

MAINE STATE LEGISLATURE

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L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, JANUARY
13th, AND ENDED ON SATURDAY, FEBRUARY, 20th, 1819.

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



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.....

1819.



L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED JANUARY THIRTEENTH,
AND ENDED FEBRUARY TWENTIETH, ONE THOUSAND EIGHT
HUNDRED AND NINETEEN.

CHAP. XXXVI.

An Act to incorporate the Eastport Mechanic Relief Society.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Garland, Charles Peavey, Darius Olmstead, Ethel Olmstead, Joshua Haynes, Thomas Haycock, and Jerry Burgin, and their associates and successors, be, and they are hereby incorporated and made a body politic, by the name of the Eastport Mechanic Relief Society; and by that name, shall be a corporation, with power to have a common seal; to make contracts, relative to the objects of their institution; to sue and be sued, to establish by-laws and orders for the regulation of the said society, and the preservation and application of the funds thereof; provided, the same be not repugnant to the constitution or laws of this Common-*

Persons incorporated.

wealth; to take, hold, and possess, any estate, real or personal, by gift, grant, subscription, purchase, devise, or otherwise; and the same to improve, lease, exchange, or sell and convey, for the sole benefit of said institution: *Provided*, that the value of the real estate of said society, shall never, at any one time, exceed ten thousand dollars; nor the value of the personal estate, exceed twenty thousand dollars: *Provided*, also, that the funds of said society shall be applied to the relief of poor and indigent mechanics, their widows and orphans, and to none other.

Provisos.

SEC. 2. *Be it further enacted*, That Ethel Olmstead be, and he is hereby authorized to call the first meeting of said society, by giving public notice of the time and place of meeting, by advertisement in the Eastport Sentinel, printed in the town of Eastport, at least seven days prior to such meeting.

First meeting.

[Approved by the Governor, January 26, 1819.]

CHAP. XXXVII.

An Act, in addition to an act, entitled "An act to authorize the town of Hingham to sell certain Real Estate."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the provisions of the act, entitled "An act to authorize the town of Hingham to sell certain real estate," shall extend to all the lands within the said town of Hingham, held by the original proprietors of the township in common and undivided, and voted, by the legal representatives of the said original proprietors, to be given to the inhabitants, at a legal meeting, held by them, on the first Monday of April, in the year of our Lord one thousand seven hundred and eighty-eight, subject always to the conditions of the said vote.

Extension of power.

[Approved by the Governor, January 26, 1819.]

CHAP. XXXVIII.

An Act to empower Josiah Little and his associates, to erect a Boom across the Little Amariscoggin River.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Josiah Little, Edward Little, and William Atkinson, together with ^{Persons incor-} such other persons as may hereafter become proprie- ^{porated.} tors in said boom, be, and they are hereby made a corporation, for laying and maintaining a boom across Little Amariscoggin River, by the name of the proprietors of the Pejepscoot Boom; and by that name, may sue and be sued, prosecute and be prosecuted to final judgment and execution; and may do, and suffer all such matters and things, as bodies politic and corporate may, or ought to do and suffer: And the said corporation shall keep and use a common seal, which ^{General Pow-} they may change, alter, and renew, as they may see ^{ers.} cause; and shall have all other powers usually given and incident to corporations of a like nature and purpose.

SEC. 2. *Be it further enacted,* That the said Josiah Little and his associates may, by an advertisement, posted up in some public place, in the said town of ^{Meetings of} Pejepscoot, call a meeting of the said associates, at ^{incorporation.} such time and place, as shall be therein expressed, giving at least ten days notice of such meeting: And the said associates, being so met, by a vote of the major part present, or represented at said meeting, shall choose a Clerk, Treasurer, and such other officers, ^{Officers.} as they may, from time to time, find necessary; who shall be sworn to the faithful discharge of their respective trusts; and shall also agree on a method for calling future meetings of the said proprietors, at the same, or any subsequent meetings; and may also make and establish such rules and regulations, as ^{Rules and reg-} may be found necessary or convenient for managing ^{ulations.} the affairs of the said corporation; for collecting the

May assess and collect fines.

toll or fees, hereby established; and for the more effectually executing and completing the general purpose of this act; and shall have power to assess and recover reasonable fines and penalties for any breach of such rules and regulations, not exceeding ten dollars: *Provided*, such rules and regulations, shall not, in any case, be repugnant to the constitution and laws of this Commonwealth. And all applications and representations, made at such meetings, shall be in writing, and signed with the name of the persons making the same; which writing shall be filed with, and recorded by the Clerk of the said corporation; and this act, with all the rules, regulations, votes, and doings of the said corporation, shall be fairly recorded by the said Clerk, in a book or books, for that purpose, to be provided and kept.

Fees and tolls.

Proviso.

SEC. 3. *Be it further enacted*, That the said corporation shall be entitled to receive of the respective owner or owners, of logs, masts, and timber, which shall be rafted and secured at said boom, by any person or persons, the following respective fees or toll, viz.: For each mast, eight cents; for each pine mill log, of thirty feet in length, and upwards, six cents; for each pine mill log, under thirty feet, four cents; and for each spruce or hemlock mill log, or stick of timber, three cents: *Provided, however*, that the fees or toll shall, at all times hereafter, be subject to the revision or alteration, of the Legislature.

May sue for delinquents' fines.

SEC. 4. *Be it further enacted*, That for the securing and recovering the payment of the respective fees or toll aforesaid, it shall be lawful for the said corporation, by their Agent, or other person, whom they may appoint for that purpose, to sue for and recover, in a due course of law, by an action upon the case, all such fees or toll, for all masts, logs, or timber, secured and rafted as aforesaid, when payment shall be refused or neglected, by the person or persons, subject to pay the same.

Damages for injuries.

SEC. 5. *Be it further enacted*, That any person or persons, who shall wilfully and maliciously injure or destroy the said boom, or any of its appendages, or means of using and improving the same, shall be liable to pay treble damages, with cost of suit, as shall

be determined in a due course of law, to be sued for and recovered by the proprietors of said boom, in an action of trespass, or on the case.

[Approved by the Governor, January 26, 1819.]

CHAP. XXXIX.

An Act to incorporate the Proprietors of the South West Bend Bridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Curtis, Thomas Freeman, Reuben Blethen, Simeon Kimball, William Newell, Abel Curtis, John Hart, Junior, Nathaniel Gerrish, John Mayall, Joseph H. Hoyt, John B. Dyer, Ebenezer Strout, Daniel Hanson, James Small, Benjamin Peterson, John Cushing, Consider Thomas, Isaac Smith, George Furguson, Turner Curtis, Paul C. Tebbetts, John Ricker, Jonathan Strout, Barnabas Strout, Benjamin H. Mace, John Robinson, 3d, Hiram Hanson, Charles Smith, Junior, Dyer Higgins, Aaron Dwinall, Rogers Goodwin, Warren McLellan, Josiah True, Josiah Colcord, Jonathan Davis, Isaac Furbush, Enoch Tebbetts, Lewis Cushman, James Colby, James Strout, William Gerrish, Alvan Robinson, Samuel Gooch, and Orlando Merritt, with all those who have associated with them, together with all those who may hereafter become proprietors with them, shall be, and hereby are constituted a corporation and body politic, by the name of the proprietors of the South-West Bend Bridge; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all other acts and things, which bodies politic may, and ought to do and suffer; and the said corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Persons incor-
porated.

General pow-
ers.

SEC. 2. *Be it further enacted,* That Benjamin H. Mace, Paul C. Tebbetts, and John Ricker, or any two of them, may, by posting up advertisements in the towns of Durham and Lisbon, call a meeting of the said proprietors, to be holden at some convenient place, near the Androscoggin River, after fifteen days from the posting up said advertisements. And the said proprietors, by a vote of the majority of those present or represented at said meeting, accounting and allowing one vote to each share, shall choose a Clerk, who shall record this act, and truly and fairly record all rules, regulations and votes of said corporation: And said proprietors may, at the same, or any subsequent meetings, choose such other officers as may be found necessary for managing the business of said corporation, and agree upon a method for calling future meetings; also have power to transact any business for the benefit of said corporation; *provided*, it be not repugnant to the constitution or laws of this Commonwealth.

First meeting.

Officers, and their duties.

Dimensions of Bridge.

SEC. 3. *Be it further enacted,* That said corporation be, and they are hereby authorized to erect a bridge across said river, between the towns of Durham and Lisbon, near and below Dyer's Ferry, which shall be built of good and sufficient materials, not less than twenty-two feet wide, and well covered with plank or timber, suitable for such bridge; with sufficient rails on each side, for the safety of passengers; and the same shall be kept in good, safe and passable repair; and the fills or string pieces of said bridge, shall be laid at least twenty feet above the surface of the water, at its usual height, in the summer season.

Rates of toll.

SEC. 4. *Be it further enacted,* That for the purpose of reimbursing said proprietors the monies by them expended, or that may hereafter be expended, in building and supporting said bridge, a toll be, and is hereby granted and established, for the sole benefit of said proprietors, according to the rates following, viz.: for each foot passenger two cents; for each person and horse, six and one quarter cents; for each waggon or cart, drawn by one horse, ten cents, and each additional horse, two cents; for each chaise, chair or sulkey, drawn by one horse, twelve and a half cents; each

coach, chariot, phaeton or curricle, drawn by two horses, twenty-five cents, and every additional horse four cents each; for each cart, waggon, or other like carriage of burthen, drawn by two beasts, twelve and one half cents, and every additional beast, two cents; for each sleigh or sled, drawn by one beast, six and a quarter cents, every additional beast two cents each; each wheelbarrow, handcart, or other vehicle capable of carrying a like weight, with one person, three cents; for neat cattle or horses, other than those rode on, or in carriages or teams, two cents each; for sheep and swine, at the rate of six cents the dozen; and to each team one person shall be allowed as driver, and no more, for the toll as established for teams; and at all times when the toll gatherer shall not attend his duty, the gate shall be left open; and the said toll shall commence on the day of opening said bridge for passengers, and shall continue for the benefit of said corporation forever; *provided*, that after the term of twenty years, the rate of toll shall be subject to the regulations of government; *and provided, also*, that the proprietors shall build the said bridge twenty-five feet wide, when it shall be rebuilt, in whole or in part, or at any time when the government shall so direct; and the proprietors, at the place or places where the toll shall be received, shall erect, and keep constantly exposed to view, a sign board, with the rates of toll of all tollable articles, fairly and legibly written thereon, in large or capital letters.

Provisos.

SEC. 5. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the space of three years from the passing of this act, to build and complete the said bridge, then this act shall be void and of none effect.

Limitation of privilege.

[Approved by the Governor, February 2, 1819.]

CHAP. XL.

An Act for altering the times of holding the Circuit Court of Common Pleas, within the County of Somerset.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the third Tuesday of March next, the term of the Circuit Court of Common Pleas, now by law, appointed to be holden at Norridgewock, within and for the County of Somerset, on the Tuesday next preceding the second Monday of August, shall be holden at Norridgewock as aforesaid, on the last Monday in June: And the term of said Court, now by law, appointed to be holden on the first Tuesday of November, shall be holden at Norridgewock aforesaid, on the first Monday of November: And that the term of said Court, now by law, appointed to be holden on the third Tuesday of March, shall be holden at Norridgewock as aforesaid, on the second Monday of March.

SEC. 2. *Be it further enacted,* That all writs and processes, of what kind soever the same may be, that shall, before the third Tuesday of March next, be made returnable to the said Circuit Court of Common Pleas, on the first Tuesday of August; and all parties and persons, that may, before the said third Tuesday of March, be required and directed to appear on the first Tuesday of August, shall be returned to, entered, appear, and have day, in said Court, on the last Monday of June next.

[Approved by the Governor, February 2, 1819.]

Change of terms.

Writs returnable.

CHAP. XLI.

An Act to ascertain and establish a part of the West Line of the County of Somerset, and for other purposes.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the west line of the tract of land, called Bingham's Tract or Patent, or otherwise called the Million Acres, lying on both sides of Kennebec River, until it intersects the north line of said Bingham's Tract, including the whole of said Million Acres, shall be, and hereby is established, and declared to be the west line of said County of Somerset. Boundaries.

SEC. 2. *Be it further enacted,* That the respective Treasurers of the Counties of Somerset, Oxford, Hancock, Penobscot, and Washington, be, and they hereby are empowered to issue their warrants respectively, to the respective Sheriffs of said counties, requiring them to collect the said county taxes within said counties respectively, which have been assessed upon the several towns, and unincorporated plantations, and other tracts of land unimproved, lying within said counties respectively, since the year eighteen hundred and twelve; but upon which townships, or other tracts of unimproved land, there was not, at the settlement of the last valuation, any person residing thereon, or Assessors chosen, to whom the said Treasurers could issue their warrants, for the assessing and collecting thereof: All which sums, are to be collected in the same manner, as Collectors or Constables are directed to proceed in the collecting of taxes laid on nonresident proprietors of unimproved lands, and to be paid into the treasury of the respective Counties of Somerset, Oxford, Hancock, Penobscot, and Washington, on or before the first day of September next: *Provided,* that deductions shall be made and allowed from said county taxes, in the same ratio that deductions were made from the state taxes assessed upon said Treasurers' Warrants to Sheriffs. Sheriffs' Duties Proviso.

SALEM LABORATORY COMP. Feb. 1, 1819.

lands, by, and conformable to, a resolve passed the seventeenth day of February, one thousand eight hundred and eighteen.

[Approved by the Governor, February 2, 1819.]

CHAP. XLII.

An Act to change the name of the town of Pegypscot.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the town called Pegypscot, shall cease, and the said town shall hereafter be called and known by the name of Danville, the act of incorporation to the contrary notwithstanding.

[Approved by the Governor, February 1, 1819.]

CHAP. XLIII.

An Act to incorporate the Salem Laboratory 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 George S. Johnston, John Punchard, and Isaiah Hacker, and all such persons as may hereafter associate with them, their successors and assigns, being citizens of the United States, shall be, and they hereby are constituted a body politic and corporate, by the name of the Salem Laboratory Company; and by that name, may sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or in any place whatsoever; and shall and may do and suffer all matters,

Persons incorporated.

acts and things, which bodies politic ought to do and suffer; and shall have power to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain and put in execution, such by-laws, ordinances and regulations, as to them shall appear necessary and convenient, for the government of said corporation, and for the prudent management of their property and affairs; *provided*, that such by-laws, ordinances and regulations shall not be repugnant to the laws of this Commonwealth: And the said company shall have all the powers and privileges, and be subject to all the duties contained in an act, entitled “An act defining the general powers and duties of manufacturing corporations.”

SEC. 2. *Be it further enacted*, That the said corporation shall be, and hereby is declared capable to have, hold and possess lands, tenements and hereditaments, not exceeding in value the sum of sixty thousand dollars; and may erect on the same, or any part thereof, all such buildings, furnaces, machinery and apparatus, as may be necessary and proper for making and manufacturing alum, Roman vitriol, aqua fortis, oil of vitriol, and any other chemical article or articles, capable of being manufactured on the premises; and the said corporation is further authorized to hold and possess personal estate, not exceeding forty thousand dollars in amount; the whole of which corporate property shall be divided into three thousand shares.

SEC. 3. *Be it further enacted*, That the shares in the said corporation may be sold and transferred, by deed duly acknowledged by the proprietors thereof, and recorded by the Clerk of said corporation, in a book to be kept for that purpose: And the said corporation are hereby authorized to raise such sums of money as may, from time to time, be necessary for effecting the objects of said corporation, by equal and just assessments on the several shares therein; and the time when such assessments become due and payable, shall be notified in one of the public newspapers printed in Salem, in the County of Essex, and also in one of the newspapers printed in Boston, in the County of Suffolk; and the Treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of

any proprietor who shall neglect to pay the assessments laid thereon, when the same shall become due and payable, as aforesaid, or so many of such shares as shall be necessary for that purpose, giving notice of the time and place of such sale, by publishing a notification thereof, in the newspaper in which the laws of this Commonwealth are ordered to be printed, for the time being; and also in one of the newspapers printed in Salem, aforesaid, thirty days, at least, before the time of such sale: And a deed of such share or shares, duly executed and acknowledged, by the Treasurer, and recorded as aforesaid, shall be a valid conveyance of such delinquent proprietor's share or shares, to the purchaser thereof; and the surplus money, arising from such sale, if any remain, after paying the assessments due, and interest thereon, from the time when the same became due, and also all the charges and expenses of such sale, shall be paid to said delinquent proprietor, or his assigns: Or the said corporation may recover the amount of such assessments and interest, with costs, in an action of debt, in any Court having jurisdiction thereof, as they shall elect and determine.

Election of officers.

SEC. 4. *Be it further enacted,* That the proprietors aforesaid shall meet, from time to time, and at such times as shall be provided for, in their by-laws, for the purpose of electing such officers as they shall find necessary, and for transacting any other business relating to the objects of their incorporation; and every proprietor present, or represented at any such meeting, shall be entitled to as many votes as he has shares; *provided, however,* that no proprietor shall, in any case, be entitled to more than twenty votes.

First meeting.

SEC. 5. *Be it further enacted,* That the said George S. Johonnot, is hereby authorized to call the first meeting of said corporation, by an advertisement in one of the newspapers, printed in Salem aforesaid, one week, at least, previous to said meeting; at which first meeting, the proprietors present, shall choose a Clerk, who shall be sworn, or affirmed, to the faithful discharge of his duties: And it shall be the duty of said Clerk, to record this act, the rules and by-laws of said corporation, and the proceedings of the proprie-

tors, at every regular meeting, in a book to be provided for that purpose, and make all other records that may be necessary.

[Approved by the Governor, February 1, 1819.]

CHAP. XLIV.

An Act establishing the Dividing Line between the towns of Wrentham and Foxborough, in the County of Norfolk.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the following described line be in future established as the dividing line between the towns of Wrentham and Foxborough, viz. Boundaries. beginning at a stake and heap of stones, at the corner of Attleborough and Mansfield, on the county line; thence north, about five degrees east, by sundry marked trees, and other bounds, and through the westerly part of Shepard's Pond, two hundred fifty-three chains and twenty-six links, to a long stone, with stones around, on a rocky hill; thence north, twenty-six degrees, thirty minutes east, five chains and three quarters, to a high rock, with stones on it; thence north, four degrees, ten minutes east, seventy chains and three quarters, to a flat rock, on the north side of the way, leading from one of said towns to the other; thence north, twenty-six degrees east, thirty-eight chains, to Dedham Rock, (so called,) being the corner of Walpole: the farm formerly owned by Thomas Brastow, to remain to the town of Wrentham, as expressed in the act incorporating the town of Foxborough. And wherever the line aforesaid, shall happen to divide the land of any inhabitant of said towns Locations. of Wrentham and Foxborough, all said land shall be subject to taxation in that town in which the present owner dwells, so long as it remains the property of him or his heirs.

Feb. 3, 1819.

Repairs of
roads.

SEC. 2. *Be it further enacted*, That so long as the farm, formerly owned by Thomas Brastow aforesaid, belongs to the town of Wrentham, said town shall repair the road from Flat Rock, to the Turnpike ; and the town of Foxborough from thence by the widow Tolman's, to the Turnpike, near the house of Aaron Everett, Esquire ; and the town of Wrentham shall repair the Hopp Pole Road, (so called,) from the Turnpike, by said Everett's house, till it comes to the place where it is discontinued by said town.

[Approved by the Governor, February 3, 1819.]

CHAP. XLV.

An Act to prevent the destruction of Pickerel, in the Ponds and Streams within this Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person to take any of the fish, called pickerel, in any of the ponds, rivers or streams within this Commonwealth, with spears, in the night time, or by shooting them, at any time ; and every person offending, contrary to the true intent of this act, upon conviction thereof, before any Justice of the Peace, shall pay a fine of fifty cents for each and every pickerel so taken, to and for the use of the person who shall sue for the same.

[Approved by the Governor, February 3, 1819.]

CHAP. XLVI.

An Act to change the name of the Canaan Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the academy, established in the town of Bloomfield, in the County of Somerset, by the name of the Canaan Academy, shall, from and after the passing of this act, be called and known by the name of Bloomfield Academy.

[Approved by the Governor, February 3, 1819.]

XLVII.

An Act repealing an Act to regulate the Collection of Taxes in the town of Marblehead.

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 nineteenth day of October, in the year of our Lord one thousand eight hundred and fourteen, entitled "An act to regulate the collection of taxes in the town of Marblehead," be, and the same is hereby repealed; *Provided, however,* that this act shall not be construed so as to prevent the present Treasurer and Collector of said town, from completing the collection of all such taxes as are already committed to him to collect, by the Assessors of said town, in the same manner as though this act had not been passed.

[Approved by the Governor, February 4, 1819.]

CHAP. XLVIII.

An Act in addition to an act, entitled “An act incorporating the President, Directors and Company of the New England Bank.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the President, Directors and Company of the New England Bank, are hereby made capable in law, as a corporation, to have, hold, purchase, receive, possess, enjoy and retain, to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of seventy thousand dollars, and no more, at any one time, with power to bargain, sell, and dispose of the same.

[Approved by the Governor, February 4, 1819.]

CHAP. XLIX.

An Act to annex Amos Knight and Ephraim Morse, with their families and estates, to the town of Falmouth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Amos Knight and Ephraim Morse, with their polls, families and estates, be, and they are hereby set off from Westbrook, and annexed to Falmouth, in the County of Cumberland; there to do duties and enjoy privileges, equally with the other inhabitants of the said town of Falmouth, as fully and completely, as though the said Knight and Morse, with their estates, had been originally included in said town: *Provided, however,* that the said Knight and Morse shall be holden to pay their proportion of all taxes, and of all monies granted by the

said town of Westbrook, prior to the passing of this act, in the same manner, as they were before holden to pay to the same.

[Approved by the Governor, February 4, 1819.]

CHAP. L.

An Act to amend an act, entitled “ An act concerning Plates for Printing Bank Notes.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall be lawful for Abraham Perkins, owner of the stereotype plate used for printing bank bills, to keep possession of the said plate, and use the same, in the same manner as by law he might do, if the act aforesaid, of which this is an amendment, had not been passed.

[Approved by the Governor, February 8, 1819.]

CHAP. LI.

An Act granting further time to the President, Directors and Company of the Pawtucket Bank, to pay in the Fourth Instalment of their Capital Stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the fourth instalment of twenty-five dollars, on each share of the capital stock of the Pawtucket Bank, in lieu of being paid in at the time by law now prescribed, may be paid in, at the discretion of the stockholders of said bank, at

any time within one year from the passing of this act ; any thing in the several acts concerning said bank, to the contrary notwithstanding.

[Approved by the Governor, February 9, 1819.]

CHAP. LII.

An Act to incorporate the Town of Sandisfield and District of Southfield into one Town.

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 tenth day of February, eighteen hundred and nineteen, the town of Sandisfield and district of Southfield, in the County of Berkshire, be, and they are hereby united into one town, by the name of Sandisfield, upon the following conditions, viz. : First, the district of Southfield shall be annexed to and united with the town of Sandisfield, and shall become one town, for and to all intents and purposes, on the tenth day of February, eighteen hundred and nineteen ; and shall thenceforth exercise and enjoy all the benefits, privileges and immunities, and shall be liable to all the charges, burthens and expenses of a town, except as is hereafter excepted. Second, the town of Sandisfield shall fulfil all its contracts, pay all debts and expenses which are or may be made, or may accrue, before the first Monday of March next, and shall pay the expense and charges of all suits at law, which now are or may be commenced by said town, or against it, before the said first Monday of March next. Third, the district of Southfield shall fulfil all contracts, and pay all debts and expenses of said district, which are now or may be made, or which may accrue, before the said first Monday of March next, and shall pay the expense of all suits at law, which are or may be commenced by or against said district, before the said first day of March next. Fourth, the district of

Conditions.

Southfield may use, sell, or in any way dispose of their law library, weights, scales, beams and measures, for their own use and benefit. Fifth, the District of Southfield shall raise and pay over to the town of Sandisfield, to be added to the school fund of said Sandisfield, a sum of money which shall be in the same proportion to the said school fund, as the property and polls of said district shall bear to the property and polls of said Sandisfield; and the district of Southfield shall pay the lawful interest on the sum so raised, from the fifteenth day of October, eighteen hundred and seventeen, to the fifteenth day of October, one thousand eight hundred and eighteen. Sixth, the district of Southfield shall raise and pay over to the town of Sandisfield, one further sum of seven dollars and fifty cents. Seventh, the district of Southfield shall deposit in the magazine of Sandisfield their military stock and camp equipage, which shall be equal to the military stock and camp equipage of the town of Sandisfield, in proportion to the number of militia, in the said district.

SEC.-2. *Be it further enacted,* That the present Selectmen of the town of Sandisfield be, and they are hereby authorized and empowered to issue their warrant in the month of February current, directed to the Constables of the town of Sandisfield, requiring them to notify and warn a meeting of the inhabitants of the town of Sandisfield, seven days at least before the first Monday of March next, to meet and assemble on the said first Monday of March next, at such place in said town, as the said Selectmen shall appoint, for the purpose of choosing town officers, and doing such other business as shall be expressed in the said warrant. Town meeting.

[Approved by the Governor, February 8, 1819.]

CHAP. LIII.

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

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Gideon Gardner, Abiel Pease, Theophilus Sweetland, Thaddeus Billings, Thaddeus Billings, Junior, Levi Billings, Daniel Billings, Ephraim Hunn, Junior, Joseph Scott, Libni Hall, Amos Hull, Loring Lathrop, Abner Lard, Burgess Salisbury, Jared Goodrich, Abner Salisbury, Nathaniel Goodrich, Alvin Hall, Daniel Porter, Daniel Porter, Junior, Luther Markham, William Wallace, Abiel Hancock, Azariah Hancock, Ziba Crane, Daniel Austin, Levi Cadwell, Henry C. Fuller, Abel Pease, Hubbard Gardner, Nathaniel Waterhouse, Gideon Hunn, Isaac Pease, Seth Kibbe, Nathaniel Waterhouse, Junior, Israel Markham, David Hunn, Oliver Dwight, Andrew McIntosh, Robert McIntosh, Hezekiah Crane, Ebenezer McGregory, Ebenezer McGregory, Junior, Joseph McGregory, Josiah Blodget, Samuel Billings, Jacob Hills, Jacob Hills, Junior, Bishop Hills, Calvin Pease, Samuel Morgan, Junior, Samuel Morgan, Shubael Pease, and Jeremiah Brown, with their families and estates, together with such others, being inhabitants of said Longmeadow, as may associate with them hereafter, for the same purpose, in the manner hereinafter described, be, and they are hereby incorporated into a religious society, by the name of the First Baptist Society in the town of Longmeadow; with all the powers, privileges and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth, for religious purposes only.

SEC. 2. *Be it further enacted,* That any person in said town of Longmeadow, being of the Baptist denomination, who may, at any time hereafter, actually become a member of, and unite in religious worship with the society aforesaid, and give in his or her

Persons incor-
porated.

name to the Clerk of the town or parish, to which he or she belongs, with a certificate signed by the Minister or Clerk of said society, that he or she has actually become a member of, and united in religious worship with the aforesaid Baptist Society in Longmeadow, fourteen days previous to the town or parish meetings, to be held in the months of March or April annually, shall, from and after giving such certificate, with his or her polls and estate, be considered as part of said society: *Provided, however,* that such person shall be holden to pay their proportion of all money assessed in the town or parish, to which he or she belonged previous to that time.

Qualification
of Members.

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

Terms of se-
cession.

SEC. 4. *Be it further enacted,* That any Justice of the Peace within the County of Hampden be, and he is hereby authorized, on application therefor, to issue a warrant, directed to some suitable member of said Baptist Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose such officers as parishes in this Commonwealth are by law authorized to choose in the month of March or April, annually.

First meeting.

[Approved by the Governor, February 8, 1819.]

CHAP. LIV.

An Act incorporating certain persons for the purpose of building a Bridge over Androscoggin River, in the town of Rumford.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Martin, Ezra Smith, Francis Cushman, David Burbank, Luther Bean, Nathaniel Rolf, Kimbal Martin, Joel How, and Peter C. Virgin, together with such others as may hereafter associate with them, and their successors and assigns, shall be a corporation, by the name of the Proprietors of Rumford Bridge; and by that name, may sue and be sued, to final judgment and execution, and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and the said Corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure; and the said corporation shall be, and they are hereby authorized to erect a bridge over Androscoggin River, in Rumford, between the mouth of Ellis' River and Kimball's Ferry; and the said bridge shall be well built of good materials, not less than twenty-four feet wide, and well covered with plank or timber, with sufficient rails on each side, for the safety of passengers.

SEC. 2. *Be it further enacted,* That any three of the persons before named, may call the first meeting of the said proprietors, by posting up notifications in two or more public places in the town of Rumford, and in two adjoining towns, fourteen days prior to the time appointed for such meeting; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, *provided,* no person, either by his own right or by proxy, shall be entitled to more than ten votes, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; also may, at the same time, or at any subse-

Persons incor-
porated.

General Pow-
ers.

First meeting.

quent meeting, choose such other officers as may be found necessary for managing the business of said corporation, and shall agree on the method of calling future meetings ; and may make and establish such rules and regulations as shall be deemed convenient and necessary for regulating said corporation, for effecting and completing and executing the purposes aforesaid, and for collecting the toll herein granted ; and the same rules and regulations may cause to be observed and executed ; and for the breach of any of them, may order and enjoin fines and penalties not exceeding twenty dollars ; *provided*, that said rules and regulations be not repugnant to the laws and constitution of this Commonwealth.

SEC. 3. *Be it further enacted*, That a toll be, and hereby is granted and established, for the use and benefit of said corporation, according to the rates following, viz. : for each passenger, or one person passing said bridge on foot, two cents ; one person and a horse, six cents ; a single horse cart, sled or sleigh, eight cents ; each wheelbarrow, hand cart, and every other vehicle capable of carrying a like weight, three cents ; each team, including cart, sled or sleigh, drawn by more than one beast, and not exceeding four, sixteen cents ; and for every additional beast above four, two cents ; each single horse and chaise, chair or sulkey, eighteen cents ; each coach, chariot, phaeton and curricule, thirty-seven cents ; neat cattle and horses, exclusive of those rode on, or in carriages, or in teams, three cents ; each sheep and swine, one cent ; and the same toll shall be paid for all carriages passing said bridge, whether the same be loaded or not ; and to each team one man, and no more shall be allowed as a driver, to pass free from payment of toll ; and at all times, when the toll gatherer shall not attend his duty at said bridge, the gate or gates shall be open. And the said toll shall commence on the day of the first opening of said bridge for passengers, and shall continue for and during the term of fifty years from the said day, and be collected as shall be prescribed by said corporation ; *provided*, the said proprietors shall, at all times, keep said bridge in good repair, and at the end of the said term, deliver the

Rates of toll.

Duration of charter.

same to the Commonwealth, for their use: *Provided also*, that at the place where the toll shall be collected, there shall be continually kept on a board or sign, exposed to open view, the rates of toll in legible letters.

Conditions.

SEC. 4. *Be it further enacted*, That if the said corporation shall neglect or refuse, for the space of three years from the passing of this act, to build and complete said bridge, then this act shall be void and of no effect.

Exemption of toll.

SEC. 5. *Be it further enacted*, That all persons, with their carriages and horses, passing to and from their usual places of public worship, and all persons passing to and from funerals, and all persons when called out on military duty, be, and hereby are exempted from paying the toll required by this act.

Tolls subjected to alteration.

SEC. 6. *Be it further enacted*, That, at the expiration of fifteen years from the opening of said bridge, the General Court may regulate anew the rates of toll receivable thereat.

[Approved by the Governor, February 8, 1819.]

CHAP. LV.

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

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 Francis Keyes, William Wheeler, Nathan Adams, Joshua Graham, Daniel Knight, Hezekiah Hutchins, and Peter C. Virgin, be, and they hereby are appointed Trustees to sell all the ministerial and school lands, in the town of Rumford, in the County of Oxford, and the monies arising from the sale of said lands, to put out at interest in the manner hereafter directed; and the said Trustees are hereby made a body politic and corporate, by the name of the Trustees of the Congregational,

Ministerial and School Funds of the town of Rumford; and they and their successors in that office, shall have and use a common seal, and by the name aforesaid, may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution; and shall exercise all the powers and privileges incident to similar corporations.

General powers.

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

Election of officers.

SEC. 3. *Be it further enacted,* That the number of said Trustees shall never exceed seven, nor be less than five, any four of whom, may be a quorum for doing business; and they shall have power, from time to time, to fill up all vacancies in their number, from the inhabitants of said town; and they shall also have power to remove any one of their number, who by reason of age, infirmity, misconduct, or any other cause, may become unable or unfit to discharge his duty, and supply any vacancy so occasioned, by a new choice from the inhabitants of said town; and each of the said Trustees shall be responsible to the said town of Rumford for their personal misconduct or neglect, whether they be officers or not, and liable to prosecution for any loss or damage to the said funds, arising thereby; and the debt or damage recovered in such suit, shall be considered as belonging to said funds, and applied accordingly; and the said Trustees shall hold a meeting, annually, in March, and as often as the affairs of said funds may require; which meetings shall be notified and called in such way and manner, as the said Trustees at any meeting, may order and direct; and the Treasurer of said funds shall give bonds to the acceptance of said Trustees, for the faithful performance of his duty; and the Clerk shall be sworn to the faithful discharge of his trust.

Vacancies to be filled up.

Officers may be prosecuted.

SEC. 4. *Be it further enacted,* That the said Trus-

Trustees may
sell lands.

tees are hereby authorized to sell and convey all the ministerial and school lands in the said town of Rumford, which were reserved in its grant and location, and to make, execute, acknowledge and deliver a good and sufficient deed or deeds thereof; which deed or deeds, subscribed by the Treasurer and countersigned by the Clerk, with the seal of the said Trustees affixed, shall be good and effectual in law to convey the fee simple from said town to the purchaser; and all the monies arising from the sale of the ministerial and school lands in the said town of Rumford, shall be put to use, as soon as may be, and secured by mortgage on real estate, to double the value of the property sold, or money loaned, or by two or more sureties with the principal; unless the said Trustees shall think it more expedient to invest the same in public funded securities, or bank stock, which they may do at their discretion.

Pay of Trustees.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said Trustees to keep distinct accounts of the monies accruing from the sale of the said school lands, from those of the ministerial lands, and of the interest arising therefrom, respectively; which accounts they and their successors in office shall exhibit to the town, at their annual meeting for the choice of Town Officers. And the said Trustees and others, who may by them be employed in the business of the said funds, shall receive no compensation from the monies of the said funds; but a reasonable compensation may be made them by the town, at their discretion; and the interest accruing on the monies, coming from the sale of the said ministerial lands, shall be uniformly applied and appropriated for the support of a Congregational Minister in said town of Rumford. And the interest accruing on the monies, coming from the sale of the said school lands, shall be appropriated and uniformly applied for the support of instruction in the public free schools in the said town of Rumford: And it never shall be in the power of said town, to alienate or alter the appropriation of the said funds, provided in this act.

SEC. 6. *Be it further enacted*, That any Justice of the Peace for the County of Oxford, upon application

therefor, is hereby authorized to issue a warrant, directed to one of the Trustees before named, requiring First meeting. him to notify and call the first meeting of the said Trustees, at such convenient time and place, as shall be appointed in the said warrant, to organize the said corporation, by the election and appointment of its officers.

[Approved by the Governor, February 8, 1819.]

CHAP. LVI.

An Act to incorporate the Baptist Church in Cambridge.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Brown, Elijah Cory, Timothy Cory, Josiah Coolidge, David Coolidge, Levi Farwell, David Richards Griggs, Thomas Griggs, Stephen Griggs, John Greenleaf, James Hovey, Ebenezer Hovey, William Hovey, Samuel Hancock, Bela Jacobs, Calvin Morse, Simon G. Shipley, Cornelius Stone, Nathaniel Stone, Daniel Stone, Ellis Prentiss, Nathan Palmer, and Abijah Stone, Junior, with their polls and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated as a religious society, by the name of the Baptist Church in Cambridge, with all the powers and privileges, and subject to all the duties of other religious societies, according to the constitution and laws of this Commonwealth. Persons incorporated.

SEC. 2. *Be it further enacted,* That the members of the said society, shall annually, in the month of March, at a legal meeting, duly warned for that purpose, choose nine persons, to be Trustees of the funds Trustees. of the said society, six of whom, at least, shall be members of the said church; and the said Trustees shall hold their office for one year, and until others shall be chosen in their stead.

SEC. 3. *Be it further enacted,* That whenever any vacancy shall happen in the Board of Trustees of the said society, by death, resignation, removal, or otherwise, the members of the said church, at any meeting legally warned, shall be authorized to fill such vacancy within one month after it shall happen; and if the members of said church shall neglect so to do, the remaining Trustees, by a major vote, shall have power to fill such vacancy.

Vacancies to be filled.

SEC. 4. *Be it further enacted,* That the Trustees who may, from time to time, be chosen, according to the provisions of this act, be, and they hereby are vested with power, by the name of the Trustees of the Funds of the Baptist Church in Cambridge, to demand, sue for, recover, receive, and manage, all property, whether real, personal, or mixed, which now does or hereafter may constitute the funds of the said church, or any part thereof, and all securities for, and evidences of such property, and to receive and manage for the use and benefit of the said church, all subscriptions, donations, grants, bequests, devises, and appropriations, that may be made to the said church; and shall apply the proceeds and income thereof, to the use of the ministry in said church, or to repair, alter, or enlarge the meeting-house, as they shall, from time to time, be directed by the said church: *Provided,* that the annual income of the said funds shall not, at any time, exceed four thousand dollars.

General powers.

SEC. 5. *Be it further enacted.* That the said Trustees may assemble and meet as often as they may think necessary, for the discharge of their trust; any six of whom, shall constitute a board for doing business; but the concurrence of four, at least, shall be requisite to every act and procedure whatever; they shall determine the manner of calling their meetings; they shall appoint a Treasurer and Clerk, and other needful officers and committees; they may make rules and by-laws for the government of themselves and their officers, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; they may have a common seal, and change the same at pleasure; they may alienate, by deed or deeds, any real estate, the title whereof may be vested in them by

Privileges.

way of mortgage, execution, or operation of law ; and all instruments signed by the Clerk and Treasurer, in conformity with a vote of said Trustees, and sealed with their seal, duly acknowledged, shall be good and valid.

SEC. 6. *Be it further enacted,* That the Clerk of the Trustees aforesaid, shall be sworn to the faithful discharge of the duties of his office ; shall have the care and custody of all papers and documents, excepting bonds, notes, mortgages, and other securities for debts belonging to the Trustees ; shall record all their votes and proceedings in a book to be kept for that purpose ; shall make and certify copies of the same, when thereunto required ; shall call meetings of said Trustees, when he may think it necessary, or when thereto directed to by said Trustees ; and do whatever else may be incident to his office.

Officers, and
their duties.

SEC. 7. *Be it further enacted,* That the Treasurer of the Trustees aforesaid, shall have the care and custody of all bonds, notes, mortgages, and other securities for and evidences of debts due to the Trustees ; and shall give bond to the Trustees and their successors, with sufficient sureties, to be approved by them, in such penal sum as they shall require, not less than double the amount of the fund which they may then possess in their said capacity, with condition to do and perform all the duties incumbent on him as Treasurer ; and he shall render an account of his doings, and of the state of the said fund, whenever he shall be thereto required by the Trustees.

Accountability.

SEC. 8. *Be it it further enacted,* That it shall be the duty of the said Trustees to use, manage, and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to answer and promote the design and will of the respective donors ; and the said Trustees shall be accountable to the Baptist Church in Cambridge aforesaid, for negligence or misconduct, in the management or disposition thereof, whereby the same may be impaired or suffer diminution ; and the Baptist Church aforesaid may have and maintain a special action of the case against any member or members of the Board of Trustees aforesaid, who may be guilty of any such

Special actions.

negligence or misconduct, jointly or severally, and recover adequate damages therefor; and any sum so recovered, shall be appropriated to increase said fund, and paid to the Treasurer accordingly.

First meeting. SEC. 9. *Be it further enacted,* That the aforesaid William Brown, David Coolidge, and Levi Farwell, or any two of them, are hereby authorized and directed to notify and warn the first meeting of the Baptist Church in Cambridge aforesaid, which shall be held on the second Munday of March next.

[Approved by the Governor, February 8, 1819.]

CHAP. LVII.

An Act to incorporate the Gloucester Fishing Company, in the town of Gloucester.

Persons incorporated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That William Pearce, William Saville, Benjamin K. Hough, Israel Trask, William Babson, Junior, Zachariah Stevens, William Pearce, Junior, William W. Parrot, and Samuel Pearce, all of Gloucester, and their associates, successors and assigns, be, and they hereby are constituted a body corporate and politic, by the name of the Gloucester Fishing Company; and the said corporation, by the same name, are hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the concerns of said company, consistent with the laws of this Commonwealth, and of the United States.

Capital Stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company, shall consist of twenty-five thousand dollars, in shares of one hundred dollars each, with liberty to extend their capital to fifty thousand dollars. The amount subscribed and paid shall

be invested in vessels and materials necessary to carry on the cod and other fisheries; fifteen per centum of which, may be invested in real estate necessary to make and cure their fish, and for the accommodation of their vessels; *provided, however,* that no authority shall be had by virtue of this act, until the sum of twenty-five thousand dollars aforesaid, shall have been actually paid. Proviso.

SEC. 3. *Be it further enacted,* That the affairs of said company shall be managed by five Directors, to be chosen by the stockholders, on the first Monday of January annually; and the Directors so chosen, shall have liberty to appoint an agent to superintend the affairs of said company; and all purchases made and engagements entered into by the said agent, when sanctioned by the Directors aforesaid, shall be binding on said company. At all meetings of the stockholders for the choice of Directors or for other purposes, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportions; that is to say, for one share, one vote; and every two shares above one, shall give a right to one vote more; *provided,* no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing. Officers.

SEC. 4. *Be it further enacted,* That whenever in the opinion of the Directors of said company, it shall appear for their interest, any part of the vessels and stock of said company may be employed in commercial pursuits, connected with and arising out of those of fishing, conforming themselves to the laws of the United States and of this Commonwealth. Privileges.

SEC. 5. *Be it further enacted,* That no dividend shall be made by the company aforesaid, except of their annual profits; and in no instance shall a dividend be made to impair the capital stock actually paid in. Dividends.

SEC. 6. *Be it further enacted,* That William Pearce, William Saville, and Benjamin K. Hough, be, and they hereby are empowered, to call the first meeting for the choice of Directors, as soon as convenient, after passing of this act, by posting up notices at one or First meeting.

Feb. 8, 1819.

more places within the town of Gloucester, at least seven days before said meeting.

Limitation.
Proviso.

SEC. 7. *Be it further enacted*, That this act shall continue, and be in force for the term of twenty years. *Provided, however*, that whenever a majority shall agree thereto, the stock of said company may be divided, they first paying all debts, dues and demands, against them.

Real estate
may be at-
tached.

SEC. 8. *Be it further enacted*, That whenever any action shall be commenced against said corporation, or whenever any execution may issue against such corporation on any judgment rendered in any civil action, and the said corporation shall not, within fourteen days after demand thereof made upon the President, Treasurer, or Clerk of such corporation, by the officer, to whom the writ or execution, against such corporation, has been committed to be served, shew to the same officer, sufficient real or personal estate to satisfy any judgment, that may be rendered upon such writ, or to satisfy and pay the creditor, the sums due upon such executions, then and upon such neglect and default, the officer to whom such writ and execution may have been committed for service, shall serve and levy the same writ or execution, upon the body or bodies, and real and personal estate or estates, of any member or members of such corporation.

[Approved by the Governor, February 8, 1819.]

CHAP. LVIII.

An Act to repeal in part an act, entitled "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."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the second section of an act passed on the twelfth day of June, in the

year of our Lord one thousand eight hundred and eighteen, entitled "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," be, and the same is hereby repealed.

[Approved by the Governor, February 11, 1819.]

CHAP. LIX.

An Act establishing the Dover Iron Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John H. Rice, Samuel Fisher, Junior, Timothy Allen, Junior, Frederick Barden, John Williams, Nathaniel Chickering, Joseph Clark, Daniel Adams, and Daniel Chickering, together with such other persons as have associated, or may hereafter associate with them, their successors and assigns, be, and they hereby are made a corporation, by the name of the Dover Iron Company, for the purpose of rolling and slitting iron and manufacturing nails, and other modifications of iron, in the District of Dover, in the County of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act passed in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations." Persons incor-
porated.

SEC. 2. *Be it further enacted,* That the said Corporation may be lawfully seized of such real estate, not exceeding the value of fifty thousand dollars, and such personal estate, not exceeding sixty thousand dollars, as shall be necessary and convenient for establishing and carrying on the manufactories aforesaid. May hold real
estate.

[Approved by the Governor, February 11, 1819.]

CHAP. LX.

An Act in addition to an act, entitled "An act empowering the Judges of Probate to appoint Guardians to Minors and others."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever the Selectmen of any town, or a major part of them, shall make application to the Judge of Probate for the appointment of a Guardian to any person, who, by excessive drinking, gaming, idleness, or debauchery, is wasting his estate, agreeable to the provisions of the act passed on the tenth day of March, in the year of our Lord one thousand seven hundred and eighty-four, entitled "An act empowering the Judges of Probate to appoint Guardians to minors and others;" and the Judge of Probate shall, by his decree, order notice to the person complained against, the complainants may file a copy of their said complaint, with the order of the Judge of Probate thereon, in the office of the Register of Deeds for the same county: And in case a Guardian shall be appointed by the Judge of Probate, to the person complained against, all and every gift, bargain, sale or transfer of any real or personal estate, made by such person or persons, after the filing of the copy of said complaint and order of the Judge of Probate with the Register of Deeds, shall be void and of no effect.

[Approved by the Governor, February 11, 1819.]

CHAP. LXI.

An Act in addition to an act, entitled "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 the following per-

sons be, and they are hereby appointed Trustees of the China Academy, in addition to the present Board, viz. Reverend Jeremiah Chaplin, Honorable Thomas Rice, Persons incor- Samuel Bedlington, Philip Leach, William Sibley, porated. Jonathan Winslow, Thomas Eastman, and Japheth C. Washburn, Esquires.

SEC. 2. *Be it further enacted,* That the number of Trustees of said Academy, shall never be more than fifteen, nor less than five, any thing in the act to which Number of Trustees. this is in addition, to the contrary notwithstanding; and any five of said Trustees shall constitute a quorum for transacting business.

[Approved by the Governor, February 11, 1819.]

CHAP. LXII.

An Act for changing the name of the Second Congregational Society in Charlestown.

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 name of the Second Congregational Society in Charlestown, shall be changed, and the said society shall be known and called by the name of the New Church in Charlestown; any thing in the act incorporating said society, to the contrary notwithstanding.

[Approved by the Governor, February 11, 1819.]

CHAP. LXIII.

An Act to set off Lebbius Simmons and others, from Twenty Five Mile Pond Plantation, in the County of Kennebeck, and annex them to the town of Joy.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Lebbius Simmons, John Conner, Lebbius Simmons, Junior, and Andrew Bennett, with their polls and estates, be, and they are hereby set off from Twenty Five Mile Pond Plantation, and annexed to the town of Joy, in the County of Kennebeck, as follows, viz.: Beginning on the north line of the town of Unity, on the east side of Twenty Five Mile Pond, thence by the easterly shore of said Pond to the north-west corner of the lot of land that Andrew Bennett now lives upon; thence easterly on the north line of said lot to the west line of said town of Joy; thence south on said west line of Joy, to said north line of Unity; thence west-north-west to the bound first mentioned.

Persons set off.

Boundaries.

SEC. 2. *Be it further enacted,* That the said Lebbius Simmons, John Conner, Lebbius Simmons, Junior, and Andrew Bennett, shall be holden to pay all taxes already assessed upon them by said plantation.

[Approved by the Governor, February 11, 1819.]

CHAP. LXIV.

An Act in addition to an act, entitled "An act granting to John L. Sullivan, a term of time for the use of his Patent Steam Tow Boats on Connecticut River, within this Commonwealth."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proviso in the act, passed on the seventh day of February, in the

year of our Lord one thousand eight hundred and fifteen, entitled "An act granting to John L. Sullivan a term of time for the use of his Patent Steam Tow Boats on Connecticut River, within this Commonwealth," be, and the same is hereby extended to a further period of two years.

[Approved by the Governor, February 11, 1819.]

CHAP. LXV.

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

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever the Selectmen of any town shall have posted up in their town, the names of any common drunkards, common tiplers, or common gamesters, or whenever they shall have forbid licensed persons from selling to any mispenders of their time and estate, any spirituous or strong liquors, agreeable to the directions of the act, passed on the twenty-eighth day of February, in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An act for the due regulation of licensed houses," it shall not be lawful for any person to purchase or procure, for and in behalf of such prohibited person, or for his use, any spirituous or strong liquors: And if any person or persons shall purchase, procure or sell, or shall cause to be purchased, procured or sold, any spirituous or strong liquors to, or for the use of any such prohibited person, during the continuance of such prohibition, as aforesaid, he shall forfeit and pay the sum of ten dollars, to be recovered by complaint to any Justice of the Peace within the same county; one moiety thereof to the use of the complainant, and the other moiety to the use of the poor of the town.

Posting of drunkards and gamesters.

Penalties.

SEC. 2. *Be it further enacted,* That any taverner,

innholder, victualler, or retailer, who shall suffer any minor, tipler, common drunkard, or gambler, to remain in his or her house, store, or any other apartment, or shall furnish them with strong liquors of any kind, and shall be thereof convicted, shall forfeit and pay a fine of ten dollars, for every such offence, to be recovered in form and manner as is provided in the act to which this is in addition; and shall also forfeit his or her license, not to be renewed again for three years; any law to the contrary notwithstanding.

Fines.

[Approved by the Governor, February 12, 1819.]

CHAP. LXVI.

An Act to establish the Town of Atkinson.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Plantation, or Township, numbered Two, in the sixth range of Townships north of the Waldo Patent, in the County of Penobscot, as contained within the following bounds, with the inhabitants thereon, be, and hereby is incorporated and established as a town, by the name of Atkinson, viz. : North by a line drawn on the middle of the river Paskataquis; east by Township, numbered One, in the same range, (not incorporated;) south by the town of New Charlestown; west by the Township, numbered Three, (unincorporated,) in the same range : And the said town of Atkinson is hereby vested with all the corporate powers and privileges, and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Boundaries.

General powers.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the County of Penobscot, is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Atkinson, to notify and warn the qualified freeholders therein, to meet at such convenient time

Town meeting.

and place as shall be appointed in the said warrant, for the choice of such officers, as towns are by law empowered and required to choose at their annual town meetings.

[Approved by the Governor, February 12, 1819.]

CHAP. LXVII.

An Act to incorporate the Town of Knox.



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 Knox, in the County of Hancock, as contained within the following described boundaries, be, and hereby is established as a town, by the name of Knox; that is to say, bounded upon the north by the town of Thorndike; upon the east by the town of Brooks; upon the south by the town of Belmont; and upon the west by the County of Kennebeck. And the said town of Knox, 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. 2. *Be it further enacted,* That any Justice of the Peace for the County of Hancock be, and he is hereby empowered, on application therefor, to issue a warrant, directed to a freehold inhabitant of said town of Knox, requiring him to notify and warn the freeholders and other inhabitants thereof, to meet at such convenient time and place, as shall be appointed in the said warrant, for the choice of such officers as towns are by law empowered and required to choose at their annual town meetings.

[Approved by the Governor, February 12, 1819.]

CHAP. LXVIII.

An Act to regulate the Fisheries in the town of Waldoborough.

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 town of Waldoborough, at their annual meeting for the choice of town officers, to choose five or more persons, being freeholders in said town, a committee to execute the provisions of this act; and each person, so chosen, shall be sworn to the faithful discharge of his duty. And the said committee, or a major part of them, are hereby empowered to open, and cause to be kept open, a passage or sluice way for the alewives, shad and salmon, and other fish, to pass up all the rivers and streams within said town, through any mill dam which now is or may hereafter be erected within said town, and to remove all other obstructions, found within said rivers and streams; and, to effect these purposes, the said committee shall have power, by themselves, or others by them employed, to enter upon any land within said town, without being trespassers; and the said sluice way shall be of sufficient depth and width for a passage for the said fish, and shall be kept open, from the first day of May to the first day of July, in each year: and a major part of said committee are hereby empowered to determine the times when, and the places where, and the manner in which the said fish may be taken; and shall notify the inhabitants thereof, by posting notifications in three public places in said town, seven days at least before the first day of May, in each year; and if any person or persons shall molest or hinder the said committee, or either of them, or others, by them employed, in executing his or their duty in said office, or in any way obstruct the said passage or sluice way, ordered and allowed by the said committee, or a majority of them, each and every person, so offending, shall, for each and every offence, forfeit and pay ten dollars, to be recovered by action

Officers to be chosen.

Sluices to be kept open.

Duties of Committee.

Penalties.

of debt, in the name of the said town, before any Court proper to try the same; and the monies so forfeited and paid, shall be, one half to the use of the town, to be paid to the Town Treasurer; and the other half to the use of the informant.

SEC. 2. *Be it further enacted*, That the said committee are hereby empowered to farm out the fisheries aforesaid, or sell the right of taking fish in any part, or all of said rivers and streams, at public auction or at private sale, as they may judge most beneficial for the interest of the said town; and if any person catch or take any of the said fish, in any of the said rivers or waters connected therewith, without the permission, and against the rules established by the said committee, he, she or they shall forfeit and pay, on conviction, one dollar for each fish so taken, to be recovered and appropriated as is provided in the first section of this act. May farm out fisheries.

SEC. 3. *Be it further enacted*, That any person or persons who has heretofore erected, or who shall hereafter erect, or cause to be erected, any mill dam across any of the waters aforesaid, and doth not make a sufficient and suitable provision for the passage of said fish, during the season as aforesaid, at his or their own proper expense and charge, he or they, so offending, shall forfeit and pay to the use of said town, a sum not less than forty dollars, nor more than two hundred dollars, to be recovered by action of debt, in the name of said town: *Provided, nevertheless*, the owner or owners of mills already built, shall have thirty days notice to open the said sluice, before the penalty aforesaid shall be incurred. Fines.

[Approved by the Governor, February 12, 1819.]

CHAP. LXIX.

An Act to incorporate the First Baptist Society in Danvers.

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

Persons incor-
porated.

Martin Bates, Michael Barry, Moses Black, James Carr, Benjamin Chaplin, Thomas Cheever, Caleb Clarke, Parker Cross, John Doak, George Ellis, Solomon Emerson, Israel Endicot, George Ervin, Levi Fish, Benjamin Foster, William Francis, Elijah Fuller, Timothy Fuller, Daniel Goodhue, Allen Gould, Andrew Gould, Daniel Hardy, Stephen Haynes, Israel Hutchinson, Aaron Jacobs, Ebenezer Jacobs, Henry Johnson, William Johnson, Hercules H. Josselyn, John Kenny, Benjamin Kent, Benjamin Kent, Junior, Joseph Kent, John Kent, Robert Lefavor, Nathaniel Mayhew, Samuel M'Intire, Jonathan M'Intire, John Mitchell, William Morris, Amos Osborn, Jeremiah Page, John Page, Benjamin Perry, Allen Peabody, Samuel Pindel, John Porter, Jonathan Proctor, Amos Putnam, Allen Putnam, Andrew Putnam, Jeremiah Putnam, John Putnam, Thomas Putnam, Parker Richardson, Briggs D. Reed, William Shillaber, Samuel Slater, Ephraim Smith, Joseph Stearns, Seth Stetson, Timothy Stevens, Asa Stickney, Thomas Symonds, William Trask, Daniel Upham, Benjamin Webb, Nathaniel Webb, Nathaniel Webb, Junior, Samuel Whipple, Stephen Whipple, Amaziah Whitney, Noah Whittier, and Moses W. Wilson, all of Danvers, together with such others, being inhabitants of Danvers, as may hereafter associate with them, and their successors, for the purpose of religious worship only, be, and they are hereby incorporated, as a religious society, by the name of the First Baptist Society in Danvers, with all the powers, privileges, and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth; and the polls and estates of all persons who are members of said society, shall be taxable therein, for all parochial purposes.

General pow-
ers.

Membership.

SEC. 2. *Be it further enacted,* That any person living in the town of Danvers, who may be desirous of becoming a member of said Baptist Society, and shall declare such intention in writing to the Clerk of the religious society to which he or she belongs, fifteen days before the annual meeting in the month of March or April, and shall produce a certificate from the Clerk of the said Baptist Society, that he or she

has united with them in religious worship, such person shall be considered, with his or her polls and estate, as a member of said Baptist Society.

SEC. 3. *Be it further enacted,* That when any member of said Baptist Society shall be desirous of becoming a member of any other religious society in the said town of Danvers, and shall declare such intention in writing, given to the Clerk of said Baptist Society, fifteen days before the annual meeting in the month of March or April, and shall also produce a certificate from the Clerk of the society, to which he or she wishes to be annexed, that he or she has united with them in religious worship, such person shall be considered, with his or her polls and estate, as a member of such other society: *Provided, however,* that all persons shall be holden to pay their proportion of all sums of money, lawfully granted by either of the societies in said town of Danvers, while such person continued a member of the same.

Conditions of
secession.

Proviso.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the County of Essex, upon application therefor, is hereby empowered to issue a warrant, directed to a member of the said Baptist Society in Danvers, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the election of such officers, as parishes are by law required to choose at their annual parish meetings, and to do such other parochial business as may be expressed in said warrant.

First meeting.

[Approved by the Governor, February 12, 1819.]

CHAP. LXX.

An Act to set off Caleb Faxon, with his family and estate, from the town of Dorchester, and annex them to the town of Quincy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Caleb Faxon, with

his family, polls and estate, be, and they hereby are set off from the town of Dorchester, and annexed to the town of Quincy, in the County of Norfolk; and the said Caleb Faxon shall hereafter be considered an inhabitant of the town of Quincy, and shall there exercise and enjoy all the rights and privileges, and shall also be subject to the like duties and requisitions as the other inhabitants of said town: *Provided*, that the said Caleb Faxon shall be holden to pay all taxes legally assessed on him by the town of Dorchester, prior to the passing of this act.

[Approved by the Governor, February 12, 1819.]

CHAP. LXXI.

An Act to incorporate the President, Directors and Company of the Commercial Bank.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Benjamin Pickman, Junior, Benjamin W. Crowninshield, Nathaniel West, Joseph Story, Thomas Saunders, Jonathan Neal, Nathaniel Bowditch, George Cleveland, Willard Peele, Pickering Dodge, Charles Saunders, William Fettyplace, Gideon Barstow, Stephen White, Nathaniel West, Junior, Nathan Robinson, and their associates, successors, and assigns, shall be, and are hereby created a corporation, by the name of the President, Directors and Company of the Commercial Bank; and shall so continue, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one; and the said corporation shall always be subject to the rules, restrictions, limitations, taxes and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An act to incorporate the President, Directors and Company of the Merchants' Bank, in Salem," except in so far as

Persons incor-
porated.

Rules.

the same are modified or altered, by this act, as fully and effectually, as if the several sections of said act were herein specially recited and enacted.

SEC. 2. *Be it further enacted,* That the capital stock of the said corporation shall consist of the sum of three hundred thousand dollars, in gold and silver, divided into shares of one hundred dollars each, which shall be paid in at three equal instalments; the first on or before the fifteenth day of April next; the second instalment on or before the fifteenth day of September next; and the remaining instalment, on or before the first day of February next; and that no dividend shall be made or declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act. And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of the said stock, and the profits thereof; which being entered in the books of the said corporation, shall be binding on the stockholders, their successors and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, tenements and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time; with power to bargain, sell, and dispose of the same; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however,* that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate, on mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And provided, further,* that no money shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver, in the vaults, shall amount to seventy-five thousand dollars.

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

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

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

Meeting for
choice of offi-
cers.

Common-
wealth's stock.

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

[Approved by the Governor, February 12, 1819.]

CHAP. LXXII.

An Act to incorporate the First Congregational Parish in the town of Limington.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac Mitchell, Henry Small, James McArthur, David Otis, Edward Small, Robert Libby, Samuel Larrabee, Junior, Arthur McArthur, Benjamin Clarke, Abner Libby, William Thompson, Francis Small, Humphrey Small, Joshua Small, Isaac Small, Jonathan Boothby, Parmenio Libby, Nathaniel Clarke, Junior, Daniel Small, William Small, Harvey Libby, Benjamin Blake, Simon Plaisted, Benjamin Tyler, Samuel Larrabee, Jonathan Atkinson, Silas Meserve, Nathaniel Meserve, John Libby, Philemon Libby, Edward Clarke, Joshua Brackett, Ephraim Clarke, and Seth Blake, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they hereby are incorporated into a society, by the name of the First Congregational Parish in the town of Limington; with all the powers, privileges, rights and immunities, to which parishes or societies are entitled, by the constitution and laws of this Commonwealth.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That any person in said town of Limington, or in any of the adjoining towns, who may hereafter desire to become a member of said Congregational Society, and give in his or her name to the Clerk of the town or parish, to which he or she may belong, with a certificate signed by the Minister or Clerk of said Congregational Society, that he or she hath actually become a member of, and united in religious worship with said Congregational Society, fourteen days previously to the town or parish meeting, to be held in the month of March or April, annually, shall, from and after the date of such certificate, with his or her polls and estates, be considered as a member of said Congregational Society:

Membership.

Proviso.

Provided, however, that all such persons shall be held to pay his or her proportion of all monies voted or assessed in the town or parish, to which he or she belonged, previously to that time.

Conditions of secession.

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

First meeting.

SEC. 4. *Be it further enacted,* That any Justice of the Peace in the County of York, upon application therefor, is hereby authorized to issue a warrant, directed to some suitable member of said Congregational Society, requiring him to notify and warn the members thereof, to meet at such time and place as shall be appointed in said warrant, to choose all such officers, and transact all such business as parishes are by law entitled to choose and transact, in the month of March or April, annually.

[Approved by the Governor, February 13, 1819.]

CHAP. LXXIII.

An Act in addition to an act, entitled "An act for establishing a Corporation, by the name of the Eighth Massachusetts Turnpike Corporation."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the proprietors of the Eighth Massachusetts Turnpike Corporation, shall, from and after the passing of this act, have leave to discontinue all that part of said road, from the place where the Becket Turnpike unites with said Eighth Massachusetts Turnpike, near the dwelling house of Daniel Sherman, in Becket, in the County of Berkshire, to the line of the town of Pittsfield, in said county. Privilege.

SEC. 2. *Be it further enacted,* That the said corporation be, and they hereby are authorized to alter the course and direction of their road, from the foot of Becket Mountain, beginning on the flat, near the west branch of Westfield River, about half a mile west of the dwelling house of Uriah Ferry; thence running upon or near said river, so far west as the east line of the Becket Turnpike; and may purchase and hold land, over which they may make the same. Alteration of road. And the Circuit Court of Common Pleas, in the county where the road is, are hereby authorized, upon application of said corporation, to lay out the same road, in the manner provided in the act to which this is in addition. And unless said corporation shall, within two years from the passing of this act, appropriate, lay out, and expend the sum of two thousand dollars, towards the locating, building, and making the said last mentioned road, they shall, from that time, be entitled to receive at their middle gate, so called, only one half of the amount of toll which they are now authorized to take at said gate.

SEC. 3. *Be it further enacted,* That the Circuit Court of Common Pleas, in either of the Counties of Hampden or Berkshire, are hereby authorized to ap-

point a committee, to lay out the whole of said road, lying partly in each of the said Counties of Hampden and Berkshire: And when said road shall be made and completed, to the acceptance of the Court, who may appoint said locating committee, that part of the old turnpike road, lying between the dwelling house of said Daniel Sherman and the foot of Becket Mountain, shall be discontinued.

Road discontinued.

[Approved by the Governor, February 13, 1819.]

CHAP. LXXIV.

An Act to incorporate the President, Directors, and Company of the Bank of Portland.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Arthur M'Lellan, James Deering, John Mussey, Isaac Adams, Barrett Potter, Joshua Richardson, Henry Smith, Levi Cutter, Robert Ilsey, and Richard Cobb, their associates, successors, and assigns, shall be, and hereby are created a corporation, by the name of the President, Directors and Company of the Bank of Portland; and shall so continue from the first day of March next, until the first Monday of October, which will be in the year of our Lord one thousand eight hundred and thirty-one: And the said corporation shall always be subject to the rules, restrictions, limitations, taxes, and provisions, and be entitled to the same rights, privileges and immunities, which are contained in an act, entitled "An act to incorporate the President, Directors and Company of the State Bank," except in so far as the same are modified or altered by this act, as fully and effectually, as if the several sections of said act were herein specially recited and enacted.

Persons incorporated.

Privileges and restrictions.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation, shall consist of the sum of two hundred thousand dollars, in gold and silver, to

be, besides such part as this Commonwealth may subscribe, in manner hereafter mentioned, divided into shares of one hundred dollars each, which shall be paid in three equal instalments; the first, on or before the fifteenth day of April next; the second, on or before the fifteenth day of September next; and the remaining instalment, on or before the first day of February next; and that no dividend shall be declared on the capital stock of said bank, until the whole of said capital stock shall have been paid in, conformably to the provisions of this act: And the stockholders, at their first meeting, shall, by a majority of votes, determine the mode of transferring and disposing of said stock, and the profits thereof; which being entered in the books of said corporation, shall be binding on the stockholders, their successors, and assigns, until they shall otherwise determine. And the said corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain to them, their successors, and assigns, lands, rents, tenements, and hereditaments, to the amount of twenty thousand dollars, and no more, at any one time; with power to bargain, sell, dispose, and convey the same by deed, under the seal of said corporation, and signed by the President, or two of the Directors; and to loan and negotiate their monies and effects, by discounting on banking principles, on such security as they shall think advisable: *Provided, however,* that nothing herein contained, shall restrain or prevent said corporation from taking and holding real estate in mortgage, or on execution, to any amount, as security for, or in payment of any debts due to the said corporation: *And, provided further,* that no monies shall be loaned, or discounts made, nor shall any bills or promissory notes be issued from said bank, until the capital subscribed, and actually paid in, and existing in gold and silver in their vaults, shall amount to fifty thousand dollars.

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

SEC. 4. *Be it further enacted,* That not more than three fourths of the Directors elected, who shall be in office at the time of an annual election, exclusive of

Time which
officers may
serve.

the President, shall be elected for the next succeeding year; and no Director shall hold his office more than three years out of four in succession, except the Director that is President at the time of an annual election, who may be reelected.

SEC. 5. *Be it further enacted*, That any Director of the Portland Bank, may be eligible as a Director of the bank hereby incorporated.

Loans to State.

SEC. 6. *Be it further enacted*, That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which may be required, not exceeding ten per centum of the capital stock actually paid in, at any one time, reimbursable by five annual instalments, or any shorter period, at the election of the Commonwealth; with the annual payment of interest, at a rate not exceeding five per centum per annum: *Provided, however*, that the Commonwealth shall never stand indebted to said corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

Proviso.

SEC. 7. *Be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at such time and place as they may see fit, by advertising the same for one week in the Portland Gazette and Eastern Argus, for the purpose of making, ordaining, and establishing such by-laws, ordinances, and regulations as the said stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Meeting for
choice of offi-
cers.

SEC. 8. *Be it further enacted*, That the Commonwealth shall have a right, whenever the Legislature shall make provision therefor by law, to subscribe, on account of the Commonwealth, a sum, not exceeding one half of the capital stock actually paid in, to be added to the capital stock of said corporation, subject to such rules, regulations, and provisions, as to the management thereof, as shall, by the Legislature, be made and established.

State rights.

SEC. 9. *Be it further enacted*, That whenever the Commonwealth shall subscribe to the capital stock of

said corporation, in manner herein before provided for, in addition to the Directors, by law, to be chosen by the stockholders, the Legislature shall have a right, from time to time, to appoint a number of Directors of State Directors. said bank, in proportion as the sum paid from the treasury of the Commonwealth, shall bear to the whole amount of stock actually paid into said bank, if at any time hereafter, they shall see fit to exercise that right.

[Approved by the Governor, February 13, 1819.]

CHAP. LXXV.

An Act to incorporate the Town of Thorndike.

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 Lincoln, in the County of Hancock, as contained in the following described boundaries, be, Boundaries. and hereby is established as a town, by the name of Thorndike; that is to say: Beginning at the south west corner of said plantation, at a stake and stones; thence running north, twenty-five degrees east, about one mile, to a birch tree; thence north, seven degrees east, four miles and one hundred and forty-three rods, to a cedar stake; thence north, eighty-seven degrees east, four miles and thirty rods, to a beach tree; thence south, three degrees east, five miles and forty-one rods, to a stake and stones; thence south, eighty-seven degrees west, five miles and thirty-five rods, to the place of beginning. And the said town of Thorndike is hereby vested with all the corporate powers and privileges, Corporate powers. and shall also be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That any Justice of the Peace for the County of Hancock, be, and he is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said

town of Thorndike, requiring him to notify and warn the freeholders and other inhabitants of 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.

First meeting.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXVI.

An Act to incorporate the Proprietors of Merchants' Hall, in Boston.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas K. Jones, William Dehon, and Thomas Brewer, all of Boston, and their associates, successors and assigns, be, and they hereby are constituted a body politic and corporate, by the name of the Proprietors of Merchants' Hall; and the said corporation, by the same name, are hereby declared and made capable in law, to sue and be sued, plead and be impleaded; to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the estate herein after described, consistent with the laws of the Commonwealth; and generally to do and execute whatever, by law, doth or may appertain to bodies politic and corporate, within the meaning and intent of this act.

Persons incor-
porated.

General pow-
ers.

SEC. 2. *Be it further enacted,* That the said corporation be, and the same hereby is declared and made capable to have, hold and possess, all that certain real estate, situate in said Boston, bounded and described as follows, viz.: Westwardly on Congress Street, there measuring thirty-three feet six inches; northwardly on a lane or passage way, there measuring one hundred and twenty feet; eastwardly on land of William Phillips, Esquire, there measuring thirty-four

May hold real
estate.

feet seven inches; and southwardly on Water Street, there measuring one hundred and twenty-five feet six inches; or however otherwise bounded, together with all the rights, privileges and appurtenances thereof; *provided*, the lawful proprietors thereof shall legally Proviso. convey the same to the said corporation. And the said corporation shall have power to sell, grant and alien in fee simple, or otherwise, their corporate property, or any part thereof, within the said described limits, and to lease, manage and improve, build, rebuild or alter the same, according to the will and pleasure of said corporation, expressed at any legal meeting by the said associates, or their assigns, or the major part of them.

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

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess such sums of money, as at any legal meeting, held and notified for that purpose, may be deemed necessary, Assessments. for building, rebuilding and repairing, or altering any buildings whatever, on the land within the said described limits, or for the improvement or management of the corporate estate, agreeably to the true intent of this act. And in case any proprietor shall neglect or refuse to pay any assessment so laid, the said corporation may cause such of the shares of such proprietors, as may be sufficient therefor, to be sold at public Delinquent shares may be sold.

auction, after ten days notice in a public newspaper, printed in Boston, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale and advertisement, the surplus, if any, shall be paid over to such proprietors; and the purchaser of such share or shares shall be entitled to receive a certificate of the share or shares, by him purchased accordingly.

Liability.

SEC. 5. *Be it further enacted*, That the real estate of said corporation shall be liable for the debts of the corporation, and to attachment and execution, on any judgment against said corporation; and said corporation shall possess the right in equity of redeeming the same, appertaining by the laws of the Commonwealth to other real estate.

First meeting.

SEC. 6. *Be it further enacted*, That said Thomas K. Jones, William Dehon, and Thomas Brewer, or either of them, may call a meeting of said corporation, by advertisement in a public newspaper printed in Boston, ten days at least before the time of meeting; and the said corporation may, at such, or any other meeting, agree on the mode of calling future meetings, and shall elect a President and Clerk, and all such other officers as they may deem necessary for conducting their corporate affairs and estate; and the same may change and remove, as the corporation shall think fit.

Officers to be chosen.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXVII.

An Act to incorporate the Newburyport Howard Benevolent Society.

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 Thomas M. Clark, John Pearson, Henry Merritt, Richard Bartlett, and Samuel Tenny, together with such others as are, or

may hereafter be associated with them, be, and they hereby are incorporated into a society, by the name of the Newburyport Howard Benevolent Society; and by that name, shall be a corporation forever; with power to have a common seal; to make contracts relative to the objects of their institution; to sue and be sued; to establish by-laws and orders for the regulation of the society, and the preservation and application of the funds thereof; to take, hold, and possess any estate, real or personal, by subscription, gift, grant, purchase, or otherwise; and the same to lease or otherwise improve, and sell and convey, for the sole benefit of said institution; *provided*, that the said by-laws be not repugnant to the constitution and laws of this Commonwealth; and that the value of the said estate shall not exceed ten thousand dollars; and that the funds of said society shall always be improved and appropriated to the humane purposes of relieving the distresses of the poor, the sick, and the aged.

General powers.

Proviso.

SEC. 2. *Be it further enacted*, That the time and place of the first meeting of said society, may be appointed by Thomas M. Clark, by his giving notice thereof, in the Newburyport Herald, printed in Newburyport; and at such meeting, the said society may agree upon their mode of calling future meetings, and establish by-laws to regulate said society.

First meeting.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXVIII.

An Act to establish the Portland Marine and Fire 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 James Neal, Albert Newhall, Asa Clap, Matthew Cobb, Reuben Morton, and Daniel Fox, with their associates, successors and

Persons incorporated.

assigns, be, and they are hereby incorporated into a company and body politic, by the name of the Portland Marine and Fire Insurance Company, with the powers and privileges usually granted to other insurance companies, and subject to all the duties, obligations and restrictions, contained in a law of this Commonwealth, entitled "An act to define the powers, duties and restrictions of Insurance Companies," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen; also with power and authority to make insurance on any dwelling or other building, and on the goods and property therein contained, within this Commonwealth, against amage arising to the same by fire; and to fix the premium and terms of payment, 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*, that they shall not hold real estate exceeding the value of five thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

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, 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 both of the newspapers printed in the town of Portland, and fifty dollars on each share, on or before the first Tuesday of October next, and the residue of said stock on or before the first Tuesday of October, in the year one thousand eight hundred and twenty-one, in such sum or sums, and at such intermediate time or times, and under such penalties as the President and Directors shall, in their discretion, direct and appoint.

SEC. 3. Be it further enacted, That the stock, pro-

General powers.

May sue and be sued.

Proviso.

Capital Stock.

Penalties.

perty, affairs and concerns of said company, shall be managed by seven Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and who shall, at the times of their election, be stockholders and citizens of this Commonwealth, and shall be elected on the first Tuesday in April in each and every year, at such time of the day, and in such place in the town of Portland, as a majority of the Directors for the time being shall appoint; of which election, public notice shall be given, in at least one of the newspapers printed in the town of Portland, fourteen days at least immediately preceding: and this election shall be held under the inspection of three stockholders, not being Directors; and the election shall be made by ballot, by a majority of the stockholders present, allowing one vote to each share; *provided*, that no stockholder shall be entitled to more than ten votes; and absent stockholders may vote by proxy, under such restrictions as the company may prescribe.

Managers;

Annual election of Directors.

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 shall preside for one year; and in case of the death, resignation or inability to serve, of the President or any Directors, 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: *Provided*, that no person, being a Director of any other company, carrying on the business of insurance, shall be eligible as a Director of the company, by this act established.

Special elections.

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 dis-

Rules and regulations.

position of the stock, property, estate and effects of said company, and the transfer of 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 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.

Proviso.

SEC. 6. *Be it further enacted*, That the property of any member of the said company, vested in the stock of said company, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his bona fide creditors, in manner following, viz. : in addition to the summons, by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said company; and the debtor's share or shares in said company's funds, together with the interest and profits due, or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares, not noted in the books of the company previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any stockholder in said company, and his share or shares therein, exposed to sale, in the same manner as is by law prescribed, where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of the said company; and the purchaser shall thereupon be entitled to the reception of all dividends and stocks to which the debtor was previously entitled; and upon any attachment being made, or execution levied, on any shares in said company, it shall be the duty of the Secretary of said company to expose the books of the company to the officer, and furnish him with a certificate under his hand, in his official capacity, ascertaining the num-

Property of
Members may
be attached.

ber of shares the debtor holds in said company, and the amount of the dividends due thereon.

SEC. 7. *Be it further enacted,* That the President and Directors of the said company shall, previous to their subscribing to any policy of insurance, against damage arising from fire, and once in every year after, publish in one or more of the newspapers printed in the town of Portland, what risks they mean to insure against, and the largest sum they mean to take on any one risk : *Provided, nevertheless,* that the said President and Directors shall not be allowed to insure on any one risk against damage by fire, a larger sum than seven per centum of the amount of the capital stock of said corporation actually paid in.

SEC. 8. *Be it further enacted,* That any three of the persons herein named, be, and they are hereby empowered to call a meeting of the members of said company as soon as may be, in Portland, by advertising the same fourteen days in both the newspapers printed in said town, for the purpose of electing the first Board of Directors, who shall continue in office until the first Tuesday in April, one thousand eight hundred and nineteen.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXIX.

An Act to establish the Town of Newburgh.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Township or Plantation, Numbered Two, in the first range of townships, north of the Waldo Patent, as contained within the following described boundaries, be, and hereby is established as a town, by the name of Newburgh, viz. : beginning at the south-east corner of the town of Carmel ; thence running west, by the southerly line of said Carmel, to the town of Dixmont ;

thence south, by the westerly line of said Dixmont, to the north line of the Waldo Patent; thence easterly, by said patent line, to the south-west corner of Hampden; thence northerly, by the west line of Hampden, to the place of beginning. And the said town of Newburgh is hereby vested with all the corporate powers and privileges, and shall also be subject to all duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth.

Corporate powers.

First meeting.

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

[Approved by the Governor, February 15, 1819.]

CHAP. LXXX.

An Act to incorporate the East Parish in Randolph.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Bailey White, Samuel Curtis, Isaac White, Isaac Whitcomb, Asa Belcher, 2d, Isaac Thayer, 2d, Samuel Newcomb, Asa Porter, Nathan Pendergrass, Nathaniel Belcher, Thomas Belcher, Junior, Samuel Pendergrass, Ariel Paine, Daniel Faxon, Asa Reed, Shubael Clark, Nathan Johnson, Ephraim Whitcomb, Rodolphus Porter, Jonathan White, Robert Thayer, John Thayer, Nathaniel Hunt, 2d, Silas Paine, Junior, John Porter, Robert Pratt, Junior, Nathaniel Belcher, Junior, Elisha Belcher, Jonathan Hunt, Abner W. Paine, Simeon Whitcomb, Joseph White, William Linfield, William Madden, Richard Belcher, Junior, David

Persons incorporated.

White, Elijah Porter, Davis Thayer, Joseph Thayer, Richard Belcher, Timothy Thayer, Elisha Thayer, Asa Belcher, Thomas Belcher, Benjamin Pratt, Silas Paine, Benjamin Paine, Junior, Cornelius White, Jacob Clark, John Adams, Jedediah French, Joseph Belcher, Junior, Caleb White, Ebenezer Thayer, Jeremiah Belcher, Ephraim Lincoln, Enoch Penniman, Zenas Thayer, Nathaniel Paine, Levi Thayer, David Whitcomb, Simeon White, Thaddeus French, and Sylvanus French, with their polls and estates, together with such persons as may hereafter associate with them, within the town of Randolph, as herein after provided, be, and they are hereby incorporated, and made a body politic and religious society, by the name of the East Parish, in Randolph; and by that name may sue and be sued; and the said corporation is hereby invested with all the powers and immunities, to which other religious societies are entitled by the constitution and laws of this Commonwealth, for religious purposes only; and the said corporation is hereby authorized and empowered to take, purchase, and hold all real and personal estate, necessary and convenient to said corporation, as such religious society.

May sue and be sued.

May hold real and personal estate.

SEC. 2. *Be it further enacted,* That all persons who dwell within the town of Randolph, and within one mile of the meeting house, now erected in said East Parish, may become a member of said religious society, on or before the first day of December, in the year of our Lord one thousand eight hundred and nineteen, on applying to the Clerk of said society, and depositing with that officer a written declaration of intention to become such members, and delivering to the Clerk of the parish or society, in the westwardly part of Randolph, a certified copy of such declaration.

Conditions of joining Society.

SEC. 3. *Be it further enacted,* That all persons who shall remove into the town of Randolph, and dwell within one mile of the East Parish meeting house, may, within six months after having so removed into said town, become members of said religious society, hereby incorporated, on depositing with the Clerk of said society, a written declaration of their assent to become such members.

Right of becoming members.

FISHERIES IN VASSALBORO'. *Feb. 15, 1819.*

SEC. 4. *Be it further enacted,* That all the male inhabitants in the town of Randolph, who may hereafter attain to the age of twenty-two years, and who shall actually dwell and have their homes within one mile of said East Parish meeting house, shall be deemed to be, and considered as members of said religious society, unless such male inhabitant shall have deposited with the Clerk of said society, a declaration in writing, of dissent to being deemed and considered such members.

Dissenters.

SEC. 5. *Be it further enacted,* That the inhabitants of said East Parish shall be holden to pay their proportion of all taxes, which have been already assessed by the town of Randolph, for parochial purposes.

Taxes to be paid.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXI.

An Act in addition to the several acts for regulating the Fishery, in Seven Mile Brook, in the town of Vassalborough, in the County of Kennebec.

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 inhabitants of the town of Vassalborough, at their annual meeting in March or April, shall have a right to sell and dispose of the privilege of taking alewives in the stream called Seven Mile Brook, in said town, for any number of years, and in such way and manner as they may judge best, and at such price or prices, as may be agreed upon; subject however, in all other respects, to the existing laws, for regulating the said fishery, in the said Seven Mile Brook.

Privileges may be sold.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXII.

An Act discharging the Union Turnpike Corporation from their liability to maintain part of said road.

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 Union Turnpike Corporation be, and they hereby are forever discharged from their liability to repair and maintain all that part of the said turnpike road, laying eastwardly of its intersection with the county road, leading from Groton to Concord, in the County of Middlesex; any thing in their act of incorporation to the contrary notwithstanding.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXIII.

An Act to repeal all laws heretofore made, for regulating the Alewife Fishery, in the towns of Bridgewater and Halifax, in the County of Plymouth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the laws heretofore made, for regulating the alewife fishery, in the towns of Bridgewater and Halifax, in the County of Plymouth, or either of them, or that require any passage way for said fish, at any mill dam in said towns, or either of them, excepting Pratt's Dam, so called, in Titicut, be, and the same are hereby repealed, so far as they respect either of said towns.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXIV.

An Act authorizing the Proprietors of the Upper Locks and Canals on Connecticut River, to reduce the width of the same.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Proprietors of the Upper Locks and Canals on Connecticut River be, and they are hereby authorized to support and maintain locks on said canal, of the width of fifteen feet, instead of twenty feet, as required by the act of incorporation.

Reduction of
Locks.

SEC. 2. *Be it further enacted,* That in estimating the toll on shingles, passing said locks and canals, six thousand of shingles shall be deemed and taken to be equivalent to one thousand of boards, and the same toll received therefor.

Tolls.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXV.

An Act to incorporate the Second Parish of Ipswich into a town, by the name of Essex.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of the town of Ipswich, in the County of Essex, called the Second Parish, and lying within the boundaries hereinafter mentioned, together with the inhabitants thereof, be, and the same hereby is incorporated into a town, by the name of Essex, and invested with all the powers, privileges and immunities, and subject to all the duties and requisitions to which towns in this Commonwealth are by law entitled or subjected; the said

New town of
Essex.

town of Essex being bounded and described as follows, to wit: Beginning at the north-westerly corner of ^{Boundaries.} William Coggswell's land, at a small stone bridge in the road at the head of Choate's Brook, so called; thence running south-westerly on the boundary of said Second Parish, to Hamilton line; thence running on different courses easterly and southerly, by said Hamilton line till it comes to Manchester line; thence running easterly by said Manchester line, to a heap of stones on Gloucester line; thence by said Gloucester line to the sea; then beginning again at the bound first mentioned, and running down said brook to the creek, so called; thence continuing down said creek to the river; thence down the channel of said river on the north side of Hog Island to the sea.

SEC. 2. *Be it further enacted,* That the said town of Ipswich shall have, hold and enjoy, to their own use and benefit forever, the court house, situate in said town; the powder house, with the military stores therein; the grammar school house, with the lands, ^{Reservations.} hereditaments, rents and profits heretofore received and belonging to the said grammar school; and also the farm, with the buildings, stock and utensils, and all other personal property thereon and thereto belonging, lately purchased by said town of Ipswich, for a public poor house.

SEC. 3. *Be it further enacted,* That the said town of Essex shall pay to the Treasurer of the said town of Ipswich, within the term of six months, their proportion of the debts due by and from the said town of Ipswich, and outstanding at the passing of this act, in ^{Debts to be paid.} the proportion of thirty-one cents per dollar on the whole amount thereof, which amount shall be ascertained by a committee of three persons from each of the said towns; and in case of their disagreement, then to be ascertained by three referees to be appointed by the Circuit Court of Common Pleas for said County of Essex; and the said town of Ipswich shall pay to or set off with the said town of Essex, the sum of twenty-two hundred and seventy dollars.

SEC. 4. *Be it further enacted,* That the said towns of Ipswich and Essex, shall respectively support and maintain all such persons as now are, or hereafter may

be inhabitants of the said towns respectively, or who were born in, or have a derivative settlement through any person born in, or deriving a settlement from any ancestor, and are or may become chargeable as paupers, according to the laws of this Commonwealth, and who have not gained a settlement elsewhere.

SEC. 5. *Be it further enacted,* That all taxes assessed, and not collected at the time of the passing of this act, shall be collected in the same manner, and paid to the Treasurer of the town of Ipswich, as if the separation of the said towns had not taken place.

SEC. 6. *Be it further enacted,* That the agreement between the said town of Ipswich, and the said Second Parish, made on the twenty-first day of December, in the year of our Lord one thousand seven hundred and fifteen, be, and remain as before the separation, and unaffected hereby in any respect whatever.

SEC. 7. *Be it further enacted,* That any Justice of the Peace for the said County of Essex, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Essex, requiring him to warn the inhabitants thereof, to meet at such time and place as may be appointed in said warrant, for the choice of all such town officers as towns are by law required to choose at their annual meetings.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXVI.

An Act to incorporate the Second Congregational Society in the First Parish in Springfield.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jonathan Dwight, Bezaleel Howard, Samuel Orne, James S. Dwight, Jonathan Dwight, Junior, Joshua Frost, Daniel Lombard, Festus Stebbins, James Wells, Robert Emery,

Benjamin Day, John Howard, Eldad Stebbins, Samuel Benton, Daniel M. Leonard, Ira Mede, Austin Peck, Henry Benjamin, Joseph M. Sanborn, Samuel Kingsbury, Samuel Lyman, Charles Rice, Judah Ely, Ezra Osborn, Junior, Simon Sanborn, Daniel Pease, John Rice, Jonathan Strickland, Solomon M. Quivey, Seneca Cooley, John M. Hendrick, Elisha Collins, Henry Dwight, Nathaniel S. Jenks, Daniel Farmer, Joel Fuller, Joel Davis, Daniel Swetland, Oran Eaton, Elam Sikes, Wells Lathrop, Charles Howard, William Rice, Walter Stebbins, Prentiss Pond, Ariel Cooley, Edmund Allen, Lemuel Stebbins, Lemuel Charter, Daniel Hartung, Junior, John Crooks, Joel Allen, Edward Parsons, Thomas Bates, Joseph Hopkins, John Stebbins, Apollos Marsh, Silas W. Searles, Henry Stearns, Aaron I. Miller, John Hall, Israel Hosfield, Lemuel G. Robbins, David Barber, Zenas Hancock, Lyman Cutler, Wait Dart, Josiah Bliss, Joseph Bangs, Simeon Prior, Amos Rice, Elizabeth Sheldon, Asahil Goodrich, Hannah Dwight, Levi Pinney, Jacob Cooley, Elias Ensign, Ezekiel Keith, Julius Dart, Solomon Woodward, Harvey Bates, James Melvin, James Melvin, Junior, Daniel Ashley, George Cooley, Junior, David Newcomb, Joseph Stephens, William Butler, Daniel Austin, Junior, Daniel Field, Samuel Dale, Eliakim Benton, Solomon McQuivey, Isaac White, Allen Bangs, Ruel Horton, Samuel M. Morgan, Daniel Chapin, Ira Daniels, Epaphras Buckland, Anson Snow, Jason Eddy, Paul G. Simons, Horace King, Benjamin Jenks, Joseph Buckland, Zebulon W. Slafter, Noah Paulk, Amos Jenks, Asa Talcot, Charles Russell, Ephraim Coring, Washington Jenks, and Jonathan Benton, and their associates, with their families, polls and estates, be, and they are hereby incorporated into a religious society, by the name of the Second Congregational Society in the First Parish in Springfield, with all the powers, privileges, and immunities, to which parishes are entitled by the constitution and laws of this Commonwealth; and may purchase, receive by gift or otherwise, and hold real and personal estate, the annual income of which, shall not exceed the sum of two thousand dollars, for the purpose of supporting public

Persons incorporated.

May hold real and personal estate.

Rules and regulations. worship therein ; and may also ordain and establish such by-laws and regulations as to them shall seem necessary and convenient for the government of their society, and the management of their ministerial funds ; *provided*, such by-laws and regulations shall be in no wise contrary to the constitution and laws of this Commonwealth.

Membership. *SEC. 2. Be it further enacted*, That any person who may hereafter be desirous of joining the said Second Congregational Society, and shall certify the same to the Clerk of the said town, which certificate shall be recorded by the said Clerk, shall thereafter, with his or her polls and estate, become a member of said Second Congregational Society ; *provided*, that such person shall pay to the parish or society, which he may leave as aforesaid, his or her proportion of all parish or society taxes assessed, and not paid at the time of filing such certificate with the Town Clerk as aforesaid.

Conditions of secession. *SEC. 3. Be it further enacted*, That any member of the said Second Congregational Society, who may at any time hereafter be desirous of leaving the said society, and joining any other parish or religious society in said town, and shall certify the same to the Town Clerk of said town, which certificate shall be recorded by said Clerk, shall thereafter, with his or her polls and estate, become a member of such other parish or religious society : *Provided, however*, that such person shall be held to pay to said Second Congregational Society, his or her proportion of all society taxes assessed, and not paid at the time of filing said certificate with the Town Clerk as aforesaid.

Privileges. *SEC. 4. Be it further enacted*, That every member of said Second Congregational Society, who has subscribed fifty dollars for the use of said society, or shall become a proprietor in any pew in such meeting house as shall be built for the use of said society, to the value of fifty dollars, shall be entitled to vote in all meetings of said society, for the management of their concerns.

SEC. 5. Be it further enacted, That any Justice of the Peace for the County of Hampden be, and he is hereby empowered, on application therefor, to issue

his warrant to some member of said Second Congregational Society, requiring him to notify and warn the members thereof, to meet at such convenient time and place, as shall be appointed in said warrant, for the election of such officers as parishes are by law required to choose at their annual meetings, and to transact such other parochial business as may be authorized by said warrant. First meeting.

[Approved by the Governor, February 15, 1819.]

CHAP. LXXXVII.

An Act to repeal the eighth section of an act, entitled “An act to incorporate the President, Directors and Company of the Suffolk Bank.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the eighth section of an act, entitled “An act to incorporate the President, Directors and Company of the Suffolk Bank,” passed the tenth day of February last, be, and the same is hereby repealed.

[Approved by the Governor, February 16, 1819.]

CHAP. LXXXVIII.

An act to repeal an act, entitled “An act for establishing a salary, of a fixed and permanent value, for the Governor, and repealing a law heretofore made for that purpose.”

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 for establishing a salary, of a fixed and permanent value, for the Governor, and repealing a law heretofore made for that purpose," passed on the thirteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, be, and the same hereby is repealed.

[Approved by the Governor, February 16, 1819.]

CHAP. LXXXIX.

An Act incorporating the Pittsfield Mutual Fire 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 Josiah Bissell, Henry H. Childs, Phineas Allen, Henry C. Brown, Solomon Warriner, Ezekiel R. Colt, Moses Warner, Jason Clapp, Simeon Brown, Jonathan Allen, 2d, Thomas B. Strong, Calvin Martin, William C. Jarvis, and their associates, shall be a corporation, together with all other persons within the County of Berkshire, who may become members thereof, under the name of the Pittsfield Mutual Fire Insurance Company, and enjoy all the privileges and powers incident to corporations.

Persons incorporated.

SEC. 2. *Be* it further enacted, That for the well ordering and governing said corporation, they shall, at a meeting of the said company, to be held annually, on the first Wednesday of October, choose five Directors, and such other officers as may be deemed necessary for the management of said corporation; and any three of the Directors are to constitute a quorum for the transaction of business.

Annual election of Directors.

SEC. 3. *Be* it further enacted, That the said company are authorized to insure against loss or damage by fire, originating from any cause, excepting design in the insured, any dwelling house or other building, with their contents, within the County of Berkshire, for any

Limitation.

term not less than one nor more than seven years, and to any amount not exceeding four fifths of the value of the property insured. And if any member shall sustain damage by fire, in property insured by the company, the sum which the insured may have a right to claim, shall be assessed, by the Directors, upon each member of the company, in proportion to the sum by each member insured, or made liable to contribute to losses.

SEC. 4. *Be it further enacted*, That every person shall be deemed and held to be a member of this corporation, who has an interest in any property insured by said person with the company; but his or her rights are to cease, whenever said member parts with his or her legal or equitable interests in the property insured; and his or her liabilities are to be at an end, whenever said member notifies, in writing, the Directors, that he or she has no longer any interests in the property insured by the company: *Provided, however*, that the rights and liabilities of every member are to devolve on said member's heirs, executors and administrators.

SEC. 5. *Be it further enacted*, That whenever any loss by fire, shall happen to a member, upon any property insured by the company, said member is to give notice thereof to the Directors, or any one of them, within forty eight hours after the same happens; and the Directors are immediately to view the same, and determine, in writing, under their hands, the extent of the company's liabilities. And if the sufferer will not acquiesce in their determination, he or she may bring an action at law, against the said company, at the first Court competent to try the same, sitting within the County of Berkshire; and if said sufferer does not recover more than the amount determined upon by the Directors as aforesaid, said member is to become non-suit, and the company is to recover their costs: *Provided*, the said judgment shall not bar the said sufferer from claiming the amount determined to be due him by the Directors as aforesaid, within thirty days from the said non-suit. But in case the said member suffering, shall recover more than the amount determined by the Directors as aforesaid, judgment shall be entered up in his favor, for the whole sum found by the ver-

dict, with interest at the rate of twelve per centum per annum, added thereto, with full costs; but execution shall never issue against the said company.

Directors to assess damages.

SEC. 6. *Be it further enacted,* That whenever any member shall have a claim upon the several members of the company, in case of any loss or judgment as aforesaid, the Directors shall assess the amount of such loss or judgment, together with a reasonable compensation for themselves and other officers of the company, upon each and every member thereof, according to their respective liabilities; requiring each member to pay his or her proportion of the loss or judgment, as assessed upon them, with interest on demand, to the person who has a claim as aforesaid, or to his or her agent or attorney. And such bill of assessment, being signed by a major part of the Directors, and countersigned by the Secretary, and delivered to the claimant within twenty days after his or her claim shall be liquidated, either by agreement of parties or judgment of Court, shall operate a complete discharge of the company, as such, and a release of any judgment which the claimant may have against it: *Provided,* that the claimant first pay the charges of making up the assessment, and discharge the company from any claim or judgment he or she may have against it.

Proviso.

SEC. 7. *Be it further enacted,* That in case the Directors, whose duty it may be, shall neglect to tender a bill of assessment in the cases contemplated by the foregoing section, in manner therein prescribed; or in case the Directors neglect to determine the loss of any party claiming, any party aggrieved thereby, may, at any time within one year from the time of such neglect of the Directors, bring an action against such negligent Directors, or sue a writ of scire facias against them, upon the judgment which said party may have against the company, and have judgment and execution against said negligent Directors, in their individual capacity. And in this case, said negligent Directors shall be entitled to demand and have of the Directors for the time being, within thirty days after judgment against them as aforesaid, a bill of assessment in their favor, and for their reimbursement, in form prescribed by this act;

Directors may be prosecuted for neglect of duty.

but neither the costs of the judgment or execution, shall be assessed for them.

SEC. 8. *Be it further enacted,* That every bill of assessment, authenticated in manner herein prescribed, shall confer upon the party in whose favor it shall be made, and the heirs, executors and administrators of such party, authority, in their own names, to collect, sue for and discharge every and each person made liable thereby: *Provided, however,* that no action shall be commenced against any person whatever, until sixty days after demand made, in virtue of said bill of assessment. Liability to assessment. Proviso.

SEC. 9. *Be it further enacted,* That the Directors are to determine the nature and hazard of all risks; and all those which may be deemed more hazardous than ordinary, are to contribute to losses upon a larger sum than that at which they are actually insured; and the sum upon which the insured is to contribute, is to be distinguished in the policy, from the sum on which insurance is made. Amount of risks.

SEC. 10. *Be it further enacted,* That if any member of this company shall insure any property, insured by this corporation, with any other individual or insurance company, without the consent of the Directors of this company, such member shall forfeit his or her insurance in this corporation, but is not exonerated from the liability to contribute to losses. Forfeitures.

SEC. 11. *Be it further enacted,* That any two of the aforementioned associates may, as soon as they deem proper, call a meeting of the said corporation, to be held at such time and place as they may judge proper, by a notification printed in the Pittsfield Sun, seven days previous to the time of holding such meeting, in order that said corporation may organize themselves, make suitable by-laws, and proceed in the business of the association. First meeting.

[Approved by the Governor, February 16, 1849.]

CHAP. XC.

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

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

SEC. 2. *Be it further enacted, That the said corporation be, and hereby is declared capable to have, hold and possess certain real estate situate in said Boston, bounded and described as follows, to wit: beginning at the westerly corner of the red store which was formerly occupied by Thomas Lewis, as his counting room, and thence running northerly by the end of said store, and across the passage way, which leads from Fish Street, down Lewis' Wharf, so called, forty feet, to land late of Daniel Barker, deceased; thence running south-easterly, by said Barker's land, as the buildings stand, about one hundred and fifty feet, to the head of the dock, at the end of said Barker's land and wharf; thence running north-easterly, by the head of said dock, and by said Barker's land, twenty-two feet; thence running south-easterly again, by the flats and wharf of the heirs or assigns of the late John Hancock, Esquire, out to low water mark, or the channel; thence bounded south-westerly, by a line parallel to said Lewis' Long Wharf, and eighty*

Persons incor-
porated.

General pow-
ers.

Boundaries.

feet distant therefrom, and bounding on flats, owned by the proprietors of Exchange Wharf, until it reaches said Exchange Wharf; thence running more northerly, and bounding on said wharf, until it comes to the capstone of Lewis' Short Wharf, so called; and thence running through said Short Wharf, about one hundred and forty feet, to the first mentioned bounds; together with all the wharves, docks, rights of ways, buildings, privileges, and appurtenances thereof; *provided*, the lawful proprietors thereof, shall legally convey the same to said corporation. And the said corporation shall have power to sell, grant and alien, in fee simple, or otherwise, their corporate property, or any part thereof, within the said described limits, and lease, manage and improve the same, according to the will and pleasure of the said corporation, to be expressed at any legal meeting: *Provided always*, and it is hereby well understood, that nothing herein contained, shall be construed into any grant or confirmation of title to land, in the said associates, or corporation; or into any authority to extend the dimensions of said wharf beyond the title and authority which the present proprietors thereof, now have and possess, in this behalf.

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

SEC. 4. *Be it further enacted*, That the said corporation shall have power, from time to time, to assess

Assessments.

such sums of money as may be deemed necessary for rebuilding or repairing any buildings whatever, or other property of said corporation, or necessary for the building of any new wharves or tenements within the aforesaid limits, or for the improvement and good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such of the shares of such proprietor, as may be sufficient therefor, to be sold at public auction, after ten days notice, to the highest bidder; and after deducting the amount assessed and unpaid, together with the charges of sale, the surplus, if any, shall be paid over to such proprietor; and the purchaser of such share or shares, so sold, shall be entitled to and receive a certificate of the share or shares by him purchased accordingly.

Delinquent shares may be sold.

Privilege of voting.

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

Provisos.

Public notice to be given.

Meeting for choice of officers.

SEC. 6. *Be it further enacted*, That either of them, the said Welles, Payne, Munroe, or Clap, may call a meeting of said corporation, by advertising the same in any of the newspapers printed in Boston, ten days at least before the time of meeting; and that the said corporation may, at such or any other meeting, agree

on the mode of calling future meetings, and shall elect a President and Clerk, and may elect all such other officers, as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as the said corporation shall see fit.

[Approved by the Governor, February 17, 1819.]

CHAP. XCI.

An Act explanatory of an Act, entitled "An act in addition to the several laws now in force, to secure to owners, their property in Logs, Masts, Spars, and other Timber."

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 second section of said additional act, shall not be construed to repeal the acts, or any part of the act or acts, made before the ninth day of February, eighteen hundred and eighteen, for securing to owners, their property in logs, masts, spars, and other timber, in Saco River, any thing in said additional act, to the contrary notwithstanding.

Construction
of law.

SEC. 2. *Be it further enacted,* That all acts made for the regulation of timber in Saco River, and for securing to owners, their property therein, shall hereafter be extended and applied to Great Ossipee and Little Ossipee Rivers, so called; and all other streams which empty into said Saco River, within this Commonwealth, any thing in any act, to the contrary notwithstanding.

Application
of law.

SEC. 3. *Be it further enacted,* That all logs, masts, spars, or other timber, put into any river, pond, or stream, in the District of Maine, for the purpose of being floated to market, and mixed with other logs, masts, spars, or other timber, and in such manner as they cannot be separated; such logs, masts, spars, or other timber, shall be holden, by their marks, to pay

Compensation
for driving
stray logs.

the person or persons, who shall drive the same, a reasonable sum for so driving, unless the owners thereof shall appear and pay to those persons, who drove any logs, masts, spars, or other timber, within thirty days after such service is performed; and, at the expiration of said thirty days, the person or persons, performing said service, shall have full power to sell, at public vendue, so many of said logs, masts, spars, or other timber, as shall pay the full expense for driving the same, after giving fifteen days notice, by posting up advertisements in two or more public places in the town where the owner or owners reside. And if any surplus shall remain, over and above what shall compensate such person for his trouble and expenses, the same shall be returned to the owners thereof.

[Approved by the Governor, February 17, 1819.]

CHAP. XCII.

An Act to authorize the sale of certain Lands of the Proprietors of the Meeting House of the First Religious Society, in Newburyport.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Nicholas Johnson, Junior, Eleazer Johnson, and John R. Hudson, be, and they hereby are authorized and empowered to sell and convey all and singular the real estate owned by the proprietors of the meeting house of the First Religious Society in Newburyport, which is situated in Common Pasture, so called, and in said town of Newburyport; and to make, execute, and deliver to the purchaser or purchasers thereof, good and sufficient deed or deeds of conveyance of the same.

SEC. 2. *Be it further enacted,* That all monies arising from the sale aforesaid, shall be placed on in-

May sell real
estate.

terest, on such security as shall be deemed by their committee, for the time being, to be most safe and certain.

[Approved by the Governor, February 17, 1819.]

CHAP. XCIII.

An Act providing for the payment of One Tenth Part of the State Debt.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of the Commonwealth be, and he is hereby directed and empowered to pay, on the first day of July next ensuing, one tenth part of the debt due from this Commonwealth, on notes issued on authority and in behalf of this Commonwealth, bearing an interest of five per centum per annum, in addition to the interest which shall then have accrued thereon. Payment of State debt.

SEC. 2. *Be it further enacted,* That the Treasurer shall issue new notes to the several holders of the notes aforesaid, similar to those issued under the act of June fourteenth, in the year of our Lord one thousand eight hundred and ten, entitled "An act repealing an act providing for the payment of two fifth parts of the State Debt, and for other purposes, and providing for the payment of one fifth part of the State Debt, and for other purposes," *mutatis mutandis*, for the balance which shall be due to them, after deducting and paying off one tenth part of the State Debt as aforesaid. New State Notes. And the one tenth part of the State Debt as aforesaid, shall cease to bear interest after the first day of July next : *Provided, however,* that the Treasurer shall issue no new note for a less sum than twenty dollars ; but in any case where, after the deduction of one tenth, it would be incumbent on him to issue any such note, he be, and he is hereby directed and empowered wholly to pay the same : *And provided,* Provisos.

also, that the Treasurer shall not include in any new note to be issued, the fractional parts of a dollar ; but such fractional parts of a dollar shall be paid by him, in addition to the instalment of *ten per centum*, provided to be paid as aforesaid.

Appropriation
of money.

SEC. 3. *Be it further enacted*, That all money now in the hands of the Treasurer, or which may hereafter come into his hands, be appropriated to the purposes aforesaid, excepting such sums as may be necessary for defraying the expenses of the government, and such as have been, or may be otherwise appropriated by law.

[Approved by the Governor, February 18, 1819.]

CHAP. XCIV.

An Act to incorporate William Ingalls, and others, into a Society, by the name of a Republican Institution, in the town of Boston.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That William Ingalls, Ebenezer Clough, Joseph N. Howe, Abraham H. Quincy, Peter P. F. Degrand, Jonathan Simonds, Daniel Adams, Robert H. Thayer, Thomas Badger, Thaddeus Page, Davis C. Ballard, Rolun Hartshorn, and William Gale, together with all others, who now are, or hereafter may be associated with them, be, and they are hereby constituted a body politic and corporate forever, for the purpose of procuring a building, and keeping it in repair, with suitable apartments for a reading room, library, and the meeting of the said society, by the name of a Republican Institution, in the town of Boston ; and by that name, may sue and be sued, plead and be pleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all actions, real, personal and mixed ; and the said corporation shall have full

General pow-
ers.

power to make, have and use a common seal, and the same to break, alter and renew, at pleasure; and shall have, exercise and enjoy, all the powers and privileges incident and usually granted to other corporations, of a like nature and purpose.

SEC. 2. *Be it further enacted*, That the said corporation be, and the same is hereby made capable in law, of having and holding, by gift, grant, devise, or otherwise, any estate, real or personal; *provided*, the same shall not exceed the annual income of five thousand dollars. And the said corporation may, annually, or at any special meeting, called for the purpose, make, establish, and put in execution, such by-laws, rules and regulations, as to calling future meetings, the election of officers, and the admission of members, as they may judge to be necessary and expedient; *provided*, that such by-laws, rules and regulations, shall not, in any case, be contrary to the constitution and laws of this Commonwealth.

May hold real estate.

Proviso.

Rules and regulations.

SEC. 3. *Be it further enacted*, That any three of the persons named in this act, be, and they are hereby empowered, by advertisement in any one or more newspapers, printed in Boston, to call a meeting of the members of the said institution, to be holden at such convenient time and place as shall be appointed in said advertisement, to organize the said institution, by the election and appointment of its officers.

First meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. XCV.

An Act to set off Elijah Hewins and Norman Lester, from Great Barrington to Alford.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Elijah Hewins and Norman Lester, with their families and estates, be, and they are hereby set off from the town of Great

Persons set off.

Barrington, and annexed to the town of Alford, in the County of Berkshire; and shall hereafter be a part of the same, as fully and completely, as if it had been originally a part of said Alford: *Provided, however,* that the said Hewins and Lester shall be holden to pay to the said town of Great Barrington, their proportion of all state, county, town, parish, and school taxes, assessed and not paid, prior to the passing of this act.

Taxes to be paid.

Boundaries.

SEC. 2. *Be it further enacted,* That the easterly line of Alford, by the addition of the lands aforesaid, shall be ascertained and determined to commence at the old western town line, on the south side of lot number seventeen, and thence running easterly by and with the south line of said lot number seventeen, and adjoining the highway there, until it intersects the range of the easternmost line, running between Alford and Great Barrington, containing about one hundred and four acres.

[Approved by the Governor, February 18, 1819.]

CHAP. XCVI.

An Act to prevent the waste and destruction of Timber and Cord Wood.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any person, seized of a freehold estate, or of a remainder or reversion, in fee simple or fee tail, in a lot or tract of wood land in this Commonwealth, whereon the trees shall have come to an age and growth fit to be cut, may prefer a petition to the Supreme Judicial Court, holden in any county, representing the state and condition of such trees, and praying that the same may be felled and sold, and the proceeds thereof invested for the use of the persons interested in such wood land; and the said Court may thereupon order due notice to be given to

Course of law required.

all persons known to be interested therein, to appear and show cause, if any they have, why the prayer of such petition should not be granted; and after hearing the parties, if any shall appear, may appoint one or more persons to examine said wood land; and if, from their report, or other evidence which shall be exhibited to the Court, it shall appear that the trees upon said land are of an age and growth fit to be cut, and likely to deteriorate in value, the said Court may, and they are hereby empowered to license and order, on such terms and conditions as said Court shall require, the whole, or such part of such trees as they shall think proper, to be felled and sold, and the money arising from the sale thereof, to be brought into Court, subject to their further order.

SEC. 2. *Be it further enacted,* That the said Court shall and may appoint one or more commissioners, Commissioners to execute laws whose duty it shall be to superintend and direct the felling of said trees, and the sale of the same, and to account to said Court for the proceeds thereof, and also to give bond to the Clerk of said Court, or such other person as the Justices of said Court shall appoint, for the faithful performance of the trust. And the said Court may, and they are hereby further empowered, to cause the net proceeds of said trees, after paying all necessary expenses and charges, to be invested in other real estate in this Commonwealth, or in public stocks, at their discretion, to be holden to the same uses, and subject to the same limitations, as such wood land, and the income and profits thereof, to be paid to the person or persons entitled to the income and profits of said wood land; or to be paid and apportioned to and among the several persons interested in the same estate, in such portions as to the said Court shall appear just and equitable; and also to appoint one or more Trustees to take and hold such estate or stock for the uses aforesaid; and such Trustees to re- Trustees to hold stock. move, and others appoint in their stead, when, and so often, as the security and good management of the property shall require it; which Trustees shall also give bond, with good and sufficient sureties, to said Clerk or other person, as aforesaid, for the faithful execution and performance of the said trust.

CHAP. XCVII.

An Act to establish the Salaries of certain Officers, therein named.

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 be established as the annual salaries of the officers hereinafter named, to commence from the last Wednesday in May last, and to be paid hereafter in quarterly payments: The Lieutenant Governor, five hundred thirty-three dollars, thirty-three cents; the Treasurer and Receiver General, two thousand dollars; the Secretary of the Commonwealth, two thousand dollars.

Salaries.

SEC. 2. *Be it further enacted,* That the Secretary of the Commonwealth be required to exhibit to the Governor and Council, a quarterly return, under oath, of all sums received by him, as fees in his office, which shall be deducted from his salary, and a warrant issued only for the balance found due.

Secretary's Fees.

[Approved by the Governor, February 18, 1819.]

CHAP. XCVIII.

An Act in further addition to an act, giving remedies in Equity.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when it shall appear to the Court, in any suit, which is or may be pending, for the redemption of lands or tenements, granted and held upon condition, by force of any deed of mortgage, or bargain and sale with defeasance, that, by reason of any assignment or conveyance thereof, before the commencement of such suit, or for any other cause, it is necessary to the attainment of justice, that some other person claiming or holding by force of such

Condition of assignments.

conveyance, should be made party to the suit with the original defendant, the Court may, on motion, and upon such terms, with regard to costs, as they shall deem reasonable, order such person to be made a party to the suit, by serving him with an attested copy of the original bill in equity, and the motion and order thereon, in such manner as the Court may direct. And upon the appearance or default of the person so summoned, the suit shall proceed in the same manner as if he had been originally made a defendant.

SEC. 2. *Be it further enacted,* That when a decree shall be made for the redemption of any lands or tenements granted and held as aforesaid, the Court shall have power to enter a decree or judgment, and to award execution against any defendant or defendants, jointly or severally, as the case may require, for such amount in damages, as shall, in equity and good conscience, be found due from him or them respectively, for the rents and profits received, over and above the sums reasonably expended in repairing and bettering the estate to be redeemed. Decrees of Redemption.

SEC. 3. *Be it further enacted,* That when any sum of money shall have been brought into Court, in any suit for the redemption of lands or tenements granted and held as aforesaid, the Court shall have power to deduct therefrom such sum as the party for whose use it was brought in, may be justly chargeable with, by reason of rents and profits which he has received, or costs awarded against him in the same suit; and the amount, so deducted, shall be restored to the party who brought in the same. Powers of Court. And if any person to whom money is tendered, in order to redeem lands or tenements granted and held as aforesaid, shall receive of the person tendering the same, a larger sum than he is justly entitled to retain, he shall be held to account for the excess, in manner aforesaid. But if the party receiving such excess, shall release his right to the lands or tenements, without any suit in equity being brought, it may be recovered in an action of assumpsit for money had and received to the use of the party who paid the same.

[Approved by the Governor, February 18, 1819.]

CHAP. XCIX.

An Act to change the Names of certain Persons, therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Bartlett, 3d, of Plymouth, shall be allowed to take the name of Joseph Henry Bartlett; that Nathaniel Bishop, Junior, of Winthrop, shall be allowed to take the name of Nathaniel Cony Bishop; that John Brewer, of Framingham, shall be allowed to take the name of John Maitland Brewer; that Abigail Brooks, wife of John Brooks, of Boston, shall be allowed to take the name of Mary Abigail Brooks; that Mary Hart Bull, daughter of James Bull, of Northampton, shall be allowed to take the name of Elizabeth Miller Hart Bull; that Charles Forbes, of Northampton, shall be allowed to take the name of Charles E. Forbes; that George Carey, of Chelsea, shall be allowed to take the name of George Blankern Carey; that Charles Dexter, of Boston, son of Aaron Dexter, shall be allowed to take the name of Charles Parker Dexter; that Susanna Lewis Nickolson Delano, daughter of Mercy Delano, of Boston, shall be allowed to take the name of Mary Elizabeth Nickolson; that Edward Gannet, of Salem, shall be allowed to take the name of Edward Farley; that Samuel Gooch, of Boston, shall be allowed to take the name of Samuel Davenport Gooch; that Susan Elizabeth Green, daughter of Andrew Green, of Boston, shall be allowed to take the name of Elizabeth Heath Green; that Charles Hayward, son of Caleb Hayward, of Boston, shall be allowed to take the name of Charles Rice Hayward; that Stephen Little, Junior, of Newbury, shall be allowed to take the name of Stephen William Little; that Lewis Robinson Paige, son of Timothy Paige, of Hardwick, shall be allowed to take the name of Lucius Robinson Paige; that William Paige, of Boston, shall be allowed to take the name of James William Paige; that Samuel

Names
changed.

Parker, son of Samuel Lillie Parker, of Boston, shall be allowed to take the name of Lucius Champlin Parker; that Joseph Peabody, 3d, of Salem, shall be allowed to take the name of Joseph William Peabody; that John Proctor, of Danvers, shall be allowed to take the name of John W. Proctor; that Peter Smith, of Boston, shall be allowed to take the name of Francis Peter Smith; that Joel Thayer, of Boston, shall be allowed to take the name of Joel Frederick Thayer; that Sarah Atherton Thayer, daughter of Stephen Thayer, of Boston, shall be allowed to take the name of Sarah Jackson Thayer; that Joseph Henry Jackson Thayer, son of the said Stephen Thayer, shall be allowed to take the name of Joseph Henry Jackson; that John Glover Teague, of Boston, shall be allowed to take the name of John Glover; that Charles Torrey, of Scituate, shall be allowed to take the name of Charles Turner Torrey; that Stephen Twist, of Danvers, shall be allowed to take the name of George T. Cook; that Jesse Walcutt, a native of Bolton, now resident in Cambridge, shall be allowed to take the name of Samuel Baker Walcutt; that Samuel Watson, 2d, of Leicester, shall be allowed to take the name of Samuel Dexter Watson; that Caleb Winship, of Boston, son of Abiel Winship, shall be allowed to take the name of Charles Shepard Winship; that Isaac Van Deuson, 3d, of Great Barrington, shall be allowed to take the name of Isaac Laird Van Deuson; and the said several persons shall hereafter be called and known by the names which, by this act, they are severally and respectively allowed to take as aforesaid; and the same shall be considered as their only proper and legal names.

[Approved by the Governor, February 18, 1819.]

CHAP. C.

An Act to apportion and assess a Tax of One Hundred and Thirty-three Thousand, Three Hundred and Two Dollars and Fifty-two Cents ; and to provide for the reimbursement of Seventeen Thousand and Thirty-two Dollars, paid out of the Public Treasury, to the Members of the House of Representatives, for their attendance at the two last sessions of the General Court.

[Approved by the Governor, February 18, 1819.]

CHAP. CI.

An Act to establish a Ministerial Fund, in Cape Elizabeth.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Ebenezer Thrasher, Rishworth Jordan, William Cobb, Ebenezer Webster, Junior, and Daniel Skillings, be, and they hereby are incorporated into a body politic and corporate, by the name of the Trustees of the Cape Elizabeth Ministerial Fund ; and by that name, they and their successors in office, shall be and continue a body politic forever ; and they shall have a common seal, subject to alteration at 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 ; and shall have all other powers which are incident to, and necessarily belong to the like corporations. And the said Trustees and their successors shall, annually, elect one of their number as President, and a Clerk to record the doings of said Trustees, and a Treasurer to receive and pay the money belonging to said fund, according to the provisions of this act, who shall give bond to the said*

Persons incorporated.

General powers.

Officers to be chosen.

Trustees, for the faithful performance of his duty; and shall be at all times responsible for the faithful application of the monies which may come into his hands, conformably to the true intent and meaning of this act, and for all neglect or misconduct in his office.

SEC. 2. *Be it further enacted,* That the said Trustees be, and they are hereby authorized and empowered to sell and convey all the ministerial lands belonging to the Congregational Society, in said town of Cape Elizabeth; and the monies arising from the sale of the said lands, shall be put at interest, and shall form a fund for the support of the ministry in said society, which shall be under the care and management of the said Trustees, in the manner provided for and directed by this act. And when the said Trustees may loan the said monies, or any part thereof, the same shall be secured by mortgage on real estate, to twice the value of the money loaned, or secured by two or more sureties, with the principal, or invested in bank stock, and the interest arising therefrom shall be applied to the support of the settled Minister in said society; and whenever the society shall be destitute of a settled Minister, the annual interest shall be added to the fund, and invested as aforesaid; and it shall never be in the power of the said Trustees to alter or alienate the appropriation of the fund aforesaid. And the said Trustees are hereby empowered to make and execute a good and sufficient deed or deeds of said lands, or any part thereof, which shall be signed by the Treasurer, with their seal affixed thereto, and by the said Treasurer duly acknowledged and delivered, and thus executed and delivered, shall be good and effectual in law, to pass and convey all the right of the said society in and to said real estate, to the purchaser or purchasers thereof.

SEC. 3. *Be it further enacted,* That the number of Trustees shall not be more than five, nor less than three shall be necessary to constitute a quorum, for transacting the business of said corporation; but a less number may adjourn from time to time, shall and may fill any vacancies in their number, which may happen by death, resignation or otherwise, and may remove any one of their number, who by reason of

age, infirmity, or negligence, shall be incapable, or omit to discharge his duty; and the said Trustees, Treasurer, or Clerk, shall not be entitled to receive any compensation for the services they may perform, out of the monies belonging to the said fund. And the said Trustees and Treasurer, and their successors in office, shall exhibit to the society a report of their doings, and the state of the funds, at the annual meeting, in the month of March or April.

First meeting.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Cumberland, upon application therefor, is hereby empowered to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify and call a meeting of the said Trustees, to be holden at such convenient time and place as may be appointed in said warrant, to organize the said corporation, by the appointment of its officers.

[Approved by the Governor, February 18, 1819.]

CHAP. CII.

An Act to incorporate the Trustees of the Ministerial Funds, in the town of Bridgton.

Preamble.

WHEREAS Enoch Perley, Esquire, and Robert Andrews, have given and appropriated, each, one thousand dollars, for the laudable purpose of forming a fund, for the support of a learned and pious Congregational Minister, in the town of Bridgton, in the County of Cumberland, and have nominated and appointed Deacon Phineas Ingalls, Nathaniel Howe, Esquire, John Perley, Esquire, Colonel John Kilborn, Junior, and Mr. Moses Stickney, to manage and improve said sum; now, therefore, the better to carry into effect the laudable design of the said donors—

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 said Phineas

Ingalls, Nathaniel Howe, John Perley, John Kilborn, Junior, and Moses Stickney, and their successors, be, and they hereby are appointed Trustees, for the prudent management of said fund; and for that purpose shall be a body corporate and politic, by the name of the Trustees of the Ministerial Funds in Bridgton; and they and their successors, by the same name, may sue and be sued, in all actions, real, personal and mixed, and may prosecute the same to final judgment and execution; and shall have and keep a common seal, subject to be changed and altered at their pleasure; and the same Trustees, and their successors, may and shall annually elect a President, and a Treasurer to receive and apply the monies herein mentioned, as hereafter directed; and also a Clerk, to record the doings of said Trustees, and for which purpose, a book or books shall, from time to time, be provided and kept.

SEC. 2. *Be it further enacted*, That said Trustees shall have power, from time to time, to fill up vacancies in their number, which may happen by death, resignation, removal, or otherwise; and that the number of said Trustees shall never be more than five, any four of whom shall constitute a quorum, to transact business, but a less number may adjourn, from time to time, for any term, not to exceed one month; and said Trustees shall have power to remove any of their number, who, through age, infirmity, misconduct, or other cause, shall become unfit or incapable of discharging their duty: *Provided, however*, that all vacancies shall be filled from inhabitants of the town of Bridgton, and from such as are members of the Congregational Society there.

SEC. 3. *Be it further enacted*, That it shall be the duty of said Trustees to receive said two thousand dollars, and the same to put out and loan on interest, or vest in bank stock, at their discretion; and the interest arising therefrom, it shall be the duty of said Trustees, annually, on the first day of April, to pay into the treasury of said town of Bridgton, and which shall be appropriated to the support of a learned protestant gospel Minister, of the Congregational order, duly and regularly ordained and settled, and stately

Provisos.

preaching in a house for the public worship of God, which house shall always be located southerly of the fourteenth range of lots, in said town of Bridgton, and not elsewhere: *Provided, always,* that if said town of Bridgton should ever hereafter be divided into two or more towns, or parishes, or parts of two or more towns, or parishes, the interest aforesaid shall, in that case, be applied and expended for the support of a Minister aforesaid, who shall be duly ordained and settled, and statedly preach in a meeting house, which shall be located within the limits of the now town of Bridgton, and to the southward of the twentieth range of lots in said town: *And, provided, also,* that if it shall so happen that no such Congregational Minister shall be settled in said town, or that the one settled shall not regularly preach, for at least one half the number of Sabbaths, during any year, in a house appropriated for public worship, located as aforesaid, then the interest aforesaid, for and during such year, shall be added to, and become a part of the principal of said fund.

Obligation of Trustees.

SEC. 4. *Be it further enacted,* That if said Trustees, or their successors, shall ever wittingly and designedly apply any part of said fund, or any part of the interest thereof, to any other use or purpose, than is provided for in this act, then their authority and power, as Trustees, shall become void and utterly cease; or should the said town of Bridgton, into whose treasury the interest aforesaid is paid, misapply the same, contrary to the intent of the donors, then the said funds shall revert in, and revert to, the original donors, or their heirs respectively, in the same proportion as first given by them; and the person or persons, in whose hands and possession any part, or the whole of said funds shall then be, shall, on due notice of such misapplication of said fund, be liable, on demand, to pay the same to the original donors, or their heirs, as money had and received, to their use, respectively.

May hold real estate.

SEC. 5. *Be it further enacted,* That the said Trustees and their successors be, and hereby are authorized and empowered to take and hold, by gift, grant, or otherwise, any estate, real or personal, under the

same restrictions and limitations as are provided in this act, respecting the sum given by the said Perley and Andrews; *provided*, the annual income thereof shall not exceed the sum of two thousand dollars.

SEC. 6. *Be it further enacted*, That it shall be the duty of said Trustees to meet annually, in the month of March, for the choice of officers, and for transacting any business relating to the management of said funds, and as much oftener as they may deem necessary and expedient, and to agree upon the mode of calling future meetings; and to pass all such by-laws as may be necessary; *provided*, the same are not repugnant to the constitution and laws of this Commonwealth. And it shall be the duty of said Trustees, to require the Treasurer to give bonds, with sufficient sureties, in double the amount of said fund, for the faithful discharge of his duty, and the application of said fund, according to the intent of the donors.

SEC. 7. *Be it further enacted*, That John Perley, Esquire, be, and hereby is authorized to call the first meeting of said Trustees, by giving personal notice to said Trustees of the time and place, seven days at least, before the day which he shall appoint for said meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. CIII.

An Act to incorporate the Town of Parsons.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all that part of the town of Newbury, in the County of Essex, which lies within the following boundaries, to wit: Beginning on the River Merrimack, where the River Artichoke empties into the same, and thence running up the said River Artichoke, and through the middle thereof, about five

hundred and seventy-seven rods, and twenty-two links, to the New Log, so called; thence running south, twenty-five degrees east, about three hundred and sixty rods, to the boundary line between the first and fourth parishes in said town of Newbury; thence running south, fifty-two and an half degrees west, by the said parish line, to the southerly side of the road leading from Newburyport to the west parish of Rowley; thence running on the southerly side of said road to Great Rock, so called; and thence by the southerly side of said road to Johnson's Corner, five hundred and twenty-eight rods and two links; thence running by the boundary line of the third parish of Newbury, three hundred and eighty-five rods and twenty-four links, to the boundary line of the town of Bradford; thence, by said Bradford line, to the said River Merrimack; thence down said River Merrimack to the bound first mentioned; be, and the said part of said town of Newbury hereby is incorporated into a town, by the name of Parsons, and invested with all the powers, privileges and immunities, and subject to all the duties and liabilities, to which other incorporated towns are subject, by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That the said town of Parsons shall be holden to pay one third part of all taxes, which have been heretofore assessed by said town of Newbury, and remain unpaid at the time of the passing of this act, and also the like proportion of all debts due and owing by said town of Newbury.

SEC. 3. *Be it further enacted,* That the said towns of Parsons and Newbury shall respectively support and maintain the several persons and their families, and all such as shall have a derivative settlement under them, or any of them, who are now chargeable, and mentioned as allotted to said towns respectively, in a certain schedule thereof, entitled a statement of the expense of the poor of the town of Newbury, agreed to on the eleventh day of February, in the year of our Lord one thousand eight hundred and nineteen, and signed by the committee of the said town of Newbury of the one part, and by the committee of divers inhabitants of the second and third parishes of said New-

Taxes provided for.

Paupers to be provided for.

bury, being petitioners for the incorporation of said Parsons, of the other part ; and all other persons, who shall hereafter be found chargeable to said towns, shall be supported and maintained by them respectively, according to the general laws in this behalf: *Provided*, Proviso. *always*; that nothing in this act shall be construed to affect any agreement heretofore made between the towns of Newbury and Newburyport, respecting the support of paupers ; but the said town of Parsons shall contribute its just proportion of all sums of money, which said Newbury shall pay by force of such agreement ; said proportion to be ascertained by the state valuations from time to time made of the said towns of Parsons and Newbury.

SEC. 4. *Be it further enacted*, That the inhabitants of the said town of Newbury shall have, hold and enjoy, to their own use and benefit forever, all the real and personal estate belonging to the said town, at the time of the passing of this act, excepting any real estate which may fall within the limits of the town hereby incorporated ; and the said town of Parsons shall pay to the said town of Newbury the sum of four thousand one hundred dollars, within twelve months from the period last aforesaid. Remuneration of rights.

SEC. 5. *Be it further enacted*, That the said town of Parsons shall contribute its just proportion, to be ascertained as in the third section of this act, of the expense of making a certain highway, lately laid out in said Newbury, and known by the name of Noyes' Road, whenever the said town of Newbury shall be compelled to make the same. Highways.

SEC. 6. *Be it further enacted*, That any Justice of the Peace of said County of Essex, is hereby authorized to issue his warrant, directed to any freeholder in the said town of Parsons, requiring him to warn the inhabitants thereof, to meet at the time and place therein appointed, for the purpose of choosing such town officers, as towns are by law required to choose at their annual meetings. First meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. CIV.

An Act to incorporate the Thomaston Charitable Society,

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John H. Ingraham, Job Washburn, Hezekiah Prince, Halsy Healy, David S. Fales, Sullivan Dwight, Perez Tilson, John Gleason, Joseph Sprague, David Fales, Junior, William Pope, Thomas P. Vose, Oliver Fales, James Partridge, John Spear, Junior, Iddo Kimball, Charles Spafford, John Spafford, Charles Holmes, John Lovejoy, John Paine, Ebenezer Thatcher, Ballard Green, Ebenezer S. Young, Snow Paine, and William Cole, together with such others as may hereafter associate with them for this purpose, be, and they hereby are constituted a society and body politic and corporate, by the name of the Thomaston Charitable Society; and they and their successors shall be and continue a body politic and corporate forever, for the purpose of applying their funds to assist the poor and destitute, and for no other purpose whatsoever.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That the members of the said society shall have power to elect a President, Secretary, Treasurer, Trustees, and all other necessary officers; and they shall also have a common seal, and the same break, change, and renew, at their pleasure; and the said society, by the name aforesaid, may sue and be sued, and prosecute and defend suits at law to final judgment and execution; and shall also have power to prescribe rules for the admission of new members, to fix and order, from time to time, the mode of notifying, and time and place of holding meetings, the election of its officers, and the time and tenure of holding the same; and to establish such by-laws, rules and orders, as they may judge necessary, for the well ordering the said society; *provided,* such by-laws, rules and orders shall not, in any case, be repugnant to the constitution and laws of the Commonwealth.

General pow-
ers.

Proviso.

SEC. 3. *Be it further enacted,* That the said corporation shall be able, and capable in law, to hold real and personal estate, by gift, grant, devise or otherwise, and the same to manage, improve, sell, alienate and convey, as they may see cause: *Provided, how-* May hold real and personal estate. *ever,* that the real estate, which the said society may hold, shall never exceed the value of twenty thousand dollars, and that the personal property thereof shall not exceed the sum or value of thirty thousand dollars. Proviso.

SEC. 4. *Be it further enacted,* That any three of the persons named in this act, may appoint and notify the time and place for the first meeting of the said society, to organize the society by the election of its officers. First meeting.

[Approved by the Governor, February 18, 1819.]

CHAP. CV.

An Act in addition to the several acts respecting the Indians and other Persons, Proprietors and Residents on the Plantations of Mashpee and Herring Pond, so called.

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, to constitute a proprietor of the Plantation or District of Mashpee, or a member of said Herring Pond tribe, the person, alleged to be a proprietor, must be a child or lineal descendant of some person who is now a proprietor; and in no other way or manner shall the rights of proprietorship be acquired: And the Overseers of said Mashpee and Herring Pond tribes shall, as soon as may be, after the passing of this act, cause to be made an enumeration or census of all the proprietors and members of the said tribes, and of all other persons resident on their plantations respectively; distinguishing proprietors from all other persons; and make a record there- Indian relationship.

of, of the names and ages of all such proprietors and members; which record shall distinguish the said tribes, and shall be annually revised and corrected by the said Overseers, at their stated annual meeting; and a return thereof shall be made by the said Overseers, to the Governor and Council, on or before the last day of December annually.

Powers of
Overseers.

SEC. 2. *Be it further enacted*, That the Overseers aforesaid, in addition to the powers granted to them as Overseers, be, and they are hereby invested with all the powers, and shall discharge all the duties, which, by any law, is or may be given to or incumbent upon a Guardian or Guardians of such Indian tribes, whenever such office of Guardian shall be vacant.

Penalties.

SEC. 3. *Be it further enacted*, That if any person shall sell, give or deliver any spirituous liquor, or any liquor or mixed liquor, the nature of which is intoxicating, to any proprietor or member aforesaid, without a permit first obtained in writing, either from said Overseers, or from some suitable agent of their appointment, or some respectable physician, who is employed to take care of the sick of the said proprietors, and agreeably to such permit, every person, offending in such case, and being thereof convicted before any Court, having competent jurisdiction of such offences, shall pay a fine not more than fifty dollars, according to the nature and aggravation of the offence. And it shall be the duty of the Overseers to give information to the proper officers for prosecuting such offences.

Drunkards, &c.
may be bound
out.

SEC. 4. *Be it further enacted*, That the said Overseers shall have the power to bind out to service, for any length of time not exceeding three years, any proprietor or member aforesaid, who, in the judgment of said Overseers, has become an habitual drunkard and idler; and the earnings of such person, in such service, to receive and apply to his or her maintenance and support, or to the support of his or her family, or to the support of the said proprietors generally, as the Overseers, in their discretion, may think proper.

Proprietors
may sell prop-
erty.

SEC. 5. *Be it further enacted*, That all real estate acquired by the industry of the proprietors and members aforesaid, and purchased by them, shall be the sole and separate property and estate of such propri-

etor or member, so acquiring and purchasing the same, and may be by him or her enjoyed, sold, alienated and disposed of, by deed, will or otherwise.

SEC. 6. *Be it further enacted*, That if any proprietor or member of either of the tribes aforesaid, or any other person, shall cut, fell or destroy, or take away, any wood, timber or other property, standing, growing or being on any of the lands belonging to the said proprietors or members of the said tribes, not set off and assigned in manner provided by law, or cause the same to be done; or if any person, not a proprietor or member of either of the said tribes, shall cut, fell, destroy or take away any wood, timber or other property, standing, growing or being on any of the lands of either of the said tribes, which has been or hereafter may be set off and assigned in manner provided by law, or cause the same to be done, without first having a permit from said Overseers, or a majority of them, so to do; or shall commit any other trespass on the lands of the said proprietors, of the said several tribes, he, she or they, on conviction of any such offence, before any Court of competent jurisdiction, shall pay a fine not exceeding two hundred dollars, or be imprisoned for a term not exceeding two years, according to the nature and aggravation of the offence, at the discretion of the Court, before whom such conviction may be had; and such offender shall be further liable in an action of trespass, in the name of the Overseers, for the damage thus sustained. And no inhabitant or member of either of the said tribes, nor any person concerned in the government thereof, shall be disqualified from being a witness, in any such prosecution or action, on account of his or her interest or office in or concerning the said several tribes, and their estate and property. And all permits, which may be given to any person or persons, shall be in writing, and subscribed by two at least of the said Overseers, and express particularly the quantity of wood or timber to be cut or taken, and at what times, and for what purposes; and shall be recorded at length in the record of their proceedings, before any wood or timber shall be cut or taken away by virtue thereof; otherwise such permit shall be void.

Trespassers
to be fined.

SEC. 7. *Be it further enacted*, That all the accounts

Accounts au-
dited.

of the said Overseers, with the several tribes aforesaid, shall be kept distinct from each other, and shall be annually examined, audited and adjusted, by the Court of Common Pleas for the County of Barnstable, and a copy thereof, and of the adjustment, shall be transmitted by the said Overseers to the Governor and Council, on or before the last day of December annually.

Survivorship.

SEC. 8. *Be it further enacted,* That any action, which is or may be commenced in the name of the said Overseers, in their said capacity, may be prosecuted to final judgment and execution in the name or names of the survivors or survivor of them, notwithstanding the death of any one or more of them, during the pendency of such action.

Distribution of
Fines.

SEC. 9. *Be it further enacted,* That all fines and forfeitures; incurred by a breach of this act, may be recovered by indictment, before any Circuit Court of Common Pleas, or Supreme Judicial Court, which may be holden within and for the County of Barnstable; one moiety thereof to the use of the person who shall give information of such breach to said Overseers, and the other moiety thereof to the use of the Commonwealth.

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.

[Approved by the Governor, February 18, 1819.]

CHAP. CVI.

An Act to regulate the Fishery in Taunton Great River.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons, (except as is hereinafter provided)

to catch shad and alewives with seines or nets, in Taunton Great River, from the first day of April, to the twentieth day of May, in each year: *Provided*, that it shall and may be lawful for the inhabitants of the several towns, situated on said river, to catch shad and alewives with seines or nets, in said river, with nine seines or nets only, in the manner following, to wit: that the towns of Raynham, Berkley, Wellington, Dighton, Freetown, Somerset, and Troy, shall each have the right of disposing, at public auction, for their own benefit, of the privilege of catching shad and alewives, with one seine or net only; and that the town of Taunton shall have the right of disposing, at public auction, for their own benefit, of the privilege of catching shad and alewives, with two seines or nets only, in the river aforesaid, for the time aforesaid; and that the purchaser or purchasers of the privileges which shall be located in the towns of Raynham and Taunton, shall not have a right to sweep with a seine or net, more than fifteen rods in length, and but three days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Thursday morning; that the purchaser or purchasers of the privileges, which shall be located in either of the towns of Wellington or Berkley, shall have a right to sweep with a seine or net, twenty rods in length, and no more, four days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Friday morning; and that the purchaser or purchasers of the privileges, which shall be located in the town of Dighton, shall have a right to sweep with a seine or net, thirty rods in length, and no more, five days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Saturday morning; and that the purchaser or purchasers of the privileges which shall be located in either of the towns of Somerset, Freetown, or Troy, shall have a right to sweep with a seine or net, forty rods in length, and no more, five days in each week, beginning at four o'clock, on Monday morning, and ending at four o'clock, on Saturday morning; and *provided, also*, that no person shall be permitted to set any seine or net, across

Regulations of fishery.

Sale of privileges.

Manner of fishing.

Provisos.

said river, or any part thereof, (except in Broad Cove, so called, in the town of Somerset.) or to erect or put up any weare, in said river, or any part thereof; *and provided, also,* that each of said towns shall, at a legal meeting, annually, on or before the first Monday in March, dispose of and make sale, at public auction, for that year, and so on, from year to year, of their privilege or privileges of catching shad and alewives, with seines or nets, in the river aforesaid, for the time aforesaid, to such person or persons as shall offer the most for the same, and give sufficient security for the payment of the purchase money, at such time, and in such manner, as the respective towns shall order; and that such person or persons, so purchasing the privileges, to have the right to catch shad and alewives, in the river aforesaid, for the time aforesaid, and no other persons; and that the purchasers of the privilege aforesaid, shall select the place where he or they intend to use a seine or net, for the purpose of catching shad and alewives, on or before the first day of April, in each year, and shall file a certificate thereof, with the Clerk of the town, within whose limits he has determined to exercise his or their privilege of fishing with seines or nets, for the purpose of catching shad and alewives, as aforesaid; and shall have no right to make use of a seine or net, for the purpose aforesaid, at any other place in said river, during the time aforesaid; and that no purchaser of a privilege, as aforesaid, shall sweep with a seine or net, more than forty rods, on the bank of said river, and that two seines shall, in no case, be allowed to be swept within the same limits, on the same side of said river.

Rights of purchasers.

SEC. 2. *Be it further enacted,* That if any person or persons shall draw or sweep with any seine or net, on any day or time, other than as before expressed, or at any other place than those located and selected, as aforesaid; or shall, on any day, or at any place, set a seine or net, in or across said river, or any part thereof, or in any waters connected with the same, (Broad Cove, aforesaid, excepted,) or shall erect any weare, with the intention to catch or destroy any of the fish, called shad and alewives, within the

Location.

time limited in the first section of this act, he shall forfeit and pay twenty dollars for each and every such offence, to be recovered by indictment or information, or by action of debt, in any Court proper to try the same, to the use of him or them who shall prosecute or sue for the same, by action of debt; otherwise to the use of the county within which the offence shall be committed. Fines.

SEC. 3. *Be it further enacted,* That if any person or persons shall be found sweeping with any seine or net, or if any seine or net shall be used, by any person, contrary to the true intent and meaning of this act, it shall and may be lawful for any person or persons to seize and take such seine or net, to his or their own use; and if prosecuted therefor, to plead the general issue, and give this act in evidence, as though the same had been specially pleaded. Seizures.

SEC. 4. *Be it further enacted,* That the several towns aforesaid, shall, at their annual meetings, in the month of March or April, choose by ballot, three or more suitable persons, being freeholders within said town, as Fish Wardens, whose duty it shall be, jointly and severally, to see that this act be carried into effect, and to inform against, or prosecute any person or persons, that shall offend against the same; and to measure seines and nets used in catching said fish; and such persons chosen Fish Wardens, as aforesaid, shall be sworn to the faithful discharge of the duties of said office; and when so sworn, they shall have power to pursue, and they are hereby authorized to pursue and execute the duties of their office, in any place within the towns aforesaid; and if any person, chosen Fish Warden, as aforesaid, shall refuse or neglect to be sworn as aforesaid, for the space of five days after he shall be duly notified of his election to said office, he shall forfeit and pay a fine of ten dollars, to the use of such town, to be recovered by action of debt, by the Treasurer thereof; and such town shall proceed to a new choice, and so on, as often as circumstances may require. And if any of the towns aforesaid, shall neglect to choose Fish Wardens, as aforesaid, agreeably to the true intent and meaning of this act, such town shall forfeit and Wardens.
Penalties.

pay a fine of one hundred dollars, for the use of him or them who shall prosecute therefor.

SEC. 5. *Be it further enacted,* That all laws heretofore made, for the regulation of the fishery in Taunton Great River, except so far as respects the town of Middleborough, be, and the same hereby are repealed; *provided, however,* that any prosecutions which have been, or may be commenced, for the recovery of any forfeitures, incurred by virtue of the laws hereby repealed, may be prosecuted to final judgment, in the same way and manner, as if this act had not been passed; *and, provided, also,* that all contracts made prior to the passing of this act, by any of the towns aforesaid, respecting the shad and alewife fishery in said river, by virtue and in pursuance of the laws hereby repealed, shall be valid, to all intents and purposes, this act to the contrary notwithstanding.

[Approved by the Governor, February 18, 1819.]

CHAP. CVII.

An Act in addition to an act, authorizing a Lottery, for the purpose of rebuilding Springfield Bridge.

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 Managers of Springfield Bridge Lottery be, and they are hereby authorized to prosecute the drawing of said lottery, under the provisions and restrictions of the act regulating the management and drawing of lotteries, in certain cases, within this Commonwealth, until they shall have raised the sum authorized by the act, passed on the thirteenth day of June, in the year of our Lord one thousand eight hundred and fifteen, entitled "An act authorizing a lottery, for the purpose of rebuilding Springfield Bridge."

SEC. 2. *Be it further enacted,* That after the said Managers shall have completed the grant, authorized

by the act to which this is in addition, they are hereby authorized to draw one class, by which they may raise, for the benefit of said corporation, a sum not exceeding ten thousand dollars; *provided*, that said corporation shall give bond to the Commonwealth, in the sum of ten thousand dollars, conditioned to re-build said bridge within one year from the first day of June next.

Conditional
privileges.

SEC. 3. *Be it further enacted*, That this act shall continue and be in force for the term of two years, from and after the thirteenth day of June next, and no longer.

Limitation.

[Approved by the Governor, February 18, 1849.]

CHAP. CVIII.

An Act to incorporate the Kennebec Fire and Marine Insurance Company.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Ebenezer T. Warren, Ariel Mann, Gideon Farrell, Jesse Robinson, Ebenezer White, Hiram A. Bement, Benjamin Wales, Thomas Agry, Thomas B. Coolidge, Nathan Bachelder, Joseph Chandler, Benjamin Dearborn, Reuel Williams, Robert Howard, Benjamin Whitwell, and William H. Page, with their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Kennebec Fire and Marine 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;

Persons incor-
porated.

General pow-
ers.

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 twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

Proviso.

SEC. 2. *Be it further enacted*, That the capital stock of said company, exclusive of premium notes and profits arising from business, shall be one hundred thousand dollars, divided into shares of one hundred dollars each, fifty per centum of which, shall be paid in money, by each and every subscriber, on the amount of his subscription, within sixty days after the first meeting of the stockholders; and the residue thereof, within one year after said first meeting, in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

Capital Stock.

SEC. 3. *Be it further enacted*, That the property, stock and affairs of the said company, shall be managed and conducted by seven 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 first Tuesday of October, in each and every year, at such time of the day, and in such place in the town of Hallowell, as a majority of the Directors, for the time being, shall appoint; of which election, public notice shall be given, in one or more of the newspapers, printed in the town of Hallowell, ten days at least 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 the stockholders, not present, may vote by proxy, under such regulations as the company may prescribe.

Directors

Annual election of Directors.

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. Officers to be chosen.

SEC. 5. *Be it further enacted,* That the President, with three of the Directors, or four of the Directors, in the absence of the President, (one of which shall be chosen President, pro tem,) 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, with such salary and allowance to him, and 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. Rules and regulations.

SEC. 6. *Be it further enacted,* That any seven 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 Hallowell, by advertising the same for three weeks, in one of the newspapers printed in Hallowell, for the purpose of electing a first Board of Directors, who shall continue in office, until the first Monday in October, then ensuing. First meeting.

[Approved by the Governor, February 19, 1849.]

CHAP. CIX.

An Act to prevent the destruction of the Fish, called Tom Cod and Smelts, in Charles River, and to regulate the manner of taking the same.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, if any person or persons shall place or set any seine or net, or set up, erect, or place any obstruction or incumbrance, whatsoever, (mill dams excepted) in or across Charles River, whereby the free passing of the fish up and down said river shall be straitened, obstructed or stopped, they shall severally forfeit and pay the sum of fifty dollars, for each and every offence; one half of which, shall be to the use of him or them that shall prosecute or sue therefor, and the other half to the use of the town or towns, within whose limits the offence is committed; or any town may sue in the name of its inhabitants, and in that case, the whole penalty shall be to the use of the town thus suing.

Penalties.

SEC. 2. *Be it further enacted,* That if any person or persons, shall draw or use any seine or net, of a greater length than fifty feet, or shall make use of more than one net or seine, at the same time, to take any of the fish, called tom cod and smelts, within said river, or shall draw any such seine or net, on any other of the days of the week than Monday, Wednesday and Friday, they shall severally forfeit and pay the sum of forty dollars, for each and every offence, to the use as aforesaid; and all other forfeitures, incurred by any breach of this act, may be recovered by an action on the case, before any Court proper to try the same: *Provided,* that nothing contained in this act, shall be construed to subject any person or persons, to any of the penalties aforesaid, by reason of their happening to take any of the said fish, called tom cod and smelts, when they shall rightfully draw or

Regulation of fishery.

use a seine or net, the meshes of which are not less than one inch square, for the purpose of taking shad and alewives, in the usual and proper season of taking those fish.

[Approved by the Governor, February 19, 1819.]

CHAP. CX.

An Act in addition to an act, entitled “ An act against Forgery and Counterfeiting.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That hereafter, in all prosecutions for forgery, or counterfeiting any bank bills, or promissory notes, of any of the banks mentioned and described in the second, third and fourth sections of the act, entitled “ An act against forgery and counterfeiting ;” or for uttering, publishing, or tendering in payment, as true, any such forged or counterfeit bills or notes, or for having the possession of any such forged or counterfeit bills or notes. with intent to pass the same, the testimony of the President or Cashier of such banks may be dispensed with, if the place of residence of such President or Cashier shall exceed the distance of forty miles from the place of trial ; but in all such cases, it shall be lawful to admit the testimony of any witness, acquainted with the signature of the officers of said banks, or who may have knowledge of the difference between the true and the counterfeit bills, or notes of said banks, to prove that such bills or notes are counterfeit ; any law or practice to the contrary notwithstanding.

Testimony
particularized.

[Approved by the Governor, February 19, 1819.]

CHAP. CXI.

An Act to incorporate the Boston Fire 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 Goddard, Josiah Marshall, William Ray, William B. Swett, and Joseph Balch, their associates, successors and assigns, be, and they hereby are incorporated into a company and body politic, by the name of the Boston Fire Insurance Company, 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 ten thousand dollars, excepting such as may be taken for debt, or held as collateral security for debts, due to said company.

SEC. 2. *Be it further enacted*, That the capital stock of said company, shall be one hundred and fifty thousand dollars, divided into three thousand shares, of fifty dollars each, fifty per centum of which shall be paid within sixty days after the first meeting of said company, and the residue in such instalments, and under such penalties, as the President and Directors shall, in their discretion, direct and appoint.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of said company, shall be managed and conducted by thirteen Directors, one of whom shall be President thereof, who shall hold their offices for one year, and until others are chosen, and no longer; and shall, at the time of their election, be stockholders of said company, and citizens of this Commonwealth, and shall be elected annually, on the second Tuesday of January, at such time of the day, and in such place, in the town of Boston, as a major-

Persons incor-
porated.General pow-
ers.

Proviso.

Capital Stock.

Directors.

Annual elec-
tion of officers.

ity 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 said town, 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*, no stockholder shall be allowed more than ten votes ; Votes. and the stockholders, not present, may vote by proxy, under such regulations as the company shall prescribe ; and if, through any accident, the Directors should not be chosen as aforesaid, it shall be lawful to choose them in manner aforesaid, on any other day.

SEC. 4. *Be it further enacted*, That the Directors so chosen, shall meet as soon as may be, after every election, and shall choose, out of their number, one person to be President, who shall be sworn faithfully to discharge the duties of his office, during the period for which he is elected ; 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, to be notified and held as is herein before directed, in the case of annual elections. Vacancies to be filled.

SEC. 5. *Be it further enacted*, That the President and six of the Directors, or seven of the Directors, in the absence of the President, shall be a Board, competent 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, in respect to the management and disposition of the stock and property of said company, and the transfer of shares therein ; and the powers, duties and conduct of the several Officers, Clerks and Servants, employed in the service of the company, and the election of Directors, and the making of policies, and all such matters as appertain to the business of insurance ; *provided*, Officers, and their duties. Proviso. such by-laws, rules and regulations, be not repugnant to the laws or constitution of the United States, or this Commonwealth. And they shall also have power

Compensation
to officers.

to appoint a Treasurer, Secretary, and so many Clerks and Servants, as shall be needful, with such compensation to them severally, and to the President, as to them shall seem fit ; and they shall also have power and authority, in behalf of said company, to make insurance on any property or buildings within this Commonwealth, against damage to the same by fire, originating in any cause, except design in the assured, for such time, and on such conditions, as the parties may agree ; *provided*, that the said company shall not insure, on any one risk, more than ten per centum on the amount of the capital stock paid in ; and all policies of insurance, by them made, shall be subscribed by the President, or two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said company, and have the like effect and force, as if under the seal of said company ; and all losses, duly arising under policies so subscribed, may be adjusted and settled by the President and Board of Directors, or such agent as they shall authorize ; and such adjustment shall be binding on said company.

Amount of
risks.

Shall not trade
in goods.

SEC. 6. *Be it further enacted*, That the said company shall not directly nor indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities whatever, but may, in the discretion of a majority of the Directors, sell any portion of the property in which the capital stock may be invested, and reinvest the proceeds in any of the stock mentioned in the second section of this act ; and the capital stock shall, within six months after the collection thereof, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the bank of the United States, or of some incorporated bank within this Commonwealth, in either or all of them, and in such proportions as may be judged most for the interest of said company.

Statement of
profits.

SEC. 7. *Be it further enacted*, That once in three years, and oftener, if required by a majority of the votes of the stockholders, the Directors shall lay before the stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends. And the said

company shall, when and as often as required by the Legislature of this Commonwealth, lay before the Legislature a statement of the affairs of said company, and submit to an examination concerning the same, under oath.

SEC. 8. *Be it further enacted,* That in case of any loss or losses taking place, which shall be equal to the amount of the capital stock of the said company, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of assurance, their estates, jointly and severally shall be accountable for the amount of any and every loss which shall take place, under policies thus subscribed; and the said President and Directors shall cause to be printed or written, on every policy they shall make, the amount of the capital stock, and the largest sum they take on a risk.

Personal accountability of proprietors.

SEC. 9. *Be it further enacted,* That it shall be the duty of the Directors, on the third Tuesday of April and October, in every year, to make dividends of so much of the interest arising from the capital stock, and of the profits of the said company, as to them shall appear adviseable; but the monies received, and notes taken for premiums of risks, which shall be undetermined and outstanding at the time of making such dividends, shall not be considered as parts of the profits of said company; and in case of any loss, whereby the capital stock shall be lessened, no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the capital.

Dividends.

SEC. 10. *Be it further enacted,* That any three of the persons named in the first section of this act, are hereby authorized to call a meeting of the said company, in Boston, by advertising the same, for one week, in two of the papers printed in said town, for the purpose of electing the first Board of Directors, who shall hold their offices until another Board shall be chosen.

First meeting.

[Approved by the Governor, February 19, 1819.]

CHAP. CXII.

An Act in addition to the acts concerning the sale of Real Estate, by Administrators, Executors, and Guardians.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Justices of the Supreme Judicial Court be, and they are hereby authorized and empowered to grant licence to, and authorize Guardians of persons given to excessive drinking, idleness, gaming, or debauchery, to sell and convey the whole, or so much of the real estate of such persons, as shall be most for their interest and benefit, when, by a partial sale thereof, the remainder would be greatly injured, in the same way and manner, and under the same restrictions, as they are now authorized to grant licence to Administrators, Executors and Guardians of minors, and persons *non compos mentis*, to sell real estate, in such cases: *Provided, however*, that no such licence shall be granted, unless the certificate of the Overseers of the Poor, now by law required to be produced, shall also contain their consent and approbation of such sale, and their opinion, that by a partial sale of the real estate, the remainder thereof would be greatly injured.

Powers of
Guardians.

Proviso.

SEC. 2. *Be it further enacted*, That the bond, required by law, to be given to the Judge of Probate, by Administrators and Guardians, previous to the sale of real estate, shall and may be given to the Judge of Probate for the county in which the real estate is situated, in all cases, where the deceased person to whom such estate belonged, was not an inhabitant within this Commonwealth, at the time of his decease.

Probate bonds.

SEC. 3. *Be it further enacted*, That the Courts of Common Law, and the Judges of Probate of the respective counties, shall have the same power and authority to licence and empower Executors and Ad-

Powers to li-
cence.

ministrators to make sale of the real estate of their testators and intestates, for the payment of the charges of administration, as they now have by law, in relation to the payment of debts and legacies.

[Approved by the Governor, February 19, 1819.]

CHAP. CXIII.

An Act in addition to an act, entitled "An act regulating the practice of Physic and Surgery."

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person entering the practice of physic and surgery, after the first day of July next, shall be entitled to the benefit of law, for the recovery of any debt or fee accruing for his professional services, unless he shall, previously to rendering those services, have been licenced by the Officers of the Massachusetts Medical Society, hereafter to be designated in this act, or shall have been graduated a Doctor in Medicine in Harvard University.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Counsellors of the Massachusetts Medical Society, at their first meeting in every year, after the annual meeting of said society, to appoint twenty-five Examiners, or Censors, from among the Fellows of said society, viz. : five in each of the districts of this Commonwealth, to be hereafter described ; the five in each of said districts respectively, or a majority of them, to constitute a separate Board of Examiners, or Censors ; and the Censors of each of these Boards, shall have the same power, and be subject to the same penalties, as are already given and imposed by the laws of this Commonwealth, to and upon the Censors of the said society. And when any person, who has been educated to the practice of physic or surgery, out of this Commonwealth, and who has come into

this Commonwealth to pursue the practice of the same, shall present himself to either of the Board of Censors, described in this act, as a candidate for examination, the said Censors may examine any documents which such candidate may offer; and if they are satisfied by the same, that such candidate has received an education, agreeably to the regulations which have been or may be provided by said society, and has been duly examined and approved by some competent authority, they may thereupon licence such candidate to practice physic or surgery, or both, as the case may be, without subjecting him to a new examination.

SEC. 3. *Be it further enacted,* That for the purpose expressed in the second section of this act, the Commonwealth shall be divided into five districts, to be entitled the First, Second, Third, Fourth and Fifth Medical District, respectively, viz. : the First Medical District to include the Counties of Suffolk, Essex, Middlesex, Norfolk, Bristol, Plymouth, Barnstable, Dukes' County, and Nantucket: the Second Medical District to include the County of Worcester: the Third Medical District to include the Counties of Franklin, Hampden and Hampshire: the Fourth Medical District to include the County of Berkshire: the Fifth Medical District to include all the Counties in the District of Maine. The meetings of the Censors shall be held in these districts respectively, in such places, and at such stated periods, as the Counsellors of the Massachusetts Medical Society may direct; and the said Counsellors shall be authorized to make new districts, and appoint new Censors, whenever the public good may appear to require it.

Medical Dis-
tricts.

Laws repealed.

SEC. 4. *Be it further enacted,* That all matters and clauses contained in the act, entitled "An act regulating the practice of physic and surgery," which are contrary to the provisions of this act, shall be, and they hereby are repealed.

[Approved by the Governor, February 19, 1819.]

CHAP. CXIV.

An Act for the encouragement of Agriculture and Manufactures.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every incorporated agricultural society within this Commonwealth, which shall have raised by subscription of individuals, or which may hereafter raise by such subscription, and put out to interest, on public or private security, the sum of one thousand dollars, as a capital stock, appropriated for the uses of said society, shall be entitled to receive, in the month of October, annually, out of the Treasury of this Commonwealth, the sum of two hundred dollars; and also a proportionable sum, annually, for any greater sum which they should so subscribe and put out to interest, as a capital stock: *Provided*, always, that no agricultural society shall receive, by virtue of this act, within one year, any greater sum than six hundred dollars.

Rate of State bounty.

Proviso.

SEC. 2. *Be it further enacted*, That any agricultural society, formed within any county or counties in this Commonwealth, in which no incorporated society at present exists, which shall hereafter be formed, and which shall raise, put out to interest, and appropriate a capital stock, not less than one thousand dollars, for the uses of said society, shall be entitled to receive, on application to this Legislature, an act of incorporation, in usual form, and with customary rights and powers; and also be entitled to take advantage of the privileges hereby secured to the other agricultural societies, on complying with the terms and provisions of this act: *Provided*, always, that no agricultural society, hereafter formed as aforesaid, shall be entitled to the benefits of this act, unless the same be formed in a county, or in an association of counties, including a population of thirty thousand inhabitants.

Privilege of incorporation rights.

SEC. 3. *Be it further enacted*, That for the purpose of availing themselves of the advantages of this act, it shall be the duty of every agricultural society, in the month of October, annually, to file in the Secre-

Duties of so ciety.

tary's Office of this Commonwealth, a certificate, signed by the President and Treasurer of such society, specifying, under oath, the sum actually subscribed, put out to interest, and appropriated as a capital stock, conformably to the provisions of this act; and the Governor of the Commonwealth is hereby authorized, upon the filing of such certificate, to issue his warrant upon the Treasurer thereof, for the sum to which such agricultural society shall thereupon be entitled, under this act.

Premiums to
be allowed.

SEC. 4. *Be it further enacted*, That it shall be the duty of every incorporated agricultural society, which shall avail themselves of the benefit of this act, to annually offer, by way of premiums, or apply otherwise, at their discretion, for the encouragement or improvement of agriculture or manufactures, a sum equal to the sum annually received out of the Treasury of the Commonwealth, by virtue of this act, and also shall transmit to the Secretary's Office of this Commonwealth, in the month of January, annually, an official statement of their proceedings, in relation to the expenditure of such monies, specifying the nature and objects for which such premiums have been offered, and such encouragement applied, and to whom they were awarded; and accompanying the same with such general observations concerning the state of agriculture and manufactures in the Commonwealth, as they may deem important or useful. And all surplusses of monies, arising from premiums offered, and not obtained, or paid, shall be put out to interest, and added to the capital stock of each agricultural society.

Forest trees.

SEC. 5. *Be it further enacted*, That it shall be the duty of every incorporated agricultural society, to offer annually, such premiums and encouragement, for the raising and preserving oaks, and other forest trees, in such manner, and on such terms, as to their discretion shall seem best adapted to increase and perpetuate an adequate supply of ship timber, within this Commonwealth.

SEC. 6. *Be it further enacted*, That nothing in this act shall be considered to extend to any agricultural society, which has been, or which hereafter may be incorporated in any town, or for any circle of territory less than a county.

SEC. 7. *Be it further enacted,* That this act shall continue in force for five years, and no longer.

[Approved by the Governor, February 20, 1819.]

CHAP. CXV.

An Act in addition to the several acts now in force, directing the manner of levying Executions on Real Estate.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever a creditor in execution, shall think proper to extend and levy the same on any saw mill, grist mill, or other mill factory, mill privilege, or other real estate, which cannot be divided without prejudice to, or spoiling the whole, and where the whole of such saw mill, grist mill, or other mill, factory, or mill privilege, or other real estate, is not necessary for the satisfying of such execution, the same may be extended and levied in manner prescribed by law, upon the same, or upon any undivided part thereof, which shall be sufficient to satisfy such execution; and in case the estate is so situated that the same cannot be set off by metes and bounds, the return upon the execution shall describe the whole estate, with as much precision as the nature of the case will admit; which execution being returned and recorded, in manner prescribed by law, shall vest in such creditor in execution, as good and valid a title thereto as the debtor had therein, when the same was attached on *mesne process*, or taken in execution: *Provided however,* that the debtor in execution shall have the same right to redeem the same, in the same time and manner which judgment debtors in execution have a right to redeem real estate, set off on execution.

Executions,
how to be
levied.

SEC. 2. *Be it further enacted,* That the estate, right, title, or interest of any person, owned, holden,

or claimed in virtue of a possession, or improvement, as expressed in "An act for the limitation of certain real actions, and for the equitable settlement of certain claims arising in real actions;" and in an act additional thereto, shall be liable to be taken by attachment, on mesne process, and by execution: And, when any such right, title, interest, or estate shall be seized, and sold upon execution, such notice shall be given, and such proceedings had, in every respect, as are required by law, in the sale of an equity of redemption; and the debtor, whose right, title, interest, or estate, is so taken and sold, shall have the right of redeeming the same, within such time, and in such manner, as is provided in cases of sales of equity of redemption.

Mesne process.

Right of redemption.

[Approved by the Governor, February 20, 1819.]

CHAP. CXVI.

An Act in further extension of "An act for promoting the Sale and Settlement of the Public Lands, in the District of Maine."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the act, entitled "An act for promoting the sale and settlement of the public lands, in the District of Maine," be, and the same is hereby declared to be in force, for and during the term of one year, from and after the end of the first session of the next General Court; any thing in the act first named to the contrary notwithstanding.

Law continued.

[Approved by the Governor, February 20, 1819.]

CHAP. CXVII.

An Act to provide an Annual Salary for the Quarter Master General, and for adjusting and settling his accounts.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of March next, the annual salary of the Quarter Master General be twelve hundred dollars, payable quarter yearly.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Quarter Master General, annually, in the month of January, to lay before the Governor and Council for adjustment, the account of all expenditures of money in his department, with vouchers to support the same; and such accounts shall be settled by the Governor and Council. And in the adjustment of the accounts now unsettled, the Quarter Master General shall be allowed at the rate of fifteen hundred dollars per annum, till the first day of March next.

[Approved by the Governor, February 20, 1819.]

CHAP. CXVIII.

An Act to authorize the laying out a Road, and building a Bridge, over Presumpscot River, at Staples' Point, in the town of Falmouth.

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 Court of Sessions for the County of Cumberland be, and hereby are authorized and empowered to lay out a public highway across Presumpscot River, at Staples' Point,

so called, in the town of Falmouth; *provided*, the said Court, after a full hearing, should be of the opinion that the public good requires it, in the same way and manner, as though said Presumpscot River were not navigable.

New Bridge.

SEC. 2. *Be it further enacted*, That the Court of Sessions be, and they hereby are authorized and empowered to discontinue the support now afforded to the bridge across said Presumpscot River, and appropriate the same, or as much as they may deem necessary for the building and supporting a bridge across said River, at Staples' Point, so called, in the town of Falmouth; *provided*, they may adjudge the same to be for the public good, any law to the contrary notwithstanding.

Dimensions of bridge.

SEC. 3. *Be it further enacted*, That if the said Court shall lay out said road, and cause said bridge to be built, said bridge shall not be made of a less width than twenty-five feet, with a suitable draw, for the passage of vessels through the same.

[Approved by the Governor, February 20, 1819.]

CHAP. CXIX.

An Act to incorporate the Hancock Fire and Marine Insurance Company.

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 Otis Little, William Abbot, Leonard Jarvis, Bradshaw Hall, James Crawford, Jeduthun Upton, Thomas Adams, William Witherle, John Head Jarvis, Joseph Bryant, Rufus Holbrook, John Brooks, Josiah Hook, Junior, and Samuel Upton, with their associates, successors and assigns, be, and they hereby are incorporated into a company, and body politic, by the name of the Hancock Fire and Marine 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 sixteenth day of February, in the year of our Lord one thousand eight hundred and eighteen; also with power and authority to make insurance on any mansion house, or other building, and on the goods and property therein contained, within this Commonwealth, against damage arising to the same by fire; and to fix the premiums and terms of payment, 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 twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for monies due to said company.

General powers.

Premiums.

May hold real estate.

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 centum of which shall be paid in money, by each and every subscriber, on the amount of his subscription, within sixty days after the first meeting of said company; 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, calculating the same at the market value of such stock; but in no case to exceed the cost or par value of the same, as may be approved by a majority of the Directors, chosen by the stockholders, and be paid in such sum or sums, at such time or times, and under such penalties, as said Directors shall, in their discretion, direct and appoint.

Capital Stock.

SEC. 3. *Be it further enacted*, That the stock, property, affairs and concerns of the said company,

Directors.

shall be managed and conducted by seven 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 first Monday of October annually, at such time of the day, and in such place, in the town of Castine, 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 Castine, aforesaid, 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 ten 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 first Monday of October, as aforesaid, it shall be lawful to choose them on any other day, in the manner herein prescribed.

Annual election of Directors.

Limitation of votes.

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.

Vacancies to be filled up.

SEC. 5. *Be it further enacted*, That the President and three of the Directors, or four of the Directors in 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

Corporation Board.

disposition of the stock, property, estate and effects of said company, and the transfer of 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, 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. Compensation to officers.

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 said company, First meeting. as soon as may be, in Castine, by advertising the same in two of the most public places in said town, for ten days at least previous to said meeting, for the purpose of electing a first Board of Directors, who shall continue in office until the first Monday in October, which shall be in the year of our Lord one thousand eight hundred and nineteen.

[Approved by the Governor, February 20, 1819.]

CHAP. CXX.

An Act to establish Courts of Sessions.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of June next, an act, entitled “ An act to transfer the powers and duties of the Courts of Sessions to the Circuit Court of Common Pleas, and for other purposes,” passed on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fourteen, excepting the first section thereof ; and all other acts, and parts of acts, in addition thereto, be, and the same are hereby repealed : *Pro-* Act repealed:

vided, however, that nothing in this act contained, shall be considered as extending to the Counties of Suffolk, Nantucket, and Dukes' County.

SEC. 2. *Be it further enacted.* That from and after the first day of June next, the Court of Sessions, in the several counties in this Commonwealth, shall be holden by one Chief Justice, and two Associate Justices, or any two of them, to be appointed and commissioned by the Governor, with advice and consent of Council, as soon as conveniently may be; who shall have all the powers, rights, and privileges, and be subject to all the duties which are now vested in the Circuit Courts of Common Pleas, relative to the erection and repair of gaols, and other county buildings, the allowance and settlement of county accounts, the estimate, apportionment, and issuing warrants for assessing county taxes, granting licenses, laying out, altering, and discontinuing highways, and appointing committees, and ordering juries for that purpose.

SEC. 3. *Be it further enacted,* That the Courts of Sessions shall be holden within and for the several counties in this Commonwealth, at the times and places following, to wit: Within and for the County of Essex, at Ipswich, on the second Tuesday of April, and second Tuesday of October; within and for the County of Middlesex, at Cambridge, on the first Tuesday in January, and at Concord, on the second Tuesday in May, and on the third Tuesday in September; within and for the County of Worcester, at Worcester, on the second Tuesday of March, and on the second Tuesday of September; within and for the County of Hampshire, at Northampton, on the first Tuesday in September, and on the first Tuesday in March; within and for the County of Hampden, at Springfield, on the fourth Tuesday in March, and on the Tuesday next preceding the fourth Monday in August; within and for the County of Franklin, at Greenfield, on the first Tuesday in March, and on the third Tuesday in November; within and for the County of Berkshire, at Lenox, on the last Tuesday in April, and on the last Tuesday in September; within and for the County of Norfolk, at Dedham, on the third Tuesday of April, and on the fourth Tues-

Powers of
Courts of Ses-
sions.

Times of hold-
ing Courts.

day in September; within and for the County of Plymouth, at Plymouth, on the third Tuesday in March, and on the first Tuesday in August; within and for the County of Bristol, at Taunton, on the fourth Tuesday in March, and on the fourth Tuesday in September; within and for the County of Barnstable, at Barnstable, on the last Tuesday in March, and on the third Tuesday in September; within and for the County of York, at York, on the Tuesday next preceding the third Monday of April, and at Alfred, on the Tuesday next preceding the second Monday in September; within and for the County of Oxford, at Paris, on the third Tuesday of June, and first Tuesday of October; within and for the County of Cumberland, at Portland, on the fourth Tuesday in March, and on the first Tuesday in September; within and for the County of Kennebec, at Augusta, on the last Tuesday in April, and on the first Tuesday in December; within and for the County of Somerset, at Norridgewock, on the second Tuesday in March, and on the second Tuesday in September; within and for the County of Lincoln, at Wiscasset, on the third Tuesday in May, and at Warren, on the third Tuesday in January; within and for the County of Hancock, at Castine, on the Thursday next succeeding the third Tuesday of March, and on the Thursday next succeeding the third Tuesday of November; within and for the County of Washington, at Machias, on the first Tuesday in March, and on the first Tuesday in September; within and for the County of Penobscot, at Bangor, on the first Tuesday in March, and on the first Tuesday in September.

SEC. 4. *Be it further enacted,* That all matters taken for, returnable to, or pending, in the several Circuit Courts of Common Pleas, on the first day of June next, of which the jurisdiction is hereby transferred to the Courts of Sessions, shall be returnable to, have day, be proceeded in, and determined by the respective Courts of Sessions, within and for the same counties, at the term thereof, which shall be holden next after the first day of June next. And the Clerks of the Circuit Courts of Common Pleas, within the

Circuit Courts
to transfer their
business to
Courts of Ses-
sions.

Feb. 20, 1849.

several counties, shall be Clerks of the Court of Sessions.

SEC. 2. *Be it further enacted,* That the Justices of the Courts of Sessions shall receive, for their services, three dollars for each day, during their attendance in said Court, and one dollar for every ten miles travel, to be paid out of the County Treasury.

Salaries.

[Approved by the Governor, February 20, 1849.]

CHAP. CXXI.

An Act in addition to the several acts now in force, respecting Highways.

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 several towns in this Commonwealth, having a population of eight hundred inhabitants, at any public, legal meeting of the inhabitants thereof, regularly notified and warned for that purpose, may vote to raise any sum of money, to be laid out for the making and repairing of highways and townways, in said towns respectively, as they may deem necessary; and may, by a vote of said towns respectively, if they see fit, direct the same to be assessed in money on the polls and rateable estate, real and personal, of the inhabitants, residents, and non residents, of their town, as other town charges are by law assessed; and the same to be committed to the Collector of taxes for said town, to be collected and paid, as other town charges are collected and paid, any law to the contrary notwithstanding.

Assessments for highways.

SEC. 2. *Be it further enacted,* That when any person finding himself aggrieved by the doings of a committee in locating a new highway, or common road, from town to town, or place to place, or in estimating damages, has, or shall hereafter, apply to the Court having jurisdiction in this behalf, and the town or corporation has applied, or shall apply, in like manner, and

both applications are, or shall be pending before the same Court, then the same Court may hear and finally determine both applications, by one and the same jury, or committee, and not by two several juries or committees; and the party, whose complaint shall appear to have been without just cause, shall be at all the costs incurred on that occasion, to be taxed against him by the Court; and the verdict of the jury, or the report of the committee agreed upon, being made under their hands and seals to the said Court, shall conclude both parties, with respect to the damages, and also finally fix and determine the place of such road or highway, any law to the contrary notwithstanding.

Differences to be determined by one jury.

[Approved by the Governor, February 20, 1819.]

CHAP. CXXII.

An Act to encourage Trade and Navigation within this Commonwealth.

WHEREAS it is of the greatest consequence to this Commonwealth, and to the United States, to promote the increase of the number of ships and vessels, and to prevent any discouragement to merchants and others from being interested and concerned therein: and, whereas it has been held that owners of ships or vessels, are answerable for goods, wares, and merchandize, shipped on board the same, although the said goods, wares, and merchandize, should be embezzled, lost, or destroyed, by the masters or mariners of said ships and vessels, without the knowledge or privity of the owner or owners; by means whereof, merchants and others may be discouraged from adventuring their fortunes, as owners of ships or vessels, which will necessarily tend to the prejudice of the trade and navigation of this Commonwealth: Therefore—

Preamble.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, no person or persons, who is, are, or shall be, owner or owners, in part or in whole, of any ship or vessel, shall be subject or liable to answer for, or make good to any one or more person, or persons, any loss or damage, by reason of any embezzlement, secreting or making way with, by the master or mariners, or any of them, of any goods, wares, or merchandize, or any property whatsoever, which shall be shipped, taken in, or put on board any ship or vessel, or for any act, matter, or thing, damage, or forfeiture done, occasioned, or incurred by the said master or mariners, or any of them, without the privacy or knowledge of such owner or owners, further than the value of the interest which such owner or owners have, or had at the time of such shipment, in the ship or vessel, with all her appurtenances, and the full amount of his interest in the freight due, or to grow due, for and during the voyage wherein such embezzlement, secreting, or making way with, as aforesaid, or other malversation of the master or mariners, shall be made, committed, or done, any law, usage, or custom to the contrary notwithstanding.*

SEC. 2. *Be it further enacted, That if several freighters or proprietors of any such goods, wares, or merchandize, or any property whatever, shall suffer loss or damage, by any of the means aforesaid, in the same voyage, and the value of the ship or vessel, and all her appurtenances, and the amount of the freight due, or to grow due, during such voyage, shall not be sufficient to make compensation to all and every of them, then such freighter or proprietor shall receive satisfaction thereout in average, in proportion to their respective losses and damages; and in every such case, it shall, and may be lawful to, and for such freighters or proprietors, or any of them, in behalf of himself, and all other such freighters and proprietors, or to, or for the owners of such ship or vessel, in behalf of himself, and all the other part owners of such ship or vessel, to exhibit a bill in the Supreme Judicial Court, for a discovery of the total*

Owners of ships not liable for the misconduct of the captain or crew.

Average of losses.

amount of such losses and damages, and also of the value of such ship or vessel, appurtenances and freight, and for an equal distribution and payment thereof, amongst such freighters and proprietors, in proportion to their losses and damages, according to the rules of equity. And the said Supreme Judicial Court is hereby vested with full power and authority to entertain, hear, determine, and decree, in such cases, in the same manner as Courts of Equity would have authority to do: *Provided*, that nothing in this act contained, shall be construed to operate upon, or affect any contracts of affreightment, express or implied, or any shipment of goods, wares, and merchandize, or other property, upon any ship or vessel, whose voyage shall have commenced before the passing of this act: *Provided, also*, that this act shall not be construed to extend to, impeach, lessen, or discharge any remedy, which any person or persons now hath, or may have, against all, every or any, the master or mariners of such ship or vessel, for, or in respect of any embezzlement, secreting, or making way with, any goods, wares, or merchandize, or other property, shipped or loaded on board such ship or vessel, or on account of any fraud, abuse, or malversation of, and in such masters and mariners respectively; but such remedy shall remain in the same manner, and to the same extents, as if this act had not passed.

SEC. 3. *Be it further enacted*, That the charterer of any vessel, (in case he shall navigate such vessel at his own expense) shall be considered the owner, within the meaning of this act; and, in case any loss or damage shall happen to any person or persons, by any of the causes or circumstances mentioned in the first section of this act, and such loss or damage shall be compensated from the freight, or the proceeds of the sale of such vessel, or both, in manner as herein before provided; then the owner or owners of such vessel or vessels, shall have a right to recover the value of such vessel or vessels, of the person or persons, to whom such vessel or vessels shall have been chartered, as aforesaid.

Charterer to be considered owner.

[Approved by the Governor, February 20, 1819.]

CHAP. CXXIII.

An Act relating to the Punishment of Convicts, who may be sentenced to solitary imprisonment, and confinement to hard labor.

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, wherever any person convicted of any crime or offence whatever, shall be duly sentenced therefor to solitary imprisonment and confinement to hard labor for any term, not exceeding three years; such convict not having been before sentenced to a like punishment, by any Court of this, or of any other of the United States, the Court, before whom such conviction shall be had, may, in their discretion, order the said sentence to be executed in the common gaol, or house of correction of the county, in which the offence shall have been committed. And the Keeper of such gaol, or house of correction, is hereby authorized and required to execute such sentence of solitary imprisonment, by confining the convict in one of the cells of the gaol, or house of correction, if there be any such, and if there be not, then in the most retired and solitary part of the prison, or house of correction; and during the time of such solitary confinement, the convict shall be fed with bread and water only, unless other food shall be necessary for the preservation of his or her life; and no intercourse shall be allowed with such convict, except for the conveyance of food, and other necessary purposes.

Discretion of
Courts.

SEC. 2. *Be it further enacted,* That the Keeper of the gaol, or house of correction, to which such convict shall be committed, shall, after the expiration of the term of solitary imprisonment, furnish the convict with tools and materials to work with, in any suitable manner, in which his or her time can be usefully and profitably employed, either in the gaol, or house of correction, or within the close yard thereof, in the day time; and such convict, when set to work in the yard, shall

Management
of labor.

be confined with a log and chain, or in such other manner as shall prevent his or her escape, without unnecessarily producing bodily pain, or interrupting his or her labor. And it shall be the duty of the Sheriff in each county, to oversee the execution of all such sentences, and to make such rules and regulations, from time to time, as may best effect the purposes of this act, and to cause the same to be duly executed; and all such rules and regulations shall be reported to the Circuit Court of Common Pleas, in the county within which the gaol, or house of correction is situated, and to the Municipal Court, in the town of Boston, respectively; and may be repealed and altered by the said Courts, as they shall see fit. And it shall be the duty of the Keeper of such gaol, or house of correction, to report to the said Courts respectively, at every session thereof, within his county, the names and condition of all such convicts in the gaol, or house of correction, and the manner in which they are treated and employed. And if any convict shall, during the time for which he or she is sentenced to hard labor, refuse or neglect, without any reasonable excuse therefor, to labor in any suitable manner, when tools and materials for that purpose are furnished, as aforesaid, such convict shall, so long as he or she shall so refuse or neglect to labor, be kept in solitary imprisonment, and fed on bread and water only, in the manner provided in the first section of this act.

SEC. 3. *Be it further enacted,* That the Keeper of every gaol, or house of correction, to which any such convicts shall be committed, shall cause to be kept a true account of the labor of every such convict, and of the articles manufactured or produced by each, and all other proceeds of his or her labor; and also of the cost of the materials furnished to each convict, and of all other charges and expenses attending the execution of this act; and he shall also cause to be sold, the articles manufactured by each convict, or other produce of his or her labor, and keep a like account of the proceeds of such sales; all which accounts shall, from time to time, be reported and presented to the respective Courts above mentioned, in the county

Rules and regulations.

Gaoler's report.

Account of labor.

Reward of labor.

Proviso.

within which the gaol, or house of correction is situated. And if, at the expiration of the term for which any such convict shall have been sentenced, it shall appear that the proceeds of his or her labor have been more than sufficient to pay for the cost of the materials with which he or she may have been furnished, and for his or her maintenance in the gaol, or house of correction, and for all other charges and expenses incurred, in keeping such convict confined, and employed in manner aforesaid, the residue of such proceeds shall be paid over to such convict, for his or her own use: *Provided, however,* that the several Courts aforesaid, if they see fit, at any time during the confinement of such convict, when it shall appear to them that the proceeds of his or her labor are more than sufficient for the purposes aforesaid, may order the residue of said proceeds, or any part thereof, to be paid over to the use of the family of such convict, if any he or she have; and in such case, the balance only of such proceeds, if any remain at the time of the discharge of such convict, shall be paid to him or her, in manner aforesaid. And all charges and expenses incurred in maintaining such convicts, and keeping them employed, excepting such as may be reimbursed by the proceeds of their labor, as aforesaid, shall be paid in like manner as the expenses and charges for maintaining convicts in the State Prison, are now by law payable; the accounts of the Gaoler, or Keeper of the house of correction, in that behalf, being first settled and allowed by the several Courts aforesaid, in the counties respectively in which the gaols, or houses of correction are situated; and the said Courts are hereby authorized to order such sums as may, from time to time, be necessary, to enable the Gaoler, or Keeper of the house of correction, to provide such tools and materials, as aforesaid, to be advanced and paid to him, out of the treasury of the county in which the gaol, or house of correction, may be situated; such Gaoler, or Keeper of the house of correction, to be accountable, in manner above mentioned, for the expenditure of the same, and to repay the amount thereof into the said county treasury, out of the proceeds of the labor of such convicts, or out of the monies re-

ceived by him, in that behalf, from the treasury of this Commonwealth.

SEC. 4. *Be it further enacted,* That if any such convict shall be unruly, or shall disobey any of the regulations, established as aforesaid, for the government of the convicts in the gaol, or house of correction, to which he or she is committed, it shall be lawful for the Sheriff of the county in which the gaol, or house of correction may be, after due inquiry into the circumstances of the case, to order such unruly or disorderly convict to be kept in solitary imprisonment, and to be fed on bread and water only, in the manner provided in the first section of this act, for a term not exceeding ten days, for every such offence. And it shall be the duty of the Gaol Keeper, or Keeper of the house of correction, to furnish every such convict, who may be capable and willing to read, with a copy of the Bible, and with such moral and religious tracts, as may be suited to their condition, when he can procure the same from any of the Bible Societies in the Commonwealth, or from other well disposed persons; and also to permit any Minister of the Gospel, who may be disposed to aid in producing the reformation of such convicts, and to instruct them in their moral and religious duties, to have access to them, when in solitary imprisonment, and at all other times, when not employed in labor, according to the provisions of this act.

Punishment.

Bibles and Tracts to be furnished prisoners.

SEC. 5. *Be it further enacted,* That when any gaol, or house of correction, shall hereafter be erected in any county, suitable apartments shall be made therein, for the purpose of solitary imprisonment; and yards shall be laid out, adjoining hereto, of sufficient dimensions, for the employment of all such convicts, and enclosed with a fence, sufficiently high and strong to prevent escapes, and to prevent all access to, or intercourse with such convicts, by any persons from without the prison. And it shall be the duty of the Court of Sessions in every county in which there is now a gaol, or house of correction, suitable for the confinement of such convicts, forthwith to order such yards to be laid out, and enclosed as aforesaid, adjoining to such gaol, or house of correction; and any county,

Prison yards.

which shall, for the space of two years after such order, neglect to make such yard and fence, according to the provisions of this act, shall forfeit and pay, to the use of the Commonwealth, the sum of five hundred dollars; and the like sum for every year afterwards, during the continuance of such neglect; to be recovered on information or indictment before the Supreme Judicial Court, when sitting within or for any adjoining county.

SEC. 6. *Be it further enacted,* That whenever it shall appear to the Court, at the time of passing such sentence as aforesaid, that there is no gaol nor house of correction in the county, in which the offence may have been committed, suitable for the confinement of such convict, according to the provisions of this act, such Court may order the sentence to be executed in any neighboring county, in which there may be a gaol, or house of correction, suited to that purpose; and every such convict shall be confined and kept at work in the gaol, or house of correction, to which he shall be so committed, in like manner, in all respects, as if the sentence had been passed in the county in which the gaol, or house of correction, is situated.

SEC. 7. *Be it further enacted,* That if any convict, sentenced as aforesaid, shall escape from prison, and shall be thereof duly convicted, before any Court competent to try the same, he or she shall be punished by confinement to hard labor in and within the precincts of the State Prison, in Charlestown, in the County of Middlesex, for so much of the term, for which he or she was originally sentenced, as may remain unexpired at the time of such second conviction; and shall also be further punished for such escape, by solitary imprisonment for a term not exceeding sixty days, and by confinement afterwards to hard labor for a term not exceeding ten years, in and within the precincts of the State Prison aforesaid.

SEC. 8. *Be it further enacted,* That if any boy, under the age of sixteen years, or any female, of whatsoever age, shall be convicted of any offence, for which the punishment may, by law, be confinement to hard labor for any term not exceeding three years, such convict, not having been before sentenced to a like

Removal of
prisoners.

Augmented
punishment of
runaway convicts.

Confinement of
minors and females.

punishment, by any Court of this, or of any other of the United States, he or she shall not be committed for punishment to the State Prison, but shall suffer the punishment of solitary imprisonment and confinement to hard labor, if thereto sentenced, in the common gaol, or house of correction, in the manner provided in this act.

[Approved by the Governor, February 19, 1849.]

CHAP. CXXIV.

An Act making further provision for the punishment of Robbery, Manslaughter, and Felonious Assaults.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person shall commit an assault upon another, and shall rob, steal, and take from his person any money, goods, or chattels, or any property, which may be the subject of larceny, such robber, being, at the time of committing such assault, armed with a dangerous weapon, with intent to kill or maim the person so assaulted and robbed; or if any such robber, being armed as aforesaid, shall actually strike or wound the person, so assaulted and robbed; every person so offending, and every person present, aiding and abetting in the commission of such felony, or who shall be accessory thereto before the fact, by counselling, hiring, or procuring the same to be done and committed, and who shall be duly convicted thereof, shall suffer the punishment of death.

Assault and robbery, punished by death.

SEC. 2. *Be it further enacted,* That if any person shall commit the crime of manslaughter, and shall be thereof duly convicted, every such offender shall be punished by solitary imprisonment, for such term, not exceeding six months, and by confinement afterwards to hard labor, for such term, not exceeding ten years, as the Court, before whom the conviction may be, shall

Punishment of Manslaughter.

Feb. 19, 1819.

sentence and order; or by fine, not exceeding one thousand dollars, and imprisonment in the common gaol, for a term, not exceeding three years, at the discretion of the Court, before whom the conviction may be.

SEC. 3. *Be it further enacted,* That if any person being armed with a dangerous weapon, and with intent to commit murder or robbery, shall assault another, every such offender, and every person present, aiding and abetting, or who shall be accessory before the fact, to the commission of either the offences aforesaid, by counselling, hiring, or procuring the same to be done and committed, and who shall be thereof duly convicted, shall be punished by solitary imprisonment for such term, not exceeding one year, and by confinement afterwards to hard labor, for such term, not exceeding twenty years, as the Court, before whom the conviction may be, shall sentence and order.

[Approved by the Governor, February 19, 1819.]

Punishment of
accessories.

CHAP. CXXV.

An Act in addition to an act, entitled “ An act for regulating Pilotage in several ports in this Commonwealth, and for otherwise regulating the Pilotage of the Port of Boston.”

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any master of a vessel, drawing nine feet of water and upwards, (coasting vessels, or vessels without registers, excepted,) who may choose to hazard the pilotage of his vessel into the harbor of Boston, either by himself, or any pilot of any port in Massachusetts, whom he may choose to employ, shall be at liberty so to do; subject however, to the following provisions, to wit: that whenever a vessel takes a branch pilot, he shall be paid the full rate of pilotage; and the first branch

Full Pilotage.

pilot who shall offer his services, before a vessel shall be westward of a line extending from Nahant Head to the outer part of the Graves, and from thence to Harding's Rocks, and whose services shall not be accepted, shall be entitled to receive the full rate of pilotage, according to the fees specified in his warrant. And if a pilot offers himself after a vessel has passed the line before described, and before she passes to the westward of the Light House, (if in Light House Channel,) or before the Light House can be seen to the westward of the Great Brewster, (if in Broad Sound,) and his services are not accepted, he shall be entitled to half the usual rate of pilotage. Half Pilotage.

SEC. 2. *Be it further enacted,* That all former acts and parts of acts, so far as they may be inconsistent with the provisions of this act, be, and the same are hereby repealed. Acts repealed.

[Approved by the Governor, February 19, 1819.]

COMMONWEALTH OF MASSACHUSETTS.

SECRETARY'S OFFICE, APRIL 14, 1819.

BY this I certify, that the Laws contained in this pamphlet, which were passed at the Session in January and February, 1819, have been compared with the originals in this office, and appear to be correct; except in page 97, "*Bedlington*" should be *Red-ington*.

ALDEN BRADFORD,

Secretary of Commonwealth.

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IN JANUARY AND FEBRUARY, 1819.

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