares shall be attached on mesne process, or taken in execution, an attested copy of such writ of attachment or execution shall be left with the Secretary ; and such shares shall be sold on execution, on due notice by the officer, of the time and place of sale, and conforming in all respects to the law respecting sales of personal property on execution : And it shall be the duty of such officer, making such sale, within ten days next after said sale, to leave an attested copy of the execution, with his return thereon, with the Secretary of the company ; and the vendee shall thereby become the proprietor of such shares, and all dividends thereon, if the same dividends have accrued after taking in execution aforesaid, or when there has been a previous attachment, after such attachment, notwithstanding any intervening transfer.

Individual property liable to attachment.

SEC. 8. *Be it further enacted*, That the President and Directors of said company shall, when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said company, and submit to an examination under oath, or affirmation, concerning the same ; and Sylvanus Macy is hereby authorized to call a meeting of the members of

Accounts to be examined.

said company, for the choice of Directors, by advertising the same, in two of the most public places in the town of Nantucket, for ten days at least, previous to the choice of the first Board of Directors, who, when chosen, shall continue in office until the second Monday in January next, and until others are chosen in their stead.

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

CHAP. XVIII.

An Act to incorporate the China 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 an Academy, in the town of China, in the county of Kennebec, by the name of the China Academy, for the purpose of promoting piety and virtue, and for the education of youth in such languages, and in such of the liberal arts and sciences, as the Trustees herein after provided, shall order and direct.

SEC. 2. *Be it further enacted*, That Abraham Burrill, Esquire, Reverend Daniel Lovejoy, Doctor Daniel Stevens, Jonathan Fairfield, Esquire, Colonel Nathan Stanley, of said county of Kennebec, be, and they hereby are appointed Trustees of said Academy; and they and their successors shall be and continue a body politic and corporate, by the same name forever.

SEC. 3. *Be it further enacted*, That the number of Trustees for the said Academy, shall never be more than five, nor less than three, a majority of whom shall be necessary to constitute a quorum for transacting business; and whenever any one of said Trustees shall die or resign, the surviving Trustees shall elect one or more persons to fill such vacancy or vacancies.

SEC. 4. *Be it further enacted*, That the Trustees aforesaid and their successors be, and they are hereby

Location.

Trustees.

Vacancies to
be filled up.

authorized to hold, by gift, grant, devise, bequest, or otherwise, any lands, tenements, or other estate, real or personal, which hath, or may be given, or subscribed for the purpose aforesaid; *provided* that the annual income of said real estate shall not exceed one thousand dollars, and the annual income of said personal estate shall not exceed the sum of twelve hundred dollars. And all deeds and instruments, which the said Trustees may lawfully make, shall be sealed with their seal, and shall bind the said Trustees and their successors, and be valid in law. May hold real estate.

SEC. 5. *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 may see cause; and they may sue and be sued, in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of the China Academy; and may appoint an agent or agents, to prosecute and defend such suits. May sue and be sued.

SEC. 6. *Be it further enacted*, That the said Trustees and their successors be, and they are hereby constituted the Visitors, Trustees, and Governors of the said Academy, in perpetual succession forever, to be continued in the way and manner herein provided, with full power and authority to elect and appoint such Preceptors, Teachers, and other officers, and to make and ordain such laws, rules, and orders, as they may, from time to time, judge necessary and convenient for the good government of the said Academy; *provided* they are in no case repugnant to the constitution and laws of this Commonwealth. Powers of Trustees.

SEC. 7. *Be it further enacted*, That any Justice of the Peace for the county of Kennebec be, and he is hereby authorized to appoint the time and place for holding the first meeting of the said Trustees, and shall notify them thereof accordingly. First meeting.

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

CHAP. XIX.

An Act in further addition to an act, entitled “An act providing for the government and regulation of the State Prison.”

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 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 for providing for the government and regulation of the State Prison,” as relates to the annual salary of the Chaplain of said prison, be, and the same is hereby repealed; and that from and after the passing of this act, the Chaplain of said prison shall receive two hundred and fifty dollars, annually, payable in quarter yearly payments, in full compensation for his services.

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

CHAP. XX.

An Act in addition to an act, entitled “An act to incorporate the Proprietors of the North Meeting House, in Salem.”

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 Meeting House, in Salem, in the county of Essex, be, and they hereby are authorized and empowered, at a meeting to be called for that purpose, to make a new valuation of the gallery pews in said

meeting house; and that after such new valuation, all sums voted to be raised by said proprietors, shall be assessed upon such floor pews as the proprietors shall determine on, according to the original valuation thereof, as recorded in the proprietors' book, and upon such gallery pews as they shall determine on, according to said new valuation: *Provided however*, that no pews shall be exempted from assessment, except such as have been heretofore exempted by said proprietors.

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

CHAP. XXI.

An Act to establish the town of Jackson, in the county of Hancock.

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 Jackson, in the county of Hancock, as contained within the following described bounds, be, and hereby is, with the inhabitants thereon, established as a town, by the name of Jackson, viz.: beginning at the north-east corner of said Jackson, on the line of Dixmont; thence running west by the line of Dixmont and Joy, about eighteen hundred and twenty-five rods, to the north-west corner of said Jackson; thence south, three degrees east, by the plantation of Lincoln, about seventeen hundred rods, to the south-west corner of Jackson, aforesaid; thence north, eighty-seven degrees east, eleven hundred and twenty rods, by the town of Brooks, to the south-east corner of Jackson, aforesaid; thence by Lee Plantation, (now Monroe) to the bounds first mentioned. And the said town of Jackson 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.

SEC. PARISH IN DEERFIELD. *June 12, 1818.*

First meeting. 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 said town of Jackson, requiring him to notify and warn the inhabitants of the said town, to meet at such convenient time and place as shall be appointed in 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, June 12, 1818.]

CHAP. XXII.

An Act to incorporate the Second Parish, in the town of Deerfield.

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 the following named persons, inhabitants of the town of Deerfield, in the county of Franklin, viz. Abner Cooley, Elijah Arms, Isaac Parker, Artemas Williams, Joseph Saunderson, Elihu Barnard, Asa Hawks, John Amsden, Jonathan Hawks, Elihu Clary, Elisha Field, Elisha Clapp, William Hawks, Timothy Blodget, Simeon Blodget, Asa Johnson, Waitstill Hawks, Lemuel Tryon, Silas Hawks, Rufus Clark, Jedediah Clark, Eliakim Arms, William Anderson, Zebina Russell, John Anderson, William Tryon, Eber Allis, Reuben Jewett, Luther Tryon, Philip Smith, Zebadiah Graves, Russell Cooley, Amos Russell, Benjamin Mann, Zebadiah Graves, junior, Ephraim Sprague, Dennis Arms, Samuel Graves, Ira Billings, Augustus Baldwin, Samuel Rogers, Seth Arms, Jesse Billings, Eliphaz Arms, Eli Cooley, Erastus Arms, Harry Arms, John Baldwin, Timothy Billings, Dennis Cooley, Solomon Anderson, Stephen Whiting, Jesse Severance, and Elisha Nims, with their estates, be, and they hereby are incorporated into a religious society, by the name of the Second Congrega-

tional Parish, in Deerfield ; with all the powers, privileges and immunities, and subject to all the duties to which other religious societies in this Commonwealth are entitled or obligated by law, excepting as is herein otherwise enacted, provided or declared. Powers and privileges.

SEC. 2. *Be it further enacted*, That any of the inhabitants of the said town of Deerfield, who may desire to join said society, shall have full liberty thus to do, at any time within twelve months after the passing of this act ; *provided* they signify in writing, under their hand, to the Clerk of said town, and also to the Clerk of said second parish, their wish and determination of being considered as members of said second parish ; and they shall be accordingly recorded as such by the several and respective Clerks aforesaid. Admission of members.

SEC. 3. *Be it further enacted*, That if any person, who may hereafter come to reside and dwell within the limits of said town, shall be desirous of joining the said society, such person shall have full liberty to do it, with his estate, at any time within twelve months of the time of his so coming to reside and dwell in said town, by making known his determination of the same, in the manner pointed out in the second section of this act ; and the Clerks shall make record thereof, as is above provided. Terms of admission.

SEC. 4. *Be it further enacted*, That all young persons, who now do, or hereafter shall reside and dwell within the limits of the said town, shall, when they become twenty-one years of age, have full liberty, at any time within twelve months after they shall have arrived at that age, to join, with their estates, the said society, by making known such their determination in manner herein before provided ; and the Clerks shall make record thereof as abovementioned. Time of admission.

SEC. 5. *Be it further enacted*, (the inhabitants of said town of Deerfield in legal meeting assembled, and the persons herein incorporated into a second parish having thereto consented and agreed) That the inhabitants of the said town shall hereafter be holden and obliged to pay the sum of three hundred and thirty-three dollars and thirty-three cents, annually, towards the support of a congregational minister in said second parish, and at that rate for any fractional part of a Ministerial tax.

SEC. PARISH IN DEERFIELD. *June 12, 1818.*

year, that such minister may be settled in the same parish, and that the Assessors of said town shall have the authority and power, and it is hereby made their duty to assess annually, in the same manner as though the said second parish had not been incorporated, in the annual ministerial tax, on all the inhabitants of said town, whether members of the first or second religious congregational parish therein, in addition to the sum or sums, which it may be necessary to assess, to pay the minister of the first parish his salary, and to keep in repair the present congregational meeting house in said town, the further sum of three hundred and thirty-three dollars and thirty-three cents, or such fractional parts thereof, as the case may require ; which sum or such fractional part thereof, according as the case may require, shall be payable and paid, from time to time, and at all times hereafter, by the Treasurer of the said town, on demand upon him made, to the Treasurer of the said second parish, at the same time and times, as the salary of the present congregational minister of the said town is payable ; to be appropriated towards the annual support of any congregational minister and ministers, who shall be regularly settled in said second parish ; reckoning and accounting from the time of the settlement of such minister and ministers, and during his and their continuance in said office ; such minister and ministers so settled in said second parish, relinquishing all claim to the lands in the said town, sequestered for the use of the ministry, and to all monies which have arisen or shall hereafter arise, from the sale of any of the said lands, and to the ministerial fund in said town, so called, as has been heretofore practised in the settlement of ministers in said town ; leaving the same, as they now are, subject to the controul and management of said town : *Provided however*, that when the cost and expense of the repairs, which may be made upon the present congregational meeting house in the said town, shall, in any one year, amount to the sum of twenty dollars or more, the Treasurer of the said town, shall be holden and obliged to pay over to the Treasurer of the said second parish, on demand made as aforesaid, and at the same time and times as is above mentioned, the just proportion of such cost and

Money to be
paid to Treas-
urer of second
parish.

Proviso.

expense, which shall have been assessed in the ministerial tax, on the members of said second parish; *provided also*, that the members of the first parish shall not be holden or obliged to pay any thing towards the settlement of any minister who may hereafter be settled in the second parish, or for the building or repairing of any meeting house, which may be erected by or for the same parish: *Provided also*, that upon the future settlement of any minister in the first parish, the members of the second parish shall be wholly exempted from contributing any thing towards his settlement. *And provided also*, that if, at any future time, the first parish should build a new meeting house or meeting houses, for the accommodation of its members, the then existing members of the second parish shall be likewise exempted from contributing or paying any thing towards the cost and expense of the same.

Provisos.

SEC. 6. *Be it further enacted*, That the officers of the said town of Deerfield, whose duties are similar to the duties of officers usually chosen and appointed in parishes, shall, *ex officio*, be considered to all intents and purposes, as the officers of said first parish; and it shall be lawful to insert in the warrants for calling town meetings in said town, any article of a parochial nature, relating to the concerns of the said first parish, and to act on the same as though the said second parish had not been incorporated: *Provided however*, that in all matters and things, merely of a parochial nature, transacted in such town meetings, the then members of said second parish shall not be entitled to vote, or in any way interfere with the same.

Special business of meetings.

SEC. 7. *Be it further enacted*, That any Justice of the Peace in said county of Franklin be, and he hereby is authorized to issue his warrant, directed to some member of the said second parish, requiring him to notify and warn the members of the same parish, qualified to vote in parish affairs, to assemble at such convenient time and place in said town of Deerfield, as shall be expressed in said warrant, to choose such officers, as parishes are by law required to choose in the month of March or April, annually, and to transact all other matters and things necessary for the well being of the same parish.

First meeting.

CHAP. XXIII.

An Act to annex Elisha Harmon, with his family and estate, to the North Parish, in the town of New Marlborough.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Elisha Harmon, with his family and estate, be, and they are hereby set off from the south, and annexed to the north parish, in the town of New Marlborough ; provided, that the said Elisha Harmon shall be holden to pay his proportion of all parish expenses assessed and not paid prior to the passing of this act.*

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

CHAP. XXIV.

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

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the farther time of one year, from the first Monday of October next, be granted and allowed to the Trustees of the Nantucket Bank, for the sole purpose of enabling said Trustees gradually to settle and close their concerns, and divide their capital stock ; they conforming in all respects, to an act passed the twenty-fourth day of June, in the year of our Lord one thousand eight hundred and twelve, entitled "An act to enable certain banks in this Commonwealth to settle and close their concerns."*

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

CHAP. XXV.

An Act to incorporate the Essex 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 Timothy Pickering, William Bartlett, John Heard, Thomas Kittredge, David Howe, Ichabod Tucker, Asa Andrews, Nehemiah Cleveland, David Cummins, Joseph Peabody, Ichabod Nichols, Robert Dodge, Thomas M. Clark, William B. Banister, Isaac Osgood, John Adams, Frederick Howes, Hobart Clarke, Jesse Putnam, Ezekiah Flint, Thomas Stephens, Nathaniel Hooper, Benjamin T. Reed, William Reed, Temple Cutler, Paul Kent, Elisha Mack, John G. King, Theodore Eames, Joseph Andrews, Michael Webb, Benjamin R. Nichols, and Leverett Saltonstall, 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 Essex 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; and also have power to sell, alien, or dispose of the same estate, real and personal, not using the same in trade or commerce.

SEC. 2. *Be it further enacted*, That David Cummins, Esquire, of Salem, in said county, be, and he hereby is authorized to notify and call the first meeting of the society aforesaid, for the purpose of organizing the same, and for establishing 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, in each of the newspapers printed within the said county of Essex.

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

CHAP. XXVI.

An Act to incorporate the Salem Commercial 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 Nathaniel Silsbee, Joseph Story, Stephen White, Nathaniel West, junior, Timothy Bryant, and William P. Richardson, with their associates, successors, and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Salem Commercial Insurance Company; with all the powers and privileges granted to insurance companies, and subject to all the restrictions, duties and obligations contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of insurance companies," passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen, for and during the term of twenty years, after the passing of this act; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution; and may 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; *provided* the said real estate shall not exceed the value of twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security, for monies due to said company.

Persons incor-
porated.General Pow-
ers.May hold real
estate.

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company, exclusive of premium notes and profits arising from business, shall not be less than one hundred thousand dollars, nor more than two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, fifty per cent. of which shall be paid in money by each and every subscriber, on the amount of his subscription, within thirty days after public notice given by the President and Directors, chosen by the stockholders, in two newspa-

pers, printed in the town of Salem, and the residue shall be secured by a deposit of stock of the United States, or of this Commonwealth, or of some bank within this Commonwealth, or such other security as may be approved by three fourths of the Directors, and be paid in such sum or sums, at such time or times, and under such penalties as the said President and Directors shall, in their discretion, direct and appoint.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company shall be managed and conducted by nine Directors, one of whom shall be President thereof, and 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 Salem, as a majority of the Directors, for the time being, shall appoint ; of which election public notice shall be given, in two of the newspapers, printed in the town of Salem, 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 for each share in the capital stock ; *provided* that no stockholder shall be allowed more than ten votes ; and absent stockholders may vote by proxy, under such regulations as the said 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.

Officers annually elected.

Proviso.

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

Presidency.

June 12, 1818.

manner as herein before directed, respecting annual elections of Directors.

By-laws and
regulations.

SEC. 5. *Be it further enacted*, That the President and four of the Directors, or five 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* such by-laws and regulations shall not be repugnant to the constitution or laws of this Commonwealth.

Provide.

First meeting.

SEC. 6. *Be it further enacted*, That any two or more persons, named in this act of incorporation, are hereby authorized to call a meeting of the said company, as soon as may be, in Salem, by advertising the same for two successive weeks, in the Essex Register and Salem Gazette, printed in Salem, for the purpose of electing a first Board of Directors, who shall continue in office until the second Monday of January, in the year of our Lord one thousand eight hundred and nineteen.

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

CHAP. XXVII.

An Act to incorporate the Episcopal Church in Dedham.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Abel D. Alleyne, John

W. Ames, John W. Baker, Silas Bacon, Pitts Butterfield, John P. Cain, Seth Chapin, John Cox, John B. Derby, Abner Ellis, Stephen Farrington, Mary Gay, Timothy Gay, Timothy Gay, junior, Cyril Gillet, Ezekiel Kingsbury, Noah Kingsbury, Moses Kingsbury, Joshua Kingsbury, Samuel Lowder, William H. Mann, Eliphalet F. Mason, Nathaniel Polley, junior, Timothy Richards, Jesse Richards, Willard Richards, James Richardson, Jeremiah Shuttlesworth, and Erastus Worthington, together with all the present proprietors of the pews of said church, with their families and estates, and such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a Protestant Episcopal Society, by the name of the Episcopal Church in Dedham; with all the powers and privileges, and subject to all the duties and restrictions of other religious societies, according to the constitution and laws of this Commonwealth, and the rights and usages of the Protestant Episcopal Church in the United States. Persons incorporated.
General Powers.

SEC. 2. *Be it further enacted*, That each and every one of the above mentioned persons and proprietors, shall be entitled to the same privileges of voting and acting, at all legal meetings of said society, excepting that the admission of future members shall be determined solely by the votes of the major part of the proprietors of pews present, at a legal meeting of said society, called for that purpose; and in no case, shall any proprietor be entitled to more than one vote for any number of pews which he may possess. Votes.

SEC. 3. *Be it further enacted*, That all persons desirous to associate with the said Episcopal Church, who may enter their names with the Clerk thereof, and be admitted in manner aforesaid, shall be deemed members, and as such, be liable to all legal duties and assessments; *provided*, that those who may thus become members hereafter, shall, before they are exempted from taxation for the support of public worship in the town or parish where they reside, leave notice, in writing, with the Clerk thereof, of their having associated with the said Episcopal Church: *Provided also*, that persons withdrawing from the said Episcopal Church, who may give like notice to the Clerk thereof, Membership.
Provisos.

shall be no longer liable to taxation there; but they, with their polls and estates, shall again become liable to all taxes and duties, for the support of public worship in the towns or parishes where they may reside.

Rectorship supplied.

SEC. 4. *Be it further enacted*, That whenever the office of Rector, in said society, shall be vacant, the said society, at a meeting duly called for that purpose, shall elect a Rector, who shall be inducted according to episcopal usage.

Annual meeting.

SEC. 5. *Be it further enacted*, That the annual meeting of the society shall be on Easter Monday, at the Church in Dedham, at such hour as the Wardens shall notify: at which time, the said society shall choose two Wardens, three or five Vestry Men, a Treasurer, Clerk, and other necessary officers, who shall continue in office one year, and until others are chosen and qualified; and special meetings shall be notified in the same manner, by the Wardens, as parish assessors or committees, are by law required to notify parish meetings.

May hold real estate.

SEC. 6. *Be it further enacted*, That the said Episcopal Society may hold by gift, grant, or otherwise, real and personal estate, the annual income of which shall not exceed five thousand dollars; and the Wardens and Vestry shall have the management of the same, pursuant to the votes of the said society, and subject at all times to account to them: but in no case, shall either the Wardens and Vestry, or the society, reduce the rents of the church glebe, already fixed by contract.

Duties and responsibility of Treasurer.

SEC. 7. *Be it further enacted*, That the Treasurer of the said church shall give bond, with sureties to the satisfaction of the Wardens and Vestry, for the faithful performance of his duties, in the penal sum of two thousand dollars; and he only shall have a right to receive the rents and monies of said society; and for that purpose, shall have custody of all leases and other written evidence of debts due to them; and he shall annually, submit to the Wardens and Vestry, and to the society, a full and detailed account of all monies, by him received and paid.

SEC. 8. *Be it further enacted*, That all deeds of pews in said church, shall be recorded within three

months after they are executed, in the books of the Clerk of said society, and need not be hereafter recorded in the office of the Town Clerk, or Register of Deeds.

SEC. 9. *Be it further enacted*, That upon application to any Justice of the Peace for the county of Norfolk, he is hereby empowered to issue his warrant, directed to one of the persons named in this act, requiring him to notify and warn a meeting of the members of the said Episcopal Society, to meet at such convenient time and place as shall be appointed in said warrant, for the choice of church officers, and the doing such other business as may be necessary for the due organization of the said society. First meeting.

SEC. 10. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed; *provided* such repeal shall, in no manner, affect any contract already made under, or confirmed by said acts, or any action now pending. Acts repealed.

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

CHAP. XXVIII.

An Act to direct the manner of assessing and collecting Taxes on the Pews, and rights to Pews, in the Meeting House, belonging to the Congregational Society, in the town of Alfred.

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 lawful for the Assessors of the Congregational Society in the town of Alfred, in the county of York, for the time being, on a vote of said Congregational Society, first duly passed and declared, in a legal meeting; and they are hereby empowered to assess the several pews, and rights to pews, in said meeting house, and the several parts and Assessment of Pews.

proportions thereof, according to the value the said Assessors shall set on said pews, and said rights to pews, of all or any part of such sums of money as the said society may vote specially to raise and appropriate for the payment of the labor and materials which have been furnished and expended in and about the reparation and improvement of said house ; and also for such further sum or sums, as may, by the vote of said society, be deemed necessary to the reparation and improvement already begun ; and in case, at any future period, the same house shall need repairing, the Assessors of said society, for the time being, may assess the said pews and rights in manner aforesaid, such sums for the repairs thereof as the said society shall determine and vote to be needful for that purpose ; and the assessments so made shall be committed to such Collectors as may, by the said society, be appointed to collect the same, with directions to collect and pay in the same to the Treasurer of said society, at such time or times as the said Assessors shall direct. And the Treasurer of the said Congregational Society shall keep a separate account, distinct from other monies, of the sums thus received, and the manner in which they are expended ; and shall have the same power to compel the payment of the sums from the said Collector, in case of delinquency, as is by law provided for parish or society taxes.

SEC. 2. *Be it further enacted*, That if the owner or proprietor of a pew right shall refuse or neglect to pay the sum assessed thereon, as aforesaid, for the space of thirty days after notice of the assessment shall have been posted up on the door of said meeting house, and two other public places in the said parish or society, as the said Assessors shall in writing direct, it shall be lawful for said Collector to sell said pew, or pew right, at public vendue, to the highest bidder, first giving fifteen days notice of the time and place of sale, by posting up notifications thereof, at the said meeting house door, and at two other places in the said town of Alfred : And if the said pew or pew right is sold for more than the amount of the tax, then the overplus money, after the said tax, and the expenses of notifying and selling, shall be paid over to the former owner or proprietor, if known and living within said town of Alfred,

Pews may be sold in default of paying assessment.

within ten days after the said sale ; but if the proprietor is unknown, and not residing within said Alfred, the said Collector shall, within ten days next after the said sale, pay over the said surplus to the Treasurer of said society, for the use of the former proprietor of the said pew. And the mode of transferring pews, sold by the Collector for the non-payment of taxes, as aforesaid, shall be by deed, under his hand and seal, acknowledged before a Justice of the Peace ; but a record of the deed thus made in the records of the society by the Clerk thereof, within six months after acknowledging and delivering the same, or a copy thereof, certified by the Clerk of said society, shall be evidence of the transfer, as well as the original, thus recorded : *Provided always*, that if the former proprietor of a pew, thus sold and transferred, shall, within one full year from the time of sale at vendue, as aforesaid, tender and pay to the purchaser, or his assignee, in case of assignment, the same sum the said pew sold for, with an addition of twelve per cent. it shall be the duty of the purchaser or assignee, to re-convey the same ; and upon his refusing thus to do, the said former proprietor may have the like remedy for obtaining the title and possession of the same pew as mortgagors of real estate now have in the courts of this Commonwealth.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Clerk of said society, upon the payment of thirty-three cents, to record at large, in the record books of said society, the deed of every pew in said house, which may be brought to him for recording ; and to note and certify thereon, as also in the record, the date when the said deed was received for that purpose.

SEC. 4. *Be it further enacted*, That any tax or assessment, made as aforesaid, shall be a lien in and upon the pew or right aforesaid, on which the said tax shall be assessed, let whoever may hold, own, use, occupy and enjoy the same ; and a transfer in manner aforesaid, by deed or certificate, shall operate as a full and absolute conveyance of such pew or pew right.

SEC. 5. *Be it further enacted*, That the form of the deed or certificate, which shall operate as a full and complete conveyance of any pew or pew right, sold in manner aforesaid, by the legal Collector aforesaid, shall be in the form following :

UNIVER. SOC. IN LEVERETT. *June 12, 1818.*

(Seal.) *Know all men by these presents, That*
 I, A. B. of the town of Alfred, in the
 county of York, Collector of taxes for the Congrega-
 tional Society in the said town, have this day sold to
 C. D. of the town of _____ in the county of
 _____ at public vendue, he being the high-
 est bidder therefor, a pew, (or right in a pew, as the
 case may be,) situated in [here describe the location
 of the pew,] for the sum of _____ dollars, in virtue
 of a tax committed to me to collect for the year, [here
 insert the year,] the said tax remaining unpaid, saving
 and reserving to the said owner, his or her heirs or as-
 signs, the right of redeeming the same, as is provided
 in the second section of this act.

In witness whereof, I have hereunto set my hand
 and seal the _____ day of _____ in the year of
 our Lord one thousand eight hundred and _____

Signed, sealed and delivered, }
in presence of }

Collector.

Acknowledged the day and }
year aforesaid, } *Before*

Justice of the Peace.

Which said deed, being duly executed, and regis-
 tered in the office of the Clerk of said parish or society,
 shall operate as a full and absolute conveyance to the
 purchaser of the pew or right, so called and conveyed,
 subject to the conditions and reservations aforesaid :
 And a duly certified copy of such deed, authenticated
 by the Parish or Society Clerk, as having been duly
 recorded, shall be taken and received in every Court
 of Justice within this Commonwealth, as ample and
 plenary evidence of such purchaser's right and pro-
 perty.

CHAP. XXIX.

An Act to incorporate the First Universalist Society
 in Leverett.

SEC. 1. **BE** *it enacted by the Senate and House of*
Representatives, in General Court assembled, and by
the authority of the same, That James Comins, Henry

Rider, Asa Comins, Ransom Adams, Moses Smith, Orlando Field, Aaron Dudley, Asa Moore, Samuel Larned, Martin Moore, Rodolphus Perry, Lewis Gilbert, Samuel Gould, Amos Wilmarth, Edmund Rawson, John Davis, Elijah Grover, Thomas Heard, Jonathan Glazier, junior, Samuel Lamb, Elijah Williams, Jonathan Glazier, Samuel Miley, Joshua Leonard, Gershom Comins, Jonathan Bellows, Porter Nutting, James Comins, junior, and Moses Field, junior, with their families and estates, together with such others as may hereafter associate with them, or their successors, be, and they are hereby incorporated into a religious society, by the name of the first Universalist Society in Leverett; with all the powers, privileges, and immunities to which other parishes or religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only.

Persons incorporated.

SEC. 2. *Be it further enacted,* That said society be, and they are hereby authorized to raise by assessments, on the polls and estates of the members thereof, such sum or sums of money for the erection of any house, for the public worship of God. 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 upon at any legal meeting called for that purpose; and the same may assess or cause to be assessed, on the polls and estates of said members as aforesaid, as they shall, at such meeting, deem proper; and said society shall be capable in law to purchase and hold estate, real and personal; *provided* the annual income thereof shall not, at any one time, exceed the value of two thousand dollars.

Assessments.

May hold real estate.

SEC. 3. *Be it further enacted,* That any person belonging to said town of Leverett, who may be desirous of joining in religious worship with, and becoming a member of the aforesaid society, and give in his or her name to the Town Clerk of said Leverett, with a certificate, signed by the Minister or Clerk of said society, that he or she has actually become a member of, and united with the said Universalist Society in religious worship, shall, from and after giving such certificate, with his or her polls and estate, be considered as part

Conditions of
secession.

of said society : *Provided however*, that such persons shall be holden to pay their proportion of all money granted in the town to which they belonged previous to that time.

SEC. 4. *Be it further enacted*, That if any member of said Universalist Society shall, at any time, see cause to leave the same, and unite with any other religious society, in the towns from which they came, and lodge a certificate of such his or her intention, with the Minister or Clerk of said Universalist Society, and also with the Clerk of the town to which they belong; and shall pay his or her proportion of all money granted by said society previous thereto, such person shall, from and after giving such certificate, with his or her polls and estate, be considered as belonging to the town or parish in which he or she may reside, in the same manner as if he or she had never belonged to the said Universalist Society.

First meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace in the county of Franklin, be, and hereby is authorized to issue his warrant, directed to some suitable person, who is a member of said Universalist Society, requiring him to warn and notify the members thereof to meet at such time and place, in said town of Leverett, as shall be directed in said warrant, to choose such officers as parishes and religious societies in this Commonwealth are by law authorized to choose in the month of March or April, annually.

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

CHAP. XXX.

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

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That so much of an act, en-

titled "An act to incorporate the President, Directors and Company of the Agricultural Bank," as regards the time at which the different instalments of the capital stock are required to be paid in, is hereby repealed ; and that the stockholders of said bank be, and they are hereby required to pay in the first instalment of fifty dollars on each share, on the first day of September next, the second instalment of twenty five dollars on each share, on the first day of January, in the year of our Lord, one thousand eight hundred and nineteen, and the third instalment of twenty-five dollars on each share, on the first day of April, then next following, or at such earlier times as the stockholders of said bank at any meeting thereof may determine.

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

CHAP. XXXI.

An Act to establish the Bangor Boom 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 Joseph Treat, Joseph Lee, John Treat and Jacob Holyoke, their associates, successors and assigns, be, and they are hereby established a corporation, by the name of the Bangor Boom Corporation ; and by that name may sue and be sued, prosecute and be prosecuted, shall have a common seal, which they may alter at pleasure, and shall enjoy all the privileges and powers, and do and suffer all such matters and things as are incident to similar corporations. Persons incorporated. Powers and privileges.

SEC. 2. *Be it further enacted,* That said corporation be, and hereby are empowered, within the term of three years from the passing of this act, to build and hang a boom or booms, for the purpose of stopping and securing masts, logs and other lumber, which are or may be drifted or rafted down Penobscot River ; be-

ginning at Tibbet's Ledge, so called, and extending
 Place of Boom s down the river to the shore at the lower end of Boyd's
 Eddy, so called, in Bangor, together with such side or
 branch booms, piers or other works as may be necessary
 for the safety and convenience of stopping and securing
 such masts, logs and other lumber as aforesaid, and the
 same to keep in good and suitable repair.

SEC. 3. *Be it further enacted*, That if any person
 or persons shall suffer any damage, by means of build-
 ing or hanging the said boom or booms, or any other
 works connected therewith, and the parties cannot agree
 upon the amount of damages thus occasioned, nor upon
 some suitable person or persons to estimate the same,
 then, in such case, a disinterested committee of three
 freeholders shall be appointed by the Circuit Court of
 Common Pleas for the third Eastern Circuit, when
 holden in and for the county of Penobscot, to ascer-
 tain the damages ; and the determination of the com-
 mittee, so appointed, shall be the measure of damages :
 Damages ap- *Provided however*, that if either party shall be dissatis-
 fied with the report of the said committee, and shall at
 the same session of the Court aforesaid, at which such
 report shall be made, apply to said Court for a trial by
 Jury, in the manner other like causes are determined,
 the Court aforesaid shall have power to determine the
 same by a Jury as aforesaid ; and if the verdict of the
 Jury shall not give the party applying a greater sum in
 damages, than the said committee shall have awarded
 as aforesaid, the Court shall award costs against the ap-
 plicants ; but if the said decision shall be more favora-
 ble to the party applying than the report of said com-
 mittee, the said Court shall render judgment accord-
 ingly with costs, and issue execution in either case.

SEC. 4. *Be it further enacted*, That if any person
 or persons shall wilfully or mischievously, or in any
 manner, injure or destroy the said boom or booms, or
 any other works therewith connected or parts thereof,
 he, she or they shall pay treble the value of such dam-
 age, as the proprietors of said corporation shall, before
 the court and jury, before whom trial shall be had, make
 to appear they have sustained by means of said tres-
 pass ; to be sued for and recovered in any court proper
 to try the same.

Trespasses
 punished.

Proviso .

SEC. 5. *Be it further enacted*, That a toll or boomage be, and is hereby granted and established for the benefit of the said proprietors, their successors and assigns, according to the rates following, viz. : For each mast twenty-five cents ; each ton of timber ten cents ; Rates of Toll, for Boomage. each spar and board log ten cents ; each thousand of clapboards and staves, boards, plank, or scantling, (board measure) twenty cents ; each thousand of shingles, five cents ; and the same ratio for an equal quantity of any other articles of wood or lumber, for stopping and securing the several articles aforesaid ; and the same toll or boomage, for each and every month the same shall lay secured within the said boom or booms. And the said proprietors or their agent, shall have power to detain the several articles aforesaid, until the said toll or boomage is paid. And if within four months from the time of stopping and securing any of the articles aforesaid, no person or persons shall appear to claim the same, and pay the toll or boomage as aforesaid, it shall be the duty of said proprietors, by their agent as aforesaid, to advertise, for the space of twenty days, in the towns of Bangor and Orono, and in a newspaper printed in the county of Penobscot, if any such there be, all such of the said articles as may remain unclaimed as aforesaid, describing the same as nearly as may be, with the marks thereon ; and if at the expiration of said twenty days, no person shall appear to claim the same, the said proprietors, by their agent as aforesaid, shall proceed to sell the same at public auction, for the most that can be obtained ; and the proceeds of such sale shall be retained by said corporation for the space of two years Sale of unclaimed property. thereafter. And if any person or persons within that time shall appear and prove his or their property in the articles sold as aforesaid, he or they shall be entitled to the overplus of such proceeds, after deducting the respective fees due for stopping and securing the same, and reasonable charges for advertising and selling the same. And if no person shall appear, within the said two years to claim and receive the said overplus, the same shall then become the property of said corporation : *Provided* that the Legislature shall have Overplus retained.

power, at any time to lessen the rate of tolls, as to the Legislature may appear just and reasonable.

First meeting. SEC. 6. *Be it further enacted,* That any two of the persons named in this act, shall have power to call the first meeting of the proprietors of said corporation, by publishing an advertisement, stating the time and place of such meeting, in the Bangor Weekly Register, fourteen days at least before the same shall be held ; and said proprietors when met as aforesaid, may agree upon the method of calling future meetings, elect officers, and establish such by-laws for the regulation of said corporation, as they may deem necessary, not repugnant to the constitution and laws of this Commonwealth.

Election of officers.

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

CHAP. XXXII.

An Act to authorize the raising a Fund, for the support of Public Schools and the Ministry, in the town of Buckfield, in the county of Oxford.

Powers of Trustees. SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen and Treasurer of the town of Buckfield, for the time being, shall, *ex officio*, together with other persons, to be annually chosen by the inhabitants of said town, from among themselves, at their meetings in March or April, be, and hereby are appointed Trustees, to sell all the real estate belonging to said town of Buckfield, which was originally reserved in the grant to the proprietors of said town for the use of a grammar school, and for the use of the ministry ; and to put out at interest the money arising from such sale, in the manner and for the purposes hereinafter mentioned.

SEC. 2. *Be it further enacted,* That the said Trustees be, and hereby are incorporated into a body politic, by the name of the Trustees of the School and Ministerial Fund, in the town of Buckfield, in the county

of Oxford; and they and their successors shall be and continue a body politic and coporate 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. Liability of Trustees.

SEC. 3. *Be it further enacted,* That the said Trustees shall and may annually elect a President, and a Clerk to record the doings of their meetings, and a Treasurer to receive and apply the monies hereinafter mentioned, in the manner directed by this act; and any other needful officer, for the better managing of said funds. Officers to be annually chosen.

SEC. 4. *Be it further enacted,* That the number of said Trustees shall always be five, and no more; and any three of their number shall constitute a quorum for doing business; and they shall and may, from time to time, fill up vacancies that may happen, by any cause whatever, from the inhabitants of said town; and said Trustees shall annually hold a meeting in March or April, and as much oftener as may be necessary, to transact the business of said corporation; which meetings shall be called in the way and manner that said Trustees shall hereafter agree upon. Vacancies filled up.

SEC. 5. *Be it further enacted,* That the Chairman of the Selectmen of said town, for the time being, shall annually, within ten days after their election, notify the other Trustees of the time and place of their meeting, to make choice of officers for the year, and for transacting the other business of the board; and in this manner shall the annual meetings be called and holden. And to the end that this act may go immediately into operation, the Treasurer and the Selectmen of said town, for the present year, shall and may themselves, should their number be less than five, appoint persons among the inhabitants of said town, to the said office of Trustees, to fill up said number; which persons so appointed, having accepted said trust, shall have all the power and authority of Trustees of said fund during the year, and until the next choice by said town, as is herein provided; which appointment shall be made as soon as may be, after the passing of this act, and no- Selectmen to call meetings. Trustees of Funds.

tice thereof be given, in writing, to the Clerk of said town, who shall record the same among the town records, and notify the persons so appointed of the same, without delay.

General Powers.

SEC. 6. *Be it further enacted*, That the said Trustees be, and hereby are authorized to sell and convey, in fee simple, all the real estate belonging to said town, as aforesaid, and make, execute and acknowledge a good and sufficient deed or deeds thereof ; which deed or deeds, subscribed by the Treasurer of said Trustees, with their seal thereto affixed, shall be good and effectual in law to pass and convey the fee simple from said town to the purchaser, to all intents and purposes whatever.

Disposition of Funds.

SEC. 7. *Be it further enacted*, That the monies arising from the sale of said real estate, shall be put out at interest, as soon as may be, and 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 the Trustees shall think proper to invest the same in public funded securities, or bank stock of this Commonwealth, which they may do.

Appropriation of interest money.

SEC. 8. *Be it further enacted*, That the interest, arising from time to time, on such monies as shall accrue from the sale of the lands reserved for the use of the ministry, shall be annually, or oftener, if practicable, put out at interest and secured in manner aforesaid, and also the interest accruing from the interest, until the expiration of six years from the sale of said lands, when said town, if they see cause, may appropriate the interest of the whole amount of principal and interest then accumulated, towards the support of the ministry and public worship of God, in said town ; or they may let the same continue to accumulate, in the same manner aforesaid, till such time as they shall see fit so to appropriate it. And the interest, from the monies arising from the sale of the school lands, shall be annually appropriated to the use of the schools in said town ; and the Trustees aforesaid, shall govern themselves accordingly. And it shall never be in the power of said Trustees, or of said town, to alienate or appropriate the fund aforesaid.

SEC. 9. *Be it further enacted*, That the Clerk of said corporation shall be sworn, previous to his entering on the duties of said office ; and the Treasurer of the Trnstees shall give bond to the inhabitants of said town faithfully to perform his duties, and to be at all times responsible for the faithful application and appropriation of the money, which may come into his hands in his said capacity, conformable to the true intent and meaning of this act, and for all negligence and misconduct, of any kind, in his office. Officers to give security.

SEC. 10. *Be it further enacted*, That the Trustees, or their officers, for the services they may perform, shall not be entitled to any compensation out of the monies arising from the fund aforesaid ; but if entitled to any, shall receive the same of said town, as may be mutually agreed upon. Compensation to Officers.

SEC. 11. *Be it further enacted*, That the said Trustees and their successors, shall exhibit to the town, at their annual meeting in March or April, a regular and fair statement, in writing, of their doings ; which statement shall be placed on file, by the Clerk of said town, and kept by him there. Annual statement of accounts.

SEC. 12. *Be it further enacted*, that the said Trustees shall be responsible to said town 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 to be recovered in such suit, to be for the use aforesaid. Responsibility of Trustees.

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

CHAP. XXXIII.

An Act in addition to an act, entitled “ An act to establish the Penobscot Canal Corporation.”

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of the Penobscot Canal, in their corporate capacity, be, and

Location of
Canal.

they are hereby empowered to survey, lay out, and make a Canal, with a sufficient number of locks or sluices, from the tide waters of the Penobscot River, at Bangor, to the south end of Pushaw Pond ; thence in or by said Pond, to the outlet thereof ; thence down, in or by Pushaw River, to the Still-water River ; thence up, in or by said Still-water River, to the head of Marsh's Island ; thence in or by the River, through the Thoroughfare, so called, between Marsh's and Orson Islands, to the main Penobscot River ; and shall have power to remove any rocks or other obstructions in said rivers ; and to make dams at such places as may be necessary to flow the water, for the use of said canal.

Powers.

SEC. 2. *Be it further enacted*, That for the purposes of completing said canal, and making the same useful to the public, and beneficial to the proprietors, they shall have power to take and use the waters of the rivers and streams running in the direction of the said canal, by erecting dams, mills, or other manufactories, to the working of which water is or may be necessary ; and they may take and hold in fee simple, a parcel of land not exceeding twenty rods wide, wherever the said canal shall pass ; and where it may pass over land of this Commonwealth, the same is hereby given and granted to the said corporation, to hold in fee simple, and shall be allowed to demand and receive the same rate of toll per mile, for articles passing this, as for the first granted part of said canal, and the said toll shall commence and be payable, when any two miles of said canal is made passable for boats or rafts.

Tolls.

Fish ways to
be kept open.

SEC. 3. *Be it further enacted*, That said corporation shall be bound by and holden to the same conditions and restrictions respecting the time of completing this part of said canal, keeping open fish ways, and like damages to other corporations or individuals, whose land may be taken or flowed for the use of said canal, as is specified in said act of incorporation, and shall be as binding on the said corporation, as if the same was herein particularly recited.

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

CHAP. XXXIV.

An Act in addition to an act, entitled "An act to incorporate the town of Enfield."

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 boundary line between the towns of Enfield and Greenwich, and north and south parish, shall be as follows, viz. beginning at the north-east corner of Amos Hunter's farm, at a stake and stones on Pelham south line; thence south, six hundred and eighty-three rods, to a stake and stones standing at the south-west corner of the farm belonging to the heirs of Abel Walker, deceased, and north line of John Rich's old farm; thence east five degrees north, one hundred and fifty-six rods, to the northwardly bank of Swift River; thence crossing said river in the same direction; thence up the said river, on the bank thereof, twenty-five rods; thence south four degrees thirty minutes west, three hundred and eighteen rods, to the south-west corner of John F. Stevens' farm, on the hill, Little Quobbin, so called; thence east seven degrees north, seventy-two rods, to a stake and stones; thence east one degree south, fifty-eight rods, to a stake and stones standing at the north-west corner of the Eaton lot, so called; thence east twenty-five degrees south, to a small brook; thence up the middle of said brook, as the stream runs, southerly through the middle of the small pond; thence in a due south course to the county road leading from Hardwick to Enfield; thence crossing said road, to the south side thereof; thence in the south line of said county road, to the line of the town of Hardwick, but so as to include the whole of a school house standing on or near said road, within the town of Enfield.

SEC. 2. *Be it further enacted*, That all the lands lying north and east of the above described line, which belonged to the south parish in Greenwich and the town of Enfield, together with the inhabitants thereon,

June 12, 1818.

Lands set off.

are hereby set off from the town of Enfield and south parish, and annexed to the town of Greenwich; and the north parish, and all the lands lying south and west of the said line, which belonged to the north parish and the town of Greenwich, together with the inhabitants thereon, are hereby set off, and annexed to the town of Enfield, south parish; and the inhabitants so set off on either side, shall enjoy all the rights and privileges, and be subject to all the duties and requisitions in the towns and parishes to which they belong, as the other inhabitants of said towns and parishes.

Payment of taxes.

SEC. 3. *Be it further enacted*, That the inhabitants of said towns and parishes shall be holden to pay all taxes already assessed, or voted to be raised, by either of the said towns or parishes, previous to the passing of this act, in the same manner as if the same had not been passed: *Provided however*, that nothing in this act shall affect the provisions of an act passed February sixteenth, in the year of our Lord one thousand eight hundred and sixteen, for the support of paupers, between the towns of Enfield and Greenwich.

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

CHAP. XXXV.

An Act to incorporate the Proprietors of Mills on Manattiquot River, in Braintree.

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 Jonas Welsh, Nathaniel Thayer, 2d, Abraham Holbrook, James Holbrook, Abraham Thayer, and James Forster, with their associates and successors be, and they are hereby made a corporation and body politic forever, by the name and style of the Proprietors of Mills on Manattiquot River; 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 any less estate, by gift, grant, devise or otherwise, any lands, tenements, hereditaments, or other estate, real, personal or mixed, necessary for the purposes contemplated in this act. Powers.

SEC. 2. *Be it further enacted*, That said corporation shall have full power, liberty and authority, to make the reserves of water wished by them, in the following described ponds, or any of them, viz. Houghton's Pond, so called, lying in Canton, between Braintree Great Pond and the Blue Hill, containing about thirty acres; Cranberry Pond, so called, situated in the south-east part of Braintree, containing about thirty acres; the Little Pond, so called, lying in the centre of the town of Braintree, containing about seventy acres; the Great Pond, so called, lying partly in the south-west part of Braintree, and partly (about one eighth of the pond) in Randolph, estimated to contain one hundred and thirty acres. And said proprietors are hereby authorized and empowered, by themselves or their agents, in their corporate capacity, to erect suitable dams at proper places, for said purpose, to preserve said dams in such repair as they may consider necessary to raise the water in said ponds as high as its original bounds, to lower the outlets of said ponds, and to draw off such portions of said waters from any of said ponds, in such quantities, and at such times as they, or a major part of them, or their special agent for that purpose, shall judge best for the interest of all concerned. Course of water reserves.
Dams.

SEC. 3. *Be it further enacted*, That said corporation shall have a common seal, and 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 and things, as an aggregate corporation may or of right can do. And they shall have power to appoint a President, Clerk, and such other officers and agents, and to make such by-laws and regulations as they may find necessary; *provided* the same are not repugnant to the laws of this Commonwealth. General Powers.
Proviso.

SEC. 4. *Be it further enacted*, That if any person or persons shall wilfully or maliciously take up,

June 12, 1818.

Penalties.

remove, break down, dig under, or otherwise injure or destroy in any manner, said dams, or any of the gates or waste ways thereof, or any part of them, or shall impede or hinder said proprietors or their agents, in erecting, maintaining or repairing said dams, or any of them, or any of the gates or waste ways thereof, such person or persons shall forfeit and pay to said corporation, a sum not less than fifty dollars, nor more than one hundred dollars, according to the nature and aggravation of the injury done or committed; and such offender shall be further liable to indictment for such trespass; and on conviction thereof, shall be sentenced to pay a fine to the use of the Commonwealth, of not less than ten dollars, nor more than fifty dollars.

First meeting.

SEC. 5. *Be it further enacted*, That any three 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, they giving two days previous notice to the other proprietors therein named.

Corporation
liable against
overflowing.

SEC. 6. *Be it further enacted*, That in case any damages shall accrue to any person by flowing said ponds higher than by law, or the provisions of this act they are entitled to be flowed, such damage shall be paid by said corporation as is provided for and given in the act, entitled "An act for the support and regulation of mills," and in the several acts in addition thereto.

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

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, JULY 20, 1818,

BY this I certify, that the Laws contained in this pamphlet, passed at the Session begun May 27th, and ending June 13th, 1818, have been compared with the originals in this office, and appear to be correct.

ALDEN BRADFORD,

Secretary of Commonwealth.

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IN MAY AND JUNE, 1818.

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