

MAINE STATE LEGISLATURE

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L A W S

OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

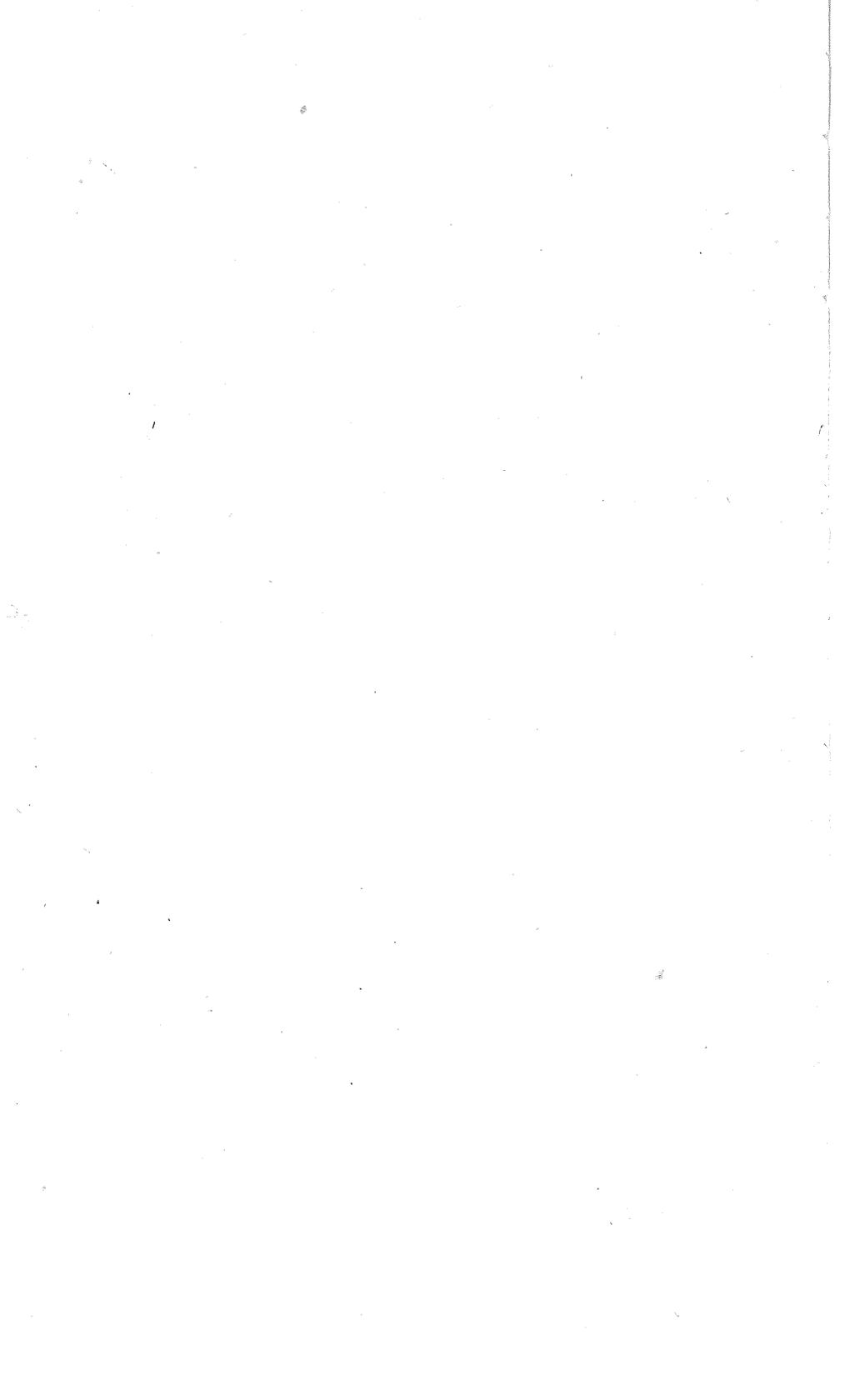
AT THEIR SESSION WHICH COMMENCED ON WEDNESDAY, THE TWENTY-SIXTH DAY
OF MAY, AND ENDED ON THE NINETEENTH OF JUNE, ONE THOUSAND
EIGHT HUNDRED AND NINETEEN.

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



BOSTON :
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PRINTER TO THE STATE.

.....
1819.



L A W S

OF THE

COMMONWEALTH OF MASSACHUSETTS,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON THE TWENTY-SIXTH DAY OF
MAY, AND ENDED ON THE NINETEENTH DAY OF JUNE, ONE THOU-
SAND EIGHT HUNDRED AND NINETEEN.

CHAP. CXXVI.

An Act to annex Daniel Kimball and George Griffin,
to the East Parish in Bradford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Kimball and George Griffin, with their polls and estates, excepting such part of their real estates, as lies north and west of Woodman's Line, (so called,) be, and they are hereby set off from the west parish in Bradford, and annexed to the east parish in said town; and they shall there do the duties, and exercise and enjoy the parochial rights and privileges of the said east parish: *Provided, however,* that the said Daniel Kimball and George Griffin shall be holden to pay all taxes, legally assessed upon them, respectively, by the west parish in Bradford, aforesaid, before the passing of this act.

[Approved by the Governor, June 10th, 1819.]

CHAP. CXXVII.

An Act to establish the Agricultural Society, in the County of Plymouth.

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 Howard, Morrill Allen, William Davis, Kilborn Whitman, Bartholomew Brown, Benjamin Barker, Sylvanus Lazell, Abiel Washburn, William Bourn, Charles Turner, Nathan Mitchell, Jonathan Copeland, Isaac Winslow, John Thomas, Alden Briggs, Jared Whitman, Nathan Gurney, and their associates, with such others as may hereafter associate with them, and their successors, be, and they hereby are made a corporation, by the name of the Agricultural Society in the County of Plymouth; and by that name may sue and be sued, plead and be impleaded, have a common seal, and the same alter at pleasure; and are hereby vested with all the powers and privileges, and subject to all the duties and restrictions of other Agricultural Societies in this Commonwealth. And said corporation may ordain and appoint such rules and regulations, and choose all such officers, as the well ordering of said society may at all times require; provided, such rules and regulations are not inconsistent with the constitution and laws of this Commonwealth. And said corporation may lawfully hold and possess real estate, not exceeding twenty thousand dollars, and personal estate, the annual income of which, shall not exceed five thousand dollars; and shall have power to sell and convey the same at pleasure, not using the same in trade or commerce.*

Persons incorporated.

Powers and privileges.

Proviso.

First meeting.

SEC. 2. *Be it further enacted, That Daniel Howard, Esquire, of Bridgewater, in said county, be, and he hereby is authorized to call the first meeting of said society, under this act, by publishing the time and place of meeting, in the Columbian Centinel, fifteen days at least, before the time of meeting.*

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXVIII.

An Act to establish St. Paul's Church, in Hopkinton.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Walter McFarland, Samuel Valentine, John Erving, John McFarland, Abner Prentice, Samuel Valentine, Junior, Leonard Walker, Josiah Bigelow, Gilbert D. Wilson, and Ezekiel Guy, and such as may hereafter associate with them, with their polls and estates, according to law, be, and they hereby are incorporated into a religious society, by the name of St. Paul's Church, in Hopkinton, with all the privileges, powers and immunities, to which religious societies are entitled, by law and the constitution. Persons incor-
porated.

SEC. 2. *Be it further enacted,* That Elisha Fairbanks, Esquire, be, and he hereby is authorized to issue his warrant, directed to some principal member of said society, requiring him to warn the members of said society, qualified to vote in parish affairs, to assemble at some suitable time and place in said town of Hopkinton, to choose such officers, as parishes are by law, required to choose, in the month of March or April, annually; and to transact all matters and things necessary to be done in said society. Meeting for
choice of offi-
cers.

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXIX.

An Act in further addition to the several acts for regulating the Fishery in Merrimack River.

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

BRIDGE.—PORTLAND BANK. *June 11, 1819.*

day in July, in each and every year, the penalties contained in the several acts, heretofore passed, for regulating the fishery in Merrimack River, shall not extend to, or be in force against any person, drawing a net or seine, for the purpose of taking the fish, called Menhaden, or any other sea or salt water fish, any where below Essex Merrimack Bridge; any thing in the several acts before mentioned, to the contrary notwithstanding.

Restriction of penalties.

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXX.

An Act to extend the time for building Oxford Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the further time of six years, from the passing of this act, be, and hereby is granted to the proprietors of Oxford Bridge, to be built in Jay, in the County of Oxford, to build the same, the limitation in the act granting seven years to build said bridge, having nearly expired, notwithstanding.

Further time allowed.

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXXI.

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

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the number of Di-

rectors in the Bank of Portland, after the first Monday of October next, on which day a new choice by law is to be made, shall consist only of seven, four of whom shall be a quorum ; and that the bond required to be given by the Cashier, who may hereafter be appointed, in said Bank of Portland, shall be in the penalty of twenty thousand dollars, any thing in the act to which this is in addition, to the contrary notwithstanding.

Limited number of Directors

[Approved by the Governor, June 14th, 1819.]

CHAP. CXXXII.

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

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Matthew Cobb, Asa Clap, Prentiss Mellen, Stephen Longfellow, Ezekiel Whitman, Charles S. Davies, Robert Boyd, Isaac Ilsley, Joshua Richardson, Levi Cutter, James Neal, William Swan, Samuel Trask, Horatio Southgate, Richard Cobb, Henry Smith, John Coe, Joseph Barbour, Hezekiah Winslow, Charles Fox, Samuel F. Hussey, James Deering, Mark Harris, Woodbury Storer, Junior, and William Willis, together with such others as they may associate with them, be, and they hereby are incorporated into a society, by the name of the Institution for Savings, for the town of Portland and its vicinity ; and that they, and such others as may be duly elected members of the said corporation, as in this act is provided, shall be, and remain a body politic and corporate by the same name forever.

Persons incorporated.

SEC. 2. *Be it further enacted,* That the said society and corporation shall be capable of receiving from any person or persons, disposed to obtain and enjoy the advantages of said institution, any deposit or

Deposits.

deposits of money, and to use and improve the same for the purposes and according to the directions herein mentioned and provided.

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

Division of
income.

SEC. 4. *Be it further enacted,* That the said society and corporation, shall at their first, and at their annual meetings in July, have power to elect, by ballot, any person or persons as members of said society.

Election of
members.

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

Powers and
privileges.

SEC. 6. *Be it further enacted,* That the said society shall hereafter meet at Portland, at such time in the month of July, annually, and at such other times as the society or the President thereof may direct ; and any seven members of the said corporation, the President or Vice President, Treasurer or Secretary being one, shall be a quorum ; and the said society, at their meeting in July, annually, shall have power to elect and choose a President, and all other such officers as to them shall appear necessary ; which officers, so chosen, shall continue in office one year, and until others are chosen in their stead ; and the Treasurer and Secretary, so chosen, shall be under oath, to the faithful performance of the duties of their offices, respectively.

Election of
officers.

SEC. 7. *Be it further enacted,* That the said society hereby are, and forever shall be vested with the power of making by-laws for the orderly managing of

By-Laws.

the business of the corporation; *provided*, the same are not repugnant to the constitution or laws of this Commonwealth.

SEC. 8. *Be it further enacted*, That Samuel F. Hussey, Stephen Longfellow, and Levi Cutler, or any two of them, be, and they hereby are authorized, by public notification, in the two newspapers printed in Portland, to call the first meeting of said society, at such time and place as they shall judge proper. First meeting.

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXXIII.

An Act to continue in force, the acts incorporating the Salem Marine Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the act, entitled "An act to incorporate George Dodge and others, into a company, by the name of the Salem Marine Insurance Company," passed on the ninth day of June, in the year of our Lord one thousand eight hundred, and also an act in addition thereto, passed on the sixteenth day of February, in the year of our Lord one thousand eight hundred and five, with all the powers and privileges granted by the said acts, shall be, and remain in force for the term of twenty years, from the ninth day of June, one thousand eight hundred and twenty: *Provided, however*, that the capital stock of the said company, shall continue to be two hundred thousand dollars; and that the said company shall not be allowed to insure, on any one risk, a greater amount than twenty thousand dollars. Perpetuation of act. Proviso.

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXXIV.

An Act in addition to an act, entitled "An act to incorporate Isaac Story and others, by the name of the Marblehead Social Insurance Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the further time of five years, from and after the seventeenth day of July next, be allowed to the stockholders of the Marblehead Social Insurance Company, to pay in the residue of the capital stock of said company, amounting to fifty dollars on each share, and being the last moiety of their instalments of the sum of one hundred thousand dollars, the capital stock of said company; and that the said residue shall be paid in such proportions, and at such periods, within the time mentioned, as the Directors of said company, for the time being, shall order and appoint, any thing in the act, to which this is in addition, or in the act of incorporation, to the contrary notwithstanding: *Provided, however,* that nothing in this act shall be construed to exonerate or discharge the estates of the stockholders of said company, from being liable, in the manner, and for the purposes mentioned in said act, to which this is in addition.

Extension of
time.

Proviso.

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXXV.

An Act to incorporate the First Baptist Society, in Machias.

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

Woodruff, Gideon I. Newton, Abraham Fletcher, James Holmes, John Holmes, Isaac Holmes, John Holmes, 3d, Abiel Holmes, Daniel Libbey, Phinehas Libbey, Joshua Dennison, John Emerson, Nathan W. Foster, Paul Crocker, Jirah Phinney, David Trafton, Paul Foster, Nathan Hanscomb, James Foster, Junior, Samuel Foster, Andrew Brown, Edward Carey, Benjamin Coffin, Jesse Scott, Sylvanus Hanscomb, John Hathaway, Joseph Dwelly, Levi Scott, Ephraim Sims, Moses Nash, Abiel Holmes, Junior, Charles Emerson, Zebedee Mayhew, Joseph Hanscom, Samuel Sprague, Joseph Andrews, and Burnum Hathaway, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the First Baptist Society, in Machias; with all the powers, privileges, rights and immunities, to which other parishes are entitled by the constitution and laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That if any inhabitant of the said town of Machias, shall incline to join the said First Baptist Society, by signifying such his desire, in writing, to the Clerk of the said town, and by notifying thereof, the Clerk of said society, he, together with his polls and estates, shall be considered to belong to the First Baptist Society aforesaid. And whenever any person belonging to said First Baptist Society, shall incline to withdraw therefrom, by signifying such his desire, in writing, to the Clerk of said First Baptist Society, and by notifying thereof, the Clerk of the town, or of the religious society which he may incline to join, he, with his polls and estate, shall be discharged from said First Baptist Society: *Provided, however,* that in either case, such person shall be liable to pay his proportion of all assessments, previously made upon the inhabitants of the said town, or upon the members of the said society, as the case may be.

SEC. 3. *Be it further enacted,* That either of the Justices of the Peace for the County of Washington, upon application therefor, is authorized to issue his warrant, directed to some member of the said society,

Persons incor-
porated.

Conditions of
joining, and
setting off.

Assessments
to be made.

Meeting for
choice of offi-
cers.

June 12, 1819.

requiring him to notify and warn the members thereof, to meet at such time and place, as shall be appointed in said warrant, to choose such officers, as parishes are by law, empowered and required to choose, at their annual meeting, in March or April.

[Approved by the Governor, June 11th, 1819.]

CHAP. CXXXVI.

An Act respecting the Fishery in the towns of Rehoboth and Swanzey.

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 attempt to take any shad or alewives, with a seine, or drag net, or scoop net, set or drawing in Palmer's River, or the branches thereof, at any time or place, otherwise than is allowed by law, within the towns of Rehoboth or Swanzey, shall forfeit and pay seven dollars for each and every offence, to be recovered by action of debt, in any Court proper to try the same; one moiety to him or them who shall prosecute for the same, and the other moiety to the town in which the offence is committed.

Time for taking fish.

SEC. 2. *Be it further enacted,* That any seine, drag net, or scoop net, which shall be found set or drawing, in said Palmer's River, or any branch thereof, with or without the owner of the same, or any other person, shall be forfeited to the use of the poor of the town, in which the offence is committed; and if any person or persons shall make, or cause to be made, any weare, within eight rods of another, in said river, he or they shall forfeit and pay a fine of seven dollars, to be recovered and appropriated as aforesaid.

Weares.

[Approved by the Governor, June 12th, 1819.]

CHAP. CXXXVII.

An Act in further addition to an act, entitled “An act to incorporate the Merchants’ Insurance Company, in Boston.”

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall be a further addition to the capital stock of the Merchants’ Insurance Company, in Boston, of one hundred and fifty thousand dollars, making the whole capital thereof, three hundred thousand dollars; which additional stock, shall be divided into fifteen hundred shares, of one hundred dollars each, making the whole number of shares three thousand; and shall be subject to the conditions, provisions and restrictions, contained in said act, and in the act in addition thereto, passed on the tenth day of February, in the year of our Lord one thousand eight hundred and eighteen, except as is hereinafter provided.

Augmentation
of Stock.

SEC. 2. *Be it further enacted,* That the additional stock shall be subscribed under the inspection of the President and Directors of said company, and shall be paid in within twelve months, after the passing of this act, in such sum or sums, and under such penalties, as they shall prescribe.

Time of paying
in Stock.

SEC. 3. *Be it further enacted,* That the said company is hereby authorized to make insurance against fire, on such terms and conditions as the parties may agree, on any dwelling house, or other buildings, as well as on any other property, within this Commonwealth; *provided,* that no greater sum shall be insured on any one risk of fire, than ten per centum of the amount of the capital stock of said corporation, actually paid in.

Provisi.

[Approved by the Governor, June 12th, 1819.]

CHAP. CXXXVIII.

An Act to establish the Penobscot Court House 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 Amos Patten, and all such others, their heirs, successors and assigns, as are owners and proprietors of and in the following described real estate, situate in Bangor, in the County of Penobscot, already apportioned into one hundred and twenty shares in common, and undivided; bounded southerly by the original line between the lots numbered seventy and ten; north-westerly, by Columbia Street; northerly, by Hammond Street; and easterly, by Main Street; containing about half an acre of land, and embracing the Court House, or edifice thereon standing, be, and they, with their respective interests and shares in said estate, are hereby made a body corporate, by the name of the Penobscot Court House Corporation; excepting, however, the following owners and proprietors of, and in the estate above described, namely: Allen Gilman, Jacob McGaw, William Bruce, Benjamin Garland, Thomas Bartlett, Elijah Webster, James Crosby, and Jacob Holyoke, who, with their respective interests and shares in the same real estate, are not embraced, nor intended to be included in said corporation: *Provided, however,* that whatever has heretofore been done by the owners of said estate, as a proprietary, conformably to law, be in nowise affected by this act.

SEC. 2. *Be it further enacted,* That the said corporation, at any meeting, notified as hereinafter prescribed, be hereby empowered to choose a Committee of three Directors, who shall call meetings, assess taxes voted to be raised, draw on the Treasurer for monies, and superintend and manage the prudential affairs of the corporation; a Clerk, who shall record all warrants for calling meetings, all the votes, assessments and other doings of said corporation; a Treasurer,

Persons incorporated.

Boundaries.

Exceptions.

Proviso.

Powers of Directors.

who shall receive, and, in the name of the corporation, prosecute, if necessary, for all monies due or belonging thereto, and shall pay out the same, only on the written order of the said Committee; a Collector, who shall (as any other corporator may,) warn meetings, collect assessments, and pay the same to the Treasurer; and such other officers and agents, as the corporation may think needful. And the said Committee, Clerk, Treasurer, and Collector shall be sworn to the faithful performance of their duties and trusts; and shall hold their offices till others, chosen in their stead, shall accept. And the records of said corporation, made by such Clerk, shall be as valid in law, as those of towns are.

SEC. 3. *Be it further enacted,* That the said corporation shall have power, by vote, at any legal meeting thereof, to raise money sufficient for managing, improving, and keeping in repair, and making more valuable, its part of the real estate first described, or for building thereon; to commence, prosecute, or defend any suits at law, wherein the corporation is a party, or is interested; to make any rules, orders, or by-laws, not repugnant to the laws of the Commonwealth; to lay and assess all sums of money, duly voted to be raised, upon the shares, rights, and interests in said estate, equally and rateably, according to their respective shares or property therein; and to have a common seal, which said corporation may alter or change, at pleasure. And if any corporator taxed, neglect for the space of six months, to pay to the Collector or Treasurer, the sum assessed upon him, the Collector shall return the tax bills to the Treasurer, who is hereby authorized to sell at public vendue, to the highest bidder, and convey to him, by deed, in proper form, in the name and under the seal of the corporation, so much of said delinquent's right or share in said estate, as shall be sufficient to pay and satisfy his said tax, and all reasonable charges attending such sale; notice of the time, place, and occasion of such sale, being first given, by publishing the same three weeks successively, in any newspaper printed in said county, the last publication to be at least four days prior to the day of such sale; or said notice may

Liability of Officers.

Corporate powers.

Assessments.

Sale of delinquent Shares.

be otherwise given, by posting the same, four weeks prior to the sale, in three public places in said Bangor; a copy of said notice, in either case, being required either to be given to said delinquent, or his legal representative, or left at his last or usual place of abode, or put into the post office, in a letter subscribed to him, four weeks prior to the day of sale. And the said purchaser shall be entitled to all the rights and interests which belonged to said delinquent, at the time of said sale: *Provided, nevertheless,* that any corporator, whose share or right, or any part thereof, shall be so sold, shall be entitled to redeem the same at any time within one year, after such sale, by repaying to the Treasurer, the purchase money, the interest thereon, at the rate of twelve per centum, and incidental expenses.

Proviso.

SEC. 4. *Be it further enacted,* That the said corporation shall have power, at any legal meeting, to sell and convey, in fee simple, or in lesser estate, or to lease for years, or shorter time, or to partition into severalty, the whole, or any part or portion of the said corporate estate; which lease or instrument of conveyance or partition, shall be executed by said Treasurer, in the name and under the seal of the corporation, pursuant to vote thereof, and shall be valid in law; and also to appropriate the proceeds of sale, or of income from rent, to such uses and purposes, as the said corporation shall judge most expedient.

May lease Corporate Estate.

SEC. 5. *Be it further enacted,* That any owner or proprietor, or the assignee of any share or part thereof, of the real estate first aforescribed, who is not included in said corporation, or any other person, his heirs or assigns, who shall express, in writing, to said corporation, a wish to belong thereto, and be associated, with his interest, therewith, may become a member of said corporation, by vote thereof, duly recorded by its Clerk, with like privileges and rights, and subject, with his interest or share, to like obligations afterwards, in proportion to his interest, as those made corporators by this act.

Conditions of Membership.

SEC. 6. *Be it further enacted,* That all meetings of said corporation, shall be called by warrant, first by some Justice of the Peace, and subsequently, by a

majority of the Directors, to be notified, either by posting notifications of the time and place of meeting, and of the matters to be acted upon, at two public places in said Bangor, fourteen days prior thereto; or by publishing such notification, in any newspaper printed in said county, a like number of days prior to said meeting: and in all meetings of said corporation, its members, by themselves, their agents, or legal representatives, shall have right to give in their respective votes, to be reckoned, in number, according to the number which each corporator owns of the one hundred and twenty shares, into which the real estate aforementioned, was mutually apportioned, prior to the passing of this act, until the corporation shall, by some act thereof, prescribe a different mode of reckoning the votes of the members of the said corporation.

First meeting.

Regulation of votes.

[Approved by the Governor, June 12th, 1819.]

CHAP. CXXXIX.

An Act to incorporate the Christian Society, in Fairfax.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joel Wellington, Robert Crosby, Jonah Crosby, Luther Crosby, William Crosby, William Chalmers, Asa Phillips, Junior, Jotham S. Chalmers, Aaron Plummer, Isaac Woodcock, Scotland Chalmers, James Chalmers, Andrew Bradford, Benjamin Webb, John Meservey, George Wellington, William Colley, John Plummer, Elisha Higgins, Jonathan Winslow, Edward Taylor, John Wellington, Alexander Buxton, Ebenezer Buxton, Josiah Barnard, Joseph Cammet, and Robinson D. Davis, with such others as may hereafter join them, together with their polls and estates, be, and they are hereby incorporated, by the name of the Christian Society, in Fairfax, with all the powers and privileges

Persons incorporated.

which any parish in this Commonwealth is, by law, entitled to.

Conditions of membership.

SEC. 2. *Be it further enacted*, That any person who may hereafter become a member of, and unite in religious worship with said society, and give in his or her name to the Clerk of any parish, to which he or she belonged, with a certificate signed by the Minister or Clerk of said society, that he or she hath actually become a member of, and united in religious worship with said Christian Society, fourteen days prior to the first day of March in any year, shall, from and after giving such notice, be considered as a member of said Christian Society: *Provided, however*, that such person shall be held to pay his or her proportion of all monies voted by the parish, to which he or she belonged previous to that time.

Proviso.

Conditions of secession.

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

Meetings for choice of Parish Officers.

SEC. 4. *Be it further enacted*, That any Justice of the Peace for the County of Kennebec, be, and he is hereby authorized to issue his warrant, directed to some principal member of said Christian Society, requiring him to notify and warn the members of said Christian Society, qualified to vote in parish affairs, to assemble at such time and place as he, in his warrant shall direct, to choose such parish officers as are by law, required to be chosen at their annual meetings.

[Approved by the Governor, June 17th, 1819.]

CHAP. CXL.

An Act to authorize the Proprietors of the Newburyport Academy to reduce their number of shares in said proprietary.

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 Newburyport Academy may, and they are hereby authorized and empowered, at a legal meeting called for the purpose, to alter the number of shares into which the said proprietary is divided, so that it may be divided into and holden in thirty shares and parts, and no more : *Provided, however,* that two thirds of the stock or property in said proprietary shall be represented at such meeting ; and that the proprietors of three fourths of the stock or property shall be in favor of such alteration, and not otherwise. And the meeting for that purpose, shall be called by the Clerk of said proprietary, on an application in writing, for such meeting, subscribed by five of the proprietors, by publishing notice thereof, three times at least, in any newspaper printed in Newburyport, the first of which publications shall be at least ten days previous to such meeting.

[Approved by the Governor, June 17th, 1819.]

CHAP. CXLI.

An Act to incorporate the Proprietors of the North Meeting House, in Thomaston.

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 Brown, Jeremiah Barry, George Coombs, Oliver Fales, Freeman Hard-

Persons incor-
porated.

June 17, 1819.

ing, Bernard Holmes, Joseph Ingraham, William Killsa, Iddo Kimball, James Patridge, Constant Rankin, Junior, Otis Robbins, Junior, Leonard Smith, Isaac Spear, Elknanah Spear, Jonathan Spear, John Spear, Junior, William Spear, Charles Spafford, John Spafford, Joseph Sprague, Calvin Tolman, Josiah Tolman, Thomas Tolman, Jacob Ulmer, Philip Ulmer, David Watson, Junior, together with such others as may hereafter associate with them, for the building a meeting house in the north parish in the town of Thomaston, be, and they are hereby made a corporation for that purpose, by the name of the proprietors of the North Meeting House, in Thomaston ; and by that name may sue and be sued, and shall have, exercise and enjoy all the powers and privileges, usually granted to other corporations of a like nature and purpose.

General powers.

Annual meetings.

By-Laws.

SEC. 2. *Be it further enacted*, That a meeting of said corporation shall be holden annually, on the third Monday in March, at which, the said proprietors shall elect by ballot, five Trustees, one of whom shall be appointed to act as Chairman, and any three of whom, shall be a quorum for doing business ; and they shall also elect a Treasurer, who shall also be Collector, and a Clerk, to make a record of doings, who shall each respectively be sworn to the faithful discharge of the duties of their offices ; and at all said meetings, each proprietor or his agent, duly authorized in writing, shall have a right to as many votes as he holds shares ; *provided*, that no person shall be entitled to more than five votes. And the said corporation, when duly organized, may, at their first meeting, and at subsequent meetings, adopt such by-laws and regulations, as they may from time to time, judge necessary, for the prudent management of their funds, and the well being of the religious society in the said north parish ; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this Commonwealth.

May hold real estate.

SEC. 3. *Be it further enacted*, That the said corporation shall hold the land on which they have erected a meeting house, and may also purchase and hold other real estate, and personal estate, the annual income of

which, shall not exceed a thousand dollars; and the property in said meeting house and real and personal estate, shall be divided into shares, which shall not exceed one hundred, nor be less than fifty. And whenever any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by said corporation, for the purposes of this act, to the Treasurer, within sixty days after the same shall become payable, the said Treasurer, under the direction of the said Trustees, may sell at public vendue, the share or shares of such delinquent proprietor, to defray said tax and incidental charges; notice of the time, place and cause of such sale being first given, by posting up such notice in two or more public places in the said town, at least thirty days before such sale; and a certificate of such sale shall be signed by the Treasurer of the said corporation and countersigned by the Clerk; which certificate shall have the validity of a deed to convey and transfer all the right, title and interest of such delinquent, in the share or shares thus sold, to the purchaser; and if the said share or shares are sold for more than the taxes or assessments due thereon, and charges, the overplus shall be paid to such delinquent, by the said Treasurer, on demand; or the said Treasurer may, with the direction of the Trustees, and in the name of the said corporation, sue and prosecute to final judgment and execution, any such delinquent proprietor, for any tax or assessment due on any share or shares of such delinquent proprietor.

SEC. 4. *Be it further enacted,* That any Justice of the Peace for the County of Lincoln, is hereby empowered, upon application therefor, to issue a warrant, directed to a freeholder, and member of the said religious society, requiring him to notify and warn a meeting of the proprietors of the said meeting house, to meet at such convenient time and place, as shall be appointed in the said warrant, to organize the said corporation, by the election and appointment of its officers.

[Approved by the Governor, June 17th, 1819.]

CHAP. CXLII.

An Act respecting packing Pickled Fish.

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 tenth section of an act, entitled "An act to prevent fraud and deception in the packing of pickled fish, and to regulate the size and quality of the casks, and the sale and exportation thereof, within and from this Commonwealth, and to repeal all laws heretofore made on this subject," passed on the sixth day of March, in the year of our Lord one thousand eight hundred and ten, be, and the same is hereby repealed.

Size and quality of casks:

SEC. 2. *Be it further enacted,* That all codfish, haddock, hake, pollock, and hallibut, pickled, and hereafter offered for sale, shall be packed in casks of the contents required by the first section of the above named act, each barrel to contain two hundred and twenty-five pounds, and each half barrel to contain one hundred and twelve and an half pounds, agreeably to the rules of packing, in the third section of said act, with sufficient salt to preserve the same.

Contents of casks.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Inspector General, or his Deputies, to brand, with plain and legible figures, the weight of the aforesaid five kinds of fish, in addition to the brands required by the third section of the above said act.

Duties of Inspector General

[Approved by the Governor, June 17th, 1819.]

CHAP. CXLIII.

An Act to incorporate the Falmouth Wharf 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 Alpheus Childs, John

Crocker, Stephen Davis, Braddock Dimmick, Prince Dimmick, John Dimmick, Elisha P. Fearing, Elisha Gifford, Davis Hatch, Major Hatch, John Hatch, Junior, Weston Jenkins, Thomas Lawrence, Silas Lawrence, David Lewis, Nathaniel Lewis, Thatcher Lewis, William Nye, Joseph Robinson, Michael Sampson, Benjamin Sanford, Charles Sanford, Ephraim Sanford, Nathaniel Shiverick, and Francis Wicks, together with such others as may hereafter associate and become partners in said company, be, and they are hereby incorporated, and made a body politic, by the name of the Falmouth Wharf Company; and by that name may sue and be sued, in all actions, real, personal or mixed, and may do and suffer all acts and things, which bodies politic and corporate may or ought to do and suffer; and shall have power to appoint such officers as they may judge necessary, have a common seal, and change it as they see cause, levy taxes and assessments, and compel payment from delinquents, by force of law, or sell their property or shares in said wharf, to pay the same; and shall have all other powers and privileges incident and usually granted to corporations of a like nature and purpose. And the property in the said company shall be held in forty shares, with power to increase the number as they may see cause; and each share shall be entitled to one vote; *provided*, that no member shall have more than ten votes, and each member may vote by his proxy.

Persons incor-
porated.

Powers and
privileges.

Shares of
property

SEC. 2. *Be it further enacted*, That when any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said company, to their Treasurer, for the term of sixty days after the time set for the payment, the Treasurer of said company is hereby empowered to sell, at public vendue, the share or shares of such delinquent proprietor, one or more, as may be sufficient to defray said tax and necessary charges, after due public notice thereof being given, by posting up an advertisement in two places of public resort, in the said town, fourteen days, at least, before such sale, stating the sum due on such share, or shares, and the day and place, and cause of such sale; and such sale shall be

Penalties for
non payment of
assessments.

a sufficient transfer of the share or shares so sold, to the person purchasing the same; and the purchaser, on producing a certificate from the Treasurer to the Clerk of said company, certifying such sale and purchase, record thereof shall be made by the said Clerk in the books of the company, for that purpose provided and kept; and such purchaser shall be considered to all intents and purposes, the proprietor thereof; and the overplus, if there be any, shall be paid on demand, by the Treasurer, to the person whose share or shares have been thus sold.

First meeting.

SEC. 3. *Be it further enacted*, That any Justice of the Peace, for the County of Barnstable, is hereby empowered, upon application therefor, to issue a warrant, directed to one of the proprietors, and member of said company, requiring him to notify and warn a meeting of said company, at such time and place as shall be appointed in the said warrant, to organize said company, by the appointment of its officers.

[Approved by the Governor, June 17th, 1819.]

CHAP. CXLIV.

An Act to incorporate the Trustees of the property of the Congregational Church and Society, in Ellsworth.

Preamble.

WHEREAS, it appears that Melatiah Jordan, late of Ellsworth, in the County of Hancock, Esquire, deceased, has erected a house of public worship for the use and benefit of the Congregational Church and Society, in said town, and has granted the same, together with the land whereon it stands, to be holden, and disposed of by Trustees, in manner by him, in his deed prescribed, for the purpose of laying a foundation for a permanent fund for the support of the ministry over said church and society, and for the support of the centre town school, so called, in said town, over which the Minister of said church and

society is settled, as superintending instructor of the youth :

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 Jordan, Andrew Peters, John Black, Jesse Dutton, Charles Jarvis, Alfred Langdon, and George Herbert, be, and they hereby are appointed Trustees of the real and personal estate and funds of the Congregational Church and Society, in the town of Ellsworth, in the County of Hancock, particularly the estate mentioned in the foregoing preamble ; and they are hereby incorporated into a body politic, by the name of the Trustees of the Funds of the Congregational Church and Society, in Ellsworth ; and they and their successors shall be and continue a body politic and corporate, by that name forever ; and they and their successors shall have one common seal, which they may break, change and renew, from time to time, as they shall see fit ; and that by the same name they may sue and be sued in all actions, real, personal and mixed ; and by their agent or attorney, may prosecute and defend the same to final judgment and execution ; and that the said Trustees and their successors, shall have full power to determine the times and places of their meetings, the manner of notifying the Trustees thereof ; together with like power to elect such officers of their body as they shall judge necessary and convenient, and to prescribe their duties, and to make such rules, orders and by-laws, for their regulation, and for the management and disposition of the property and funds which may be entrusted to them, as shall not be repugnant to the laws of this Commonwealth, nor inconsistent with the duties arising from the trusts which may be reposed in them : *Provided, however,* that nothing in this act shall be construed to give the said Trustees any right or interest in, or control over the lands reserved for the use of the ministry, unless such right or interest in, or control over such land, shall be given to them by a vote of the inhabitants of the town, in town meeting duly notified, by the insertion of an article to that effect, in the warrant for calling such meeting.

Trustees.

General powers of Trustees.

General meetings.

Restriction of power in Trustees.

SEC. 2. *Be it further enacted,* That whenever any one of the Trustees shall die or resign, or shall become a member of any other church, or society of christians, or shall cease to be a member of the Congregational Church, or society aforesaid, or, in the judgment of a major part of the Trustees, shall be rendered incapable, by age, removal or otherwise, of beneficially discharging the duties of his said office, the Trustees shall declare his office vacant, and may proceed to elect some suitable person to fill such vacancy; and that the number of the Trustees shall, at no time, be more than seven, nor less than five, four of whom shall be necessary to form a quorum for the transactions of business; and that all deeds and instruments, requiring a seal, which the Trustees shall have lawfully determined to make, shall be sealed with their seal, and being signed and acknowledged by the Treasurer of the corporation, shall bind the said Trustees and their successors, and be valid in law.

Vacancies to be filled up.

Limited number of Trustees

Trustees may hold real estate.

Proviso.

SEC. 3. *Be it further enacted,* That the Trustees aforesaid, and their successors be, and they are hereby rendered capable in law, to receive and hold, in their corporate capacity, by gift, grant, devise, bequest, or otherwise, any lands, tenements or other estate, real or personal, which have been or may be given, granted or bestowed, for the support of the ministry over said church or society, or for the benefit of the Centre Town School, so called, in said town; *provided,* that the annual income of such estate for the support of the ministry, shall not exceed two thousand dollars, and the annual income of such estate for the support of the said school, shall not exceed five thousand dollars.

First meeting.

SEC. 4. *Be it further enacted,* That John Black, Esquire, be, and he hereby is authorized to appoint the time and place for holding the first meeting of said Trustees, and to notify them thereof accordingly.

[Approved by the Governor, June 17th, 1819.]

CHAP. CXLV.

An Act further regulating the Fishery in the Merrimack River, and the streams running into 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 if any person or persons, shall erect or cause to be erected, any mill dam, or weare, or shall place any stones, timber, boards, plank, or gravel, or any other obstruction or incumbrance, in or across the Merrimack River, or any of the rivers or streams running into the same, or continue or suffer to be continued, any such obstruction or incumbrance, as before mentioned, as hath been heretofore erected, or cause to be erected or placed, so as to prevent or obstruct the free passage of the salmon, shad, or alewives, in their usual course up and down said rivers and streams, at the time of their passing up to cast their spawn, and returning down of said fish, and the young fry; the person or persons so offending, instead of the penalty, heretofore provided by law, for such offence, shall forfeit and pay, a sum not exceeding five hundred dollars, nor less than one hundred dollars, at the discretion of the Court, before whom the conviction may be had, to be recovered by action or indictment; one half to the use of the county, and the other half to the person or persons who may sue and prosecute for the same; and the Court before whom such conviction may be had, shall cause the obstruction to be removed, at the cost and charge of the offender or offenders.

Penalty for obstructions to fishery.

SEC. 2. *Be it further enacted,* That if any person or persons shall, at any time, with a spear or other instrument or machine, by torch light or candle light, catch, kill, or destroy any salmon, shad or alewives, in any of the rivers or streams aforesaid, or shall with jack and spear, by torch light or candle light, fish for the purpose of catching any salmon, shad or alewives, every such person so offending, shall forfeit and pay

Penalty for improperly taking fish.

the sum of fifty dollars, to be recovered and appropriated as aforesaid.

SEC. 3. *Be it further enacted*, That if any person or persons shall catch any salmon, shad, or alewives, in any part of Merrimack River, or in any river or stream running into the same, or shall draw or drag any seine, drag net, or fly net, or set any net or pot, or use any other machine, or suffer such to be continued, or set, for the purpose of catching any of the said fish, in any of the said rivers or streams, at any other time or times, than by the laws of this Commonwealth are expressly allowed and permitted, every such person so offending, instead of the penalty heretofore provided by law, for such offence, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than fifty dollars, to be recovered and appropriated as aforesaid.

Penalty for infraction of the fish laws.

SEC. 4. *Be it further enacted*, That each and every Fish Warden, Sheriff, Deputy Sheriff, Constable, and Grand Juror, is hereby empowered to command the assistance of any person or persons which they, or any of them may judge necessary, for carrying this act, and the several acts to which this is in addition, into full effect, in the same manner as Sheriffs are empowered to command aid, in a civil or criminal process.

Power of Fish Wardens and other officers.

SEC. 5. *Be it further enacted*, That all seines, nets, and pots, of every sort and description, used for the purpose of catching any of the aforesaid fish, if found in either of said rivers or streams, or within the banks of the same, on any day or time, when by law it is not permitted or allowed to catch any of said fish, each and every such seine, net, pot, or other instrument, shall be forfeited, together with any boat, in which the same may be found; and the same may be seized by a Fish Warden, Sheriff, Deputy Sheriff, Constable, or Grand Juror, and prosecuted for, in the same way and manner as by law is provided, when seines are seized, for breach of the laws for regulating the fisheries in said rivers and streams; and the net proceeds, after paying all costs and charges, shall be for the sole use of the person who may seize and prosecute for the same, except when complaint shall be made by any other person; in which case, the inform-

Forfeiture of Seines.

ant, or person complaining, shall be entitled to one half, and the other half shall enure to the county where the offence is, or may be committed.

SEC. 6. *Be it further enacted*, That if any person or persons shall fish with a seine or net, more than eighteen rods long, in Merrimack River, or twelve rods long, in Concord River, or extend more than one seine, or net, on the same fishing ground, at one and the same time, instead of the penalties heretofore provided by law, shall, for every such offence, forfeit and pay a fine of fifty dollars; and such seines and nets, together with the boat or boats so employed, shall be forfeited, and the same may be seized and prosecuted for, in manner aforesaid.

Designation of fishing ground, and time.

SEC. 7. *Be it further enacted*, That it shall be the duty of the proprietors of the Middlesex Canal, to cause to be erected, and kept in repair, in said canal, on both sides of said Concord River, such gates, constructed of wire, or other materials, as may be sufficient to prevent the passage of the fish, or young fry, through said canal, either towards Merrimack River, or towards Medford; and shall not allow the said gates or either of them, to be kept open, excepting at the time of the passing of any boat or raft, in either direction in said canal; and no longer at any time, than may be sufficient for the passing of such boat or raft, through the said gates; and for failure or neglect of the duty herein enjoined, they shall forfeit and pay, a sum not exceeding five hundred dollars, nor less than one hundred dollars, to be recovered and appropriated as aforesaid.

Wire Gates.

SEC. 8. *Be it further enacted*, That the act, entitled "An act further regulating the fishery in Merrimack River," passed on the fourteenth day of June, eighteen hundred and seventeen, be, and the same is hereby repealed: *Provided, however*, that the said act shall be in full force as to the prosecutions commenced under the said act.

Repeal of act.

[Approved by the Governor, June 18th, 1819.]

CHAP. CXLVI.

An Act to annex Daniel Ware and his estate, to the First Parish in Wrentham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Daniel Ware, now belonging to the north parish, in the town of Wrentham, and his estate, being his homestead farm, and Pine Plain Lot, (so called.) be, and the same are hereby annexed to the first parish in said town; *provided*, that the said Daniel Ware shall be holden to pay all taxes assessed on him, by the said north parish, due and unpaid, before the passing of this act.

Annexation.

[Approved by the Governor, June 18th, 1819.]

CHAP. CXLVII.

An Act authorizing Eliada Kingsley to remove a Gate, on the Becket Turnpike Road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That Eliada Kingsley, sole proprietor of the Becket Turnpike. be, and he is hereby authorized and empowered to remove the gate now standing on said road, to or near his dwelling house, near Scott's Corner, (so called) in said Becket, and there to receive the toll, now by law, allowed at said gate, any thing in the act defining the general powers and duties of turnpike corporations, to the contrary notwithstanding: *Provided, always*, that the said Eliada Kingsley, or any future owner of said turnpike road, shall not demand or receive of any of the inhabitants of said town of Becket, or of the inhabitants

Removal of Gate.

Proviso.

of the town of Otis, any more than one quarter of the rateable toll now allowed and taken at said turnpike gate.

[Approved by the Governor, June 18th, 1819.]

CXLVIII.

An Act to incorporate the First Baptist Society in Worcester.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Flagg, Israel Whitney, William Goss, Amos Smith, Francis Grout, Nathaniel Stowell, John Pepper, Jonas Rice, Elijah Harrington, John Tatman, Daniel Tatman, Timothy Taft, Peter Foster, Adolphus Taft, Joseph Taft, Samuel Boyden, Ephraim Curtis, Eli Chapin, Thad-^{Persons incor-}deus Chapin, Ebenezer Wiswell, Jonas Johnson, Asa Gates, Levi Gates, Nathaniel Gates, Clark Johnson, Lewis Holbrook, William Young, Jeremiah Harrington, Rufus Paine, Junior, David Hawes, Daniel Goddard, Samuel B. Manning, Levi Smith, Luke Rice, Abel Flagg, Benjamin Newton, Samuel Harrington, James Harrington, Luke Randall, William Hovey, Rufus Porter, Willard Gates, Daniel Goulding, John W. Hubbard, Joseph Goddard, Sewall Stearns, Luther Johnson, Samuel Sturtevant, Joel Putnam, Daniel Rand, Levi Howe, Nathan White, together with their polls and estates, be, and they hereby are incorporated into a society, by the name of the First Baptist Society, in Worcester, with all the privileges,^{Powers and} powers and immunities, which other religious societies^{privileges.} in this Commonwealth are, by law, entitled to.

SEC. 2. *Be it further enacted,* That any of the inhabitants of the said town shall, at all times, hereafter, have full liberty to join themselves with their families to either of the religious societies in said town; *provided* they shall signify, in writing, under their^{Conditions of} Membership.

hands, to the Clerk of said town, their determination of being considered as belonging to the society to which they may join themselves as aforesaid.

Continuation of
membership.

SEC. 3. *Be it further enacted*, That the members of each respective society, in said town, and their families, shall be deemed and considered as continuing members of their respective societies, with their estates, for the time being, until they shall signify their determination to the contrary, as before expressed.

Meetings to be
warned.

SEC. 4. *Be it further enacted*. That Daniel Wales, Esquire, be, and he hereby is authorized to issue his warrant, directed to some principal member of said Baptist Society, requiring him to warn the members of said society, qualified to vote in parish affairs, to assemble at some suitable time and place, in said town, to choose such officers as parishes are, by law, required to choose, in the month of March or April, annually, and to transact all matters and things necessary to be done in said society.

[Approved by the Governor, June 18th, 1819.]

CHAP. CXLIX.

An Act in addition to an act, entitled "An act for the providing and regulating of Prisons."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no Sheriff, Gaoler, or Prison Keeper, shall be chargeable to the creditor of any person who has been, or may hereafter be imprisoned for debt, either upon mesne process or execution, for an escape in consequence of allowing the liberty of the gaol yard to such prisoner, on his giving bond, approved by two disinterested Justices of the Peace, *quorum unus*, conditioned, that from the time of executing such bond, he will continue a true prisoner in the custody of the Gaoler, and within the limits of said prison, until he shall be lawfully discharged with-

out committing any manner of escape, notwithstanding such bond, from accident, mistake or misapprehension, may not have been given for double the sum for which he is or was imprisoned: *Provided*, that nothing herein, shall be construed to affect any suit wherein final judgment has been rendered by the Supreme Judicial Court.

[Approved by the Governor, June 18th, 1819.]

CHAP. CL.

An Act to alter the time for holding the Court of Sessions, in the County of Oxford:

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That from and after the passing of this act, the times for holding the Court of Sessions, in the County of Oxford, shall be as follows, to wit: at Paris, on the Thursday following the second Tuesday of June, and on the Thursday following the first Tuesday in October, annually; and all petitions, processes, matters and things, now pending in the Court of Sessions, in said county, and all parties and persons interested therein, shall be heard, have day, acted upon, and determined at Paris, on the Thursday following the first Tuesday of October next.

Alteration of Sessions.

SEC. 2. *Be it further enacted*, That all laws heretofore made for fixing times for holding the Courts of Sessions within said county, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Laws repealed.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLI.

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

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an act, entitled "An act to alter the time of holding the Boston Court of Common Pleas, within and for the County of Suffolk," passed on the twelfth day of June, in the year of our Lord one thousand eight hundred and eighteen, be, and the same is hereby repealed.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLII.

An Act in addition to an act, entitled "An act to authorize the First Congregational Society in Brunswick, to sell certain Ministerial Lands."

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Trustees, incorporated by the act, entitled "An act to authorize the First Congregational Society in Brunswick, to sell certain ministerial lands," and their successors, be authorized and empowered to assume the name of the Trustees of the Funds of the First Congregational Society, in Brunswick; and by that name to sue and be sued, in all actions, real, personal and mixed, and to prosecute and to defend the same to final judgment and execution; and to have a common seal, subject to alteration. The number of said Trustees shall not, at any one time, be more than seven, nor less than four, any four of whom, shall be a quorum for transacting

May sue and
be sued.

business. They may elect a President and Clerk, the latter of whom shall be sworn to the faithful discharge of the duties of his said office; and a Treasurer, who shall give bond to the said Trustees, in such penal sum, and with such sureties as they shall direct and approve, conditioned for the faithful performance of the duties of the said office; and they shall have power to remove any of their number for misconduct, incapacity or other reasonable cause; and shall annually hold a meeting in March or April, and as much oftener as may be necessary, for the election of officers, and transacting other business of the corporation; and the next meeting of said Trustees may be called by the Clerk of the said Trustees, with such notice, and at such time and place, as has been determined by the regulations of the said Trustees, heretofore established; the notification, time and place of future meetings, to be agreed upon by the said Trustees.

Sec. 2. *Be it further enacted,* That the said Trustees be, and they hereby are empowered to sell and convey in fee, or lease, for a term of years, not exceeding ten years, all the pews, or other real estate, or any part thereof, belonging to the said parish, which has been, or hereafter may be granted and appropriated to the support of the gospel ministry therein, or other parochial purposes; and all deeds, signed and delivered by the Treasurer of said Trustees, and sealed with their seal, by their order, shall, when made in their corporate capacity, be valid and sufficient in law, to pass and convey to the purchasers the fee, or term of years, in the real estate aforesaid; and the monies arising from the sale of said estate, shall form a fund, the annual income of which, together with the rents of the property, leased as aforesaid, shall be appropriated to the support of the ministry, in the manner directed and provided by this act. And all gifts, grants, devises and legacies, which have been, or hereafter may be made to and for the same uses and purposes, shall be added to the same fund; and all debts, or sums of money which may be due to the said parish, or for their use, by promissory notes, or otherwise, shall be and enure to the use of said Trustees, for the purposes aforesaid, who are

Election of officers.

Officers may be removed.

Meetings to be warned.

May sell estate.

Support of Ministry.

hereby authorized to receive the same, and to demand, collect, sue for, and recover the same, according to the tenor and conditions of the same, in the same manner that the said parish are now by law authorized to do; *provided, however*, that the said Trustees shall apply such part of the same, not exceeding the sum of three hundred dollars, as may be necessary to the payment of such debts as may be, at the date of this act, existing against the said parish; *and, provided*, the said parish, at any legal meeting, notified for that purpose, shall agree to assign the debts as aforesaid, and saving, to all parties concerned, the right of being sued by the same form of action, and in the name of the same plaintiffs, and all claim to set off other demands, or to use other grounds of defence, to which they are now entitled.

Application of money.

Loans may be made.

SEC. 3 *Be it further enacted*, That the said Trustees be authorized to loan any part, or the whole of their funds aforesaid, on mortgage on real estate, of double the value of the sum loaned, or secured by two or more sufficient sureties, besides the principal, unless the said Trustees shall think it best to invest the same, or the proceeds thereof, in public securities, or the stock of any incorporated bank of this Commonwealth, or of the United States, which they, in their discretion, shall have power to do; and it shall never be in the power of the said Trustees, or of said parish, to alienate or alter the appropriation of the said ministerial and parochial fund; but shall, from time to time, when necessary or expedient, apply the interest, rents and profits, only, of said fund, to the support of the gospel ministry, in said parish, in such manner as the parish, at a legal meeting, shall direct; excepting where the donors, grantors or devisors, shall or may have otherwise directed, at the time of any gift, grant, or devise; in which cases the said Trustees are authorized to apply the same, according to the form of the gift, with the consent of the said parish, obtained at a legal meeting of the same; *and, provided*, that the annual interest, rents and profits of the funds and estates, vested in said Trustees, shall not in any year exceed one thousand dollars.

Alienation of funds.

Application of gifts.

SEC. 4. *Be it further enacted*, That the Treasurer

of said Trustees shall be entitled to such reasonable compensation for his services and responsibility, as the said Trustees may agree to allow him, out of the proceeds of said funds, or other estate in their possession; but no other Member of said Board of Trustees shall, for any service whatever, in his said capacity, be entitled to any compensation, out of said proceeds; but a reasonable compensation may be allowed by the said parish, if they see cause to raise money for that purpose; and the said Trustees and their successors, any, or each of them, whether they be officers or not, shall be answerable, each for his own personal neglect and misconduct, and shall be liable to an action on the case, to be sued in the name and behalf of said parish, and under their direction, for any loss or damage resulting thereby to the funds or estate aforesaid; and the damage recovered in such suit, shall be added to the said funds.

Compensation
to Treasurer:

SEC. 5. *Be it further enacted*, That the second section of the act to which this is an addition, be, and hereby is repealed, excepting that the rights which have already vested or accrued in or to any person or persons, other than the Trustees and parish aforesaid, in their corporate capacity, and all acts of the said Trustees, already performed by virtue of the same, shall have the same operation and validity, as if this additional act had not been passed.

Section of law
repealed.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLIII.

An Act to incorporate the Owners of Cove Meadows.

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 owners of the meadows called Cove Meadows, at the head of Ship Cove, in the town of Cohasset, in the County of Norfolk, be, and they are hereby incorporated, by the name of the Proprie-^{Title.}

General powers.

tors of Ship Cove Meadows ; and by that name, may sue and be sued, and do and suffer all such acts and things, as like bodies corporate may and ought to do and suffer. And the said proprietors shall have power, from time to time, to appoint a Clerk, Treasurer, Assessors, and Collectors of taxes, who shall be severally sworn to the faithful discharge of their respective trusts. And the said corporation, at any legal meeting for such purpose, shall have power to raise monies for the purpose of erecting gates, to flow or drain the said meadows, and of occasionally making repairs on the dam, and for any other purposes, which they may judge necessary and conducive to the improving of the said meadow lands. And at the first meeting of the said corporation, they shall determine the manner of calling future meetings.

First meeting.

SEC. 2. *Be it further enacted,* That upon the application of three or more of said proprietors, to any Justice of the Peace for the County of Norfolk, he is hereby empowered to issue a warrant, directed to one of the said proprietors, requiring him to notify a meeting of the proprietors, at such time and place, and for such purposes as shall be expressed in said warrant ; a copy of which shall be posted up at the door of the meeting house, in said Cohasset, seven days before the time appointed in the warrant, for holding such meeting.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLIV.

An Act to incorporate the Trustees of the Congregational Society, in New Salem.

Trustees 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 Benjamin Stacy, John Putnam, Asahel Paige, William Whitaker, Varney

Pearce, Jonathan Gregory, and David A. Gregg, and their successors, be, and they are hereby made and constituted a corporation, by the name of the Trustees of the Fund of the Congregational Society, in New Salem; and by that name, to remain a corporation forever, capable and liable in law, to sue and be sued, in any action, real, personal, or mixed; and may have and hold, in fee simple or otherwise, any estate, real or personal, to the value of twelve thousand dollars; and may sell and convey the same, by deed or otherwise, at their discretion; and may appoint all such officers as may be necessary for the management of their affairs; and may make, adopt and execute all reasonable by-laws and regulations, that may be necessary and proper for the government of the said corporation, and not repugnant to the constitution and laws of this Commonwealth.

May receive and sell real estate.

SEC. 2. *Be it further enacted,* That the said Board of Trustees shall have full power to receive and hold all money, notes, bonds, or other securities, now constituting the fund of the said Congregational Society; and also to receive and hold, all gifts, grants, donations, or subscriptions, that may hereafter be made, to increase said fund; and the same to manage and put on interest, and to apply the income and interest thereof, annually, for the support of the Minister of said society, forever; *provided,* that no appropriation of any gift, grant, or donation, shall ever be made, contrary to the express intention and direction of the donor.

Power of Trustees.

Disposition of fund.

SEC. 3. *Be it further enacted,* That the number of Trustees shall never be more than seven, nor less than five, four of whom, may be a quorum for doing business; and they shall have power to fill all vacancies that may happen by death, resignation, or otherwise: *Provided, however,* that the said Congregational Society, at any legal annual meeting thereof, may remove any Member or Members of said Board of Trustees, and appoint others in their stead.

Limited number of Trustees.

SEC. 4. *Be it further enacted,* That the said Trustees shall, annually, exhibit to the said society, a correct statement of the funds in their possession, and of the expenditure of the interest and income thereof,

Annual exhibit of accounts.

whenever the society may require it; and they shall be liable, individually, in damages, to the society, for any waste or mismanagement of said funds; and shall never receive any compensation for their services, in managing the affairs of the said corporation, other than what shall be allowed by the said society.

First meeting.

SEC. 5. *Be it further enacted*, That any Justice of the Peace for the County of Franklin, upon application therefor, is hereby empowered to issue a warrant, directed to one of the Trustees named in this act, requiring him to notify the first meeting of the said corporation, to organize the same, by the appointment of its officers.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLV.

An Act to establish Nichols Academy, in the town of Dudley.

Title.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That an academy be, and is hereby established in the town of Dudley, in the County of Worcester, by the name of Nichols Academy, for the promotion of piety and virtue, and for the instruction of youth in such languages, and in such liberal arts and sciences. as the Trustees hereinafter provided, shall order and direct.

Persons incorporated.

SEC. 2. *Be it further enacted*, That Jonathan Davis, Amasa Nichols, Benjamin Russell, John Spurr, John Brown, Isaiah Rider, Luther Ammidon, John Kettell, and Benjamin Gleason, Esquires, Reverend Thomas Jones, Reverend Hosea Ballou, Reverend Paul Dean, Reverend Edward Turner, Doctor Dan Lamb, and Doctor Abraham R. Thompson, be, and they are hereby established a body corporate, by the name of the Trustees of Nichols Academy; and they and their successors, shall continue a corporation by

that name, forever, with power to have a common seal, to contract, to sue or be sued, and prosecute or defend suits by their agent or agents, appointed for that purpose; to receive, by gift, grant, donation, or otherwise, any lands, tenements, or other estate, real or personal; to hold and improve the same, to lease, exchange, sell or convey the same, for the benefit of the said academy, by deed or deeds, duly executed by their Treasurer, or other officer or agent, being thereunto authorized by the said corporation; *provided*, that the annual income of the whole estate of the said corporation, shall not exceed six thousand dollars.

General powers of Trustees.

SEC. 3. *Be it further enacted*, That the said Trustees shall have power, from time to time, to appoint a Clerk, who shall be under oath, and a Treasurer, who shall give bond for the faithful discharge of his trust, and such other Officers and Instructors of the said academy, as the said Trustees may judge needful and proper; and also to determine the time and place of their meetings, the mode of warning the same, of electing Officers and Trustees, and of transacting all other business; and to ordain necessary and reasonable orders, regulations, and by-laws, for the instruction and government of the said academy, not repugnant to the constitution and laws of this Commonwealth.

Meetings for choice of Parish Officers.

SEC. 4. *Be it further enacted*, That when any of the said Trustees shall die or resign, or, by age, infirmity, or otherwise, become incapable of discharging his said trust, in the judgment of the major part of the said Trustees, the survivors may fill such vacancy, by electing a successor.

Vacancies to be filled up.

SEC. 5. *Be it further enacted*, That the number of the said Trustees shall not, at any time, be more than fifteen, nor less than nine, five of whom, shall constitute a quorum for the transaction of business; and all questions shall be decided by the votes of the major part of the Trustees present; and in case of an equal division, by the casting vote of the presiding Trustee.

Limited number of Trustees

SEC. 6. *Be it further enacted*, That Jonathan Da-

First meeting.

vis, Esquire, be, and he hereby is authorized to appoint the time and place of the first meeting of the said Trustees, and give them notice thereof.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLVI.

An Act relating to the Massachusetts General Hospital.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in case of the occurring of any vacancy, by death or resignation, in the Board of the Trustees of the Massachusetts General Hospital, it shall be lawful, for the remaining Members of the Board, to fill such vacancy; *provided*, the same shall occur in that part of the Board, chosen by the corporation; and it shall be lawful for the Board of Visitors, to fill such vacancy; *provided* the same occur in that part of the Board, chosen by the said Board of Visitors; any thing in the fifth section of the act, entitled "An act to incorporate certain persons, by the name of the Massachusetts General Hospital," to the contrary notwithstanding.

Vacancies to be filled up.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLVII.

An Act to incorporate Union Hall Society, in Westborough.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Breck Parkman, Es-

quire, with his associates, and such other persons as may hereafter join them, and their successors, be, and they are hereby incorporated into a body politic, by the name of Union Hall Society, for promoting the cause of literature, morality and piety; and in their corporate capacity, they and their successors forever, may take, purchase, receive, have and hold, in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, hereditaments, or other estate, real or personal; *provided*, the annual income thereof shall not exceed six hundred dollars; and *provided*, also, that it be faithfully appropriated to the objects aforesaid.

May hold real estate.

SEC. 2. *Be it further enacted*, That said society may appoint and hold meetings annually, for the choice of a President, Secretary, Treasurer, and four Directors, who shall constitute a Board of Trust, or Overseers: And the President is authorized to call special meetings of the society, and of the Board, when the interests of the corporation may require it, or when requested, in writing, by seven members of the society.

Meeting for choice of officers.

SEC. 3. *Be it further enacted*, That each individual member may sell and transfer his right and privilege in the corporate property of said society, to any person or persons, in such manner and form as may be agreed upon by said society.

Transfer of rights.

SEC. 4. *Be it further enacted*, That said society shall have power to make such by-laws and regulations for calling meetings, and transacting all the other affairs and business of said society, as to them may appear expedient; *provided*, they shall not be repugnant to the constitution and laws of this Commonwealth.

By-Laws.

SEC. 5. *Be it further enacted*, That said society may have a common seal, which they may alter or renew at pleasure; and all deeds and contracts, which they may lawfully make and execute, signed by the President, and countersigned by the Secretary, and sealed with their common seal, shall be valid in law, to all intents and purposes; and said society, in their corporate capacity, and by their said name, may sue and be sued, in all actions, real, personal or mixed,

Powers and privileges.

June 18, 1819.

and prosecute and defend the same to final judgment and execution.

First meeting.

SEC. 6. *Be it further enacted*, That Breck Parkman and Moses Grant, Esquires, or either of them, be, and they are hereby authorized to fix the time and place of the first meeting of the society, by posting a written notification in the place where notifications for warning town meetings are usually posted, in said Westborough, at least eight days prior to said meeting.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLVIII.

An Act to repeal the fifth section of an act, entitled
 “An act relating to the Punishment of Convicts,
 who may be sentenced to Solitary Imprisonment,
 and Confinement to Hard Labor.”

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the fifth section of the act, entitled “An act relating to the punishment of convicts, who may be sentenced to solitary imprisonment, and confinement to hard labor,” be, and the same is hereby repealed.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLIX.

An Act relating to the First Massachusetts Turnpike Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the proprietors of

the First Massachusetts Turnpike Corporation have leave, after the first day of May next, to discontinue any further repairs on so much of the road of said corporation, as lays east of the place where the road leading to Northampton, unites with said turnpike road, and west of the bridge in Western, near the Upper Falls, so called.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLX.

An Act in addition to an act, entitled “An act to incorporate Matthias Weeks and his associates, for the purpose of building a Bridge over Sebasticook River, in the town of Clinton.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Matthias Weeks and his associates, be, and hereby are allowed until the first day of January, in the year of our Lord one thousand eight hundred and twenty, to build and complete the bridge authorized by an act, entitled “An act to incorporate Matthias Weeks and his associates, for the purpose of building a bridge over Sebasticook River, in the town of Clinton,” shall continue in force, and the said Weeks and associates have all the immunities and benefits to which they were entitled by said act, if the said bridge had been built and completed within the time prescribed in the act aforesaid.

[Approved by the Governor, June 18th, 1819.]

CHAP. CLXI.

An Act relating to the Separation of the District of Maine from Massachusetts Proper, and forming the same into a Separate and Independent State.

Preamble.

WHEREAS it has been represented to this Legislature, that a majority of the people of the District of Maine are desirous of establishing a Separate and Independent Government within said district; Therefore,

Legislative consent.

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

Division of property.

First. All the lands and buildings belonging to the Commonwealth, within Massachusetts Proper, shall continue to belong to said Commonwealth; and all the lands belonging to the Commonwealth, within the District of Maine, shall belong, the one half thereof, to the said Commonwealth, and the other half thereof, to the State to be formed within the said District, to be divided as is hereinafter mentioned; and the lands within the said District, which shall belong to the said Commonwealth, shall be free from taxation, while the title to the said lands remains in the Commonwealth; and the rights of the Commonwealth to their lands, within said District, and the remedies for the recovery thereof, shall continue the same within the proposed State, and in the Courts thereof, as they now are within the said Commonwealth, and in the Courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its

lands, the said Commonwealth shall be entitled to all other proper and legal remedies, and may appear in the Courts of the proposed State, and in the Courts of the United States, holden therein, and prosecute as a party, under the name and style of the Commonwealth of Massachusetts; and all rights of action for, or entry into lands, and of actions upon bonds, for the breach of the performance of the condition of settling duties, so called, which have accrued, or may accrue, shall remain in this Commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such manner as this Commonwealth may hereafter determine: *Provided, however,* that Proviso. whatever this Commonwealth may hereafter receive or obtain on account thereof, if any thing, shall, after deducting all reasonable charges relating thereto, be divided, one third part thereof, to the new State, and two third parts thereof, to this Commonwealth.

Second. All the arms which have been received by this Commonwealth from the United States, under the law of Congress, entitled "An act making provision for arming and equipping the whole body of militia of the United States," passed April the twenty-third, one thousand eight hundred and eight, shall, as soon as the said District shall become a Separate State, be divided between the two States, in proportion to the returns of the militia, according to which, the said arms have been received from the United States, as aforesaid. Division of arms.

Third. All monies, stock, or other proceeds, hereafter obtained from the United States, on account of the claim of this Commonwealth, for disbursements made, and expenses incurred, for the defence of the State, during the late war with Great Britain, shall be received by this Commonwealth, and when received, shall be divided between the two States, in the proportion of two thirds to this Commonwealth, and one third to the new State. Division of Massachusetts claims.

Fourth. All other property, of every description, belonging to the Commonwealth, shall be holden and receivable by the same, as a fund and security, for all debts, annuities, and Indian subsidies, or claims due by said Commonwealth; and within two years Commissioners to settle claims.

after the said District shall have become a Separate State, the Commissioners to be appointed, as herein-after provided, if the said States cannot otherwise agree, shall assign a just portion of the productive property, so held by said Commonwealth, as an equivalent and indemnification to said Commonwealth, for all such debts, annuities, or Indian subsidies or claims, which may then remain due, or unsatisfied; and all the surplus of the said property, so holden, as aforesaid, shall be divided between the said Commonwealth and the said District of Maine, in the proportion of two thirds to the said Commonwealth, and one third to the said District. And if, in the judgment of the said Commissioners, the whole of said property, so held, as a fund and security, shall not be sufficient indemnification, the said District shall be liable for, and shall pay to said Commonwealth, one third of the deficiency.

Fifth. The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth, towards the Indians within said District of Maine, whether the same arise from treaties, or otherwise; and for this purpose, shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between the said Commonwealth and said Indians; and as an indemnification to such new State, therefor, this Commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new State, the value of thirty thousand dollars, in manner following, viz.: The said Commissioners shall set off by metes and bounds, so much of any part of the land, within the said District, falling to this Commonwealth, in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this Commonwealth shall, thereupon, assign the same to the said new State; or in lieu thereof, may pay the sum of thirty thousand dollars, at its election; which election of the said Commonwealth, shall be made within one year from the time that notice of the doings

of the Commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new State.

Sixth. Commissioners, with the powers and for the purposes mentioned in this act, shall be appointed in manner following: The Executive authority of each State shall appoint two; and the four so appointed, or the major part of them, shall appoint two more; but if they cannot agree in the appointment, the Executive of each State shall appoint one in addition; not, however, in that case, to be a citizen of its own State. And any vacancy happening with respect to these two Commissioners, shall be supplied in the manner provided for their original appointment; and, in addition to the powers herein before given to said Commissioners, they shall have full power and authority, and it shall be their duty, within ten years, next after the commissions shall be filled up, to divide all the public lands within the District, between the respective States, in equal shares, or moieties, in severalty, having regard to quantity, situation and quality; they shall determine what lands shall be surveyed and divided, from time to time; the expense of which surveys, and of the commission, shall be borne equally by the two States. They shall keep fair records of their doings, and of the surveys made by their direction; copies of which records, authenticated by them, shall be deposited from time to time, in the archives of the respective States; transcripts of which, properly certified, may be admitted in evidence, in all questions touching the subject to which they relate. The Executive authority of each State may revoke the power of either or both its Commissioners; having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own Commissioners; four of said Commissioners shall constitute a quorum, for the transaction of business; their decision shall be final, upon all subjects within their cognizance. In case said commission shall expire, the division not having been completed, and either State shall request the renewal or filling up of the same, it shall be renewed,

Mode of choosing Commissioners.

Division of lands.

Vacancies to be filled up.

or filled up in the same manner as is herein provided for filling the same, in the first instance, and with the like powers ; and if either State shall, after six months notice, neglect or refuse to appoint its Commissioners, either for filling the commission in the first instance, or the renewal thereof, the other may fill up the whole commission.

Former grants
to be held good.

Seventh. All grants of lands, franchises, immunities, corporate or other rights, and all contracts for, or grants of land not yet located, which have been or may be made by the said Commonwealth, before the separation of said District shall take place, and having or to have effect within the said District, shall continue in full force, after the said District shall become a Separate State. But the grant which has been made to the President and Trustees of Bowdoin College, out of the tax laid upon the banks, within this Commonwealth, shall be charged upon the tax upon the banks within the said District of Maine, and paid according to the terms of said grant ; and the President and Trustees, and the Overseers of said College, shall have, hold and enjoy their powers and privileges in all respects ; so that the same shall not be subject to be altered, limited, annulled or restrained, except by judicial process, according to the principles of law ; and in all grants hereafter to be made, by either State, of unlocated land within the said District, the same reservations shall be made for the benefit of Schools, and of the Ministry, as have heretofore been usual, in grants made by this Commonwealth. And all lands heretofore granted by this Commonwealth, to any religious, literary, or eleemosynary corporation, or society, shall be free from taxation, while the same continues to be owned by such corporation, or society.

Suits to be con-
tinued and re-
covered.

Eighth. No laws shall be passed in the proposed State, with regard to taxes, actions, or remedies at law, or bars, or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of said proposed State, and the lands and rights of property of the citizens of the proposed State, resident therein ; and the rights and liabilities of all persons, shall, after the said separation, continue the same as

if the said District was still a part of this Commonwealth, in all suits pending, or judgments remaining unsatisfied, on the fifteenth day of March next, where the suits have been commenced in Massachusetts Proper, and process has been served within the District of Maine; or commenced in the District of Maine, and process has been served in Massachusetts Proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits, the Courts within Massachusetts Proper, and within the proposed State, shall continue to have the same jurisdiction as if the said District still remained a part of the Commonwealth. And this Commonwealth shall have the same remedies, within the proposed State, as it now has, for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the Commonwealth, on or before the said fifteenth day of March, within the said District of Maine; and all officers within Massachusetts Proper and the District of Maine, shall conduct themselves accordingly.

Ninth. These terms and conditions, as here set forth, when the said District shall become a Separate and Independent State, shall, *ipso facto*, be incorporated into, and become, and be a part of any constitution, provisional, or other, under which the government of the said proposed State shall, at any time hereafter, be administered; subject, however, to be modified, or annulled, by the agreement of the Legislature of both the said States; but by no other power or body whatsoever.

Constitutional principle.

SEC. 2. *Be it further enacted,* That the inhabitants of the several towns, districts, and plantations, in the District of Maine, qualified to vote for Governor or Senators, shall assemble in regular meeting, to be notified by warrants of the proper officers, on the fourth Monday of July next, and shall, in open meeting, give in their votes, on this question: "Is it expedient, that the District of Maine shall become a Separate and Independent State, upon the terms and conditions, provided in an act, entitled An act relating to the separation of the District of Maine from

Time of meeting, and qualification of voters.

Massachusetts Proper, and forming the same into a Separate and Independent State?" And the Selectmen of the towns and districts, and the Assessors of the plantations, shall, in open meeting, receive, sort, count, and declare, and the Clerks thereof, respectively, shall record the votes given for and against the measure; and the said Selectmen, Assessors, and Clerks, respectively, shall make out an exact return thereof, under their hands, and shall seal up and transmit the same to the office of the Secretary of this Commonwealth, on or before the fourth Monday of August next. And all returns, not then made, shall be rejected in the counting; and the Governor and Council shall open and examine the said returns, made as aforesaid, and shall count the votes given on the said question: And the Governor shall, by public proclamation, to be made as soon as the state of the votes can be ascertained, after the said fourth Monday of August next, make known the result, by declaring the number of votes appearing in favor of the separation of said District, as aforesaid, and the number of votes appearing against it. And, if the number of votes for the measure shall exceed the number of votes against it, by fifteen hundred, then, and not otherwise, the people of said District shall be deemed to have expressed their consent and agreement, that the said District shall become a Separate and Independent State, upon the terms and conditions above stated; and in case of such majority, the Governor, in his said proclamation, shall call upon the people of said District to choose Delegates to meet in convention for the purposes, and, in the manner hereinafter provided; and in addition to publishing said proclamation, in one or more of the public newspapers printed in Boston, and in the District of Maine, copies of the same, duly authenticated, shall, as soon as can conveniently be done, after the making of the same, be transmitted to the office of the Clerks of the Courts of Common Pleas, in the several counties of the District of Maine, for public examination; and one such copy, at least, shall be transmitted to the Convention of Delegates, hereinafter mentioned, when said Convention shall be formed.

SEC. 3. *Be it further enacted,* That if it shall be declared by said proclamation, that the said majority of fifteen hundred votes appeared by the said returns to be in favor of the separation of the said District as aforesaid; the inhabitants of the several towns and districts, now entitled to send one or more Representatives to the General Court, and all other incorporated towns, shall, on the third Monday of September next, assemble in town meeting, to be notified by warrant of the Selectmen, and shall elect one or more Delegates (not exceeding the number of Representatives which such town is now entitled to; each town, however, to be at liberty to elect at least one.) to meet Delegates from other towns within the said District, in Convention, for the purpose of forming a Constitution, or frame of government, for the said District. And at such meeting of the said inhabitants, every person qualified to vote for Senators, shall have a right to vote in the choice of Delegates. And the Selectmen shall preside, at such meeting, and shall in open meeting, receive, sort, count and declare the votes, and the Clerk shall make a record thereof, in presence of the Selectmen, and in open meeting. And fair copies of the said record shall be attested by the Selectmen and Town Clerk, and one such copy shall be delivered by the Selectmen to each of the persons duly elected a Delegate.

Limitation of
Delegates.

Declaration of
votes.

SEC. 4. *Be it further enacted,* That the persons so elected Delegates. shall meet in convention, at the Court House, in Portland, in the County of Cumberland, on the second Monday of October next, and they shall be the judges of the returns and elections of their own members, and may adjourn from time to time, and sixty of the persons elected shall constitute a quorum for the transaction of business; and the said Delegates shall, as soon as may be, proceed to organize themselves, in Convention, by choosing a President, and such other officers as they may judge expedient, and establishing proper rules of proceedings; and it shall be the duty of the said Convention, to apply to the Congress of the United States, for its assent to be given, before the last day of January next, that the said District should be admitted into the

Application to
Congress.

Union, as a Separate and Independent State. And it shall also be the duty of the said Convention, to form a Constitution, or frame of government, for said new State, and to determine the style and title of the same; and such Constitution, when adopted, and ratified by the people of said District, in the manner hereinafter mentioned, shall, from and after the fifteenth day of March, in the year of our Lord, one thousand eight hundred and twenty, (the consent of the Congress of the United States, then being first had as aforesaid,) be the Constitution of said new State. And the said Convention shall, as soon as may be, after having formed such Constitution, or frame of government, for such new State, cause the same to be published, and sent to the several towns, districts, and plantations, within the said District of Maine; and there shall be a meeting of the inhabitants, in each of said towns, districts, and plantations, to be called and warned by the Selectmen, and Assessors respectively, in due course of law; and on the day named by said Convention, at which meeting, every male inhabitant, having the personal qualifications, herein declared requisite in the election of Delegates to said Convention, shall have a right to vote; and the people so assembled, shall give in their votes in writing, expressing their approbation or disapprobation of the Constitution so prepared, and proposed by said Convention. And the Selectmen of the several towns, and the Assessors of the several districts, and plantations respectively, shall preside at such meetings, and shall receive the votes of all the inhabitants duly qualified as aforesaid, and shall sort and count them in open meeting of the town, district, or plantation; and the same, shall be then and there recorded in the books of the town, district, or plantation; and a fair copy of such record shall be attested by the Selectmen or Assessors, and the Clerk of the town, district, or plantation, respectively, and shall be, by the said Selectmen or Assessors, transmitted and delivered to the said Convention, or to the President thereof, for the time being, or to any Committee appointed to receive the same, on or before the first day of January next; on which day, or within ten days thereafter, the said

Constitution to
be formed.

Constitution to
be approved by
the people.

Return of votes
to the Conven-
tion.

Convention shall be in session, and shall receive and count all the votes returned, and declare and publish the result ; and if a majority of the votes so returned, shall be in favor of the Constitution proposed, as aforesaid, the said Constitution shall go into operation, according to its own provisions ; otherwise the Constitution of Massachusetts, with the addition of the terms and conditions herein provided, shall be, and be considered as the Constitution of the said proposed State, in manner as hereafter provided. And to the end, that no period of anarchy may happen to the people of said proposed State, in case a new Constitution shall not be so adopted and ratified by the people of said District of Maine, the present Constitution of the Commonwealth of Massachusetts, shall, with the terms and conditions aforesaid, and with the exception hereinafter made, be provisionally, the Constitution or frame of government, for said District ; except only such parts of said Constitution of Massachusetts, as relate to the style or title of said State, or may be otherwise inconsistent with, or repugnant to the situation and condition of said new State ; and except, that the people of said District shall choose in their Senatorial Districts, as now established, three times the number of Senators now allowed them, and that the Legislature shall choose such a number of Councillors, not exceeding nine, as they shall determine to be proper. And the said Convention shall designate the place for the first meeting of the Legislature of said new State, and for the organization of its government, and shall appoint a Secretary, pro tempore, for said new State ; and the said Convention shall regulate the pay of its members ; and the person, authorized by said Convention, may draw upon the treasury of the Commonwealth for the amount of the pay roll, not, however, to exceed the amount of the money paid into the treasury by the several banks within said District, for the tax upon the same, due and payable on the first Monday of October next ; and the sum or sums so drawn for, and paid out of the treasury, shall be a charge upon the new State in the division of the property, provided for in the fourth article of the terms and conditions stated in the first section of this act.

General re-
servations.

SEC. 5. *Be it further enacted,* That until a Governor of the proposed State shall be chosen and qualified according to the Constitution which may be in operation in said State, the person last chosen President of the said Convention, shall, from and after the fifteenth day of March next, have all the power of the Governor and Council under the Constitution of Massachusetts, until a new Governor shall be chosen and qualified in the said proposed State; excepting only, that the said President shall not have the power to remove from office any officer who may be duly qualified, and executing the duties of his office according to the intent and meaning of this act.

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

SEC. 6. *Be it further enacted.* That all the laws which shall be in force within said District of Maine, upon the said fifteenth day of March next, shall still remain, and be in force, within the said proposed State, until altered or repealed by the government thereof, such parts only excepted as may be inconsistent with the situation and condition of said new State, or repugnant to the Constitution thereof. And all officers, who shall, on the said fifteenth day of March next, hold commissions, or exercise any authority within the said District of Maine, under the Commonwealth of Massachusetts, or by virtue of the laws thereof, excepting only, the Governor, Lieutenant Governor and Council, the Members of the Legislature, and the Justices of the Supreme Judicial Court of the said Commonwealth of Massachusetts, shall continue to have, hold, use, exercise and enjoy, all the powers and authority to them respectively granted or committed, until other persons shall be appointed in their stead, or until their respective offices shall be annulled by the government of said proposed State. And all Courts of Law, whatsoever, within the said proposed State, excepting only the Supreme Judicial Court, shall proceed to hear and determine all causes, matters and things, which are or may be commenced or depending before them, respec-

Preliminary powers.

Perpetuity of laws.

Duration of office, civil and judicial.

tively, upon the said fifteenth day of March next, or at any time afterwards, and before the government of the said proposed State shall establish new Courts within the same; and shall continue from and after the said fifteenth day of March next, to exercise the like power and authority, and in like manner as they now by law may do, until such new Courts shall be so established, in their stead.

SEC. 7. *Be it further enacted,* That all actions, suits, and causes, civil and criminal, and all matters and things whatsoever, that shall, on the said fifteenth day of March next, be in any manner depending in the Supreme Judicial Court of the said Commonwealth of Massachusetts, then last holden within any county in the said District of Maine, and all writs, recognizances, and other processes whatsoever, that may be then returnable to the said Supreme Judicial Court, shall be respectively transferred, and returned to, have day in, and be heard, tried, and determined in the highest Court of Law that shall be established in the said new State, by the government thereof; and at the first term of such Court, that shall be held within the county in which such action, writ, process, or other matter or thing, may be so pending or returnable. And in all cases of appeals from any Circuit Court of Common Pleas, or Probate, or other Court, which shall be made after the said fifteenth day of March next, in any action, cause, or suit whatsoever, and which would by law be made to the said Supreme Judicial Court thereof, it shall be sufficient for the appellant to claim an appeal, without naming or designating the Court appealed to; and such appeal shall be entered at the Supreme or Superior Judicial Court, or highest Court of Law, to be established by the government of the said new State, which shall first thereafter be held within or for the county in which such action, cause, or suit may be pending, and shall there be heard, tried, and determined, according to law.

Provided, however, That nothing contained in this section shall be understood or construed to control, in any degree, the right of the people of the said new State, or the government thereof, to establish Judicial Courts, in such manner, and with such authority as

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they shall see fit ; nor to prevent the said people or their government from making any other provisions, pursuant to their Constitution, and not repugnant to the terms and conditions above set forth, respecting all the said actions, suits, processes, matters and things, herein above mentioned, as they shall think most proper, to prevent the discontinuance thereof, and to avoid any delay or failure of justice.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXII.

An Act in furtherance of Good Discipline in the Colleges of this Commonwealth.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no innholder, tavern keeper, retailer, confectioner, or keeper of any shop, or boarding house, for the sale of drink or food, or any livery stable keeper, shall give credit to any under graduate, of either of the Colleges within this Commonwealth, without the consent of such officer or officers of the said Colleges respectively, as may be authorized to act in such cases, by the governments of the same, or in violation of such rules and regulations as shall be, from time to time, established, by the authority of said Colleges respectively.

Credits not to be given.

SEC. 2. *Be it further enacted,* That no person shall be approved by the Selectmen of any town, within this Commonwealth, as fit to be licensed for either of the employments aforementioned ; nor shall a license be granted to any person within this Commonwealth, provided the President of either of said Colleges, or other officer, specially authorized for that purpose, shall certify or make known to such Selectmen, or Court, empowered to grant such license, that such person, so applying, shall have, within the year then last past, given credit to any under graduate of either

Denial of licenses.

of said Colleges, contrary to the provisions in the first section of this act.

SEC. 3. *Be it further enacted*, That if any person shall give credit to any under graduate of any of the Colleges within this Commonwealth, contrary to the provisions of this act, the corporations of the said Colleges respectively, or the Treasurers of the same, may have and maintain, in any Court within this Commonwealth, proper to try the same, an action on the case, in the corporate name of the said Colleges respectively, or in the name of the Treasurers thereof respectively, against the person or persons so giving credit, and shall have and recover a sum equal to the amount so unlawfully trusted or credited, whether the amount so credited to any such under graduate shall have been paid or not. And the amount so recovered shall go and enure, the one half thereof to the benefit of the said Colleges, respectively, and the other to the benefit of the poor of the town, in which such credit may have been given. Creditors may be sued.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXIII.

An Act in addition to an act, incorporating the Calvinistic Congregational Society, in Sandwich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any inhabitant of the town of Sandwich, may incline to join the Calvinistic Congregational Society, in said town, by signifying his desire, in writing, to the Clerk of said town of Sandwich, and by notifying thereof the Clerk of said Society, he, together with his polls and estate, shall be considered to belong to said Calvinistic Congregational Society, in the same manner as if incorporated by name, in the act of incorporation. And whenever any person, belonging to said society, shall Conditions of Membership.

Terms of se-
cession.

incline to withdraw therefrom, by signifying such his desire, in writing, to the Clerk of said Calvinistic Congregational Society, and by notifying thereof the Clerk of said town of Sandwich, he, with his polls and estate, shall be discharged from said Calvinistic Congregational Society; *Provided, however,* That, in either case, such person shall be liable to pay his proportion of all assessments, previously made upon the members of the religious society, from which he may be discharged, agreeably to the provisions of this act. And all such parts of the act to which this is in addition, which are inconsistent with the provisions of this act, are hereby repealed.

Proviso.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXIV.

An Act to allow a further time for completing Ten Mile Brook Canal.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a further time of two years, from the first day of July next, be, and hereby is allowed, to the Proprietors of Ten Mile Brook Canal, to complete the same, any thing in the original act of incorporation, to the contrary notwithstanding.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXV.

An Act to establish an Agricultural Society, in the County of Somerset.

SEC. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Bartlett Allen, Wil-

liam Allen, Junior, George Bixby, Nathaniel Blackwell, Eleazer Coburn, John Corson, John Loring, Bryce McLellan, Judah McLellan, Joseph Merrill, John G. Neil, Thomas Robinson, Junior, David Rowell, Richard Sawtell, Daniel Shaw, Benjamin Shephard, and Joshua Woodman, their associates and successors, be, and they are hereby made a corporation, by the name of the Somerset Agricultural Society, for the purpose of promoting Agriculture; and, for this purpose, shall have the same powers and privileges, and be subject to the like duties and restrictions, as the other agricultural societies in this Commonwealth; and the said corporation may hold and possess real estate, not exceeding the value of five thousand dollars, and the annual income of its personal estate shall not exceed the value of three thousand dollars.

SEC. 2. *Be it further enacted,* That any Justice of the Peace, for the County of Somerset, upon application therefor, is hereby empowered to issue a warrant, directed to one of the persons herein named, requiring him to notify and warn the first meeting of the said society, to be held at Canaan, in said county, at such convenient time and place, as may be appointed in said warrant, to organize the said society, by the election of its officers, to settle the time, place, and mode of calling future meetings, and to form by-laws and regulations for their government.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXVI.

An Act regulating Damages on Inland Bills of Exchange.

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 any Bill of Exchange, drawn or endorsed within this Com-

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monwealth, payable at any place without the Commonwealth, and within the United States, and the territories thereof, which, upon being duly presented for acceptance, or payment, shall not be accepted, or paid, according to the order of said bill, or the terms of said acceptance, (if any,) and shall thereupon be regularly protested, every person drawing or endorsing such bill, within the Commonwealth, who shall be liable, by law, for the contents of said bill, to any holder or party thereto, shall, in addition to the contents of said bill, and to the cost and lawful interest, be liable for, and pay damages, at the following rates, viz. : Upon all such bills, payable within the States of New Hampshire, Vermont, Rhode Island, Connecticut, or New York, three per cent. on the amount of such bill : If payable within the States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, or District of Columbia, five per cent. : If payable within the States of North Carolina, South Carolina, or Georgia, six per cent. : If payable within any other of the United States, or the territories thereof, nine per cent.

Damages on
protested bills.

SEC. 2. *Be it further enacted,* That when any Bill of Exchange, or order for the payment of money drawn, or endorsed within this Commonwealth, for one hundred dollars, or upwards, and payable at any place within the same, distant seventy-five miles, or more, from the place where the same is drawn or endorsed, as aforesaid, which shall not be duly accepted and paid, according to the order of said bill, or if accepted, which shall not be paid according to the terms of the acceptance, the person drawing or endorsing the same, within this Commonwealth, at the distance of seventy-five miles, or more, from the place of payment, and who is liable, by law, for the contents of said bill or order, to the holder thereof, or any party thereto, shall, in addition to the contents of said bill, or order, and lawful interest, and costs thereon, be also liable for, and shall pay damages, at the rate of one per centum on the amount thereof.

Cost and dam-
ages.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXVII.

An Act to establish an additional Term of the Court of Sessions, within and for the County of Kennebec.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there shall in future be holden, one additional term of the Court of Sessions, at Augusta, within and for the County of Kennebec, on the first Tuesday of August, in each year. Additional term.

SEC. 2. *Be it further enacted,* That all matters taken for, returnable to, or pending in the said Court of Sessions in said county, shall be returnable to, have day, be proceeded in, and determined by the said Court of Sessions, within and for the said county, at the term thereof, which shall be holden on the first Tuesday of August next, any law to the contrary notwithstanding. Actions returnable.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXVIII.

An Act in addition to the several acts concerning Corporations.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all bodies corporate and politic, which now are, or hereafter may be established, and whose powers would expire, either by express limitation in their charters of incorporation, or otherwise, shall be, and they hereby are continued bodies corporate and politic, for the term of three years, from and after the day on which their powers

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would expire, as aforesaid, for the purposes of prosecuting and defending all suits, which now are, or may hereafter be instituted, and of enabling such bodies corporate and politic, gradually to settle and close their concerns, and divide their capital stock; but not for the purpose of continuing the business for which such bodies corporate and politic have been, or may be established.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXIX.

An Act in addition to the acts relative to Highways.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when any Court of Sessions shall order a Jury to ascertain the damages occasioned by the discontinuance of any highway, in pursuance of an act, passed February twenty-seventh, in the year of our Lord one thousand eight hundred and thirteen, the same shall be drawn from the towns in, and attended by an officer from the county where application for such Jury is made.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXX.

An Act 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, (coasters, and vessels without registers, and all American ves-

sels, engaged in the plaster trade, bound from any port within the province of New Brunswick, or Nova Scotia, excepted,) who may choose to hazard the pilotage of his vessel into the harbor of Boston, either by himself, or any other person, whom he may 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 rates of pilotage; and the first Boston Branch Pilot, who shall offer his services to the Master of any vessel, bound into the port of Boston, before such vessel shall be to 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, as specified in his warrant. And if such pilot offers himself after a vessel has passed the line before described, and before she is to westward of the Light House, (if in Light House Channel,) or before the Light House can be seen to westward of the Great Brewster, (if in Broad Sound,) and his services are not accepted, he shall be entitled to half the usual rates of pilotage.

SEC. 2. *Be it further enacted*, That an act, passed the nineteenth day of February, of the present year, entitled "An act in addition to an act, entitled An act regulating Pilotage in several ports of this Commonwealth, and for otherwise regulating the Pilotage of the port of Boston;" also 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.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXI.

An Act making further provision for calling meetings of the Stockholders of Banks and Insurance Companies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That, besides the mode now provided by law, for calling the meetings of Banks and Insurance Companies, the Cashier of any incorporated Bank, and the Secretary of any incorporated Insurance Company, may and shall, at any time hereafter, upon the application, in writing, of the proprietors of twenty per centum of the capital stock, call a meeting of the stockholders, to be holden at such time and place, as he shall direct, for the purposes mentioned in such application, by giving notice of the same, in such manner, and within such time, as is provided in the acts, incorporating such Bank, or Insurance Company, for giving notice of meetings.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXII.

An Act fixing the times of holding the Courts of Sessions, for the County of Lincoln.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That hereafter, the Courts of Sessions, within and for the County of Lincoln, shall be holden at Warren, on the Tuesday next succeeding the second Monday of January; at Wiscasset, on the Tuesday next succeeding the fourth Monday of April; and at Topsham, on the Tuesday next succeeding the fourth Monday of August, in each year.

And all matters, which are now by law, directed to be returnable to, have day, be proceeded in, and determined by the Court of Sessions, at the term thereof, to be holden next after the first day of June current, shall be returnable to, have day, be proceeded in, and determined by the Court of Sessions, which shall, by virtue of this act, be holden at Topsham, on the Tuesday next after the fourth Monday of August next. And in all processes, the Tuesday on which the Court aforesaid, shall be holden, may be named and designated by the true number of the Tuesday of the month in which the same shall be.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXIII.

An Act in addition to an act, entitled "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 the inhabitants of any town in the Commonwealth, may, at their annual meeting, in March or April, in any year, by vote, suspend the operation of the prohibitions and restrictions, contained in an act, passed on the third day of February, in the year of our Lord one thousand eight hundred and nineteen, entitled "An act to prevent the destruction of pickerel, in the ponds and streams, within this Commonwealth," within such town, and for such term of time, not exceeding one year, as to them shall seem expedient.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXIV.

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 George Joy, son of Benjamin Joy, of Boston, in the County of Suffolk, shall be allowed to take the name of John Joy; Sally Sumner Homer, daughter of George Homer, of said Boston, shall be allowed to take the name of Sarah Sumner Homer; Joseph Emery, of said Boston, housewright, shall be allowed to take the name of Joseph D. Emery; Major Arms Dickerman, of said Boston, trader, shall be allowed to take the name of William Arms Dickerman; Benjamin Hichborn Fossdick, of Charlestown, in the County of Middlesex, shall be allowed to take the name of Benjamin Hichborn; John Russell Estabrooks, of Cambridge, in said County of Middlesex, son of John Estabrooks, late of said Cambridge, deceased, shall be allowed to take the name of John Brooks Russell; Benjamin Walton, son of John Walton, of Pepperell, in said County of Middlesex, Esquire, shall be allowed to take the name of Benjamin Allen Walton; Sumner Walton, son of said John Walton, shall be allowed to take the name of James Sumner Walton; Joseph Jewett, the third, of Rowley, in the County of Essex, shall be allowed to take the name of Joseph M. Jewett; Nathan Brown, Junior, of Newburyport, in said County of Essex, shall be allowed to take the name of Nathan William Brown; Henry Kendall, of Leominster, in the County of Worcester, shall be allowed to take the name of Jonas Henry Kendall; Isaac Van Deusen, of Great Barrington, in the County of Berkshire, son of Isaac Van Deusen, deceased, shall be allowed to take the name of Isaac I. Van Deusen; Isaac White, of Buxton, in the County of York, shall be allowed to take the name of Isaac Lamb White; Enoch Bearce, of Hebron, in the

Names altered.

County of Oxford, shall be allowed to take the name of Enoch Fogg Bearce ; William Smith, of Portland, in the County of Cumberland, shall be allowed to take the name of William Rufus Smith ; Luke Barton, of Augusta, in the County of Kennebec, gentleman, shall be allowed to take the name of Luke Nickels Barton ; Lydia Sears Hall, infant daughter of Hezekiah Hall, of New Sharon, in said County of Kennebec, shall be allowed to take the name of Maria Louisa Hall ; Joseph Cox, Junior, son of Joseph Cox, resident in the town of Concord, in the County of Middlesex, shall be allowed to take the name of Joseph Wyman ; Samuel Turner, Junior, of Scitnate, in the County of Plymouth, gentleman, shall be allowed to take the name of Samuel Adams Turner. And the said persons, from the time of the passing of this act, shall be called and known by the names, which, by this act, they are severally allowed to take, as aforesaid, and the same shall be considered as their only proper and legal names, to all intents and purposes.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXV.

An Act to incorporate the Philharmonic 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 Gottlieb Graupner, Thomas S. Webb, William Coffin, Junior, Matthew Stanley Parker, John Dodd, and Bryant P. Tilden, together with such as may become associated with them, and their successors, be, and they hereby are incorporated and made a body politic and corporate, for the purpose of extending the knowledge, and improving the style of performance, of vocal and instrumental music, by the name of the Philharmonic Persons incor-
porated.

Society; and by that name, they may sue and be sued, have a common seal, and the same, at pleasure, alter; and be entitled to all the powers and privileges, incident to aggregate corporations.

Officers to be chosen.

SEC. 2. *Be it further enacted*, That the said corporation shall, at their first, or some subsequent meeting, choose a President, Treasurer, and such other officers, as they may deem necessary or convenient, for the government and regulation of said corporation and its property; they shall have the power to make standing rules or by-laws, for prescribing the terms of office, and duties of their officers; for regulating the terms, on which persons may be admitted and continued members of the corporation; and generally, for the regulation of their officers.

May hold real estate.

SEC. 3. *Be it further enacted*, That the said corporation shall be capable of taking and holding real estate, not exceeding the value of five thousand dollars, and personal estate, not exceeding the value of five thousand dollars; which estate shall not be divided among the members of the said corporation, (unless by a vote of three fourths of the said members, regularly convened, by public notice, given at least three weeks previous to said meeting,) but shall descend to their successors; subject only to the payment of the just debts, to be incurred by said corporation.

First meeting.

SEC. 4. *Be it further enacted*, That Gottlieb Graupner shall have full power to call the first meeting of said corporation, by appointing a time and place therefor, and giving notice thereof, to the other persons named and incorporated by this act.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXVI.

An Act to incorporate William Bartlett, and others, by the name of the Proprietors of the Merrimack Canal.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said William Bartlett, Moses Brown, John Pettingill, with their associates and successors, be, and they are hereby incorporated, and shall be a corporation forever, under the name of the Proprietors of the Merrimack Canal; Title. and by that name, may sue and be sued, prosecute and be prosecuted, to final judgment and execution; and shall be, and are hereby vested with all the powers Powers and privileges. and privileges, which are, by law, incident to corporations of a similar nature; and may have and use a common seal, and the same may break, and alter at pleasure.

SEC. 2. *Be it further enacted,* That William Bartlett, Moses Brown, and John Pettingill, or any two of them, are hereby authorized to call a meeting of First meeting. the members of said corporation, as soon as may be, at Newburyport, in the County of Essex, by advertising the same, in the public newspapers, which may be printed in Newburyport and Haverhill, in said county, fourteen days, at least, previous to the time for holding of said meeting, for the purpose of electing a Clerk, who shall be sworn to the faithful execution of the duties of his office, and a Treasurer, and such other officers as they may judge necessary, for ordering and conducting the business and affairs of the said corporation; and to do and transact such By-Laws. matters and things, relating to the said corporation, as may be deemed necessary. And at said meeting, or at any subsequent meeting, may make and establish such rules and by-laws, as shall appear necessary or convenient, for the regulation and government of the said corporation; and the same rules and by-laws may cause to be executed; *provided,* they are not Proviso.

Shares.

repugnant to the constitution or laws of this Commonwealth; and may annex penalties to the breach thereof, not exceeding ten dollars; and each proprietor, not present at any meetings, may vote by proxy, under such regulations as the proprietors shall prescribe. And the proprietary interest shall be divided into one thousand shares, which may be assignable in such manner as the proprietors may direct; and each share therein shall entitle the proprietor thereof to one vote; *provided*, that no proprietor shall be entitled to more than twenty-five votes, at any meeting of the proprietors.

May hold real estate.

SEC. 3. *Be it further enacted*, That the proprietors aforesaid be, and they are hereby authorized and empowered to purchase and hold to them, and their successors forever, so much land and real estate, as may be necessary for the purposes of said canal, not exceeding the value of ten thousand dollars, over and above the value of the said canal, by itself considered; and the same to occupy, rent, alien and convey, in such manner as they may think proper. And the said proprietors are also authorized to purchase and hold any mill seats, upon the said canal, or on the waters connected therewith, or adjacent thereunto; and thereupon to erect such mills and manufactories, as they may think proper; and the same may rent, occupy, alien and convey, by lease, or deed, under the hand and seal of the Treasurer of said corporation; *provided, however*, that all the lands thus purchased, and holden for said last mentioned purposes, shall not exceed the sum of thirty thousand dollars.

Canal may be cut.

SEC. 4. *Be it further enacted*, That the said proprietary be, and they are hereby authorized and empowered, within the term of six years from the passing of this act, to open and cut a canal from the head of Hunt's Falls, in Merrimack River, to the tide waters of said river, or any shorter distance, and to erect such locks and dams as shall be necessary, in order to admit the passage of boats, rafts and masts, into and through the said canal, and to the tide waters in said river.

SEC. 5. *Be it further enacted*, That if any person shall suffer any damage, by means of the said corpo-

ration appropriating any of his or her property, or lands, for the above purposes, and the parties cannot agree upon the amount of the value of the damages thus occasioned, nor upon some suitable person or persons, to estimate the same, then three disinterested persons shall be appointed by the Circuit Court of Common Pleas, for the middle circuit, which may be held within and for the county in which such lands may be; whose award shall be the measure of damages: *Appraisement of damages.* *Provided, nevertheless,* that if either party shall be dissatisfied with the award of the referees, appointed as aforesaid, and shall, at the same session at which the report shall be made, apply to the Court for a Jury, the said Court is empowered to hear, and finally determine the same, by a Jury, under oath, to be summoned by the Sheriff, or his Deputy, for that purpose, if the party complaining desire the same, or by a Committee, if the parties can agree thereon; and if the Jury or Committee, agreed upon as aforesaid, (who *Jury decisions.* are to be under oath,) shall give a verdict, or decision, more favorable to the party applying, than the referees had awarded, as aforesaid, then the Court shall award costs, also, in favor of the party applying; but if the last decision shall not be more favorable to the party applying, than the decision of the referees, then the Court shall award costs against the party applying; *Costs awarded.* and the Court shall render judgment, and issue execution thereon, accordingly; *provided,* that no part of the Jury to be summoned, as aforesaid, shall be taken from the town in which the owner of the property lives, or the lands are situated.

SEC. 6. *Be it further enacted,* That if any person or persons shall wilfully, maliciously, and contrary to law, take up, remove, beat down, dig under, or otherwise damnify any canal, dam, or lock, or any part thereof, designed for the purposes aforesaid; or damnify, or carry away, or set afloat, to be carried away, any boards, plank, joist, or other timber, or materials, used, or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall, for every such offence, forfeit and pay to the proprietors aforesaid, treble such damages as the said proprietors shall to the Justice, or Court *Awards for wilful damages.*

and Jury, before whom the trial shall be, make appear, that they have sustained, by means of the said trespass, to be sued for and recovered, in any Court proper to try the same. And such offender, or offenders, shall be liable to presentment, by the Grand Jury, before the Supreme Judicial Court, or the Circuit Court of Common Pleas, in the county where the offence shall be committed; and, on conviction thereof, such offender, or offenders, shall pay a fine to the use of the Commonwealth, of not more than one hundred dollars, nor less than ten dollars, or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

Presentments
to Jury.

Fines to State.

SEC. 7. *Be it further enacted,* That for the purpose of reimbursing the said proprietors the money by them expended, or to be expended, in building and supporting the dams, canals and locks, and clearing the passages necessary for the purposes aforesaid, a toll be, and hereby is granted and established, for the sole benefit of the proprietors, according to the rates following, to wit: for each thousand feet of pine boards, at the rate of one dollar and twenty-five cents per thousand; for each thousand feet of oak boards, at the rate of two dollars and fifty cents per thousand feet; for each thousand feet of pine plank, two inches thick, two dollars and fifty cents; for each thousand feet of pine plank, two and half inches, three dollars and sixty-seven cents; for each thousand feet of pine plank, three inches, three dollars and seventy-five cents; for each thousand feet of oak plank, two inches, five dollars; for each thousand feet of oak plank, two inches and half, six dollars and sixty-seven cents; for each thousand feet of oak plank, three inches, seven dollars and fifty cents; for each thousand shingles, fifteen cents; for each thousand clapboards, eighty-four cents; for each ton of oak timber, eighty-four cents; for each ton of pine timber, fifty cents; for each ton of all other timber, sixty-two and half cents; for each ton of stone, sixty-two and half cents; for boats, per ton, on their capacity to carry, sixty-two and half cents; for each thousand hogshead hoop poles, two dollars and seventeen cents; for each

Tolls.

thousand barrel hoop poles, one dollar and sixty-seven cents ; for each thousand hogshead hoops, one dollar and twenty-five cents ; for each thousand barrel hoops, eighty-seven and half cents ; for each barrel of pot and pearl ashes, twenty-five cents ; for each barrel of cider, fifteen cents ; for each hogshead, filled, forty-two cents ; for each hogshead, empty, ten cents ; for shooks and empty barrels, four cents ; for each cord of pine wood, fifty cents ; for oak wood, sixty-two and half cents ; for each thousand of pipe staves, three dollars and fifty cents ; for each thousand of hogshead staves, two dollars and seventeen cents ; for each thousand barrel staves, one dollar and twenty-five cents ; and the toll aforesaid shall commence as soon as the said canal and locks shall be so far completed, as to admit the passage of boats, rafts and masts through them. And when any boat, float, or raft, shall enter the said canal, and pass through a part thereof, and not pass through the whole of it, there shall be paid thereon a toll proportionate to the distance and the number of locks which may be passed. And the said proprietors are also authorized hereby to receive an additional toll or lockage, at the lock or locks Additional Lock Tol's. which they may erect at Mitchell's Falls, so called, on said river, in the proportion of one fifth part of the rates herein above established, on the several articles above enumerated.

SEC. 8. *Be it further enacted,* That if there shall be occasion, in the prosecution of said undertaking, to make a canal across any public highways, or if any highways shall hereafter be laid out across any such canal, it shall be the duty of said proprietors to Bridges to be erected. make and maintain, in good repair, a sufficient bridge or bridges over such canal.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXVII.

An Act incorporating the Trustees of the Ancient
Landmark Charity Fund.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph M Gerrish, Eleazer Wyer, John P. Boyd, Alpheus Shaw, and Charles B. Smith, and their associates and successors, be, and they hereby are constituted a corporation, by the name of the Trustees of the Ancient Landmark Charity Fund; and they hereby are invested with all the powers, privileges and immunities incident to corporations of a similar nature.

Persons incor-
porated.

SEC. 2. *Be it further enacted*, That said Trustees shall have power to receive, possess and hold, by gift, grant or purchase, any real or personal estate; *provided*, the value thereof do not exceed ten thousand dollars; and shall and may employ the income, interest and profits arising from such estate, in acts of charity and benevolence, and not otherwise; and may make and establish such by-laws, rules and regulations as they may think proper, for their own government; *provided*, the same are not repugnant to the constitution and laws of this Commonwealth.

May hold real
and personal
estate.

SEC. 3. *Be it further enacted*, That Joseph M. Gerrish be, and he hereby is authorized to call the first meeting of said Trustees, by giving personal notice to each of them, or leaving a written notice at each of their houses, seven days before the time of meeting.

First meeting.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXVIII.

An Act to incorporate the First Baptist Society, in Ellsworth.

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 Brimmer, John Jellison, John Hopkins, Nathaniel Jordan, Walter Jordan, Simon Loveitt, Elisha Austin, John Tinker, John Chamberlain, George Brimmer, Junior, Henry Bowers, James McFarland, Mark Sheppard, Nathaniel Jellison, Joseph Jellison, and George Lord, with their families and estates, together with such others as may hereafter associate with them, and their successors, be, and they are hereby incorporated into a society, by the name of the First Baptist Society, in Ellsworth, with all the privileges, powers, rights and immunities, to which other parishes are entitled, by the constitution and laws of this Commonwealth.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That if any person may incline to join said society, by signifying such his desire in writing, to the Clerk of the town or society, to which he may belong, and by notifying thereof the Clerk of said society, he, together with his polls and estate, shall be considered to belong to said Baptist Society, in the same manner as if incorporated by name in this act. And whenever any person, belonging to said society, shall incline to withdraw therefrom, by signifying such his desire, in writing, to the Clerk of said Baptist Society, and by notifying thereof the Clerk of the town in which he resides, he, with his polls and estate, shall be discharged from said Baptist Society: *Provided, however,* that in either case, such person shall be liable to pay his proportion of all assessments, made upon the inhabitants of the town in which he resides, or upon the members of said Baptist Society, or any other society to which he may belong, as the case may be.

Conditions of
joining, and
setting off.

Provisu.

SEC. 3. *Be it further enacted,* That either of the Justices of the Peace, for the County of Hancock, upon

application therefor, is authorized to issue his warrant, directed to some member of said society, requiring him to warn the members thereof, to meet at such time and place, as shall be appointed in said warrant, to choose such officers, as parishes are, by law, empowered and required to choose, at their annual meeting in March or April.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXIX.

An Act to incorporate a town, by the name of
Warsaw.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the tract of land contained within the following described boundaries, be, and hereby is incorporated and established as a town, by the name of Warsaw: beginning at the north-east corner of the town of Canaan; thence southerly, on the east line of Canaan, to Clinton north line; thence easterly, on the county line, between Kennebec and Somerset, to the westerly line of the township numbered five, in the second range of townships; thence, on said line, to the south line of Palmyra; thence westerly, on the L of Palmyra, so called, to the south-west corner of said L; thence northerly, to the south line of the Mile and a Half Strip; thence westerly, to the first mentioned bounds. And the inhabitants of the said town of Warsaw, are hereby vested with all the corporate powers and privileges, and shall also be subject to the same duties and requisitions as other corporate towns, according to the constitution and laws of this Commonwealth. And any Justice of the Peace, for the County of Somerset, is hereby empowered, upon application therefor, to issue a warrant, directed to a freehold inhabitant of the said town of Warsaw, requiring him to notify

Boundaries.

and warn the freeholders and other inhabitants thereof, 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, required and empowered to choose, at their annual town meetings.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXX.

An Act to incorporate the Proprietors of Union Wharf, in the town of Eastport.

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 Bartlett, Seward Bucknam, both of Eastport, aforesaid, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of the Proprietors of Union 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 Eastport, bounded and described as follows, viz. : westerly, on Water Street, there measuring one hundred and twenty-five feet, more or less; northerly, on land and beach of Ethel Olmstead, there measuring two hundred feet, more or less; easterly, on the Bay of Passamaquoddy, there measuring two hundred and ten feet, more or less; and southerly, on land and*

General powers.

Boundaries.

beach of the heirs to the estate of Josiah Dana, Esquire, deceased, or however otherwise bounded; together with the wharf thereon erected, and all the rights, privileges and appurtenances thereof; *provided*, the lawful proprietors thereof, shall legally convey the same to said corporation; and is also hereby declared capable to have, hold, and possess, in fee simple or otherwise, certain real estate adjoining the same, above described, and bounded northerly on it, measuring, on Water Street, eighty feet, more or less; southerly, running to the Bay of Passamaquoddy, on land and beach of the heirs to the estate of Josiah Dana, Esquire, deceased, there measuring two hundred feet, more or less; *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 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 one hundred and twenty in number, as the said corporation may find to be most expedient; and said shares shall be divided among the several proprietors, according to the interest and portions which they may respectively have in the said corporate property; and certificates of such shares shall be signed by the President of the corporation, and issued to the proprietors accordingly; and the shares in said corporation, shall be transferable, by endorsement on the back of said certificates; and the property in such shares, shall be vested in the assignee, or vendee thereof, when a record shall be made thereof, by the Clerk of the corporation, and new certificates shall be issued accordingly;

Proviso.

May sell corporate property.

Shares.

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 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 building any new wharves, or tenements, within the aforesaid limits, or for the improvement and good management of the corporate estate, agreeably to the true intent and meaning of this act. And in case any proprietor shall refuse or neglect to pay any assessment, the said corporation may cause such shares of such proprietors, as may be sufficient therefor, to be sold at public auction, after sixty 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 said 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.

Assessments:

Sale of delinquent shares.

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 fifty 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 a newspaper, printed in Eastport, or by posting public notice, in at least two public places, in said Eastport. Proprietors may appear and act, at any meeting, by proxy, in writing.

Limitation of property.

Proviso.

SEC. 6. *Be it further enacted,* That either the said

First meeting.

Bartlett or Bucknam, may call a meeting of said corporation, by advertising the same in the Eastport Sentinel, printed in Eastport, ten days, at least, before the time of meeting; and that the said corporation may, at such, or any other meeting, agree on the mode of calling future meetings, and shall elect a President and Clerk, and may elect all such other officers as said corporation may think fit, for conducting and managing the corporate affairs and estate, and the same may change and remove, as said corporation shall see fit.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXI.

An Act in addition to the several acts concerning the Fryeburgh Canal.

Assessors to be chosen.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That at any legal meeting of the proprietors of the Fryeburgh Canal, they shall have power, by a vote of the majority, to choose three or more Assessors, a Treasurer, and a Collector of taxes, and any other needful officers, to manage their affairs, who shall all be sworn to the faithful discharge of their duty, and who shall hold their offices for one year, and until others shall be chosen and sworn, in their stead; and the votes therein given, shall always be collected and numbered, according to the interest of the proprietors present, which interest shall be determined by the Assessors, aforesaid; and no other affair shall be acted on, at any meeting of the proprietors, than what shall be expressed in the warrant, or notification, for such meeting.

SEC. 2. *Be it further enacted,* That it shall and may be lawful to and for the proprietors aforesaid, or the major part of them, according to the interest of the proprietors present, by themselves, or their lawful

attornies, at any legal meeting, to vote, grant, or order the raising of any such sum or sums of money, that shall, by them, be thought necessary to meet any ex-^{Assessments.} pense in making, completing, repairing and managing said canal; and to carry on, and prosecute or defend any actions or suits that may be brought by or against them; or for the payment of any damages or costs which may be recovered against them, or for carrying on, managing or effecting any other affair, for the common good of said proprietors; and it shall be the duty of the said Assessors, to levy and apportion such sums, raised for the ends and uses aforesaid, upon the members of said corporation, equally and rateably, according to their several interests therein.

SEC. 3. *Be it further enacted,* That it shall be the duty of the Assessors, aforesaid, to assess the mem-^{Equalization of} bers of the said corporation, their due proportion of^{assessments.} any sum or sums, voted as aforesaid, equally and rateably, according to the benefit arising to their several estates, by reason of said canal; and said Assessors shall make perfect lists of said assessments, under their hands, or the hands of a major part of them, and commit the same to the Collector of said corporation, with a warrant, under their hands and seals, in the form hereinafter directed; and the said assessment shall be recorded by the Clerk, in the book of records.

SEC. 4. *Be it further enacted,* That the warrant to be issued, by the said Assessors, for collecting the rates or assessments aforesaid, shall be made out in^{Mode of col-} the same tenor as the warrant provided by the laws of lecting assess- this Commonwealth, to be issued by the Selectmen, or Assessors of towns, for the collecting and gathering^{ments.} of the town rates, or assessments, mutatis mutandis.

SEC. 5. *Be it further enacted,* That if any member of the said corporation shall be aggrieved at the sum or sums set and apportioned upon him, or them, by the Assessors aforesaid, and shall make it appear to the said Assessors, that he or they, are rated more than his or their proportion, the said Assessors shall make a reasonable abatement to the person or persons so aggrieved;^{Abatements.} and if they shall refuse so to do, such person or persons, so complaining, in writing, to the next Circuit Court of Common Pleas, within the County of Oxford, and

making it appear that he, or they are overrated, as aforesaid, he or they shall be relieved by said Court, and shall be reimbursed out of the treasury of said corporation, so much as said Court, or Assessors, shall see cause to abate him or them, with the charges; and the said Court are empowered, on such complaint being made, to require the Assessors, or Clerk, to produce the estimate, by which the assessment is made, or a copy thereof.

SEC. 6. *Be it further enacted*, That the Treasurer and Collector of the said corporation, are hereby empowered, and shall, so far as it respects the said corporation. hold, exercise, enjoy and perform, all the duties incumbent on them, in the same manner, and be under the same liabilities, as are prescribed in the laws of this Commonwealth, to similar officers in the several towns.

SEC. 7 *Be it further enacted*, That all acts, and parts of acts, heretofore passed concerning the Fryeburgh Canal, which are inconsistent with this act, be, and hereby are repealed.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXII.

An Act to change the name of St. Anne's Church, or Episcopal Society, in Gardiner, to Christ's Church.

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 date of this act, the name of the Episcopal Church, in the town of Gardiner, heretofore known by the name or style of St. Anne's Church, or otherwise Episcopal Society, shall cease; and the said Episcopal Church or Society, shall be called and known by the name of Christ's Church, any law to the contrary notwithstanding: *Provided*, that nothing contained in this act, shall affect the tenure of the property, or in-

General powers.

Alteration of Title.

terest of the said church, in any bequest or legacy, made by the late Doctor Sylvester Gardiner, or any other person, and now holden in trust; or bar, or prevent any which may be hereafter made to the said church.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXIII.

An Act to incorporate the Eastern River Flood Gate Association.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Thomas Eldred, Jonathan Young, Joseph Blish, Junior, David Crowell, Lewis F. Eldred, Jonathan Clark, Isaac Reed, Dudley Young, Ephraim Hatch, Junior, Joseph Young, Obadiah Reed, James Norris, Henry Benner, Robert McNight, David Young, David Young, Junior, Nathaniel Benner, Stephen Young, William Kincaid, Nicholas Turner, Jonathan Peaslee, William Davis, John Harriman, Daniel Hutchinson, Frederic Lewis, Peter Nash, Isaac Clark, Silas Hunt, Basset Crocker, Samuel Alley, John Carlisle, Rufus Laboree, True Harriman, Richard Turner, Daniel Little, Daniel Goud, John Decker, together with such others as may be hereafter associated with them, and their heirs and assigns, shall be a corporation, by the name of the Eastern River Flood Gate Association; and by that name, may sue and be sued, prosecute and defend to final judgment and execution; and may do and suffer all such matters, acts and things, which bodies politic may and ought to do and suffer; and that said corporation shall 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 build, erect and maintain a flood gate, for public util-

Persons incor-
porated.

Powers and
privileges.

ity, free of toll, of four feet high, from the bed of the river, or more, if necessary, across the Eastern River Stream, about eighty rods below the head of the tide waters, in Pittston, at a place called the Rocks, for the purpose of floating rafts and gondolas, and expediting all business done at the said place, depending upon water conveyance.

SEC. 2. *Be it further enacted,* That any three of the persons before named, may call the first meeting of the said company, by an advertisement, posted up in some public place, in the village of the east parish of Pittston, at least ten days prior to the time appointed for such meeting; and the said company, by a vote of the majority of those present, allowing one vote to each share, *provided,* no person, either by his own right, or by proxy, or by both, shall be entitled to more than five votes, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; and at the same time, or at any subsequent meeting, choose such other officers, as may be found necessary, for managing the business of said corporation, and shall agree on a method of calling future meetings; and at the same, or any subsequent meeting, may make and establish such rules and regulations, not repugnant to the laws and constitution of this Commonwealth, as shall be deemed necessary and convenient, for regulating said corporation, effecting, completing and executing the purpose aforesaid; and the same rules and regulations, may cause to be observed and executed; and for the breach of them, may order and enjoin fines and penalties, not exceeding twenty dollars. And if any person shall sustain damage, by the erection and maintenance of such flood gate, he shall be entitled to a remedy, in such form as is provided for persons, who sustain damage by flowing their lands, in an act, entitled "An act for the support and regulation of mills," and the acts in addition to the same act.

First meeting.

By-Laws.

Remedy for damages.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXIV.

An Act to incorporate the Proprietors of the Flat Grounds, in Cohasset Little Harbor.

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 Flat Grounds, at a place called Little Harbor, in the town of Cohasset, be, and they hereby are, with their estates, in said flats, made a corporation, by the name of the Proprietors of the Flats, in the Little Harbor of Cohasset, in the County of Norfolk; and by that name may sue and be sued, and further do and suffer all such acts and things, as may be done and suffered by like corporate bodies. May sue and be sued.

SEC. 2. *Be it further enacted,* That said corporation shall have power to purchase the right, title, interest and estate, which any individual proprietor may have in the aforesaid flats; and to sell and convey, in fee, or lesser estate, or to lease any real estate holden in its corporate capacity; and all deeds of conveyance, or leases, shall be in the name, under the seal, and conformable to the vote of the said corporation, and executed by the Treasurer thereof. Disposal of property.

SEC. 3. *Be it further enacted,* That said corporation be, and the same is hereby authorized and empowered to take and hold, to its own use, all such sea manure, as may be cast upon the beach, below the dam, through which the water runs into the sea. Privileges.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXV.

An Act establishing the Universalist Society, in Western and Brookfield.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Francis Clark, Daniel Hodges, Jacob Mansfield, James Trask, Simeon Parker, Josiah Putnam, Isaac Moore, Perez Alexander, John Burbank, Joel Hawes, Preston Hawes, Jesse Rice, Phinehas Rice, Amos Rice, William Rice, Otis Herring, Foster Newton, George Upham, Daniel Batchelder, David Batchelder, Adolphus Hodges, Daniel Hodges, Junior, John Crane, Jacil Kendrick, Francis O. Clark, Solomon F. Olds, Tyler Burroughs, Elijah Lumbard, Gershom Makepeace, Elias Mason, and Philip White, with their families and estates, together with such others as may hereafter join them, in the manner herein provided, be, and they are hereby incorporated into a religious society, by the name of the Universalist Society of Western and Brookfield, with all the powers and privileges which are exercised, or enjoyed, by other parishes, according to the constitution and laws of this Commonwealth.*

Persons incorporated.

General powers.

SEC. 2. *Be it further enacted, That any person, belonging to the said towns of Western and Brookfield, who may hereafter desire to join the said Universalist Society, shall declare such desire and intention, in writing, to the Minister or Clerk of the said Universalist Society, and also deliver a copy of the same to the Clerk of the town, or to the Minister or Clerk of the parish, or religious society, where such person formerly attended, fifteen days, at least, previous to the annual town meeting, in March or April; and if such person doth thereupon receive a certificate of membership, signed by the Minister or Clerk of said Universalist Society, such person, with his or her polls and estate, from the date of said cer-*

Conditions of Membership.

tificate, shall be considered a member of said Universalist Society.

SEC. 3. *Be it further enacted,* That when any member of said Universalist Society, shall see cause to secede therefrom, and to unite in religious fellowship with any other religious society, and shall give notice of such intention, in writing, to the Minister, or Clerk of said Universalist Society, and deliver a copy of the same to the Clerk of the town, or to the Minister or Clerk of such other society, (as the case may be,) fifteen days, at least, before the annual meeting, and shall produce a certificate of admission, signed by the Minister, or Clerk thereof, such person, with his or her polls and estate, shall, from the date of such certificate, be considered as a member of the society with which he or she hath so united: *Provided, how-* Terms of secession. *ever,* that in every case of secession, every such person shall be holden to pay his or her proportion of all parish or society charges and assessments, legally assessed and not paid, previous to such secession. Proviso.

SEC 4. *Be it further enacted,* That any Justice of the Peace, for the County of Worcester, is hereby authorized to issue his warrant, directed to a member of the said Universalist Society, requiring him to notify and warn the first meeting of the members thereof, to be holden at such convenient time and place, as shall be appointed in said warrant, for the choice of such officers, and for doing such other business, as may then appear necessary, and which religious societies are empowered to do, according to the constitution and laws of this Commonwealth. First meeting.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXVI.

An Act to establish the Suffolk Manufacturing Company.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Charles Davis, his associates, successors and assigns, be, and they are hereby made a corporation, by the name of the Suffolk Manufacturing Company, for the purpose of manufacturing woollen, cotton, silk, and linen fabrics, at Boston, in the County of Suffolk, or at any other place or places, not exceeding four; and for this purpose, shall have all the powers and privileges, and be subject to all the duties and requirements, contained in an act, passed the third day of March, in the year of our Lord one thousand eight hundred and nine, entitled "An act defining the general powers and duties of manufacturing corporations."

Powers and
privileges.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation, shall not exceed two hundred thousand dollars, and that it may be lawfully seized and possessed of such real estate, as may be necessary and convenient, for the purposes aforesaid, not exceeding the value of fifty thousand dollars.

Limitation of
Stock.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXVII.

An Act relating to the Middlesex 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 Middlesex Turnpike Corporation be, and they

hereby are authorized to remove the gate now established on their turnpike road, near the house of Abel Bowman, in Billerica, from its present situation, to some convenient place on their road, near the easterly side of Nutting's Pond, so called, in Billerica; and that, hereafter, they shall be authorized and empowered to demand and receive, from all travellers passing their gate, so to be removed as aforesaid, one half of the usual rates of toll, established and provided to be taken and received, by the general turnpike law: And that, hereafter, the proprietors of said turnpike road, shall be entitled to demand and receive, from all travellers passing their said gate, near the house of Isaac Reed, in Lexington, tolls, at and after the rate of three fourths of the amount of tolls, by the general turnpike law provided to be taken and received, at a full gate.

SEC. 2. *Be it further enacted,* That Oliver Crosby, Silas Richardson, Joseph Blanchard, and Josiah Crosby, Junior, of Billerica, and their families, and all those persons, with their families, to whom the estates in Billerica, now occupied by said Oliver Crosby, Silas Richardson, Joseph Blanchard, and Josiah Crosby, Junior, shall descend or be assigned, and who shall live thereon, shall, hereafter, be entitled to pass said gate, near the house of Isaac Reed, in Lexington, for the same rate of toll, heretofore provided by law, at said gate; and all the inhabitants of Burlington and Bedford shall be allowed to pass said gate, last mentioned, by paying half the rate of toll, by a former act provided to be demanded and received, for passing the same.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXVIII.

An Act relating to the Tenth 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 from and after the twentieth day of May, in the year of our Lord one thousand eight hundred and twenty, the proprietors of the Tenth Massachusetts Turnpike Corporation, shall have leave to discontinue that part of the road of said corporation, which lays east of New Lebanon, in the State of New York, and west of the dwelling house of James Whiton, Esquire, in the town of Lee, in this Commonwealth, where it intersects the road leading to Stockbridge.

Discontinu-
ance of gate.

SEC. 2. *Be it further enacted,* That the proprietors of said corporation, shall have the privilege, from and after the said twentieth day of May next, to increase the toll at the remaining gates, on said turnpike road, to the following rates, viz. : for every coach, phaeton, chariot, or other four wheel carriage, drawn by two horses, thirty-one cents ; and if drawn by more than two horses, an additional sum of four cents for each horse ; for every cart, waggon, sled, or sleigh, drawn by two oxen or horses, twelve and a half cents ; if drawn by more than two, an additional sum of three cents for each ox or horse ; for every curricule, twenty-one cents ; for every chaise, chair, or other carriage, except waggons, drawn by one horse, sixteen cents ; for waggons, drawn by one horse, eight cents ; for every man and horse, six cents ; for all oxen, horses, and neat cattle, led or driven, besides those in carriages, two cents each ; for all sheep and swine, four cents for a dozen ; and in that proportion for a greater or less number ; *provided,* that no toll shall be taken from any person, passing said road, on military duty.

Increase of toll.

Proviso.

[Approved by the Governor, June 19th, 1819.]

CHAP. CLXXXIX.

An additional Act respecting the Episcopal Church,
in the town of Portland.

WHEREAS the Episcopal Church, in the town of Portland, have represented that in certain cases, no evidence is found to exist, of any oath of office administered to their Treasurer and Assessors; that some of their transactions were recorded by Clerks, appointed pro tempore, and not sworn; that the valuations of some former years cannot be found; and that some of their warrants, for calling meetings, are not under seal; and have petitioned for remedy, in this behalf :

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That none of the transactions of said society, nor of any officers thereof, shall be deemed illegal, or invalid, by reason of any of the omissions, defects, or want of evidence, aforesaid, any law or usage to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That all such taxes, as said society are now empowered, by Assessors, to cause to be assessed on the pews, in their church, may hereafter be assessed and apportioned by said society, in open meeting of the same, if they see cause; *provided,* such assessments be laid in just proportions, on all the pews, in said church, belonging to individual proprietors, according to their relative value. And the record of any such assessment shall be the Treasurer's sufficient warrant for collecting the same, in manner, by law, now provided.

SEC. 3. *Be it further enacted,* That whenever the Treasurer of said society shall advertise the pews and corporate estate of delinquent proprietors, for sale, according to a law, heretofore made for that purpose, an affidavit of any disinterested person, on the back of one of the original advertisements, or on a copy thereof, taken before any Justice of the Peace, and recorded with the records of said society, within three months next after such sale, shall be deemed one mode

of perpetuating the evidence of the posting up of such advertisements.

Conditions of
membership.

SEC. 4. *Be it further enacted*, That no person shall be deemed a member of said society, by reason only of his owning any interest in said church, unless such person do usually attend public worship with said society, and not elsewhere.

[Approved by the Governor, June 19th, 1819.]

CHAP. CXC.

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

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That whenever the dam, now building by the Boston and Roxbury Mill Corporation, from Boston to Brookline, shall be made convenient for travelling thereon, the said corporation may receive the toll granted by the act, entitled "An act to establish the Boston and Roxbury Mill Corporation;" *provided, however*, that the Legislature may suspend the right of taking toll at any time, before, and until the said corporation shall have so far completed one of the other dams, mentioned in the original act of incorporation, as that mills can be established, employing a power equal to turning twenty pair of common mill stones; and said corporation, or its assigns, shall have actually erected mills, employing a power, equal to turning ten pair of common mill stones.

Tolls.

[Approved by the Governor, June 19th, 1819.]

CHAP. CXCI.

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

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Theodore Lincoln, Lemuel Trescot, Jabez Mowry, Seward Bucknam, Ichabod R. Chadbourne, Moses Fuller, Jonathan D. Weston, Samuel Wheeler, Worster Tuttle, Leonard Pierce, Jonathan Bartlett, Horatio G. Balch, and Samuel Tuttle, 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 Passamaquoddy; and shall so continue, from the first day of August 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: *Provided, however,* the amount of bills issued from said bank, at any time, shall not exceed fifty per centum beyond the amount of their capital stock, actually paid in.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation, shall consist of the sum of one hundred thousand dollars, in gold and silver, to be, besides such part as this Commonwealth may subscribe, in manner hereinafter mentioned, divided into shares of one hundred dollars each, which shall be paid in four equal instalments; the first, on or before the fifteenth day of August next; the second, on or before the fifteenth day of November next; the third, on or before the fifteenth day of June, eighteen hun-

Persons incor-
porated.General pow-
ers.

Capital Stock.

Time of paying
instalments.

dred and twenty ; and the fourth, on or before the fifteenth day of August, eighteen hundred and twenty ; or at such earlier time as the stockholders, at any meeting thereof, may order. And no stockholder shall be allowed to borrow at said bank, until he shall have paid in his full proportion of the whole of said capital stock, of one hundred thousand dollars ; 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 ten thousand dollars, and no more, at 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 adviseable : *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.

Dividends.

Transfer of
Stock.

Loans.

Location.

SEC. 3. *Be it further enacted,* That the said bank shall be established, kept, and transact their business, at Eastport ; and five of the Directors thereof, at least, shall be inhabitants of Lubec.

SEC. 4. *Be it further enacted,* That no more than three fourths of the Directors elected, who shall be in

office, at the time of an annual election, exclusive of 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.

Choice of Directors.

SEC. 5. *Be it further enacted,* That whenever the Legislature shall require it, the said corporation shall loan to the Commonwealth, any sum of money which shall 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 the corporation, without their consent, for a larger sum than twenty per centum of their capital actually paid in.

Loan to State.

Proviso.

SEC. 6. *Be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the members and stockholders of said corporation, as soon as may be, at Eastport, by advertising the same for one week, in the Eastport Sentinel, 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.

First Meeting.

SEC. 7. *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 Subscriptions.

SEC. 8. *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

State Directors.

to 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.

SEC. 9. *Be it further enacted*, That the Cashier, before he enters upon the duties of his office, shall give bond, with two sureties, to the satisfaction of the Board of Directors, in a sum, not less than twenty thousand dollars, with conditions for the faithful discharge of the duties of his office.

SEC. 10. *Be it further enacted*, That the said corporation, from and after the first day of October next, shall pay, by way of tax, to the Treasurer of this Commonwealth, for the use of the same. within ten days after the first Monday of April and October. annually, the half of one per centum on the amount of stock which shall have been actually paid in.

SEC. 11. *Be it further enacted*, That the said corporation shall be liable to pay to any bona fide holder, the original amount of any note of said bank, counterfeited or altered in the course of its circulation, to a larger amount, notwithstanding such alteration. And that the said corporation shall not, at any place whatever, directly or indirectly, purchase, receive, pay or exchange any bill or note of said bank, or of any other bank, incorporated within this Commonwealth, for any less sum than the nominal value expressed in such bill or note.

[Approved by the Governor, June 19th, 1849.]

CHAP. CXCII.

An Act establishing the First Universal Christian Society in Shirley.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Lemuel Willard, John Egerton, John Kelsey, Abraham Paine, Daniel New-

Officers to give bond.

Equality of bills.

hall, Ezra Cowden, John Henry, William Harris, William Willard, Peter Washburn, Woodbury Hill, William Kilburn, John Phelps, Wonder Wears, Silas L. Brown, Israel Longley, William McIntosh, Joel Travis, Richard Smith, Thomas Ritter, David Parker, George Munroe, Abner Pierce, John Davis, Junior, Elisha Hall, John Walker, Elnathan Polley, Benjamin Edes, Eleazer Davis, Phinehas Ames, Thomas Orr, Levi Sherwin, Ephraim Gilson, Jacob Marshall, John Peabody, Josiah Richardson, Eleazer Lain, Amos Heald, and Sampson Gould, with their polls and estates, with such others as may hereafter associate with them, be, and they are hereby incorporated into a religious society, by the name of the First Universal Christian Society, in Shirley; with all the powers and privileges, which are exercised and enjoyed by parishes, according to the constitution and laws of this Commonwealth.

Persons incor-
porated.

SEC. 2. *Be it further enacted,* That any inhabitant of the town of Shirley, or any adjoining town, who may desire to become a member of said Universal Christian Society, and shall declare said intention, in writing, delivered to the Minister or Clerk thereof, fifteen days, at least, previous to the annual meeting of said society, and shall receive a certificate, signed by the said Minister or Clerk, that he or she had actually become a member of, and united in religious worship with the said Universal Christian Society, such person shall, from the time of leaving such certificate, be considered, with his or her polls and estates, a member of said society.

Conditions of
membership.

SEC. 3. *Be it further enacted,* That when any member of said Universal Christian Society shall see cause to leave the same, and to unite in religious worship, with any other religious society, and shall give notice of such intention to the Minister or Clerk of said Universal Christian Society, and shall also, give in his or her name to the Clerk or Minister, of such other society, fifteen days, at least, previous to their annual meeting, and shall have received a certificate of membership, signed by the Minister or Clerk, of such other society, such person shall, from the date of such certificate, with his or her polls and estates, be

Condition of
secession.

considered a member of said society : *Provided, however,* that every such person shall always be holden to pay his or her proportion of all parish charges, in the society, to which such person belonged, assessed and not paid, previous to the leaving such society.

First meeting.

SEC. 4. *Be it further enacted,* That any Justice of the Peace, for the County of Middlesex, is hereby authorized to issue a warrant, directed to some member of said 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 choice of such officers, as parishes are by law, empowered to choose, at their annual parish meetings.

[Approved by the Governor, June 19th, 1819.]

CHAP. CXCIII.

An Act to incorporate the African Humane Society.

Persons incor-
porated.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Reverend Thomas Paul, Scipio Dalton, Charles Biner, Dudley Tidd, Thomas Dalton, Cato Freeman, and James Burr, and their associates, together with such others as may become subscribers to the same institution, in the manner hereinafter provided, be, and they are hereby incorporated into a society, by the name of the African Humane Society; 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 and management of the concerns of the said society, and the preservation and application of the funds thereof; *provided,* the same be not repugnant to the constitution or laws of this Commonwealth.

SEC. 2. *Be it further enacted,* That the said society may take, hold, and possess, any estate, real or personal, by subscription, gift, grant, purchase, devise,

or otherwise, and the same to improve, loan, 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 one time, exceed twenty thousand dollars, and personal estate shall never exceed ten thousand, for charitable uses only. May hold real estate.

SEC. 3. *Be it further enacted*, That every person, who shall subscribe and pay to the funds of said society, a sum not less than five dollars, by such subscription and payment, become a member of said society ; liable, however, to be removed therefrom, for neglect or refusal, to conform to the by-laws and regulations of said society, established as aforesaid. Conditions of membership.

SEC. 4. *Be it further enacted*, That said society shall meet annually, in the month of August, at such time and place, as shall be provided in said by-laws ; and shall elect, from among their members, by ballot, a President, Treasurer, Secretary, and twelve other persons, who, together with said President, Secretary, and Treasurer, shall constitute a Standing Committee, and hold their respective office for one year, and until others are elected to supply their places : Said Standing Committee shall meet discretionally, to transact such business as may require their attention, and as shall be entrusted to their care, by said by-laws, relative to making pecuniary appropriations, and affording relief and assistance ; and in case of the death or resignation of any of the foregoing officers, said Committee shall appoint some suitable person, from among the members, to act until the next annual election of officers ; and any seven of said Standing Committees shall form a quorum. Officers.

SEC. 5. *Be it further enacted*, That the Secretary and Treasurer of said Society, before entering upon the discharge of the duties of their offices respectively, shall be sworn to the faithful discharge thereof, before some Justice of the Peace ; and the Treasurer shall also give good and sufficient bonds to said society, with such sureties as shall be approved of by the said Standing Committee ; and when thus qualified, shall have the custody of the funds and other property of said society, agreeable to the by-laws thereof. Responsibility of officers.

SEC. 6. *Be it further enacted*, That Reverend

First meeting.

Thomas Paul be, and he hereby is authorized to call the first meeting of said society, by giving public notice of the time and place of meeting, by advertisement in one or more of the newspapers, printed in the town of Boston, seven days, at least, before the time of such meeting; at which meeting, the officers aforementioned, of the society, shall be elected, and shall hold their offices until the first annual election of officers shall be holden, agreeably to the provisions of this act.

[Approved by the Governor, June 19th, 1819.]

CHAP. CXCIV.

An Act to cede to the United States, the jurisdiction of Sites, for Light Houses, on Bird Island and Long Island, and a Beacon, on Half Way Rock.

Lands granted for beacon.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the jurisdiction of Half Way Rock, in Boston Bay, and the soil thereof, being the property of this Commonwealth, be, and hereby is granted to the United States of America, for the purpose of erecting a beacon on the same; *provided*, that this Commonwealth shall retain, and does hereby retain concurrent jurisdiction with the United States, in and over said land, so far that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed, on any part of said land, or in any building which may be erected thereon, in the same way and manner, as if the jurisdiction had not been granted, as aforesaid.

Light Houses.

SEC. 2. *Be it further enacted*, That the United States of America, having purchased Bird Island, in Buzzard's Bay, in this Commonwealth, for the purpose of erecting a light house thereon, in conformity to an act of Congress, may hold the same, during the continuance of the use and appropriation aforesaid, reserving to this Commonwealth concurrent jurisdic-

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

SEC. 3. *Be it further enacted*, That the United States of America may purchase, or take, as hereinafter is provided, any tract of land which shall be found necessary and convenient for the light house, authorized by Congress to be erected on Long Island Head, in Boston Harbor, within this Commonwealth; and during the continuance of the use and appropriation aforesaid, the jurisdiction of said tract of land, not exceeding the quantity of three acres, shall be, and hereby is ceded to, and shall be in the said United States, so long as it shall be used for the sole purpose of keeping a light house thereon, and no longer; reserving to this Commonwealth concurrent jurisdiction with the United States, in and over the said land, in manner and form as set forth in the first section of this act. State reserva-
tions.

SEC. 4. *Be it further enacted*, That if the Agent, or person employed for the United States, and the owner or owners of such tract of land, which shall be found necessary and convenient for the said light house, cannot agree in a sale and purchase thereof, such Agent, or person employed, may apply to the Boston Court of Common Pleas; and the said Court is hereby authorized and empowered to cause the value of said land, together with the said damages which the owner or owners thereof may sustain, by the erection of said light house, to be appraised by a Jury, to be summoned by the Sheriff of said county, or his Deputy, for that purpose; which Jury shall be sworn to the faithful discharge of their trust, and shall proceed to view and set off by metes and bounds, said tract of land, or such part thereof, as they shall find necessary and convenient for such light house; and shall return their verdict to the said Court. And in case the said Court shall not then be in session, shall seal up their verdict, and deliver the same to the said Sheriff, or his Deputy, who shall make return thereof to the said Court, at the next term, to be holden in and for said county; which verdict of the Jury being accepted by the said Court, and the amount of said verdict being paid to the owner or owners of the land Claims to be
settled.

Cession to Uni-
ted States.

appraised, and set off by the Jury, or if the owner or owners, shall not appear, or shall refuse to receive such amount, in money, as the said Court shall order; then the amount of the appraisement, aforesaid, shall be lodged in the office of the Treasurer of the County of Suffolk, to be received by the owner, or any person legally authorized to receive the same; and the tract of land, so appraised and set off, shall be vested in the United States, and shall be taken, possessed, and appropriated for the purposes aforesaid: *Provided*, that all charges of such application and appraisement shall be paid by the United States: *Provided, also*, that the title to the said land shall be, and continue invested in the said United States, so long as the same shall be used for the purpose of a Light House, and for the maintaining of the same, and no longer.

[Approved by the Governor, June 19th, 1819.]

COMMONWEALTH OF MASSACHUSETTS.

Secretary's Office, July 23, 1819.

THE Laws, contained in this pamphlet, passed at the Session of the General Court, which began May 26th, and ended June 19th, 1819, have been compared with the originals, in this Office, and appear to be correct.

ALDEN BRADFORD,

Secretary of the Commonwealth.

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TO THE LAWS, WHICH PASSED AT THE SESSION, BEGINNING MAY
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HUNDRED AND NINETEEN.

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