













LAWS  
OF  
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,  
VOTES, ETC.

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EDITED AND PUBLISHED UNDER THE DIRECTION OF THE  
SECRETARY OF STATE

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VOLUME SEVEN  
SECOND CONSTITUTIONAL PERIOD  
1801-1811

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CONCORD, N. H.  
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1918





JOINT RESOLUTION RELATING TO THE PRESERVATION AND  
PUBLICATION OF THE EARLY STATE AND PROVINCIAL  
RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in General Court  
Convened:*

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of public libraries in the state as the Governor may designate]<sup>1</sup> *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,*<sup>2</sup> fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

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<sup>3</sup> The governor and council may authorize the secretary of state from time to time to collect, arrange, transcribe, and publish such portions of the early state and provincial records and other state papers of New Hampshire as they shall deem proper. Eight hundred copies of each volume shall be printed.

On publication the secretary of state shall send one copy to each of the following officers and bodies: To the governor and members of the council; to the judges of the supreme and superior courts; to each free public library in the state; to the town clerks of towns having no free public library for the use of the town; to such other officers and bodies as the governor and council shall designate. He shall send fifty copies to the New Hampshire Historical Society and deposit the residue in the state library.

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STATE OF NEW HAMPSHIRE.

TO THE SECRETARY OF STATE:

You are hereby authorized to arrange, transcribe and superintend the publication of the Laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced.

You will also cause such explanatory notes, citations, table of contents and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881, and also by the act of February 27, 1917, Chapter 29, Sections 27 and 28.

Given under my hand at Concord this 27th day of July, 1917.

HENRY W. KEYES,  
*Governor.*

With the advice and consent of the council.

<sup>1</sup> The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881, by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

<sup>2</sup> By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

<sup>3</sup> Chapter 29, sections 27 and 28, Laws of 1917





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## INTRODUCTORY NOTE.

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This volume is the seventh of the "Laws of New Hampshire." It is published by the Secretary of State by the same authority with which volume six was published in 1917, which was the following vote of the Governor and Council passed July 28, 1916:

"On motion of Councillor Wallace, voted: That the Secretary of State have supervision of the editing of state papers after September 1, 1916."

This volume contains the public and private acts, resolves, votes, etc., of the period from 1801 to 1811. The laws of the period from 1811 to 1835 remain to be published in subsequent volumes.

New Hampshire, during the first decade of the nineteenth century, was a prosperous and flourishing state. The census of 1800 showed a population of 183,868, which was a gain of about 42,000 over that of 1790. This increase continued and in 1810 the population was 214,460, a growth of over 30,000. These increases in population were greater than that from 1900 to 1910, one century later, not only in proportion but actually. There were only five counties, the largest of which was Rockingham and the smallest Grafton. Today the largest is Hillsborough, the smallest Carroll, and there are ten in all. The Rockingham County of 1910 was but a little larger than the Rockingham County of 1810. Coos County was established in 1803, making the sixth county, and its population in 1810 was 3,991, which was about one-tenth of its present population.

Most of the residents of New Hampshire at the opening of the nineteenth century were farmers. At the seacoast large ship-building operations were carried on. New Hampshire reached its highest point as a maritime state in the years immediately preceding the War of 1812. This war practically ruined the state's shipping and ship-building activities and they were never revived until this year (1918), when the need of an American merchant marine has restored to the Granite State and her eighteen miles of seacoast a position in the front rank of ship-building communities.

The period covered by this volume saw much progress in industrial and mercantile development. The first cotton factory was built at New Ipswich in 1803, and later were built cotton mills at Peterborough, Pembroke, Hillsborough and Jaffrey. No great success attended these early ventures. The present cotton manufacturing center at Manchester saw its beginnings in 1802, when Samuel Blodget started to build the canals at Amoskeag Falls. He raised the money by lotteries authorized by the government. These gambling devices were, in fact, utilized by promoters of all kinds

of public and private works where capital was needed quickly, such as highways and bridges, and it was not until 1807 that an anti-lottery law was passed.

Settlements extended into the extreme northern part of the state and to the banks of the Connecticut River. A highway twenty miles long was built from Bartlett through the White Mountain Notch, opening up a territory that has since become known as the "Switzerland of America."

The three most important towns at this time were Portsmouth, Gilmanton and Londonderry, in that order. Portsmouth remains a city today and since the outbreak of the present war has been the fastest growing and most prosperous city in New Hampshire. Gilmanton and Londonderry, however, have sunk into positions of minor importance and their places taken by industrial centers favored with locations on the Merrimack River.

This volume contains laws enacted more than 100 years ago which resemble much of the war legislation of the present day. For instance, in 1805, the legislature passed an act regulating the manufacture and sale of bread and the inspection of beef, which remind us that the food problem and food administration existed in the early days. There was also enacted the same year a law to provide that loafers should go to work and all those who "by excessive drinking, gaming, idleness, or vicious habits of any kind," should so squander their time as to become exposed to suffering and want.

School districts were established and the advantages of common school education were extended to all the people. The capitol of the state was definitely established at Concord, where it has since remained. From the time of the first New Hampshire government down to the Revolutionary War (1680-1775) the capitol had been at Portsmouth. During the war and down to 1807, the capitol moved from town to town, holding sessions at Portsmouth, Exeter, Concord, Hopkinton, Dover, Amherst, Charlestown and Hanover. From 1807 to 1819 the government sat in the old Concord Town House that stood where the Merrimack County building stands today. The present State House was built in 1816 to 1819 and was remodeled in 1864 and 1909.

Imprisonment for debt was enforced frequently during this period. One of the victims was Russell Freeman of Hanover, who had been Speaker of the House of Representatives and a member of the Governor's Council for five terms. He was incarcerated at Haverhill jail and, with a cell-mate, was foully murdered by a companion in misfortune. The murderer, Josiah Burnham, was afterwards hanged. In 1805 a law was passed prohibiting the importation of slaves into the state.

The political history of this period is that of the most bitter partisanship in all the state's history. There were two parties, the Federalists and the Republicans. John Taylor Gilman was the

leader of the former and John Langdon of the latter. Sketches of both these personalities have appeared in previous volumes of this series.

Gilman was Governor from 1794-1805 and Langdon was his Republican opponent at the elections a good deal of the time. The Republican vote constantly increased while the Federalist vote was stationary. In 1805 Langdon defeated Gilman and was Governor for the ensuing four years. In 1809 Jeremiah Smith was the Federalist candidate instead of Mr. Gilman and he defeated Langdon by a very small majority. In 1810 and 1811, however, Langdon defeated Smith, and after that, Gilman resumed his place as the candidate of the Federalist party and was elected three times out of four.

The national leader of the Republicans was Thomas Jefferson and the success of his administration was largely responsible for the growth of the Republican party in the Granite State. The two parties were of about equal strength at times. In 1804 Governor Gilman's majority over Langdon was only 150 votes and Langdon was elected Speaker of the House under Gilman. That legislature voted to ratify an amendment to the Federal constitution to provide that candidates for President and Vice-President should be voted for separately and specifically. Governor Gilman vetoed the ratification on the ground that "the office of Vice-President may be deemed less respectable than heretofore." The amendment was adopted, however, by enough other states and repetitions of the deadlock for President between Thomas Jefferson and Aaron Burr have been since prevented, although there is no question that the fears of Governor Gilman with regard to the importance of the Vice-Presidency have been more than realized.

In 1807 and 1808 began the great controversy with France and England over the freedom of the seas, which culminated in the second war with England. This controversy affected the commerce and politics of New Hampshire to a very marked degree. Great Britain prohibited by orders in council our trade with France, with which she was at war. France retaliated by prohibiting our trade with Great Britain. Ships going out of Portsmouth harbor were subjected to the plunder of both nations and finally the harbor was blockaded by the British navy. New Hampshire's maritime prosperity was ruined and, as is the custom in American politics, the ensuing hard times were blamed on the party in power, which at that time was the Republican party.

In 1809 the Federalists came back into power. But the reaction was short lived. Continued aggressions by England aroused the patriotism of our people and the Republican party took the part of defending our national honor and resenting the British insults. William Plumer, one of the ablest Federalist leaders, went over into the Republican party and in 1810 the Republicans carried the state,

returning Langdon to the governorship and making Plumer President of the Senate and Charles Cutts Speaker of the House and United States Senator.

The effect of this Republican victory on the rest of the country was important, because it showed that the Granite State, whose interests in shipping and commerce were so much at stake, stood ready to sacrifice them for the national defence and the preservation of American liberty. The contest between parties, was on the question of peace and war. The political campaign became continuous from one election to the next. Governor Langdon, the first Governor of the state and a patriot of spotless character, was publicly burned in effigy and accused of all crimes. One of the leading New Hampshire papers said that "if Thomas Jefferson had a thousand lives, he deserved to be hung a thousand different times, as high as Haman."

Federalists were inclined towards the interests of Great Britain, Republicans towards those of France. For months there was a steady drift of sentiment toward war and, the encroachments of Britain being greater and the spirit of resistance against Britain being more ardent, war was finally declared against that country. The close of the period covered by this volume finds the government and people of New Hampshire in a most belligerent attitude and the next volume to be issued will begin with the War of 1812.

Jeremiah Smith, the only chief executive during this period whose career has not been sketched in introductions to previous volumes, was born in Peterborough in 1759. He was of Scotch descent. He served in the Revolutionary War and was wounded at the battle of Bennington, being then 17 years old. After recovering from his wound he attended Harvard College for two years and then Rutgers College, which was known at that time as Queen's College, and he graduated from it in 1780. He taught school at Phillips Andover Academy and Salem, Mass., and then studied law and began its practice in Peterborough. He became a selectman and representative to the legislature and was a colonel on the staff of Governor Josiah Bartlett. In 1791 he was a member of the constitutional convention and chairman of the committee that revised the Public Statutes. He was a member of Congress from 1791-1797, where he supported the Washington administration. He resigned to become United States district attorney and took up a residence at Exeter. In 1800 he became judge of probate for Rockingham county, in 1801 United States circuit judge and 1802 chief justice of New Hampshire. He resigned from this position to become governor and, being defeated for re-election in 1810 and again defeated in 1811, he was put back as chief justice in 1813. Three years later he was legislated out of office and resumed the private practice of law. In 1820 he retired and died at Dover in 1843, whence he had removed the previous year.



The New Hampshire Missionary Society was founded in 1801. The Universalists and Methodists were officially recognized as religious denominations during this period. The New Hampshire Patriot was founded in 1808 by Isaac Hill, afterwards governor.

Readers of this volume will notice a considerable number of laws enacted to change the name of members of the Hogg family. For some reason, people preferred not to be known as Hoggs during that period in our history and each legislature did not consider its duties done until it had relieved several Hoggs of their names. Among the Hoggs that metamorphosed their identities through the Great and General Court were John Hogg, Nancy Hogg, Thomas Hogg, Sybil Hogg, Hugh Hogg, Caleb Hogg, Anna Hogg, Joseph Hogg, Sally Hogg, Robert Hogg, William Hogg, Moses Hogg, Charles Hogg, Harriet Hogg, Mary Hogg, James Hogg, Samuel Hogg, Elizabeth Hogg, Davis Hogg, Sarah Hogg, Hiram Hogg, Simson Hogg, Robert Hogg, Nelly Hogg, Lasinda Hogg and last, but not least, Miss Polly Hogg.

The United States senators in 1801 were Simeon Olcott of Charlestown and James Sheafe of Portsmouth, both Federalists. In 1802 Sheafe was succeeded by William Plumer, Republican. In 1805 Nicholas Gilman of Exeter, Federalist, succeeded Mr. Olcott. In 1807 Nahum Parker of Fitzwilliam, Republican, succeeded Mr. Plumer and he in turn was displaced in 1810 by Charles Cutts of Portsmouth, Federalist.

The year 1811, with which this volume closes, "terminated a period of peace, which had existed, with little intermission, for nearly twenty-nine years. That period, though marked with frequent fluctuations in our commerce and depressions in our currency, though it found a heavy burthen of debt resting upon the people at its commencement, had witnessed a gradual but constant increase, in this state, in wealth, business, and institutions of learning; in its means of communication, and the number of its inhabitants. Flourishing manufacturing establishments had arisen upon the banks of our principal streams. Academies had been established in places which, at the close of the revolution, had scarcely the means to maintain a respectable common school. More than five hundred miles of turnpike roads had been constructed, at an expense of six hundred thousand dollars. Upon these great thoroughfares, uniting upon the centre of the state, and thence spreading in every direction, and extending to its extremities, the people found a direct communication with every market. A code of laws, simple in their form, and generally adapted to the wants of the people, had grown up with the exigencies of the times. Justice was promptly administered in the courts. The civil and political rights of man were carefully guarded. Wrong sometimes won its way to the attainment of its ends, it is true; but yet crime seldom stalked among us unpunished, and honest worth had little to fear from

oppression in the laws or corruption in the courts. Such was the general condition of New Hampshire, when, in common with the country at large, it was subjected to the burthens and uncertain chances of war."

EDWIN C. BEAN,

*Secretary of State.*

CONCORD, September 1, 1918.

# LAWS OF NEW HAMPSHIRE.

---

## [TENTH GENERAL COURT.]

*[Held at Hopkinton, One Session, June 3, 1801, to June 17, 1801.]*

## [OFFICERS OF THE GOVERNMENT.]

JOHN TAYLOR GILMAN, GOVERNOR.  
JOSEPH PEARSON, SECRETARY.  
NATHANIEL PARKER, DEPUTY SECRETARY.  
OLIVER PEABODY, TREASURER.  
\*JOSHUA ATHERTON, ATTORNEY GENERAL.  
AMOS SHEPARD, PRESIDENT OF THE SENATE.  
JOHN PRENTICE, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Joseph Blanchard,	Chester.
Aaron Wingate,	Farmington.
Robert Wallace,	Henniker.
Samuel Stevens,	Charlestown.
Russell Freeman,	Hanover.

## [MEMBERS OF THE SENATE.]

John Goddard,	Portsmouth.
Jeremiah Fogg,	Kensington.
Silas Betton,	Salem.
Michael McClary,	Epsom.
John McDuffee,	Rochester.
Nathan Taylor,	Sanbornton.
John Orr,	Bedford.
James Flanders,	Warner.
Ephraim Hartwell,	New Ipswich.
Elisha Whitcomb,	Swanzey.
Amos Shepard,	Alstead.
Moore Russell,	Plymouth.

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\* William Gordon was appointed Attorney General June 12, 1801.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and	}	Nathaniel Cavis.
Bow,	}	
Atkinson and	}	Eliphalet Knight.
Plaistow,	}	
Brentwood,		Jabez Smith.
Candia,		Thomas Wilson.
Canterbury,		Joseph Clough.
Chester,		William White.
Chichester,		Nathaniel Morrill.
Concord,		William A. Kent.
Deerfield,		Richard Jenness.
Epping,		William Plumer.
Epsom,		Josiah Sanborn.
Exeter,		Benjamin Connor.
Greenland,		Enoch Clark.
Hampstead,		John True.
Hampton,		Benjamin Shaw.
Hampton Falls and	}	Peter Tilton.
Seabrook,	}	
Hawke and	}	Nathaniel Brown.
Sandown,	}	
Kensington,		Enoch Worthen.
Kingston,		Jacob Peaslee.
Londonderry,		John Prentice.
		James Pinkerton.
Loudon,		Samuel Piper.
Newington,		Richard Pickering.
Newmarket,		James Hill.
Northfield,		Thomas Clough.
North Hamptor		Moses Leavitt.
Northwood,		Sherburne Blake.
Pelham,		James Gibson.
Pembroke,		Daniel Knox.
Pittsfield,		James Drake.
Portsmouth,		John Langdon.
		John S. Sherburne.
		Clement Storer.
		Henry S. Langdon.
Raymond and	}	Ezekiel Godfrey.
Poplin,	}	
Rye and	}	Joseph Parsons.
Newcastle,	}	
Salem,		Jesse Webster.

South Hampton and	}	Daniel Page.
East Kingston,		
Stratham,		Walter Weeks.
Windham,		Samuel Armour.

## STRAFFORD COUNTY.

Barnstead,		John. Nutter.
Barrington,		Joseph Boodey.
		John Pearl.
Brookfield and	}	William Chamberlain.
Middleton,		
Conway,	}	Obed Hall.
Adams,		
Bartlett and		
Locations,		
Dover,		John Waldron.
Durham,		William Ballard.
Effingham and	}	Samuel Quarles.
Ossipee,		
Farmington,		Jonas C. March.
Gilmanton,		Samuel Shepard.
		Dudley Prescott.
Lee,		Robert Parker.
Madbury,		Ebenezer Demeritt.
Meredith,		Daniel Smith.
Moultonborough and	}	Nathaniel Shannon.
Tuftsboro,		
New Durham and	}	John Bennett.
Alton,		
New Hampton and	}	William B. Kelley.
Center Harbor,		
Rochester,		Richard Dame.
		Joseph Clark.
Sanbornton,		Samuel Prescott.
Somersworth,		Andrew Wentworth.
Tamworth,	}	David Gilman.
Eaton and		
Burton,		
Wakefield,		David Copp.
Wolfeboro,		Isaiah Horne.

## HILLSBOROUGH COUNTY.

Amherst,	William Bradford.
Andover,	Joseph Philbrick.

Antrim and	}	Jacob Tuttle.
Windsor,		
Bedford,		David Patten.
Boscawen,		Timothy Dix, Jr.
Deering,		Robert Alcock.
Dunbarton,		John Mills.
Dunstable,		Theodore French.
Fishersfield and	}	
Bradford,		John Burns.
Francestown,		Peter Farnum.
Goffstown,		John Butterfield.
Greenfield and	}	
Society Land,		Ammi Burnham.
Hancock,		William Brooks.
Henniker,		Jonas Bowman.
Hillsborough,		Benjamin Pierce.
Hollis,		Daniel Emerson.
Hopkinton,		Philip Greeley.
Lyndeborough,		Jacob Dascomb.
Mason,		James Wood.
Merrimack,		Samuel Forster.
Milford and	}	
Brookline,		William Crosby.
New Boston,		Ninian Clark.
Nottingham West,		Asa Davis.
Peterborough,		John Smith.
Salisbury,		Andrew Bowers.
Sutton and	}	
New London,		Joseph Colby.
Temple,		Ebenezer Edwards.
Warner,		Joseph Bartlett.
Weare,		Samuel B. Tobie.
Wilton,		Philip Putnam.

## CHESHIRE COUNTY.

Acworth,		William Grout.
Alstead,		Moses Hale.
Charlestown and	}	
Langdon,		Ephraim Carpenter.
Chesterfield,		Simon Willard.
Claremont,		Ezra Jones.
Cornish,		Ithamar Chase.
Croydon,		Samuel Powers.
Dublin,		Isaac Appleton.
Fitzwilliam,		Nahum Parker.

Goshen and }	John Calfe.
Wendell, }	Perley Marsh.
Hinsdale,	Joseph Thorndike.
Jaffrey,	Lockhart Willard.
Keene,	
Lempster and }	Elisha Huntley.
Marlow, }	
Marlborough,	Phinehas Farrar.
Newport,	Uriah Wilcox.
Packersfield,	Samuel Griffin.
Plainfield,	Albe Cady.
Richmond,	Moses Tyler.
Rindge,	Daniel Rand.
Springfield and }	Samuel Robie.
New Grantham, }	
Stoddard,	Nathaniel Emerson.
Sullivan,	Samuel Seward.
Surry and }	David Blish.
Gilsum, }	
Swanzy.	Nehemiah Cummings.
Unity,	Jonathan Glidden.
Walpole,	Thomas Sparhawk, Jr.
Washington,	Thomas Penniman,
Westmoreland,	Ezra Pierce.
Winchester,	Daniel Hawkins.

## GRAFTON COUNTY.

Alexandria and }	Moses Lewis.
Bridgewater, }	Jeremiah Hutchins.
Bath,	Ebenezer Clark.
Canaan,	
Cockburne, }	Jeremiah Eames.
Colebrook, }	
Shelburne, }	
Stewartstown and }	
Wales Location, }	William Johnson.
Enfield,	
Franconia, }	Peter Carleton.
Landaff and }	
Lincoln, }	
Groton, }	Joseph Burley.
Dorchester and }	
Hebron, }	Benjamin J. Gilbert
Hanover,	
Haverhill and }	Moody Bedel.
Coventry, }	



Holderness and	}	Hugh Ramsey.
Campton,	}	
Lancaster and	}	Richard C. Everett.
Jefferson,	}	
Lebanon,		Constant Storrs.
Littleton,	}	
Bethlehem and	}	David Goodall.
Dalton,	}	
Lyman and	}	Josiah Bishop.
Concord (Lisbon)	}	
Lyme,		Jonathan Franklin.
New Chester and	}	Ebenezer Kimball.
Danbury,	}	
Northumberland,	}	
Piercy and	}	Nathan Barlow.
Stratford,	}	
Orange and	}	Daniel Blaisdell.
Grafton,	}	
Orford,		Joseph Pratt.
Piermont and	}	Abel Merrill.
Warren,	}	
Plymouth,		Josiah Brown.
Rumney and	}	William White.
Wentworth,	}	
Thornton,	}	
Peeling and	}	Enoch Colby.
Trecothick,	}	

[*First Session, Held at Hopkinton, June 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 1801.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF  
 THE PROPRIETORS OF THE SOCIAL LIBRARY IN NEW LONDON.

[Approved June 12, 1801. Original Acts, vol. 17, p. 1; recorded Acts, vol. 13, p. 146.]

Be it Enacted by the Senate and House of Representatives in General Court convened that Josiah Brown, Zebadee Hayse, Jonathan Everett, Job Seamans, and Joseph Colby and their associates proprietors of said Library, and all such as may hereafter become proprietors of the Same be, and they are hereby incorporated into a body politick by the Name of the proprietors of the Social Library in New London, with continuation and succession forever and in that name may sue and be sued in all actions personal, and may prosecute and defend the same to final Judgment and execution; and they are hereby vested with all the powers and priveledges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement, or fine not exceeding four dollars for each offence to be Recovered by said Society in an action of debt to their use in any court proper to try the same and may make, purchase and Receive subscriptions, grants, and donations of personal estate not exceeding one Thousand dollars for the use of their association

And be it further enacted, that said Society be, and they hereby are authorised to assemble at New London aforesaid on the first Monday of September annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation who shall continue in Office untill others are chosen in their Room, and that said corporation may assemble as often as may be found necessary for filling up any vacancies that may happen in said Offices, and for transacting any other business except the Raising of money which shall not be done except at their annual meetings, at which they shall vote all necessary sums for the defraying the annual expence of preserving said Library, and for enlarging the same. And said corporation shall have power to make such Rules and by laws for the government of said Society as may from time to time be found necessary, provided the same be not Repugnant to the constitution and laws of this State

And be it further Enacted that Josiah Brown is hereby authorised to call the first meeting of said proprietors at such time and place as he may appoint by posting a notiffication for that purpose

at the meeting house in New London at least fifteen days prior to said meeting and the said proprietors at said meeting shall have the same power to choose Officers, and make by laws as they have by this act at their annual meetings

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN KEENE

[Approved June 12, 1801. Original Acts, vol. 17, p. 2; recorded Acts, vol. 13, p. 149.]

Be it Enacted by the Senate and House of Representatives in General Court convened that Aaron Hall, Noah Cook, Josiah Richardson, and Abijah Wilder, and their associates proprietors of said Library, and such as may hereafter become proprietors of the same be, and they are hereby incorporated into a body politick by the name of the Proprietors of the social Library in Keene, with continuation and succession forever and in that name may sue and be sued in all actions personal, and may prosecute and defend the same to final Judgment and execution; and they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement, or fine not exceeding four dollars for each offence to be recovered by said Corporation in an action of debt to their use in any Court proper to try the same, and may make, purchase and receive subscriptions, grants, and donations of personal estate not exceeding One thousand Dollars for the use of their Association

And be it further enacted, that said Corporation be, and they hereby are authorised to assemble at Keene aforesaid on the first Monday of September Annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation who shall continue in Office until others are chosen in their room. And that said Corporation may assemble as often as may be found necessary for filling up any vacancies that may happen in said Offices, and for transacting any other business except the raising of money which shall not be done except at their annual meetings, at which they shall Vote all necessary sums for the defraying the annual expence of preserving said Library, and for enlarging the same. And said Corporation shall have power to make such rules and by laws for the government of said Corporation as may from time to time be found necessary, provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Josiah Richardson or Noah Cook are hereby authorised to call the first meeting of said proprietors at such time and place in said Keene as they may appoint by posting a Notification for that purpose at the Court house in Keene at least fifteen days prior to said Meeting and the said Proprietors at said meeting shall have the same power to choose Officers, and make by laws as they have by this act at their annual Meeting

[CHAPTER 3.]

*State of*            }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
SOCIAL LIBRARY PROPRIETORS IN MILFORD

[Approved June 12, 1801. Original Acts, vol. 17, p. 3; recorded Acts, vol. 13, p. 153.]

Be it enacted by the Senate and House of Representatives in General Court convened that Augustus Blanchard, Joshua Moor, James Wallace and Robert Cambell and their associates proprietors of said Library and all Such as may become proprietors of the same be and they hereby are incorporated into a body politick by the Name of the proprietors of the Social Library in Milford, with continuation and Succession forever and in that name may sue and be sued in all actions personal, and may prosecute and defend the same to final Judgment and execution; and they are hereby vested with all the powers and priviledges incident to corporations of a similar Nature, and may enjoin penalties of disfranchisement, or fine not exceeding four dollars for each offence to be Recovered by said corporation in an action of debt to their use in any Court proper to try the same; and may make, purchase, and Receive Subscriptions, grants and donations of personal estate not exceeding one Thousand dollars for the use of their Association.

And Be it further Enacted that said corporation be, and they hereby are authorised to assemble at Milford aforesaid on the first Tuesday of January annually to choose all such Officers as may be found Necessary for the orderly conducting the affairs of said corporation who shall continue in Office until others are chosen in their Room, and that said corporation may assemble as often as may be found necessary for filling up any vacancies that may happen in said offices, and for transacting any other business except the Raising of money, which shall not be done except at their annual meetings, at which they shall vote all necessary sums for defraying the annual expence of preserving said Library and for enlarging the Same. And said corporation shall have power to make such Rules

and by laws for the government of said corporation as may from time to time be found necessary, provided the same be not Repugnant to the Constitution and Laws of this State.

And be it further enacted that Augustus Blanchard Esq<sup>r</sup> is hereby authorised to call the first meeting of said proprietors at such time and place as he may appoint by posting a Notification for that purpose at the meeting house in said Milford at least fifteen days prior to said meeting, and the said proprietors at said meeting shall have the same power to Choose Officers and make by laws as they have by this act at their annual meetings

#### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

#### AN ACT ALLOWING A CERTAIN PREMIUM FOR KILLING WOLVES

[Approved June 12, 1801. Original Acts, vol. 17, p. 4; recorded Acts, vol. 13, p. 156. Laws, 1805 ed., p. 377; id., 1815 ed., p. 417. This act repeals the act of February 10, 1791, Laws of New Hampshire, vol. 5, p. 660. Repealed July 4, 1829, Laws, 1830 ed., p. 212.]

Be it enacted by the Senate and House of Representatives in General Court convened—That if any person shall kill any wolf, or wolfs whelp within this State, and shall bring the head of such wolf or wolfs whelp to the Selectmen of the Town or place in which the same was killed, and if there be no Selectmen in the Town or place where the same was killed, then to the Selectmen of the Town or place, next to the Town or place where the same was killed, and shall prove to the Satisfaction of the said Selectmen, that the wolf or wolfs whelp, the head of which he hath brought to them as aforesaid was killed by him or by his means, or by any other person whose agent he is, the said Selectmen shall cut off the ears from the head so brought to them as aforesaid, and shall otherwise disfigure it so that it may never be produced for the like purpose again, and the said Selectmen shall give the person so producing the head as aforesaid a receipt for the same and the person receiving the same receipt on producing it to the Treasurer of this State, shall receive out of the Treasury of this state the sum of twenty dollars for every wolf killed as aforesaid; and the sum of ten dollars for every wolfs whelp killed as aforesaid—

Provided nevertheless, and be it further enacted that the said Treasurer shall not pay for any receipt produced as aforesaid until the next session of the General Court, which shall happen after procuring the same, that he may have an Opportunity of enquiring into the validity thereof, which he is hereby directed to do—

And be it further enacted, That an Act entitled “an Act allowing a certain premium for killing wolves” passed the tenth day of February A D 1791 be and the same is hereby repealed—



## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT, AUTHORIZING ZACCHEUS WRIGHT ESQUIRE TO CONVEY CERTAIN LANDS, THEREIN MENTIONED.

[Approved June 12, 1801. Original Acts, vol. 17, p. 5; recorded Acts, vol. 13, p. 159.]

Whereas Ebenezer Starr, late of Dunstable in the County of Middlesex and Commonwealth of Massachusetts, physician, now deceased, did, in his life time, in behalf of himself and Hannah, his then wife, make a certain contract with one Samuel Williams, for the sale of a certain tract of land, situate in Dublin in the county of Cheshire and State of Newhampshire, being the lot numbered twenty one, in the sixth range, in said town of Dublin; and also a certain other contract with one Asa Brewer for the sale of a certain other tract of land, situate in Marlborough in said county of Cheshire, being a part of the lot numbered ninety, in said town of Marlborough; of which said several tracts of land the said Ebenezer and Hannah were seized, in her right, in fee simple; and whereas the said Williams & Brewer afterwards severally complied with the terms of their respective contracts aforesaid, and thereby became entitled, in equity, to the above mentioned tracts of land respectively; and whereas the said Ebenezer and Hannah both died, before any deed of said lands had been executed, or legal conveyance thereof had been made to the said Williams and Brewer; whereby the said Williams and Brewer are deprived of their respective titles to said lands; and whereas several of the heirs at law of the said Ebenezer and Hannah are minors; and whereas James B. Starr, one of the said heirs, and Joseph Kidder, as guardian of Ebenezer Starr, Hannah Starr, John Starr, and Edward Starr, the other heirs, being minors, have petitioned this Court, praying, that some person may be authorized to make good and lawful deeds of the premises to the said Williams & Brewer; which appearing just and reasonable; Therefore,

Be it enacted by the Senate and House of Representatives, in General Court convened, that Zaccheus Wright, Esquire, be, and he hereby is, authorized and empowered to make and execute good and lawful deeds of conveyance in fee simple, to the said Samuel Williams and Asa Brewer, or to their legal representatives, respectively, of the several tracts of land before mentioned; which deeds, so made and executed, shall be good and valid to all intents and purposes.

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATEING CERTAIN PERSONS BY THE NAME OF  
 THE PROPRIETORS OF THE SOCIAL LIBRARY IN EPSOM

[Approved June 12, 1801. Original Acts, vol. 17, p. 6; recorded Acts, vol. 13, p. 162.]

Be it enacted by the senate and House of Representatives in General Court Convened that James H. M<sup>c</sup>Clary Ira Sanbon Joseph Brown & their associates proprietors of said library and all such as may hereafter become proprietors of the same be and they are hereby Incorporated into a body politick by the name of the proprietors of the social Library in Epsom with Continuation & succession for ever and in that name may sue & be sued in all actions Personal, and may prosecute and Defend the same to final judgement and execution, and they are hereby Vested with all the powers and priviledges incident to corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four Dollars for each offence to be recovered by said society in an Action of debt to their use in any Court proper to try the same and may make purchase and receive subscriptions grants and donations of personal estate not exceeding one thousand dollars for the use of their Association, And be it further anacted that said association be and they hereby are Authorised to Assemble at Epsom aforesaid on monday next following the third wednesday of march annually to Chose all such officers as may be found nesenary for the Orderly Conducting the affairs of said corporation who shall Continue in office until others are Chosen in their room and that Said Corporation may assemble as often as may be found nesenary for filing up Vacancies that may happen in said offices, and for transacting any other busines except the raising of money which shall not be Done except at their annual meeting at which they shall Vote all nesenary sums for the defraying the annual expence of preserveing said library and for enlargeing the same, and said corporation Shall have powers to make such rules and by laws for the government of said society as may from time to time be found nesenary provided the same be not repugnant to the Constitution and laws of said state and be it further enacted that James H. M<sup>c</sup>Clary Esq is hereby authorised to Call the first annual meeting of said proprietors at such time and place as he may appoint by posting up a notification for that purpose at the Meeting house in Epsom at least fifteen days prior to said meeting and the said proprietors at said meeting shall have the same powers to Chose officers and make by laws as they have by this act at their annual Meetings—

## [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE FIRST SOCIAL LIBRARY IN HANOVER.—

[Approved June 12, 1801. Original Acts, vol. 17, p. 7; recorded Acts, vol. 13, p. 165.]

Be it Enacted, by the Senate and house of Representatives in General Court convened, that Joseph Curtis, Samuel Kendrick, Silas Tenny, Otis Freeman, John Durkee, Lemuel Dow, Zenos Coleman, and Isaac Huston, and their associates, proprietors of said Library, and such as may hereafter become proprietors of the same, be, and they are hereby incorporated as a body politick, by the name of the proprietors of the first social Library in Hanover with continuation and succession forever; and in that name may sue and be sued, prosecute and defend to final Judgment and execution, and they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said corporation in an action of debt, to their use in any Court proper to try the same, and may make, purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand dollars for the use of their association.

And be it further enacted that said corporation be, and they are hereby authorised to assemble at Hanover aforesaid on the first Monday of September annually, to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation who shall continue in Office until others are chosen in their room and that said corporation may assemble as often as may be found necessary for filling up any vacancies that may happen in said offices, and for transacting any other business, except the raising of money, which shall not be done, except at their annual meeting at which they shall vote all necessary sums for the defraying the annual expence of preserving said library and for enlarging the same. And said corporation shall have power to make such rules and by laws for the government of said corporation, as may from time to time, be found necessary, provided the same be not repugnant to the constitution and laws of this State.—

And be it further enacted that Joseph Curtis or Samuel Kendrick are hereby authorised to call the first meeting of said proprietors at such time and place in said Hanover as they may appoint, by posting notifications for that purpose at the north and south meeting houses in said Hanover, at least fifteen days prior to said meeting. And the said proprietors, at said meeting shall have the same power to choose Officers, and make by laws, as they have, by this act, at their annual meeting.



## [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
IN THE SECOND PARISH IN AMHERST

[Approved June 12, 1801. Original Acts, vol. 17, p. 8; recorded Acts, vol. 13, p. 168.]

Be it Enacted by the Senate and House of Representatives in General Court convened, That Joseph Perkins J<sup>r</sup>., James Ray, and William Bradford and their associates proprietors of said Library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a Body Politic by the name of the Proprietors of the Social Library in the Second Parish in Amherst, with all the privileges and Powers incident to corporations and with power to enjoin penalties of disfranchisement or fine not exceeding Ten dollars for each Offence, and with power to purchase and receive subscriptions grants and donations of real or personal Estate not exceeding One thousand Dollars for the purpose of their Association.

And be it further enacted that the said Society be and they hereby are authorized to Assemble in the Second Parish in Amherst afore-said on the first Tuesday of September in every year, or at any other day said proprietors shall appoint, to choose all such Officers as may be found necessary for the orderly conducting of the affairs of the said Corporation, which Officers shall continue until others are chosen in their room; And the said Corporation may assemble at such other times as they may Judge necessary and proper for the transacting of all the business of the Society, except that of raising monies, which shall always be done at some annual meeting and at no other time; And the said proprietors may at any annual meeting vote all necessary sums for defraying the annual expences of preserving said Library and for enlarging the same. And the said proprietors at any legal meeting may agree upon a method of calling meetings of the Proprietors in future. And be it further enacted, that James Ray or Joseph Perkins J<sup>r</sup> is hereby Authorized to call a meeting of said Proprietors at such time and place as he may Choose, giving fifteen days notice thereof, which notice shall be personal or by posting a Notification at some public place in the said second Parish in Amherst, at which meeting they may do and transact all such Business as they may Lawfully do at any annual Meeting—

## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME OF "THE PROPRIETORS OF THE SOCIAL LIBRARY IN HAVERHILL."

[Approved June 12, 1801. Original Acts, vol. 17, p. 9; recorded Acts, vol. 13, p. 171.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that Charles Johnston, John Osgood, Israel Swan, & John Page, and their associates, be, and they hereby are, incorporated into a body corporate and politic, by the name of "The Proprietors of the Social Library in Haverhill," with continuation and succession forever; and by that name may sue & be sued in all actions personal, and may prosecute and defend the same to final judgment and execution. And they are hereby vested with all the powers and privileges, incident to corporations of a similar nature, and may enjoin penalties of disfranchisement, or fine, not exceeding four dollars for each offence, to be recovered by said corporation, to their use, by an action of debt, before any court proper to try the same; and may make, purchase, and receive subscriptions, grants, and donations, of personal estate, not exceeding One thousand dollars, for the use of their association.

And be it further enacted, that said corporation be, and they hereby are authorized to assemble at Haverhill aforesaid, on the first Monday of March annually, to choose all such officers, as may be found necessary for orderly conducting the affairs of said corporation, who shall continue in office, untill others shall be chosen in their room; and that said corporation may assemble as often, as may be found necessary for filling up any vacancies, that may happen in said offices, and for transacting any other business, except the raising of money, which shall not be done, except at their annual meetings, at which they shall vote all necessary sums for defraying the annual expence of preserving said Library, and for enlarging the same. And said corporation shall have power to make such rules and bye-laws for the government of said corporation, as may from time to time be found necessary; provided the same be not repugnant to the constitution and laws of this State.

And be it further enacted, that Charles Johnston Esq<sup>r</sup> be, and he hereby is, authorized to call the first meeting of said Proprietors, at such time & place, as he may appoint, by posting up a notification for that purpose, at the meeting house in said Haverhill, at least, fifteen days prior to said meeting. And the said Proprietors at said meeting shall have the same power to choose officers and make bye-laws, as they have, by this act, at their annual meetings.

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
PROPRIETORS OF THE SOCIAL LIBRARY IN LITTLETON

[Approved June 12, 1801. Original Acts, vol. 17, p. 10; recorded Acts, vol. 13, p. 175.]

Be it enacted by the Senate and House of Representatives in General Court Convened that Nathaniel Webster Esq<sup>r</sup> David Goodall, Asa Carpenter, and James Rankin and their Associates Proprietors of said Library and such as may hereafter become proprietors of the same be, and they hereby are incorporated into a body politic by the name of the Proprietors of the Social Library in Littleton with Continuation and Succession forever and in that name may sue and be sued, may plead and be impleaded in all Actions personal and may prosecute and defend the same to final Judgment and Execution, and they are hereby vested with all the powers and privileges incident to Corporations of a similar Nature and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each Offence, to be recovered by said proprietors in an Action of debt to their use in any Court proper to try the same, and may make purchase and receive subscriptions, grants and donations of personal Estate not exceeding one thousand Dollars, including the books in said library, for the purpose and use of their Association.

And be it further enacted that said Society be and they hereby are authorised to assemble at Littleton aforesaid on the first Monday in January annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in Office until others are choosen in their room; and that said Corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting all other business excepting the raising of monies which shall be always done at their annual Meeting and at no other time, at which time they shall vote all necessary sums for defreying the annual expence of preserving said library and for enlarging the same.—And said Corporation shall have power to make such Rules and By-laws for the Government of said Society as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted, that Nathaniel Webster Esq<sup>r</sup> is hereby authorised and impowered to call the first Meeting of said Proprietors at such time and place as they may appoint by posting a Notification for that purpose at some public place in said Littleton at least

fifteen days prior to said meeting; and the said proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual Meeting

[CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER PEMIGEWASSET BRANCH AT EMERSON'S FALLS SO CALLED BETWEEN THE TOWNS OF NEW CHESTER AND SANBORNTON, AND FOR SUPPORTING THE SAME

[Approved June 12, 1801. Original Acts, vol. 17, p. 11; recorded Acts, vol. 13, p. 179. See additional acts of December 15, 1803, id., vol. 14, p. 128; December 21, 1805, id., vol. 16, p. 135; December 20, 1808, id., vol. 17, p. 396; June 17, 1813, id., vol. 20, p. 53.]

Whereas a bridge over said branch at the place abovementioned will be of public utility, and Whereas, Edward Blodget, Nathaniel Piper, David Webster, William Weeks, Moses Thomson, Nath<sup>l</sup> Grant Beniah Sanborn, Benj<sup>n</sup> Morgan, John Durgin, Stephen Morgan, John Abrams, Andrew Lovejoy, David Dustin John Crockett, John Shaw, Henry Blake, Pane Blake, Ebenezer Swain, John Colby, Charles Noyes, Jacob Rowell, and David Emerson, have petitioned the General Court for liberty to build the same and to be incorporated for that purpose—

Therefore

Be it enacted by the Senate and House of Representatives, in General Court Convened, that the persons abovenamed together with, those their associates, who are, or, shall become proprietors in said bridge so long as they continue proprietors thereof shall be a Corporation and body Politic for the purpose aforesaid under the name of the proprietors of the New Chester Union Bridge, and by that name may sue and be sued, to final Judgement & Execution, and to do and suffer all matters, acts, and things, which bodies Corporate may or ought to do, or suffer, and the said Corporation shall and may have a common seal, and the same may break renew and alter at pleasure

And be it further Enacted, that Edward Blodget and Nathaniel Piper, or either of them, shall call a meeting of said proprietors by an advertisement posted up at two of the meeting houses in Sanbornton and at some Public place in New Chester to be holden at any suitable place after fourteen days from the first setting up of said Advertisement, and the said Proprietors by a vote of the majority of those present or represented at said meeting allowing one vote to each share, in all cases shall choose a clerk who shall be



sworn to the faithful discharge of said Office and they shall also agree on a method of calling future meetings and at the same or any subsequent meetings may elect such Officers and make and establish such rules & bye laws, as to them shall seem necessary or convenient for the regulations and Government of said corporation for carrying into effect the purpose aforesaid, and for collecting the tolls herein after granted & established and the same rules and bye laws may cause to be Executed and may annex penalties to the breach thereof not exceeding ten dollars for any one breach, provided said rules and bye laws are not repugnant to the Constitution and laws of this State, and all representations at any meeting of said Corporation shall be proved in writing signed by the person to be represented which shall be filed by the Clerk and this Act and all rules, bye laws, regulations, & proceedings of said corporation, shall be fairly, and truly recorded by the Clerk in a book or books, provided and kept for that purpose—And be it further Enacted that the Proprietors aforesaid be and hereby are permitted and allowed to erect a bridge over Pemagawasset branch at Emersons falls so called between the Towns of New Chester & Sambornton at any place within one mile above and one mile below said Falls and the said proprietors are hereby impowered to purchase any lands adjoining said Bridge & to hold the same in fee simple, provided it shall not exceed thre Acres and the share or shares of any of said Proprietors may be transfered by Deed duly executed, acknowledged, & recorded by the Regester of Deeds in the County of Grafton.—

And be it further Enacted—That the shares in said Bridge shall be considered as real Estate and holden for the debts of the respective proprietors in the same manner their other real Estate is by Law holden.—And be it further Enacted That for the purpose of reimbursing said proprietors the money expended by them in building and supporting said Bridge, a Toll be and hereby is granted and established for the benefit of said Proprietors according to the rates following namely for each foot passenger one Cent, for each Horse and rider three Cents, for each Horse & Chaise, Chair, Sulky, or other riding Carriage, drawn by one Horse only, Ten Cents for each riding Sleigh drawn by one Horse four Cents, for each riding Sleigh drawn by more than one Horse Six Cents, for each Coach, Chariot, Phaeton, or other four wheeled Carriage for passengers, drawn by more than one Horse, Twenty Cents, for each Curricule Twelve Cents, for each Cart Waggon, or other Carriage of burthen drawn by two Beasts, Ten Cents, and two Cents for each additional Beast, for each Horse, or neat creature, exclusive of those rode on or in Carriages one Cent & an half, for Sheep and Swine one quarter of a Cent each and to each Team one person only shall be allowed to pass free of Toll.—And be it further Enacted, that the exclusive right of building and maintaining a Bridge Across said Pemiggawasset Branch, any where within the limits Aforesaid be, and the same is hereby fully granted to, & Vested in said Petitioners, and

such as are or may be Associated with them, and become proprietors their Heirs and Assigns—

And be it further Enacted that if any Tax or assessment made by said Corporation for Completing, or repairing the said Bridge, on the several Shares, shall remain unpaid at the time limited for the payment of the same, they may proceed to sell the delinquents share or shares at public Auction, as the Proprietors may agree and determine and if any overplus remains after paying the Tax or assessment and charges it shall be returned to the said delinquent Proprietor—

And be it further Enacted that if the above mentioned Bridge shall not be completed for traveling within three Years from the time of the passing of this Act, then this Act and every part thereof shall be null and void—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

### AN ACT AUTHORISING MIRIAM PILLSBURY TO CONVEY CERTAIN LANDS THEREIN MENTIONED.

[Approved June 12, 1801. Original Acts, vol. 17, p. 12; recorded Acts, vol. 13, p. 186.]

Whereas Miriam Pillsbury Widow and Administratrix of the Estate of Richard Pillsbury late of Warren in the County of Grafton, Husbandman deceased, hath petitioned the General Court representing that said deceased in his life time, did, for a valuable Consideration by him received, bargain and sell to his brother Thomas Pillsbury of said Warren, about sixty five acres of land in said Warren and did cause a deed of conveyance of said land to be drawn, but from inattention neglected to execute the same whereby the said Thomas is deprived of a title to said land which he has paid for; And whereas the said Miriam Pillsbury has petitioned that She may be empowered to execute a valid deed of conveyance of said land to the said Thomas Pillsbury agreeably to the intention of her late husband deceased which appearing just and reasonable; therefore.

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Miriam Pillsbury be and hereby is authorized and empowered to make and execute a good and lawful deed of Conveyance, in fee simple, to the said Thomas Pillsbury of the tract of land before mentioned; which deed, so made and executed, shall be good and valid to all intents and purposes; any law, usage or custom to the Contrary notwithstanding

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING THE INHABITANTS OF DORCHESTER IN THE COUNTY OF GRAFTON TO RAISE A TAX OF THREE CENTS PER ACRE ON ALL THE LANDS IN SAID DORCHESTER, PUBLIC RIGHTS EXCEPTED, FOR THE PURPOSE OF MAKEING & REPAIRING A CERTAIN ROAD IN SAID DORCHESTER—

[Approved June 12, 1801. Original Acts, vol. 17, p. 13; recorded Acts, vol. 13, p. 188.]

Whereas a petition has been presented to the General Court by sundry inhabitants of Dorchester praying that a tax of three cents per acre on all the lands in said Dorchester, public rights excepted, may be raised for the purposes aforesaid—which appearing reasonable—therefore

Be it enacted by the Senate and house of Representatives in General Court convened that Joseph Burley Esquire Jedidiah Holt and Jacob Norris all of Dorchester aforesaid, be and they hereby are appointed a Committee to assess a tax of three cents on each acre of land in said Dorchester, public rights excepted, and the said Committee is hereby authorised and directed to collect, and appropriate the same to the making any necessary alterations in the present rout of the road leading from Lime, through said Dorchester to Groton, and to building and repairing said road after said alterations shall have been made— and the said tax shall be collected in the same way and manner as State taxes assessed on nonresident proprietors by law are; except that the list of taxes left with the Deputy Secretary shall remain in his Office till the fifteenth day of September instead of the first day, as by law is directed—

And be it further enacted that the said Committee shall, in the Month of May, in the year when said tax is assessed, give public notice in the Newhampshire Gazette and in the Newspaper printed at Hanover, three weeks successively, of the assessment of said tax, and of the privilege granted to the resident and nonresident owners of land in said Dorchester to work out said tax as is herein after provided—

And be it further enacted that the owners of land in said Dorchester, whether residents or nonresidents shall have the privilege of paying said tax in labour on said road as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the rate of Six cents per hour for every able bodied man finding his own diet and tools, and for ox work the same price per yoke; Provided that such labour shall be performed between the first day of June and the fifteenth day of September, in the year when said tax is assessed.

And be it further enacted that if any owner as aforesaid shall on the fifteenth day of September, in the year when said tax is assessed, be delinquent in payment of the sum assessed, the said Committee shall proceed to collect the same in the same way and manner as Collectors of State taxes are by law directed to do—

And be it further enacted that when any lands are sold at public vendue by virtue of this act, the aforesaid Committee are hereby empowered to make, execute and deliver a good and valid deed or deeds of the same; and the same time shall be allowed for redemption, and the same mode pursued in redeeming the same as is provided in case of lands sold for the non payment of State taxes: provided that no such deed shall be executed till the expiration of one year next after such sale—

Provided nevertheless, and be it further enacted that said Committee shall, before they proceed to collect said tax give a bond, with sufficient sureties, in a sum which shall be double the amount of said tax, to the Clerk of the Court of Common Pleas within and for the County of Grafton, conditioned for the faithful discharge of the duties herein assigned them, and the faithful appropriation of the tax aforesaid within two years from the first advertising the same, agreeably to the true intent and meaning of this act, which bond may be sued and recovered in any Court competent to try the same, and one half the sum recovered shall be for the use of the proprietors of said Dorchester, and the other half for the use of said County.—

#### [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING (CERTAIN PERSONS) INHABITANTS OF ALEXANDRIA IN THE COUNTY OF GRAFTON TO RAISE A TAX OF THREE CENTS PER ACRE ON ALL THE LANDS IN SAID ALEXANDRIA, PUBLIC RIGHTS EXCEPTED FOR THE PURPOSE OF MAKEING AND REPAIRING A CERTAIN ROAD IN SAID ALEXANDRIA—

[Approved June 12, 1801. Original Acts, vol. 17, p. 14; recorded Acts, vol. 13, p. 193.]

Whereas a petition has been presented to the General Court, by sundry inhabitants of Alexandria praying that a tax of three cents per acre on all the lands in said Alexandria public rights excepted, may be raised, for the purpose aforesaid, which appearing reasonable—therefore

Be it enacted by the Senate & house of Representatives in General Court convened that Robert McMurphy, William Crawford & Peter Ladd—all of Alexandria aforesaid be and they are hereby appointed a Committee to assess a tax of three cents on each acre of land in said Alexandria, public rights excepted. And the said



Committee is hereby authorised and directed to collect and appropriate the same to the making any necessary alterations in the present rout of the road leading from Hebron through said Alexandria to Newchester—in said County of Grafton, and to building and repairing said road, after said alterations shall have been made. And the said tax shall be collected in the same way and manner as State taxes assessed on nonresident proprietors, by law are, except that the list of taxes left with the Deputy Secretary shall remain in his office untill the fifteenth day of September instead of the first day, as by law is directed.

And be it further enacted that the said Committee shall, in the month of May in the year when said tax is assessed, give public notice in the Newhampshire Gazette, and in the Newspaper printed at Hanover three weeks successively, of the assessment of said tax, and of the privilege granted to the resident and nonresident owners of land in said Alexandria to work out said tax as is herein after provided.

And be it further enacted that the owners of land in said Alexandria whether residents or non residents shall have the privilege of paying said tax in labour on said road, as the said Committee shall direct, whose duty it shall be to superintend the same or appoint some suitable person for that purpose, at the rate of six cents per hour for every able bodied man finding his own diet and tools, and for ox work, the same price per yoke; Provided that such labour shall be performed between the first day of June, & the fifteenth day of September, in the year when said tax is assessed.

And be it further enacted that if any owner as aforesaid shall, on the fifteenth day of September in the year when said tax is assessed, be delinquent in payment of the sum assessed, the said Committee shall proceed to collect the same in the same way and manner as Collectors of State taxes are by law directed to do.---

And be it further enacted that when any lands are sold at public vendue by virtue of this act, the aforesaid Committee are hereby empowered and directed to make, execute & deliver to the purchaser, a good and valid deed or deeds of the same; and the same time shall be allowed for redemption, and the same mode pursued in redeeming the same, as is provided in case of lands sold for the non payment of State taxes, provided that no such deed shall be executed till the expiration of one year next after such sale.

Provided nevertheless, & be it further enacted that said Committee shall, before they proceed to collect said tax, give a bond with sufficient sureties in a sum which shall be double the amount of said tax, to the Clerk of the Court of Common Pleas of the County of Grafton, conditioned for the faithful discharge of the duties herein Assigned them, & the faithful appropriation of the tax aforesaid within two years from the first advertising the same agreeably to the true intent and meaning of this act—which bond may be

sued & recovered in any Court competent to try the same; and one half the sum recovered shall be for the use of the proprietors of said Alexandria, and the other half for the County of Grafton—

[CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN "ACT TO ABOLISH THE COURTS OF GENERAL SESSIONS OF THE PEACE, AND TO VEST IN THE COURTS OF COMMON PLEAS ALL THE JUDICIAL POWERS AUTHORITIES AND JURISDICTION, AND ALL OTHER POWERS EXCEPT GRANTING TAXES HERETOFORE BY LAW VESTED IN SAID COURTS OF GENERAL SESSIONS OF THE PEACE" PASSED FEBRUARY 21<sup>ST</sup> 1794.

[Approved June 12, 1801. Original Acts, vol. 17, p. 15; recorded Acts, vol. 13, p. 198. Laws, 1805 ed., p. 70; id., 1815 ed., p. 87. The act referred to is printed in Laws of New Hampshire, vol. 6, p. 156. See additional act of June 17, 1794; id., p. 189. Repealed July 5, 1827, Laws, 1830 ed., p. 469.]

Be it enacted by the Senate and House of Representatives in General Court convened that the several and respective members of the House of Representatives in each County be and hereby are authorised and empowered to form themselves at any time during the present session into a Convention for the sole purpose of granting and appropriating taxes for their County for the ensuing year, and they may at such Convention choose a Chairman, appoint and swear a Clerk who shall keep a true Record of all matters and things done in such Convention, and the taxes which shall be voted by such Convention or a major part thereof attending shall be held good and valid in law and may be assessed and collected by the County Treasurers in the same manner as County taxes have been, and the Judges of the several Courts of Common Pleas in the several Counties shall from time to time make orders on the several County Treasurers in their respective Counties for paying out such monies agreeable to appropriations made by such Conventions, where appropriations shall by them be made, and for other necessary County Charges when an overplus is granted for Contingencies, and the several County Treasurers are hereby authorized to pay out monies accordingly.

And be it further enacted, that the several County Treasurers shall in the month of December annually make out and certify to the Judges of the said Courts of Common Pleas, at their next stated term, a particular statement of such Treasury, and the said Judges shall determine what monies are in their opinion necessary to be raised in said County for the year ensuing, stating in general the purposes for which such monies are or probably will be needed. And the Clerks of the several Courts of Common Pleas shall attend

on the second Wednesday of the session of the General Court in the month of June following, and lay the same with a particular account of the expenditures and appropriations of the preceeding year before the Representatives of the County then assembled who are hereby authorized and impowered at such session of the General Court to form themselves into a Convention for the sole purpose of granting and appropriating taxes for their County, and they may at such Convention choose a Chairman, and swear the Clerk of the Court attending, or in case of his necessary absence, appoint and swear some other person as Clerk, who shall keep a true Record of all matters and things done in such Convention, and the taxes which shall be voted by such Convention, or a major part thereof attending, shall be held good and valid in law, and may be assessed and collected by the County Treasurers in the same manner as taxes which have heretofore been granted by the Courts of General Sessions of the Peace have been collected, and the said Judges shall from time to time make Orders on the several Treasurers in their respective Counties for paying out such monies agreeable to appropriations made by such Conventions, where appropriations are by them made, and for other necessary County charges when an overplus is granted for Contingencies, and the several Treasurers are hereby authorized to pay out monies accordingly.

And be it further enacted, that it shall be the duty of the several County Treasurers in the month of May annually to furnish the several Clerks of said Courts of Common Pleas with a true and full Copy of their respective accounts as the same has been allowed and settled by the Judges of said Courts, and it shall be the duty of said Clerks to lay the same before the Convention on the second Wednesday of June annually.

And be it further enacted, that the third section in the Act aforesaid be and hereby is repealed.

## [CHAPTER 16.]

*State of*            }  
*New Hampshire.* }

### AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY IN ACKWORTH

[Approved June 13, 1801. Original Acts, vol. 17, p. 16; recorded Acts, vol. 13, p. 203.]

Be it Enacted by the Senate and House of Representatives in General Court convened, that Daniel Grout, John Duncan, James Campbell Jun<sup>r</sup>, Thomas Sleader, Alexander Houston, Fredrick Lock, Joseph Albree William Grout, Hugh M<sup>c</sup>Keen, Daniel Grout Jun<sup>r</sup>, Edward Sleader Daniel Nourse, Dean Carlton, Mosses Lancaster and their Associates Proprietors of said Library and all such as

may hereafter become proprietors of the same, be, and they hereby are incorporated into a body Politic, by the name of the Proprietors of the Social Library in Ackworth, with all the privileges and powers incident to Corporations, and with power to enjoin penalties of disfranchisement or fine not exceeding Ten dollars for each offence, and with power to purchase and receive subscriptions, grants and donations of Personal Estate not exceeding one thousand Dollars for the purpose of their Association.

And be it further Enacted, that the said Society be and they hereby are Authorized to Assemble at Ackworth aforesaid on the First Wednesday of June in every year, or at any other day said proprietors shall appoint, to choose all such Officers as may be found necessary for the orderly conducting of the affairs of the said Corporation, which Officers shall continue until others are chosen in their Room, and the said corporation may Assemble at such other times as they may judge necessary and proper for the Transacting of all the business of the Society, except that of raising monies, which shall always be done at some annual Meeting and at no other time, and the said proprietors may at any annual meeting, Vote all necessary sums for defraying the annual expences of preserving said Library and for enlarging the same, and the said proprietors at any legal meeting may agree upon a method of calling meetings of the proprietors in future.

And be it further Enacted, That Daniel Grout or James Campbell Jun<sup>r</sup> Esq<sup>rs</sup> is hereby authorized to call a meeting of said proprietors at such time and place as he may choose giving fifteen days notice thereof, which notice shall be personal or by posting a notification at some public place in the said Town of Ackworth at which meeting they may do and Transact all such business as they may Lawfully do at any annual Meeting—

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING TO THE PROPRIETORS OF WHITE RIVER FALLS BRIDGE A FURTHER TIME FOR CUTTING CERTAIN CANALS, AND FOR LOCKING FALLS—

[Approved June 13, 1801. Original Acts, vol. 17, p. 17; recorded Acts, vol. 13, p. 207. See act of June 20, 1792, Laws of New Hampshire, vol. 6, p. 18; act of January 21, 1794, id., p. 133; act of December 8, 1796, id., p. 352.]

Whereas the legislature of this State, at their session in June A D 1792 did incorporate Ebenezer Brewster Aaron Hutchinson and Rufus Graves into a body politic by the name of the proprietors of White river falls bridge for the purpose of erecting a bridge over Connecticut river, between the mouth of Mink brook (so called) in Hanover. and the lower bar of White river falls, and for the purpose



of cutting canals and locking the falls aforesaid, within said limits, with a proviso that said canals should be compleated within seven years from the passing the act for that purpose; which term has expired; And whereas said proprietors have petitioned the General Court stating that for certain reasons in their petition mentioned, they were unable to cut said canals and lock said falls within said term, and praying that a further term for compleating said canals and locks may be granted to them; which prayer appearing reasonable—therefore

Be it enacted by the Senate and house of Representatives in General Court convened that a further term of four years from the passing this act be granted to said proprietors for the purpose of cutting said canals and locking said falls, and that said proprietors have all the rights and privileges, exclusively, which were granted to them by the former act, in as ample a manner as they would have had if said locks and canals had been compleated within said term of seven years; any thing in said act to the contrary, notwithstanding

And be it further enacted that the rates of toll to be collected for passing and using said locks and canals when compleated shall be the same as were established in and by said former act. Provided that said locks and canals shall be compleated within four years from the passing of this act.—

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING THE INHABETANTS OF GROTON IN THE COUNTY OF GRAFTON TO RAISE A TAX OF THREE CENTS PER ACRE ON ALL THE LANDS IN SAID GROTON PUBLIC RIGHTS EXCEPTED FOR THE PURPOSE OF MAKING AND REPAIRING A CERTAIN ROAD IN SAID GROTON—

[Approved June 16, 1801. Original Acts, vol. 17, p. 18; recorded Acts, vol. 13, p. 210. Altered by the act of June 16, 1802, id., p. 363.]

Whereas a petition has been presented to the General court by sundry inhabitants of Groton praying that a tax of three cents per acre on all the lands in said Groton public rights excepted may be raised for the purpose aforesaid which appearing reasonable therefore

Be it inacted by the Senate and house of Representatives in General court convened that Samuel Goodhew Edmund Shadock J<sup>r</sup> and Abel Lovjoy all of Groton aforesaid be and they are hereby appointed a committee to assess a tax of three cents on each acre of land in said Groton public rights excepted and the said committee is hereby authorised and directed to collect and to appropriate the

same to the making any necessary alterations in the present rout of the road leading from Dorchester through said Groton to Hebron and to bulding and repairing said road after said alterations shall have been made and the said tax shall be collected in the same way and manner as state taxes assessed on nonresident proprietors by law are except that the list of taxes left with the deputy secretary shall remain in his office till the fifteenth day of September instead of the first day as by law is directed

And be it further enacted that the said committee shall in the month of May in the year when said tax is assessed give public notice in the New Hampshire Gazette and in the newspaper printed at Hanover three weeks successively of the assessment of said tax and of the privilege Granted to the resident and nonresident owners of land in said Groton to work out said tax as is herein after provided

And be it further enacted that the owners of land in said Groton whether resident or nonresident shall have the privilege of paying said tax in labour on said road as the said committee shall direct whoes duty it shall be to superintend the same or appoint some suitable person for that purpose— at the rate of six cents per hour for every able bodied man finding his own diet and tools and for ox work the same price per yoke provided such labour shall be performed between the first day of June and the fifteenth day of September in the year when said tax is assessed

And be it further enacted that if any owner as aforesaid shall on the fifteenth day of September in the year when said tax is assessed be delinquent in payment of the sum assessed the said committee shall proceed to collect the same in the same way and manner as collectors of state taxes are by law directed to do

And be it further enacted that when any lands are sold at public vendue by virtue of this act the aforesaid committee are hereby impowered to make execute and deliver a good and valied deed or deeds of the same and the same time shall be alowed for redemption and the same mode pursued in redeeming the same as is provided in case of lands sold for the nonpayment of State taxes provided that no such deed shall be executed till the expiration of one year next after such sale.

Provided nevertheless and be it further enacted that said committee shall before they proceed to collect said tax give a bond with sufficient sureties in a sum which shall be double the amount of said tax to the clerk of the Court of common pleas within and for the County of Grafton conditioned for the faithfull discharge of the duties herein assigned them and the faithfull appropriation of the tax aforesaid within two year from the first advertising the same agreeable to the true intent and meaning of this act which bond may be sued and recovered in any court competent to try the same and one half the sum (recovered) shall be for the use of the proprietors of said Groton and the other half to the use of said County—



## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING CERTIN PERSONS INHABITENTS OF HEBRON  
 IN THE COUNTY OF GRAFTON TO RAISE A TAX OF THREE CENTS  
 P<sup>R</sup> ACRE ON ALL THE LANDS IN SAID HEBRON PUBLICK RIGHTS  
 EXCEPTED FOR THE PURPOSES OF MAKEING & REPAIRING CERTAIN  
 ROADS IN HEBRON—

[Approved June 16, 1801. Original Acts, vol. 17, p. 19; recorded Acts, vol. 13, p. 215.]

Whare as a peticion has been presented to the General Court by  
 Sundry Inhabitents of Hebron praying that a tax of three Cents P<sup>R</sup>  
 acre on all the Lands in Said Hebron Publick Rights Excepted May  
 be Raised for the purposes aforesaid which apearin Reasonable  
 therefore

Be it anacted by the Senate and House of Representitives in  
 General Court Convened that Samuel Emerson of Plymouth Esq<sup>r</sup>  
 Wi<sup>ms</sup> Comins and Tho<sup>s</sup> Page Jun<sup>r</sup> both of Hebron be And they are  
 hear by apointed a Comitee to ascess a tax of three Cents on Each  
 Acre of Land in Said Hebron Publick Rights Excepted and the Said  
 Comitee is hearby Authorised and Directed to Collect apropiate the  
 Same to the Makeing any Necessary alterations in the present Rout  
 of the Road Lying from Groton through Said Hebron to Elikсандria  
 Also another Road from the Meeting house in Said Hebron North  
 of Newfound Pond So Called to Newchester in Said County of Graf-  
 ton to building and Repairring Said Roads after Said alterations  
 Shall have been Made also what Money Shall be Raised by Said  
 tax on the aditional Land formally taken of from Plymouth is to be  
 Layed out on the Road that May go through Said Land and the Said  
 tax Shall be Collected in the Same way and Manner as State taxes  
 ascesed on Nonresident Propriortors by Law are Except that the  
 List of taxes Left with the Deputy Secrety Shall Remain in his  
 Office untill the fifteenth Day of Sept<sup>r</sup> in Stead of the first Day as  
 by Law is Directed—

And be it further Enacted that the Same Comitee Shall in the  
 Month of May in the year when Said tax is ascesed Give Publick  
 Notice in the New hampshire Gazatte and in the Currior printed at  
 Concord three weeks Successively of the assesment of Said tax and  
 of the privildges Granted to the Resident and Nonrisident owners  
 of Land in Said Hebron to work out Said tax as is hearafter provided

And be it further anacted that the owners of Land in Said Hebron  
 whether Resident or Nonresident Shall have the previledge of pay-  
 ing Said tax in Labour on Said Road as the Said Comitee Shall  
 Direct whose Deuty it Shall be to Superintend the Same or appoint

Some Suitable Person for that purpose at the Rate of Six Cents P<sup>r</sup> hour for Evry Able Bodied Man find his own Diet and tools and for ox work the Same Price P<sup>r</sup> yoak provided that Such Labour Shall be performed between the first Day of June and the fifteenth Day of Sept<sup>r</sup> in the year when s<sup>d</sup> tax is ascesed—

and be it further Enacted that if any Owner as aforesaid Shall on the fifteenth Day of September in the year when Said tax is assesed be Delinkant in payment of the Sum ascesed the Said Comitee Shall proced to Collect the Same in the Same way and Manner as Collectors of State taxes are by Law Directed to Do— and be it further anacted that when any Lands are Sold at publick Vendue by Virtue of this act the afor Said Comitee are hearby Impowerd and Directed to Make Excute and Deliver to the purchaser a good and Valieed Deed or Deeds of the Sam and the Same time Shall be allowed for Redemtion and the Same Mode pursued in Redeeming the Same as is provided in Case of Lands Sold for the Non payment of State taxes provided that no Such Deed Shall be Executed till the Expiration of one year Next after Such Sail—provded Neverthe Less and be it further Enacted that Said Cometee before they Proceed to Collect Said tax Give a bond with Sufficient Suerties in a Sum which Shall be Double the amount of Said taxes to the Clark of the Court of Common Pleas of the County of Grafton Conditioned for the faithfull Discharges of the Duties hearin assigned them and the faithfull aproppriation of the tax aforesaid within two years from the first advertiseing the Same agreeable to the true Intint and Meaning of this act which Bonds may be Sued and Recovered in any Court Competent to try the Same & oné half the Sum Recovered Shall be for the use of the Propriortors of Said Hebron And the Other half for the County of Grafton

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF CONVEYING WATER INTO THE TOWN OF EXETER BY SUBTERRANEANOUS PIPES—

[Approved June 16, 1801. Original Acts, vol. 17, p. 20; recorded Acts, vol. 13, p. 220.]

Be it enacted by the Senate and House of Representatives in General Court convened That Samuel Brooks Benjamin Lamson, Benjamin Clark Gilman & Bradbury Johnson with such other persons are or may be associated with them be, & they and their successors hereby are constituted a body corporate & politic forever, by the name of "The proprietors of the Exeter Aqueduct," for the purpose of bringing water by subterraneous pipes into the said Town

of Exeter. And the said Proprietors may by their name aforesaid sue & be sued to final Judgment & Execution, and do & suffer all matters Acts & things which bodies corporate can, or ought to do & suffer. And the said corporation shall have and use a common seal & the same may break renew & alter at Pleasure—

And be it further enacted that Samuel Brooks or any other person named in this Act may call the first meeting of said proprietors by causing a notification to be posted at the Meeting Houses in said Town two weeks successively appointing some suitable time & place therefor: At which Meeting said proprietors shall choose a Clerk who shall be sworn to the faithful discharge of his duty, & shall also agree on a method of calling meetings in future: and at said Meeting or any meeting subsequent may elect such Officers & make and establish such regulations & bye-laws as to them shall seem necessary or convenient for carrying into effect the design of said corporation, not repugnant to the Constitution & Laws of this State: and may cause said regulations & by-laws to be executed & annex penalties to the breach thereof not exceeding ten dollars for any one breach. And the Clerk shall record this Act and all the regulations bye-laws & proceedings of said corporation in a book or Books to be provided & kept for that purpose. And the Share or Shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said proprietors on their records—

And be it further enacted that the said proprietors are hereby empowered to purchase and hold any real Estate necessary for the purpose of their institution in fee simple not exceeding in value the sum of four hundred dollars—And in all cases where the said proprietors shall obtain liberty of the owner or owners by written agreement to pass through, & lay said Aqueduct in land to them belonging, the said proprietors shall ever after enter on said land for the purpose of repairing the same notwithstanding any conveyance thereof, provided that they shall be liable to pay to the owner or owners of said Land reasonable damages therefor—

And be it further enacted that the said proprietors may from time to time assess such sum or sums of Money on each Share as they may judge necessary for compleating or repairing said Aqueduct & may sell at Vendue the Share or Shares of any delinquent who may refuse or neglect to pay his proportion of said Tax after advertizing the sale of such share or shares fourteen days previous thereto, the overplus if any there be after the payment of such Tax & charges of Sale to be paid to the delinquent—

And be it further enacted that if any person shall maliciously or wantonly injure said Aqueduct or any of the Branches thereof, or the Springs from which it leads & shall be convicted thereof upon Indictment before the Superior Court of Judicature he shall be punished by fine not exceeding fifty dollars, & shall be liable to pay damages to said proprietors to be recover'd by Action of the case

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
IN NEW BOSTON.

[Approved June 16, 1801. Original Acts, vol. 17, p. 21; recorded Acts, vol. 13, p. 225.]

Be it Enacted by the Senate and House of Representatives in General Court convened, That the Rev<sup>d</sup> Solomon Moor, William Clark, Josiah Warren Robert Campbell and their Associates proprietors of said Library and all such as may hereafter become proprietors of the same, be, and they hereby are, Incorporated into a body Politic by the name of the proprietors of the Social Library in New Boston, with all the Privileges and powers incident to Corporations and with power to enjoin penalties of Disfranchisement or fine not exceeding Ten Dollars for each offence, and with power to purchase and receive subscriptions, grants and donations of Personal Estate not exceeding One thousand Dollars for the purpose of their Association.

And be it further Enacted, That the said Society be, and they hereby are Authorized to Assemble at New Boston aforesaid on the First Monday of September in every Year, or at any other day said proprietors shall appoint, to choose all such Officers as may be found necessary for the orderly conducting of the affairs of the said Corporation, which Officers shall continue until others are chosen in their room, and the said Corporation may Assemble at such other times as they may Judge necessary and proper for the Transacting of all the Business of the Society except that of raising monies which shall always be done at some annual Meeting and at no other time, and the said proprietors may at any Annual meeting Vote all necessary sums for defraying the annual expences of preserving said Library and for enlarging the same, and the said Proprietors at any legal meeting may agree upon a method of calling meetings of the proprietors in future.

And be it further Enacted, That Solomon Moor or William Clark is hereby Authorized to call a meeting of said proprietors at such time and place as he may choose giving fifteen days notice thereof, which notice shall be personal or by posting a notification at some public place in the said Town of New Boston, at which meeting they may do and Transact all such business as they may Lawfully do at any annual Meeting



## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORESESING THE INHABITANTS OF NOTTINGHAM WEST AND WINDHAM TO ESTABLISH A BRIDLE ROAD; AND TO ASSESS THE RATEABLE POLES AND ESTATES IN SAID TOWNS, TO BUILD AND REPAIR THE SAME.—

[Approved June 16, 1801. Original Acts, vol. 17, p. 22; recorded Acts, vol. 13, p. 228.]

Whereas a petition has been presented to the General Court, representing that the selectmen of Nottingham West and the selectmen of Windham have laid out from the great road near Jonathan Lawrences in Nottingham West to the road near James Davisons in Windham, a bridle road, two rods wide, subject to bars and gates; and praying that the said towns may be authorised to assess their poles and estates respectively to make and repair said road; which prayer appearing reasonable.—therefore

Be it enacted, by the Senate and house of representatives in General Court convened that the inhabitants of said towns respectively be and they are hereby authorised to establish make and repair such part of said bridle road, as is contained within their respective limits, and to assess their rateable poles and estates to make and repair the same in the same way and manner as towns are authorised to assess taxes for the support of their highways.—

## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT RELATIVE TO THE REPAIRS OF MILLS, MILL-DAMS AND FLOOMS OWNED BY JOINT TENANTS, TENANTS IN COMMON OR OCCUPIED BY TWO OR MORE PERSONS.

[Approved June 16, 1801. Original Acts, vol. 17, p. 23; recorded Acts, vol. 13, p. 230. Laws, 1805 ed., p. 340; id., 1815 ed., p. 396; id., 1830 ed., p. 186. Repealed by act of December 23, 1842, Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court Convened that all necessary Repairs in any Mill, Mill dam or Floom owned by joint Tenants or Tenants in Common in this State shall hereafter be made by such Tenants each contributing thereto in proportion to his Interest therein and in Case any person shall neglect to make immediately the necessary Repairs

belonging to his part or share in such Mill, Mill dam or Floom any one of the other Tenants may apply to the Selectmen of the Town in which such Mill, Mill-dam or Floom is situate whose duty it shall be to notify the several Owners or Occupiers of the time when they will repair to the place and if it shall be the opinion of the major part of the Selectmen that Repairs are necessary they shall notify in writing the delinquent party to repair his part of the Mill, Mill dam or Floom within such term as they considering the season of the Year and the labour to be done may think just and reasonable and where the Mill dam or Flooms have been divided and are Owned in severalty and the Owners thereof shall be joint Tenants in Common of the privilege of the water and the Owner of any particular part of such Mill dam or Flooms shall suffer his part thereof to go out of Repair any one of the other Owners may apply to the Selectmen in like manner and the Selectmen shall proceed in the same way to notify the parties as is herein directed where Mills, Mill dams or Flooms are owned by joint Tenants or Tenants in Common.

And be it further enacted that if either of the Owners or Occupiers as aforesaid shall neglect to repair their part of the Mill, Mill dam or Flooms which belongs to him to repair within the time so ordered and allowed by the Selectmen as aforesaid then the party aggrieved thereby and injured by such neglect may build or repair the part of him so neglecting and the said Selectmen shall estimate and appraise the same and thereto add their own fees and shall express and set down such their Appraisement and the amount of their own fees in writing and shall sign the same, and the person so building or repairing shall have a right to demand, sue for, recover and receive the said amount of the Occupant, Lessor or Freeholder of the Mill, Mill dam or Flooms which was out of Repair at his election together with Costs of suit. Provided nevertheless that no Such action be sustained for repairs as aforesaid unless the Occupant Lessor or Freeholder as aforesaid shall receive the benefit of such Repairs.

#### [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR ALTERING THE TIME OF HOLDING THE ANNUAL TOWN MEETING IN BARRINGTON.

[Approved June 16, 1801. Original Acts, vol. 17, p. 24; recorded Acts, vol. 13, p. 234.]

Whereas the town of Barrington in the County of Strafford in said State at their annual town meeting held by adjournment on the twenty sixth day of May Anno Domini 1800 passed a vote



impowering their Representatives to apply to the General Court to procure an Act to alter the time of holding their annual town meeting from the last Wednesday in March to the first Wednesday of said month. Therefore;

Be it enacted by the Senate and House of Representatives in General Court convened, that, from and after the passing of this Act, the time of holding the annual town meeting in said Barrington shall be on the first Wednesday of March, any law, usage or Custom to the contrary notwithstanding.

## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN GILMANTON.

[Approved June 16, 1801. Original Acts, vol. 17, p. 25; recorded Acts, vol. 13, p. 236.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Hon. Tho's Cogswell, the Hon. Joseph Badger Jr, Esqrs.— the Rev<sup>d</sup> Isaac Smith, Samuel Greeley, Joseph Parsons and Stephen Moody, Esqrs; and their Associates, Proprietors of said Library, & all such as may, here after, become Proprietors of the same, be and they hereby are incorporated into a Body Politic, by the name of the Proprietors of the Social Library in Gilmanton with continuation and succession forever; and by that name may sue and be sued in all actions personal, and may prosecute and defend the same to final judgment and execution:— and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding six dollars for each offence to be recovered by said Society, in an action of debt, to their use, in any Court proper to try the same, and may make, purchase, and receive subscriptions, grants, and donations of personal estate not exceeding fifteen hundred dollars for the use of their Association.

And be it further enacted, That said Society be and they hereby are authorised to assemble, at Gilmanton aforesaid, on the last thursday of May annually, to choose all such officers as may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in office, untill others are chosen in their room; and said Corporation may assemble, as often as may be found necessary for filling up any vacancies, that may happen in said offices and for transacting any other business; except the raising of money, which shall not be done; except at their annual Meeting, at which they shall vote all necessary sums for defraying the annual expenses of preserving said Library and for enlarging

the same: And said Corporation shall have power to make such Rules and By-laws for said Society as may, from time to time, be found necessary to govern the same; provided the said By-laws be not repugnant to the Constitution and Laws of the State.

And be it further enacted, That Samuel Greeley, Joseph Parsons, and Stephen Moody, Esqrs. or either two of them are hereby authorised to call the first Meeting of said Proprietors, at such time and place, as they may appoint by posting up a notification for that purpose, at least, at two public places, in Gilmanton, at least, fifteen days, previously, to said Meeting, and the said Proprietors, at said Meeting, shall have the same power to choose officers and make by-laws, as they have by this Act, at their annual Meeting.

### [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN NEWMARKET

[Approved June 16, 1801. Original Acts, vol. 17, p. 26; recorded Acts, vol. 13, p. 239.]

Be it enacted by the Senate and House of Representatives in General Court convened that Josiah Adams, Nathaniel Rogers Wentworth Cheswell James Hill & their associates proprietors of Said Library and all Such as may hereafter become proprietors of The Same, be, and they hereby are incorporated into a Body Politic by the name of the proprietors of the Social Library in Newmarket, with continuation and succession forever, and in that name may Sue and be Sued, may plead and be impleaded, in all Actions personal, and may prosecute & defend the Same to final Judgment and Execution, and they are hereby vested with all the powers and privileges incident to corporations of a Similar Nature, and may injoin penalties of disfranchisement or fine not exceeding ten Dollars for each offense to be recovered by said society in a plea of Debt to their use in any Court proper to try the Same, and they may Make purchase and receive Subscriptions grants and donations of personal Estate not exceeding one thousand Dollars for the purpose & use of their association—

And be it further enacted that said Society be and they hereby are authorised to assemble at Newmarket aforesaid on the last Monday of September annually to choose all such officers as may be found necessary for the Orderly conducting the affairs of Said Corporation, who shall continue in office until others are chosen in their room; And that Said Corporation may assemble as often as may be found necessary for filling up any vacancies which may

happen in said offices, And for transacting all other business excepting the raising of Monies, which shall be always done at their Annual Meeting and at no other time, at which time they shall vote all necessary Sums for defraying the annual expence of preserving said Library & for enlarging the Same— And said Corporation shall have power to make such Rules and Bye Laws for the government of said Corporation as may from time to time by them be found Necessary provided the Same be not repugnant to the Constitution and Laws of this State—

And be it further enacted that Nathaniel Rogers & Josiah Adams or either of them are hereby authorised and impowered to call the first meeting of Said Corporation at such time & place as they may appoint by posting a Notification for that purpose at the Meeting House in Said Newmarket at least fifteen Days prior to Said Meeting, and the said proprietors at said Meeting shall have the same power to choose officers and make Bye Laws, as they have by this Act at their Annual meeting—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

### AN ACT FOR LAYING A FINE ON TOWN CLERKS AND SHERIFFS, NEGLECTING TO MAKE SEASONABLE RETURNS OF VOTES FOR GOVERNOR, COUNCILLORS AND SENATORS

[Approved June 17, 1801. Original Acts, vol. 17, p. 27; recorded Acts, vol. 13, p. 243. Laws, 1805 ed., p. 42; id., 1815 ed., p. 46; id., 1830 ed., p. 425. This act repeals the act of February 24, 1786, Laws of New Hampshire, vol. 5, p. 112. See additional act of June 21, 1825, Laws, 1830 ed., p. 427. Repealed by act of December 23, 1842, Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives, in general Court convened, that if the Clerk of any Town, shall neglect to make return of the votes of such Town agreeably to the Constitution for all, or any of the officers aforesaid, he shall for each and every such neglect, forfeit and pay a fine, not exceeding one hundred dollars, nor less, than twenty dollars to be recovered by indictment, the one moiety thereof for the use of the prosecutor, and the other moiety thereof for the use of the Town to which such delinquent Clerk shall belong.

And be it further enacted, that if any Sheriff, shall neglect to make return agreeably to the Constitution of the votes of each and every Town, within his County, for all, or any of the officers aforesaid, that may seasonably come to his hands or custody, he shall forfeit and pay a fine of one hundred Dollars, for each Town so neglected to be returned, to be recovered by indictment the one moiety thereof for the use of the prosecutor, and the other moiety

thereof for the use of the County to which such delinquent Sheriff shall belong.

And be it further enacted, that it shall be the duty of the Secretary for the time being, in the month of June Annually to transmit to the Attorney General for the time being a certificate by him signed, certifying what Towns (if any there be), from which he shall not have received, within the time prescribed by the Constitution, an attested copy of the votes for any, or all of the officers aforesaid, which certificate shall be considered as evidence of the return not being made to his office, and it shall be the duty of the Attorney General to prosecute all such delinquent sheriffs and Clerks—

And be it further enacted, that whenever any Town clerk shall deliver or cause to be delivered in due season to the Sheriff of the County to which he belongs, or to the Secretary a letter sealed and directed to the Secretary, and by the superscription thereon purporting to be votes for any of the officers aforesaid, it shall be the duty of the Sheriff or Secretary, as the case may be, to give a receipt to such Town clerk that he has received a paper purporting to be a certificate of votes for the officers aforesaid from such town—and in like manner, whenever any Sheriff shall seasonably deliver to the Secretary any letter directed and superscribed as aforesaid, it shall be the duty of the Secretary to give a receipt to such Sheriff therefor if requested—

And be it further enacted, That an act entitled “An act for laying a fine on delinquent Sheriffs and Town clerks passed the twenty fourth day of February in the Year of our Lord one thousand seven hundred and eighty six be, and the same is hereby repealed.

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST IN SHADRAECK DODGE THE PRIVILEGE OF KEEPING  
A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER.

[Approved June 17, 1801. Original Acts, vol. 17, p. 28; recorded Acts, vol. 13, p. 247.]

Whereas Shadraeck Dodge has petitioned the General Court setting forth that a ferry over Connecticut River at or near Dodges falls so called between the Town of Bath in this State and Ryegate in the State of Vermont would be of public Utility and that he is the owner of the Land on both sides of the River where said ferry is to be kept, and that the Privilege of keeping a ferry hath never been granted, and Praying that the exclusive Right of keeping said ferry may be Granted to him, his Heirs and Assigns within the following limits to wit; To extend from the North line of Haverhill at the



Mouth of Ammanusack River (so called) extending up said Connecticut River four Miles as that tends; The Prayer of which Petition appearing reasonable Therefore Be it enacted by the Senate and House of Representatives in General Court convened that the Exclusive privilege of keeping a ferry with the immunities thereof over Connecticut River extending from Haverhill Norwest Corner up said River as that tends four Miles be and hereby is granted to and vested in the said Shadraeck Dodge his Heirs and Assigns forever within the limits aforesaid he the said Shadraeck Dodge giving bond with sureties in the sum of Three Hundred Dollars to the Clerk of the Court of Comm Pleas for the time being, for the County of Grafton that the said ferry shall be constantly kept and well attended during said term Reserveing nevertheless to the Legislature of this State the right of granting the privilege of erecting a bridge over said river hereafter within the aforesaid limits, provided the same should be found nessisary.—

And be it further enacted that the Rates of ferriage to be taken by the said Shadraeck Dodge his Heirs or Assigns shall at all times be established by the Justices of the Court of Common Pleas in said County of Grafton which Justices are hereby authorised and Impowered to establish said Rates of ferriage, from time to time as they shall Judge Proper

And be it further enacted that if any person shall demand or receive any greater rates of ferriage than the said Court of Common Pleas shall establish he shall for each such offence forfeit and pay to the party Injured the sum of six Dollars to be recovered in an action of debt before any Court proper to try the same.—

And be it further enacted that if any person shall for hire or Reward transport over said River within the limits aforesaid any Person Creature or thing such Person so offending shall forfeit and pay to the said Shadraeck Dodge his Heirs or Assigns the sum of Six Dollars to be Recovered in an action of Debt before any Court Proper to try the same.—

## [CHAPTER 29.]

*State of*            }  
*New Hampshire.* }

### AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF HOPKINTON LIBRARY.

[Approved June 17, 1801. Original Acts, vol. 17, p. 29; recorded Acts, vol. 13, p. 251.]

Be it enacted by the Senate and House of Representatives in General Court convened that Benj. Wiggin Aaron Greeley and Benj B. Darling Esqs and their associates proprietors of said Library and



all such as may hereafter become proprietors of the same be and they hereby are incorporated into a body Politic by the name of the proprietors of Hopkinton Library with continuation and succession forever and in that name may sue and be sued may plead and be impleaded in all actions personal and prosecute and defend the same to final judgment and execution and they are hereby vested with all the powers and privileges incident to corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding five Dollars for each offence to be recovered by said Society in an action of debt to their use in any Court proper to try the same and they may make purchase and receive subscriptions grants and donations of personal estate not exceeding one thousand Dollars for the purpose and use of their association—

And be it further enacted that said society be and they hereby are authorised to assemble at said Hopkinton on the second monday of November annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation who shall continue in office untill others are choosen in their room and that said corporation may assemble as often as may be found necessary for the filling up any vacancies which happen in said offices and for transacting all other business excepting the raising of monies which shall always be done at their annual meeting and at no other time at which time they shall vote all necessary sums for defraying the annual expence of preserving said Library and for enlarging the same and said corporation shall have power to make such rules and by Laws for the government of said society as may from time to time by them be found necessary provided the same be not repugnant to the constitution and Laws of this State.

And be it further enacted that Benj. Wiggin Aaron Greeley and Benj. B. Darling or either of them are hereby authorised and empowered to call the first meeting of said proprietors at such time and place as they may appoint by posting a Notification for that purpose at each Meeting house in said Hopkinton at least fifteen days prior to said meeting and the said proprietors at said meeting shall have the same power to choose officers and make by laws as they have by this act at their annual meeting

## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
IN KINGSTOWN.

[Approved June 17, 1801. Original Acts, vol. 17, p. 30; recorded Acts, vol. 13, p. 255. See act of June 12, 1802, id., p. 315, and act of June 19, 1811, id., vol. 19, p. 52.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Rev<sup>d</sup> Elihu Thayer, Simmons Seccomb, John Calef, Jonathan Badger, Jacob Pollard, Josiah Wyatt, Levi Bartlett, Thomas Elkins, Samuel Calef, Jacob Webster, Richard Bartlett, Moses Welch, John Eastman and Isaac Sanborn and their Associates Proprietors of said Library and all such as may hereafter become proprietors of the same, be, and they hereby are incorporated into a body politic by the name of the proprietors of the Social Library in Kingstown with Continuation and Succession forever, and by that name may sue and be sued, may plead and be impleaded in all actions personal and may prosecute and defend the same to final judgment and Execution, and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence, to be recovered by said proprietors in an Action of Debt to their use in any Court proper to try the same, and they may make purchase and receive subscriptions grants and donations of personal estate not exceeding one thousand Dollars for the purpose and use of their Association.

And be it further enacted that said Corporation be and they hereby are authorised to assemble at Kingstown aforesaid on the first Tuesday in March annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in Office until others are chosen in their room; and that said Corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices, and for transacting all other business excepting the raising of monies which shall be always done at their annual meeting and at no other time at which annual Meeting they shall vote all necessary sums for defreying the annual Expende of preserving said Library and for enlarging the same: And said Corporation shall have power to make such Rules and By-laws for the Government of said Corporation as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and laws of this State.—

And be it further enacted that the Rev<sup>d</sup> Elihu Thayer, and Levi

Bartlett Esq<sup>r</sup> or either of them are hereby authorized and impowered to call the first meeting of said proprietors, at such time and place as they may appoint, by posting up a notification for that purpose at the meeting house in said Kingstown at least fifteen days prior to said meeting and the said proprietors, at said meeting, shall have the same power to choose Officers and make By-laws as they have by this act at their annual meeting.

### [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

#### AN ACT ALTERING THE SURNAMES OF JOHN HOGG AND OTHERS.

[Approved June 17, 1801. Original Acts, vol. 17, p. 31; recorded Acts, vol. 13, p. 258.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Surname of John Hogg of Weare in our County of Hillsborough Esquire and Thomas Hogg, and Caleb Hogg Yeomen and Sally Hogg Gentlewoman all of said Weare and John Hogg of Bradford in said County Gentleman be changed and called Raymond and each of them is hereby authorized and impowered to take and bear the Surname of Raymond and by that name shall ever hereafter be called and known.—

### [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO VEST IN NATHAN BARLOW & ISAAC STEVENS THE PRIVILEGE OF KEEPING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER—

[Approved June 17, 1801. Original Acts, vol. 17, p. 32; recorded Acts, vol. 13, p. 260.]

Whereas Nathan Barlow & Isaac Stevens has Petitioned The General Court Seting forth that a ferry Over Connecticut River at a Place Called Schoffes Landing in the Town of Stratford in this State and Brumeswick in the State of Vermont and that they now own the Land on the East Side in Said Stratford and have free Liberty of the owners of the Land on Vermont Side Where Said Ferry is to be kept and that the Priviledge of keeping a Ferry hath Never Yet been granted and praying that the Exclusive Right of keeping Said Ferry may be granted to them and their Heirs, Forever within the following Limits (Viz) to Extend from the Mouth of Great Bog

Brook (So Called) Bounding on the Original Grant of Tho<sup>s</sup> Burnside Esq<sup>r</sup> and then to Extend to a Certain Place Called Moose Island the whole Extent About three Miles and one half—the Prayer of which Appearing Reasonable—Therefore be it Enacted by the Senate and house of Representatives in General Court Convened that the Exclusive Right of keeping a Ferry with the Immunities thereof Over Connecticut River Extending from Great Bog Brook up Said River as that tends to the above Mentioned Moose Island, be and hereby is Granted to and Vested in the Said Nathan Barlow & Isaac Stevens their Heirs and assigns forever within the Limits aforesaid, they, the Said Nathan Barlow and Isaac Stevens Giving Bonds with Suerties in the Sum of five Hundred Dollars to the Clerk of the Court of Common Pleas for the time being for the County of Grafton that the Said ferry Shall be Constantly kept and well attended during Said term—And be it further Enacted that the Legislature Reserve to them Selves the Right of Granting the Privilege of a Bridge over Said River within the Limits of Said Ferry if it Shall hereafter be found Necessary—and be it Further Enacted that the Rates of Ferriages to be taken by the Said Isaac Stevens and Nathan Barlow their Heirs and assigns Shall at all times be Established by the Justices of the Court of Common Pleas in the County of Grafton Which Justices are hereby authorised and Impowered to Establish Said Rates of Ferriage from time to time as they Shall Judge proper—and be it further Enacted that if any Person Shall Demand or Receive any Greater Rate of Ferriage than the Said Court of Common Pleas Shall Establish they Shall for Each and Every Such offence forfeit And Pay to the party Injured the Sum of Six Dollars to be Recoverd in an action of Debt bfore any Court proper to try the Same—

And be it Further Enacted that if any person Shall for hire or Reward Transport over Said River within Said Limits aforesaid any Person Creture Or thing Such person So offending Shall forfeit and pay to the Said Isaac Stevens and Barlow their Heirs or assigns the Sum of Six Dollars to be Recovered in an action of Debt before any Court proper to try the Same

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1801, June 17.

The Committee on the petition of the Indians who have attended at this Session respecting a claim to lands in this State Reported that they have had a Conference with the petitioners— that the petitioners have produced no kind of title to any lands within this State; but as they are objects of Charity think it might be expedient for the Legislature to make them a grant of two Dollars each amounting to seventy Dollars to defray their expences in this place and on their way home— The Committee have informed them that it will answer no good purpose for them to come

again which report being read and considered was received and accepted and Resolved that said sum of seventy Dollars be paid out of the Treasury to be equally distributed amongst them.

[House Journal, 1800-5, p. 160; Senate Journal, 1801-4, p. 39.]

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1801, June 17.

The Committee to take into Consideration the situation of the towns of Effingham, Ossipee Gore, Bartlett, Adams & Locations respecting Representation &c. Reported that the towns of Effingham and Ossipee Gore be classed together for Representation in General Court & the towns of Bartlett, Adams, Chatham and Locations be also classed for the like Representation in future which report being read & considered Voted that it be received & accepted and that they have leave to send Representatives in future.

[House Journal, 1800-5, p. 162. Senate Journal, 1801-4, p. 41.]



## [ELEVENTH GENERAL COURT.]

[*Held at Concord, One Session, June 2, 1802, to June 18, 1802.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN TAYLOR GILMAN, GOVERNOR.  
 JOSEPH PEARSON, SECRETARY.  
 NATHANIEL PARKER, DEPUTY SECRETARY.  
 OLIVER PEABODY, TREASURER.  
 JEREMIAH MASON, ATTORNEY GENERAL.  
 AMOS SHEPARD, PRESIDENT OF THE SENATE.  
 JOHN PRENTICE, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Levi Bartlett,	Kingston.
Aaron Wingate,	Farmington.
Robert Wallace,	Henniker.
Samuel Stevens,	Charlestown.
David Hough,	Lebanon.

## [MEMBERS OF THE SENATE.]

John Goddard,	Portsmouth.
Nathaniel Gilman,	Exeter.
Silas Betton,	Salem.
* James H. McClary,	Epsom.
John McDuffee,	Rochester.
Nathan Taylor,	Sanbornton.
John Orr,	Bedford.
James Flanders,	Warner.
Seth Payson,	Rindge.
Ezra Pierce,	Westmoreland.
Amos Shepard,	Alstead.
Moore Russell,	Plymouth.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and	}	George Evans.
Bow,		
Atkinson and	}	Joseph Welch.
Plaistow,		
Brentwood,		Jabez Smith.

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\* James H. McClary was elected to succeed Michael McClary of Epsom, who was elected but resigned.

Candia,  
 Canterbury,  
 Chester,  
 Chichester,  
 Concord,  
 Deerfield,  
 Epping,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampstead,  
 Hampton,  
 Hampton Falls and }  
 Seabrook, }  
 Hawke and }  
 Sandown, }  
 Kensington,  
 Kingston,  
 Londonderry,

Loudon,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin, }  
 Rye and }  
 Newcastle, }  
 Salem,  
 South Hampton and }  
 East Kingston, }  
 Stratham,  
 Windham,

Thomas Wilson.  
 Joseph Clough.  
 Henry Sweetser.  
 Nathaniel Morrill.  
 John Bradley.  
 Richard Jenness.  
 Levi Towle.  
 Josiah Sanborn.  
 Benjamin Connor.  
 James Whidden.  
 David Moulton.  
 Benjamin Shaw.  
 Elisha Brown.

Thomas Cotton.  
 Enoch Worthen.  
 Jacob Webster.  
 John Prentice.  
 James Pinkerton.  
 Samuel Piper.  
 Richard Pickering.  
 James Hill.  
 Edmund Peaslee.  
 Thomas Clough.  
 Thomas Leavitt.  
 Solomon Buzel.  
 Jacob Cilley.  
 James Gibson.  
 Asa Robinson.  
 James Drake.  
 John Langdon.  
 Clement Storer.  
 Henry S. Langdon.  
 Elijah Hall.

Moses Dudley.

Joseph Parsons.  
 Jesse Webster.  
 John H. Pillsbury.  
 Walter Weeks.  
 Samuel Armour.

## STRAFFORD COUNTY.

Barnstead,	Samuel Nelson.
Barrington,	Joseph Boodey.
	Pelatiah Jones.
Bartlett,	
Adams,	
Chatham and	Obed Hall.
Locations,	
Brookfield and	
Middleton,	Henry Pike.
Conway,	Richard Eastman.
Dover,	John Waldron.
Durham,	William Ballard.
Eaton and	
Burton,	Coleman Colby.
Effingham and	
Ossipee Gore,	Isaac Lord.
Farmington,	William Wingate.
Gilmanton,	Samuel Shepard.
	Joseph Young.
Lee,	Nathaniel Clough.
Madbury,	Ebenezer Demeritt.
Meredith,	Daniel Smith.
Moultonborough,	Nathaniel Shannon.
New Durham and	
Alton,	Thomas Jewett.
New Hampton and	
Center Harbor,	William B. Kelley.
Ossipee,	Samuel Quarles.
Rochester,	Levi Dearborn.
	Beard Plumer.
Sanbornton,	Samuel Prescott.
Sandwich,	John Beede.
Somersworth,	Andrew Wentworth.
Tamworth,	David Gilman.
Tuftonboro,	William H. Copp.
Wakefield,	Jonathan Palmer.
Wolfeboro,	Isaiah Horne.

## HILLSBOROUGH COUNTY.

Amherst,	William Bradford.
Andover,	Joseph Philbrick.
Antrim and	
Windsor,	Jacob Tuttle.
Bedford,	
Boscawen,	David Patten.
	Timothy Dix, Jr.

Deering,		Robert Alcock.
Dunbarton,		John Mills.
Dunstable,		Noah Lovewell.
Fishersfield and	}	Humphrey Jackman.
Bradford,		
Francestown,		Peter Farnum.
Goffstown,		Jonathan Gove.
Greenfield and	}	Joseph Herrick.
Society Land,		
Hancock,		William Brooks.
Henniker,		Jonas Bowman.
Hillsborough,		Benjamin Pierce.
Hollis,		Daniel Emerson.
Hopkinton,		Thomas Bailey.
Litchfield and	}	Clifton Claggett.
Derryfield,		
Lyndeborough,		Benjamin Jones.
Mason,		James Wood.
Merrimack,		Samuel Forster.
Milford and	}	William Crosby.
Brookline,		
New Boston,		Ninian Clark.
New Ipswich,		Jeremiah Pritchard.
Nottingham West,		Asa Davis.
Peterborough,		John Smith.
Salisbury,		Andrew Bowers.
Sutton and	}	Thomas Wadleigh.
New London,		
Temple,		Ebenezer Edwards.
Warner,		Aquilla Davis.
Weare,		Samuel B. Tobie.
Wilton,		Philip Putnam.

## CHESHIRE COUNTY.

Acworth,		Thomas Slader.
Alstead,		John C. Chamberlain.
Charlestown and	}	Samuel Hunt.
Langdon,		
Chesterfield,		Simon Willard.
Claremont,		Ezra Jones.
Cornish,		Ithamar Chase.
Croydon,		Samuel Powers.
Dublin,		Isaac Appleton.
Fitzwilliam,		Nahum Parker.
Goshen and	}	Whittier Perkins.
Wendell,		
Hinsdale,		Uriel Evans.

Keene,	Lockhart Willard.
Lempster and }	James Bingham.
Marlow, }	Phineas Farrar.
Marlborough,	Phineas Chapin.
Newport,	Samuel Griffin.
Packersfield,	Albe Cady.
Plainfield,	James Cook.
Richmond,	Josiah Wilder.
Rindge,	Isaac Clement.
Springfield and }	Gardner Towne.
New Grantham, }	Samuel Seward.
Stoddard,	Jonathan Robinson.
Sullivan,	Nehemiah Cummings.
Surry and }	Samuel Chase.
Gilsum, }	Thomas C. Drew.
Swanzey,	David Heald.
Unity,	* Ezra Pierce.
Walpole,	Foster Alexander.
Washington,	
Westmoreland,	
Winchester,	

## GRAFTON COUNTY.

Alexandria and }	Moses Lewis.
Bridgewater, }	Moses P. Payson.
Bath,	Ezenezer Clark.
Canaan,	
Cockburne, }	Jeremiah Eames.
Colebrook, }	
Shelburne, }	
Stewartstown and }	William Johnson.
Wales Location, }	Simeon Eastman.
Enfield,	
Franconia, }	William Cummings.
Landaff and }	Joseph Curtis.
Lincoln, }	Moody Bedel.
Groton,	
Dorchester and }	Samuel Holmes.
Hebron,	
Hanover,	
Haverhill and }	
Coventry, }	
Holderness and }	
Campton, }	

\* Elected to the Senate



Lancaster and	}	Richard C. Everett.
Jefferson,		Aaron Hutchinson.
Lebanon,	}	David Goodall.
Littleton,		
Bethlehem and		
Dalton,	}	Daniel Moulton.
Lyman and		
Concord (Lisbon)	}	Walter Fairfield.
Lyme,		
New Chester and	}	Ebenezer Kimball.
Danbury,		
Northumberland,		
Piercy and	}	Nathan Barlow.
Stratford,		
Orange and		
Grafton,	}	Daniel Blaisdell.
Orford,		
Piermont and	}	Joseph Pratt.
Warren,		
Plymouth,	}	William Tarlton.
Rumney and		
Wentworth,	}	Joshua Thornton.
Thornton,		
Peeling and	}	William Preston.
Trecothick,		
		Enoch Colby.

[*First Session, Held at Concord, June 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 1802.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PEARSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN MARLOW—

[Approved June 9, 1802. Original Acts, vol. 17, p. 33; recorded Acts, vol. 13, p. 264.]

Be it enacted by the Senate and house of Representatives in General Court convened, that Elisha Huntley, Francis Brown, Abner Smith Isaac Baker, Wells Way Jacob Shaw Rufus Huntley, Russell Huntley, Christopher Way, Lemuel Miller Amos Beckwith, Daniel Kinney and Amos Gale Jun<sup>r</sup> and their Associates, Proprietors of said Library and all such as may hereafter become proprietors of the same, be and they hereby are incorporated into a body politick by the name of the proprietors of the Social Library in Marlow with continuation and Succession forever, and in that name may sue and be sued in all actions pearsonal and may prosecute and defend the same to final Judgement and execution, and they are hereby vested with all the powers and previledges incident to corporations of a similar nature and may injoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said society in an Action of debt to their use in any Court proper to try the same, and may make, purchase and receive subscriptions and donations or grants of pearsonal estate not exceeding one Thousand dollars for the purpose and use of their Association—

And be it further enacted, that Said Society be and they hereby are Authorised to Assemble at Marlow Aforesaid on the first monday of march Annually to choose all such Officers as may be found necessary for the orderly conducting the Affairs of said corporation who shall continue in Office untill others are chosen in their room And that said corporation may Assemble as often as may be found necessary for filling up any vacancies Which may happen in said Offices, and for transacting all other business except the raising of money which shall be allways done at their annual meeting and at no other time, at which time they shall vote all necessary sums for defraying the annual expence of preserveing said Library and for inlarging the same, and said corporation shall have power to make such rules and bye laws for the Government of said Society as may from time to time be found necessary, provided the same be not repugnant to the Constitution and Laws of this State—

And be it further enacted, that Wells Way is hereby Authorised and impowered to call the first meeting of said proprietors at such time and place as he may Appoint by posting a notification for that purpose at the Meeting house, and at Elisha Huntleys now dwelling House in said Marlow at least fifteen days prior to said meeting, and the Proprietors at said meeting shall have the same power to choose Officers and make bye laws as they have by this Act at their Annual meeting

## [CHAPTER 2.]

*State of* }  
*New Hampshire.* }

### AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN BRENTWOOD—

[Approved June 9, 1802. Original Acts, vol. 17, p. 34; recorded Acts, vol. 13, p. 268.]

Be it enacted by the Senate & House of Representatives in General Court convened, that Thomas S. Ranney, Isaac Redington, Jabez Smith, Ezekiel Godfrey, Joseph H. Shepard, Gilman Leavitt and John Wilson & their associates, proprietors of said Library, with all such as may hereafter become proprietors of the same, be & they hereby are incorporated into a body politic, by the name of the proprietors of the social Library in Brentwood; with all the powers & privileges incident to such corporations; & may enjoin penalties of disfranchisement or fine, not exceeding four dollars for each offence; make purchases & receive subscriptions, grants & donations of personal estate not exceeding one thousand dollars, including the books of their Association—

And be it further enacted, that the said society be, & they are hereby authorised to assemble at Brentwood aforesaid, on the first Monday in September annually, to chuse all such officers as may be found necessary for the orderly conducting of the affairs of said corporation, who shall continue untill others are chosen in their room. And that the said corporation may assemble as often as they agree for filling up vacancies which may happen in said offices, & to transact all other business, except to assess & raise money, which shall be done always at some annual meeting, & at no other time; at which meeting they shall vote all necessary sums for defraying the annual expences of preserving said Library & enlarging the same—

And that Thomas S. Ranney Esq is hereby authorised and empowered to call the first meeting of said proprietors, at such time & place as he may appoint, giving ten days notice thereof, which notice shall be personal, or by posting notifications at some public place in the several towns where the proprietors live—

At which meeting they may enact such by-laws & regulations, & chuse all such Officers as they may or can do at their annual meeting—

[CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
IN NOTTINGHAM.

[Approved June 9, 1802. Original Acts, vol. 17, p. 35; recorded Acts, vol. 13, p. 271.]

Be it enacted by the Senate and House of Representatives in General Court convened that Thomas Bartlett, Henry Butler, Israel Bartlett, Reuben Whittier, Samuel Gile, Greenleaf Cilley, John Ford Jun<sup>r</sup>, Horatio G. Cilley, Nathaniel Williams, Moses Buswell, Nathan Gove, Thomas Bartlett Jun<sup>r</sup>, Joseph Bartlett, Joseph Tuttle, John Lucey, John Ford and Robert Harvey Proprietors of said Library and all such as may hereafter become Proprietors of the same be and they hereby are incorporated into a body politic by the name of the Proprietors of Nottingham Social Library with Continuation and Succession forever, and in that name may sue and be sued in all personal Actions and may prosecute and defend the same to final judgment and Execution And they are hereby vested with all the powers and privileges incident to Corporations of a similar Nature and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offense to be recovered by said Corporation in an Action of Debt, to their use, in any Court proper to try the same, and may make purchase and receive subscriptions, grants and donations of personal Estate not exceeding one thousand Dollars for the Use of their association.

And be it further enacted that said Proprietors be and they hereby are authorised to assemble at Nottingham aforesaid on the fourth Monday of May annually to choose all such Officers as may be found necessary in orderly conducting the affairs of said Corporation who shall continue in Office until others are chosen in their room; And said Proprietors may assemble as often as may be found necessary for filling up any vacancies that may happen in said offices and for transacting any other business except the raising of money, which shall not be done except at their annual meeting, at which they shall vote all necessary sums for defreying the annual expence of preserving said Library and for enlarging the same; and said Proprietors shall have power to make such Rules and By-laws for the Government of said Corporation as may from time to time be found necessary, provided the same be not repugnant to the Constitution and Laws of this State.

And be it further enacted, that Lieu<sup>t</sup> Israel Bartlett is hereby authorised to call the first meeting of said Proprietors at such time and place in said Nottingham as he may appoint, by posting a Notification for that purpose at the Meeting house in said Nottingham at least fifteen days prior to said meeting and the said proprietors, at said meeting, shall have the same power to choose Officers and make By-laws as by this Act they have at their annual Meeting.

#### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN BATH—

[Approved June 9, 1802. Original Acts, vol. 17, p. 36; recorded Acts, vol. 13, p. 275.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Amasa Buck, Ezra Child, Benjamin Snow, Moses P. Payson and their associates Proprietors of said Library—and all such as may hereafter become Proprietors of the same be and they hereby are incorporated into a body Politic by the name of the Proprietors of the Social Library in Bath, with continuation and succession forever, with all the Powers and Privileges incident to such corporations—and may enjoin penalties of disfranchisement and fine not exceeding four dollars for each offence and may make purchase & receive subscriptions grants and donations of personal Estate not exceeding the sum of one thousand dollars for the use of their association—

and be it further enacted that said Proprietors be and they hereby are authorised to assemble at Bath aforesaid on the first Monday of September annually to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their stead—and that said corporation may assemble as often as may be found necessary for the purpose of filling up vacancies which may happen in said offices and for transacting all other business relative to said corporation excepting the assessing and raising monies, which shall be always done at their annual meeting on the said first Monday of September and at no other time, at which meeting they shall Vote all necessary sums for defraying the annual expense of preserving said Library & enlarging the same, and shall make & enact such Rules regulations & bye laws for the government of said Corporation as may from time to time be found necessary—provided the same be not repugnant to the constitution & Laws of this State—

and be it further enacted that Amasa Buck Esq: be & hereby is



authorised and impowered to Call the first meeting of the Proprietors at such time and place as he may appoint in said Bath by posting up a notification in writing of the same at two of the most public places in said Bath ten days at least before the time of said meeting—and the said Proprietors at said meeting shall have all the powers to enact such bye Laws, and choose all such officers and transact and do all such business as they may or can do at their said annual meeting

## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO, AND AMENDMENT OF, AN ACT INTITLED  
“AN ACT PRESCRIBING THE DUTY AND DIRECTING THE MODE OF  
CHOOSING REGISTER OF DEEDS AND COUNTY TREASURER

[Approved June 10, 1802. Original Acts, vol. 17, p. 37; recorded Acts, vol. 13, p. 285. Session Laws, June, 1802, p. 5. Laws, 1805 ed., p. 52; id., 1815 ed., p. 57. The act referred to was passed June 8, 1791, Laws of New Hampshire, vol. 5, p. 743. See additional acts of June 28, 1818, Session Laws, June, 1818, Chap. 34, June 24, 1823, Laws, 1824 ed., p. 100 and June 26, 1823, id., p. 190. Repealed July 5, 1827, id., 1830 ed., p. 469.]

Be it enacted by the Senate and House of Representatives in General Court convened that whenever the Office of Register of Deeds, or County Treasurer in any County of this State may become vacant, and no provision having been made previously, for filling such vacancies, in such cases, the Justices of the Court of Common Pleas within and for such County, may and are hereby authorised and required, to meet at any time and place, that shall be appointed by the first Justice of said Court for the purpose of choosing and appointing a Register of Deeds or County Treasurer to fill such vacancy, and the person so chosen and appointed, after giving bonds and being sworn as is by law directed, shall hold said office until another be chosen in his stead and qualified agreeably to law—

And whereas the Office of Register of Deeds within and for the County of Cheshire is now vacant and no provision has been made for supplying said vacancy, Therefore, Be it further enacted that the Justices of the Court of Common Pleas within and for the County of Cheshire aforesaid, be, and are hereby authorised and required to meet at such time and place as the first Justice of said Court shall appoint—for the purpose of choosing or appointing a person to fill said Office, who after giving bonds and being sworn as the law directs, shall hold said office until another be chosen and qualified in his stead

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
SOCIAL LIBRARY IN HINDSDALE

[Approved June 10, 1802. Original Acts, vol. 17, p. 38; recorded Acts, vol. 13, p. 288.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Aaron Cooper, Cyrus Shattuck, Edward Gustine Benj<sup>n</sup> Sanger, Tho<sup>s</sup> Taylor, Gershom Dinsmoore, Seth Hooker, Perley Marsh Ivory Soule, and their Associates proprietors of said Library, and all such as may hereafter become proprietors of the same, be and they hereby are incorporated into a body polittick and corporate by the name of the proprietors of the social Library in Hindsdale with continuation and succession forever, and in that name may sue and be sued in all Actions personal, and may prosecute and defend the same to final Judgment and Execution, and they are hereby vested with all the powers and privileges incident to corporations of a Similar nature and may injoin penalties of disfranchisement or fine not exceeding four Dollars for each offence to be recovered by said society in an action of debt to their use in any Court proper to try the same, and may make purchase and receive subscriptions grants or donations of personal Estate not exceeding One thousand Dollars for the purpose and use of their Association

And be it further enacted that said society be and they hereby are authorised to Assemble at Hindsdale aforesaid on the first Tuesday of October Annually to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation who shall continue in office until others are chosen in their room and that said corporation May assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices and for transacting all other business excepting the raising of money which shall be always done at their Annual Meeting and at no other time at which time they shall vote all necessary sums for defraying the Annual expence of preserving said Library and for enlarging the same, and said Corporation shall have power to make such rules and by laws for the governing of said society as may from time to time be found necessary provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Seth Hooker, and Cyrus Shattuck or either of them are hereby authorised and impowered to call the first Meeting of said Proprietors at such time and place as they or either of them may appoint by posting a Notification for that purpose at the Meeting house in said Hindsdale at least fifteen days

prior to said Meeting and the Proprietors at said meeting shall have the same power to choose Officers and make bye laws as they have by this Act at their Annual meeting

[CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PEARSONS BY THE NAME OF  
THE PROPRIETORS OF THE SOCIAL LIBRARY IN SURREY

[Approved June 10, 1802. Original Acts, vol. 17, p. 39; recorded Acts, vol. 13, p. 292.]

Be it enacted by the Senate and house of Representatives in General Court convened, that Perley Howe Nathan Estabrook, Lemuel Holmes and Jonathan Robinson and their Associates proprietors of said Library and all such as may hereafter become proprietors of the same, be and they hereby are incorporated into a body politick by the name of the proprietors of the Social Library in Surrey with continuation and Succession forever, and in that name may sue and be sued in all Actions pearsonal and may prosecute and defend the same to final Judgement and execution, and they are hereby vested with all the powers and priviledges incident to corporations of a similar nature, and may injoin penalties of disfranchisements or fine not exceeding four dollars for each offence to be recovered by said society in an Action of debt to their use in any Court proper to try the same, and may make— purchase, receive subscriptions and donations or grants of pearsonal estate not exceeding one Thousand dollars for the purpose and use of their Association And be it further enacted that said society be and they hereby are Authorised to Assemble at Surry Aforesaid on the first monday in April Annually to choose all such Officers as may be found necessary for the orderly conducting the Affairs of said corporation who shall continue in Office untill others are chosen in their room—And that said corporation may Assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices and for transacting all other business excepting the raiseing of money which shall always be done at their Annual meeting and at no other time, at which time, they shall vote all necessary sums for defraying the annual expence of preserving said Library and for inlarging the same, and said corporation shall have power to make such rules and bye laws for the Government of said society as may from time to time be found necessary provided the same be not repugnant to the Constitution and Laws of this State—

And be it further enacted that Lemuel Holmes Esquire is hereby Authorised and impowered to call the first meeting of said proprietors at such time and place as he may Appoint by posting up a noti-

fication at the Meeting house in said Surrey at least fifteen days prior to said meeting And the proprietors at said meeting shall have the same power to choose Officers and make bye laws, as they have by this Act at their annual meeting

# [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN SWANZEY.

[Approved June 10, 1802. Original Acts, vol. 17, p. 40; recorded Acts, vol. 13, p. 295.]

Be it enacted by the Senate and House of Representatives in General Court convened that Edward Goddard, Calvin Frink, Nehemiah Cummings, Roger Thompson, Levi Maxey, Francis Goodhue Jun<sup>r</sup>, Amasa Aldrich, and Israel Sawyer and their Associates proprietors of said Library and such as may become proprietors of the same be and they are hereby incorporated into a body politic by the name of the proprietors of the Social Library in Swanzey, with continuation and succession forever, and in that name may sue and be sued in all actions personal and may prosecute and defend the same to final Judgment and Execution: And they are hereby vested with all the powers and privileges incident to Corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence, to be recovered by said Corporation in an Action of Debt, to their use, in any Court proper to try the same, and may make purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand dollars for the purpose of their association.—

And be it further enacted that said Corporation be and they hereby are authorised to Assemble at Swanzey aforesaid on the first Monday of September annually to choose all such Officers as may be found necessary in orderly conducting the affairs of said Corporation who shall continue in Office until others are chosen in their room: And that said Corporation may assemble as often as may be found necessary for filling up any vacancies that may happen in said Offices and for transacting any other business, except the raising of money, which shall not be done except at their annual meeting, at which they shall vote all necessary sums for defreying the expence of preserving said Library, and for enlarging the same; And said Corporation shall have power to make such Rules and By-laws for the Government of said Corporation as may from time to time be found necessary, provided the same be not repugnant to the Constitution and laws of this State.



And be it further enacted that Calvin Frink and Francis Goodhue Jun<sup>r</sup>, or either of them are hereby authorised to call the first meeting of said Proprietors at such time and place in said Swanze as they may appoint, by posting a notification for that purpose at the meeting house in Swanze at least fifteen days prior to said meeting and the said Proprietors shall have the same power to choose Officers and make By-laws as they have by this Act at their annual Meeting.—

[CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THAT PART OF THE TOWN OF ROCHESTER IN THE COUNTY OF STRAFFORD COMMONLY CALLED THE NORTH EAST PARISH, INTO A SEPERATE TOWN BY THE NAME OF MILTON—

[Approved June 11, 1802. Original Acts, vol, 17, p. 41; recorded Acts, vol. 13, p. 299.]

Whereas a Petition has been presented to the General Court by the Inhabitants of that part of the Town of Rochester in the County of Strafford commonly called the North east parish setting forth that some time prior to the year one thousand seven hundred & Ninety four, the Town of Rochester at a legal Meeting warned for that purpose, Voted uanmous that said Town should be divided into three Towns, & a Committee was then chosen to run out and describe the lines of the same, that said Committee accordingly made division of said Town of Rochester into three parts, that afterwards in the year one thousand seven hundred & Ninety four, the said Town of Rochester appointed another committee who were not inhabitants of said Town to examine the lines aforesaid & make such alterations therein as they should judge proper, that said Committee on the twenty eighth day of August in the same year, made their report to said Town of Rochester that the former lines & boundaries of the proposed Towns be established which report was at a legal Meeting of said Town Unanimously accepted that the said Town of Rochester in its present form was so large and the inhabitants so numerous as rendered it very inconvenient for them to transact business at their Town Meetings—Wherefore they pray that, that part of the Town of Rochester commonly called the Northeast parish within the bounds hereafter described, be incorporated into a seperate Town, the principal facts set forth in said Petition being substanciaded and the prayed thereof appearing reasonable—

Therefore be it enacted by the senate & house of representatives in general Court convened, that the lands & Inhabitants contained



within the Northeasterly part of said Rochester as described within the following bounds Viz<sup>t</sup> beginning at the Southeasterly corner of the Town of Farmington & running north forty six degrees east to salmon falls river & contain all the lands between Farmington line & the eastern line or boundary of said State which is salmon falls river, be & they hereby are incorporated into a separte Town by the name of Milton. And the said Town of Milton is hereby vested with all the powers privileges & immunities to which other Towns in this State are or may be entitled to agreeably to the Constitution & the laws of this State to have continuance & succession forever And be it further enacted that the Inhabitants of said Town of Milton shall pay all arrears of taxes that have been assessed on them by the said Town of Rochester, and shall pay their proportionable part of all the debts due from said Town of Rochester, and shall be entitled to receive their proportionable part of all Monies & debts now due to the said Town of Rochester, and also their proportionable part of all other property of the said Town of Rochester of every kind & description whatever—And be it further enacted that William Palmer Esq<sup>r</sup> be and hereby is authorised & impowered to warn a Meeting of the inhabitants of said Milton by posting up advertisements in said Town fourteen days previous to said Meeting, and the said William Palmer Esq<sup>r</sup> shall preside in said Meeting till a Moderator shall be chosen for that purpose, and the annual Meeting in the said Town of Milton shall be holden on the second Monday of March annually

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT FOR THE INCORPORATING CERTAIN PERSONS BY THE NAME  
 OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN LEBANON—

[Approved June 11, 1802. Original Acts, vol. 17, p. 42; recorded Acts, vol. 13, p. 303.]

Be it enacted by the Senate & house of Representatives in general Court convened—That Isaiah Potter, David Hough & Constant Storrs & their Associates Proprietors of said Library, & all such as may hereafter become Proprietors of the same, be, and they are hereby incorporated into a body politic by the name of the Proprietors of the Social Library in Lebanon; with continuation and Succession forever; (with all the powers & priviliges incident to Corporations of a like nature) and may enjoin Penalties of disfranchisement or fine not exceeding four dollars for each Offence, & make purchase and receive Subscriptions, grants & donations of personal Estate not exceeding the sum of one thousand dollars—

And be it further enacted—that said Society be & they hereby are authorised to assemble at Lebanon aforesaid on the first Monday of December annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in office untill others are chosen in their room— And that said Corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, & for transacting all other business excepting the assessing and raising monies which shall always be done at their said annual meeting and at no other time—at which Meeting they shall vote all necessary sums for defraying the annual expence of preserving said Library and enlarging the same—And shall make and enact such Rules & bye-Laws for the Government of said Corporation as may by them be found necessary, provided the same be not repugnant to the Constitution & laws of this State—

And be it further enacted That David Hough & Constant Storrs, or either of them are hereby authorised & impowered to call the first meeting of the said Proprietors at such time & place in said Lebanon as they may appoint, by posting up a notification of the same at the New meeting house in said town, at least ten days before the time of said meeting, and the said Proprietors at said meeting shall have all the powers to enact such bye laws & choose all such Officers as they may or can do at their said annual meeting—

### [CHAPTER 11.]

*State of*            }  
*New Hampshire.* }

#### AN ACT FOR ALTERING THE TIME OF HOLDING THE ANNUAL TOWN MEETING IN THE TOWN OF BARNSTEAD.

[Approved June 11, 1802. Original Acts, vol. 17, p. 43; recorded Acts, vol. 13, p. 307.]

Whereas the Selectmen of Barnstead in the County of Strafford in said State have petitioned the General Court to alter the time of holding their annual town meeting from the last Tuesday of March to the second Tuesday of March.—

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened that from and after the passing of this Act the time of holding the annual town meeting in said Barnstead shall be on the second Tuesday of March any law, usage or custom to the contrary notwithstanding.

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PEARSONS BY THE NAME OF THE  
PROPRIETORS OF THE SOCIAL LIBRARY IN CONWAY AND BART-  
LETT—

[Approved June 11, 1802. Original Acts, vol. 17, p. 44; recorded Acts, vol. 13, p. 308.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Abiather Eastman John Pendexter, Joseph Thompson Joseph Pitman, Levi Chubbuck, Obed Hall, Richard Eastman, Lewis McMillon Austin George Ebenezer Burbank, Jonathan Runnels James Russell Noah Eastman Moses Rendal William Rendal and their Associates Proprietors of said Library and all such as may hereafter Join them or become Proprietors of Said Library, be and they hereby are incorporated into a body politick by the name of the Proprietors of the Social Library in Conway and Bartlett with continuation and Succession forever, and in that name may sue and be sued in all Actions pearsonal and May prosecute and defend the Same to final Judgement and execution, and they are hereby vested with all the preveledges and powers incident to corporations of a Similar nature, and may injoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said Society in an Action of debt to their use in any Court proper to try the same and they may make, purchase & receive subscriptions grants and donations of pearsonal estate not exceeding One thousand dollars includeing the books on hand, for the purpose and use of said Association—

And be it further enacted, that Said Society be and they are hereby Authorised to Assemble at some convenient place in Conway or Bartlett Afore Said on the first monday of January Annually to choose all such Officers as may be found necessary for the orderly conducting the Affairs of said society who shall continue in Office untill others are choosen in their room, and said corporation may Assemble as often as may be found necessary for filling up any vacansy that may happen in said Offices, and for transacting any other business excepting the raiseing of money which shall always be done at their Annual meeting and at no other time, at which time they shall vote all necessary Sums for defraying the annual expence of preserveing said Library and for enlargeing the same, And said corporation shall have power to make such rules and bye laws for the Government of said Society as may from time to time by them be found necessary, provided the same be not repugnant to the Constitution and laws of this State And be it further enacted that the said Abiather Eastman and Joseph

Thompson or either of them are hereby Authorised and impowered to call the first meeting of Said Proprietors at such time and place as they may Appoint by posting up a notification for that purpose at some publick place in Conway & Bartlett fifteen days prior to said day, and they shall have power at said meeting to choose Officers and make bye laws as they have at their Annual meeting

[CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT, TO ALTER THE TIME OF HOLDING OF THE ANNUAL MEETING OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN KINGSTON.

[Approved June 12, 1802. Original Acts, vol. 17, p. 45; recorded Acts, vol. 13, p. 315. See act of June 17, 1801, id., p. 255. See also act of June 19, 1811, id., vol. 19, p. 52.]

Whereas said Proprietors, by the Rev<sup>d</sup> Elihu Thayer their Clerk, have petitioned that the annual meeting of said Proprietors may be altered from the first Tuesday of March to the last Monday of May,

Be it enacted by the Senate and House of Representatives in General Court convened that from and after the passing of this Act the time of holding the annual meeting of said Proprietors shall be on the last Monday of May any other Act to the contrary notwithstanding.—

[CHAPTER 14.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN MASON.

[Approved June 12, 1802. Original Acts, vol. 17, p. 46; recorded Acts, vol. 13, p. 317.]

Be it enacted by the Senate and House of Representatives in General Court convened that Ebenezer Hill, Benjamin Mann, and James Wood, and their Associates proprietors of said Library and all such as hereafter may become proprietors of the same, be and they hereby are incorporated into a body politic by the name of the proprietors of the Social Library in Mason; with continuance & Succession forever and with all the powers and privileges incident to such Corporations and may enjoin penalties of desfranchisement or fine, not exceeding four Dollars for each offence, and may make purchase and receive subscriptions, grants and donations of personal estate, not exceeding the sum of one thousand Dollars for the purpose of their Association.



And be it further enacted that said Society be and they are hereby authorised to assemble at Mason aforesaid on the first Wednesday of January annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in Office until others are chosen in their Room: And that said Corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices, and for transacting all other business, excepting the assessing and raising of monies which shall always be done at their annual meeting on the said first Wednesday of January and at no other time; at which Meeting they shall vote all necessary sums for defraying the annual expence of perserving said Library and enlarging the same— and shall make and enact such Rules and By-laws for the Government of said Corporation as may by them be found necessary— Provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Ebenezer Hill and James Wood, or either of them, are hereby authorised and empowered to call the first meeting of the Proprietors at such time and place as they may appoint, by posting up a notification of the same at the public meeting house in said Mason at least ten days before the time of said meeting and the said proprietors at said meeting shall have all the powers to enact such By-laws and choose all such Officers as they may or can do at their said annual meeting.

### [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT, TO INCORPORATE CERTAIN PERSONS, FOR THE PURPOSE OF BUILDING A BRIDGE OVER THE RIVER MERRIMACK, AT A PLACE CALLED BLANCHARDS-FERRY, NEAR THE MOUTH OF CONTOOCOOK-RIVER, FROM BOSCAWEN, TO CANTERBURY, AND FOR SUPPORTING THE SAME.

[Approved June 15, 1802. Original Acts, vol. 17, p. 47; recorded Acts, vol. 13, p. 278. See additional act of June 21, 1814, *id.*, vol. 20, p. 226.]

Whereas a Bridge over said river, at the place above-mentioned, will be of Public utility, And whereas, Isaac Chandler, Timothy Dix, Jun. and Stephen Ambrose, and others, their associates, have petitioned the General Court, for liberty to build the same, and to be incorporated for that purpose—Therefore;

Be it enacted, by the Senate and House of Representatives, in General Court convened, That the persons above named, together with their Associates who are or shall become proprietors thereof, shall be a Corporation and body politic, for the purposes aforesaid, under the name of the Proprietors of Boscawen Bridge; And by



that name may sue and be sued, unto final judgment and execution, and do and suffer all matters, acts, and things, which bodies Corporate may or ought to do and suffer, and the said Corporation shall and may have a common seal and the same may break, renew, and alter at pleasure.

And be it further enacted, That Timothy Dix, Jun. shall call a meeting of said proprietors, by Advertisment in one or both of the Concord Newspapers, to be holden at any suitable time and place, after fourteen days from the first publication of said advertisment. And the proprietors, by a vote of the majority of those present, or represented at said meeting accounting and allowing one vote to each share, in all cases, shall choose a Clerk, who shall be sworn to the faithfull discharge of said office—and they shall allso agree on a method of calling future meetings—and at the same time or any subsequent meetings, may elect such officers and make and establish such Rules and Bye Laws, as to them shall seem necessary or convenient, for the regulation and government of said Corporation, for carrying into effect the purpose afforsaid, and for collecting the toll herein after granted and established—And the same rules and Bye Laws may cause to be executed; And may anex penalties to the breaches thereof, not exceeding ten dollars, for any one breach.— Provided said Rules and Bye Laws are not repugnant to the Constitution and Laws of this State; And all representations at any meeting of said Corporation, shall be proved by writing signed by the person to be represented, which shall be filed by the Clerk; And this Act, and all Rules, Bye Laws, Regulations, and Proceedings of said Corporation, shall be fairly and truly recorded by the Clerk, in a book or books, provided & kept for that purpose

And be it further enacted, that the proprietors afforsaid be and hereby are permitted and allowed to erect a Bridge over the River Merrimack, at any place within the limits of Blanchards-Ferry so called—And the said proprietors, are hereby empowered to purchase any lands adjoining said Bridge, not exceeding three Acres—and to hold the same in fee simple—and the share or shares of any of said proprietors, may be transfered by deed duly executed & acknowledged, and recorded by the Clerk of said proprietors on their records—

And be it further enacted, that for the purpose of reimbursing the proprietors the money expended by them in building and supporting said Bridge, a Toll be and hereby is granted and established. for the benefit of said proprietors according to the rates following; namely, for each foot passenger one cent; for each horse and rider four cents; for each horse and Chaise, Chair, Sulkey or other riding carriage, drawn by one horse only, ten cents; for each riding sleigh drawn by one horse, four cents, for each riding sleigh drawn by more than one horse, six cents; for each Còach, Chariot, Phaeton, or other four wheeled carirage for passengers, drawn by more than

one horse, twenty cents; for each Curricule twelve cents; for each cart, or other carriage of burthen, drawn by two beasts, ten cents, and three cents for each additional beast; for each horse or neat creature exclusive of those rode on or in carriages, two cents; for sheep & swine one half cent each; and to each team, one person and no more shall be allowed as a driver, to pass free of toll.

And be it further enacted, that the exclusive right of building and keeping in repair a Bridge across said River Merrimack, any where within the limits of Blanchards-Ferry, so called, be and the same hereby is fully granted to said petitioners and such as are or may be associated with them and become proprietors, their heirs and assigns.

And be it further enacted, That if any tax or assessment, made by said Corporation, for compleating or repairing the said Bridge, on the several shares, shall be unpaid at the time limited for the payment of the same, they may proceed to sell the delinquents share at public Auction, as the proprietors may agree and determine; And if any Overplus remains after the Tax or Assessment and charges, it shall be return'd to the delinquent proprietor.

And be it further enacted, that if the above mentioned Bridge shall not be compleated for travelling within two years from the time of passing hereof, then this act and every part thereof shall be null and void.

Provided nevertheless, That the former owners and present occupiers of said Ferry shall not be interrupted in their right in said Ferry, untill the first day of January One Thousand, eight hundred and three.

Provided further, That whereas said Blanchards Ferry is supposed to extend, from Canterbury to Concord at the mouth of Contoocook River, and from Concord to Boscawen across the mouth of said Contoocook River, and by building a Bridge at the place proposed, these two branches of said Ferry will be neglected, Therefore, Nathaniel Rolfe, Jun. living in Concord, on the westerly side of Merrimack River, at the mouth and on the southerly side of Contoocook River, his heirs and assigns, shall have liberty to keep a boat or boats, for the purpose of ferrying himself, or any other person, or thing, across the afforsaid places,— that is—from Concord at the mouth of Contoocook River, to Canterbury—and from Concord to Boscawen, across the mouth of Contoocook River affors'd, so long as the Proprietors of s<sup>d</sup> Ferry & Bridge shall neglect the branches of said Ferry—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF  
 THE PROPRIETORS OF THE SOCIAL LIBRARY IN LANDAFF

[Approved June 16, 1802. Original Acts, vol. 17, p. 48; recorded Acts, vol. 13, p. 312.]

Be it enacted by the Senate and House of Representatives in General Court convened That Peter Carlton, Ebenezer Eaton, Nathaniel Rix, and Simeon Eastman and their Associates Proprietors of said Library, and all such as hereafter may become Proprietors of the same, be and they hereby are incorporated into a body politic by the name of The Proprietors of the Social Library in Landaff with continuation and succession forever; (with all the Powers & Priviledges incident to such Corporations) and may enjoin penalties of disfranchisement or fine, not exceeding four Dollars for each offence and make Purchase & Receive Subscriptions, grants and donations of Personal estate, not exceeding the sum of one thousand Dollars for the Purpose of their Association—

And be it further enacted, That said Society be & they are hereby authorised to assemble at Landaff aforesaid on the first Wednesday of December annually to Choose all such Officers as may be found nessimary for the orderly conducting the Affairs of said Corporation, who shall Continue in office untill others are chosen in their room; and that said Corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in Offices, and for Transacting all other business excepting the assessing and Raising Monies which shall always be Done at their annual meeting on the said first wednesday of December and at no other time; at which meeting they shall vote all necessary sums for defraying the annual expence of Preserving said Library and enlarging the same—and shall make and enact such rules & bye Laws for the Government of said Corporation as may by them be found necessary— Provided the same be not repugnant to the Constitution & Laws of this State—

And be it further enacted That Peter Carlton Esq<sup>r</sup> is hereby authorised and Impowered to call the first meeting of the Proprietors at such time and Place as they may appoint, by Posting up a notification of the same at sum Public Place in said Landaff at Least fifteen days before the time of said Meeting And the said Proprietors at said Meeting shall have all the powers to enact such bye Laws, and choose all such Officers as they may or can do at their said annual Meeting

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO CHANGE THE NAMES OF ROBERT HOGG, JOHN HOGG, MOSSES HOGG, MOSSES BARNET HOGG J<sup>R</sup>, WILLIAM MITCHEL HOGG, SAMUEL HOGG, JOHN WALKER HOGG AND SARAH HOGG.

[Approved June 16, 1802. Original Acts, vol. 17, p. 49; recorded Acts, vol. 13, p. 320.]

Whereas Robert Hogg and John Hogg of Antrim in the County of Hillsborough in said State, Mosses Hogg, Mosses Barnet Hogg Jun<sup>r</sup>, William Mitchel Hogg, Samuel Hogg, John Walker Hogg and Sarah Hogg of Amherst in the County and State aforesaid, have preferred a petition to the General Court of this State, setting forth that they should derive much satisfaction and benefit from having their Surnames changed from Hogg to the surname of Tennant and praying the General Court that they would, by an Act enable them to assume the name of Tennant, the prayer thereof appearing reasonable—

Be it enacted by the Senate and House of Representatives in general Court convened, that the said Robert, John, Mosses, Mosses Barnet, William Mitchel, Samuel, John Walker and Sarah be, and they are hereby authorized to assume and bear the name of Tennant, and by that Name in future shall be called and known in all Legal proceedings, any Law, Custom or Usage to the Contrary notwithstanding.

Provided that nothing in this Act contained shall impair any Contract or Obligation by them made, or effect any Action or suit now pending in any Court of Law within this State, Wherein either of them is Plaintiff or Defendant

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN EFFINGHAM

[Approved June 16, 1802. Original Acts, vol. 17, p. 50; recorded Acts, vol. 13, p. 322.]

Be it enacted by the Senate and House of Representatives in General Court convened that Isaac Lord, Carr Leavitt, Joseph Drake, Asahel Dearborn and James Leavitt and their Associates, proprietors of said Library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a body politic by the name of the proprietors of the Social Library in



Effingham with Continuation and succession forever and in that name may sue and be sued, may in all personal Actions prosecute and defend the same to final judgment & Execution; and they are hereby vested with all the powers and privileges incident to Corporations of a similar Nature, and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said Proprietors in an Action of debt to their use in any Court proper to try the same and they may make purchase and receive Subscriptions, grants and donations of personal Estate not exceeding one thousand Dollars for the purpose and use of their Association.

And be it further enacted that said Proprietors be and they hereby are impowed and authorised to assemble at said Effingham on the second Tuesday of March annually to choose all such Officers as may be found necessary for the orderly conducting the Affairs of said Proprietors, who shall continue in Office until others are chosen in their room; and that said proprietors may assemble as often as may be found necessary for the filling up of any vacancies which may happen in said Offices, and for transacting all other business, excepting the raising of monies which shall always be done at their annual meeting and at no other time, at which annual Meeting they shall vote all necessary sums for defreying the annual expence of preserving said Library and for enlarging the same and said Corporation shall have power to make such Rules and By-laws for the Government of said Society as may from time to time by them be found necessary— Provided the same be not repugnant to the Constitution and Laws of this State.

And be it further enacted that Isaac Lord is hereby impowered and authorised to call the first Meeting of said proprietors at such time and place as he may appoint by posting a notification for that purpose at the Meeting house in said Effingham at least fifteen days prior to said Meeting and the said proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have, by this Act, at their annual Meeting.—

#### [CHAPTER 19.]

*State of*                    }  
*New Hampshire.*        }

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE BRANCH ROAD AND BRIDGE.—

[Approved June 16, 1802. Original Acts, vol. 17, p. 51; recorded Acts, vol. 13, p. 326. Session Laws, June, 1802, p. 6.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Caleb Winch, Joseph Winch, Thomas Goldsmith, Matthias Felton Phinehas Reed, and their associates and



successors, be, and they hereby are incorporated and made a body corporate and politic, under the name of the Proprietors of the Branch Road and Bridge; and in that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, That the said Phinehas Reed shall call a meeting of said proprietors by advertisement in the newspaper printed at Keene, to be holden at any suitable time and place, at least thirty days from the first publication of said advertisement: and the proprietors by a vote of a majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of said office; and shall also agree on the method of calling future meetings, and at the same time, or at any subsequent meetings, may elect such officers, and make and establish such rules and bye laws as to them shall seem necessary and convenient for the regulation and government of said Corporation for carrying into effect the purpose aforesaid, and for collecting the tolls hereinafter established: and the same bye-laws may cause to be executed, and annex penalties to the breach thereof: provided the said rules and bye-laws are not repugnant to the constitution and laws of this State: and all representations shall be proved in writing signed by the person to be represented, which shall be filed with the Clerk: and this act and all rules, bye-laws, regulations and proceedings of said corporation, shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose.

And be it further enacted, That the said Corporation are empowered to survey, lay out, make and keep in repair, a Road of four rods wide, in such rout as in the best of their judgment and skill, shall combine shortness of distance with the most practicable ground from the North line of the town of Fitzwilliam to the Road now occupied leading from Keene street to Swansey; and also to make and keep in repair a Bridge or Bridges as shall be found necessary in the rout of said Road over the South Branch river, so called: provided said proprietors shall not lay out said Road on the land of any individual, nor take, nor use the property real or personal of any individual, unless they have agreed, or shall agree with the owner thereof for the same.

And be it further enacted, That the Corporation may erect and fix one Gate upon or across said Road, or upon and across one of said Bridges, and to collect from all persons travelling the same with horses, cattle, carts or carriages, the tolls and duties hereinafter granted, that is to say: for every sheep or hog, half of one cent: for horses and cattle, one cent each; for every horse and rider or led horse, seven cents; for every sulkey or chair with one horse and two wheels, twelve and one half cents; for every chariot, coach,

stage waggon, phaeton, or chaise with two horses, and four wheels, twenty five cents; for either of said carriages with four horses, thirty cents; for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same: for each cart or carriage of burden drawn by one beast, eight cents; for each waggon, cart or other carriage of burden drawn by two beasts, twelve and a half cents; if by more than two beasts seven and a half cents for each additional yoke of oxen or horse; for each sleigh drawn by one horse seven cents; if drawn by two horses fourteen cents; if by more than two horses seven cents for each additional horse; for each sled drawn by one horse seven cents; for each sled drawn by two horses or a yoke of oxen, ten cents; if by more than two horses or one yoke of oxen, six cents for each additional pair of horses or yoke of oxen. And it shall be lawful for said Corporation to appoint toll-gatherers to collect of and from every person or persons using said Road and Bridges the tolls aforementioned, and to prevent any person from passing said Gate with horses, cattle, carriages, sleds or sleighs, of burden or pleasure, until he she or they have paid said toll: And at all times when the toll gatherer shall not attend his duty, the Gate shall be left open. Provided that nothing in this act shall extend to entitle said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship; or with his horse, team or cattle, to or from a mill, or on the common or ordinary business of family concerns within the same town.

And be it further enacted, That the said proprietors are hereby empowered to purchase and hold in fee simple, so much land as will be necessary for said Road and Bridges; and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said proprietors on their records; and the share or shares of any proprietor may be sold by said Corporation on nonpayment of assessment duly made agreeably to the laws that may be agreed upon by said Corporation.

And be it further enacted, That no toll shall be taken for said Road until said Road is made passable for carriages of burden & pleasure in the judgment of the Judges of the Court of Common Pleas for the County of Cheshire.

And be it further enacted, That whenever said Road and Bridge shall not be in good repair in the judgement of the Justices of said Court, the Gates shall be taken down, and shall not be erected again until said Court shall determine said Road is in good repair.

And be it further enacted, That in case any special damage shall happen to any person or persons, or to his or their teams or carriages by means of the insufficiency or want of repairs of said Road and Bridge at any time when the Gate is kept up, the party aggrieved shall recover his or their damage in an action against said Corporation.

And be it further enacted, That at the end of every six years after the setting up of a toll-gate, an account of the expenditures upon said Road and the profits arising therefrom shall be laid before the Judges of the Court of Common Pleas for the time being for said County of Cheshire under forfeiture of the privileges of this act in future; and if the nett profits for the said six years shall exceed twelve per cent per annum the said Court may reduce the future toll so far as that it may not exceed twelve per cent; and if the profits shall not amount to six per cent, the said Court may raise the toll so that it shall not be less than six nor more than twelve per cent per annum.

And be it further enacted, That if in six years said Road and Bridges shall not be completed according to the provision in this act, every part and clause thereof shall be null and void. Provided that the State of New Hampshire, the County of Cheshire any Town or Towns in the County of Cheshire, or any Citizen of this or the United States, may at any time after said Road or Bridges, are completed, repay said proprietors the amount of the sums expended by them thereon with ten per cent. per annum in addition thereto deducting the toll actually received by the proprietors; and in that case the said Road and Bridge shall to all intents and purposes be the property of the State of New Hampshire, and no Gate shall be erected or toll taken on said Road or Bridge afterwards: Provided also that whenever the nett income of the toll shall amount to the sum which the proprietors have expended with twelve per cent per annum on such sums so expended from the time of their actual disbursement, the said Road and Bridge shall become the property of the State of New Hampshire, and no toll shall be taken thereon afterwards.

And be it further enacted, That if said Road and Bridge shall not become the property of the State of New Hampshire in either of the ways aforesaid, this Act shall continue and be in force until the last day of December in the year of our Lord nineteen hundred and no longer.

#### [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE TOWN NOW CALLED TRECOTHICK IN THE COUNTY OF GRAFTON BY THE NAME OF ELLSWORTH.

[Approved June 16, 1802. Original Acts, vol. 17, p. 52; recorded Acts, vol. 13, p. 336.]

Whereas a petition signed by a number of the Inhabitants of said Trecothick has been preferred to the General Court representing, that they suffer many inconveniences in consequence of their

being in an unincorporated state, and that there is a sufficient number of Inhabitants in said Town to hold Town meetings:— Which prayer upon a public hearing appearing reasonable:— Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, That all the lands within the said Town of Trecothick be, and the same are hereby incorporated into a Town by the name of Ellsworth; and the Inhabitants who now reside or hereafter shall reside within the said Town are constituted a body politic and corporate, and invested with all such powers, privileges and immunities, which Towns in this State are entitled to enjoy; to remain a distinct Town, and to have continuance and succession forever.

And be it further enacted, That Daniel Craig is hereby authorized and empowered to call a meeting of said Inhabitants for the purpose of choosing all necessary Town officers, and shall preside therein until a Moderator shall be chosen to govern said meeting; which meeting shall be warned by posting up a notification therefor at some public place in said Ellsworth fifteen days prior to the day of holding said meeting: and the annual meeting in said Town shall forever hereafter be holden on the second Monday in March.

Provided always, That nothing in this act contained shall in any way or manner release the Inhabitants of said Town from paying their proportion of all debts now due from said Town, or any taxes now assessed on them as Inhabitants of said Town of Trecothick; but the same may be recovered, levied and collected from the Inhabitants of Ellsworth in the same way and manner as if this act had not been passed.—

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

### AN ACT AUTHORISING ASA DAVIS AND GEORGE GREGG OR OTHERS TO ENTER & PROSECUTE CERTAIN APPEALS

[Approved June 16, 1802. Original Acts, vol. 17, p. 53; recorded Acts, vol. 13, p. 339.]

Whereas Asa Davis and George Gregg have petitioned the General Court setting forth that by an Act of the Legislature passed the twenty fifth day of January one thousand seven hundred and eighty nine Henry Knox Esquire and Isaac Winslow were duly authorised and empowered to sell and pass by deed certain lands in the Town of Nottingham West to the Executor or Executors of said Thomas Caldwell deceased as by the said Act more fully Appears—That afterwards in pursuance of said Act the said Knox by his deed bearing date the thirtieth day of March in the year of our Lord one thousand seven hundred and ninety six sold and conveyed to Barna-



bas Gibson of Pelham in the County of Rockingham who was the Executor described in the aforesaid Act, one undivided moiety of one hundred and forty acres of land in said Nottingham West, and that Oliver Smith Administrator with the Will annexed of Isaac Winslow in the before recited Act named and pursuant thereto sold and conveyed to the said Barnabas Gibson in his Capacity aforesaid the other undivided moiety of said hundred and forty acres of land; that in each of the said deeds the said Knox and Smith did reserve and respectively limit, that the said Barnabas Gibson should account with the heirs of the said Thomas Caldwell deceased for the honest value of the lands by them conveyed as aforesaid after deducting the Net expenses he had been at in procuring the same conveyance to be made as by the same deeds may more fully appear; that on the twenty ninth day of July one thousand seven hundred and ninety nine, the said Barnabas Gibson exhibited to the Judge of Probate for the County of Hillsborough aforesaid an account of his Administration of the Estate of Martha Caldwell; who was Executrix of the Will of the said Thomas Caldwell deceased in whose right the said Barnabas claimed and did Administer the Estate of the said Thomas deceased and in the same account did charge himself with only one hundred & five dollars with some interest thereon as the net proceeds of said land, which account was, at a Court of Probate holden on the day last mentioned, allowed by the said Judge; and afterwards at a Probate Court holden at Amherst on the seventeenth day of June one thousand eight hundred, the said Barnabas exhibited a further account of his Administration of the Estate of said Martha and therein craved an allowance of one hundred dollars charged in the same account by mistake in ascertaining the net proceeds of said land, which last account was then and there allowed, and no Appeal was claimed from either of said decrees allowing the aforesaid accounts; and the said Asa Davis being guardian of Benjamin Caldwell and said George Gregg Guardian of Thomas Caldwell, both minors and sons of the said Thomas Caldwell deceased. conceiving their said Wards to be greatly injured and defrauded by the said Barnabas Gibson in not rendering an honest account of the net proceeds of said land & praying that they in behalf of their said Wards, may be authorised and empowered to enter Appeals, from the decrees of the said Judge at the next Superior Court of Judicature to be holden in said County of Hillsborough, after they shall be so authorised as aforesaid; which prayer Appearing reasonable—

Be it therefore enacted by the Senate and House of Representatives in General Court, convened; that the said Asa Davis and George Gregg Guardians of Benjamin Caldwell and Thomas Caldwell, or any other person or Persons, who shall be the future Guardian or Guardians of said Wards, or the said Wards or either of them; respectively, each for himself, have liberty to enter An Appeal or Appeals from the aforesaid decrees or either of them, at the next



Superior Court of Judicature to be holden at Amherst in and for said County of Hillsborough on the first tuesday of October next; and then and there to prosecute the same to final Judgment in the same way and manner as though said Appeals had been claimed allowed & prosecuted within the time prescribed by law

And be it further enacted that the said Barnabas Gibson be served with an attested copy of this Act, and a Copy of the Decree granting the Appeal thirty days previous to the Court to which said Appeals are allowed—

[CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT ALTERING THE APPROPRIATION OF A CERTAIN TAX OF THREE CENTS  $\bar{\tau}$ <sup>R</sup> ACRE ON ALL THE LANDS IN GROTON PUBLIC RIGHTS EXCEPTED GRANTED BY A SPECIAL ACT PASS'D JUNE 16<sup>TH</sup> 1801

[Approved June 16, 1802. Original Acts, vol. 17, p. 54; recorded Acts, vol. 13, p. 363. See act referred to, id., p. 210.]

Whereas the Select men of the Town of Groton have petitioned the General Court setting forth that a special Act passed June 16<sup>th</sup> 1801 granting a Tax of three Cents  $\bar{\tau}$ <sup>R</sup> acre on all the Lands in said Groton public Rights excepted, for the purpose of making and repairing roads, and that in and by said Act it was stipulated that the whole of said Tax shall be laid out on the road leading from Dorchester through said Groton on what was formerly called the College road, and that the original Petition contemplated another road leading from said Dorchester to Hebron by the way of Groton meeting-house, which if made passable would be of great Utility to the public Wherefore they prayed that the one half of said Tax may be laid out on the road leading from Dorchester to Hebron as above mentioned, which prayer appearing reasonable,

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that the one half of the above mentioned Tax when assessed shall be laid out in making and repairing the road from Dorchester to Hebron by the way of Groton meeting-house instead of the whole of said Tax being laid out on the other road Stipulated in the former act— and that Capt. Joshua Heath. and Cap<sup>t</sup> Asáhe Buell be added to the Committee formerly appointed to assess collect and see said Tax duly appropriated. and that the Persons appointed Committee by this and the former act shall before they proceed to collect said Tax give bond with sufficient Sureties in a Sum which shall be double the amount of said Tax. to the Clerk of the Court of common pleas in and for the County of Grafton conditioned for the faithful discharge of the

duties enjoined and the due appropriation of said Tax in equal Shares on each of the roads mentioned in this and the former Act. any thing in said former Act to the Contrary Notwithstanding—

[CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING ANDREW RANKIN, SAMUEL LEARNED JUNIOR AND PETER BONNEY TO ASSESS, COLLECT AND APPROPRIATE A TAX OF TWO CENTS PER ACRE ON ALL THE LANDS IN LITTLETON IN THE COUNTY OF GRAFTON, PUBLIC RIGHTS EXCEPTED, FOR THE PURPOSE OF BUILDING A BRIDGE AND MAKING AND REPAIRING THE ROADS IN SAID LITTLETON

[Approved June 16, 1802. Original Acts, vol. 17, p. 55; recorded Acts, vol. 13, p. 376.]

Whereas a Petition has been presented the General Court by a number of the Inhabitants of Littleton in the County of Grafton, Praying that the Lands in said Town may be taxed for the purposes aforesaid which prayer upon a public hearing appearing in part reasonable

Therefore Be it enacted by the Senate and House of Representatives in General Court Convened, that Andrew Rankin Samuel Learned Junior and Peter Bonney, be and they hereby are appointed a Committee to assess a tax of two Cents on each acre of Land in said Littleton, except Public rights— and the said Committee shall collect the same to be appropriated to the Sole use of Building a Bridge over Ammonoosac River in the most convenient place, to accommodate the road running through Littleton to Bethlehem—and the remaining part of the money to be laid out in making or repairing that or any other road in said Littleton which they may Judge best for the public good and the said Tax shall be collected in the same way and manner as State Taxes assessed on nonresident Proprietors by Law are Except that the list of Taxes left with the Deputy Sactetary shall remain in his office till the fifteenth of September instead of the first as by this Law is otherwise directed—

And be it further enacted— that the said Committee shall in the month of May in the year when said Tax is assessed give public notice in the news paper printed at Hanover and the New Hampshire Gazette three weeks successively of the assessment of said Tax and of the leave granted to the Resident and nonresident owners to work out said Tax as hereafter provided—

And be it further enacted that the owners of Land in said Littleton, whither residents or nonresidents shall have the liberty of work-

ing out said Tax on the said Bridge or highways in said Town as the said Committee shall direct— whose duty it shall be to superintend the same or appoint some suitable person for that purpose at the rate of six Cents per hour for every able bodied Man finding his own diet & tools and for ox work at the same price per Yoke any time between the first day of June and the fifteenth of September in the year when the Tax is assessed and if the Tax aforesaid is not duly paid or worked out as above provided on or before the fifteenth of September in the year when such Tax is assessed the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State Taxes are by law directed to do—

And Be it further enacted that when any Lands are sold at public auction by virtue of this act—the aforesaid Committee are hereby impowered to give a good and valid Deed of the same—and the same time shall be allowed for redemption and the same mode pursued in redeeming as in the Case of Land sold for the non payment of State Taxes— Provided that no Deed shall be executed till one year after the sale— and the said Committee shall previous to the Collection of said Tax give Bond in the penalty of one thousand dollars to the Clerk of the Court of Common-Pleas for the County of Grafton for the faithful appropriation of the Tax aforesaid within two years from the first advertising agreeable to the true intent and meaning of this act—which Bond may be sued and recovered in any Court Competent to try the same and one half the sum recovered shall be for the use of the Proprietors and the other half for the use of the County—

And be it further enacted that no highway Tax shall hereafter be laid on any of the Lands in Littleton for the Term of three years from and after the passing of this act— any Law of this State notwithstanding

#### [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN BEDFORD

[Approved June 16, 1802. Original Acts, vol. 17, p. 56; recorded Acts, vol. 13, p. 382.]

Be it enacted by the Senate and house of Representatives in General Court convened, That, William McAfee, Adam Smith, John Burns, James Moor, William Moor, Stephen Dole, David Stevens, John Houston J<sup>r</sup>, Patrick McLaughlin, Joseph Bell, John Patten, Samuel Chandler, Josiah Gordon, Roger Vose, Stephen French, Isaac Riddle, Thomas Wallace, Hugh Riddle, John Aiken. Phinehas

Aiken, John Craig, William Riddle, Samuel Gilcrest, David Patten, John Orr, Robert Dunlap, Theodore A: Goffe, Elisha Lincoln Jr, Aaron Gage, Joseph Nichols, Joseph Moor, Asa Barns, George Orr, Josiah Caldwell, Thomas Chandler, John Houston, Joseph Houston and Benjamin Sprake, Proprietors of said Library, and all such as may hereafter become proprietors of the same, be, and they are hereby incorporated into a body politic by the name of the Proprietors of the social Library in Bedford: with continuation and succession forever, with all the powers and privileges incident to Corporations of a like nature, and may enjoin penalties of disfranchisement or fine, not exceeding four dollars, for each offence, and make purchase and receive subscriptions, grants and donations of personal estate, not exceeding the sum of one thousand dollars.

And be it further enacted that said society be and they hereby are authorised to assemble at Bedford aforesaid on the last tuesday in February annually to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room: and that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting all other business excepting the raising of money which shall always be done at their annual meeting and at no other time— at which annual meeting they shall vote all necessary sums for defraying the annual expence of said Library and for enlarging the same: and shall make such rules and bye laws for the Government of said corporation as may by them be found necessary— Provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted, that John Orr and Adam Smith or either of them are hereby authorised and empowered to call the first meeting of said proprietors at such time and place in said Bedford, as they, or, either of them may appoint, by posting up a notification of the same at the meeting house in said Town, at least ten days before the time of holding said meeting, and said proprietors shall at said meeting, have all the powers to enact such bye laws and choose all such officers as they may, or can do at their annual meeting.



## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER AT OR NEAR THE FIFTEEN MILES FALLS SO CALLED IN LITTLETON, AND FOR SUPPORTING THE SAME—

[Approved June 16, 1802. Original Acts, vol. 17, p. 57; recorded Acts, vol. 13, p. 398. See additional act of December 16, 1805, *id.*, vol. 16, p. 109.]

Whereas a Bridge over said river at the place above mentioned, will be of public Utility, and whereas David Goodall, Samuel Learnard Junior; Elijah Freeman, Nathan Pike, Jonas Warren Joseph Lord, Thomas Peck and John Bean, and their associates have petitioned the General Court for liberty to build the same, and to be incorporated for that purpose— Therefore

Be it enacted by the Senate and House of Representatives in general Court convened; that the persons above named together with those their Associates who are or shall become Proprietors in said Bridge shall be a Corporation and body Politic for the purposes aforesaid, under the name of Littleton Bridge, and by that name may sue and be sued to final Judgment and execution and do and suffer all matters, acts and things which bodies corporate may or ought to do or suffer: and the said Corporation shall and may have a common seal and the same may break, renew, and alter, at pleasure.

And be it further enacted, that Elijah Freeman shall call a meeting of the Proprietors by advertiseing in the Dartmouth Gazette, to be holden at any suitable time and place after fourteen days from the first publication of said Advertisement; and the said Proprietors, by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share. in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of said Office and they shall also agree on a method of calling future meetings, and at the same or any subsequent meetings, may elect such Officers and make and establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of said Corporation, for carrying into effect the purpose aforesaid and for collecting the toll herein after granted and established, and the same rules and by-laws may cause to be executed and may annex penalties to the breach thereof, not exceeding ten dollars for any one breach—provided said rules and by-laws are not repugnant to the Constitution and laws of this State and all representations at any meeting of said Corporation, shall be proved by writing, signed by the person to be represented,



which shall be filed by the Clerk, and this Act and all rules, by-laws regulations and proceedings of said Corporation shall be fairly and truly recorded by the Clerk, in a book, or books, provided and kept for that purpose—

And be it further enacted; that the Proprietors aforesaid be and hereby are permitted and allowed to erect a Bridge over Connecticut river in any place in Littleton in the County of Grafton, and the said Proprietors are hereby empowered to purchase three acres of land for the building and accommodation of said Bridge and to hold the same in fee simple, and the share or Shares of any of said Proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of said Proprietors on their records—

And be it further enacted that for the purpose of reimburseing said Proprietors, the money expended by them in building and supporting said Bridge a toll be, and hereby is granted and established for the benefit of said Proprietors according to the rates following viz<sup>t</sup> for each foot passenger, one cent— for each horse and rider four cents—for each horse and Chaise, Chair, Sulkey or other riding carriage drawn by one horse only, ten cents— for each riding Sleigh drawn by one horse four cents—for each riding Sleigh drawn by more than one horse six cents—for each Coach, Chariot, Phaeton or other four whell carriage for passengers drawn by more than one horse, twenty cents—for each Curricule, twelve cents— for each Cart or other carriage of burthen drawn by two beasts, ten cents, and three cents for each additional beast—for each horse or neat creature exclusive of those rode on, or in carriages; two cents—for sheep and swine one half cent each and to each Team one person and no more shall be allowed as a driver to pass free of Toll

And be it further enacted that the exclusive right of building and maintaining a bridge across said Connecticut river in Littleton aforesaid extending three miles above and three miles below said bridge as the river runs, be and hereby is fully granted to said Petitioners and such as are or may be associated with them and become Proprietors; their heirs and assigns—

And be it further enacted that if any tax or Assessment made by said Corporation for compleating or repairing said Bridge on the several shares shall be unpaid at the time limited for the payment of the same, they may proceed to sell the delinquents share at public auction as the Proprietors may agree and determine, and if any overplus remains after paying the tax or Assessments and charges, it shall be returned to the delinquent Proprietor on demand—

And be it further Enacted, that if the above mentioned bridge shall not be compleated for traveling within five years from the time of the passing hereof, then this Act and every part thereof shall be null and void—

## [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

AN ACT—TO ALTER THE NAME OF JOHN ABBOT—TO JOHN STEVENS ABBOT—

[Approved June 16, 1802. Original Acts, vol. 17, p. 58; recorded Acts, vol. 13, p. 406.]

Whereas John Abbot son of Jacob Abbot hath preferred a petition to the General Court, setting forth—that great satisfaction & much benefit would accrue to him by having the name of Stevens added to the name of John his present christian name and praying for authority to assume the same— which prayer appearing reasonable

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the said John Abbot be & hereby is authorized and empowered to assume the name of John Stevens Abbot, and to improve the same as and for his own proper name in all cases and at all times when he has occasion to use a name—and by the same name of John Stevens Abbot shall be known and called in future—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN BRIDGEWATER.

[Approved June 16, 1802. Original Acts, vol. 17, p. 59; recorded Acts, vol. 13, p. 408. See act of same title passed June 15, 1811, *id.*, vol. 19, p. 11.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Moses Lewis, Peter Sleeper Esq. Moses Sleeper and Ahimaaz Blanchard, with such persons as may hereafter become proprietors in said Library, be, and they hereby are incorporated and made a body politic by the name of the Proprietors of the Social Library in Bridgewater, with continuation and succession forever; and in that name may sue and be sued in all personal actions, and may prosecute and defend the same to final judgment and execution; and they are hereby vested with all privileges and powers incident to corporations of a similar nature; and may enjoin penalties of disfranchisement, or fine not exceeding three dollars for each offence; to be recovered by said Society in an action of debt before any Court proper to try the same. And they

may make, purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand dollars (including the Books on hand) for the purpose and use of said Corporation—

And be it further enacted, That said Society be, and hereby are, authorized to assemble at some convenient place in said Bridgewater on the first Monday of January, annually, to choose all such Officers as may be thought necessary for the orderly conducting the affairs of said Society, who shall continue in office until others are chosen in their room; and said Corporation may assemble as often as may be found necessary for filling up any vacancy that may happen in said offices, and for transacting any other business, except the raising of money which shall always be done at the annual meeting, and at no other time: at which they shall vote all such sums as may be thought necessary for defraying the annual expense of preserving said Library, and for enlarging the same. And said Corporation shall have power to make such rules and bye laws for the government of said Society as may from time to time be thought necessary: Provided the same be not repugnant to the constitution and laws of this State.

And be it further enacted, That the said Moses Lewis, & Peter Sleeper Esq. or either of them, are hereby authorized and empowered to call the first meeting of said proprietors at such time and place as they may think proper, by posting up a notification for that purpose at some public place in said Bridgewater fifteen days prior to said day; and the proprietors shall have power at said meeting to choose all such officers and make such bye laws as they have by this act at their annual meeting.—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS, FOR THE PURPOSE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER, AT A PLACE CALLED BEDELS FERRY, FROM HAVERHILL IN THIS STATE TO NEWBURY IN THE STATE OF VERMONT & FOR SUPPORTING THE SAME

[Approved June 16, 1802. Original Acts. vol. 17, p. 60; recorded Acts, vol. 13, p. 436. See the act of June 15, 1805, id., vol. 16, p. 17, and the act of December 14, 1812, Session Laws, December, 1812, p. 25.]

Whereas a Bridge over said River at the Place above mentioned will be of Public utility, And whereas Moody Bedel has Petitioned the General Court, for liberty to Build the same, and to be incorporated with others which may hereafter Join him for that Purpose—Therefore

Be it enacted by the Senate & House of Representatives in General Court convened, That the said Moody Bedel & his associates who shall become proprietors thereof, shall be a Corporation & Body politic, for the Purpose aforesaid under the name of the Proprietors of Bedels Bridge; And by that name may sue and be sued, unto final Judgement and execution, and do and Suffer all matters acts & things which bodies corporate may or ought to do or Suffer. And the said Corporation shall and may have a common seal, and the same may break renew, and alter at Pleasure

And be it further enacted, that Moody Bedel shall call the first meeting of said Proprietors by Advertisement in the Newspaper Printed at Hanover in said State, to be Holden at any Suitable time and place after fourteen Days from the first publication of said advertisement And the proprietors by a Vote of the Majority of those present, or represented at said meeting accounting and allowing one vote to each share, in all cases, shall choose a Clerk who shall be sworn to the faithfull discharge of said office—and they shall allso agree on a method of Calling future meetings—and at the same time, or, any Subsequent meetings may elect such officers, and make and establish such Rules & Bye Laws, as to them shall seem necessary or convenient for the regulation and government of said corporation for carrying into effect the purpose aforesaid, and for collecting the toll herein after granted and established— And the same Rules & Bye Laws may cause to be executed; and may anex penalties to the breach thereof, not exceeding ten Dollars for any one breach—Provided said Rules & Bye Laws are not repugnant to the Constitution & Laws of this State; And all representations at any meeting of said Corporation, shall be proved by writing, signed by the person to be represented which shall be filed by the Clerk; and this Act, and all Rules Bye Laws, Regulations & Proceedings of said Corporation, shall be fairly and truly recorded by the Clerk in a book, or Books provided & kept for that Purpose—

And be it further enacted, that the Proprietor aforesaid and Such others as hereafter may Join him, be and hereby are permitted and allowed to erect a Bridge over the River Connecticut at any place within the limits of Bedels ferry so called; and the said proprietor or Proprietors are hereby empowered to Purchase or appropriate any Lands adjoining said Bridge, not exceeding Three acres, and to hold the same in fee Simple— And the share or shares of any of said proprietors may be transfered by Deed duly Executed, acknowledged, and recorded by the Clerk of said Proprietors, on their Records—

And be it further enacted, That for the Purpose of reimbursing the Proprietors, the money expended by them in building and Supporting said Bridge, a Toll be and hereby is granted & Established, for the benefit of said Proprietor or Proprietors according to the Rates following: namely, for each foot Passenger one Cent for each horse and Rider four cents; for each horse & Chaise, Chair, Sulky,



or other riding carriage Drawn by one horse only, ten Cents; for each riding sleigh Drawn by one horse four cents; for each riding Sleigh drawn by more than one horse, Six cents; for each Coach Chariot, Phaeton, or other four wheeled carriage for Passengers, drawn by more than one horse twenty cents; for each Curricule, twelve cents; for each cart or other carriage of burthen drawn by two beasts, ten cents, and three cents, for each additional beast; for each horse, or neat creature, exclusive of those rode on, or in Carriages, two Cents; for sheep & Swine one half cent each; and to each team, one person, and no more, shall be allowed as a Driver to Pass free of toll—

And be it further enacted, that the exclusive right of building and keeping in Repair a bridge across said Connecticut River, any where within the limits of Bedels-ferry so called, be and the same hereby is fully granted to said Pettioner, and such as may hereafter be Associated with him & become proprietors, their Heirs & Assigns—

And be it further enacted, that if any tax, or assessment made by said Corporation, for compleating or repairing the said Bridge, on the several shares, shall be unpaid at the time limited for the payment of the same they may proceed to sell the Delinquent share at public Auction, as the proprietors may agree and determine; and if any overplus remains after the tax or assessment, & Charges, it shall be Returned to the Delinquent Proprietor on Demand—

And be it further enacted, that if the above mentioned Bridge shall not be compleated for Traveling within three years from the time of passing hereof, then this act and every part thereof shall be null and Void

## [CHAPTER 29.]

*State of* }  
*New Hampshire.* }

### AN ACT FOR INCORPORATING THE PROPRIETORS OF THE FIFTH NEW-HAMPSHIRE TURNPIKE ROAD.—

[Approved June 17, 1802. Original Acts, vol. 17, p. 61; recorded Acts, vol. 11, p. 321. Session Laws, June, 1802, p. 22. See additional acts of June 17, 1806, id., June, 1806, p. 17, and June 25, 1810, id., June, 1810, p. 14.]

Whereas a Petition has been preferred to the General Court by Thomas Cogswell and others his Associates praying for the grant of a turnpike road from Plymouth in the County of Grafton to Piscataqua bridge: and whereas it appears that a turnpike road in that direction would be of great public utility—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, That Thomas Cogswell, John Peirce,



Samuel Winkley, Moses Canney, John Cate, Isaac Waldron, Samuel Hale and John P. Hale and their associates and successors, be, and they are hereby incorporated and made a body corporate and politic forever under the name of the Proprietors of the fifth New Hampshire Turnpike road; and by that name may sue and prosecute and be sued and prosecuted to final judgment and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a Similar nature.—

An be it further enacted. That the said Thomas Cogswell Esquire, shall call a meeting of said proprietors by advertisement in the Columbian Oracle printed at Portsmouth to be holden at any suitable time and place after fourteen days from the first publication of said advertisement and the proprietors by a vote of a majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases shall choose a Clerk who shall be sworn to a faithful discharge of said office; and shall also agree on a method of calling future meetings, and at the same time or any subsequent meeting may elect such officers and make and establish such rules and bye-laws as to them shall seem necessary or convenient for the regulation and government of said Corporation, for carrying into effect the purpose aforesaid, and for collecting the tolls hereinafter established; and the same bye laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and bye-laws are not repugnant to the constitution and laws of this State: and all representations at any meeting of said Corporation shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk; and this Act and all rules and bye-laws, regulations and proceedings of said Corporation, shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose.

And be it further enacted, That the said Corporation are empowered to survey, lay out, make and keep in repair, a turnpike road or highway of four rods wide, in such rout or tract as in the best of their judgment and skill will combine shortness of distance with the most practicable ground from Plymouth aforesaid to Piscataqua bridge.—

And be it further enacted, That in case the said proprietors and the owners of land through which the said road may run, shall not agree on the compensation to be made for said land, the Superior Court of Judicature holden within and for the County in which said land lies, upon the application of the said proprietors, or of the owner or owners of such land, may appoint a Committee to ascertain the compensation, and issue execution therefor against said proprietors in case of nonpayment. Provided nevertheless, that no labor shall be done on said road until the said damages so assessed are actually paid, or such security given as shall be satisfactory to the owner or owners of the land through which said road shall pass.

And be it further enacted, That the said Corporation may erect and fix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said Company from all persons travelling in the same with horses, cattle, carts and carriages.—

And be it further enacted, That it shall and may be lawful for said Corporation to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from every person and persons using the said road, the toll and rates hereinafter mentioned, and to stop any person riding leading, or driving any horses, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled, or other carriage of burden or pleasure, from passing thro said gates or turnpikes, until they shall have respectively paid the same, that is to say, for every mile of the said road, and so in proportion for any greater or less distance, or any greater or smaller number of sheep, hogs, or cattle, viz. for every ten sheep or hogs, one cent; for every ten cattle, two cents; for every horse and his rider, or led horse, one cent; for every sulkey, chair, or chaise, with one horse and two wheels, one cent and a half; for every chariot, coach, stage, waggon, phaeton, or chaise with two horses and four wheels, three cents; for either of the carriages last mentioned with four horses, four cents; for every other carriage of pleasure, the like sums according to the number of wheels and horses drawing the same: for each cart or other carriage of burden, drawn by one beast, one cent; for each waggon, cart or other carriage of burden, by two beasts, one and a half cent; if by more than two, one cent for each additional yoke of oxen or horse; for each sleigh drawn by one horse, one cent and an half; by two horses, two cents; and if by more than two, one cent for each horse; for each sled drawn by one horse, one cent; for each sled drawn by two horses or a yoke of oxen, one cent and a quarter; and if by more than two horses or one yoke of oxen, one cent for each pair of horses or yoke of oxen. And at all times when the toll-gatherer shall not attend his duty the gate or gates shall be left open. Provided that nothing in this Act shall extend to entitle the said Corporation to demand or take toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from any mill, or on their common or ordinary business within the town where such person belongs.

And be it further enacted, That the said proprietors are hereby empowered to purchase and hold in fee simple so much land as shall be necessary for said road, and that the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged, and recorded by the Clerk of said proprietors on their records; and the share or shares of any proprietors may be sold by said Corporation on nonpayment of assessments duly made.

And be it further enacted, That no toll shall be taken by said Corporation for any mile of said road until six hundred dollars shall

have been expended thereon, or a proportionate sum upon the whole number of miles, reckoning from Piscataqua bridge to the place where any toll-gate may be erected.

And be it further enacted, That said Corporation may be indicted for defect of repairs of said road, after toll gates are erected, and be fined as towns are by law fineable for suffering roads to be out of repair; and said fine may be levied on the profits and tolls arising or accruing to said proprietors.

And be it further enacted, That in case any special damage shall happen to any person or persons, to his or their team or teams, horses or carriages, by means of the insufficiency or want of repairs of said road at any time when the gates are kept up, the party aggrieved shall recover his or their damage in an action of trespass on the case against said Corporation in any Court of competent jurisdiction to try the same.

Provided nevertheless, and be it further enacted, That if the said turnpike road shall in any part be the same with any highway now used, it shall not be lawful for said proprietors to erect any gate or turnpike on or across said part of the road now used or occupied as a public highway.—

And be it further enacted, That at the end of every ten years, an account of the expenditures upon said road and the profits arising therefrom shall be laid before the Judges of the Superior Court for the time being, under forfeiture of the privilege of this Act in future; and if the nett profits for the said ten years shall exceed twelve per cent per annum, the said Court may reduce the future toll, so that it may not exceed twelve per cent; and if the profits shall not amount to six per cent, the said Court may raise the toll, so that it shall not be less than six, nor exceed twelve per cent.

And be it further enacted, That if in ten years the said road is not completed according to the provision in this Act, every part and clause thereof shall be null and void.

Provided also that the State of New Hampshire may at any time after the expiration of forty years from the passing of this Act, repay the proprietors of the said road the amount of the sum expended by them thereon with twelve per cent per annum in addition thereto, deducting the amount of toll actually received by the proprietors, and in that case the said road shall to all intents and purposes be a public highway, any thing in this Act to the contrary notwithstanding

## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF  
 HINDSDALE BRIDGE AND THE SIXTH NEW HAMPSHIRE TURNPIKE  
 CORPORATION.—

[Approved June 17, 1802. Original Acts, vol. 17, p. 62; recorded Acts, vol. 12, p. 231. Session Laws, June, 1802, p. 13. See additional acts of December 24, 1805, id., December, 1805, p. 61, June 16, 1806, id., June, 1806, p. 15, June 12, 1812, id., June, 1812, p. 39, and June 22, 1815, recorded Acts, vol. 20, p. 309. See act of June 11, 1807, id., vol. 17, p. 72. By the act of January 7, 1853, id., vol. 44, p. 140, the name of the bridge was changed.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Oliver Chapin, Foster Alexander, Cyrus Shattuck, Seth Hooker, Edward Gustine, Thomas Taylor, John W. Blake, Samuel Dickinson, Gardiner Chandler, George H. Hall, John Holbrook, Silas Barrett, James Elliot, Stephen Hawkins, Reuben Alexander, Caleb Alexander, Daniel Twitchel, and Daniel Hawkins, junior, and all persons who are, or shall become proprietors in said Bridge and Road and their associates, so long as they continue proprietors thereof, shall be a corporation and body politic, for the purposes aforesaid, under the name of the Proprietors of Hindsdale bridge and the sixth New Hampshire turnpike corporation; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things, which bodies corporate may or ought to do and suffer. And the Corporation shall and may have a common seal, and the same may break, renew and alter at pleasure.—

And be it further enacted, That Oliver Chapin, or Foster Alexander, shall call a meeting of said proprietors by advertisements in the newspapers printed at Keene and Brattleborough to be holden at any suitable time and place at least thirty days from the first publication of said advertisements; and the proprietors by a majority of those present or represented at said meeting, which representation shall be in writing, and signed by the person so represented, accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of said office; and shall also agree on the method of calling future meetings; and at the same or at any subsequent meetings may elect such officers, and make and establish such rules and bye laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid; and for collecting the tolls herein after established; and the same bye laws may cause to be executed, and annex penalties to the breach thereof: provided said rules and bye laws are not repugnant to the constitution and laws of this State:



and the aforesaid representation shall be filed with the Clerk, and this act, and all rules, bye laws, regulations and proceedings, of said Corporation, shall be fairly and truly recorded by the Clerk, in a book or books provided and kept for that purpose.

And be it further enacted, That the proprietors aforesaid be, and hereby are permitted and allowed to erect a Bridge over Connecticut river at any place from Dummer's ferry to the ferry at Barretts Island, so called, and also at any place on said Island, or within one mile above the same; and the said Corporation shall have the exclusive right to erect said bridge at any place within the aforesaid limits, and the proprietors are hereby empowered to purchase any lands adjoining said bridge, provided the same does not exceed five acres, and to hold the same in fee simple.

And be it further enacted, That the Corporation are empowered to survey, lay out, make and keep in repair a turnpike road, not less than four rods wide, in any place, in such routs or tracts as in the best of their judgment and skill shall combine shortness of distance with the most practicable ground from Connecticut river in Hindsdale, intending to meet the aforesaid bridge when erected, through said Hindsdale and Winchester to the line of the Commonwealth of Massachusetts at Warwick.

Provided nevertheless, and be it further enacted, That the Corporation shall not have power to make said road through the land of any person or persons until the individual or individuals are compensated to their Satisfaction for the damage he she or they may sustain, and the same land is purchased by said proprietors; any thing in this act to the contrary notwithstanding.

And be it further enacted, That for the purpose of reimbursing said proprietors the money by them expended in building and supporting said bridge, a toll be, and hereby is granted and established for the benefit of said proprietors according to the rates following, namely; for each foot passenger one cent; for each horse and rider, six cents and one quarter of a cent; for each horse and chaise, or sulkey, twelve and one half cents; for each riding sleigh drawn by one horse, six and one quarter cents; for each riding sleigh drawn by more than one horse twelve and one half cents; for each sled drawn by one beast, six and one quarter cents; for each sled drawn by two beasts, twelve and one half cents; for each sled drawn by three beasts, eighteen and three quarters cents; for each sled drawn by four beasts, twenty five cents; and for all beasts over and above four, three cents each; for each coach, chariot, phaeton, or other four wheel carriage for passengers, twenty five cents; for each curricule fifteen cents; for each cart, or other carriage of burden, drawn by one beast, six and one quarter cents; by two beasts, twelve and one half cents; by three beasts, eighteen and three quarters cents; by four beasts, twenty five cents; and for all over and above four, three cents each; for each horse, jack, mule, or neat beast, exclusive of those rode on or in carriages, two cents each; for sheep and



swine, half of one cent each; and to each team one person only shall be allowed to pass free of toll: and at all times when the toll-gatherers shall not attend his duty, the gate or gates shall be left open.

And be it further enacted, That the said proprietors are hereby empowered to purchase and hold in fee simple, so much land as will be necessary for said turnpike road, and that the shares in said bridge and turnpike road shall be taken, deemed and considered, to be personal estate, to all intents and purposes, and shall and may be transferable; and the mode of transferring said shares shall be by deed acknowledged before any Justice of the peace and recorded by the Clerk of the Corporation in a book to be kept for that purpose. And when any share shall be attached on mesne process, an attested copy of such process shall at the time of the attachment be left with the Clerk of the Corporation, otherwise the attachment shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution; the officer making sale or the judgment creditor leaving a copy of the execution, and the officer's return on the same with the Clerk of said Corporation, within fourteen days after such sale, and paying for the same, shall be deemed and considered as a sufficient transfer of such share or shares in the said turnpike road.—

And be it further enacted, That no toll shall be taken by said Corporation for any part of said road until six hundred dollars shall have been expended on each mile, or a proportionate sum upon the whole number of miles.

And be it further enacted, That the Corporation may erect and fix one gate or turnpike upon and across said road, provided the same be erected on said road between the furnace bridge, so called, and Hindsdale mills that are now built on Ashuelot river in Hindsdale, so that it shall not stand on or across said part of the road that is now travelled and occupied as a public highway; any thing in this act to the contrary notwithstanding.—

And be it further enacted, That it shall and may be lawful for said Company to appoint such and so many tollgatherers as they shall think proper, to collect and receive of and from all and every person or persons using the aforesaid bridge the rate of toll aforesaid at said bridge; also such toll gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road the tolls and rates hereinafter mentioned, and to stop at each of said gates, any person riding, leading or driving, any horses, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled, or other carriage of burden or pleasure, and foot persons at the bridge, from passing through the said gates or turnpikes, until they shall have respectively paid the same; that is to say, the toll beforementioned at the bridge, and the following at the turnpike gate: for every coach, phaeton, chariot or other four wheel carriage, drawn by two horses,

twenty five cents; and if drawn by more than two horses, an additional sum of six and one quarter cents for each horse; for every cart or waggon drawn by two oxen or horses, twelve and one half cents; and if drawn by more than two oxen or horses, an additional sum of six and one quarter cents for each ox or horse; for every curricule twenty cents; for every chaise, chair or other carriage, drawn by one horse, twelve and one half cents; for every man and horse six and one quarter cents; for every sled or sleigh drawn by two oxen or horses twelve and one half cents; if drawn by more than two oxen or horses, an additional sum of six and one quarter cents for each ox or horse; for every sled or sleigh drawn by one horse eight cents; for all horses, mules, oxen or neat cattle led or driven, besides those in teams and carriages, one cent each; for all sheep or swine at the rate of four cents for one dozen; Provided that said Corporation if they see fit to commute the rate of toll with any person or persons by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the toll aforesaid And at all times when the toll gatherer shall not attend his duty, the gates aforesaid shall be left open. And if any person shall with his carriage, team, cattle or horses, turn out of said road to pass the turnpike gate on ground adjacent thereto, with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of the said Corporation, to the use thereof in an action of debt or on the case: provided that nothing in this act shall extend to entitle said Corporation to demand toll of any person at the turnpike gate, who shall be passing with his horse or carriage to or from publick worship, or with his horse, team or cattle or on foot to or from any mill, or on their common and ordinary business of family concerns within the same town—

And be it further enacted, That said Corporation may be indicted for defect of repairs of said bridge and road after the toll gates are erected, and fined in the same way and manner as towns are by law finable for suffering roads and bridges to be out of repair; and said fine may be levied on the profits and tolls arising or accruing to said proprietors.

And be it further enacted, That when said proprietors shall make it appear to the Judges of the Superior Court of Judicature that they have expended said sum of six hundred dollars on each mile, or a proportionable sum as beforementioned, the proprietors shall have the liberty to erect the gate aforesaid.

And be it further enacted, That the Corporation shall have power to erect a gate at the bridge, and receive toll as aforesaid at said gate, in case the same shall be finished suitable to pass before said turnpike road is done; and shall also have power to erect a gate across said road in manner aforesaid and receive the rate of toll aforesaid after they have expended the sum, before in this act, pointed out, in case the same should be done before said bridge is passable.

And be it further enacted, That at the end of every ten years after the setting up of any toll gates an account of the expenditures upon said road and the profits arising therefrom, shall be laid before the Judges of the Superior Court, for the time being, under forfeiture of the privileges of this act in future; and if the nett profits for the said ten years shall exceed twelve per cent. per annum, the said Court may reduce the future toll so far as that it may not exceed twelve per cent. and if the profits shall not amount to six per cent the said Court may raise the toll, so that it shall not be less than six, nor exceed twelve per cent.

And be it further enacted, That if in ten years, the said road and bridge shall not be compleated, according to the provision in this act, every part and clause thereof shall be null and void—Provided also that the State of New Hampshire may at any time after the expiration of forty years from the passing of this act, repay the proprietors of said road and bridge the amount of the sum expended by them thereon, with twelve per cent per annum in addition thereto, deducting the toll actually received by the proprietors, and in that case the said road and bridge shall to all intents and purposes be the property of the State of New Hampshire; any thing in this act to the contrary notwithstanding.

And be it further enacted, That whenever said road and bridge shall not be in good repair in the judgment of the Justices of the Court of Common Pleas, the gates shall be taken down, and shall not be erected again until said Court shall determine said road in good repair.—

And be it further enacted, That in case any special damage shall happen to any person or persons, or to his or their team or teams or carriages, by means of the insufficiency or want of repairs of said road or bridge, at any time when the gate is kept, the party aggrieved shall recover his or their damage in an action of trespass on the case against said Corporation, in any Court of competent jurisdiction to try the same

### [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING ELIZABETH GIBSON TO ENTER CERTAIN PROCEEDINGS AT THE NEXT COURT OF COMMON PLEAS IN THE COUNTY OF ROCKINGHAM—

[Approved June 17, 1802. \* Original Acts, vol. 17, p. 63; recorded Acts, vol. 13, p. 385. See act of June 10, 1803, id., vol. 14, p. 60.]

Whereas Elizabeth Gibson of Pelham in the County of Rockingham, hath petitioned the General Court setting forth—that she and one Barnabas Gibson of said Pelham having divers controversies;

mutually agreed to refer the same to Clifton Clagett, & John Dinsmore Esquires and Moses Whiting and accordingly entered into a rule before Silas Betton Esquire; agreeably to which, the report of said Referees was to be returned to a Judicial Court in said County of Rockingham, that said Referee's on the fifteenth day of April one thousand eight hundred and one met on the business and made up their report in her favor and returned the same to the Court of Common pleas held at Exeter in said County on the second tuesday of August last, that being the next Court after said report was made up—that she, from a want of knowledge in legal proceedings failed to enter said report at that Court and no Judgment was rendered thereon & praying that she may have liberty to enter the same at a future Court and that the same proceedings may be had thereon as though said Report had been entered according to said rules, which prayer appearing reasonable

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Elizabeth Gibson have liberty to enter said Report at the next Court of common pleas to be holden at Exeter in and for said County on the second tuesday of August next, and the same proceedings shall be had thereon, as though said Report had been entered and prosecuted at the Court to which the same was returned—

And be it further enacted that the said Barnabas Gibson be served with an attested copy of this Act fifteen days at least before the sitting of the next Court of Common pleas for said County—

## [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

### AN ACT GRANTING TO JOHN DAVIS A NEW TRIAL—

[Approved June 17, 1802. Original Acts, vol. 17, p. 64; recorded Acts, vol. 13, p. 388.]

Whereas John Davis of Eaton in the County of Strafford and State aforesaid hath petitioned the General Court setting forth, that Nathaniel Banfill of Eaton aforesaid on the tenth day of January one thousand eight hundred and one, commenced an action against him triable before Henry Mellen Esquire one of the Justices of the Peace for said County of Strafford at Dover on monday the nineteenth day of the same January; that on that day Judgment was rendered by said Justice against him on default for the sum of four dollars and twenty one cents damage & Cost of Court taxed at eleven dollars and thirty one cents; that Execution issued on said Judgment, & he was obliged to satisfy the same with the Officers fees amounting in all to seventeen dollars—that at the time of the



service of the writ aforesaid he was absent from home on a Journey & continued absent until after the rendition of said Judgment—that he never had any notice of the commencement or pendency of the suit or of said Judgment until sometime after it was rendered & that the said Banfill had no ground or cause of action against him, & praying that a Review of said action may be granted him—Therefore

Be it enacted by the Senate & house of Representatives in General Court convened that the said John Davis have liberty to enter said action anew at the Court of Common pleas to be holden at Gilmantown in and for the County of Strafford on the third tuesday of August next, and at that or any other Court to which said cause shall be carried, may plead the general issue or any other plea or pleas thereto as though said action had originated before said Court, which plea or pleas and the answer thereto shall be considered and adjudged upon, as if made and filed at the time of trial before the said Justice—

And be it further enacted, that the said Davis shall produce unto said Court attested copies of the writ, Judgment and all other papers used and filed in said cause before the said Justice and the said Court shall thereupon at that or a succeeding Term proceed to hear and determine said cause and render Judgment therein in the same way and manner, as in other causes, which having originated in said Court, are again brought before them by a Review—

And be it further enacted that the said Banfill be served with an attested copy of this Act fifteen days, at least, before the sitting of the Court at which; by this Act, said action is to be entered—

### [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT, FOR PROVIDING FOR THE PRESERVATION OF THE RECORDS & PAPERS OF PUBLIC NOTARIES, & FOR GIVING THEM FURTHER POWERS, IN CERTAIN CASES—

[Approved June 17, 1802. Original Acts, vol. 17, p. 65; recorded Acts, vol. 13, p. 391. Session Laws, June, 1802, p. 12. Laws, 1805 ed., p. 96; id., 1815 ed., p. 110. Repealed July 1, 1829, id., 1830 ed., p. 536.]

Be it enacted, by the Senate & House of Representatives, in General Court convened—That when any public Notary practising or who has practised in this State shall remove out of the same, or resign his office, or from any cause cease practising therein, it shall be his duty to deposit his notarial records & papers filed in his office, in the office of the Secretary of the State for the time being, where they shall thereafter be safely kept. And in case of the death of any Notary, it shall be the duty of his heirs executors, or admin-



istrators, so to deposit his records & files. And on failure herein by any of the persons aforesaid, the Secretary of the State shall have power to demand & receive such records & papers, in whosever possession the same may be— And if any person possessed of such official records & papers shall refuse to deliver them when so demanded, he shall forfeit & pay the sum of One thousand dollars to be recovered in a Plea of Debt in any Court proper to try the same, one moiety thereof to the use of the person who shall sue for the same, the other moiety to the use of the county of which such Notary was last an inhabitant. And all persons shall have free access, to such records & files, when lodged in the office of the Secretary of the State, who is hereby authorised & required to grant & certify copies of them under the seal of the State, which shall have the like validity & effect as they would have, had they been certified under the seal of the Notary himself—

And be it further enacted, that the Public Notaries, who are, & from time to time shall be commissioned & sworn, shall have in this State a concurrent power & authority with the Justices of the Peace to take, & certify the taking of Depositions in all cases wherein the law allows the taking of Affidavits out of Court; and like power & authority to take acknowledgments of deeds made to pass real estate, and their certificates of such acts shall have like validity & the same legal effect to all intents, as certificates of such official acts made by Justices of the Peace now have, any law usage or custom, to the contrary notwithstanding.

#### [CHAPTER 34.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO ANNEX CERTAIN LANDS IN A PLACE CALLED SOCIETY LAND TO THE TOWN OF FRANCISTOWN—

[Approved June 17, 1802. Original Acts, vol. 17, p. 66; recorded Acts, vol. 13, p. 394.]

Whereas Robert Dinsmoor, John Felch and Hugh Bell; have petitioned the General Court setting forth: that they being Inhabitants of an unincorporated Place, called Society land in the County of Hillsborough, have suffered great inconvenience—that said tract of land is too small and its Inhabitants too inconsiderable as to numbers, to be incorporated into a Town or Parish or to bear the unavoidable expense of the Government of a Town, or as a Parish to support a Public Teacher in religion and morality—that they inhabit that part of said tract adjoining Francistown and conceive they can derive greater benefit from being annexed to said Town, than to any other Town or place & praying that they with their farms may be annexed to and incorporated with that Town

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened that the following tract of land be and it is hereby annexed to and incorporated with the said Town of Francistown and to be considered as a part thereof (to wit) begining on the west line of said Francistown on the line of lots between Robert Dinsmoor and Elizabeth Hogg, thence west by the line of said lots to the road that leads from said Dinsmoor's to Putnam's mills; thence to continue westwardly by the south and eastwardly side of said road to the west line of said Dinsmoor's home lot, thence south by the west line of said lot and Hugh Bell's lot, to the south-west corner of said Bell's home lot, thence east by the south line of said lot to the northwest corner of lot Number twenty one in the right drawn to Jotham Odiorne Esq<sup>r</sup> thence south by the west line of said lot to the southwest corner thereof, thence east to Francis-town line thence northerly by said line to the bound first mentioned—

And be it further enacted that the Inhabitants of said land be hereafter considered as Inhabitants of said Town of Francistown, entitle'd to all the Priviledges and immunities and subject to the rules and regulations of said Town—

And be it further enacted that the Inhabitants of said land so annexed as aforesaid pay all Taxes and other arrearages that may be now due from them as Inhabitants of said Society land & be subject to the rules and regulations of said Society for collecting the same, this Act notwithstanding

## [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER AT THE FALLS IN NORTHUMBERLAND IN THE COUNTY OF GRAFTON.

[Approved June 17, 1802. Original Acts, vol. 17, p. 67; recorded Acts, vol. 13, p. 411. See act of January 16, 1795, Laws of New Hampshire, vol. 6, p. 236; also act of November 28, 1804, recorded Acts, vol. 14, p. 412.]

Whereas a Bridge over said River at the place above mentioned will be of public utility—And whereas Jeremiah Eames, John M. Tillotson, and Nathan Cass have petitioned the General Court for liberty to build the same and to be incorporated for that purpose—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that the persons above named together with those their associates who are or shall become proprietors in said bridge, so long as they continue proprietors thereof shall be a Cor-

poration and body politic for the purposes aforesaid under the name of the proprietors of the Northumberland bridge; and by that name may sue and be sued to final judgment and execution, and do and suffer all matters, acts and things which Bodies corporate may or ought to do or suffer.—And the said Corporation shall and may have a common seal, and the same may break, renew and alter at pleasure

And be it further enacted, that Jeremiah Eames Esquire shall call a meeting of said proprietors by posting up an advertisement at the Widow Cargill's tavern in Northumberland to be holden at any suitable time and place, after fourteen days from the first publication of said Advertisement. And the said Proprietors, by a vote of the majority of those present, or represented, at said meeting, accounting and allowing one vote to each share in all Cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said Office—and they shall also agree on a method of calling future meetings, and at the same or any subsequent meetings may elect such Officers, and make and establish such Rules and By-laws as to them shall seem necessary or convenient for the Regulation and Government of said Corporation; for carrying into effect the purpose aforesaid, and for collecting the toll herein after granted and establish. And the same Rules and By-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding ten dollars for any one Breach. Provided said Rules and Bye-laws are not repugnant to the Constitution and laws of this State; and all Representations at any meeting of said Corporation shall be proved by writing signed by the person to be represented, which shall be filed by the Clerk; and this Act, and all Rules, By-laws, Regulations and Proceedings of said Corporation shall be fairly and truly recorded by the Clerk, in a book, or books, provided and kept for that purpose.

And be it further enacted, that the proprietors aforesaid, be and hereby are permitted and allowed to erect a bridge over said River at any place within one mile above and one mile below the center of the falls in Northumberland aforesaid which two miles are to be computed as the said River runs; and the said proprietors are hereby impowered to purchase any lands adjoining said bridge, not exceeding three Acres, and to hold the same in fee simple.—And the share or shares of any of said Proprietors may be transferred by deed, duly executed, acknowledged and recorded by the Clerk of said proprietors on their Records.

And be it further enacted, that for the purpose of reimbursing said proprietors the money expended by them in building and supporting said bridge, a Toll be and hereby is granted and established for the Benefit of said proprietors, according to the Rates following, namely, for each foot passenger, one Cent; for each horse and Rider, four Cents; for each horse and chaise, chair, sulkey or other riding Carriage drawn by one horse only, ten Cents; for each riding

sleigh drawn by one horse, four Cents; for each riding sleigh drawn by more than one horse, six Cents; for each coach, charriot, phaeton, or other four wheeled carriage for passengers drawn by more than one horse, twenty Cents; for each Curricie, twelve Cents; for each Cart or other Carriage of burthen, drawn by two Beasts, ten Cents; and three Cents for every additional Beast; for each horse or neat Creature, exclusive of those rode on, or in Carriages, two Cents; for sheep and swine, one half Cent each; and to each team one person, and no more, shall be allowed as a Driver to pass free of toll.

And be it further enacted, that the exclusive Right of building and maintaining a bridge across said River, Connecticut, any where within the limits of one mile above and one mile below said Falls as the River runs as aforesaid be and the same is hereby fully granted to said petitioners, and such as are, or may be, associated with them and become proprietors, their heirs and assigns.—

And be it further enacted, that if any tax or assessment, made by said Corporation for completing or repairing the said bridge on the several shares, shall be unpaid at the time limited for the payment of the same, they may proceed to sell the delinquent's share at public Auction, as the proprietors may agree and determine; and if any overplus remains after paying the tax or assessment and charges, it shall be returned to the delinquent Proprietor.

And be it further enacted, that if the above mentioned Bridge shall not be completed for travelling within three years from the time of passing hereof, then this Act and every part thereof shall be null and void.

And be it further enacted, that the Proprietors of said Bridge shall, at the expiration of five years from the time said Bridge shall be completed for travelling, exhibit to the Justices of the Superior Court of Judicature, at any stated term in any County in this State, a true statement of all the monies by them received for toll; and if the monies by them received shall not amount to twelve per Centum per Annum Interest, then the said Justices of the Superior Court of Judicature are hereby authorised and impowered to raise the rates of said toll so that the interest on the expenditures of said Proprietors touching the building or repairing said Bridge shall not be less than twelve per Centum per Annum.—



## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING LOT WOODBERRY JOHN TAYLOR AND AMOS WHEELER TO ASSESS, COLLECT AND APPROPRIATE A TAX OF ONE CENT AND ONE HALF CENT ON EACH ACRE ON ALL THE LANDS IN BETHLEHEM IN THE COUNTY OF GRAFTON, PUBLIC LANDS EXCEPTED

[Approved June 17, 1802. Original Acts, vol. 17, p. 68; recorded Acts, vol. 13, p. 418.]

Whereas a Petition has been presented to the General Court by a number of the Inhabitants of Bethlehem in the County of Grafton, praying that all the lands in said Town of Bethlehem may be taxed for the purpose of mending their highways, which prayer upon a public hearing, appearing in part reasonable—Therefore

Be it enacted by the Senate and House of Representatives in general Court convened that Lot Woodberry, John Taylor and Amos Wheeler be and hereby are appointed a Committee to assess a tax of one cent and one half cent on each acre of land in said Bethlehem, public lands excepted and the said Committee shall collect and appropriate the same to the sole use of making and repairing the rods in said Bethlehem as they shall judge best for the public good; and the said tax shall be collected in the same way and manner as State taxes assessed on nonresident Proprietors by law are, except that the list of taxes left with the Deputy Secretary shall remain in his Office until the fifteenth day of September instead of the first day, as by law is otherwise directed

And be it further enacted that the said Committee shall in the month of May in the year wherein said Tax is assessed give public notice in the Newspaper printed at Hanover, and the Oracle, printed at Portsmouth; of the Assessment of said tax and of the leave granted to the resident and nonresident Owners to work out said tax as hereafter provided—

And be it further enacted that the Owners of land in said Bethlehem whether resident or nonresident; shall have the liberty of working out said tax on the said Highways as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the rate of six cents p<sup>r</sup> hour for every able bodied man finding his own diet and tools; and for ox work at the same price p<sup>r</sup> yoke; any time between the first day of June and the fifteenth day of September in the year when the tax is assessed, and if the tax aforesaid is not duly worked out or paid as above provided, on or before the fifteenth day of September in the year when said tax is assessed; the said Committee,



shall proceed in collecting the same in the same way and manner as Collectors of State taxes are by law directed to do—

And be it further enacted; that when any lands are sold at public Auction by virtue of this Act, the aforesaid Committee are hereby empowered to give a good and valid deed of the same; and the same time shall be allowed for redemption and the same mode pursued in redeeming, as in the case of land sold for nonpayment of State taxes; provided that no deed shall be executed 'till one year after the sale—

And the said Committee shall, previous to the collection of said tax give bonds in the penalty of one thousand dollars to the Clerk of the Court of Common pleas for the County of Grafton for the faithful Appropriation of the tax aforesaid, within two years from the first advertiseing, agreeable to the true intent and meaning of this Act, which bond may be sued and recovered in any Court competent to try the same and one half the sum recovered shall be for the use of the Proprietors & the other half for the use of the County—

#### [CHAPTER 37.]

*State of*                    }  
*New Hampshire.*        }

#### AN ACT TO RESTORE AMOS DOLE AND ABIGAIL HIS WIFE TO LAW IN A CERTAIN CASE.

[Approved June 17, 1802. Original Acts, vol. 17, p. 69; recorded Acts, vol. 13, p. 423.]

Whereas Amos Dole of Enfield in the County of Grafton hath preferred a petition to the General Court—setting forth that Ezekiel Worthen of said Enfield commenced a suit against said Amos and Abigail his wife, to be heard and tried before Elisha Paine, Junior, Esquire, one of the Justices of the Peace within and for said County on the twenty seventh day of November one thousand eight hundred, at Lebanon in said County: wherein the said Amos and Abigail were to answer unto the said Ezekiel in a plea of trespass for an assault and battery therein supposed to have been committed by the said Abigail on the said Ezekiel at said Enfield on the 27th day of October 1800—and that the Justice which the law intends was not attained in said suit—and praying relief in that behalf—which prayer upon a public hearing appearing reasonable—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That said Amos Dole and Abigail his wife be, and they hereby are, authorized and empowered, to commence and prosecute to final judgment and execution, an action of review of the aforesaid action or plea of trespass, before the said

Elisha Paine Junior; provided the same be commenced and prosecuted within one year from the time of passing this Act.

And be it further enacted, That said Elisha Paine Junior, be, and hereby is authorized and directed to sustain said action, and adjudge and determine the same.

And be it further enacted, That the same pleas and pleadings may be had and made in said action, as are by law allowed in other actions of trespass which are commenced before a Justice of the Peace—and either party may have the liberty of an appeal to the Superior Court of Judicature; and the same proceedings may be had thereon at said Superior Court of Judicature as if an appeal had been claimed & granted from the judgment of said Justice to said Superior Court immediately after the rendition of said judgment before said Justice. And said Justice, and the Justices of the Superior Court of Judicature are hereby respectively authorized to render judgment in said action as in other actions of review.

And be it further enacted, That said Amos Dole shall cause a Copy of this Act, and an attested Copy of the Writ of review to be given to the said Ezekiel Worthen, or left at his last and usual place of abode at least fourteen days previous to the day of the return of said writ of review.

### [CHAPTER 38.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO AUTHORIZE JAMES HOGG TO ASSUME THE NAME OF JAMES WILDER.

[Approved June 17, 1802. Original Acts, vol. 17, p. 70; recorded Acts, vol. 13, p. 428.]

Whereas James Hogg of Peterborough in the County of Hillsborough in said State Yeoman has petitioned the General Court praying that he may be authorised to assume the name of James Wilder and the said prayer appearing reasonable— Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that the said James Hogg be and he is hereby authorised to assume the name of James Wilder and may by that name hereafter be known and called, sue and be sued; plead and be impleaded in all actions to final judgment and Execution. Provided that nothing in this Act contained shall effect any action or suit already commenced, or any written Contract already made in which the said James Hogg is a party.—

## [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE SAMUEL BLODGET TO SET UP A LOTTERY  
FOR THE PURPOSE OF LOCKING AMOSKEA FALLS

[Approved June 18, 1802. Original Acts, vol. 17, p. 71; recorded Acts, vol. 11, p. 331. See act of December 24, 1798, Laws of New Hampshire, vol. 6, p. 524; also act of December 30, 1799, id., p. 622.]

Whereas a late Act of the General Court of said State, Authorised and empowered Samuel Blodget his heirs and Assigns to set up and carry into effect a Lottery for the purpose of raising a sum not exceeding Nine thousand dollars exclusive of the necessary charges attending it for the finishing his Canal at Amoskeag Falls in Derryfield, which sum from unforeseen impediments being found insufficient for the purpose aforesaid— Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Samuel Blodget his heirs Executors Administrators and Assigns be and they are hereby authorised and empowered to set up and carry into effect another lottery for the purpose of raising a further sum not exceeding Ten Thousand Dollars exclusive of the necessary charges attending the same provided that the said Lottery be drawn and finished within the Term of three years from the passing this Act—which sums shall be applied to the finishing said Blodgets Canal, Locks, Dams & Pools at Amoskeag falls aforesaid

And be it further enacted that the said Samuel Blodget his heirs and assigns be and they are hereby empowered to appoint three Respectable and Suitable persons to be Managers of said Lottery, for the sole purpose of Numbering the Blanks and Prizes, putting them into the Barrels and drawing the same; who shall be compensated for their Services by said Blodget, and shall be under Oath to be administered by a Justice of the Peace for the faithful discharge of said Trust, and be amenable to said Blodget for their doings therein—

And be it further enacted that all tickets issuing from said Lottery shall be signed by said Blodgett who shall pay all prize tickets according to their tenor, and shall refund all sums which may be received for Tickets in said Lottery in case the same shall not be drawn and finished within the Term of three Years— And shall also give bond with sufficient sureties in the sum of Twenty thousand Dollars to the Treasurer of the State of New Hampshire for the faithful performance of the same, and shall also give Bond with sufficient Sureties to said Treasurer in the sum of Twenty Thousand Dollars that the nett proceeds arising from said Lottery shall be actually expended in Locking and Canaling Said Falls—Provided

Nevertheless That this Act shall not be so construed as to interfere with the lottery granted him by an Act of the General Court Approved December 30<sup>th</sup> 1799 or prevent the present Managers thereof from compleating the drawing of the Ninth and Tenth Classes agreeably to their General Scheme of five Classes as already published, and finishing the same—

# [CHAPTER 40.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS, AND COMPANY OF THE NEW HAMPSHIRE UNION BANK—

[Approved June 18, 1802. Original Acts, vol. 17, p. 72; recorded Acts, vol. 11, p. 335. See additional acts of December 22, 1820, Session Laws, December, 1820, Chap. 79, and June 28, 1821, Laws, 1815-24, Appendix, p. 19.]

Sect. 1<sup>st</sup> Be it enacted, by the Senate & House of Representatives in General Court convened—That John Langdon, Supply Clap John Goddard, Edward Cutts, Elijah Hall, George Long & Neil McIntire and their associates, partners in the Company now known by the name of the President, Directors and Company of the New Hampshire Union Bank, their successors & assigns, shall be, and hereby are created & made a Corporation, by the name of the President, Directors and Company of the New Hampshire Union Bank, & shall so continue from the first day of July next, until the expiration of twenty years next following; and by that name shall be, & are hereby made capable in Law, to sue & be sued, plead & be impleaded, defend & be defended in any Court of record or any other place whatever; and also, to make have & use a common Seal, & the same again at pleasure to break, alter and renew; and also to ordain establish, & put in execution, such bye-laws, ordinances & regulations, as to them shall appear necessary & convenient for the Government of said Corporation & the prudent management of their affairs; provided such bye laws, ordinances & regulations shall in nowise be contrary to the Laws & Constitution of this State; and the said Corporation shall be always subject to the rules, restrictions, limitations, & provisions herein prescribed—

Sect: 2<sup>d</sup> And be it further enacted—That the Capital Stock of said Corporation shall consist of a sum not less than One hundred thousand dollars, nor more than Two hundred thousand dollars, in specie, and shall be divided into shares of Two hundred dollars each; and the Stockholders at their first meeting, shall by a majority of votes, determine the amount of the payments to be made on each share, & the time when the same shall be made; also the mode of transferring & disposing of the Stock & profits thereof; which being entered in the books of said Corporation, shall be binding on the



Stockholders, their successors & assigns; provided that no Stockholder shall be allowed to borrow at said Bank, until he shall have paid in his full proportion of said One hundred thousand dollars at least. And said Corporation, are hereby made capable in law to have, hold, purchase & receive, possess, enjoy & retain to them their successors & assigns, Lands, Rents, Tenements & Hereditaments to the amount of Fifty thousand dollars, & no more, at any one time with power to bargain, sell & dispose of, the same lands, tenements & hereditaments, and to loan & negotiate their monies & effects by discounting on banking principles on such personal security as they shall think adviseable—

Sect: 3<sup>d</sup> And be it further enacted, That the following rules, limitations & provisions, shall form, & be the fundamental articles of said Corporation—

First: That the said Corporation shall not issue & have in circulation, at any one time, bills, notes or obligations to a greater amount than twice their stock actually paid in, in addition to the simple amount of all the monies deposited in said Bank for safe keeping and in case of any excess, the Directors, under whose administration it may happen, shall be liable for the payment of the same, in their private capacity; but this shall not be construed to exempt said Corporation or any estate real or personal, which they may hold, as a body corporate, from being liable for, & chargeable with such excess—

Second; That the Corporation, shall not vest use or improve any of their monies, goods, chattels or effects in trade or commerce but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned—

Third; None but a member of said corporation, being a citizen of this State & resident therein, shall be eligible for a Director; and the Directors shall choose one of their own number, to act as President. The Cashier, before he enters on 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 ten thousand dollars, with condition for the faithful discharge of the duties of his office—

Fourth That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders, from & after their first meeting shall be held at such place as they shall direct on the first monday in July annually; and at any other time, during the continuance of said Corporation, at such place as shall be appointed by the President & Directors, for the time being, by public notification given at least one week previous thereto; at which annual meeting there shall be chosen by ballot seven Directors to continue in office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions—that is to say—For one share, one vote, & every two shares above one, shall give a right to one vote more, provided no one member shall have more



than fifteen votes, & absent members may vote by proxy being authorised in writing—

Fifth—No Director shall be entitled to any emolument for his services, but the Stockholders may make the President, such compensation as to them shall appear reasonable—

Sixth—Not less than four Directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness, or necessary absence, in which case, the Directors present may choose a chairman, for the time being in his stead—

Seventh—All bills issued from the bank aforesaid, & signed by the President, shall be binding on said Corporation—

Eighth—The Directors shall make half yearly dividends of all profits, rents, premiums & interest of the Bank aforesaid—

Ninth—The Directors shall have power to appoint a Cashier Clerks & such officers, for the carrying on the business of the Bank, with such salaries as to them shall seem meet

Sect: 4<sup>th</sup>—And be it further enacted, That the said Bank shall be established, & kept in the town of Portsmouth—

Sect: 5<sup>th</sup> And be it further enacted; That the persons herein before named, or any three of them are authorised to call a meeting of the members, & Stockholders of said Corporation, as soon as may be at such time & place as they may see fit, by giving public notice thereof at least one week prior to the time of meeting, in one of the Portsmouth newspapers, for the purpose of making, ordaining & establishing such bye laws, ordinances & regulations, for the orderly conducting the affairs of said Corporation, as the said Stockholders shall deem necessary, & for the choice of the first Board of Directors, & such other officers as they shall see fit to choose—

Sect: 6<sup>th</sup>—And be it further enacted; That any person specially appointed, by the Legislature of this State, for the purpose, shall have a right to examine into the affairs of the Bank & at all times when the Bank is open, have access to the Bank books.

## [CHAPTER 41.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE SEVENTH TURNPIKE ROAD IN NEWHAMPSHIRE.

[Approved June 18, 1802. Original Acts, vol. 17, p. 73; recorded Acts, vol. 12, p. 221. Session Laws, June, 1802, p. 50. See act of June 17, 1806, Laws, 1815 ed., p. 395, and act of June 19, 1806, id., p. 394.]

Be it enacted by the Senate & House of representatives, in General Court Convened, that Amos Shepard, John C Chamberlain and Samuel Mead and their associates and Successors be and they are

hereby incorporated and made a body corporate and politic, under the name of the proprietors of the seventh Turnpike road in New-hampshire And in that name may sue and prosecute, be sued and prosecuted, to final Judgment and execution; and Shall be, and are hereby vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted that the said John C Chamberlain or Samuel Mead shall call a Meeting of said Proprietors by advertisement in the Newspaper printed at Walpole to be holden at any suitable time or place, at least thirty days from the first publication of said advertisement and the proprietors by a vote of the majority of those present or represented at said Meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall bee sworn to a faithful discharge of his office, and shall also agree on the method of calling future Meetings may elect such officers and make and establish such rules and bye laws as to them shall seem necessary and convenient, for the regulation and government of said corporation for carrying into effect the purposes aforesaid and for collecting the tolls herein after established and the same bye laws may cause to be executed and annex penalties to the breach thereof provided the said rules and bye laws are not repugnant to the constitution and laws of this state, and all representations shall be proved by writing, signed by the person to be represented which shall be filed with the Clerk, and this Act and all rules and bye laws regulations and proceedings of said corporation shall be fairly, and truly recorded by said Clerk in a Book or books provided and kept for that purpose.

And be it further enacted, that the said corporation are empowered to survey, lay out make and keep in repair a turnpike road of four rods wide in such routs or tracts as in the best of their judgment shall combine shortness of distance with the most practicable grounds, from the North part of Charleston near William Henry's Tavern by Alstead Meetinghouse to Asa Wilcox's Tavern in Surry provided nevertheless that said proprietors shall not use or improve any land for said road but what the owner or owners thereof, shall previously voluntarily sell or give for that purpose.

And be it further enacted that the Corporation may erect and fix, so many gates or turnpikes upon and across said road; as will be necessary & sufficient to Collect the tolls and duties herein after granted to said company from all persons traveling in the same, with Horses Cattle Carts and Carriages.

And be it further enacted that it shall and may be lawful for said company to appoint such & so many toll gatherers, as they shall think proper to collect and receive of and from all and every person or persons using said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any Horses Cattle, swine, sheep, sulky, chair, chaise, phaeton, Coach, charriot, cart, waggon, sleigh, sled or other carriage of burthen or

pleasure from passing through the said gates or turnpikes until they shall have respectively paid the same, that is to say, for every mile of said road and so in proportion for a greater or less distance or greater or smaller number of sheep, swine or cattle &c viz. for every ten sheep or swine one cent, for every ten cattle or horses two cents for every horse and his rider or led horse one cent for every sulky, chair or chaise with one horse and two wheels two cents for every Charriot, Coach, stage, waggon, phaeton or chaise with two horses and four wheels three cents, for either of the carriages last mentioned with four horses, four cents; for every other carriage of pleasure, the like sums according to the number of wheels, and horses drawing the same—for each cart or other carriage of burthen, drawn by one beast one cent; for each waggon, cart, or other carriage of burthen drawn by two beasts, one cent and an half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh drawn by one horse one cent; if drawn by two horses two cents and if by more than two horses, one cent for every additional horse, for each sled drawn by one horse one cent, for each sled drawn by two horses or a yoke of oxen one cent and a quarter, and if by more than two horses or one yoke of oxen, one cent for each additional pair of horses or yoke of oxen; and at all times when the toll gatherer shall not attend his duty the gates shall be left open.

And if any person shall with his carriage team, cattle or horses, turn off the said Road to pass the said turnpike gate, on ground adjacent thereto with intent to avoid the payment of the toll due by virtue of this act, such persons shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said corporation to the use thereof in an action of debt or on the case:— Provided that nothing in this act shall extend to intitle the said corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse team, or cattle or on foot to or from any mill, or on the common and ordinary business of family concerns within the said town.—

And be it further enacted that the said Proprietors are hereby impowered to purchase and hold in fee simple, so much land as will be necessary for said turnpike road and the share or shares of any of said Proprietors may be transferred by deed duly executed and acknowledged, and recorded by the Clerk of said Proprietors on there records; and the share or shares of any Proprietor may be sold by said corporation for non-payment of assessment duly made, agreeable to the bye laws that may be agreed upon by said corporation.

And be it further enacted that no toll shall be taken by said corporation for any mile of said road until Six Hundred Dollars shall have been expended thereon or a proportionate sum upon the whole

number of miles, reckoning from the said north part of Charleston where said road shall begin, to the place where it may terminate—

And be it further enacted that said corporation may be indicted for defect of repairs of said road, after the toll gates are erected and fined in the same way and manner as towns are by law fineable for suffering roads to be out of repair, and said fine may be levied on the profits and tolls arising or accruing to said proprietors—

Provided nevertheless and be it further enacted that if the said Turnpike road shall in any part be the same, with any high-way now used, it shall not be lawful for said corporation to erect any gate or Turnpike on or across said part of the road, that now is used and occupied as a public highway, any thing in this act to the contrary notwithstanding.

And be it further enacted that when said proprietors shall make it appear to the justices of the superior Court of Judicature that they have expended said sum of Six hundred dollars on each Mile or a proportionate Sum as before Mentioned the proprietors shall have the liberty to erect the gates as aforesaid,

And be it further enacted that at the end of every ten years after the setting up any toll gate an account of the expenditures upon said road and the profits arising therefrom, shall be laid before the Justices of the superior Court of Judicature for the time being, under the forfeiture of the privileges of this act in future, and if the net profits for the said ten years, shall exceed twelve per Cent per Annum, the said Court may reduce the future toll so far as that it may not exceed twelve per Cent, & if the profits shall not amount to six percent, the said Court may raise the toll, so that it shall not be less, than six nor exceed twelve per Cent.

And be it further enacted that if in three years, the said road shall not be compleated according to the provision in this Act, every part & clause thereof shall be null & void. Provided Also that the state of Newhamphshire may at any time after the expiration of forty years, from the passing of this act, repay the proprietors of said road the amount of the sum expended by them thereon, with twelve per Cent per Annum in addition thereto deducting the toll actually received by the proprietors and in that case the said Road shall to all intents and purposes be the property of the state of Newhamphshire. Any thing in this act to the Contrary notwithstanding



## [CHAPTER 42.]

*State of* }  
*New Hampshire.* }

## AN ACT TO REGULATE THE INSPECTION OF BEEF AND PORK INTENDED TO BE EXPORTED FROM THIS STATE.—

[Approved June 18, 1802. Original Acts, vol. 17, p. 74; recorded Acts, vol. 13, p. 344. Session Laws, June, 1802, p. 30. Laws, 1805 ed., p. 364; id., 1815 ed., p. 431. See additional act of December 26, 1805, Session Laws, December, 1805, p. 39. Repealed July 5, 1826, Laws, 1830 ed., p. 235. See acts of July 1, 1831, Session Laws, June, 1831, Chap. 38, and June 22, 1832, id., June, 1832, Chap. 74.]

Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the first day of October next, no person or persons whomsoever shall ship or export from this State any salted Beef except in tierces, barrels or half barrels of the quality and dimensions herein after provided and the contents thereof are inspected and packed, and unless the Casks containing the same are branded agreeably to the directions in this Act.

And be it further enacted, that there shall be an Inspector General of Beef for this State who shall be well skilled in the knowledge of the same to be appointed by the Governor by and with the advice and consent of the Council and to be by them removeable at pleasure, who before he shall enter on the duties of his Office shall give bonds with sufficient sureties to the Treasurer of this State in the penal sum of four thousand Dollars for the faithful discharge of his duty and shall also be sworn faithfully to perform the same; and such inspector shall have power when so qualified to appoint and shall appoint Deputy Inspectors for whom he shall be answerable and who shall be removeable by him at pleasure—in the several Counties in this State to accommodate the Citizens without any unreasonable delay—and shall take bonds from them to himself with Surety to his Satisfaction in a Sum not exceeding one thousand Dollars nor less than three hundred Dollars, and the said Deputy Inspectors shall also be sworn to the faithful discharge of their duty; and the Inspector General is hereby authorised to administer the several oaths required by this Act. And it shall also be the Duty of said Inspector and his Deputies to attend as soon as may be within twenty four hours after request made, at any suitable place within the County where he resides, for the purpose of inspecting any quantity of Beef exceeding thirty barrels. And it shall be their duty to see the same weighed, packed, & salted.

And be it further enacted—that it shall be the duty of every Deputy so appointed to make return to the Inspector General once in every six months, of the number of tierces, barrels and half barrels of Beef inspected by them, agreeably to the directions of this



Act; and it shall be the duty of the Inspector General in the month of June annually to make a Return to the Governor and Council of the whole number of tierces, barrels and half barrels of beef inspected according to the directions of this Act, by him or his Deputies the year preceeding, designating in the Return the different sorts of beef and the places at which it was inspected.

Be it further enacted, That no beef which shall be killed after the first day of October next shall be packed or repacked in tierces, barrels or half barrels for exportation unless it be of fat Cattle not under three years old; that all such Beef shall be cut into pieces as nearly square as may be and which in size shall not exceed eight pounds weight nor be less than four pounds weight. That all beef which the Inspector or Deputy Inspector shall find on examination to have been killed at a proper age, to be fat, and otherwise to be good and merchantable shall be sorted and divided by him into four different sorts for packing or repacking into tierces, barrels or half barrels to be denominated *Mess*, *Cargo N° 1*, *Cargo N° 2*, and *Refuse*; *Mess Beef* shall consist of the choice pieces of Oxen or Steers well fattened, and weighing six hundred pounds or upwards; the shin, shoulder, clod and neck shall be taken from the fore quarters, and the legs and leg-rand from the hind quarters; and each tierce, barrel & half barrel containing Beef of this description shall be branded on one of the heads with the words *Mess Beef*. *Cargo N° 1*, shall consist of choice pieces of Oxen, Steers, Cows or Heifers, not under four hundred pounds weight without any necks or shanks; on one head of each tierce, barrel or half barrel containing Beef of this description shall be branded *Cargo N° 1*. *Cargo N° 2*, shall consist of fat Cattle of all descriptions not before mentioned, of three years old and upwards (Bulls excepted) with not more than half a neck and two shanks to each barrel, and without any hocks, and the same proportion to the tierce and half barrel; each tierce, barrel and half barrel of which shall be branded *Cargo N° 2*. All other parts of Cattle that are not above described of wholesome quality which shall be packed or repacked for exportation (including Bulls) shall be branded on one head *Refuse*. And every barrel of Beef shall be well salted with seventy five pounds of clean S<sup>t</sup> Ubes, Isle of May, Lisbon or Turks Island Salt or other Salt of equal quality or eighty pounds of coarse Liverpool Salt, or other Salt of equal quality, exclusive of a pickle as strong as Salt will make it to which shall be added six ounces of Salt Petre to each barrel of *Mess Beef*, and four Ounces to each barrel of *Cargo N° 1* and *Cargo N° 2*, and each tierce and half barrel of Beef shall be salted in the same manner and with the same quantity of Salt and Salt Petre in proportion to the quantity of Beef they contain.

Be it further enacted, that from and after the first day of October next every tierce, barrel and half barrel in which Beef shall be packed or repacked for exportation shall be made of good seasoned white Oak or white ash staves and heading, free from any defect,

each tierce shall contain three hundred pounds weight of Beef, each Barrel two hundred pounds weight of Beef, and each half Barrel one hundred pounds weight of Beef; the barrels to measure sixteen inches and an half, between the Chimes and to be twenty eight inches long and the half barrels to contain not less than fifteen gallons; the tierces, barrels and half barrels to be covered three fourths of the length with good oak, ash or walnut hoops, leaving one fourth in the middle, the heads to be made of a proper thickness and the hoops to be well set and drove together.

Be it further enacted, that every tierce, barrel and half barrel in which Beef is packed or repacked for exportation shall be branded with the first letter of the christian name and the Surname at length of the Inspector who has inspected the same with the name of the town where it was inspected, in legible letters with the addition of *N. Hamp* (for New Hampshire) and the words *For Bounty* and every tierce barrel and half Barrel of Beef of the three first sorts shall also be branded with the name of the person for whom the Beef is packed.

Be it further enacted, that no Deputy appointed by virtue of this Act shall inspect or brand any Cask of Beef, out of the Town or County for which he shall be appointed under the penalty of fifty Dollars; and if any person other than the said Inspector or his Deputy, shall presume to stamp or brand any Cask of Beef in the manner directed by this Act, every person so offending shall forfeit the sum of fifty Dollars, for each and every Cask so unlawfully branded.

Be it further enacted, that the Inspector General or his Deputy, appointed by virtue of this Act, shall be paid for every tierce of Beef he may inspect and brand twelve and an half Cents, for every barrel so inspected and branded ten Cents and for every half barrel six Cents exclusive of Cooperage; the charge of inspection to be paid by the Shipper; and the Inspector General shall be entitled to receive from any Deputy he may appoint four Cents and no more for each tierce, three Cents for each Barrel and two Cents for each half barrel of Beef said Deputy may inspect and brand according to the directions of this Act.

Be it further enacted, that if any Inspector or Deputy Inspector appointed by virtue of this Act, shall be guilty of any neglect or fraud in inspecting any Beef contrary to the true intent and meaning of this Act, or shall mark with their respective brands, any Cask containing Beef which he has not actually inspected he shall forfeit and pay ten dollars for each and every Cask so falsely marked.

Be it further enacted, that if any person shall intermix, take out or shift any Beef out of any Cask inspected or branded as by this Act is required, or put in any other Beef for sale or exportation, contrary to the intention of this Act, the person or persons so offending shall, for each and every offence, forfeit and pay the sum of twenty dollars.

Be it further enacted, that no salted Beef shall be exported out of this State, unless the Master or Owner of the Vessel produces to the Collector, or any other Officer authorised by the laws of the United States to clear Vessels out, a Certificate from the Inspector General or his Deputy that the same has been inspected and branded according to the directions in this Act, and each certificate shall express the number of tierces, barrels and half barrels of Beef of each sort. And the Master or Owner of every Vessel in which Beef is so exported, on producing said Certificate shall take and subscribe the following Oath before the Officer authorised as aforesaid:

I, A. B. of \_\_\_\_\_ do swear that according to the best of my knowledge and belief the Certificate hereunto annexed contains the whole quantity of salted Beef on board the \_\_\_\_\_ Master, and that no salted Beef is shipped on board said Vessel for the ship's company, on freight or on Cargo, but what is inspected and branded according to the law of this State. So help me God.

And be it further enacted that for each and every certificate given by the inspector or Deputy Inspector for Beef exported he shall receive for a quantity not exceeding one hundred tierces, barrels or half barrels twenty five Cents; for every Certificate for more than one hundred and less than two hundred fifty Cents; and for every Certificate including more than two hundred tierces barrels or half barrels one Dollar to be paid by the Shipper—and the Inspector and Deputy Inspectors are hereby severally directed to give such Certificates whenever requested.—

Be it further enacted, that all penalties and forfeitures arising by force and virtue of this Act, shall be recovered by action of debt or information in any Court proper to try the same, one moiety thereof to the use of the town where the offence shall be committed and the other moiety to him or them who shall inform or sue for the same, except where the seizure and information shall be made by the Inspector or his Deputy as is herein after provided.

Be it further enacted, that nothing in this Act shall prevent the exportation of Rounds of Beef in kegs or tubs as is now practised provided however that the name of the Owner and the town where he resides shall be branded on one head of each keg or tub, under the penalty of one Dollar for each keg or tub not branded.

Be it further enacted, that if any person or persons shall export or ship for exportation from this State any salted Beef not inspected & branded as by this Act is directed, every such exporter or Shipper, and the Master of every Vessel having on board such uninspected Beef, shall on Conviction, respectively forfeit and pay the sums following: The Owner or Exporter shall forfeit and pay the sum of six Dollars, and the Master of every Vessel having the same on board the sum of two Dollars, for every Cask exported or shipped for exportation. And it shall be lawful for any Justice of the Peace upon any information given of any Beef being put on

board any Vessel as aforesaid not inspected and branded as is required by this Act, to issue his warrant directed to the Sheriff or his Deputy or to a Constable, requiring them respectively to make seizure of any such salted Beef not marked and branded as aforesaid and to secure the same in order for trial and said Officers are hereby respectively required and impowered to execute the same.— And it shall be the duty of every person when required to give the necessary aid for that purpose on pain of forfeiting five dollars for his Refusal. And it shall also be lawful for the Inspector General or any of his Deputies having information or knowledge of any quantity of Beef, being laden in any port or place within this State for exportion in respect to which there shall not be a conformity to this Act, to make seizure thereof forthwith or to file a libel for information thereupon in any Court proper to try the same. And upon trial of such Beef so seized, in case of a breach of this Act shall be proved, shall be liable to condemnation and forfeiture; one moiety to the use of the State and the other moiety to the use of the officer seizing and prosecuting for the same.

And be it enacted that from and after the first day of October next no person or persons whomsoever shall ship or export from this State any salted pork except in barrels or half barrels of the quality and dimensions herein after provided and the contents thereof are inspected and packed and unless the Casks containing the same are branded agreeably to the directions in this Act.

Be it further enacted, that from and after the first day of October next all Pork packed or repacked in barrels or half barrels for exportation, shall be sorted and divided by the Inspector or his Deputy and denominated as follows, *Bone Middlings*, *Navy Mess Pork*. *Cargo N° 1*. *Cargo N° 2*. and *Refuse Pork*; and in all cases the following parts shall be taken out as refuse— viz. Nose pieces, ears, brains, tails, feet and lard. *Bone Middlings* shall consist of middle pieces taken from hogs well fattened, weighing two hundred and thirty pounds or upwards. *Navy Mess Pork* shall consist of all parts of the carcase, well fattened, weighing from one hundred and sixty pounds to two hundred and thirty pounds, except the head, fore and hind legs, the Shoulder joint, lard and refuse parts above mentioned. *Cargo N° 1*. shall consist of all parts of hogs well fattened averaging two hundred and twenty pounds or upwards and each of which shall weigh not less than one hundred and eighty pounds, and to have no more heads, legs, shoulders or other coarse parts than belong to one Carcase, deducting the lard and refuse as above. *Cargo N° 2*. shall consist of all parts of one and an half hog well fattened which shall weigh two hundred pounds, deducting the lard and refuse as above. *Cargo N° 2*. also in half barrels shall consist of pig-pork, all parts of one carcase or not, and not to contain the head or legs of more than one carcase, excluding the lard and refuse as above. *Refuse Pork* shall consist of all other kinds of pork of an unmerchantable, but wholesome quality. Barrels



filled with pork heads or feet shall be branded *Pork Heads* or *Feet* (as the case may be) and in all cases where legs of pork are taken out to bacon, or for any other purpose the weight shall not be made up with heads or shoulders, but other parts of the carcase not less valuable than the legs would be if they were salted. And each Barrel of pork shall be well salted with seventy pounds of clean coarse salt exclusive of a strong pickle.

Be it further enacted that every Barrel & half barrel in which pork shall be packed or repacked for exportation shall be made of good seasoned white Oak, or white ash staves and heading free from any defect. Each barrel shall contain two hundred pounds weight of Pork. The Barrels shall measure seventeen and one quarter inches between the chimes and contain not less than thirty one gallons and an half, to be covered three fourths of the length with good Oak ash or walnut hoops, leaving one fourth in the center.

And be it further enacted, That all barrels and half barrels of pork packed or repacked for exportation shall be branded with the first letter of the christian name and the surname at length, of the Inspector who has inspected the same with the name of the town where it was inspected in legible letters with the addition of N. HAMP. (for New Hampshire) and every barrel and half barrel of the three first sorts shall also be branded with the name of the person for whom the pork was packed, and each barrel shall be branded on one of the heads, with the quality of the pork it contains.

And be it further enacted, That the Inspector General and Deputy Inspectors of Beef to be appointed by virtue of this Act, shall also be Inspectors of pork; and all the Rules, certificates and regulations, the fees, fines and forfeitures relating to the inspection and exportation of Beef mentioned in this Act, and the manner of recovering the same, shall extend to all barrels and half barrels of pork packed for exportation agreeably to the directions of this Act, excepting in such particulars where provision is herein otherwise expressly made.

And be it further enacted, that no salted pork packed or repacked after the first day of October next shall be exported from this State unless the Master or Owner of the Vessel produce to the Collector or any other Officer authorised by the laws of the United States to clear out Vessels, a Certificate from the Inspector General or his Deputy in the same form and shall also take and Subscribe an Oath in the same manner and form (*mutatis mutandis*) as is by this Act required respecting the exportation of Beef.

And be it further enacted—That all the provisions, penalties, regulations and requirements contained in this Act shall be construed to extend and shall extend to all Beef and Pork transported or intended to be transported coast wise from any port or place in this State to any of the United States or shipped on board any Vessel for any purpose whatever.



And be it further enacted, that all former laws so far as they respect the inspection of Beef and Pork be and they hereby are repealed.

*Provided nevertheless* that they shall be considered as in full force with regard to all actions and prosecutions which may be depending for any penalty or forfeiture incurred for the breach of the same. *And* provided also that nothing in this Act contained shall be construed to effect the exportation of any Beef or Pork that shall be duly inspected before the said first day of October agreeably to the laws now in force.—

### [CHAPTER 43.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO REGULATE THE INSPECTION OF BUTTER AND HOG'S-LARD INTENDED TO BE EXPORTED FROM THIS STATE.

[Approved June 18, 1802. Original Acts, vol. 17, p. 75; recorded Acts, vol. 13, p. 366. Session Laws, June, 1802, p. 42. Laws, 1805 ed., p. 371; id., 1815 ed., p. 438; id., 1830 ed., p. 235. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened,—That no person or persons whomsoever from and after the first day of June next shall ship any Butter or Hog's lard for exportation before he shall first have submitted the same to the view and examination of the Inspector or his Deputy, who shall be appointed as is herein after provided; who shall inspect and prove all Butter and Hog's-lard in Casks, Firkins or Kegs that shall be intended to be laden on board any Vessel for exportation. And every such Inspector or his Deputy shall examine the Casks, Kegs or Firkins containing either of the said commodities intended to be exported as aforesaid, and with an hollow Iron-searcher shall from one side of the head of said Casks, Kegs or Firkins perforate diagonally to the other head and thereby draw out so much of the Article as shall determine the quality of the whole; and see that it be sweet and in all respects fit to be exported, without danger of spoiling, to any foreign market; and particularly that butter be well preserved with a due proportion of good and clean fine salt. And every Cask, Keg or Firkin of butter or hog's-lard which according to the best judgment of the Inspector appears to be good and merchantable as aforesaid he shall distinguish by the words *first*, *second* or *third* as the quality may be, and all other butter shall be distinguished by the word *Refuse* and each quality shall be branded in plain legible letters together with the letters N. Hamp. (for New Hampshire) and the name of the town where it shall be thus inspected with the initial letter of the Inspectors christian name and

his Surname at large and the word *Butter* or *Lard* as the case may be, For which services and inspecting and weighing the same and delivering to the Owner an Invoice or weigh-note under his hand, of the weight of each Cask, Keg or Firkin he shall have and receive seven Cents for every Cask, Keg or Firkin so inspected to be paid by the purchaser of the same.

And be it further enacted, that from and after the first day of June next every Cask, Keg or Firkin in which butter or hogs-lard shall be packed for foreign exportation shall be made of sound well seasoned white Oak or white Ash staves & heading full bound of one or other of the following dimensions viz. fifteen inches in length and ten and an half inches diameter, in the head; twelve and an half inches in length and eight and an half inches diameter in the head; twelve inches in length and seven and an half inches diameter in the heads, or ten inches in length and six inches diameter in the heads.

And be it further enacted, that each Cask, Keg or Firkin before any butter or lard be packed therein shall be filled with a strong brine which shall remain therein three days; and as soon as the brine is emptied from the Cask, Keg or Firkin, it shall be weighed by the Owner of the butter, or lard to be packed therein, who shall with a marking-iron mark on one of the heads thereof the full weight of the Cask, Keg or Firkin and shall brand or imprint with a burning Iron the initial letter of his christian name and his Surname at large; and in case he shall falsely mark the same he shall on conviction thereof forfeit and pay three dollars.

And be it further enacted, that no butter or hog's lard shall be exported from this State, unless the Master or Owner of the Vessel produces to the Collector or any other Officers authorised by the laws of the United States to clear Vessels out, a Certificate from the Inspector General or his Deputy that the same has been inspected, marked and branded according to the directions in this Act; each Certificate shall express the number of Casks and their Weight; and the Master or Owner of any Vessel in which butter or hog's lard is so exported, on producing said Certificate shall take and subscribe the following Oath before the Officer authorised as aforesaid:

I, A. B. of                      do swear that according to the best of my knowledge and belief the certificate hereto annexed contains the whole quantity of Butter (or hog's lard as the case may be) on board the                      Master and that no butter or hogs-lard (as the case may be) is shipped on board said Vessel for the Ship's Company, on freight or on Cargo but what is inspected, marked and branded according to the law of this State. So help me God.

And every Inspector or Deputy Inspector shall receive thirty Cents for every Certificate so given and it shall be his duty to give such Certificates when required.

And be it further enacted—That if any Inspector of butter and hog's lard, shall on application made for the examination of any butter or hog's-lard as aforesaid, unreasonably refuse, neglect or delay to proceed to such examination and inspection for the space of three hours after such application so made to him the Inspector so refusing, neglecting or delaying to make such examination or inspection shall for each offence forfeit and pay the sum of two dollars.—

And be it further enacted, that if any person or persons shall export, or ship for exportation from this State any butter or hog's lard not inspected, marked and branded as by this Act they are directed; every such exporter or shipper and the Master of every Vessel having on board such uninspected Butter or Lard shall on conviction thereof respectively forfeit and pay the sums following: The Owner or Exporter shall forfeit and pay the sum of one dollar and the Master of every Vessel having the same on board fifty Cents for each Cask exported or shipped for exportation. And it shall be the duty of any Justice of the peace upon any information given of any butter or hog's lard being put on board any Vessel as aforesaid, not inspected, marked and branded as by this Act is required, to issue his warrant directed to the Sheriff or his Deputy, or to a Constable requiring them respectively to make seizure of any such butter or hog's lard not marked and branded as aforesaid and to secure the same in order for trial; and said Officers are hereby respectively required and impowered to execute the same; and it shall be the duty of every person, when required to give the necessary aid for that purpose on pain of forfeiting and paying five Dollars for his Refusal.—And it shall also be lawful for the Inspector of butter and hog's lard or any of his Deputies having knowledge or information of any quantity of butter or hog's-lard being laden in any port or place within this State for exportation in respect to which there shall not be a conformity to this Act, to make seizure thereof forthwith or to file a libel or information therefor in any Court proper to try the same; and upon trial if such butter or Lard so seized, in case a breach of this Act shall be proved shall be liable to condemnation and forfeiture to the use of the Officer seizing and prosecuting for the same.

And be it further enacted, that if any person shall counterfeit any brand, belonging to, or proper to be used by said Inspector, or any of his Deputies, or shall impress or brand any Cask, Keg or Firkin of Butter or hogs-lard with any brand or brands of such Inspector, or with any counterfeit brand as aforesaid, he shall forfeit and pay for each offence the sum of ten Dollars.

And be it further enacted, that if any person shall empty any Cask, Keg or Firkin of butter or hog's-lard inspected and branded as by this Act is required, and put in any other butter or hog's lard for sale or exportation, without first cutting out said brands & marks

the person or persons so offending shall for each such Cask, Keg or Firkin forfeit and pay the sum of ten Dollars.

And be it further enacted, that all fines and forfeitures mentioned in this Act shall and may be sued for and recovered, with Costs, by any person to his own use, before a Justice of the Peace, or any other Court proper to try the same, with liberty of appeal as in other civil Actions.

And be it further enacted, That there shall be an Inspector General of Butter and Hog's-lard for this State, who shall be skilled in the knowledge and properties of those Commodities, to be appointed by the Governor with the advice and consent of the Council, to be by them removable at pleasure; and who before he shall enter upon the duties of his Office, shall give bond with sufficient Sureties to the Treasurer of this State in the penal sum of one thousand Dollars for the faithful discharge of his duty; and who shall also be sworn faithfully to discharge the same. And such Inspector when so qualified, shall have power to appoint and shall appoint Deputy Inspectors for whom he shall be answerable and who shall be removable by him at pleasure in Portsmouth, and in such other towns and places within this State may accomodate the Citizens without any unreasonable inconvenience or delay—and each Deputy Inspector so appointed shall give bonds to the Inspector with sufficient surety or sureties in the penal sum of five hundred Dollars for the faithful discharge of their duty, and they shall also be sworn to the faithful discharge of their duty.

And be it further enacted that the Inspector General shall be entitled to receive from any Deputy he may appoint two Cents and no more for each Keg, Cask or Firkin of butter or hogs-lard said Deputy may inspect and brand according to the directions contained in this Act.

#### [CHAPTER 44.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR ESTABLISHING SALARIES OF THE JUSTICES OF THE SUPERIOUR COURT OF JUDICATURE—

[Approved June 18, 1802. Original Acts, vol. 17, p. 76; recorded Acts, vol. 13, p. 380. Session Laws, June, 1802, p. 49. Laws, 1805 ed., p. 67. See act of December 13, 1792, Laws of New Hampshire, vol. 6, p. 62. Repealed by act of June 28, 1809, Session Laws, June, 1809, p. 24.]

Whereas it is required by the Constitution of this State that permanent and Honourable Salaries shall be established by Law for the Justices of the Superiour Court— Therefore

Be it enacted by the Senate and House of Representatives in General Court Convened that the Chief Justice of the Superiour Court of Judicature have and receive out of the Treasury of this



State the sum of one thousand dollars annually as a salary for his services as chief Justice, and that each of the other Justices of said Court have and receive out of the Treasury of this State the sum of Nine hundred dollars annually, as their respective salaries for their services as Justices of the Superiour Court, which Salaries shall be paid in quarterly payments as the same becomes due, by orders drawn on the Treasurer and signed by the Governor— and that all acts and resolves heretofore made and passed, for allowing salaries to the Justices of said Court, be and hereby are repealed; and that the fees which said Justices may receive in the Course of their office, shall be severally accounted for and deducted from their Salaries, and it shall be the duty of the Clerk of said Court, to Certify to the secretary the fees paid said Justices, at the Close of every circuit—

[CHAPTER 45.]

*State of* }  
*New Hampshire.* }

AN ACT MAKING FURTHER APPROPRIATION FOR THE SUPPORT OF  
 MUSICK AND MUSICAL INSTRUMENTS IN THE SEVERAL COMPANIES  
 OF ARTILERY— CAVALRY AND INFANTRY IN THIS STATE

[Approved June 18, 1802. Original Acts, vol. 17, p. 77; recorded Acts, vol. 13, p. 404. Session Laws, June, 1802, p. 28. Laws, 1805 ed., p. 265.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Captain of each company of Artillery, Cavalry and Infantry in this State organized according to Law, be entitled to receive out of the Treasury of this State eight dollars, in addition to the sum heretofore allowed for the purpose of furnishing his Company with Instruments of musick—and the Governor is hereby requested to give any such Captain an order on the Treasurer for the aforesaid sum, upon his producing to the Governor a certificate signed by the Commanding Officer of the Regiment to which he belongs that he is the Captain of a company organized as aforesaid—and if after purchasing the necessary musical Instruments in any Company— any part of said sum shall remain unexpended, the sum so remaining shall be appropriated for the purpose of instructing the musick in said Company—

And Be it further enacted, that in case any Captain shall neglect or omit to appropriate the money by him received by virtue of this act, for the purposes expressed herein, within one year from the time of his receiving the same he shall forfeit & pay the sum of thirty dollars to be recovered by any person who may sue for the same before any Court in this State of Competent Jurisdiction the one half to the use of the Company to which said money was to have been appropriated and the other half to the use of the person suing for the same

## [CHAPTER 46.]

*State of* }  
*New Hampshire.* }

AN ACT TO PREVENT THE CIRCULATION AND CURRENCY OF BANK  
 BILLS OF A DENOMINATION LESS THAN FIVE DOLLARS

[Approved June 18, 1802. Original Acts, vol. 17, p. 78; recorded Acts, vol. 13, p. 426. Session Laws, June, 1802, p. 48. Laws, 1805 ed., p. 242; id., 1815 ed., p. 504. Repealed December 24, 1805, id., p. 505.]

Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the first day of December next, no person shall pay or receive in discharge of any Contract or Bargain or for any valuable Consideration whatever, any Bill issued by any Bank or any Banking Company, other than the Bank of the United States, or the Bank or Banks within this State of a less denomination than five Dollars, under a penalty of four Dollars, to be recovered as well of the person so paying as of the person so receiving, by Action of Debt, with Costs of Suit, to the use of any person or persons, who shall within one year thereafter prosecute the same.

And be it further enacted that the Secretary cause that said Act be published as soon as may be in all the News-papers printed in this State six Weeks

## [CHAPTER 47.]

*State of* }  
*New Hampshire.* }

AN ACT TO ESTABLISH AND MAKE VALID THE REPORT OF HENRY  
 GERRISH AND WILLIAM CHAMBERLAIN, ESQUIRES, RELATIVE TO  
 THE BOUNDARIES OF THE TOWNS OF ENFIELD, CANAAN AND  
 GRAFTON, IN THE COUNTY OF GRAFTON.—

[Approved June 18, 1802. Original Acts, vol. 17, p. 79; recorded Acts, vol. 13, p. 430. See act of March 28, 1781, Laws of New Hampshire, vol. 4, p. 363.]

Whereas Jesse Johnson and others proprietors of the Township of Enfield in the County of Grafton, and the Selectmen in behalf of said Town, have petitioned the General Court, setting forth, that a petition in the year one thousand seven hundred and eighty one was presented to the General Court by George Harris in behalf of the Township of Canaan, setting forth, "that upon surveying the "Township of Enfield agreeably to the words of the Charter, the "survey run in upon the Town of Canaan nearly one mile, that upon "examining into the matter, it appeared that there was a gore of "land between Enfield and Grantham which was not claimed by

“Grantham, but appeared to be occasioned by an error in drawing “the Charter of Enfield by writing sixty eight degrees instead of “fifty eight degrees, which made it interfere with and confound the “lines of the adjoining Towns—that by correcting the said error of “sixty eight degrees to fifty eight degrees, would make the lines of “the Charter aforesaid uniform and agreeable:”—that upon public notice being given of the time and place of hearing said petition, the facts set forth therein appeared to be reasonable, just and true—that the said George Harris in behalf of the Township of Canaan—Jesse Johnson in behalf of the Township of Enfield, alias Relhan, and Jonathan Buffum and Russel Mason in behalf of the Township of Grafton, appeared in Court and manifested their desire, that Jeremiah Page, Henry Gerrish and William Chamberlain Esquires, should be a Committee to adjust and settle the lines and boundaries of the Townships aforesaid—therefore passed an Act appointing the said Jeremiah Page, Henry Gerrish and William Chamberlain a Committee to survey and lay out the Township of Enfield, alias Relhan, and make the proper metes and boundaries thereof, and also those metes and boundaries of the Townships of Canaan and Grafton which might be contiguous thereto and dependent thereon—that the report of said Committee or the major part of them being made to the Secretary’s Office within one year from the passing said Act should be binding and conclusive in law upon all the parties and persons whatsoever.—That said Committee made their report and survey, which the said Gerrish is confident was forwarded to the Secretary’s Office within the year prescribed by said Act; which said survey and report is either lost or mislaid in the Secretary’s Office, and cannot be found, but a true and just copy of the same is still retained by said Committee—that there are about forty families peaceably settled agreeably to the lines and boundaries established by said Committee, for nearly twenty years, and taxes have been assessed and collected—that in case said survey should not be considered valid, it might involve the Inhabitants of said Towns in expensive lawsuits and inveterate animosities—which statement on a public hearing being fully proved, and the petitioners praying that the Secretary may be directed to receive said report and survey and record the same—that it be considered as valid to all intents and purposes as though the same had been returned and recorded within the time prescribed by said Act—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That the copy of said survey and report which is as follows (towit) “Whereas by an Act of the General “Assembly of the State of New Hampshire passed on the 28th day “of March last, Jeremiah Page, Esquire was appointed with us the “subscribers a Committee to settle the lines and boundaries of the Township of Enfield alias Relhan, and those lines and boundaries

of the Townships of Canaan and Grafton which are or may be contiguous thereto or dependent thereupon—

Pursuant to said appointment the Subscribers have attended said business, and by and with the consent of all the parties have performed said service in the following manner (viz) Beginning at the southeasterly corner bound of the Township of Lebanon which is the southwesterly corner of the Township of Enfield, alias Relhan, commonly called Sumner's bound, and running south fifty eight degrees east six miles and three fourths of a mile to a Hemlock tree marked H G. W C. &c—thence running north forty degrees and forty five minutes east about five miles and half to a Spruce tree marked as aforesaid, which is the dividing line between Enfield and Grafton, and is the northeasterly corner of Enfield, alias Relhan, and the southeasterly corner of Canaan—thence running north fifty eight degrees west seven miles and sixty rods to a brick stump, which is also the northeasterly corner of Lebanon and the southwesterly corner of Canaan thence by the Township of Lebanon to the bound first mentioned—Henry Gerrish, William Chamberlain Com<sup>ee</sup> Boscawen July 9th 1781"—be received and recorded by the Secretary, and that the same be as effectual to all intents and purposes for the establishment of the boundaries of said Towns of Enfield, alias Relhan, Grafton and Canaan, as tho the original report had been returned and recorded in the Secretary's Office within the time prescribed in said Act.—

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1802, June 15.

The Committee to take into consideration the propriety of addressing his Excellency the Governor and the Hon<sup>l</sup> Council for the removal of such Officers as are incapable of holding their Offices by reason of age or any other Inability, Reported that they are unanimously of Opinion that all judicial Officers more than Seventy years of age or otherwise unable to discharge the duties of their Office whether appointed under the former or present Constitution may constitutionally be removed from Office by the Governor with the consent of Council upon the address of both Houses of the Legislature

That we have information that several Justices of the Court of Common pleas in one of the Counties in this State retain their Office contrary to the Constitution they being more than Seventy years of age— but not having before us evidence sufficient fully to Substantiate the facts and being informed that the resignation of those Officers is soon expected we think it expedient that the further consideration of the Subject be postponed till the next session of the General Court—

[House Journal, 1800-5, p. 216. Senate Journal, 1801-4, p. 92.]



1802, June 17.

Whereas in and by an Act to authorize Samuel Blodget Esq<sup>r</sup> to set up a Lottery for the purpose of Locking Amoskeag falls approved Dec<sup>r</sup> 30<sup>th</sup> 1799 it was Enacted that his Excellency the Governor be empowered to appoint three suitable persons managers of said Lottery &c and also that the said managers should render an Account of their proceedings and of all charges and demands concerning said Lottery to the General Court when thereunto required—Therefore Resolved that his Excellency the Governor be and hereby is authorized and requested to call upon the said Managers for a settlement of their Accounts relative to said Lottery as soon as may be—and to appoint one or more suitable person or persons in behalf of said state a Committee who shall at the expence of said Lottery, examine determine upon and finally settle all the Accounts of said Managers relating to said Lottery and make report to his Excellency, who shall lay the same before the General Court at their next Session and that said Committee report likewise to the said Blodget when the business shall be completed—

[House Journal, 1800-5, p. 230. Senate Journal, 1801-4, p. 96.]

1802, June 17.

Resolved that the Selectmen or the major part of them at the Charge of the Town parish or place they belong to, Shall take an Inventory of the Polls and rateable Estates of the Several Towns parishes and places within this State—

Which Inventory shall consist of all male polls from eighteen to Seventy years of age (except such from eighteen to twenty one as shall be enrolled in the Militia, Instructors and Students of Colleges, ordained ministers and preceptors of Academies paupers and Idiots) also of the following articles which each person shall be possessed of on the first day of April next (viz) Orchard Arable mowing and pasture land Accounting so much Orchard as will in a common season produce ten barrells of Cyder or Perry one Acre, so much pasture land as will summer a Cow four Acres, and what mowing land will produce commonly one Ton of Good english hay yearly or meadow hay in proportion one Acre, and what Arable or tillage land will commonly produce twenty five bushels of corn yearly one Acre, in which is to be considered all land planted with Indian corn petatoes and beans, and sown with grain flax or peas—

All Stallions or Stud horses that have been wintered three winters, all other horses and mares distinguishing those which have been wintered two, three, four and five winters—All oxen cows and young cattle distinguishing those that have been wintered two three and four winters—Cows that have been wintered five winters and oxen that have been wintered five winters—All mills wharves and ferries and the yearly rent thereof, yearly repairs thereof being first deducted according to the Judgment of the persons taking the Inventory—The Sum total of the value of all real Estate (viz) lands and Buildings not included in the above mentioned Articles (exclusive of toll bridges) whether owned by residents or nonresidents, except such as are appropriated to public use—

The Sum total of the value of all stock in trade—The Sum total of all money on hand or at Interest more than the party pays Interest for—

That said Inventory taken as above be made agreeable to the following form and be returned into the Secretarys Office on or before the Second Wednesday of June next—

	Polls from 18 to 70 years of age excepting those from 18 to 21 enrolled in the Militia, Instructors and Students of Colleges, Ordained Ministers, preceptors of Academies, paupers and Idiots—
	Acres of Orchard land—
	Acres of Arable or tillage land—
	Acres of Mowing land—
	Acres of Pasture land—
	Stallions or Stud horses that have been wintered three winters & upwards
	Other Horses and Mares that have been wintered five winters
	Horses and Mares wintered four winters—
	Horses and Mares wintered three winters—
	Horses and Mares wintered two winters—
	Oxen wintered five winters—
	Cows wintered five winters—
	All neat Stock wintered but four winters
	All neat Stock wintered but three winters
	All neat Stock wintered but two winters
	Yearly rent or income of wharves, mills & ferries, yearly repairs deducted
	Sum total of the value of all buildings and real Estate improved owned by Residents and nonresidents not included in the above
	Sum total of the value of all stock in trade
	Sum total of money at Interest including bank stock, stock in the funds & Securities for any kind of property at Interest, more than Interest is paid for
	Sum total of the value of all unimproved lands owned by Residents or nonresidents—

That every person is required to give in a true and faithful Inventory of all the foregoing articles belonging to him respectively On Oath if required thereto by the person or persons taking said Inventory, who are hereby impowered to administer the Same and on refusal or neglect thereof the person or persons taking said Inventory are to set down to him or them so refusing or neglecting so much as in his or their judgment appears equitable by way of doomage—

That the Select men of the next oldest Town to any Town parish or place where no Select men are chosen shall take an Inventory of such Town parish or place or appoint some person or persons in said Town parishes or places to do the same and return it as aforesaid for which they shall be paid an adequate reward out of the Treasury on their Account being exhibited and allowed by the General Court—And also that the Select men shall return distinctly the amount or footing of each colume of

the Inventory taken last April so that the number of Polls, horses cattle acres of Land improved, value of unimproved lands and all other rateable Estate Inventoried and rated in Each Town parish and place the present year may appear—

[House Journal, 1800-5, p. 232. Senate Journal, 1801-4, p. 95.]

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1802, June 17.

Having taken into consideration certain Resolutions of the Legislature of the State of North Carolina respecting an Uniform mode for the Appointment of Electors throughout the United states for the choice of President, vice President and Representatives to Congress—

Resolved that in their Opinion the proposed Alteration in the Constitution of the United states relative to the mode of choosing President vice President or Representatives to Congress is inexpedient for this State to adopt—and that his Excellency the Governor be requested to forward this Resolution to the Legislature of North Carolina—

[House Journal, 1800-5, p. 238. Senate Journal, 1801-4, p. 105.]

## [TWELFTH GENERAL COURT.]

[*Held at Concord, Two Sessions, June 1, 1803, to December 30, 1803.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN TAYLOR GILMAN, GOVERNOR.  
 JOSEPH PEARSON, SECRETARY.  
 NATHANIEL PARKER, DEPUTY SECRETARY.  
 OLIVER PEABODY, TREASURER.  
 JEREMIAH MASON, ATTORNEY GENERAL.  
 AMOS SHEPARD, PRESIDENT OF THE SENATE.  
 JOHN PRENTICE, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Levi Bartlett,	Kingston.
William Hale,	Dover.
Benjamin Pierce,	Hillsborough.
Samuel Stevens,	Charlestown.
Daniel Blaisdell,	Canaan.

## [MEMBERS OF THE SENATE.]

Clement Storer,	Portsmouth.
Ezekiel Godfrey,	Poplin.
John Bell, Jr.,	Londonderry.
Richard Jenness,	Deerfield.
John Waldron,	Dover.
Nathan Taylor,	Sanbornton.
John Orr,	Bedford.
James Flanders,	Warner.
Seth Payson,	Rindge.
Ezra Pierce,	Westmoreland.
Amos Shepard,	Alstead.
Moore Russell,	Plymouth.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and	}	Benjamin Noyes.
Bow,		
Atkinson and	}	Moses Greenough.
Plaistow,		
Brentwood,		Gilman Leavitt.
Candia,		Thomas Wilson.



Canterbury,	Joseph Clough.
Chester,	Henry Sweetser.
Chichester,	Nathaniel Morrill.
Concord,	William A. Kent.
Deerfield,	Peter Sanborn.
Epping,	Levi Towle.
Epsom,	Josiah Sanborn.
Exeter,	Benjamin Connor.
Greenland,	James Whidden.
Hampstead,	John True.
Hampton,	Benjamin Shaw.
Hampton Falls and } Seabrook, }	Nathan Brown.
Hawke and } Sandown, }	Thomas Page.
Kensington,	Enoch Worthen.
Kingston,	Jacob Peaslee.
Londonderry,	John Prentice.
Loudon,	James Pinkerton.
Newington,	John Sanborn.
Newmarket,	Gee Pickering.
Newton,	Jeremy Mead.
Northfield,	Edmund Peaslee.
North Hampton,	Stephen Chase.
Northwood,	Thomas Leavitt.
Nottingham,	Solomon Buzel.
Pelham,	Jacob Cilley.
Pembroke,	Amos Moody.
Pittsfield,	Asa Robinson.
Portsmouth,	James Hight.
	John Langdon.
	Elijah Hall.
	Stephen Chase.
	Charles Cutts.
Raymond and } Poplin, }	John Scribner, Jr.
Rye and } Newcastle, }	Joseph Parsons.
Salem,	Jesse Webster.
South Hampton and } East Kingston, }	Eliphalet Webster.
Stratham,	Nicholas Rollins.
Windham,	John Dinsmore.

## STRAFFORD COUNTY.

Barnstead,	John Nutter.
Barrington,	Isaac Waldron.
	Thomas W. Hale.

Bartlett,	}	Obed Hall.
Adams,		
Chatham and		
Locations,		
Brookfield and	}	William Chamberlain.
Middleton,		
Conway,		David Page.
Dover,		Daniel Henderson.
Durham,		William Ballard.
Eaton and	}	Coleman Colby.
Burton,		
Effingham and	}	Isaac Lord.
Ossipee Gore,		
Farmington,		Richard Furber.
Gilmanton,		Samuel Shepard.
		Nehemiah Sleeper.
Lee,		Nathaniel Clough.
Madbury,		Ebenezer Demeritt.
Meredith,		John Mooney.
Milton,		Beard Plumer.
Moultonborough,		Nathaniel Shannon.
New Durham and	}	John Bennett.
Alton,		
New Hampton and	}	Daniel Smith.
Center Harbor,		
Ossipee,		Nathaniel Ambrose.
Rochester,		Richard Dame.
Sanbornton,		Samuel Prescott.
Sandwich,		Asa Crosby.
Somersworth,		Andrew Wentworth.
Tamworth,		David Gilman.
Tuftsboro,		William H. Copp.
Wakefield,		Jonathan Palmer.
Wolfeboro,		Isaiah Horne.

## HILLSBOROUGH COUNTY.

Amherst,	J. Kilburn Smith.	
Andover,	Jonathan Weare.	
Antrim and	}	Jacob Tuttle.
Windsor,		
Bedford,		Phinehas Aiken.
Boscawen,		Timothy Dix, Jr.
Deering,		Robert Alcock.
Dunbarton,		John Mills.
Dunstable,		Frederick French.
Fishersfield and	}	Samuel Gunnison.
Bradford,		

Francestown,	Thomas Bixby.
Goffstown,	John Butterfield.
Greenfield and }	Joseph Herrick.
Society Land, }	William Brooks.
Hancock,	Joshua Darling.
Henniker,	Joel Stow.
Hillsborough,	Daniel Emerson.
Hollis,	Benjamin B. Darling.
Hopkinton,	Joseph Moor.
Litchfield and }	Jacob Dascomb.
Derryfield, }	James Wood.
Lyndeborough,	Samuel Forster.
Mason,	Augustus Blanchard.
Merrimack,	Ephraim Jones.
Milford and }	Noah Bartlett.
Brookline, }	Joseph Colby.
New Boston,	Asa Davis.
New Ipswich,	James Wilson.
New London,	Andrew Bowers.
Nottingham West,	Thomas Wadleigh.
Peterborough,	Ebenezer Edwards.
Salisbury,	Aquilla Davis.
Sutton,	George Hadley.
Temple,	Philip Putnam.
Warner,	
Weare,	
Wilton,	

## CHESHIRE COUNTY.

Acworth,	Thomas Slader.
Alstead,	John C. Chamberlain.
Charlestown and }	Oliver Hastings.
Langdon, }	Simon Willard.
Chesterfield,	Caleb Ellis.
Claremont,	Ithamar Chase.
Cornish,	Benjamin Barton.
Croydon,	Isaac Appleton.
Dublin,	Nahum Parker.
Fitzwilliam,	Allen Willey.
Goshen and }	Uriel Evans.
Wendell, }	Joseph Thorndike.
Hinsdale,	David Forbes.
Jaffrey,	Elisha Huntley.
Keene,	Phinehas Farrar.
Lempster and }	
Marlow, }	
Marlborough,	

Newport,	Uriah Wilcox.
Packersfield,	Samuel Griffin.
Plainfield,	Albe Cady.
Richmond,	James Cook.
Rindge,	Josiah Wilder.
Springfield and } New Grantham, }	Samuel Robie.
Stoddard,	David Joslin.
Sullivan,	Samuel Seward.
Surry and } Gilsum, }	David Blish.
Swanzey,	Nehemiah Cummings.
Unity,	Benjamin Clough.
Walpole,	Thomas Sparhawk.
Washington,	David Heald.
Westmoreland,	William Britton.
Winchester,	Foster Alexander.

## GRAFTON COUNTY.

Alexandria and } Bridgewater, }	Moses Lewis.
Bath,	Moses P. Payson.
Canaan,	Ebenezer Clark.
Cockburne, } Colebrook, } Shelburne, } Stewartstown and } Wales Location, }	Joseph Loomis.
Concord (Lisbon),	John Haynes.
Enfield,	Jesse Johnson.
Franconia, } Landaff and } Lincoln, }	Peter Carleton.
Groton, } Dorchester and } Hebron, }	Edmund Shattuck.
Hanover,	Joseph Curtis.
Haverhill and } Coventry, }	John Montgomery.
Holderness and } Campton, }	Hugh Ramsey.
Jefferson and } Lancaster, }	William Lovejoy.
Lebanon,	Aaron Hutchinson.
Littleton, } Bethlehem and }	David Goodall.
Dalton,	



Lyman,  
Lyme,  
New Chester and }  
Danbury, }  
Northumberland, }  
Piercy and }  
Stratford, }  
Orange and }  
Grafton, }  
Orford,  
Piermont and }  
Warren, }  
Plymouth,  
Rumney and }  
Wentworth, }  
Thornton, }  
Peeling and }  
Trecothick, }

John Haynes.  
Walter Fairfield.  
Ebenezer Kimball.

Nathan Barlow.

Jabez B. Barney.

Joseph Pratt.

Abel Merrill.

Joshua Thornton.

William White.

Enoch Colby.

[*First Session, Held at Concord, June 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 1803.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT, TO ENABLE THOMAS THOMPSON OF SALISBURY IN THE COUNTY OF HILLSBOROUGH TO TAKE THE NAME OF THOMAS W. THOMPSON.

[Approved June 7, 1803. Original Acts, vol. 17, p. 80; recorded Acts, vol. 14, p. 18.]

Whereas Thomas Thompson of Salisbury in the County of Hillsborough Esquire hath petitioned the Legislature that he may take the name of Thomas W. Thompson and the prayer thereof appearing reasonable.—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Thomas Thompson be and he is hereby authorised to take the name of Thomas W. Thompson and that he be hereafter known and called by the name of Thomas W. Thompson.

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT, ENTITLED "AN ACT AUTHORISING AND EMPOWERING JEMIMA PEIRCE OF PORTSMOUTH IN THE STATE OF NEWHAMPSHIRE WIDOW ADMINISTRATRIX OF THE ESTATE OF DANIEL PEIRCE LATE OF SAID PORTSMOUTH TRADER DECEASED TO EXCHANGE CERTAIN REAL ESTATE OF GEORGE PEIRCE AND JOSEPH PEIRCE MINORS HEIRS OF THE SAID DANIEL PEIRCE"—

[Approved June 8, 1803. Original Acts, vol. 17, p. 81; recorded Acts, vol. 14, p. 79.]

Be it Enacted, by the Senate and House of Representatives in General Court convened that Jemima Peirce of Portsmouth in the State of Newhamphshire widow administratrix of the estate of Daniel Peirce late of said Portsmouth trader deceased. Be and She is hereby authorised and empowered to exchange, or sell and convey for the purpose of making an exchange, all the right, title interest, property claim and demand of George Peirce and Joseph Peirce minors and heirs of the said Daniel Peirce of, in and unto a Lot of land situated in Portsmouth aforesaid on the south side of Daniel Street so called and bounded twenty five feet on said Street and

carrying that breadth Southerly from said street fifty feet. And to receive and take in exchange therefor to and for the use of the said George and Joseph a good sufficient and legal conveyance of such proportion of a Lot of land adjoining the lot aforesaid on the easterly side thereof as shall be equivalent to the interest of the said George and Joseph in the Lot of land first mentioned and described.

And be it further Enacted That the said Jemima Peirce be and She is hereby authorised and empowered to make and execute such conveyances as shall be necessary and sufficient for the making and completing the exchange aforesaid

[CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
IN GOSHEN.—

[Approved June 9, 1803. Original Acts, vol. 17, p. 82; recorded Acts, vol. 14, p. 32.]

Be it enacted by the Senate and House of Representatives in General Court convened that Allen Willey Esq. Samuel Gunnison Wilson Shaw Benj. Willey John Calef Stephen Bartlet Joseph Chocoran Micah Morse Amos Calef and their Associates proprietors of said Library and all such as may become proprietors of the same be, And they hereby are Incorporated into a Body politic by the name of the Proprietors of the Social Library in Goshen with continuance and succession forever— And by that name may sue and be sued may plead and be impleaded in all Actions personal and may prosecute and defend the same to final Judgement and Execution and they are hereby vested with all the powers and priviledges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four Dollars for each offence to be recovered by said proprietors in an Action of Debt to their use in any Court proper to try the same. And they may make purchase and receive subscriptions grants and donations of personal Estate not exceeding one thousand Dollars for the purpose and use of their Association

And be it further enacted that said corporation be and they hereby are Authorised to Assemble at Goshen aforesaid on the first tewsday of December Annually to choose all Such Officers as may be found necessary for the orderly conducting the Affairs of said corporation who shall continue in office untill others are chosen in their room, And that said corporation may Assemble as often as may be found necessary for filling up any Vacancies which may happen in said Offices, and for transacting all other Business excepting Raiseing Monies which shall always be done at their Annual meeting and at

no other time. At which annual meeting they shall Vote all necessary sums for defraying the annual expence of preserving said Library and for enlarging the same, And said corporation shall have powers to make such Rules and by Laws for the government of said corporation as may from time to time by them be found necessary. Provided the same be not repugnant to the Constitution of this State—

And Be it further enacted that Allen Willey Esq. is hereby Authorised And impowered to call the first Meeting of said Proprietors at such time and Place as he shall appoint by posting up a Notification for that purpose at the most publick place in Said Goshen, Fifteen days prior to said Meeting, And the said proprietors at said Meeting shall have the same power to choose Officers and make By Laws as they have by this Act at their Annual Meeting

#### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY IN NEWPORT.—

[Approved June 9, 1803. Original Acts, vol. 17, p. 83; recorded Acts, vol. 14, p. 38.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Jesse Lane, Jesse Wilcox and Samuel Church, and their Associates, proprietors of said Library, and all such as hereafter become proprietors of the same, be, and they hereby are, incorporated into a body politic by the name of The Proprietors of the Social Library in Newport, with continuation and succession forever; and by that name may sue and be sued, may plead and be impleaded, in all actions personal, and may prosecute and defend the same to final judgment and execution; and they hereby are invested with all the powers and privileges incident to Corporations of a similar nature; and may enjoin penalties of disfranchisement or fines not exceeding four dollars for each offence, to be recovered by said Proprietors in an action of debt to their use in any Court proper to try the same, and they may make, purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand dollars for the purpose & use of their Association.

And be it further enacted, That said Corporation be, and they hereby are authorized to assemble at Newport aforesaid on the first Tuesday in December annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in office until others are chosen in their room; and the said Corporation may assemble as often as may

be found necessary for filling up any vacancies which may happen in said offices, and for transacting all other business excepting the raising of money, which shall be done at their annual meeting and at no other time; at which annual meeting they shall vote all necessary sums for defraying the annual expense of preserving said Library and for enlarging the same; And said Corporation shall have power to make such Rules and By-laws for the government of said Corporation as may from time to time by them be found necessary and convenient—provided the same be not repugnant to the Constitution and Laws of this State.

And be it further enacted, That Jesse Lane Esq<sup>r</sup> is hereby authorized and impowered to call the first meeting of said Corporation at such time and place in said Newport as he may appoint by posting up a notification for that purpose at the Congregational Meeting-house in said Newport at least fifteen days prior to said meeting; and the Proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual meeting.

## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE THE PROPRIETORS OF A SOCIAL LIBRARY IN NORTHWOOD IN SAID STATE.—

[Approved June 9, 1803. Original Acts, vol. 17, p. 84; recorded Acts, vol. 14, p. 41.]

Be it enacted by the Senate & House of Representatives in General Court convened, That Josiah Prentice, Jonathan Clark, John Harvey Henry Bachelder, and Solomon Buzel and their Associates, be & they hereby are incorporated and made a Body politic & Corporate & their successors forever by the Name of the Proprietors of the Social Library in Northwood; and by that Name to sue & be sued, prosecute & be prosecuted to final Judgment and Execution—with power to make all necessary By laws for the Government of said Corporation, provided the same be not repugnant to the Constitution or Laws of this State—

And be it further enacted that the Annual Meeting of said Society shall be held on the first Mondy of May, for the Choice of Officers, at which Annual Meeting said Proprietors may from time to Time Vote what sums they may Judge necessary to defray the Cost of Procuring or keeping said Library, not exceeding the sum of one Thousand Dollars,—

And be it further enacted that Levi Mead be & hereby is appointed to call the first meeting of said Proprietors, to be held at some convenient Time & Place, giving fifteen Days Notice, at Which meet-



ing the said Proprietors may proceed to chuse all necessary Officers, to continue till the next Annual Meeting, and also to Vote such sums as they may think necessary for the immediate use of said Library, in the same manner as at their Annual Meeting—

[CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN ENFIELD.

[Approved June 9, 1803. Original Acts, vol. 17, p. 85; recorded Acts, vol. 14, p. 44.]

Be it enacted by the Senate and House of Representatives in General Court convened that Jesse Johnson Edward Evens, Nathan Bicknell, Levi Webster, Richard Currier and Reuben Towle and their Associates proprietors of said library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a body politic by the name of the proprietors of the Social Library in Enfield with continuation and succession forever and in that name may sue and be sued may plead and be impleaded in all personal actions and prosecute and defend the same to final judgment and execution; and they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding five Dollars for each offence to be recovered by said corporation in an action of debt to their use in any Court proper to try the same; and they may make purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand Dollars for the purpose and use of their association.

And be it further enacted that said Corporation be and they hereby are authorised and impowered to assemble at said Enfield on the third Tuesday of April annually to choose all such officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in office until others are chosen in their room and that said Corporation may assemble as often as may be found necessary for the filling up any vacancies which may happen in said offices and for transacting all other business; excepting the raising of monies which shall always be done at their annual meeting: At which annual meeting they shall vote all necessary sums for defreying the annual expence of preserving said library and for enlarging the same. And said Corporation shall have power to make such Rules and By-laws for the government of said Corporation as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Jesse Johnson be and hereby is authorised and impowered to call the first meeting of said Proprietors at such time and place as he may appoint by posting a notification for that purpose at the meeting house in said Enfield at least fifteen days prior to said meeting, and the said proprietors at said meeting shall have the same power to choose officers and make By-laws as they have by this Act at their annual meeting.—

[CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF  
THE PROPRIETORS OF THE COLUMBIAN LIBRARY IN WILTON.

[Approved June 9, 1803. Original Acts, vol. 17, p. 86; recorded Acts, vol. 14, p. 47.]

Be it Enacted by the Senate and House of Representatives in General Court convened, that Ebenezer Rockwood Jonathan Burton and Philip Putnam Esq<sup>rs</sup> and their Associates proprietors of said Library and all such as hereafter may become Proprietors of the same, be and they hereby are Incorporated into a body Politic by the name of the proprietors of the Columbian Library of Wilton with continuation and succession forever, with all the powers and privileges incident to Corporations, and may enjoin penalties of disfranchisement or fine not exceeding three dollars for each offence, and make, purchase and receive subscriptions, grants and donations of personal Estate not exceeding the sum of one thousand dollars for the purpose of their Association.

And be it further enacted that the said society be and they hereby are Authorized to assemble at Wilton aforesaid on the first monday of September annually or on any other day said proprietors shall appoint to chuse all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in Office untill others are chosen in their room, And that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices and for transacting all other business excepting the Assessing and raising monies which shall always be done at their Annual meeting on the said first monday of September and at no other time, at which meeting they shall Vote all necessary sums for defraying the annual expence of preserving said Library and for enlarging the same. And shall make and enact such rules and bye Laws for the government of said Corporation as may by them be found necessary, provided the same be not repugnant to the Constitution and Laws of this State.—

And be it further enacted, that Ebenezer Rockwood and Jonathan Burton Esquires or either of them are hereby Authorized and impowered to call the first meeting of the proprietors at such time and place as they may appoint, by posting up a notification of the same at the public meeting house in said Wilton at least ten days before the time of said meeting and the said proprietors at said Meeting shall have all the powers to enact bye Laws and chuse all such Officers as they may or can do at their said annual meeting—

[CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN UNITY.

[Approved June 9, 1803. Original Acts, vol. 17, p. 87; recorded Acts, vol. 14, p. 50. See act of November 30, 1803, *id.*, p. 122.]

Be it enacted by the Senate and House of Representatives in General Court convened that Benjamin Clough, Josiah Hunton, William Perkins, Francis Chase and Nathan Glidden, and their Associates proprietors of said Library and all such as may hereafter become proprietors of the same be, and they hereby are incorporated into a body politic by the name of the Proprietors of the Social Library in Unity with continuation and succession forever and in that name may sue and be sued, may plead and be impleaded in all personal actions and may prosecute and defend the same to final judgment and execution, and they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding five Dollars for each Offence to be recovered by said proprietors in an action of debt to their use in any court proper to try the same, and they may make purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand Dollars for the purpose and use of their association.

And be it further enacted, that said proprietors be and they hereby are authorised and impowered to assemble at said Unity on the last Tuesday of April annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in Office until others are chosen in their room; and that said Proprietors may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices and for transacting all other business, excepting the raising of monies which shall always be done at their annual meeting; At which annual meeting they shall vote all necessary sums for defreying the annual expence of preserving said Library and for enlarging the same. And said proprietors shall have power

to make such Rules and By-laws for the government of said Corporation as may from time to time by them be found necessary; provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Benjamin Clough is hereby authorised and impowered to call the first Meeting of said proprietors at such time and place as he may appoint by posting a notification for that purpose at the East Meeting house in said Unity at least fifteen days prior to said Meeting, and the said proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual meeting.

### [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENABLE ORDWAY BROWN OF HANOVER, IN THE COUNTY OF GRAFTON TO TAKE THE NAME OF JOHN ORDWAY BROWN—

[Approved June 9, 1803. Original Acts, vol. 17, p. 88; recorded Acts, vol. 14, p. 54.]

Whereas Ordway Brown of Hanover in the county of Grafton hath petitioned the Legislature that he may take the name of John Ordway Brown, and the prayer thereof appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, That the said Ordway Brown be, and he hereby is authorized to take the name of John Ordway Brown, and that he be hereafter in all cases known and called by the name of John Ordway Brown.

### [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT, TO INCORPORATE THE NEWHAMPSHIRE FIRE AND MARINE INSURANCE COMPANY.

[Approved June 10, 1803. Original Acts, vol. 17, p. 89; recorded Acts, vol. 14, p. 19. See act of June 14, 1822, which renews the charter, id., vol. 22, p. 112.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives, in General Court convened, That Samuel Ham, John Wardrobe, James Rundlet, & Gilman Leavit, and all such persons as have already or hereafter shall become Stockholders in said Company, being Citizens of the United States, be and hereby are incorporated



into a Company and body politic by the name of the Newhampshire Fire and Marine Insurance Company for and during the time of Twenty years after the passing of this act & by that name may sue & be sued, plead or be impleaded, appear, prosecute & defend to final judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase hold & convey any estate, real or personal, for the use of said Company, subject to the restrictions herein after mentioned.—

Section 2<sup>d</sup> And be it further enacted, that the Capital stock of said Company shall not be less than two hundred thousand nor more than four hundred thousand dollars exclusive of premium notes, or profit arising from said business; and shall be divided into two thousand shares.

Sec. 3<sup>d</sup> And be it further enacted, by the authority aforesaid, that the stock property, affairs and concerns of the said Company shall be managed & conducted by twelve Directors, one of whom shall be the President thereof, who shall hold their offices for one year and untill a new choice be made and no longer, which directors shall, at the time of their election, be Stockholders and Citizens of this State, and shall be elected on the first Monday of July in each & every Year (at such times of the day, and in such place in the town of Portsmouth as the Directors for the time being shall appoint) by a Majority of the votes of the Stockholders present, allowing one Vote to each share; of which election public notice shall be given in some newspaper printed in the town of Portsmouth. And the Stockholders, not present may vote by proxy, under such regulations, as the said Company shall prescribe, and if by reason of any unavoidable accident the said Directors shall not be appointed, on the first Monday of July as aforesaid, it shall be lawful to choose them on another day in manner herein prescribed.—

Sec. 4<sup>th</sup> And be it further enacted, that the Directors so chosen, shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall Preside for one year and be sworn faithfully to discharge the duties of his office, and in case of the death or resignation of the President or any Director, or of his or their inability to serve such vacancy shall be filled up for the remainder of the year in which it may happen by a special election for that purpose to be holden in the same manner as is herein before directed, respecting the annual election for Directors and President.

Sec. 5<sup>th</sup> And be it further enacted, that the President and six of the Directors, or seven Directors, in the absence of the President, shall be a board, competent for the transaction of business and all questions before them, shall be decided by a majority of votes, and they shall have power to make & prescribe such byelaws, rules and regulations as to them shall appear needful & proper, touching the management and disposition of the stock, property, estate & effects of said Company, and the transfer of shares, and touching the duties



and conduct of the several officers Clerks & servants employed, and the election of Directors & all such matters as appertain to the business of Insurance; and shall also have the power to appoint a Secretary and so many Clerks & servants for carrying on the said Business & with such salaries & allowances to them and to the President, as to the said Board shall seem meet, Provided that such byelaws Rules & regulations be not repugnant to the Constitution or laws of this State.

Sec. 6<sup>th</sup> And be it further enacted, that there shall be a stated Meeting of the Directors at least once in every month, and as often within each month as the President and board of Directors shall deem proper and the President and a Committee of three of the directors to be by him appointed in rotation shall assemble daily, if need be, for the dispatch of business and the said board of Directors & the Committee aforesaid, at & during the pleasure of said Board, shall have power & authority, on behalf of the Company, to make Insurance upon Vessels, Goods effects & Freight, and against fire upon houses, Stores, Goods, wares & merchandize and against Captivity of Persons & on the life of any person or persons, and in cases of money lent on bottomry and respondentia, and to fix the premiums and terms of payment; and all Policies of Insurance by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, & countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect & force as if under the seal of said Company; and the Assured may thereupon maintain an action upon the case against the said Company and all losses duly arising under any policy so subscribed may be adjusted & settled by the President & board of Directors & the same shall be binding on the Company.—

Sec. 7<sup>th</sup> And be it further enacted, that it shall be the duty of the Directors on the second Monday of June & December, in every year, to make dividends of so much of the interest, arising from their Capital Stock, and the profits of said Company, as to them shall appear advisable, but the monies received, and notes taken for premiums or risques, which shall be undetermined & outstanding, at the time of making such dividends, shall not be considered as part of the profits of the Company, & in case of any loss or losses whereby the Capital Stock of the Company shall be lessened, each Proprietors or Stockholders estate shall be held accountable for the deficiency, that may be due from his share or shares, at the time of such loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such other time or times, as the Directors shall order; and no subsequent dividend shall be made untill a sum equal to such diminution shall be added to the Capital and that once in every three years, & oftener, if required by a majority of the votes of the Stockholders, the Directors shall lay before the Stockholders, at a general meeting, an exact and

particular statement of the Profits, if any there be, after deducting losses & dividends.

Sec. 8<sup>th</sup> And be it further enacted, that the said Company shall be empowered, and hereby are empowered, to vest the said Capital Stock of said Company, after being collected at each installment, either in the funded debt of the United States, or in Bank Stock, loan it on promissory notes, or bills of Exchange, and mortgages on real estates in either or all of them and in such proportions as may be most for the interest of said Company, at the direction of the President and Directors of said Company, or of such other person or persons, as said Stockholders shall, for such purpose, at every meeting appoint

Sec. 9<sup>th</sup> And be it further enacted, that twenty dollars, on each share in said Company, shall be paid within thirty days after the first meeting of said Company, and the remaining sum, due on each share, at such equal installments & under such penalties, as the said Company shall direct.—

Sec. 10<sup>th</sup> And be it further enacted, that no person being either singly or as a partner, with one or more persons, as a member of any other Company carrying on the business of Insurance, in said State of Newhampshire shall be eligible, as director of the Company by this Act established.

Sec. 11<sup>th</sup> And be it further enacted, by the authority aforesaid, that the property of any member of said Company, vested in the stock of said Company shall be liable to attachment, and to the payment & satisfaction of his just debts to any of his bona fide Creditors, in manner following, Viz<sup>t</sup> in addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company, and the debtors share in the said Company's funds, together with the interest & profits due or growing due thereon, or as much thereof as shall be sufficient, shall thereby be held to respond the judgment, which may be recovered in said suit according to law, and all transfers of the Debtors Shares, not noted in the books of the Company, previous to the delivery of such summons, shall be barred thereby: and execution may be levied on the property of any Stockholder in said Company, and his share or shares therein exposed to sale, in the same manner as is by law prescribed where personal estate is taken in execution & it shall be the duty of the Officer who extends such execution to leave an attested copy thereof with his doings thereon, with the Secretary of said Company and the purchaser shall thereupon be intitled to the said Debtors share or shares in said stock, and the receptions of all dividends and profits, which the Debtor was previously intitled to, And upon any attachments being made or execution levied on any Shares in said Company it shall be the duty of the Secretary of said Company to expose the books of the Company to the Officer, & to furnish him with a certificate under his hand, in his Official Capacity, ascertaining the number of shares the

Debtor holds in said Company and the amount of the dividends thereon due—

Sec. 12<sup>th</sup> And be it further enacted that in case any loss or losses shall take place, which shall be equal to the Amount of the Capital Stock of said Company, and the President and Directors, after knowing such loss or losses, shall subscribe to any policy of Insurance their estates jointly & severally, shall be accountable for the Amount of any and every loss that shall take place under policies thus subscribed.

Sec. 13<sup>th</sup> And be it further enacted that the President & Directors of said Company shall previous to their subscribing any policy, and once in every year afterward publish in some Newspaper or Newspapers printed, in the Town of Portsmouth, the Amount of their Stock against what risques they mean to insure, and the largest sum they mean to take on any one risque.

Sec. 14<sup>th</sup> And be it further enacted that the President and Directors of said Company shall, when and as often as required, by the Legislature of this State, lay before them a statement of the affairs of said Company, and submit to an examination concerning the same under oath.—

Sec. 15<sup>th</sup> And be it further enacted that Samuel Ham, John Wardrobe, James Rundlet & Gilman Leavitt, or any two of them be, and hereby are authorized to call a meeting of the members of said Company, as soon as may be, in Portsmouth by advertizing the same, three weeks successively in the Newspaper or Newspapers in Portsmouth for the purpose of their electing their first Board of Directors who shall continue in office untill the first Monday in July one thousand eight hundred and four and untill others are chosen in their stead.

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING BENJAMIN CALDWELL & GEORGE GREGG AS GUARDIAN OF THOMAS CALDWELL OR EITHER OF THEM, TO ENTER AND PROSECUTE AN APPEAL FROM A DECREE OF THE JUDGE OF PROBATE FOR THE COUNTY OF HILLSBOROUGH—

[Approved June 10, 1803. Original Acts, vol. 17, p. 90; recorded Acts, vol. 14, p. 35.]

Whereas in an Act of the Legislature, passed at the Session of the General Court in Juné one thousand eight hundred & two; entitled “an Act, authorising Asa Davis & George Gregg or others to enter certain Appeals,” there is a misrecital of a date, by reciting the exhibition & allowance of the Administration account of Barnabas Gibson of Pelham in the County of Rockingham on the Estate

of Martha Caldwell deceased, to have been made at the Court of Probate in said County of Hillsborough on the twenty ninth day of July one thousand seven hundred & ninety nine, whereas in fact it was made on the twentieth day of February one thousand seven hundred & ninety nine, & Whereas by said misrecital the aforesaid Act has not had its intended effect— Therefore

Be it enacted by the Senate & House of Representatives in General Court convened, that Benjamin Caldwell & George Gregg as Guardian of Thomas Caldwell; or either of them, or said Ward, have liberty to enter at the next Superiour Court of Judicature to be holden at Amherst, within and for the County of Hillsborough on the first tuesday of October next: an Appeal from the allowance or decree of the Judge of Probate for said County of Hillsborough, made the twentieth day of February one thousand seven hundred & ninety nine, on the account of said Barnabas Gibson as Administrator of the Estate of said Martha Caldwell deceased: & then and there to prosecute the same to final Judgment, in the same way & manner as tho' said Appeal had been claimed, allowed, & prosecuted, within the time prescribed by law

And be it further enacted that said Barnabas Gibson be served with a Copy of this Act & a copy of the decree from which said Appeal is granted, thirty days previous to the Court to which said Appeal is allowed—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE AND IMPOWER JOSIAH ADAMS, DANIEL WILLIAMS, JOHN MELCHER, NATHANIEL ROGERS, NATHANIEL WILLIAMS, AND JOHN WILLIAMS TO CONVEY TO NATHANIEL HEALEY CERTAIN REAL ESTATE IN HAMPTONFALLS.

[Approved June 10, 1803. Original Acts, vol. 17, p. 91; recorded Acts, vol. 14, p. 55.]

Whereas Nathaniel Healey of Hamptonfalls hath petitioned the General Court setting forth that he was indebted by a note of hand to John P. Williams late of Portsmouth deceased—that to secure the payment of said note, he conveyed to the said Williams (then in full life) by deed of bargain and sale a certain piece of land in Hampton falls aforesaid containing six acres and one quarter—that payments were made on said note and the note was renewed in the said Williams' life time—that the last mentioned note was negotiated to his daughter Sarah Williams—that said Healey is liable to the payment thereof—that the heirs and executors of the said John P. Williams are willing to reconvey to the said Healey the aforesaid premises,—and that some of the heirs are minors and incapable of



executing a deed of Conveyance: Wherefore he prays that the executors of said Williams deceased, and the guardians of said minors be authorised and impowered to reconvey said premises; the prayer of which petition appearing reasonable, and being consented to by said Executors and Guardians;—Therefore;

Be it enacted by the Senate and House of Representatives in General Court convened that the said Josiah Adams, Daniel Williams, John Melcher, Nathaniel Rogers, Nathaniel Williams and John Williams be and they hereby are authorised and impowered to reconvey to the said Healey by a good, sufficient and legal conveyance all the right, title, interest, property, estate, claim and demand which the said deceased, in his life time, had of, in and unto the premises aforesaid

### [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

#### AN ACT AUTHORIZING THE MASONIAN PROPRIETORS TO HOLD THEIR PROPRIETARY MEETINGS IN THE TOWN OF PORTSMOUTH.—

[Approved June 10, 1803. Original Acts, vol. 17, p. 92; recorded Acts, vol. 14, p. 58. Session Laws, June, 1803, p. 5. Laws, 1805 ed., p. 194; id., 1815 ed., p. 236; id., 1830 ed., p. 117. See act of June 18, 1788, Laws of New Hampshire, vol. 5, p. 325.]

Be it enacted by the senate and house of Representatives in General Court convened that the owners of the common and undivided Lands in this State purchased of John Tufton Mason deceased commonly called the Masonian Proprietors be and they hereby are authorized and empowered to hold their proprietary meetings in the town of Portsmouth in the County of Rockingham for transacting any and all business relating to said Proprietary. And that all votes acts and doings of said Proprietors passed done or transacted at any meeting or meetings so to be holden in said Portsmouth shall have the like force effect and validity as the same would have if passed done or transacted at a meeting or meetings of said proprietors duly holden in the respective towns and Counties where the lands to which such votes acts or doings may relate are situate. Provided that such meeting or meetings so to be holden in said Portsmouth shall in all respects except the place of holding the same be holden agreeably to the provisions of the laws regulating proprietors meetings



## [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN CHESTERFIELD.

[Approved June 10, 1803. Original Acts, vol. 17, p. 93. Not found in the recorded Acts.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Rev<sup>d</sup> Abraham Wood, Jacob Ammidon, Oliver Atherton, Levi Jackson and Jabez Kimball and their Associates, proprietors of said library, and all such as may hereafter become proprietors of the same be, and they hereby are incorporated into a body politic by the name of the proprietors of the Social Library in Chesterfield with Continuation and Succession forever and in that name may sue and be sued, may plead and be impleaded in all personal actions and may prosecute and defend to final judgment and execution; and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding five Dollars for each offence to be recovered by said proprietors in an action of debt to their use in any Court proper to try the same: And may make purchase and receive subscriptions, grants and donations of personal Estate, not exceeding one thousand Dollars for the purpose and use of their association.

And be it further enacted that said proprietors be, and they hereby are authorised and empowered to assemble at said Chesterfield on the last Monday of September annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in Office until others are chosen in their room, and that said proprietors may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices and for transacting all other business, excepting the raising of monies which shall always be done at their annual meeting; at which annual meeting they shall vote all necessary sums for defreying the annual expence of preserving said library and for enlarging the same. And said proprietors shall have power to make such Rules and By-laws for the government of said Corporation as may from time to time by them be found necessary; provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Jacob Ammidon is hereby authorised and empowered to call the first meeting of said proprietors, at such time and place as he may appoint by posting a notification for that purpose at the meeting house in said Chesterfield at least fifteen

days prior to said meeting, and the said proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual meeting.

[CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING ELIZABETH GIBSON TO ENTER A CERTAIN REPORT OF REFEREES, AT THE NEXT COURT OF COMMON PLEAS IN THE COUNTY OF ROCKINGHAM—

[Approved June 10, 1803. Original Acts, vol. 17, p. 94; recorded Acts, vol. 14, p. 60. See act of June 17, 1802, id., vol. 13, p. 385.]

Whereas in an Act of the General Court passed at their Session in June one thousand eight hundred & two entitled “an Act empowering Elizabeth Gibson to enter certain proceedings at the next Court of Common pleas in the County of Rockingham” the name of Barnabas Gibson Junior is omitted, by which the said Act has not had its intended effect—

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened, that the said Elizabeth Gibson have liberty to enter at the Court of Common pleas to be holden at Exeter in and for the County of Rockingham on the second tuesday of August, next a certain Report between her and Barnabas Gibson & Barnabas Gibson Junior made the fifteenth day of April one thousand eight hundred and one, by Clifton Claggett & John Dinsmore Esquires and Moses Whiting, Referees between the said parties, & that the same proceedings be had thereon as the said Report had been entered & prosecuted at the Court to which the same was, by law, returnable

And be it further enacted that the said Barnabas Gibson & Barnabas Gibson Jun<sup>r</sup> be served with an attested copy of this Act thirty days at least, before the sitting of the Court at which, liberty is granted; that said Report may be entered—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT, INTITLED AN ACT EMPOWERING THE INHABITANTS OF THE TOWN OF PORTSMOUTH TO APPOINT HEALTH OFFICERS, AND FOR PREVENTING NUISANCES IN SAID TOWN.

[Approved June 10, 1803. Original Acts, vol. 17, p. 95; recorded Acts, vol. 14, p. 63. Session Laws, June, 1803, p. 7. Laws, 1805 ed., p. 314; id., 1815 ed., p. 455; id., 1830 ed., p. 265. The act referred to is dated June 15, 1799, id., 1805 ed., p. 309. See additional act of June 18, 1807, id., 1815 ed., p. 458. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas the provisions of said Act are on Experience found not fully to answer the salutary purposes contemplated thereby, Therefore,

Be it enacted by the Senate & house of Representatives in General Court convened, that the health Officers, now in Office, and those who may be hereafter chosen, according to the directions of the Act aforesaid, shall have power, and they are hereby authorized and empowered, from time to time, and as in their judgment, the health & safety of the said town & of the people may require, to make such rules & regulations, to have effect within the limits of said town & port, as to them shall appear necessary for those purposes, also for removing & preventing nuisances. Which rules, Orders and regulations, being approved by two or three Justices of the peace, one of whom being of the Quorum, shall be binding, and strictly observed within the Town & Port of Portsmouth. And if any person or persons shall disobey or violate the rules, orders, and regulations of said health Officers, so made & approved, at any time after three days from the publication of the same, in two of the News Papers printed in said Town, such person or persons shall forfeit & pay the sum of ten dollars, to be recovered by the said health Officers, before a Justice of the peace, not being a party, for the use of said Town.

And the said health Officers shall have power, and power is hereby given them, to make orders & regulations, from Time to Time, respecting Quarantine, in what cases it shall be performed by Vessels arriving in said Port; naming the ports or places from which all vessels arriving ought to be subject to Quarantine, and by other orders, to take off this subjection or restriction, when in their Opinion the safety of the Town & People will admit of it. And all their orders and regulations, respecting quarantine, made, approved, & published as aforesaid, shall be of force; and they are hereby required & empowered to cause such vessels, and all others having

infection, or contagious sickness on board, or justly suspected of endangering the health of the Town, to perform quarantine, under such restrictions and regulations as they may judge expedient. And any Owner, Master, Super cargo, Officer, Seaman, Consignee, or other person concerned, who shall neglect or refuse to obey the Restrictions directions or qualifications of said health Officers, respecting said quarantine, shall on conviction thereof, before the Superior Court, be fined a Sum not exceeding five hundred dollars, or be imprisoned, not exceeding three months, or both at the discretion of said Court.

And be it further enacted, that whenever the said health Officers shall order in manner aforesaid, all Vessels arriving from a particular port or from certain ports, to perform quarantine, they give notice of such Order to the pilots of the said port of Portsmouth, and it shall be the duty of the said pilots to make known the said order to the Captains or Masters of all Vessels which they shall board, or have opportunity to communicate it unto; and if any Pilot shall pilot any Vessel up to the Town, to any wharf thereof, said Vessel being by such Order subject to quarantine, he shall forfeit his branch, and be moreover fined, not exceeding the sum of one hundred dollars, at the discretion of said Court, on a prosecution & conviction before said Court.

And it shall be the duty of the said health Officers to make known such orders by them made as aforesaid, to the commanding Officer of the Fort or Garrison at Newcastle, desiring his assistance and co-operation in stopping all Vessels, subject by such order to perform quarantine, and not permitting them to pass quarantine road, untill further order be taken respecting them.—

And be it further enacted that any Master or Commander of any Vessel, arriving, subject to quarantine by such order, as aforesaid, after receiving notice in any manner, of his Vessel being so subject, shall bring up the same to any part of the Town of Portsmouth, or pass up the River, or who shall falsely & fraudulently attempt to elude the directions of the health Officers by false and unfounded declarations, as to the port or place from whence he came, or who shall land or suffer to be landed from his Vessel, any Person, Goods, Apparel, Bedding or Merchandize whatsoever, without the permission of the said health Officers, every such Master or Commander, shall, upon conviction thereof as aforesaid, forfeit and pay a sum not exceeding five hundred dollars, or suffer imprisonment for a time not exceeding three months or both, at the discretion of the said Superior Court.

And be it further enacted, that when the said health Officers shall think it necessary, that any Vessel shall perform quarantine and be cleansed & purified, they shall direct the Master or Commander of such Vessel to proceed with her, & anchor at or near some convenient place, by them appointed and specified in their order, not exceeding three miles from Portsmouth, there to be purified &



cleansed in such manner as the said health Officers shall direct & order— And all expences of such purification shall be defrayed and paid by the Master, Commander, Owner, or Consignee of such Vessel. And they shall either of them, and each Owner severally be answerable therefor. And the expences shall be recovered by action of the case in the name of the said health Officers, to and for the use of the said Town of Portsmouth. And each & every Master, Commander, Owner, or Consignee of every such Vessel, who shall neglect or refuse to comply with such directions for purification or cleansing, shall on conviction thereof, before the said Superior Court, be fined not exceeding five hundred dollars, or suffer imprisonment for a term, not exceeding three months, or both, at the discretion of the Court.—

And be it further enacted, that any diseased Mariner, or other person sent on shore, at the place appointed by the said health Officers, for the reception and cleansing of the sick, shall be there kept, maintained, provided for, & cleansed at his or their own expence, or that of his or their parents, or Masters, if able, otherwise at the charge of the Town to which he or they belong.—And in case such person or persons have no legal settlement in any Town or place within this State, then at the charge of the State.—

And be it further enacted, that every person, Mariner or other person who shall presume to come on shore from any Vessel infected or justly suspected to be so, or subject to, or ordered for quarantine, or performing it, or shall leave the place appointed for the sick, or for purification, being placed there by order as aforesaid, and not having obtained permission from the health Officers, every person so offending shall on conviction before the Court of Common Pleas, or the Superior Court, forfeit and pay the sum of One hundred dollars, or suffer three months imprisonment, at the discretion of the Court before which the conviction shall be.—

And be it further enacted, that when any Vessel shall be ordered for quarantine and purification, a red flag of six feet in length at least, shall be ordered to be hoisted at the head of the main mast, and shall be constantly kept up in the day time, during the whole term of the quarantine, and untill said Vessel shall be entirely cleansed. And a like flag shall be hoisted on a flag Staff to be erected for that purpose, and kept up constantly in the day Time at the place appointed for the reception, cure & cleansing of the sick, during the time of their remaining there. And if any person shall without direction or leave of the health Officers go on board any Vessel, ordered for, or performing quarantine, or go within the limits that may be appointed by said Officers, circumscribing infected persons, and Substances on Shore, shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations, restrictions & penalties, as those are subject to, who are performing quarantine, and shall there remain at his own expence, untill discharged by



order of the health Officers. And the persons employed by them there, may, and are hereby empowered forceably to detain him, untill regularly discharged as aforesaid.—

And be it further enacted, that the powers before given to the said health Officers, may, and shall be exercised by them, or any two of them.—

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

### AN ACT TO ALTER ONE OF THE TERMS OF THE COURT OF COMMON PLEAS IN THE COUNTY OF GRAFTON .

[Approved June 10, 1803. Original Acts, vol. 17, p. 96; recorded Acts, vol. 14, p. 74. Session Laws, June, 1803, p. 6. Laws, 1805 ed., p. 78.]

Be it enacted by the Senate & House of Representatives in General Court convened, that the Court of Common Pleas in and for the County of Grafton shall hereafter be holden at Haverhill in said County on the last Tuesday of February annually instead of the first Tuesday of March annually any Law, usage, or custom to the contrary notwithstanding

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

### AN ACT TO AUTHORIZE CALVIN PALMER TO ERECT A DAM ACROSS CONNECTICUT RIVER—

[Approved June 10, 1803. Original Acts, vol. 17, p. 97; recorded Acts, vol. 14, p. 75. See acts of December 24, 1803, id., p. 222, and December 31, 1828, id., vol. 26, p. 203.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Calvin Palmer of Lyman in the County of Grafton, his Heirs and Assigns forever, be and hereby are authorized to erect and keep in repair a Dam across Connecticut River from the lower part of Lyman aforesaid to the Town of Barnett in the State of Vermont; and that said Palmer, his Heirs and Assigns, have, and are entitled to, the exclusive privilege of erecting and keeping in repair any Mill, or Mills, or any other buildings on said Dam: Provided nevertheless that the aforesaid Dam be so constructed that it shall not obstruct the passage of Lumber down said River.

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT TO EMPOWER BENJAMIN LEAVITT, EXECUTOR OF THE LAST WILL AND TESTAMENT OF BENJAMIN LEAVITT DECEASED TO CONVEY A CERTAIN TRACT OF LAND TO MOSES LEAVITT.

[Approved June 10, 1803. Original Acts, vol. 17, p. 98; recorded Acts, vol. 14, p. 77. See act of June 10, 1803, id., p. 92.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Benjamin Leavitt of Northampton in the county of Rockingham and State of New Hampshire, executor of the last will and testament of Benjamin Leavitt late of said Northampton deceased, be and he is hereby empowered, to convey by sufficient deed to Moses Leavitt of said Northampton the following tract of land lying in Northampton aforesaid belonging to the estate of said Benjamin deceased, containing about four acres, bounded as follows, westerly by the road leading to the sea, southerly on land owned by said Moses Leavitt, easterly on land of said Moses Leavitt, and northerly on land belonging lately to said deceased.

And be it further enacted, That said Benjamin Leavitt is hereby authorized to receive in consideration therefor a certain tract of land lying in Northampton aforesaid belonging to said Moses lying near the house of John Leavitt deceased containing about four acres, which conveyance of land the said executor is empowered to receive for the benefit of the heirs of said Benjamin deceased.

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE SANBORNTON BAPTIST ASSOCIATION

[Approved June 10, 1803. Original Acts, vol. 17, p. 99; recorded Acts, vol. 14, p. 82.]

Whereas Coffin Sanborn, Abner Sanborn, Jonathan Chase, Mark Chase, Winthrop Durgin, Taylor Clark, Elijah Durgin, Joseph H. Sanborn, Levi Sanborn, Benjamin Robinson, Benjamin Robinson Jun<sup>r</sup>— Josiah Hersey, Samuel Hunt, David Burley Jun<sup>r</sup>—Peter Hersey, Samuel Hersey, Thomas Colman, Jonathan Taylor Jun<sup>r</sup>—Coffin Sanborn Jun<sup>r</sup>— John Prescott, Daniel Gale, Thomas Copp, Dudley Cram, Timothy Smith Jun<sup>r</sup>— Daniel Tucker, Samuel Conner, Moses Hunt, David Clark, John Durgin Jonathan Thompson, Thomas Moore, Jacob Thompson, William Dyer, Abraham Darling,

John W. Hunt, William Hersey, Jacob March, Ebenezer Morrison Jun<sup>r</sup>— William Durgin, Thomas Cawley, William Chase, Nicholas Giles, James Chase, Ede Taylor, Josiah Sanborn 4<sup>th</sup>— Joseph Prescott 3<sup>d</sup>— Jonathan Taylor, Jonathan Webster, William Rundlett, Benjamin Cawley, Cole Weeks, Joseph Chapman, Nathaniel Caverly, Jacob Hunkins, Chase Sanborn, Henry Blake, Charles Thomas, William Eaton, Reuben Eaton, William Eaton Jun<sup>r</sup>, Israel Becknam, Jonathan Weeks, Lyford Dow, Jeremiah Smith, Joseph Colby, William Weeks, David Morrison Jun<sup>r</sup>— John Shaw, Chase Weeks, John Chapman, Winthrop Durgin Jun<sup>r</sup>— David Morrison, William Hersey Jun<sup>r</sup>— Benjamin Rollings, Jedediah Blake, Joseph Weeks, Elisha Lougey, James Chapman, Edmund Rundlett, Thomas Morrison, John Morrison Jun<sup>r</sup>— John Dearborn, Simeon Cass, Reuben Rundlett, Abner Kimball, William Cawley, Thomas Eastman, John Taylor, Christopher Sanborn, John Clark 3<sup>d</sup>— Nathaniel Hoit, George Whitcher, Robert Steele, Jeremiah Graves, Winthrop True, John Sanders, Jonathan Lang, Jonathan Cawley, Harper Quimbey, Samuel Elsworth, Samuel Chapman, Benjamin Steele, Josiah George, Daniel Gale, and Chase Osgood, have petitioned the General Court praying that they with such others as may hereafter associate with them may be incorporated into a Society by the name of *The Sanbornton Baptist Association* the prayer of which petition appearing reasonable. Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that Coffin Sanborn, Abner Sanborn, Jonathan Chase, Mark Chase, Winthrop Durgin, Taylor Clark, Elijah Durgin, and others aforesaid and all such as may hereafter associate with them be and they hereby are made and erected into a body corporate and politic with Continuation and Succession forever; to be called and known by the name of the Sanbornton Baptist Association and by that name may sue and be sued, may plead and be impleaded and may prosecute and defend the same to final judgment and execution and are hereby vested with all the powers and privileges which are by law incident to Corporations of a similar nature.

And be it further enacted that said association be and they hereby are authorised and empowered to raise such sum or sums of money as they shall judge necessary for the support or maintenance of a public Teacher or Teachers of piety, religion and morality and build or repair houses for public worship and to choose all proper Officers for transacting and managing the concerns of said association and to make Rules and By-laws for regulating the same; provided they are not repugnant to the Constitution and Laws of this State.

And be it further enacted that said association shall annually meet on the last Tuesday of March for the purpose of raising money for the purposes aforesaid and for choosing all proper Officers for transacting the business of said Corporation who shall be sworn to the faithful discharge of their duty, and all meetings of said asso-

ciation in future shall be notified or warned by the Clerk of said association who shall cause a notification setting forth the business to be transacted at said meeting to be posted up at such place or places as said association shall direct fifteen days prior to said meeting.

And be it further enacted that no person shall be considered as joining said association unless he or she shall sign his or her name in the book of Records belonging to said Society. And any person who shall hereafter join said Society shall be discharged from said Society by his or her giving notice thereof in writing to the Clerk of said Society and likewise to the Clerk of the said Town of Sanbornton; provided that all persons who shall be discharged from said Society shall be holden to pay their proportion of all debts said Society shall owe in their corporate Capacity at the time of their leaving the same.

And be it further enacted that Coffin Sanborn and Jonathan Chase, or either of them shall warn and preside at the first meeting of said association until a Moderator shall be chosen: Which meeting shall be warned by posting up a notification, specially setting forth all matters and things to be acted upon in said meeting, at the Westerly Baptist Meeting house in said Sanbornton fifteen days before the holding said meeting; and at said first meeting the said Association shall have the same power to choose Officers as they have by this Act at their annual meeting.

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT, ENTITLED "AN ACT TO EMPOWER THE SELECT-MEN OF THE TOWN OF PORTSMOUTH TO REMOVE THE COURT HOUSE IN SAID TOWN & TO HAVE THE CARE & SUPERINTENDANCE OF THE SAME.

[Approved June 10, 1803. Original Acts, vol. 17, p. 100; recorded Acts, vol. 14, p. 89. Session Laws, June, 1803, p. 6.]

Be it enacted by the Senate & House of Representatives in General Court convened, that the Select-men of the Town of Portsmouth, for the time being, be and they are hereby authorised & empowered to remove the State House situated in said Town, to such convenient place, in said Town, as shall be approved of by the Judges of the Superior Court, or by the Judges of the Court of Common Pleas for the County of Rockingham, or by the major part of the Judges of either of said Courts—Provided nevertheless, that the State of Newhampshire be not accountable, or chargeable with any expence arising from said removal.

And be it farther enacted, that the aforesaid Select-men shall have the sole care & superintendance of the said State House & of

every part thereof, at all times, when the same is not occupied by the Legislature, or by any of the Courts of Law, in this State—

Provided that said Selectmen shall after the removal of said house put the same in as good repair, as it was in before removal at their own expence

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORIZE BENJAMIN LEAVITT AND MIRIAM LEAVITT, EXECUTORS OF THE LAST WILL AND TESTAMENT OF JOHN LEAVITT DECEASED, TO CONVEY A CERTAIN TRACT OF LAND TO SAMUEL F. LEAVITT.—

[Approved June 10, 1803. Original Acts, vol. 17, p. 101; recorded Acts, vol. 14, p. 92.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Benjamin Leavitt and Miriam Leavitt both of Northampton in the county of Rockingham and state of New Hampshire, executors of the last will and testament of John Leavitt late of said Northampton deceased, be and they hereby are empowered to sell and convey by sufficient deed to Samuel F. Leavitt of said Northampton, four acres of land lying in said Northampton, belonging to the estate of said John Leavitt deceased, which land lies in common and undivided with Moses Leavitt and Thomas Leavitt and said Benjamin Leavitt.

And be it further enacted, That said Benjamin and Miriam shall account to the heirs or assigns of said testator for the proceeds and value of said land.—

## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT DIRECTORS AND COMPANY OF PORTSMOUTH BANK—

[Approved June 11, 1803. Original Acts, vol. 17, p. 102; recorded Acts, vol. 14, p. 1. See additional act of June 28, 1821, which renews the charter, id., vol. 22, p. 50. See also act increasing the capital stock, June 17, 1836, Session Laws, 1830-36, p. 333.]

SECT: 1<sup>st</sup> Be it Enacted by the Senate and House of Representatives in General Court convened—That Samuel Ham, John Wardrobe, James Rundlett and Gilman Leavitt and their Associates and who may hereafter become Associates in the said Bank, their successors and assigns shall be and hereby are created and made a Cor-



poration, by the name of the President Directors and Company of the Portsmouth Bank—And shall so continue from the first day of July next until the expiration of twenty Years next following; and by that name shall be and are hereby made capable in Law, to Sue and be sued, plead and be impleaded, defend and be defended in any Courts of record or any other place whatever; and also to make, have and use a common Seal, and the same again at pleasure to break, alter and renew; And also to ordain establish and put in execution Such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the Government of said Corporation and the prudent management of their Affairs; provided Such by-laws, ordinances and regulations shall in nowise be contrary to the Laws & Constitution of this State; and the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed—

Sect: 2<sup>d</sup> And be it further enacted That the Capital Stock of said Corporation shall consist of a sum not less than One hundred thousand Dollars, nor more than two hundred thousand Dollars in specie and shall be divided into two thousand Shares; and the Stockholders at their first Meeting shall by a Majority of Votes, determine the Amount of the payments to be made on each share, and the time when the same shall be made; also the mode of transferring and disposing of the Stock & profits thereof; which being entered in the Books of said Corporation, shall be binding on the Stockholders their Successors and assigns; Provided that no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said one hundred Thousand Dollars at least. And said Corporation are hereby made capable in law to have, hold, purchase and receive, possess enjoy and retain to them their successors and assigns, Lands, Rents, Tenements and Hereditaments to the amount of Fifty Thousand Dollars, and no more, at any one time, with power to bargain, sell and dispose of the same lands tenements and hereditaments, and to loan and negotiate their monies and effects by discounting on banking principles on such personal security as they shall think advisable—

Sect 3 And be it further enacted, That the following rules, limitations and provisions shall form and be the fundamental Articles of said Corporation—

First That the said Corporation shall not issue and have in circulation at any one time bills notes or obligations to a greater amount than twice their Stock actually paid in, in addition to the simple amount of the monies deposited in said Bank for safe keeping—And in case of any excess, the Directors, under whose Administration it may happen, shall be liable for the payment of the same, in their private capacity; but this shall not be construed to exempt said Corporation or any estate real or personal which they may hold as a body Corporate from being liable for and chargeable with such excess—

Second—That the Corporation shall not vest use or improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned—

Third—None but a Member of said Corporation, being a Citizen of this State and resident therein, shall be eligible for a Director; and the Directors shall choose one of their own Number to act as President. The Cashier before he enters on 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 ten thousand Dollars, with condition for the faithful discharge of the duties of his Office—

Fourth, That for the well ordering of the Affairs of said Corporation, a meeting of the Stockholders from and after their first meeting shall be held at such place as they shall direct, on the first Monday in July annually; and at any other time during the continuance of said Corporation, at such place as shall be appointed by the President & Directors, for the time being, by Public Notification given at least one week previous thereto; at which annual Meeting there shall be chosen by ballot seven Directors to continue in Office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions—that is to say—For one share, one vote, and every two shares above one, shall give a Right to one vote more, provided no one member shall have more than Thirty Votes, & absent members may vote by proxy being authorised in writing—

Fifth—No director shall be entitled to any emolument for his services, but the Stockholders may make the president such compensation as to them shall appear reasonable—

Sixth—Not less than four Directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness, or necessary absence; in which case, the Directors present may choose a chairman for the time being in his Stead

Seventh—All Bills issued from the Bank aforesaid, and Signed by the President shall be binding on said Corporation—

Eighth The Directors shall make half yearly dividends of all profits, rents, premiums and interest of the Bank aforesaid—

Ninth The Directors shall have power to appoint a Cashier, Clerks and such Officers for the carrying on the business of the Bank, with such Salaries as to them shall seem meet—

Sect: 4<sup>th</sup> And be it further enacted, That the said Bank shall be established and kept in the town of Portsmouth—

Sect 5<sup>th</sup>—And be it further enacted; That the persons herein before named, or any three of them are authorised to call a Meeting of the members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, by giving public notice thereof at least one week prior to the time of meeting, in one

of the Portsmouth Newspapers, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations for the orderly conducting the affairs of said Corporation, as the said Stockholders shall deem necessary and for the choice of the first Board of Directors, and such other Officers as they shall see fit to choose—

Sec: 6<sup>th</sup> And be it further enacted; That any person Specially appointed by the Legislature of this State, for the purpose, shall have a right to examine into the affairs of the Bank & at all times when the Bank is open, have access to the Bank Books—

## [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT DIRECTORS AND COMPANY OF THE NEW HAMPSHIRE STRAFFORD BANK

[Approved June 11, 1803. Original Acts, vol. 17, p. 103; recorded Acts, vol. 14, p. 8. See act of June 28, 1821, id., vol. 22, p. 45, which renews the charter.]

Sec 1 Be it enacted by the senate and house of representatives in General Court conveyed—That William K Atkinson William Hale Amos Cogswell Ezra Green John Wheeler Henry Miller Daniel M Durril and Olivar Crosby and their Associates, partners in the company now known by the name of the President Directors and Company of the New Hampshire Strafford Bank their successors & Assigns, shall be, & hereby are created & made a Corporation by the name of the President Directors & Company of the New Hampshire Strafford Bank, and shall so Continue from the fourth day of July next Untill the expiration of twenty Years next following and by that name shall be, & are hereby made capable in Law to sue and be sued, plead and be impleaded, defend & be defended in any Court of record or any other place whatever and also to make have and use a Common Seal, & the same again at pleasure to break, alter and renew and Also to ordain establish & put in execution such bye Laws ordinances & regulations as to them shall Appear necessary & Convenient for the Government of said Corporation & the prudent management of their Affairs, provided such bye Laws, Ordinances & regulations shall in no wise be contrary to the Laws & Constitution of this State, and the said Corporation shall be alwaise subject to the rules, restrictions, Limitations, & provisions herein prescribed

Sec 2<sup>d</sup> And be it further enacted That the Capital Stock of said Corporation shall consist of a sum not less than Fifty thousand Dollars—nor more than One hundred & Fifty thousand Dollars in

specie, and shall be divided into shares of One hundred Dollars each, and the stockholders at their first meeting, shall by a majority of votes, determine the Amount of the payments to be made on each share, and the time when the same shall be made. Also the Mode of transferring & disposing of the stock & profits thereof which being entered in the books of said Corporation, shall be binding on the Stockholders their successors & Assigns; provided that no Stockholder shall be Allowed to borrow at said Bank, untill he shall have paid in his full proportion of said Fifty Thousand Dollars—at least, And Said Corporation, are hereby made capable in Law to have, hold, purchase & receive, possess, enjoy and retain to them their Successors & Assigns, Lands, Rents, Tenements & Hereditaments to the Amount of Fifty thousand dollars & no more, at Any one time with power to bargain, sell & dispose of the same Lands tenements & hereditaments, and to loan & Negotiate, their Monies & effects by discounting on banking principles on such personal security as they shall think adviseable

Sec 3 And be it further enacted, that the following rules, Limitations and provisions shall form, & be the fundamental Articles of said Corporation

First that the said Corporation shall not issue & have in circulation at Any one time, bills notes or Obligations to a greater Amount, than twice their stock Actually paid in, in Addition to the simple amount of all the monies deposited in said Bank for safe keeping, and in Case of any excess, the directors, under whose Administration it may happen, shall be liable for the payment of the same in their private Capasity; but this shall not be construed to exempt said Corporation, or any estate real or personal, which they may hold as a body corporate, from being liable for, & chargeable with such excess

Secondly That the corporation, shall not vest, use or improve any of their monies, goods chattels or effects in trade or commerce but may sell all kinds of personal pledges, lodged in their hands by way of surity, to an Amount sufficient to reimburse the sum loaned

Third; None but a member of said corporation, being a citizen of this State & resident therein, shall be eligible for a Director, And the directors shall choose one of their own Number to act as President. The Cashier before he enters on the duties of his Office, shall give bonds, with two sureties to the satisfaction of the board of Directors, in a sum not less than ten thousand Dollars, with condition for the faithfull discharge of the duties of his Office

Fourth that for the well ordering of the affairs of said Corporation, a Meeting of the stockholders, from and after their first meeting, shall be held at such place as they shall direct on the first Monday in July Annually, and at any other time during the Continuance of said Corporation at such place as shall be appointed by the President & Directors for the time being, by publick notification given at least one week previous thereto; At which Annual Meeting, there



shall be chosen by ballot, seven Directors to continue in Office the year ensuing their election; And the number of Votes to which each Stockholder shall be entitled, shall be according to the Number of shares he shall hold in the following proportions that is to say—for one share, one Vote, And every two shares Above one, shall give a right to one Vote more, provided no one Member shall have more than fifteen Votes, And Absent Members may Vote by proxy being Authorised in writing

Fifth No Director shall be intitled to any emolument for his Services, but the Stock holders may make the President Such compensation as to them shall Appear reasonable

Sixth Not less than four directors shall constitute a board for the transaction of business, of whom the President shall alwise be one, except in case of Sickness, or Necessary Absence, in which Case the Directors present may choose a chairman, for the time being in his Stead

Seventh All bills issued from the bank aforesaid, and signed by the President, shall be binding on said Corporation

Eighth The Directors shall make half Yearly dividends of all profits, rents, premiums & interests of the Bank aforesaid—

Ninth The Directors shall have power to Appoint a Cashier, Clerks and such officers, for the carrying on the business of the Bank, with such Saleries as to them shall seem meet

Sec 4 And be it further enacted that the said Bank shall be established, & kept in the town of Dover

Sec 5 And be it further enacted, That the persons herein before Named, or Any three of them are Authorised to call a Meeting of the members, & Stockholders of said Corporation as soon as may be, at such time & place as they may see fit, by giving publick notice thereof, at least one week prior to the time of Meeting in the Dover News paper—for the purpose of making, ordaining & establishing such bye Laws Ordinances, & regulations, for the Orderly conducting the Affairs of said Corporation, As the said Stockholders shall deem Necessary, And for the Choice of the first board of Directors, and such Other Officers as they shall see fit to chuse

Sec 6 And be it further enacted, that Any person Specially Appointed by the Legislature of this state, for the purpose, shall have a right to examin into the Affairs of the bank and at all times when the Bank is Open have Access to the Bank books



## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF FEDERAL BRIDGE IN CONCORD PASSED DECEMBER ONE THOUSAND SEVEN HUNDRED AND NINETY SEVEN—

[Approved June 11, 1803. Original Acts, vol. 17, p. 104; recorded Acts, vol. 14, p. 16. The date of the act referred to in the title should be December 28, 1795. See Laws of New Hampshire, vol. 6, p. 288. See act of June 11, 1808, authorizing a meeting of the proprietors, recorded Acts, vol. 17, p. 260; act of June 15, 1811, changing time of annual meeting, id., vol. 19, p. 15. See also additional act of July 1, 1819, id., vol. 21, p. 424.]

Whereas the Proprietors of said Bridge have Petitioned the General Court stating the rate of Tolls in said Bill are Inadequate to the purpose for which they were granted and praying that the rate of Tolls may be raised in future which prayer appearing reasonable  
 Therefore

Be it Enacted by the Senate and house of Representatives in General Court convened that from and after the passing this Act the proprietors of the said Bridge shall and hereby are Authorised to take and receive the rate of Toll hereafter mentioned. for every foot passenger one Cent, one horse or neat Creature two Cents, a horse and rider four Cents, Sleigh with one horse six Cents, Sleigh with two horses Ten Cents, Chaise, Chair or Sulkey ten Cents, Waggon, Cart or Sled with two beast twelve and one half Cents, each additional beast three cents, Sheep or Swine each the half of one Cent, curricl or Pheaton twelve and an half Cents, Coach or Chariot with two horses twenty cents; with four horses twenty five cents, Sled with two Beasts ten cents, each additional beast three cents, Cart with one horse six cents, One person to each Team as a driver to pass free of Toll—

Provided nevertheless that this act shall continue and be in force Five years and no longer—

## [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

AN ACT TO PREVENT THE ISSUING AND PASSING BANK NOTES, OR  
 BANK BILLS OF CERTAIN DESCRIPTIONS THEREIN MENTIONED.

[Approved June 11, 1803. Original Acts, vol. 17, p. 105; recorded Acts, vol. 14, p. 30. Session Laws, June, 1803, p. 13. Laws, 1805 ed., p. 242; id., 1815 ed., p. 283; id., 1830 ed., p. 128. See act of June 17, 1807, id., 1815 ed., p. 283. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the first day of September next it shall be unlawfull for any Banking Company within this State, by themselves, their Directors, or, Agents, to Issue any Bank Note or Bank Bill, promising payment subject to any condition whatever, or payable at any other place than at the place from which it issued, and that if any such Banking company, or any person or person in their behalf shall be concerned in issuing any such Bank notes, or, Bank Bills, he or they shall for every such offence, forfeit and pay the sum of five Hundred dollars, to be recovered by any person who shall sue for the same by action of debt, in any Court having competent Jurisdiction, one half thereof to his own use, and the other half to the use of the State.

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT TO RAISE THE SUM OF TWO THOUSAND DOLLARS, BY A PUBLIC  
 LOTTERY, FOR THE USE OF THE ATKINSON ACADEMY.

[Approved June 11, 1803. Original Acts, vol. 17, p. 106; recorded Acts, vol. 14, p. 94.]

Whereas the Legislature, by an act passed the seventeenth day of February, one thousand, seven hundred & ninety one, did establish an Academy in the town of Atkinson in this State, by the name of the Atkinson Academy; for the purpose of instructing youth in various branches of literature; & whereas a number of individuals in said Atkinson did at considerable expense erect a building for the use of said Seminary, which building was of late accidentally consumed by fire; an event greatly embarrassing the Institution; Therefore,

Be it enacted by the Senate & House of Representatives in General Court convened, that there be & hereby is granted to the Trustees of the Atkinson Academy a public Lottery to raise the sum of two thousand dollars, exclusive of the expenses thereof, to be by the said Trustees appropriated to the sole use of the aforesaid Academy; And the said Trustees are hereby impowered, & permitted to set up & carry on such Lottery to raise the aforesaid sum, for the use aforesaid, in as many classes or draughts, as they shall judge necessary, & in the way & manner usually practised in the United States. Provided said Lottery be drawn & finished within the term of four years from the passing of this act.

And be it further enacted, that the said Trustees shall appoint suitable persons to be managers of said Lottery, who shall be under oath to be administered by any Justice of the peace, for the faithful discharge of said trust, & shall duly pay all prize tickets according to their tenor & scheme; & shall refund any sum or sums of money, which may be paid for tickets in any class of said lottery, in case such class shall not be drawn & finished within the term aforesaid.

And the said managers shall give bond with sufficient sureties in the sum of four thousand dollars to the said Trustees for the faithful discharge & performance of all things relating to the management of said Lottery, to pay over to the said Trustees the proceeds of each & every class when drawn, & to render to the board a fair & just account of all their proceedings in the premises, when required thereto. And the said Trustees shall apply the money so raised, to the use of said Academy. And the said Trustees shall render to the General Court an account of all their proceedings & of all charges & demands by them made & allowed, concerning the premises, when thereto required; and shall be accountable to said Court for all their proceedings respecting this part of their trust.

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY, OR ASSOCIATION, BY THE NAME OF THE ASSOCIATED MECHANICS AND MANUFACTURERS OF THE STATE OF NEW HAMPSHIRE.

[Approved June 11, 1803. Original Acts, vol. 17, p. 107; recorded Acts, vol. 14, p. 98.]

Whereas a respectable number of the said Artists, Mechanics & manufacturers of this State, have voluntarily associated, & formed themselves into a Society for the laudable purposes of promoting & encouraging industry, good habits, an increase of knowledge in the

Arts they profess & practise, and their common interest; which objects appear to be connected with the general good of the State; and the persons so associating have petitioned to be incorporated by the name of the associated Mechanics and manufacturers of the State of New Hampshire; in order that the valuable purposes before mentioned may be effected; therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that, they and their associates and Successors be, and they are hereby incorporated & erected into a body politic or corporate, forever, under the name of the associated Mechanics & Manufacturers of the State of New Hampshire, by which name they may sue and be sued, and shall be, and hereby are, vested with all the powers and privileges by law incident and belonging to aggregate Corporations, erected for like purposes.—

And be it further enacted that the said Tobias Walker—shall call a meeting of said associated Mechanics & Manufacturers by Advertisement in the New Hampshire Gazette, to be holden at any Suitable time & place after fourteen days from the first publication of said Advertisement; at which meeting the Members of said body, present, or represented by proxy or Attorney, empowered under hand & seal, shall by major Vote choose a Clerk or Secretary,

And shall then by like vote agree on a method of calling future meetings, which shall be the method, until altered by another legal posterior Vote, and at that, or at any subsequent meetings, may elect such Officers, & make & establish such bye-laws, as shall seem necessary or convenient, for the regulation and government of said Corporation, and for promoting the ends of said association—And such bye-laws, may cause to be executed & enforced, and annex penalties to the breaches thereof; always provided that said bye laws & rules be not repugnant to the Constitution & laws of this State, or of the United States.—And every power to any member to act for another member at any meeting, shall be filed with the Secretary, and this Act, and all rules, bye-laws & regulations and all proceedings of said Corporation, shall be fairly & truly recorded by the Secretary in a book or books provided and kept for that purpose.—And be it further enacted, that the said Corporaton shall have a common Seal, such as shall be determined on by a Major Vote at any meeting, and which Seal shall be fixed to Grants of real Estate, that may be made by the Corporation, and to grants of Privileges or immunities to any Member, and to Certificates—

And be it further enacted that said association or body corporate shall have power, to purchase, hold, transfer or exchange real Estate, and all Deeds or grants of real Estate to them, and grants deeds or transfers made by said Corporation shall besides being authenticated & recorded in the usual form of Law, be also recorded at length by the Secretary in the records of the Corporation, in a book or books to be kept for that purpose. Always provided that the said Cor-

poration shall not at any time hold real Estate, beyond the value of Twenty Thousand Dollars.

And all grants or conveyances of real Estate made by said Corporation shall be under the common Seal of said Corporation, such as from time to time shall be by them established, & signed by the President or first or chief Officer of said Corporation for the time being.—

[CHAPTER 29.]

*State of*                    }  
*New Hampshire.*        }

AN ACT AUTHORISING STELSON HUTCHINGS TO COLLECT CERTAIN TAXES

[Approved June 11, 1803. Original Acts, vol. 17, p. 108; recorded Acts, vol. 14, p. 104.]

Whereas Stelson Hutchings has petitioned the General Court setting forth that he was Collector of Taxes for the Town of Chatham the Year one thousand eight hundred & two, that at the time the list was put into his hands he was sick & unable to pay any attention to it & before he could get it prepared & forwarded to the proper Office it was too late, but as most part of the Nonresident Taxes in said list are now due & unpaid & he conceiving himself without law to collect the same & praying relief in the premises—

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that said Stelson Hutchings shall lodge in the Office of the Deputy Secretary of said State, his aforesaid list of Taxes on or before the fifteenth day of June current, which list shall remain in said Office until the first day of September next & in case said Taxes or any part thereof remain unpaid on the said first day of September said Collector may proceed to collect the delinquent sum in the same way & manner as tho' said List had been lodged in said Office agreeably to law

Provided Nevertheless that said Hutchings shall give public notice of said list being lodged as aforesaid & of the authority given him in this Act by publishing the Substance of the same in the New Hampshire Gazette three weeks successively the first publication to commence on or before the first day of July next—



[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED  
DURING THIS SESSION.]

1803, June 11.

Upon reading and considering the Petition of the Inhabitants of Lyman for the privilege of sending a Representative to the General Court, and the report of a Committee thereon—Voted that the Town of Lyman have the liberty to send a Representative to the General Court in future—

[House Journal, 1800-5, p. 296. Senate Journal, 1801-4, p. 164.]

1803, June 11.

Upon reading and considering the Petition from the Town of Langdon for the Privilege of sending a Representative to the General Court and the report of a Committee thereon—Voted that the Town of Langdon have the liberty to send a Representative to the General Court in future—

[House Journal, 1800-5, p. 296. Senate Journal, 1801-4, p. 165.]

[*Second Session, Held at Concord, November 23, 24, 25, 26, 28, 29, 30; December 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 1803.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT ALTERING THE NAME OF GEORGE JAFFREY JEFFRIES.

[Approved November 29, 1803. Original Acts, vol. 17, p. 109; recorded Acts, vol. 14, p. 106.]

Whereas George Jaffrey late of Portsmouth in the County of Rockingham Esquire deceased by his last will & Testament devised a valuable real estate situate within this State to the said George Jaffrey Jeffries on condition of his taking and using the name of George Jaffrey. And whereas Doctor John Jeffries of Boston in the Commonwealth of Massachusetts the father and Guardian of the said George Jaffrey Jeffries who is a minor under the age of twenty one years hath petitioned that an act be passed altering the name of said minor and giving him the name of George Jaffrey—Therefore— Be it enacted by the Senate and House of Representatives in General Court convened that the name of the said George Jaffrey Jeffries shall be and the same hereby is changed to the name of George Jaffrey and that from and after the passing of this act he shall be known and called by the name of George Jaffrey—

## [CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING A THREE CENT TAX ON THE LANDS IN THE TOWN  
OF BATH IN THE COUNTY OF GRAFTON IN THIS STATE—

[Approved November 29, 1803. Original Acts, vol. 17, p. 110; recorded Acts, vol. 14, p. 114.]

Whereas the Selectmen of the Town of Bath in the County of Grafton, in behalf of the Inhabitants of said Bath, have preferred a Petition to the Legislature, praying for a Tax of three cents per acre on all the Lands in said Bath, for the purpose of making and repairing public highways and bridges in said Town—Which prayer on a public hearing appearing reasonable—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened that there be and hereby is granted a tax of three cents per acre on each and every acre of land in said Bath (public rights excepted) for the purpose of making and repairing public highways and bridges in said Town.—

And be it further enacted, that said tax be levied and collected on all said lands in the same way and manner as by Law non resident State and County taxes are collected (except leaving the list with the Receiver of Nonresident taxes) and the same time shall be allowed for the redemption of lands sold by virtue of this act, and the same interest paid at the redemption as by Law is allowed and required for the redemption of non-resident lands

And be it further enacted that Aaron Hibbard, Samuel Hutchins, and Michael Bartlet all of said Bath, be constituted a Committee to assess all the lands in said Bath (public rights excepted) three cents per acre, and to collect and appropriate the same for the purposes aforesaid; and any owner or owners of land in said Bath may pay his or their proportion of said tax in money, or in labour performed on said public roads and bridges in said Town under the direction of said Committee, and there shall be allowed six cents per hour for every hour's actual labour performed on said roads and bridges, by an able bodied Man finding his own diet and tools, and the same price per hour for each Yoke of Oxen; provided nevertheless, that said labour shall be performed between the first day of May and the first day of October Anno Domini one thousand eight hundred and four—and said Committee shall previous to the first day of May next, give notice in the New Hampshire Gazette and in the Dartmouth Gazette of the granting of this tax and how and when it may be paid in money or labour, and shall also post up a like notification in some public place in said Town of Bath—and after the first day of October next said Committee are to advertize for sale, and make sale in

manner before described, of so much of the Lands in said Bath (public rights excepted) on which said tax shall not have been paid as aforesaid, as shall be sufficient to pay the same with incidental charges; and the avails of all the sales by virtue of this act shall be duly appropriated by said Committee in the manner before mentioned between the first day of May and the first day of October which will be in the year of our Lord one thousand eight hundred and five, and said Committee before they enter upon the duties of their appointment shall give Bond to the Clerke of the Court of Common Pleas for the County of Grafton in the sum of one thousand dollars for the faithful performance of their said Trust—

And be it further enacted that said Committee on or before the first day of April which will be in the year of our Lord one thousand eight hundred and six, shall exhibit to the Justices of the Court of Common Pleas for said County of Grafton a statement of their proceedings by virtue of this act, for the inspection and approbation of said Justices, which statement shall not be approbated by said Justices until they have been fully satisfied that the tax raised by virtue of this Act has been faithfully appropriated—

### [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

#### AN ACT, IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE EASE AND RELIEF OF PERSONS IMPRISONED FOR DEBT"

[Approved November 30, 1803. Original Acts, vol. 17, p. 111; recorded Acts, vol. 14, p. 109. Laws, 1805 ed., p. 130; id., 1815 ed., p. 156. The act referred to is dated February 15, 1791, Laws of New Hampshire, vol. 5, p. 704. See acts of June 13, 1796, id., vol. 6, p. 321; December 13, 1796, id., p. 372; June 16, 1807, Laws, 1815 ed., p. 157; December 23, 1808, id., p. 159; June 21, 1811, id., p. 159; June 23, 1814, id., p. 159; June 26, 1816, id., 1824 ed., p. 21; June 25, 1818, id., p. 22.]

Be it enacted by the Senate and House of Representatives in General Court convened, that when any Creditor his Agent or Attorney shall demand of any Sheriff or Prison Keeper within this State any prison Bond or Bonds it shall be the duty of the person so demanding; on receiving any prison Bond or Bonds to lodge with said Sheriff or prison Keeper a receipt or memorandum in writing purporting that he has received, the same and no Sheriff or prison Keeper shall be compelled to give up, any prison Bond to any Creditor his agent or attorney, unless he or they will give a receipt or memorandum as aforesaid.

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
IN HENNIKER.—

[Approved November 30, 1803. Original Acts, vol. 17, p. 112; recorded Acts, vol. 14, p. 110.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Joshua Darling Robert Wallace, Jacob Rice Jonas Bowman and William Wallace and their associates, Proprietors of Said Library, and all such as may hereafter become Proprietors of the same, be and they hereby are Incorporated into a body Politic by the name of the Proprietors of the Social Library in Henniker with all the privileges and powers incident to Corporations of a Similar nature, and with power to enjoin Penalties of Disfranchisement and Fines not exceeding Six Dollars for each offence and with power to purchase and receive Subscriptions, Grants and, Donations of personal estate not exceeding one thousand Dollars, for the purpose of their association;

And be it further enacted that the said Society, be and they are hereby authorised to assemble at Henniker aforesaid on the first wednesday immediately Succeeding the Annual Town Meeting in Said Town of Henniker in March every Year, or on any other day the Proprietors may appoint for the purpose of choosing all such Officers as may be found to be necessary for the orderly conducting the affairs of said Corporation which Officers Shall continue until others be chosen in their room, and the Said Corporation may assemble at such other times as they may judge necessary and proper for transacting all the Business of the Society, except that of raising monies which shall always be done at some annual Meeting, and at no other time and the said Proprietors may at any annual Meeting vote all necessary Sums for the discharging the annual expences for preserving said Library and for enlarging the same and the said Proprietors may at any legal Meeting agree upon any method of calling Meetings of the Proprietors in future.—

And be further enacted that Joshua Darling or Robert Wallace is hereby authorised to call the first Meeting of said Proprietors at such time and place as they may appoint, giving fifteen days notice thereof, which notice shall be personal or by posting a notification at some publick place in said Henniker, and shall preside until a Moderator be chosen, and Said Corporation may when met transact all such Business as they may lawfully do at any Annual Meeting.



## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO "AN ACT TO REGULATE THE PROCEEDINGS FOR EXTINGUISHING FIRES, THAT MAY BE ACCIDENTALLY OR OTHERWISE KINDLED."

[Approved November 30, 1803. Original Acts, vol. 17, p. 113; recorded Acts, vol. 14, p. 120. Laws, 1805 ed., p. 325; id., 1815 ed., p. 383. The act referred to is dated April 6, 1781, Laws of New Hampshire, vol. 4, p. 380. See act of June 17, 1794, id., vol. 6, p. 188. See additional acts of June 27, 1818, Session Laws, 1818-23, p. 155; December 20, 1824, id., 1824-29, p. 35. See also act of December 21, 1824, id., p. 44. Repealed December 16, 1828, Laws, 1830 ed., p. 489.]

Whereas the acts heretofore made for extinguishing fires are found not to answer every purpose for which they were designed, Therefore,

Be it enacted by the Senate and House of Representatives in General court convened, that it shall be the duty of the fire wards, or the major part of them within the Town of Portsmouth, or any other Town where fire wards are chosen, To make such Rules and Regulations not repugnant to any Law of this State, For preventing fires—or for clearing away shavings, chips, or any combustible matter that may be thought dangerous, from any house, Store, work Shop, Wharf, or Street, as they, in their judgment, may think proper. And the said fire wards shall have full power to annex such fines and penalties for the breach of any one or all of those Rules and Regulations as may be necessary, not exceeding twenty dollars for each offence—

And be it further enacted by the authority aforesaid, that any person may sue or prosecute any one for a breach of any of those Rules or Regulations, so made, before any Court of competent jurisdiction to try the same, in an action of debt, One half of which fines shall go to the prosecutor, and the other half to be applied for the use of the Engines within the Town where the offence is committed.

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT, TO ALTER THE TIME OF HOLDING THE ANNUAL MEETING OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN UNITY

[Approved November 30, 1803. Original Acts, vol. 17, p. 114; recorded Acts, vol. 14, p. 122. See act of June 9, 1803, id., p. 50.]

Be it enacted by the Senate and House of Representatives in General Court convened, That hereafter the annual Meeting of the



said Proprietors shall be holden in said Unity on the third Saturday of September any thing in the Act for their Incorporation notwithstanding.

[CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT TO IMPOWER AND ENABLE SAMUEL HUTCHINGS TO SELL A CERTAIN DWELLING HOUSE AND LOT IN PORTSMOUTH, THEREIN DESCRIBED—

[Approved December 8, 1803. Original Acts, vol. 17, p. 115; recorded Acts, vol. 14, p. 123.]

Whereas Samuel Hutchings of Portsmouth Administrator with the Will annexed, on the unadministered Estate of Joseph Cotton late of said Portsmouth deceased, hath by his petition represented to the General Court, that the said deceased by his Will, directed that his Widow (who is aged and unable to support herself) should have a comfortable maintenance out of his real Estate, and gave his Executors power to sell his real Estate in Portsmouth, being a house and lot; But his Executors having deceased without selling it, he, the said Administrator has no power to sell it for the support of said Widow, who is in want, stating also that said house is ruinous—

Praying that he may be authorized to sell and dispose of the dwelling house and house-lot of the said deceased in Portsmouth, for the support of said Widow, and for payment of said Joseph's debts and incidental charges; he being accountable for any surplus or residuum arising from such sale, to the said Joseph's children, who by his will are entitled to such residue of said proceeds.—

The Facts set forth in said petition being proved, and the prayer thereof appearing reasonable, Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that the said Samuel Hutchings be, and he is hereby authorized and empowered to sell and dispose of the dwelling house and house-lot of the said Joseph Cotton, with the appurtenances, situated in Portsmouth aforesaid, that is, all the Estate which the said Joseph at his decease had in the same, and to make a deed or deeds thereof, which shall be valid to convey all the estate and interest of the said Joseph therein; And from the proceeds to pay the said Joseph's debts and incidental charges, and support and maintain the said Widow during her life, and at her decease account for any surplus there may be, according to said will, and the trust he has taken upon him to execute the same.—

Provided nevertheless that the said Administrator shall not be impowered by this Act to sell the interest which the said Widow has in said house by virtue of said will without consent first had and obtained of her—

## [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

## AN ACT TO ANNEX THE INHABITANTS OF PEELING TO THE FOURTEENTH REGIMENT

[Approved December 15, 1803. Original Acts, vol. 17, p. 116; recorded Acts, vol. 14, p. 127. Laws, 1805 ed., p. 250.]

Whereas the Inhabitants of Peeling in the County of Grafton are not annexed to any of the Regiments in this State

Therefore

Be it enacted by the Senate and house of Representatives in general Court convened— That the Inhabitants of Peeling shall in future, be considered as belonging to the first battalion in the fourteenth Regiment

## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, ENTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER PEMIGEWASSET BRANCH AT EMERSON'S FALLS, SO CALLED, BETWEEN THE TOWNS OF NEW-CHESTER AND SANDBORNTON, AND FOR SUPPORTING THE SAME;"— PASSED JUNE 12<sup>TH</sup> 1803—

[Approved December 15, 1803. Original Acts, vol. 17, p. 117; recorded Acts, vol. 14, p. 128. The date of the act referred to in the title should be June 12, 1801, id., vol. 13, p. 179. See additional acts of December 21, 1805, id., vol. 16, p. 135; December 20, 1808, id., vol. 17, p. 396; June 17, 1813, id., vol. 20, p. 53.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Proprietors of the aforesaid Bridge, be and they hereby are allowed the term of Two years from and after the first day of October in the year of our Lord One thousand eight hundred and four, to erect and complete said Bridge, anything in the aforesaid act to the contrary notwithstanding—

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
 IN GOFFSTOWN.

[Approved December 15, 1803. Original Acts, vol. 17, p. 118; recorded Acts, vol. 14, p. 130.]

Be it Enacted by the Senate and house of representatives in General Court convened, That Jonathan Gove, David Hale Ju<sup>r</sup>, John Pettee Ju<sup>r</sup> and their Associates, proprietors of said Library and all such as may hereafter become proprietors of the same, be and they hereby are Incorporated into a body Politic, by the name of the Proprietors of the Social Library in Goffstown with all the privileges and powers incident to corporations of a similar nature, and with power to enjoin penalties of Disfranchisement and fines not exceeding six dollars for each Offence, and with power to purchase and Receive subscriptions, grants and donations of personal Estate not exceeding One Thousand Dollars for the purpose of their Association.

And be it further Enacted, that the said Society be, and they hereby are, authorized to Assemble at Goffs Town aforesaid, on the First Monday of December Annually or on any other day the proprietors may appoint, for the purpose of Choosing all such Officers as may be found to be necessary, for the orderly conducting the affairs of said Corporation, which Officers shall continue until others be chosen in their room, and the said Corporation may assemble at such other times as they may Judge necessary and proper for transacting of all the business of the Society, except that of raising monies which shall always be done at some annual Meeting and at no other time, and the said proprietors may at any annual Meeting, Vote all necessary sums for the discharging the annual Expences, for preserving said Library and for enlarging the same, and the said proprietors may at any Legal meeting agree upon any method of calling meetings of the proprietors in future.

And be it further Enacted, that Jonathan Gove or David Hale Ju<sup>r</sup> is hereby Authorized to call the first meeting of said Proprietors at such time and place as they may appoint, giving Fifteen days notice thereof, which notice shall be personal or by posting a notification at some Public place in said Goffstown and shall preside until a Moderator be chosen, and said corporation may when met, transact all such business, as they may lawfully do at any annual Meeting

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE NORTHWESTERLY PART OF AMHERST INTO A TOWN, AND INVEST THE INHABITANTS THEREOF WITH ALL SUCH PRIVILEGES AND IMMUNITIES AS OTHER TOWNS IN THIS STATE HOLD AND ENJOY—

[Approved December 15, 1803. Original Acts, vol. 17, p. 119; recorded Acts, vol. 14, p. 134.]

Whereas a petition signed by a number of the Inhabitants of the Northwestern part of Amherst, praying to be set off from the town of Amherst and incorporated into a seperate town, has been presented to the General Court and the prayer thereof in part appearing reasonable—

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that all the lands and Inhabitants within the following limits, namely, beginning at the Northwest corner of Amherst on New-Boston south line, then running southerly on the west line of Amherst, aboutt four miles and a half to the Northwest corner of the Town of Milford, thence easterly on the North line of Milford to the Southwest corner of a lot of land now in possession of David Dodge and John Cochran, thence northerly to the northwest corner thereof, thence easterly to the Southwest corner of a lot now in possession of Nathan Fuller and John Fuller, thence Northerly to the Northwest corner thereof, thence easterly on the north line of said Fuller's lot and the North line of Elisha Felton's home lot, and the same course on the South line of Enos Bradford and Lambert Bradford's land to the Southeast corner of land now or lately owned by Enos Bradford, thence Northerly on the East line of said land and the east line of a lot now owned by John Clap, to the North east corner of said Claps land, thence a few rods to the South west corner of a lot now in possession of Andrew Leavitt, thence northerly on the west line of said lot in possession of said Leavitt, and on the west line of a lot now owned by Robert Means and others to the South west corner of land now owned by Joseph Nichols, thence northerly on the west line of said Nichols land to the northwest corner thereof, thence easterly on the north line of said Nichols' land to a line running South from the east side of Henry Spalding's land, thence north to the south east corner of said Spalding's land and on the easterly line thereof untill it intersects the South line of New-Boston, thence westerly on the south line of New-Boston to the place of beginning— And the same are hereby incorporated into a Town by the name of Mont-Vernon, and the Inhabitants who now reside or shall hereafter reside within

the before mentioned boundaries, are made and constituted a body politic and corporate, and invested with all the powers, privileges and immunities which other towns in this State by law are entitled to enjoy, to remain a distinct town and to have continuance and succession forever—

And be it further enacted, that all monies or other property now due or that shall hereafter become due, or the property of the town of Amherst by virtue of any grant or other act done or performed before the passing of this act, shall be divided between the remaining town of Amherst and the said town of Mont Vernon, according to their present porportion of public taxes, provided always that nothing in this Act contained, shall in any wise release the inhabitants of the said northwesterly part of Amherst from paying their proportion of all debts now due from the town of Amherst or their proportion of the support and relief of the present poor of said town, including all those supported in whole or in part, or from paying their proportion of the support of any poor persons now resident in other towns which by law the town of Amherst may hereafter be liable to relieve or support,—but the same may be assessed levied and collected from the inhabitants of the northwest part of Amherst, now Mont Vernon, in the same way and manner as if this act had not been passed—

And be it further enacted that Joseph Langdon and Joseph Pirkins Jun<sup>r</sup> or either of them be and hereby are authorized and empowered to call a meeting of the said Inhabitants for the purpose of choosing all necessary town Officers, and either said Langdon or Pirkins shall preside therein until a Moderator shall be chosen to govern said meeting, which shall be warned by posting up notice therefor at the meeting house in said Mont Vernon fourteen days prior to the day of holding the same— And the annual meetings for the choice of town officers shall be holden on the first Monday of March annually—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN SPRINGFIELD—

[Approved December 15, 1803. Original Acts, vol. 17, p. 120; recorded Acts, vol. 14, p. 141.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Nath<sup>l</sup> Little Samuel Robie and Nathaniel Prentice and their Associates, Proprietors of Said Library and all such as may hereafter become proprietors of the Same be and they are hereby incorporated into a body politic by the name of



the proprietors of the Social Library in Springfield, with continuation and succession forever: and in that name may sue and be sued in all actions personal and may prosecute and defend the same to final Judgment and Execution And they are hereby vested with all the powers and privileges incident to corporations of a similar nature and enjoin penalties of Disfranchisement or fine not exceeding four Dollars for each offence to be recovered by said Society in an Action of Debt to their use in any Court proper to try the same, and may make purchase and receive subscriptions, grants and Donations of personal Estate not exceeding one thousand Dollars for the use of their Association.

And be it further enacted, that said Society be & they hereby are authorised to assemble at Springfield aforesaid on the Last Monday of September annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in office untill others are chosen in their room, and that said Corporation may Assemble as often as may be found necessary for filling up any vacation that may happen in said offices, and for transacting any other business except the raising of money which shall not be Done except at their annual Meetings, at which they shall vote all necessary sums for the Defraying the annual expence of preserving said Library and for enlarging the same; and said Corporation shall have power to make such Rules and by Laws for the government of Said Society as may from time to time be found necessary provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Nathaniel Little is hereby authorised to call the first meeting of said Proprietors at such time and place as he may appoint by posting a notification for that purpose at the Meeting House or some Public place in Springfield at Least fifteen Days prior to said meeting, and the Proprietors, at said meeting shall have the same power to choose officers and make by Laws as they have by this Act at their annual Meetings.

### [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE PORTSMOUTH SALT-WORKS.

[Approved December 17, 1803. Original Acts, vol. 17, p. 121; recorded Acts, vol. 14, p. 145.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Timothy Alden jun<sup>r</sup> Jacob Sheafe, Nath<sup>l</sup> A. Haven, John Haven, Thomas Sheafe, John Peirce, Benj<sup>a</sup>

Leverett, James Sheafe, Edward Parry, Joseph Haven, William Haven, Isaac Waldron jun<sup>r</sup> Silas Holman, Math<sup>w</sup> S: Marsh, William Sheafe, Joshua Haven, Luke M. Leighton, Henry Haven, Dan<sup>ll</sup> Austin, Samuel Ham, Ebenezer<sup>r</sup> Thompson, Benj<sup>a</sup> Brierly, William Marshall, Nath<sup>l</sup> Adams, John Hamilton, Edward Cutts, and Eliphallet Ladd, and their associates & Successors be, and they hereby are incorporated and made a body corporate & politic forever, by the name of the proprietors of the Portsmouth Salt-Works, and hereby are invested with all the privileges and immunities necessary & incident to such a corporation, and by that name may sue & be sued, prosecute & defend in all actions, and the same pursue to final judgment and execution—

And be it further enacted, that the said proprietors may from time to time whenever it shall be thought necessary, meet for the purpose of transacting any business relating to the object of said incorporation, at which meetings any proprietor may by written power authorize any other person to appear & vote for him, which power shall be filed with the Clerk, and each share present or represented at any meeting of said proprietors shall be entitled to one vote—The Rev<sup>d</sup> Timothy Alden jun<sup>r</sup> is hereby authorized to call the first meeting of said proprietors by advertising the same in the Portsmouth Oracle, the first advertisement to be fourteen days previous to said meeting, & shall preside at the same, at which first meeting the proprietors present or represented shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall also agree on a method of calling future meetings, which method they may alter at any regular meeting as shall be found necessary; and the major part of said proprietors present or represented at any legal meeting may make and establish such rules and By-Laws as to them shall seem necessary or convenient for the regulation & government of said corporation, and may cause the same to be executed & annex penalties to the breach thereof, provided said rules & By-Laws are not repugnant to the Constitution and Laws of this State.— The Clerk shall keep a fair & regular record of this Act, the rules, By-Laws, regulations and proceedings of said corporation, in a book or books to be provided for that purpose.—

And be it further enacted, that said Corporation be and hereby are authorized to purchase and hold any real Estate necessary for erecting carrying on and effecting the objects of said incorporation—

## [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE SAMUEL HURD AND OTHERS INTO A RELIGIOUS SOCIETY TO BE CALLED AND KNOWN BY THE NAME OF THE CONGREGATIONAL SOCIETY IN NEWPORT.

[Approved December 17, 1803. Original Acts, vol. 17, p. 122; recorded Acts, vol. 14, p. 149.]

Whereas a petition has been presented to the General Court by a number of the Inhabitants of the town of Newport praying that they with such Others as may hereafter be admitted may be incorporated into a religious Society to be called and known by the name of the Congregational Society in Newport; which prayer appearing reasonable.— Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Hurd, Nathan Hurd, Phinehas Wilcox, Joel Kelsey, Stephen Hurd, Ezra Parmele, Matthew Buel, Uriah Wilcox, Peter Hurd, Jesse Wilcox, Jeremiah Dudley, Reuben Bascomb, Oliver Lund, William M<sup>c</sup>Allaster, Isaac Noyes, Nathan Wilcox, Joseph Bascomb, Caleb Heath, Joseph Sawyer, Amos Fisher, Josiah Stevens and Moses Noyes Inhabitants of said Newport with such others as may hereafter be admitted into said society living within the bounds of said town of Newport be and they hereby are made and erected into a body politic and corporate to have continuance and succession forever, to be called and known by the name of the Congregational Society in Newport and by that name may sue and be sued, may plead and be impleaded and may prosecute and defend the same to final Judgment and Execution, and they are hereby vested with the powers and privileges incident to corporations of a similar nature.

And be it further enacted, that said society be and they hereby are authorised and empowered to raise such sum or sums of money as they shall judge necessary for the support or maintenance of a public Teacher or Teachers of piety, religion and morality and to build or repair houses for public Worship and to choose all proper Officers for transacting and managing the concerns of said society and to make By-laws for regulating the same, provided they are not repugnant to the Constitution and laws of this State.

And be it further enacted that said society shall annually meet on the first Tuesday of November for the purpose of raising money for the purpose aforesaid, and for choosing all proper Officers for transacting the business and concerns of said Corporation, who shall be sworn to the faithful discharge of their duty and continue in Office until others shall be chosen and sworn in their room. And

all Meetings of said society, after the first, shall in future be notified or warned in such a manner as said society shall at a legal meeting direct.

And be it further enacted, that no person shall be considered as joining said society unless he or she shall sign his or her name in the book of Records belonging to said society; and any person who shall hereafter join said society shall be discharged therefrom by his or her giving notice thereof in writing to the Clerk of said society and likewise to the Selectmen and Clerk of said town of Newport. Provided nevertheless that all such persons who shall be discharged from said society shall be holden to pay their proportion of all debts which said society shall owe in their corporate Capacity at the time of their leaving the same.

And be it further enacted that Ezra Parmele Esq<sup>r</sup> or Corn<sup>t</sup> Joseph Bascomb be and hereby is authorised and empowered to call the first meeting of said society and to preside at the same until a Moderator shall be chosen, which meeting shall be warned by posting a written notification specifying the particular matters and things to be acted on, at the Congregational Meeting house in said Newport fifteen days prior to said meeting; at which meeting the said society shall have liberty to choose all such Officers and transact all such business as they have by this Act at their annual meeting.

#### [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING THE INHABITANTS OF STRATFORD IN THE COUNTY OF GRAFTON TO RAISE A TAX OF THREE CENTS ON AN ACRE ON THE LANDS IN SAID STRATFORD, PUBLIC RIGHTS EXCEPTED, FOR THE PURPOSE OF MAKING ROADS AND BRIDGES.—

[Approved December 17, 1803. Original Acts, vol. 17, p. 123; recorded Acts, vol. 14, p. 155. See act of December 28, 1795, Laws of New Hampshire, vol. 6, p. 283.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Isaac Stevens, David Holbrook and George Gamsbey be and hereby are appointed a Committee to assess a tax of three Cents on each acre of land in said Stratford, except public Rights, for one year and the said Committee shall collect the same to be appropriated to the sole use of making and repairing the main Country River Road and the Road leading Easterly to Shelburne and also a back Road running North and South through said Stratford in order to meet a back Road from Stewartstown through Colebrook, Cockburne and Wales Location, and the said tax shall be collected in the same way and manner as State taxes



assessed on Non Resident Proprietors by law are collected; except that the list of taxes left with the Deputy Secretary, shall remain in his Office till the fifteenth day of September instead of the first as by law is otherwise directed.

And be it further enacted that the said Committee shall in the month of May in the Year when said tax is assessed, give public notice in the New Hampshire Gazette and in the Newspaper printed at Hanover, six weeks successively, of the assessment of said tax, and of the leave granted to the Resident and Non Resident owners to work out said tax as hereafter provided.

And be it further enacted that the Owners of land in said Stratford whether Residents or Non Residents shall have the liberty of working out the said taxes on the highways and bridges in said town as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the rate of six Cents per hour for every able bodied man finding his own diet and tools; and for ox-work at the same price per yoke, any time between the first of June and the fifteenth day of September in the year when the tax is assessed; and if the tax aforesaid is not duly paid or worked out as above provided on or before the fifteenth day of September in the year when such tax is assessed, the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State taxes are by law directed to do.

And be it further enacted that when any lands are sold at public auction by virtue of this Act, the aforesaid Committee are hereby impowered to give a good and valid Deed of the same; and the same time shall be allowed for Redemption and the same mode pursued in redeeming as in the case of lands sold for the non-payment of State taxes; provided that no deed shall be executed until the expiration of one year after the sale.

And be it further enacted, that the said Committee shall, previous to the Collection of said tax, give bond in the penalty of ten thousand Dollars, to the Clerk of the Court of Common Pleas for the County of Grafton for the faithful appropriation of the tax aforesaid, within two years from the first advertising, agreeably to the true intention of this Act: Which bond may be sued and recovered in any Court competent to try the same, and one half the sum recovered shall be for the use of the proprietors, and the other half to the use of the County.—



## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT, DIRECTING THAT STATE AND COUNTY OFFICERS SHALL BE ELECTED ON THE SAME DAY THROUGHOUT THIS STATE.

[Approved December 17, 1803. Original Acts, vol. 17, p. 124; recorded Acts, vol. 14, p. 169. Session Laws, November, 1803, p. 5. Laws, 1805 ed., p. 44; id., 1815 ed., p. 48. Repealed by the acts of June 28 and June 29, 1827, id., 1830 ed., pp. 421, 451.]

Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this Act the meetings of the several towns and places in this State for the election of State and County Officers shall be holden on the second Tuesday of March annually and at no other time:— And that the said towns and places whose Charters of incorporation fix their annual meetings upon a day different from the day above mentioned shall have a right to choose their Town Officers and transact any town business upon the said Second Tuesday of March; Any law, usage or custom to the contrary notwithstanding.

Provided nevertheless that whenever two or more towns are classed for the Choice of a Representative, the Election of such Representative may take place on any day in March any thing in this Act to the contrary notwithstanding.

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF LITCHFIELD AND MERRIMAC BRIDGE.—

[Approved December 19, 1803. Original Acts, vol. 17, p. 125; recorded Acts, vol. 14, p. 160. See act of July 1, 1825, id., vol. 23, p. 89.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Clifton Clagett, Samuel Cotton, David Stevens, and their associates and successors, be, and they hereby are incorporated and made a body corporate and politic under the name of The Proprietors of Litchfield and Merrimac Bridge; and in that name may sue and prosecute and be sued and prosecuted, to final judgment and execution; and shall be, and hereby are, vested with all the powers and privileges which by law are incident to Corporations of a similar nature: subject, however, to the reservations hereinafter mentioned

And be it further enacted, That the said Clifton Claggett, or Samuel Cotton, may call a meeting of said Proprietors to be holden at any suitable time and place by posting up advertisements in the said Towns of Litchfield and Merrimac at least thirty days prior to said meeting; and the Proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to a faithful discharge of the duties of his office, and shall also agree on a method of calling future meetings; may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said Corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties hereinafter established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof, provided the said rules and by-laws are not repugnant to the Constitution and Laws of this State. And all representations shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk; and this Act and all rules and by-laws, regulations and proceedings of said Corporation shall be truly and fairly recorded by said Clerk in a book or books to be provided and kept for that purpose.—

And be it further enacted, That the Proprietors aforesaid be, and they hereby are permitted and allowed to erect and keep in repair a Bridge over Merrimac River from Litchfield to Merrimac between Read's Ferry and Moor's Falls, so called: and that said Corporation shall have the exclusive right to erect said Bridge at any place within the limits aforesaid; and the Proprietors are hereby empowered to purchase any lands adjoining said Bridge, not exceeding three acres, and to hold the same for so long time as the said Proprietors shall keep and maintain a good and sufficient Bridge at the place aforesaid.—And the share or shares in said Bridge may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said Corporation on their records, and the share or shares of any of said Proprietors may be sold by said Corporation for non-payment of assessments duly made agreeable to the by-laws that may be agreed on by said Corporation.—

And be it further enacted, That for the purpose of reimbursing said Proprietors the money by them expended in building and supporting said Bridge, a Toll be, and hereby is granted and established for the benefit of said Proprietors according to the rates following:—namely, for each foot-passenger, one cent; for each horse and rider, six cents; for each chaise, or other carriage of pleasure with two wheels and one horse, twelve cents; for each carriage of pleasure, or with passengers, with four wheels and two horses, twenty five cents; for the like carriage with four horses, thirty seven cents; for each sleigh with one horse, six cents; for each sleigh with two horses, twelve cents, and for each horse above two, four cents; for

each cart, waggon, sled, or other carriage of burden, drawn by one beast, six cents; for the like carriage drawn by two beasts, ten cents; if by more than two beasts, six cents for each additional pair of horses or yoke of oxen; for sheep and swine, one quarter cent each; for cattle and horses, one cent each; and to each team one person only shall be allowed to pass free of toll; and at all times when the toll-gatherer shall not attend his duty, the gate shall be left open. And said Corporation are hereby empowered to erect and fix upon or across said Bridge a Gate, and to appoint such and so many Toll-gatherers, as shall be necessary to collect and receive of and from all and every person using said Bridge the rate of toll as above established, and to stop all and every person from crossing the same until he, she, or they, shall have respectively paid said toll as aforesaid.—

And be it further enacted, That said Corporation may be indicted for defect of repairs of said Bridge after said Toll-gate is erected, and while the same is kept up, and be fined in the same way and manner as Towns are by law fineable for suffering Bridges to be out of repair; and in case any special damage shall happen to any person or persons, or to his or their team or teams, cattle or carriages, by means of the insufficiency, or want of repairs of said Bridge, at any time when the Gate is kept up, the party aggrieved shall recover his or their damage in an action of trespass on the case against said Corporation in any Court of competent jurisdiction.—

And be it further enacted, That there shall be, and hereby is, reserved to William Read, the present Proprietor of Read's Ferry before mentioned, two shares in said Bridge of fifty dollars each, and the right for himself and Family to cross the same free of toll so long as said Bridge shall be continued within the limits aforesaid; and also, that in case said Bridge should hereafter be discontinued, the privileges of the Ferry aforesaid, shall revert to the said Read, his heirs and assigns; any thing herein to the contrary notwithstanding.—

And be it further enacted, That if in three years from the passing of this act, the said Bridge shall not be completed according to the provisions herein contained, every part and clause thereof shall be null and void.—

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE  
PRESIDENT DIRECTORS AND COMPANY OF THE EXETER BANK—

[Approved December 19, 1803. Original Acts, vol. 17, p. 126; recorded Acts, vol. 14, p. 171. The charter was renewed by the act of June 14, 1822, id., vol. 22, p. 113.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, That Jeremiah Smith, Paine Wingate, Nathaniel Rogers & Christopher Toppan, and their associates, and those who may hereafter become associates in the said Bank, & their successors and assigns, shall be and hereby are erected and made a Corporation by the name of the President, Directors and Company of the Exeter Bank and shall so continue from the first day of January next until the expiration of Twenty Years next following; and by that name shall be and are hereby made capable in Law to sue and be sued, plead and be impleaded, defend and be defended in any Courts of Record or any other place whatever; and also to make, have and use a common Seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution such by laws, ordinances and regulations as to them shall appear necessary and convenient for the government of said Corporation and the prudent management of their affairs; provided such by-laws, ordinances and regulations shall in no wise be contrary to the Laws and Constitution of this State; and the said Corporation shall be always subject to the rules, restrictions limitations and provisions herein prescribed.—

Sec<sup>t</sup>: 2<sup>d</sup> And be it further enacted, that the Capital Stock of said Corporation shall consist of a sum not less than Fifty thousand dollars, nor more than Two hundred thousand dollars in specie, and shall be divided into Two Thousand Shares; and the Stockholders at their first meeting shall by a majority of Votes, determine the amount of payments to be made on each share, and the time when the same shall be made; also the mode of transferring and disposing of the Stock and profits thereof; which being entered in the Books of said Corporation shall be binding on the Stockholders, their successors and assigns; Provided that no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of Fifty thousand dollars at least. And said Corporation are hereby made capable in law to have, hold, purchase and receive, possess enjoy and retain to them their successors and assigns, lands, rents, tenements and hereditaments to the amount of fifty thousand dollars, and no more at any one time, with power to bargain, sell and dispose of the same lands, tenements and heredita-



ments, and to loan and negotiate their monies and effects by discounting on banking principles on such personal security as they shall think adviseable—

Sect: 3<sup>d</sup> And be it further enacted, that the following rules, limitations and provisions shall form and be the fundamental Articles of said Corporation—

First That said Corporation shall not issue and have in circulation at any one time bills, notes, or obligations to a greater amount than twice their stock actually paid in, in addition to the simple amount of the monies deposited in said Bank for safe keeping; and in case of any excess, the Directors, under whose administration it may happen, shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt said Corporation or any estate real or personal which they may hold as a body Corporate from being liable for and chargeable with such excess—

Second—That the said Corporation shall not vest, use or improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges, lodged in their hands by way of security to an amount sufficient to reimburse the sum loaned:—

Third—None but a member of said Corporation, being a Citizen of this State and resident therein, shall be eligible for a Director; and the Directors shall choose one of their own number to act as President. The Cashier before he enters on 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 ten thousand dollars, with Condition for the faithful discharge of the duties of his Office—

Fourth—That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders from and after their first meeting shall be held at such place as they shall direct, on the first Monday in January annually; and at any other time during the continuance of said corporation at such place as shall be appointed by the President and Directors for the time being, by public notification being given at least one week previous thereto; at which annual meeting there shall be chosen by ballot seven Directors, to continue in office the year ensuing their election; and the number of Votes to which each Stockholder shall be entitled, shall be according to the number of Shares he shall hold in the following proportion; that is to say—For every one share, one vote; and every two shares above one shall give a right to one vote more; provided no one member shall have more than Fifteen votes,—and absent members may vote by proxy, being authorised in writing—

Fifth—No Director shall be entitled to any emolument for his services, but the Stockholders may make the President such compensation as to them shall appear reasonable.—

Sixth—No less than four Directors shall constitute a Board for the transaction of business, of whom the President shall always be



one, except in case of sickness or necessary absence in which case, the Directors present may choose a chairman for the time being in his stead.—

Seventh—All Bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation—

Eighth—The Directors shall make half yearly Dividends of all profits, rents, premiums and interest of the Bank aforesaid.—

Ninth The Directors shall have power to appoint a Cashier, Clerks, and such Officers for carrying on the business of the Bank, with such Salaries as to them shall seem meet—

Sect: 4<sup>th</sup> And be it further enacted that the said Bank shall be established and kept in the town of Exeter—

Sect: 5<sup>th</sup> And be it further enacted that the persons herein before mentioned or any three of them are authorised to call a meeting of the members and Stockholders of said Corporation, as soon as may be, at such time and place as they may see fit, by giving public Notice thereof at least one week prior to the time of meeting, in one of the Portsmouth Newspapers, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations for the orderly conducting the affairs of said Corporation, as the said Stockholders shall deem necessary & for the choice of the first Board of Directors, and such other Officers as they shall see fit to choose—

Sect: 6<sup>th</sup> And be it further enacted, that any person specially appointed by the Legislature of this State for the purpose, shall have a right to examine into the affairs of the Bank, and at all times, when the Bank is open, have access to the Bank Books—

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

### AN ACT IN ADDITION TO AN ACT FOR INCORPORATING THE PROPRIETORS OF THE NEWHAMPSHIRE TURNPIKE ROAD

[Approved December 19, 1803. Original Acts, vol. 17, p. 127; recorded Acts, vol. 14, p. 180. The act referred to is dated June 14, 1796, Laws of New Hampshire, vol. 6, p. 323. See additional acts of December 7, 1796, id., p. 350; June 14, 1800, id., p. 641. By the act of June 14, 1824, this turnpike was made a public highway. See Session Laws, 1824-29, p. 96.]

Whereas the Inhabitants of many towns who lie in a westerly and Southwesterly direction from Concord find it inconvenient to get into the Newhampshire turnpike road and whereas a communication between Concord bridge and the said Newhampshire turnpike road would facilitate the intercourse between those towns and Portsmouth and thereby greatly augment the utility of the said turnpike road to the public in general and whereas the proprietors of the said

Newhampshire turnpike road have petitioned the General Court for power as a corporation to make a turnpike road which should lead from said Concord bridge and fall into the aforesaid Newhampshire turnpike road at a distance of about two and a half miles from Federal bridge in Concord where the aforesaid Newhampshire turnpike road terminates under such limitations and with such powers and priveleges as were granted to them by the Act of incorporation which impowered them to make the aforesaid Newhampshire turnpike road, which prayer being thought reasonable.

Be it enacted by the Senate and House of Representatives in General Court convened that the Proprietors of the said Newhampshire turnpike road are empowered to survey, lay out, make, and keep in repair a turnpike road or highway of four rods wide in such rout or track as in the best of their Judgment and skill will combine shortness of distance with the most practicable ground from the said Concord bridge to the aforesaid Newhampshire turnpike road, and which shall strike and pass into the said Newhampshire turnpike road at a point of distance of about two miles and a half from Federal bridge in said Concord where the aforesaid Newhampshire turnpike road terminates.

And be it further enacted, that in case said Proprietors and the owners of land through which the said road may run shall not agree on the compensation to be made for said land that the same mode which is pointed out in the aforesaid act of incorporation of the said Newhampshire turnpike road for ascertaining the value of the said land and for Compensating the owners thereof for it shall be used and adopted in the present case, provided said Proprietors shall pay or tender the compensation to the owners of land before they begin to make said road.

And be it further enacted that the aforesaid Proprietors in their laying out, making & holding this said turnpike road and in every thing relating to the Jurisdiction of the same shall be vested with the same powers, priveleges and immunities and be subject to the same rules, limitations and penalties in all respects as are expressed, comprehended and understood in the aforesaid act of incorporation.

And be it further enacted that the Proprietors of the said turnpike after the same shall be finished shall be entitled to receive from all and every person using it the same rates and tolls in proportion to the length of way that they now receive on the said Newhampshire turnpike road, and it shall be lawfull for them to make such arrangements as may be necessary for collecting the same. Provided nevertheless that the said proprietors shall not at any time erect or set up any turnpike or gate on any part of the said turnpike road granted by this Act

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT TO ESTABLISH THE RATES AT WHICH POLLS AND RATEABLE  
ESTATES SHALL BE VALUED IN MAKING AND ASSESSING DIRECT  
TAXES.

[Passed December 19, 1803. Original Acts, vol. 17, p. 128; recorded Acts, vol. 14, p. 185. Session Laws, November, 1803, p. 6. This act was not approved by the Governor nor returned with objections. Therefore, under the constitution, it became a law. Laws, 1805 ed., p. 218; id., 1815 ed., p. 550. See additional acts of December 22, 1808, June 27, 1809, and June 20, 1811, id., pp. 551, 552. Repealed December 16, 1812, id., p. 263.]

Be it enacted by the Senate and House of Representatives in General Court convened that hereafter all public taxes shall be assessed on the Polls and rateable Estates in manner following, namely, each male poll from eighteen to seventy years of age (except those from eighteen to twenty one enrolled in the militia, ordained Ministers, the President, Professors, Tutors and Students of Colleges, paupers and idiots) to be valued at one Dollar and thirty Cents; Stallions or Stud-horses that have been wintered three winters, each at five Dollars; other horses and mares that have been wintered five winters, each at seventy Cents; other horses and mares that have been wintered four winters only, each at fifty Cents; other horses and mares that have been wintered three winters only, each at thirty Cents; other horses and mares that have been wintered two winters only, each at ten Cents;—Oxen that have been wintered five winters, each at forty Cents; Oxen that have been wintered four winters only, each at thirty Cents; Cows that have been wintered four winters, each at twenty Cents: all neat Stock that have been wintered three winters only, each at ten Cents; all neat Stock that have been wintered two winters only, each at five Cents; reckoning the winter to begin the first day of December and to end the last day of March;—Orchard land accounting so much for an Acre as will one year with another make ten barrels of cyder or perry, each Acre at thirty Cents; arable land accounting so much for an acre as will produce twenty five bushels of Indian corn or other Grain equivalent, one year with another, at twenty Cents; Mowing land accounting so much for an Acre as will produce one ton of English hay or other hay equivalent one year with another, at twenty Cents; Pasture—land accounting so much as will keep one Cow one year with another four Acres, each Acre at five Cents;—Mills, wharves and ferries to be estimated at one twelfth part of their neat yearly income after deducting repairs; all other buildings and unimproved lands whether owned by Inhabitants or Non-residents at half of one per Cent of their real value; all stock

or property whether of tanners, curriers, blacksmiths, or other tradesmen, employed in the business of their trades and all stock in trade of merchants, shopkeepers or other traders reckoning the same at the average value thereof for a year at half of one per Cent; all bank shares, at one per Cent; all money on hand or at interest more than the Owner pays interest for (exclusive of shares in banks) at three quarters of one per Cent; all property in the public funds, to be estimated at the same rate according to its real value; all chaises, sulkies, coaches and other wheel carriages of pleasure or for the conveyance of persons at half of one per Cent of their real value.

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

### AN ACT ALTERING ONE OF THE TERMS OF THE SUPERIOR COURT OF JUDICATURE IN THE COUNTIES OF HILLSBOROUGH, CHESHIRE AND GRAFTON.

[Approved December 20, 1803. Original Acts, vol. 17, p. 129; recorded Acts, vol. 14, p. 189. Session Laws, November, 1803, p. 8. Laws, 1805 ed., p. 79.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Superior Court of Judicature shall in future be holden at Hopkinton in the County of Hillsborough on the last Tuesday of April annually instead of the first Tuesday of May.—That the Superior Court of Judicature shall in future be holden at Charlestown in the County of Cheshire on the second Tuesday of May annually instead of the third Tuesday of May—and that the Superior Court of Judicature shall be holden in future at Plymouth in the County of Grafton on the fourth Tuesday of May annually instead of the first Tuesday of June.

And be it further enacted, that all actions, pleas, recognizances, indictments, verdicts and all processes of what name or nature soever now pending in said Superior Court, or returnable to or sustainable by the same in the several Counties aforesaid, shall be returned to, sustained and determined by the Superior Court of Judicature at the respective times fixed by this Act for holding the same; any law, usage or custom to the contrary notwithstanding.

## [CHAPTER 22.]

*State of*            }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY ISLE OF HOOKSETT-FALLS ON MERRIMACK RIVER" APPROVED FEB<sup>V</sup> 18<sup>TH</sup> 1794—

[Approved December 22, 1803. Original Acts, vol. 17, p. 130; recorded Acts, vol. 14, p. 191. The act referred to is printed in Laws of New Hampshire, vol. 6, p. 149. See act of June 21, 1797, id., p. 408. See also additional acts of June 17, 1806, recorded Acts, vol. 16, p. 321; December 1, 1808, id., vol. 17, p. 342; June 13, 1810, id., vol. 18, p. 316.]

Whereas in and by said Act Robert M<sup>c</sup>Gregore and William Duncan Esquires and their associates were incorporated with the exclusive privilege of cutting a Canal by Isle-of-Hooksett-falls on Merrimack River and Locking the same, under certain restrictions & with certain privileges as therein prescribed— And Whereas the term therein limited for compleating the same as well as the term allowed them in a subsequent add<sup>l</sup> Act have expired— And whereas it has been represented that the said Robert M<sup>c</sup>Gregore & William Duncan have expended large sums of money towards completing the same which is still unfinished, & that the said William Duncan has since deceased Therefore

Be it Enacted, by the Senate and House of Representatives in General Court convened That a further time of Two years from the passing of this Act, be allowed the said Robert M<sup>c</sup>Gregore and the Legal Representatives of the said William Duncan deceased and those who are or may become associates with them, for the purpose of finishing and compleating said Canal & Locks, under such restrictions and with the same privileges as was allowed them in the above recited act of incorporation—



## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING ABEL LEARNED ESQ<sup>R</sup> AND VICTORY GENNISON TO RAISE A TAX OF ONE AND AN HALF CENT ON EACH ACRE OF LAND, PUBLIC RIGHTS EXCEPTED, IN WALES LOCATION IN THE COUNTY OF GRAFTON FOR THE PURPOSE OF MAKING AND REPAIRING ROADS AND BRIDGES.

[Approved December 22, 1803. Original Acts, vol. 17, p. 131; recorded Acts, vol. 14, p. 194. See act of December 27, 1799, Laws of New Hampshire, vol. 6, p. 616.]

Be it enacted by the Senate and House of Representatives in General Court convened that the said Abel Learned and Victory Gennison be and hereby are appointed a Committee to assess a tax of one and an half Cent on each acre of land in said Wales Location and the said Committee shall collect the same to be appropriated to the sole use of making and repairing the River Road through said Location and also of making and repairing the bridges on said Road, and the said tax shall be collected in the same way and manner as State taxes assessed on Non-resident Proprietors by law are collected; except that the list of taxes left with the Deputy Secretary shall remain in his Office until the fifteenth day of September instead of the first as by law is otherwise directed.

And be it further enacted that said Committee shall in the month of May in the year when said tax is assessed, give public notice in the New Hampshire Gazette, and in the News-paper printed at Hanover, six weeks successively, of the assessment of said tax, and of the leave granted to the Resident and Non Resident Owners to work out said tax as hereafter provided.

And be it further enacted, that the Owners of land in said Wales Location whether Residents or Non-Residents shall have the liberty of working out the said taxes on the said River Road and Bridges in said Location as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the rate of six Cents per hour for every able bodied man finding his own diet and tools; and for Ox-work at the same price per yoke, any time between the first day of June and the fifteenth day of September in the year when the tax is assessed, and if the tax aforesaid is not duly paid or worked out as above provided on or before the fifteenth day of September in the year when such tax is assessed, the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State taxes are by law directed to do.

And be it further enacted that when any lands are sold at public auction by virtue of this Act, the aforesaid Committee are hereby

impowered to give a good and valid Deed of the same; and the same time shall be allowed for Redemption and the same mode pursued in redeeming as in the Case of land sold for the Nonpayment of State taxes: Provided that no Deed shall be executed until the expiration of one year after the sale.

And be it further enacted that the said Committee shall previous to the Collection of said tax, give bond in the penalty of one thousand Dollars to the Clerk of the Court of Common Pleas for the County of Grafton for the faithful appropriation of the tax aforesaid within two years from the first advertiseing, agreeably to the true intention of this Act: Which bond may be sued and recovered in any Court competent to try the same, and one half of the sum recovered shall be for the use of the Proprietors, and the other half to the use of the County.

[CHAPTER 24.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING JOHN RICHARDSON, TIMOTHY TAYLOR AND SIMON OAKES TO ASSESS, COLLECT AND APPROPRIATE A TAX OF TWO CENTS ON EACH ACRE OF LAND IN CONCORD IN THE COUNTY OF GRAFTON, PUBLIC LANDS EXCEPTED—

[Approved December 22, 1803. Original Acts, vol. 17, p. 132; recorded Acts, vol. 14, p. 201.]

Be it enacted by the Senate and House of Representatives in General Court convened that John Richardson, Timothy Taylor and Simon Oakes be and hereby are appointed a Committee to assess a tax of two Cents on each acre of land in said Concord, public lands excepted, and the said Committee shall collect and appropriate the same to the sole use of laying out, cutting, making and repairing a Road in said town of Concord from Dailey's bridge so called to Landaff line in the most direct manner to strike a Road laid out through said Landaff leading to Peeling and also in repairing the Road from Franconia line over Sugar-hill so called as they shall judge best for the public Good; and the said tax shall be collected in the same way and manner as State taxes assessed on Non Resident Proprietors by law are except lodging the list of taxes with the Deputy Secretary.

And be it further enacted that the said Committee shall in the month of May in the year wherein said tax is assessed give public notice in the New Hampshire Gazette and the Newspaper printed at Hanover of the assessment of said tax and the leave granted to the Resident and Non Resident Owners to work out said Tax as hereafter provided.

And be it further enacted that the Owners of land in said Concord whether Residents or Non Residents shall have the Liberty of working out said tax on said highway as the said Committee shall direct whose duty it shall be to superintend the same or appoint some suitable person or persons for that purpose at the Rate of six Cents per hour for every abled bodied man finding his own tools and diet and the same price per Yoke for good Oxen at any time between the first day of June and the fifteenth day of September in the Year when the tax is assessed and if the tax aforesaid is not duly worked out or paid as above provided on or before the fifteenth day of September in the year when said tax is assessed the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State taxes are by law directed to do.

And be it further enacted that when any lands are sold at public Auction by virtue of this Act the aforesaid Committee are hereby impowered to give a good and valid Deed of the same and the same time shall be allowed for Redemption and the same mode pursued in redeeming as in the case of land sold for Nonpayment of State taxes provided that no Deed shall be executed till one year after the Sale—and the said Committee shall previous to the Collection of said tax give bond in the penalty of one thousand Dollars to the Clerk of the Court of Common Pleas for the County of Grafton for the faithful appropriation of the tax aforesaid within two years from the first advertising agreeably to the true intent and meaning of this Act, which bond may be sued and recovered in any Court competent to try the same and one half of the sum recovered shall be for the use of the Proprietors and the other half for the use of the County.—

And be it further enacted, that unless the Inhabitants of said Concord shall, at their next annual Meeting, vote to exempt the Non Resident Owners of lands within said Town for the space of two Years from the passing of this Act from highway taxes that this Act and every part thereof shall be null and void.

And be it further enacted that the aforesaid Committee shall within three years from the time of their first advertising as aforesaid exhibit an account of all their proceedings by virtue of this Act to the Justices of the Court of Common Pleas for said County of Grafton for their approbation.

## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOCIAL LIBRARY  
IN NORTHFIELD.

[Approved December 22, 1803. Original Acts, vol. 17, p. 133; recorded Acts, vol. 14, p. 206.]

Be it enacted by the Senate and House of Representatives in General Court convened that Josiah Ambrose, Charles Glidden Jun<sup>r</sup> Alexander T. Clark and Stephen Chase and their Associates Proprietors of said Library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a body politic, by the name of the Proprietors of the Social Library in Northfield with continuation and succession forever and in that name may sue and be sued may plead and be impleaded in all personal actions and may prosecute and defend the same to final judgment and execution; and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four Dollars for each offence to be recovered by said proprietors in an Action of debt to their use in any Court proper to try the same, and they may make purchase and receive subscriptions grants and donations of personal estate not exceeding one thousand Dollars for the purpose and use of their association.

And be it further enacted that said proprietors be and they hereby are empowered and authorised to assemble at said Northfield on the first Monday of January annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in office untill others are chosen in their room; and that said proprietors may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices, and for transacting all other business excepting the raising of monies which shall always be done at the annual meeting and at no other time: At which annual meeting they shall vote all necessary sums for defreying the annual expence of preserving said library and for enlarging the same; and said proprietors shall have power to make such Rules and By-laws for the Government of said Corporation as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted, that Josiah Ambrose and Stephen Chase or either of them are hereby authorised and empowered to call the first meeting of said proprietors at such time and place as they, or either of them may appoint by posting a notification for that



purpose at the meeting house in said Northfield at least fifteen days prior to said meeting and the said Proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual meeting.

[CHAPTER 26.]

*State of* }  
*New Hampshire.* }

AN ACT TO FORM A COMPANY OF ARTILLERY IN THE TOWNS OF  
DOVER AND SOMMERSWORTH.

[Approved December 23, 1803. Original Acts, vol. 17, p. 134; recorded Acts, vol. 14, p. 199. Session Laws, June, 1804, p. 5. Laws, 1805 ed., p. 249.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Field Officers of the second Regiment of Militia in this State are hereby authorised to enlist from the Volunteers of the militia Companies of Dover and Sommersworth in the County of Strafford, a Company of Artillery, consisting of forty two Rank and File, which Company shall be annexed to the said second Regiment: Provided nevertheless that said Field Officers shall enlist from any of the aforesaid Companies, only their surplus numbers over sixty Rank and File.

And be it further enacted that when said Artillery Company shall be completed by voluntary enlistment, said Field Officers shall recommend to his Excellency the Governor suitable persons to be commissioned to command said Company agreeably to the laws of this State.

[CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE DOVER TURNPIKE ROAD IN NEW HAMPSHIRE

[Approved December 23, 1803. Original Acts, vol. 17, p. 135; recorded Acts, vol. 14, p. 210. See additional acts of December 1, 1804, Session Laws, December, 1804, p. 14, and June 16, 1809, id., June, 1809, p. 5. A meeting of the proprietors was authorized by the act of June 9, 1810, recorded Acts, vol. 18, p. 312.]

Be it enacted by the Senate and house of Representatives in general Court convened, that William K Atkinson Oliver Crosbey Ezra Green John Wheeler and William Twombly and their associates and successors be and they are hereby incorporated and



made a body corporate and politic under the name of the Proprietors of the Dover turnpike road in Newhampshire, and in that name may sue and prosecute be sued and prosecuted to final judgement and execution and shall be and are hereby vested with all the powers and privileges which by law are incident to corporations of a similar nature And be it further enacted that the said William K Atkinson or Oliver Crosbey shall call a meeting of said proprietors by advertisement in the Dover Sun to be holden at any suitable time and place at least thirty days from the first publication of said advertisement, and the proprietors by a vote of the majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithfull discharge of his Office, and shall also agree on a method of calling future meetings may elect such officers and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid; and for collecting the tolls herein after established and the same bye laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and bye laws are not repugnant to the constitution and laws of the State, and all representations shall be proved by writing signed by the person to be represented which shall be filed with the Clerk and this act, and all rules and bye laws regulations and proceedings of said corporation shall be fairly and truly recorded by said Clerk in a book or books provided and kept for that purpose—And be it further enacted that the said corporation are impowered to survey, lay out, make and keep in repair a turnpike road of four rods wide in such rout or tract as in the best of their Judgement shall combine shortness of distance with the most practicable ground from Dover landing near the bridge through Somersworth to Salmon fall river to such place on said river as shall by them be thought best and most convenient for public travelling to meet the turnpike road leading from Kennebeck river through Portland in the District of Maine to Newhampshire line, provided nevertheless that said Proprietors shall not use or improve any land for said road unless they previously agree with and purchase the same of the owners through which the said turnpike road may pass—And be it further enacted that the corporation may erect and fix so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls herein after granted to said company from all persons travelling in the same with horses, cattle carts and carriages—And be it further enacted that it shall and may be lawfull for said company to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road the tolls and rates herein after mentioned and to stop any person riding leading or driving any horses cattle swine sheep, sulkey chair

phaeton coach charriot chaise cart waggon sleigh sled or other carriage of burden or pleasure from passing through said gates or turnpikes untill they shall have respectively paid the same that is to say for every mile of said road and so in proportion for a greater or less distance or greater or smaller number of sheep swine or cattle &c Viz, for every ten sheep or swine one cent, for every ten cattle or horses two cents, for every horse and his rider or led horse one cent, for every sulkey chair or chaise with one horse and two wheels two cents, for every charriot coach stage waggon phaeton or chaise with two horses and four wheels three cents, for either of the carriages last mentioned with four horses four cents; for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same, for each cart or other carriage of burden drawn by one beast one cent for each waggon cart or other carriage of burden drawn by two beasts one cent and half and if by more than two beasts one cent for each additional yoke of oxen or pair of horses, for each sleigh drawn by one horse one cent if drawn by two horses two cents, and if by more than two horses one cent for every additional horse, for each sled drawn by one horse one cent, for each sled drawn by two horses or a yoke of oxen one cent and one quarter and if by more than two horses or one Yoke of oxen one cent for each additional pair of horses or yoke of oxen and at all times when the toll gatherer shall not attend his duty the gates shall be left open—And if any person shall with his carriage, team cattle or horses turn off the said road to pass the said turnpike gate on ground adjacent thereto unless the same be a highway with an intent to avoid the payment of the toll due by virtue of this act such persons shall forfeit and pay three times so much as the lawfull toll would have been to be recovered by the treasurer of said corporation to the use thereof in an action of debt or on the case, provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship or with his horse, team or cattle or on foot to or from any mill or on the common and ordinary business of family concerns within the said town—And the militia within said state shall have liberty to pass and repass said turnpikes gates on all muster days free from toll—And be it further enacted that said Proprietors are hereby expowered to purchase and hold in fee simple so much land as will be necessary for said turnpike road and the share or shares of any of said proprietors may be transferred by deed duly executed and acknowledged and recorded by the Clerk of said Proprietors on their records, and the share or shares of any of said Proprietors may be sold by said corporation for non payment of assessments duly made agreeable to the bye laws that may be agreed upon by said corporation—And be it further enacted that no toll shall be taken by said corporation for any mile of said road untill six hundred dol-

lars in labour shall have been expended thereon or a proportionate sum upon the whole number of miles reckoning from the bridge near Dover landing where said road shall begin to the place where the same may terminate—And be it further enacted that said corporation may be indicted for defect of repairs of said road after the toll gates are erected and fined in the same way and manner as towns are by law finable for suffering roads to be out of repair and said fine may be levied on the profits and tolls arising or accruing to said Proprietors—Provided nevertheless and be it further enacted that if the said turnpike road shall in any part be the same with any highway now used, it shall not be lawfull for said corporation to erect any gate or turnpike on or across said part of the road that now is used and occupied as a public highway any thing in this act to the contrary notwithstanding—And be it further enacted that when said Proprietors shall make it appear to the Justices of the Superiour Court of Judicature that they have expended the said sum of six hundred dollars in labour on each mile, or a proportionate sum as before mentioned the Proprietors shall have the liberty to erect the gates as aforesaid—And be it further enacted that at the end of every ten years after the setting up of any toll gate an account of the expenditures upon said road and the profits arising therefrom shall be laid before the Justices of the Superior Court of Judicature for the time being under the forfeiture of the privileges of this act in future and if the net profits for the said ten years shall exceed nine per Cent per Annum the said Court may reduce the future toll so far as that it may not exceed nine per cent and if the profits shall not amount to six per cent the said Court may raise, so that it shall not be less than six nor more than nine per cent—And be it further enacted that if in four years the said road shall not be completed according to the provision in this act every part and clause thereof shall be null and void—Provided also that the State of Newhampshire may at any time after the expiration of forty years from the passing of this act repay the proprietors of said road the amount of the sum expended thereon with nine per cent per annum in addition thereto, deducting the toll actually received by the proprietors, and in that case the said road to all intents and purposes shall be the property of the State of Newhampshire any thing in this act to the contrary notwithstanding Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep the said road in repair—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENABLE JENNET MITCHEL TO ENTER HER OBJECTIONS  
 TO THE ALLOWANCE OF THE CLAIMS OF JOHN MITCHEL ON THE  
 ESTATE OF THOMAS MITCHEL DECEASED

[Approved December 24, 1803. Original Acts, vol. 17, p. 136; recorded Acts, vol. 14, p. 220.]

Whereas Jennet Mitchel has petitioned the General Court, sitting forth, that she was Administratrix of the Estate of Thomas Mitchel late of Francistown in the County of Hillsborough deceased, and that said Estate was represented insolvent and Commissioners appointed by Ebenezer Champney Esq<sup>r</sup> Judge of Probate for said County to examine & adjust the claims against said Thomas deceased—that one John Mitchel of Francistown exhibited a Claim against said deceased amounting to seventy five dollars to the Commissioners, which was by them accepted and allowed and afterwards decreed by the said Judge of Probate to be paid to said John Mitchel; that at the time of the Report of the Commissioners to the said Judge, she made no objection to said Claim not knowing the same to be unjust; but has since discovered papers and evidence fully satisfactory to prove that said claim was fully satisfied and paid by said Thomas Mitchel in his lifetime & praying relief in the premises—

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that said Jennet Mitchell have liberty to file in writing, in the Probate Office for said County of Hillsborough, at the Probate Court to be held at Amherst in said County on the third tuesday of February next, her objections to the allowance of said Claim, and her so filing her objections as aforesaid shall have the like effect & the same proceedings shall be had thereon before said Judge as tho' the same had been filed in said Office at the time the said Commissioners made their Report to the said Judge of Probate—

And be it further enacted that an attested copy of this Act be left at the usual place of said John Mitchel's abode, fifteen days at least before the said third tuesday of February next—



## [CHAPTER 29.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE CALVIN PALMER AND HIS ASSOCIATES TO  
ERECT AND KEEP IN REPAIR A BRIDGE ACROSS CONNECTICUT  
RIVER.

[Approved December 24, 1803. Original Acts, vol. 17, p. 137; recorded Acts, vol. 14, p. 222. See act of June 10, 1803, id., p. 75.]

Be it enacted by the Senate and House of Representatives in General Court convened that Calvin Palmer and his Associates and Successors be and hereby are incorporated and make a body corporate and politic under the name of the proprietors of Lyman Bridge, and in that name may sue and be sued, prosecute and be prosecuted to final judgment and execution and shall be and hereby are vested with all the powers and privileges which by law are incident to Corporations of a similar nature, subject however to the reservations herein after mentioned.

And be it further enacted that said Calvin Palmer may call a meeting of said proprietors to be holden at any suitable time and place by posting up an advertisement in the town of Lyman at least thirty days prior to the day of meeting, and the proprietors at said meeting by a vote of a majority of those present or represented, accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to a faithful discharge of the duties of his Office and shall also agree on a method of calling future meetings; may elect such Officers and make and establish such Rules and By-laws as to them shall seem necessary and convenient for the regulation and government of said Corporation, for carrying into effect the purposes aforesaid and for collecting the tolls and duties hereinafter established, and the same By-laws may cause to be executed and annex penalties to the breach thereof; provided the said Rules and By-laws are not repugnant to the laws and constitution of this State, and all Representations shall be proved in writing signed by the person to be represented which shall be filed by the Clerk and this Act and all Rules and By-laws, regulations and proceedings of said Corporation shall be truly and fairly recorded by said Clerk in a book or books to be provided and kept for that purpose.

And be it further enacted that the proprietors aforesaid be and hereby are permitted and allowed to erect and keep in Repair a bridge across Connecticut River from Lyman in this State to Barnett in the State of Vermont at or within fifty Rods of Palmer's mills so called, or at or within fifty Rods of Stevens' ferry so called or at any place between said Palmer's mills and said Stevens' ferry



as shall best commodate the Public in the judgment of any two of the Justices of the Court of Common Pleas for the County of Grafton, and that said Corporation shall have the exclusive privilege to erect said Bridge at any place within the limits aforesaid, and the proprietors are hereby impowered to purchase any lands adjoining said Bridge, not exceeding three Acres and to hold the same for so long time as the said proprietors shall keep and maintain a good and sufficient bridge at the place aforesaid: And the share or shares in said Bridge may be transferred by Will or Deed duly executed, acknowledged and recorded by the Clerk of said Corporation on their Records, and the share or shares of any of said proprietors may be sold by said Corporation for Non payment of assessments duly made agreeably to the By-laws that may be agreed on by said Corporation; and said Corporation may maintain and prosecute to final judgment and execution an Action of debt or on the Case against any proprietor for Non payment as aforesaid.

And be it further enacted that for the purpose of reimbursing said proprietors the money by them expended in building and supporting said Bridge a toll be and hereby is granted and established for the benefit of said proprietors according to the Rates following, that is to say, for each foot passenger, one Cent; for each horse and Rider or Leader, four Cents; for each Chaise or other Carriage of pleasure with two Wheels and one horse, ten Cents; for each Carriage of pleasure or for the conveyance of passengers with four Wheels and two horses, twenty Cents; for the like Carriages with four horses, twenty five Cents; for each sleigh with one horse, four Cents; for each sleigh with two horses, eight Cents; for each horse above two, three Cents; for each Cart, Waggon, Sled or other Carriage of burden drawn by one beast, four Cents; for the like Carriages drawn by two Beasts, eight Cents; if by more than two Beasts, four Cents; for each additional pair of horses or yoke of Oxen; for sheep and swine, one quarter of a Cent each; for Cattle and horses three quarters of a Cent each; and to each team one person only shall be allowed to pass free of toll, and at all times when the toll-gatherer shall not attend his duty the gate shall be left open.—And said Corporation are impowered to erect and fix upon or across said Bridge a gate and to appoint such and so many toll gatherers as shall be necessary to collect and receive of and from every person using said bridge the rate of toll as above established, and to stop all and every person from passing the same until he, she or they shall have respectively paid toll as aforesaid—

And be it further enacted, that said Corporation may be indicted for defect of Repairs of said Bridge after said toll gate is erected and while the same is kept up and be fined in the same way and manner as towns are by law fineable for suffering bridges to be out

of repair, and in Case any special damage shall happen to any person or persons, or to his or their team or teams, cattle or carriages by means of the insufficiency or want of repair of said bridge at any time when the gate is kept up, the party injured shall recover his or their damage in an action of Trespass or on the Case, against said Corporation in any Court of Competent Jurisdiction.

And be it further enacted that if in three years from the passing of this Act, said bridge shall not be completed, or if it shall be discontinued and not kept in good and sufficient repair for the term of two years according to the provisions herein contained, this Act and every part and clause thereof shall be null and void.

[CHAPTER 30.]

*State of*                    }  
*New Hampshire.*        }

AN ACT TO ALTER THE NAME OF CHARLES HOGG, AND HIS POSTERITY.—

[Approved December 24, 1803. Original Acts, vol. 17, p. 138; recorded Acts, vol. 14, p. 229.]

Whereas Charles Hogg of Springfield in the County of Cheshire hath petitioned the General Court that his Sir-name and that of his Children and Posterity may be altered, and hereafter be called and known by the name of Church:— which appearing reasonable—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, That the abovenamed Charles Hogg be, and hereby is, authorized to take and assume the name of Charles Church, and by that name shall sue and prosecute, and be sued and prosecuted, and in all cases whatever shall be called, known and distinguished by the Sirname of Church; and that his Children and Posterity shall hereafter be allowed to take and use, and in addition to their Christian names, shall be called, known and distinguished by the said name of Church.—

## [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING A LOTTERY TO THE PROPRIETORS OF PISCATAQUA  
 BRIDGE.

[Approved December 24, 1803. Original Acts, vol. 17, p. 139; recorded Acts, vol. 14, p. 230. See acts of June 20, 1793, Laws of New Hampshire, vol. 6, p. 114; June 13, 1796, id., p. 320; December 27, 1798, id., p. 544; December 4, 1800, id., p. 653.]

Whereas the said proprietors have petitioned that there be granted to them the right of raising the sum of fifteen thousand dollars by lottery, for the purpose of repairing and maintaining said Bridge, Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that there be, and there hereby is granted to the proprietors of Piscataqua Bridge, the right and priviledge of raising by lottery and the sale of lottery tickets, the sum of fifteen thousand dollars, after deducting all sums to be paid for prizes and all expences of said lottery, to be by said proprietors appropriated and expended in the repairing and maintaining said Bridge—

And be it further enacted, that Thomas Thompson, Thomas Martin, & Elijah Hall Esq<sup>r</sup> be, and they hereby are appointed Managers of said lottery, and they hereby are authorized and impowered to manage and conduct the said lottery in such number of Classes, and in such way and manner as they, or any two of them shall think proper and best calculated to raise said sum of fifteen thousand dollars—

And be it further enacted, that the said Managers and each of them shall pay to the Treasurer of said Company all monies which they shall respectively receive by sale of Tickets in said lottery or otherwise by means of said lottery, after deducting the amount to be paid for prizes and the expences attending the same—

And be it further enacted, that the said Managers shall before they undertake the said trust make oath before some Justice of the peace faithfully to perform the same, a Certificate of which shall be filed with the Treasurer of said Company, and shall also give bonds to the Treasurer of the State, each one in the penal sum of Ten thousand dollars, conditioned for the faithful performance of said trust. And in case one or more of said Managers hereby appointed, shall neglect or refuse to accept of said trust and give bonds as is above provided, or shall die before the entire performance of said trust is completed, the Governor and Council shall be, and they hereby are authorized and impowered, on application of the Directors of said company for the time being, to appoint some

suitable person or persons in the place & Stead of those so neglecting or dying, and such manager or managers so to be appointed, shall have the same power and be under the same regulations as those appointed by this Act—

And be it further enacted— That this Act shall be in force the term of Five Years from the passing hereof and no longer

### [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT, TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE  
PRESIDENT, DIRECTORS AND COMPANY OF THE CHESHIRE BANK.

[Approved December 24, 1803. Original Acts, vol. 17, p. 140; recorded Acts, vol. 14, p. 234. See additional act of June 28, 1821, id., vol. 22, p. 58. See also acts of June 27, 1827, Session Laws, June, 1827, chap. 19, and June 19, 1844, id., 1844, chap. 115.]

Section, 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened that Daniel Newcomb, Edward Sprague, Noah Cook and Elijah Dunbar and their Associates and those who may hereafter become Associates in said Bank their Successors and Assigns shall be and hereby are erected and made a Corporation by the name of the President, Directors and Company of the Cheshire Bank and shall so continue from the first day of March next until the expiration of twenty years next following and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any Court of Record or any other place whatever, and also to make, have and use a common Seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in Execution such By-laws, Ordinances and Regulations as to them shall appear necessary and convenient for the government of said Corporation and the prudent management of their affairs; provided such By-laws, Ordinances and Regulations shall in no wise be contrary to the laws and Constitution of this State; and the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein described.

Section 2<sup>nd</sup> And be it further enacted that the Capital Stock of said Corporation shall consist of a sum not less than fifty thousand Dollars nor more than one hundred and fifty thousand Dollars in specie, and shall be divided into one thousand shares; and the Stockholders at their first meeting shall by a majority of votes determine the amount of payments to be made on each share, and the time when the same shall be made; also the mode of transferring and disposing of the stock and profits thereof; which being entered in



the books of said Corporation shall be binding on the Stockholders, their successors and assigns; provided that no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said sum of fifty thousand Dollars at least. And said Corporation are hereby made capable in law to have, hold, purchase and receive, possess, enjoy and retain to them their successors and assigns lands, rents, tenements and hereditaments to the amount of fifty thousand Dollars and no more at any one time, with powers to bargain, sell and dispose of the same lands, tenements and hereditaments and to loan and negotiate their monies and effects, by discounting on Banking principles in such personal security as they shall think adviseable.

Section 3<sup>rd</sup> And be it further enacted that the following Rules limitations and provisions shall form and be the fundamental Articles of said Corporation.

First,—That said Corporation shall not issue and have in Circulation at any one time bills, notes or obligations to a greater amount than twice their Stock actually paid in, in addition to the simple amount of the monies deposited in said Bank for safe keeping;—and in Case of any Excess, the Directors under whose administration it may happen shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt said Corporation or any estate real or personal which they may hold as a body corporate from being liable for and chargeable with such excess.

Second,—That the said Corporation shall not vest, use or improve any of their monies, goods, chattles or effects in trade or commerce, but may sell all kind of personal pledges lodged in their hands by way of Security to an amount sufficient to reimburse the sum loaned.

Third,—None but a Member of said Corporation being a Citizen of this State and Resident therein shall be eligible for a Director, and the Directors shall choose one of their own number to Act as President. The Cashier before he enters on 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 ten thousand Dollars with condition for the faithful discharge of the duties of his Office.

Fourth,—That for the well Ordering of the affairs of said Corporation, a meeting of the Stockholders from and after their first meeting shall be held at such place as they shall direct on the first Monday in March annually and at any other time during the Continuance of said Corporation at such place as shall be appointed by the President and Directors for the time being by public notification being given at least one week previous thereto; at which annual Meeting there shall be chosen by Ballot seven Directors to continue in Office the year ensuing their Election; and the number



of votes to which each Stockholder shall be intitled shall be according to the number of shares he shall hold in the following proportion, that is to say, for every one share, one vote; and every two shares, above one, shall give a Right to one vote more; provided that no one Member shall have more than fifteen votes, and absent Members may vote by proxy being authorised in writing.

Fifth,—No Director shall be intitled to any Emolument for his services, but the Stockholders may make the President such compensation as to them shall appear reasonable.

Sixth, No less than four Directors shall constitute a Board for the transaction of Business of whom the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose a Chairman for the time being in his stead.

Seventh,—All Bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation.

Eighth,—The Directors shall make half yearly dividends of all profits, rents, premiums and interest of the Bank aforesaid.—

Ninth,—The Directors shall have power to appoint a Cashier, Clerks and such Officers for carrying on the business of the Bank with such salaries as to them shall seem meet

Section, 4<sup>th</sup>—And be it further enacted that the said Bank shall be established and kept in the town of Keene.

Section, 5<sup>th</sup>—And be it further enacted that the persons herein before mentioned or any three of them are authorised to call a meeting of the Members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, by giving public notice thereof at least one week prior to the time of Meeting in the New Hampshire Centinel printed at Keene for the purpose of making, ordaining and establishing such By-laws, ordinances and regulations for the orderly conducting the affairs of said Corporation, as the said Stockholders shall deem necessary and the choice of the first Board of Directors, and such other Officers as they shall see fit to choose.

Section, 6<sup>th</sup> And be it further enacted, that any person specially appointed by the Legislature of this State for the purpose shall have a Right to examine into the affairs of the Bank, and at all times when the Bank is open have access to the Bank Books.

## [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT TO CONSTITUTE A COUNTY WITHIN THIS STATE BY THE  
NAME OF THE COUNTY OF COOS.

[Approved December 24, 1803. Original Acts, vol. 17, p. 141; recorded Acts, vol. 14, p. 242. Laws, 1805 ed., p. 48; id., 1815 ed., p. 52. See additional act of June 18, 1805, id., 1805 ed., p. 393. Repealed January 3, 1829, id., 1830 ed., p. 307.]

Be it enacted by the Senate and House of Representatives in General Court convened that there be and hereby is constituted and established within this State a County by the name of the County of Coos.

And be it further enacted that said County of Coos shall contain all the Lands and Waters situated Northerly of the line herein after mentioned and described within this State which line is considered as beginning on the Westerly Bank of Connecticut River at the Southwesterly Corner of Dalton and running on the Westerly and Southerly line of Dalton to Whitefield, thence on the Westerly and Southerly line of Whitefield to Bretton Woods, thence on the Westerly and Southerly line of Bretton Woods to the Southeasterly Corner thereof, thence Southerly on a straight line across the unlocated lands to the line of the County of Strafford at the Northwesterly Corner of Tamworth, thence on the line of the County of Strafford to the line of the District of Maine to contain all the lands and waters Northerly of the above described line, consisting of the following towns, namely Dalton, Whitefield, Bretton Woods, Bartlett, Adams, Chatham, Shelburne, Shelburne Addition, Durand, Kilkenny, Jefferson, Lancaster, Millsfield, Northumberland, Stratford, Wales Gore, Cockburne, Colebrook, Stuarttown, Piercy, Paulsborough, Mainesborough, Dummer, Errol, Cambridge and Success.

And be it further enacted that said County of Coos be and hereby is invested with all the powers and privileges which other Counties in this State are invested with, possess or enjoy.

And be it further enacted that the Superior Court of Judicature shall be holden at Lancaster in said County on the second Tuesday of November annually.—

And be it further enacted that there shall be a Court of Common Pleas, consisting of four Justices, holden at Lancaster within and for said County of Coos on the first Tuesday of January and the first Tuesday of July annually which shall have similar Jurisdiction with other Courts of Common Pleas within this State.

And be it further enacted that the Justices of the Court of Common Pleas, Judge of Probate, Sheriff, and all other Officers for and

within said County of Coos shall be appointed and chosen in the same way and manner as by the Constitution and Laws of this State they are required to be appointed and chosen in other Counties in this State.

And be it further enacted that this Act shall take effect and be in force from and after the first day of March in the year of our Lord one thousand, eight hundred and five and not before said first day of March any thing herein contained to the contrary notwithstanding.

[CHAPTER 34.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE  
PRESIDENT DIRECTORS AND COMPANY OF THE COOSS BANK.—

[Approved December 24, 1803. Original Acts, vol. 17, p. 142; recorded Acts, vol. 14, p. 246. By the act of June 28, 1821, id., vol. 22, p. 54, the name of the bank was changed.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened that John Montgomery, Moses P. Payson, Peter Carleton, Moor Russell, Daniel Smith, Nathan Barlow and Timothy Dix Junior and their associates and those who may hereafter become associates in the said Bank their successors and assigns shall be and hereby are created and made a corporation by the name of the President, Directors, and company of the Cooss Bank, and shall so continue from the first day of January next untill the expiration of twenty years next following, and by that name shall be and hereby are made capable in law to sue and be sued, plead and be impleaded defend and be defended in any courts of record or any other place whatever; and also to make have and use a common seal and the same again at pleasure to break, alter, and renew; and also to ordain, establish, and put in execution such bye laws ordinances and regulations as to them shall appear necessary and convenient for the government of said corporation and the prudent management of their affairs; provided such bye laws, ordinances, and regulations shall in no wise be contrary to the laws and constitution of this State; and the said corporation shall be always subject to the rules, restrictions, limitations, and provisions herein prescribed.—

Section 2<sup>d</sup> And be it further enacted that the Capital stock of said Corporation shall consist of a sum not less than twenty five thousand dollars nor more than one hundred thousand Dollars in specie and shall be divided into one thousand shares; and the stockholders at their first meeting shall by a majority of votes determine

the amount of the payments to be made on each share and the time when the same shall be made; and also the mode of transferring and disposing of the stock and profits thereof; which being entered in the books of said Corporation shall be binding on the stockholders their successors and assigns, provided that no stockholder shall be allowed to borrow at said bank untill he have paid in his full proportion of said twenty-five thousand dollars at least. And said corporation are hereby made capable in law to have, hold, purchase, and receive, possess, enjoy, and retain to them, their successors, and assigns lands, rents, tenements and hereditaments to the amount of fifty thousand dollars and no more at any time with power to bargain, sell and dispose of the same lands tenements and hereditaments and to loan and negotiate their monies and effects by discounting on Banking principles on such personal security as they shall think adviseable.—

Section 3<sup>d</sup> And be it further enacted that the following rules, limitations and provisions shall form and be the fundamental articles of said corporation. First that said corporation shall not issue and have in circulation at any one time bills, notes, or obligations to a greater amount than twice their stock actually paid in in addition, to the simple amount of the monies deposited in said Bank for safe keeping and in case of any excess the directors under whose administration it may happen shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt said corporation or any estate real or personal which they may hold as a body corporate from being liable for and chargeable with such excess.—

Second—That the said Corporation shall not vest, use, or improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges lodged in their hands by way of security to an amount sufficient to reimburse the sum loaned.—

Third—None but a member of said corporation being a citizen of this state and resident therein shall be eligible for a Director, and the Directors shall choose one of their own number to act as President. The Cashier before he enters on 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 ten thousand Dollars with condition for the faithfull discharge of the duties of his office.—

Fourth—That for the well ordering of the affairs of said Corporation a meeting of the Stockholders from and after their first meeting shall be held at such place as they shall direct on the first Monday in January annually; and at any other time during the continuance of said Corporation at such place as shall be appointed by the President, and Directors for the time being by publick notification being given at least one week previous thereto; at which annual meeting there shall be chosen by ballot seven Directors to



continue in Office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled shall be according to the number of shares he shall hold in the following proportion that is to say for one share one vote, and every two shares above one shall give a right to one vote more provided no one member shall have more than fifteen votes and absent members may vote by proxy being authorised in writing.—

Fifth—No Director shall be entitled to any emolument for his services but the Stockholders may make the President such compensation as to them shall appear reasonable.

Sixth—Not less than four Directors shall constitute a board for the transaction of business of whom the president shall always be one except in case of sickness or necessary absence in which case the Directors present may choose a Chairman for the time being in his stead.—

Seventh—All Bills issued from the bank aforesaid and signed by the President shall be binding on said Corporation.

Eighth.—The Directors shall make half yearly dividends of all profits, rents, premiums and interest of the bank aforesaid.—

Ninth—The Directors shall have power to appoint a Cashier, Clerks and such officers for carrying on the business of the bank with such salaries as to them shall seem meet.—

Section 4<sup>th</sup> And be it further enacted that the said Bank shall be established in the town of Haverhill.—

Section 5<sup>th</sup> And be it further enacted that the before named John Montgomery, and Moses P. Payson or either of them are authorised to call a meeting of the members and Stockholders of said Corporation as soon as may be at such time and place as they may see fit, by giving publick notice thereof at least three weeks prior to the time of meeting in the Dartmouth Gazette printed in Hanover, and Courier of New Hampshire printed in Concord for the purpose of making, ordaining, and establishing such bye laws, ordinances, and regulations for the orderly conducting of the affairs of said Corporation as the said Stockholders shall deem necessary and for the choice of the first board of Directors and such other officers as they shall see fit to choose.—

Section 6<sup>th</sup> And be it further enacted that any person specially appointed by the Legislature of this State for the purpose shall have a right to examine into the affairs of the Bank and at all times when the Bank is open have access to the Bank books.—



## [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE ORFORD  
 TURNPIKE CORPORATION.

[Approved December 27, 1803. Original Acts, vol. 17, p. 143; recorded Acts, vol. 14, p. 274. See additional act of June 18, 1805, id., vol. 16, p. 55.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph Pratt, Daniel Tillotson, William Simpson, John Mann, Abiathar G. Britton, Solomon Mann, John G. Doubleday, Jonathan Darby, Jedediah Wilcox, James Dayton, William Howard, Alexander Strong, Benjamin Shaw, Michael Tainter, Joseph Belcher, John B. Chase, Stephen W. Palmer, John Dame, Samuel Phelps, junior, John Mann, junior, Jared Mann, Apollos Darby, Jonathan Sawyer, John Hinsman, William Harlow, Ichabod Sawyer, Thomas Sawyer, Jonathan Sawyer, junior, Nathan Davis, junior, Daniel Tillotson, junior, Obadiah Tillotson, Samuel Phelps, Thomas Cole, Timothy Sargent, Samuel Sargent, Samuel Dey, junior, John Hall, William Muchemore, James Muchemore, Stephen Boynton, Stephen Blood, Daniel Robbins, John Sargent, Nathan Davis, Michael Barstow, Isaac Dey, Ebenezer Kellogg, William White, John Page, and their associates and successors, be, and they hereby are incorporated and made a body corporate and politic under the name of The proprietors of the Orford turnpike corporation; and in that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, That the said John Mann junior, and Abiathar G. Britton, or either of them, shall call a meeting of said proprietors, to be holden at any suitable time and place, by advertisement in the Dartmouth Gazette printed at Hanover at least thirty days from the first publication of said advertisement, and the proprietors by a vote of a majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to a faithful discharge of the duties of his office; and shall also agree on a method of calling future meetings; and may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties hereinafter established; and the same by-laws may cause to be executed and annex penalties to the breach thereof: Provided the said rules and by-laws are not

repugnant to the constitution and laws of this State. And all representations shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk; and this act and all rules and by-laws, regulations and proceedings, of said corporation, shall be fairly and truly recorded by said Clerk in a book or books provided and kept for that purpose.—

And be it further enacted, That the said corporation are empowered to survey, lay out, make and keep in repair, a turnpike road of four rods wide, in such route or track as in the best of their judgment shall combine shortness of distance with the most practicable ground from Orford bridge on Connecticut river through Orford and a part of Wentworth to Aiken's bridge on Baker's river— Provided nevertheless that said proprietors shall not use nor improve any land for said road but what the owner or owners thereof shall previously and voluntarily sell or give for that purpose.—

And be it further enacted, That the said corporation may erect and fix one gate or turnpike, & no more upon and across said road to collect the tolls and duties hereinafter granted to said company from all persons travelling in the same with horses, cattle, carts and carriages.—

And be it further enacted, That it shall and may be lawful for said corporation to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from every person or persons using said road the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, sheep, swine, sulkey, chair, chaise, phaeton, coach, stage, chariot, cart, waggon, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the same—that is to say—for every mile of said road, and so in proportion of a greater or less distance, or a greater or smaller number of cattle or carriages, to wit, for every ten sheep or swine, one cent; for every ten cattle or horses, two cents; for every horse and rider, or led horse, one cent; for every sulkey, chair or chaise, with one horse and two wheels, two cents; for every chariot, coach, stage, waggon, phaeton, or chaise with two horses and four wheels, four cents; for either of the carriages last mentioned, with four horses, six cents; for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burden drawn by one beast one cent and a half; for each cart or other carriage of burden drawn by two beasts, two cents; if by more than two beasts, one cent and a half for each additional yoke of oxen or pair of horses; for each sleigh or sled, drawn by one horse, one cent; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each sled drawn by one yoke of oxen, one cent and a half; if by more than one yoke, one cent for each additional yoke; and at all times when the toll-gatherer shall

not attend his duty, the gate shall be left open.—And if any person shall with his carriage, team, cattle or horses, turn off of the road to pass the said turnpike-gate on ground adjacent thereto with intent to avoid the payment of the toll due by virtue of this act, shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said corporation to the use thereof in an action of debt or on the case: Provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or funeral, or with his horse, team, or carriage, to and from any mill, or on the common and ordinary business of family concerns, within the town where he resides; nor of any officer or soldier of the militia under arms while passing to and from the place of military duty.—

And be it further enacted, That the said proprietors are hereby empowered to purchase and hold for the purpose aforesaid so much land as will be necessary for said turnpike road, and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for nonpayment of assessments duly made agreeable to the by-laws that may be agreed upon by said corporation.

And be it further enacted, That no toll shall be taken for any mile of said road until six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from Orford bridge aforesaid to the place where said road shall terminate; nor until the justices of the superior court of judicature shall adjudge that said road is sufficiently made to entitle said corporation to receive said toll—

And be it further enacted, That said corporation may be indicted for defect of repairs of said road after the toll-gates are erected, and fined in the same way and manner as towns are by law fineable for suffering roads to be out of repair; and said fine may be levied on the profits and tolls arising or accruing to said corporation.—

And be it further enacted, That at the end of every six years after the setting up of any toll-gate upon the road aforesaid, an account of the expenditures upon said road and the profits arising therefrom, shall be laid before the justices of the superior court of judicature for the time being, under the forfeiture of the privileges of this act in future; and if the nett profits for the said six years shall exceed nine per centum per annum, the said court may reduce the future toll so far as that it may not exceed nine per centum per annum.—

And be it further enacted, That if in five years the said road shall not be completed according to the provisions in this act, every part and clause thereof shall be null and void—Provided also, that the

State of New Hampshire may at any time after the expiration of forty years from the passing of this act repay the proprietors of said road the amount of the sums expended by them thereon with nine per centum per annum in addition thereto, deducting the toll actually received by said corporation, and in that case the said road shall to all intents and purposes be the property of the State of New Hampshire; any thing herein to the contrary notwithstanding.— Provided nevertheless that the Legislature of this State shall have a right to adopt such Measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep the said road in Repair—

## [CHAPTER 36.]

*State of*            }  
*New Hampshire.* }

## AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME OF THE PROPRIETORS OF WELLS RIVER BRIDGE

[Approved December 27, 1803. Original Acts, vol. 17, p. 144; recorded Acts, vol. 14, p. 285. See act of December 14, 1812, Session Laws, November, 1812, p. 25. By the acts of June 17, 1813, recorded Acts, vol. 20, p. 47, June 23, 1815, *id.*, p. 388, and June 21, 1817, Laws, 1815-24 ed., p. 116, the grant was extended.]

Be it enacted by the Senate and House of Representatives in General Court convened that Er Chamberlain Ezekiel Ladd, James Whitelaw, Moses Little Amos Kimball, William Abbot and their associates and Successors be and they hereby are incorporated and made a body corporate and politic, by the name of the Proprietors of Wells river Bridge, and by that name may sue and be sued, prosecute and be prosecuted to final Judgement and Execution, and hereby are invested with all powers and privileges which by Law are incident to corporations of a similar nature, subject however to the reservations herein after named.

And be it further enacted, that said Er Chamberlain or Ezekiel Ladd may call a meeting of said proprietors to be holden at any suitable time and place within the town of Haverhill in the County of Grafton by posting up notifications in said town of Haverhill and in the town of Newbury in the State of Vermont at least thirty days prior to said meeting, and the proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to a faithful discharge of the duties of his office, and shall also agree on a methhod of calling future meetings, may elect such officers and make and establish such rules and bye laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the pur-



poses aforesaid and for collecting the tolls and duties herein after established and the same bye laws may cause to be executed and annex penalties to the breach thereof, provided said Rules and bye laws be not repugnant to the laws and constitution of this State—and all representations shall be proved by writing signed by the person to be represented which shall be filed with the clerk, and this act and all rules regulations and bye laws and proceedings of said corporation shall be truly and fairly recorded by said clerk in a book or books to be provided and kept for that purpose—

And be it further enacted that said proprietors be and hereby are authorized to erect and keep in repair a Bridge over Connecticut river from Haverhill in this State to Newbury in the State of Vermont within two miles from where ammonoosac river unites with Connecticut river, that said proprietors shall have the exclusive privilege of erecting and keeping in repair a Bridge over said river within the limits aforesaid and are hereby empowered to purchase any lands adjoining said Bridge not exceeding three acres and to hold the same so long as they shall keep in repair a good and sufficient bridge at the place aforesaid, and the share or shares in said bridge may be transferred by will or deed duly executed acknowledged and recorded by the clerk of said proprietors on their records, and the share or shares of any of said proprietors may be sold by said corporation for nonpayment of assessment duly made agreeably to the bye laws that may be agreed on by said corporation, and said corporation may maintain and prosecute to final judgement and execution an action of debt or on the case against any proprietor or proprietors for the nonpayment of any assessment duly made agreeably to the bye laws as aforesaid—

And be it further enacted that for the purpose of reimbursing said proprietors the money by them expended in building and supporting said bridge, a toll be and hereby is granted and established for the benefit of said proprietors according to the rates following, namely— for each foot passenger one cent, for each horse and his rider, or leader four cents, for each chaise or other carriage of pleasure with two wheels and one horse ten cents, for each carriage of pleasure or with passengers with four wheels twenty cents, for the like carriage with four horses twenty five cents, for each Sleigh with one horse four cents, for each Sleigh with two horses eight cents, and two cents for each additional horse. for each cart waggon sled or other carriage of burden drawn by one beast four cents, for the like carriages drawn by two beasts eight cents, if by more than two four cents for each additional pair of horses, or yoke of oxen, for sheep and swine one quarter of a cent each, for cattle and horses three quarters of one cent each, and to each team one person only shall be allowed to pass free of toll, and at all times when the toll gatherer shall not attend his duty the gate shall be left open—and said corporation are hereby empowered to

erect and fix upon and across said Bridge a Gate and to appoint such and so many toll-gatherers as shall be necessary to collect and receive of and from all persons using said Bridge the rates of toll as above established, and to stop all and every person from passing the same until he she or they shall have respectively paid toll as aforesaid—

And be it further enacted that said corporation may be indicted for defect of repairs of said Bridge after said toll-gate is erected and while the same is kept up, and be fined in the same way and manner as towns are by law finable for suffering bridges to be out of repair and in case any special damage shall happen to any person or persons or to his or their team or teams cattle or carriages by means of the insufficiency or want of repair of said Bridge at any time when the Gate is kept up, the party injured or aggrieved shall recover his or their damages in any action of trespass on the case against said corporation in any court of competent jurisdiction—

And be it further enacted that there shall be and hereby is reserved to Er Chamberlain the present proprietor of Chamberlains ferry near said Wells river one share in said Bridge of fifty dollars, and also in case said Bridge shall hereafter be discontinued the privileges of the ferry aforesaid shall revert to said Chamberlain his heirs and assigns, any thing herein to the contrary notwithstanding—

And be it further enacted that if in three years from the passing of this act the said bridge shall not be completed, or if it shall be destroyed and not rebuilt and kept in repair for the space of two years, according to the provisions herein contained, this act and every part and clause thereof shall be null and void

### [CHAPTER 37.]

*State of*            )  
*New Hampshire.* )

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE CHARLESTOWN TURNPIKE CORPORATION—

[Approved December 27, 1803. Original Acts, vol. 17, p. 145; recorded Acts, vol. 14, p. 317.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Simeon Olcott, Samuel Stevens, John Hubbard, James Bingham, Roswell Hunt, Samuel Hunt, Oliver Hastings, and their associates and successors, be, and they hereby are, incorporated and made a body corporate and politic, under the name of The Charlestown Turnpike Corporation; and in that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution; and shall be, and hereby are, vested with all

the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, That the said Simeon Olcott and Samuel Stevens, or either of them, shall call a meeting of said proprietors by advertisement in the Farmers' Museum printed at Walpole, to be holden at any suitable time and place at least thirty days from the first publication of said advertisement; and the proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to a faithful discharge of his office, and shall also agree on a method of calling future meetings; may elect such officers and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid, and for collecting the tolls hereinafter established; and the same by-laws may cause to be executed and annex penalties to the breach thereof: provided the said rules and by-laws are not repugnant to the constitution and laws of this State. And all representations shall be proved by writing signed by the person to be represented, which shall be filed by the clerk; and this act and all rules and by-laws, regulations and proceedings, of said corporation, shall be fairly and truly recorded by said clerk in a book or books provided and kept for that purpose.

And be it further enacted, That said corporation are empowered to survey and lay out, make and keep in repair a turnpike road of four rods wide in such rout or track as in the best of their judgment shall combine shortness of distance with the most practicable ground from the eastwardly bank of Connecticut river, near the centre part of Charlestown, to the second turnpike road in Lempster.

And be it further enacted, That in case the said proprietors and the owner or owners of land through which the said road may run shall not agree on the compensation to be made for said land, and shall not agree in appointing persons to ascertain such compensation, the court of common pleas for the county of Cheshire, upon application of said proprietors, or of the said owner or owners, the adverse party having been first notified, may appoint a committee who shall ascertain the same in the same way as compensation is made to owners of land for highways as usually laid out, and execution on non-payment against said proprietors shall issue of course; provided that it shall not be lawful for said proprietors to make such road until the damage done to the owner or owners of land through which the same is laid out is ascertained and paid, or tender thereof made.

And be it further enacted, That the said corporation may erect and fix so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls and duties here-

inafter granted to said corporation from all persons travelling upon the same with horses, cattle, carts and carriages.—

And be it further enacted, That it shall and may be lawful for said corporation to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road the tolls and rates hereinafter mentioned, and to stop any person or persons riding, leading or driving, any horses, cattle, swine, sheep, sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled, or carriage of burden or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the same,— that is to say, for every mile of said road, and so in proportion for a greater or less distance, or a greater or smaller number of horses, cattle or carriages, to wit, for every ten sheep or swine, one cent; for every ten cattle or horses, two cents; for every horse and his rider, or led horse, one cent; for every sulkey, chair or chaise, with one horse and two wheels, two cents; for every chariot, coach, stage, waggon, phaeton, or chaise, with two horses and four wheels, three cents; for either of the carriages last mentioned with four horses, four cents; for every other carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burden drawn by one beast, one cent, for each cart, waggon or other carriage of burden drawn by two beasts, one cent and a half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh drawn by one horse, one cent; if drawn by two horses, two cents; and if by more than two horses, one cent for each additional horse; for each sled drawn by one horse, one cent; for each sled drawn by two horses or a yoke of oxen, one cent and a quarter; and if by more than two horses or one yoke of oxen, one cent for each additional pair of horses or yoke of oxen; and at all times when the toll-gatherer shall not attend his duty, the gate shall be left open. And if any person, shall with his carriage, team, cattle or horses, turn off from said road to pass the said turnpike gate on ground adjacent thereto, not being a public road, with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof, in an action of debt or on the case: provided, that nothing in this act shall extend to entitle said corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or a funeral, or with his horse, team or cattle, to or from any mill, or upon the common and ordinary business of family concerns within the town where he dwells, or of any officer or soldier of the militia, under arms, who shall be passing to or from the place of military duty; any thing herein to the contrary notwithstanding.



And be it further enacted, That the said proprietors are hereby empowered to purchase and hold for the purpose aforesaid so much land as will be necessary for said turnpike road, and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for non-payment of assessments duly made agreeable to the by-laws that may be agreed upon by said corporation.

And be it further enacted, That no toll shall be taken by said corporation for any mile of said road until six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from the place where said road shall begin to the place where the same shall terminate; nor until the justices of the superior court of judicature shall adjudge that said road is sufficiently made to entitle the corporation to receive said toll.—

And be it further enacted, That said corporation may be indicted for defect of repairs of said road after the toll-gates are erected, and fined in the same way and manner as towns are by law fineable for suffering roads to be out of repair; and said fines may be levied on the profits and tolls arising or accruing to said corporation.

Provided nevertheless, and be it further enacted, That if the said turnpike shall in any part be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway; any thing in this act to the contrary notwithstanding.

And be it further enacted, That at the expiration of every six years from the time of setting up any toll-gate, an account of the expenditures upon said road and the profits arising therefrom shall be laid before the justices of the superior court of judicature for the time being, under the penalty of forfeiting the privileges of this grant in future; and if the nett profits for said term of six years shall exceed Nine per centum per annum, the said court may reduce the future toll so far as that it shall not exceed said rate of Nine per centum nor be less than six per centum per annum.

And be it further enacted, That if in five years the said road shall not be completed according to the provisions in this act, every part and clause thereof shall be null and void: Provided also that the State of New Hampshire may at any time after the expiration of forty years from the passing of this act, repay the proprietors of said road the amount of the sum expended by them thereon with nine per centum per annum in addition thereto, deducting the toll actually received by said proprietors, and in that case the said road shall to all intents and purposes be the property of the State of New Hampshire; any thing in this act to the contrary notwithstanding.

Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future as Shall by them be considered necessary or expedient to compel the said proprietors to keep the said road in Repair—

## [CHAPTER 38.]

*State of* }  
*New Hampshire.* }

## AN ACT TO ALTER THE NAME OF JOSHUA DANFORD.

[Approved December 27, 1803. Original Acts, vol. 17, p. 146; recorded Acts, vol. 14, p. 330.]

Whereas Joshua Danford, of Boscawen, in the County of Hillsborough, hath petitioned the General Court, that his sirname may be altered, and hereafter be called and known by the name of Carlton; which appearing reasonable,

Therefore, Be it enacted by the Senate and House of Representatives, in General Court convened, that the above named Joshua Danford, be and hereby is, authorized to take the name of Joshua Carlton, and by that name shall sue and prosecute, and be sued and prosecuted, and in all cases whatever, shall be called, known and distinguished by the name of Joshua Carlton—

## [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

## AN ACT TO CONSTITUTE TWO COMPANIES OF CAVALRY IN THE TWENTIETH REGIMENT

[Approved December 27, 1803. Original Acts, vol. 17, p. 147; recorded Acts, vol. 14, p. 337. Laws, 1805 ed., p. 250.]

Be it Enacted by the Senate and House of Representatives in general Court convened. That there shall be two Companies of Cavalry, consisting of not more than forty rank & file each, annexed to the twentieth Regiment of Militia, and the officers and soldiers, belonging to the Cavalry, & residing within the towns of Walpole and Westmorland, shall constitute one of said companies And the Officers & Soldiers belonging to the Cavalry, & residing within the towns of Keene Surry Gilsum and Sullivan, shall constitute the other of said companies, and said Companies, shall be formed and the officers thereof appointed & Commissioned, agreeably to the laws of this State.

## [CHAPTER 40.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE THE PROPRIETORS OF THE TENTH TURNPIKE ROAD IN SAID STATE—

[Approved December 28, 1803. Original Acts, vol. 17, p. 148; recorded Acts, vol. 14, p. 294.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Obed Hall Stephen Wilson David Goodall Colman Colby and Nathan Barlow and their associates and successors be and they are hereby incorporated and made a Body corporate and politic forever under the name of the proprietors of the Tenth Turnpike Road in Newhampshire, and in that name may sue and prosecute and be sued and prosecuted to final Judgment and execution, and shall be and hereby are vested with all the powers and priviledges which by Law are incident to corporations of a Similar nature—

And be it further enacted that the said Obed Hall or Stephen Wilson shall call a Meeting of the said proprietors by Advertisement in the paper printed at Dover to be holden at any suitable time and place after fourteen days notice, and the proprietors by a vote of a majority of those present or represented at said Meeting accounting and alowing one Vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of said office, and shall agree on the method of calling future meetings, and at the same time or any subsequent meeting may elect such officers, and make & establish such rules and by-laws as to them shall seem necessary or convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid and for collecting the Toll herein after established and the same by-laws may cause to be executed, and anex penalties to the breach thereof not exceeding Twenty Dollars, provided the said rules and by-laws are not repugnant to the Constitution and Laws of this State—and Representation at any meeting of said Corporation shall be proved by writing signed by the person to be represented which shall be filed by the Clerk, and this Act and all rules by-laws regulations and proceedings of said corporation shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose—

And be it further enacted that the said Corporation are empowered to survey lay-out make and keep in repair a Turnpike Road or Highway of four rods wide, in such rout or tract as in the best of their judgment and skill will combine shortness of distance with the

most practicable Ground, from the uper line in Bartlett through the Noch in the white Hills containing twenty miles—

And be it further enacted that if said propreiters and the owners of Land through which the said Road may run shall not agree on the compensation to be made for said Land, and shall not agree in appointing persons to ascertain such compensation, then the Judges of the Superior court of Judicature holden within and for the County in which said Land lies, upon application of said proprietors or the owner or owners of such Land reasonable notice of such application having been given by the applicants to the adverse party, shall appoint a Committee who shall ascertain the same in the same manner as compensation is made to owners of Land for Highways as usually laid out and Execution on nonpayment shall issue against said proprietors of course provided that if said Road shall be laid out through the Land; of Residents it shall not be lawful for said proprietors to make said Road unless the damage done to the owners of the Land, through which the same is laid out, be ascertained and paid or tender thereof made

And be it further enacted that the said Corporation may erect and fix such and so many Gates or turnpikes upon and across said Road as will be necessary and sufficient to collect the Tolls and duties herein after granted to the said company from all persons traveling in the same with Horses Cattle Carts and Carriages—

And be it further enacted that it shall and may be lawful for said Corporation to appoint such and so many Toll gatherers as they shall think proper to collect and receive of and from all and every person and persons using the said Road the Tolls and rates hereinafter mentioned and to stop any person riding leading or driving any Horses Cattle Hogs Sheep Sulkey Chaise Phaeton Coach Chariot Cart Wagon Sleigh Sled or other carriage of burden or pleasure from passing through the said Gates or turnpikes untill they shall respectively have paid the same, that is to say for every Mile of the said Road and so in proportion for any greater or less distance or greater or smaller number of Sheep Hogs or Cattle. Viz; for every Ten sheep or Hogs one and half Cent, for every Ten Cattle or Horses three Cents, for every Horse and his rider or led Horse one and half Cent, for every Sulkey Chair or Chaise with two wheels three Cents—for every Chariot Coach Stage Wagon Phaeton or Chaise with two Horses and four wheels four and half Cents—for either of the Carriages last mentioned with four Horses Six Cents for every other Carriage of Pleasure the like sums according to the number of Wheels, and Horses drawing the same—for each Cart or other Carriage of Burden drawn by one Beast one and half Cent—for each Cart or other carriage of burden drawn by two Beasts two Cents—if by more than two Beasts for each additional Yoke of Oxen or pair of Horses one and half Cent—for each Sleigh drawn by one Horse one and half Cent if drawn by two Horses



three Cents if by more than two Horses one and half Cent for each additional Horse, for each Sled drawn by one Horse one and half Cent for each Sled drawn by two Horses or a Yoke of Oxen Two Cents if by more than two Horses or one yoke of Oxen one and half cent for each additional pair of Horses or yoke of Oxen—and at all times when the Toll gatherer shall not attend his duty the Gates shall be left open—

And be it further enacted that the said Proprietors are hereby impowered to purchase and hold in fee simple so much Land as will be necessary for said Turnpike Road and that the Share or Shares of any of Said Proprietors may be transferred by Deed duly executed Acknowledged and Recorded by the Clerk of said Proprietors on their Records and the Share or Shares of any Proprietors may be sold by Said Corporation on non payment of assessments duly made—

And be it further enacted that no Toll shall be taken by said Corporation for any mile of said Road untill Six hundred Dollars shall have been expended thereon or a proportionate sum upon the whole number of Miles reckning from the uper line in Bartlett and runing twenty Miles through the Noch of the white Hills to the place where any Toll Gate may be erected—

And be it further enacted that said Corporation may be indicted for any defect of repairs of said Road after the Toll Gates are erected and fined as Towns are by Law finable for suffering Roads to be out of repair, and said fines may be levied on the profits and Tolls arising or accruing to said proprietors—

Provided nevertheless and be it further enacted that no Toll shall be demanded or taken of any person who shall be passing with his Horse or Carriage to or from public worship or with his Horse Team or Cattle or on foot to or from any Mill or their common or ordinary business of Family concerns within the Town where such persons belong

And be it further enacted that when said Proprietors shall make it appear to the Judges of the Court of common pleas for the County in which said Turnpike road lies—that they have expended said sum of Six hundred Dollars on each Mile or a proportionable sum as aforesaid said Justices being convinced that the Road is made passable agreeable to the intent of this Act—the Proprietors shall have liberty to erect the Gates as aforesaid

And be it further enacted that at the end of every six years after the sitting up of any Toll Gates an account of the expenditures upon said Road and the profits arising therefrom shall be laid before the Legislature of this State, under the forfeiture of the previledges of this Act in future, and a right is hereby Reserved to said Legislature to reduce the rates of Toll before mentioned as they may think proper—so however that if the neat profits shall not amount to more

than nine per cent per annum the said rates of Toll shall not be reduced—

Provided nevertheless and be it further enacted that when the neat income of the Toll shall amount to the sum which the Proprietors have expended on said Road with nine per cent on such sums so expended from the time of their actual disbursements—the said Road with all its rights priviledges and appurtenances shall revert to the State of Newhampshire and become the property thereof to all intents and purposes—anything in this Act to the contrary notwithstanding—

And be it further enacted that if in Six years from the passing this Act the said road shall not be compleated according to the provision of this Act every part and clause thereof shall be null and void—

Provided also that the State of Newhampshire may at any time after the expiration of Forty years from the passing this Act—pay the Proprietors of said Road the amount of the sums expended by them thereon with Nine per cent per annum in addition thereto deducting the toll actually received by the Proprietors and in that case the said Road with all its prevelidges and appurtenances shall to all intents and purposes be the property of the State of Newhampshire anything in this Act to the contrary notwithstanding Provided nevertheless that the Legislature of this State shall have a right to adopt Such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep the said road in repair—

#### [CHAPTER 41.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING BENJAMIN HUTCHINSON AND OTHERS  
BY THE NAME AND STYLE OF THE PROPRIETORS OF THE MILFORD  
CANAL—

[Approved December 28, 1803. Original Acts, vol. 17, p. 149; recorded Acts, vol. 14, p. 305.]

Whereas Benjamin Hutchinson and Others have petitioned to be incorporated for the purpose of Cutting and Opening a Canal from the waters of Souhegan River near the west part of the Town of Milford into the waters of the Merrimac or Nashua river near the Confluence of the Nashua—

And Whereas it is represented that sundry Persons are ready to raise funds sufficient for the Purpose of Opening said Canal—

Therefore Be it enacted by the Senate and House of Representatives in General Court conven'd that the said Benjamin Hutchinson, Solomon Hopkins, James Wallace, Benjamin Lewis, William Crosby, Benjamin French, Jonathan Jones, Robert Fuller, Oliver Spaulding, Bartholomew Hutchinson, Charles Tuttle and their Associates and Successors are hereby incorporated and shall be a Corporation forever under the Name of the Proprietors of the Milford Canal and by that Name may Sue and Prosecute and be sued and Prosecuted to final Judgment and Execution—And shall be and hereby are vested with all Powers and Priviledges which are by law incident to corporations of a similar Nature—

And Be it further enacted by the Authority aforesaid that the said Proprietors or any three of them may make their Application to any Justice of the Peace in and for the County of Hillsborough whereupon such Justice is hereby impowered to issue his warrant to one of said Proprietors directing him to warn and Notify said Proprietors to meet at such time and Place in said Town of Milford as he shall therein direct to agree on such Method as may be thought proper for calling meetings of said Proprietors for the future and to do and transact such matters and things relating to the said Proprietors as shall be expressed in the Warrant And the Proprietor to whom such Warrant shall be directed shall give Notice to said Proprietors by causing the same or the substance thereof to be Published in the Amherst Newspaper fourteen days before the holding of said Meeting to be lodged with the Clerk that shall then and there be Chosen,—And the said Proprietors may at the same or any Other legal meeting Chuse a Clerk who shall be sworn to the faithful discharge of his trust, Treasurer and Other Officer or Officers of the Corporation that they may deem Necessary, and make and establish such rules and bye laws as to them shall seem Necessary and Convenient for the regulation and government of said corporation and for collecting the Tolls herein after established; and the same bye laws may cause to be executed and Annex penalties to the breach thereof not exceeding twenty dollars for each Offence—Provided the said rules and bye laws are not repugnant to the constitution and Laws of this State. And every Proprietor in person or by Representation shall be allowed in the Proprietary meetings One Vote for each share he shall hold in said Corporation which shall not be divided into more than six hundred shares, provided no one Proprietor shall have a right to more than twenty five Votes on any Occation and All representations to be Proved in writing signed by the Person making the same by special Appointment which shall be filed with the Clerk, And this Act and all rules, regulations votes and bye laws of the said Corporation shall be fairly and truly recorded by the said Clerk in a book or books for that purpose to be provided and kept—and the said Corporation are hereby authorised and impowered to lay out make and keep in repair a Canal in the

direction aforesaid provided the said Canal and the land to be used and Occupied for the convenience of the same shall not exceed eight rods in width—

Provided that whereas it may be necessary in the prosecution of the foregoing business that the property of private persons may (as in case of Highways) be appropriated for the public use, in Order that no person may be damaged by the digging and Cutting said Canal through his land by removing Mills or Mill dams diverting water courses or flowing his land by the Proprietors aforesaid without receiving full and Adequate compensation therefor—Therefore be it enacted by the Authority aforesaid that in all cases where the Proprietors of said Canal and the Owner or Owners of land over or through which said Canal may pass, or any Person whose real Estate may be damaged by said Canal shall not agree on the Compensation to be made therefor and shall not agree in Appointing persons to Ascertain such compensation the Judges of the superior Court in the County of Hillsborough upon Application of either party, reasonable Notice thereof having been given by the Applicant to the adverse party, shall Appoint a Committee to Ascertain the Compensation to be made to the person so damaged and what Bridges the said Proprietors shall make and support across said Canal and the report of said Committee being Accepted by the said Court and Judgment thereon rendered the same shall be considered as the sum to be paid by the said Proprietors to the person or persons so damaged, And it shall not be lawful for the Proprietors of said Canal to break the land of any person untill his damages have been ascertained & paid or tender thereof has been made. And if any person so damaged shall be dissatisfied with the report of said Committee and the Judgment thereon rendered he may at any time within one Year after the Rendition of said Judgment Apply to the Justices of the Superior Court in said County for a new trial which shall be granted as in Common Cases and shall be by Jury, if requested by either party, the verdict of which Jury being Approved by said Court and Judgment thereon rendered shall be final and conclusive between the parties. And if Judgment shall be rendered against said Corporation execution thereon shall be levied on the property of said Corporation or of any individual belonging thereto who shall be idemnified therefor by said Corporation—Provided Nevertheless that if the waters from said Canal shall at any time after the rendition of Judgment as aforesaid overflow or Otherwise damage the land or buildings of any person he may recover his damages for the same of said Proprietors by a special Action on the case in any Court of Competent Jurisdiction and Execution therefor shall be levied in manner aforesaid—

And 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 dam Canal or lock or part thereof, designed for the purpose aforesaid, damnify, carry away, or set afloat to be Carried away any boards, planks, Joist or Other timber or Meterials 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 and Jury before whom the trial shall be make appear that they have sustained by Means of the same trespass to be sued for and recovered in any Court proper to try the Same—

And be it further enacted by the Authority aforesaid that the Proprietors aforesaid be and they hereby are Authorized and im-powered to purchase and hold to them and their successors forever so much land and real estate as may be Necessary for the purchase aforesaid. And that the Property of no individual Proprietor in said Canal shall be conveyed but by a Deed properly executed and recorded in the Records of the Corporation by the Clerk of the same—

And be it further enacted by the Authority aforesaid that for the purpose of reimbursing the said Proprietors the money by them expended in building and supporting the dams, Canal and locks and Clearing the passages Necessary for the purpose aforesaid a Toll be and is hereby granted and established for the sole benefit of the Proprietors according to the rates following (viz) for Ton weight, that shall be transported in boats or Other Vessels through said Canal eight cents for each Mile, for all Masts, timber and lumber floated on Raft or Otherwise through the same Canal eight cents a Ton for each mile—

And be it further enacted by the Authority aforesaid, that there shall be Tollgatherers and Others to attend all locks on said Canal in the day time and on the same Canal at suitable places who shall give constant attendance at their Respective stations during the whole of the season for boats and rafts to pass and on the toll being paid shall immediately permit passengers with their property to pass the said locks and Canal—And the toll shall commence on said Canal as soon as the same or any part thereof shall be compleated and shall Continue forever—

And be it further enacted by the Authority aforesaid that if the said company shall not proceed to begin the said Canal within three Years after the passing this Act, or shall not within seven Years from the end of said three Years Complete the same According to the true intent and Meaning of this Act then in either of those cases it shall and may be lawful for the Legislature of this State to resume all and singular the rights priviledges and franchises hereby granted—

## [CHAPTER 42.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING THE SELECTMEN OF ANY TOWN IN THIS STATE  
TO MAKE ROADS AND STREETS WIDER AND STRAIGHTER.

[Approved December 28, 1803. Original Acts, vol. 17, p. 150; recorded Acts, vol. 14, p. 361. Laws, 1805 ed., p. 330; id., 1815 ed., p. 386. Repealed July 3, 1829, id., 1830 ed., p. 573.]

Be it enacted by the Senate and House of Representatives in General Court convened that at any time hereafter when there shall be occasion to make any of the Roads or Streets in any town in this State wider or straighter, the Selectmen of such town be and hereby are empowered if they see cause to make the same wider and straighter, in such places and in such manner as they shall think proper, and the said Selectmen shall also estimate the damage done to any Owner of land annexed by them to any Road or Street for the purpose of widening or straightening the same, and such damage shall be paid by the said town, Provided that such Selectmen shall in all cases notify the Owner or Owners, or tenant in possession of such lands, as they may appropriate for highways, previous to their laying out the same or estimating the damage, provided such Owner or tenant live within such town.

And be it further enacted, that in all cases when the Selectmen of any town in this State shall make any of the aforesaid Alterations in any highway they shall make Return of the same to the town Clerk, who shall record the same, And any person, who may think himself agrieved by not having a sufficient allowance made him by the Selectmen of any town for damage he may sustain, may apply by petition to the next Court of Common Pleas to be holden in the County where said town lies, which Court may enquire into the same, and order such damages as they may on hearing the parties, or such of them as may attend, on due notice given, think proper, and the said Court, in all Cases of Application to them may order either of the parties, as they may think just to pay cost, and in all Cases may issue Execution for damages and Cost, or Cost only as in other Cases.—

## [CHAPTER 43.]

*State of* }  
*New Hampshire.* }

AN ACT FOR MAKING AND ESTABLISHING A NEW PROPORTION FOR THE ASSESSMENT OF PUBLIC TAXES, AMONG THE SEVERAL TOWNS AND PLACES WITHIN THIS STATE: AND TO AUTHORIZE THE TREASURER TO ISSUE HIS WARRANTS ANNUALLY FOR LEVYING THE SAME.—

[Approved December 28, 1803. Original Acts, vol. 17, p. 151; recorded Acts, vol. 14, p. 380. Session Laws, November, 1803, p. 11. Laws, 1805 ed., p. 233.]

Be it enacted by the Senate and House of Representatives in General Court convened that of every thousand dollars of public taxes hereafter to be raised, the proportion which each Town and Place within this State shall pay and for which the Treasurer of this State is hereby authorized and directed to issue his warrants shall be as follows to wit.—

## COUNTY OF ROCKINGHAM.

Allenstown one Dollar and twenty four cents	1 24
Atkinson three dollars and twenty six cents	3 26
Bow three dollars and thirty one cents	3 31
Brintwood six dollars and eight cents	6 08
Candia six Dollars and sixty seven cents	6 67
Canterbury eight dollars and ten cents	8 10
Chester Eleven dollars and nineteen cents	11 19
Chichester three dollars and thirty seven cents	3 37
Concord ten dollars and eighty two cents	10 82
Deerfield eleven dollars and twenty two cents	11 22
East Kingstown three dollars and two cents	3 02
Epping eight Dollars and eighteen cents	8 18
Epsom six Dollars	6 00
Exeter eight dollars and eighty six cents	8 86
Greenland four dollars and fifteen cents	4 15
Hampstead four dollars and twenty two cents	4 22
Hampton six dollars and thirty two cents	6 32
Hampton, falls three dollars and fifty three cents	3 53
Hawke, two dollars and forty five cents	2 45
Kensington five dollars and seventeen cents	5 17
Kingston four dollars and thirteen cents	4 13
Londonderry fifteen dollars and twenty cents	15 20
Loudon seven dollars and fifty seven cents	7 57
New Castle one dollar and sixty six cents	1 66

Newington two dollars and seventy nine cents	2 79
New Market five dollars and forty seven cents	5 47
Newtown, two dollars and fifty five cents	2 55
Northfield four dollars and twenty five cents	4 25
North Hampton four dollars and thirty four cents	4 34
Northwood six dollars and fifty six cents	6 56
Nottingham five dollars and seventy four cents	5 74
Pelham five dollars and thirty four cents	5 34
Pembroke six dollars and forty eight cents	6 48
Pittsfield five dollars and ninety seven cents	5 97
Plastow two dollars and fifty cents	2 50
Poplin two dollars and fifty two cents	2 52
Portsmouth twenty seven dollars & eighty five cents	27 85
Raymond four dollars and twenty one cents	4 21
Rye four Dollars and seventy seven cents	4 77
Salem six dollars and seventy one cents	6 71
Sandown three dollars and twelve cents	3 12
Seabrook three dollars and thirty cents	3 30
South Hampton two dollars and eighty six cents	2 86
Stratham four dollars and fifty six cents	4 56
Windham three dollars and ninety three cents	3 93

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 261 54

## COUNTY OF STRAFFORD

Alton four dollars and thirty six cents	4 36
Barnstead five dollars and fifty five cents	5 55
Barrington thirteen dollars and thirty nine cents	13 39
Brookfield three dollars and ten cents	3 10
Burton eighty two cents	0 82
Centre Harbour one dollar and fifty two cents	1 52
Conway four dollars and sixty six cents	4 66
Dover twelve dollars and twelve cents	12 12
Durham seven dollars and ninety seven cents	7 97
Eaton one dollar and fifty eight cents	1 58
Effingham three dollars and eleven cents	3 11
Farmington five dollars and eighty seven cents	5 87
Gilmantown Nineteen dollars and sixty six cents	19 66
Lee five dollars and sixty one cents	5 61
Madbury three dollars and forty eight cents	3 48
Meredith eight dollars and nineteen cents	8 19
Middleton two dollars and fifteen cents	2 15
Moultenborough four dollars and two cents	4 02
Milton four Dollars and fifty one cents	4 51
New Durham three dollars and ninety seven cents	3 97
New Hampton four dollars eighty nine cents	4 89



Rochester nine dollars and sixty one cents	9 61
Ossippee three dollars and ninety Seven cents	3 97
Sandbornton twelve dollars and sixty five cents	12 65
Somersworth four dollars and thirty four cents	4 34
Sandwich seven dollars and forty cents	7 40
Tamworth four dollars	4 00
Tuftonborough two dollars and fifty nine cents	2 59
Wakefield five dollars and fifty one cents	5 51
Wolfeborough five dollars and seventy cents	5 70
Hales Location—eight cents	0 8
Ossipee Gore thirty nine cents	0 39
	<hr/>
	176 77

## COUNTY OF HILLSBOROUGH.

Amherst six dollars and eighty three cents	6 83
Andover four Dollars and sixty five cents	4 65
Antrim five Dollars and twenty five cents	5 25
Bedford six Dollars and four cents	6 04
Boscawen seven dollars and ninety five cents	7 95
Brookline one dollar and eighty three cents	1 83
Bradford three dollars and forty one cents	3 41
Dearing six dollars and fourteen cents	6 14
Derryfield two dollars and twenty cents	2 20
Dunbarton five dollars and ninety three cents	5 93
Dunstable three dollars and forty three cents	3 43
Fishersfield two dollars and six cents	2 06
Francestown seven dollars and twelve cents	7 12
Goffstown eight dollars and forty two cents	8 42
Greenfield five dollars and four cents	5 04
Hancock five dollars and twenty three cents	5 23
Henniker eight dollars and twenty nine cents	8 29
Hillsborough seven dollars and forty five cents	7 45
Hollis six dollars and fifty seven cents	6 57
Hopkinton twelve dollars and ninety seven cents	12 97
Lyndborough four Dollars and sixty eight cents	4 68
Litchfield two dollars and four cents	2 04
Kearsarge Gore seventy one cents	0 71
Mason four Dollars and sixty eight cents	4 68
Merrimac four dollars and seventy four cents	4 74
Milford four Dollars	4 00
Mont Vernon three dollars and forty one cents	3 41
New Boston eight dollars and twenty eight cents	8 28
New Ipswich six dollars and thirty nine cents	6 39
New London two dollars and seventy seven cents	2 77
Nottingham West five Dollars thirty one cents	5 31

Peterborough seven Dollars and thirty two cents	7 32
Salisbury nine Dollars and fifty eight cents	9 58
Sharon one dollar and eighty seven cents	1 87
Society land Ninety two cents	0 92
Sutton three dollars and seventy five cents	3 75
Temple three dollars and ninety six cents	3 96
Warnar six dollars and ninety six cents	6 96
Weare twelve dollars and ninety one cents	12 91
Wilton five dollars and thirty seven cents	5 37
Windsor one Dollar and eight cents	1 08

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 217 54

## COUNTY OF CHESHIRE

Acworth six dollars and ninety nine cents	6 99
Alstead eight dollars and eighty five cents	8 85
Charlestown seven dollars and eighty one cents	7 81
Chesterfield nine dollars and seventy five cents	9 75
Claremont ten dollars and eighty seven cents	10 87
Cornish seven dollars and eighty six cents	7 86
Croydon four dollars and twenty six cents	4 26
Dublin five dollars and eighty four cents	5 84
Fitzwilliam five dollars and ninety one cents	5 91
Gilsum two dollars and nineteen cents	2 19
Goshen two Dollars and thirteen cents	2 13
Hinsdale two Dollars and ninety nine cents	2 99
Jaffrey seven dollars and fifty two cents	7 52
Keene Nine Dollars and forty nine cents	9 49
Langdon three dollars and twenty eight cents	3 28
Lempster four dollars and twenty seven cents	4 27
Marlborough five dollars and eighty seven cents	5 87
Marlow two dollars and ninety five cents	2 95
New Grantham four dollars and seventeen cents	4 17
New Port six dollars and sixty seven cents	6 67
Packersfield five Dollars and thirty eight cents	5 38
Plainfield seven dollars and seventy eight cents	7 78
Richmond six dollars and thirteen cents	6 13
Rindge six dollars and three cents	6 03
Springfield three dollars and six cents	3 06
Stoddard five Dollars and sixty six cents	5 66
Surry three dollars and thirty seven cents	3 37
Sullivan two dollars and ninety six cents	2 96
Swansey seven dollars and twenty one cents	7 21
Unity five dollars and twenty cents	5 20
Walpole eleven dollars and seventeen cents	11 17
Washington four dollars and twenty six cents	4 26

Wendell one dollar and ninety one cents	1 91
Westmoreland nine dollars thirty seven cents	9 37
Winchester eight Dollars and thirty one cents	8 31
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	207 47

## COUNTY OF GRAFTON

Alexandria one dollar and seventy two cents	1 72
Adams, sixty nine cents	0 69
Bartlett one dollar and forty cents	1 40
Bath four Dollars and ninety eight cents	4 98
Bethlehem one dollar and thirty seven cents	1 37
Bridgewater three dollars and twenty eight cents	3 28
Britton Woods twenty seven cents	0 27
Cambridge forty three cents	0 43
Campton three dollars and forty six cents	3 46
Canaan five dollars and six cents	5 06
Chatham seventy five cents	0 75
Cockburne ninety five cents	0 95
Colebrook one Dollar and twenty nine cents	1 29
Concord three dollars and eighty two cents	3 82
Coventry fifty five cents	0 55
Dalton eighty eight cents	0 88
Danbury eighty nine cents	0 89
Dorchester two dollars and thirty cents	2 30
Dummer fifty five cents	0 55
Enfield six dollars and fifty cents	6 50
Ellsworth thirty four cents	0 34
Errol fifty five cents	0 55
Franconia ninety four cents	0 94
Grafton three dollars and twenty nine cents	3 29
Groton two dollars and eight cents	2 08
Hanover eight Dollars and twenty nine cents	8 29
Haverhill five dollars and fifty nine cents	5 59
Hebron one dollar and seventy eight cents	1 78
Jefferson one Dollar and ten cents	1 10
Kilkenney sixty three cents	0 63
Lancaster two dollars and seventy six cents	2 76
Landaff two dollars and eighty six cents	2 86
Lebanon eight Dollars and eighty cents	8 80
Lime six Dollars and seventy six cents	6 76
Lincoln sixty cents	60
Littleton two dollars and seventy six cents	2 76
Lyman three Dollars and eight cents	3 08
Millsfield fifty five cents	0 55
New Chester three dollars and thirty one cents	3 31

New Holderness three dollars and one cent	3 01
Northumberland one dollar and seventy cents	1 70
Orange eighty five cents	0 85
Orford five Dollars and ninety cents	5 90
Peeling eighty two cents	0 82
Piercy ninety five cents	0 95
Piermont three Dollars and forty two cents	3 42
Plymouth four Dollars and twenty five cents	4 25
Rumney three dollars and ten cents	3 10
Stratford one dollar and fifty eight cents	1 58
Shelburne and addition one Dollar and twenty six cents	1 26
Success fifty four cents	0 54
Stewartstown one dollar and twenty five cents	1 25
Thornton two dollars and forty two cents	2 42
Warren two dollars and fifteen cents	2 15
Wentworth two dollars and sixty seven cents	2 67
Wales's location seventeen cents	0 17
Warners location nine cents	0 9
Maynesborough sixty one cents	0 61
Paulsburgh fifty five cents	0 55
Whitefields eighty cents	0 80
Durand eighty eight cents	0 88
William Ervings location ten cents	0 10
Barkers location ten cents	0 10
Nash and Sawyer's location Seven cents	0 7
Samuel Sherburnes & al <sup>s</sup> D <sup>o</sup> five cents	0 5
Rindge and Pierce D <sup>o</sup> five cents	0 5
Blanchards Gore seven cents	0 7
Dames Gore six cents	0 6
	<hr/>
	136 68
County of Rockingham	261 54
Strafford	176 77
Hillsborough	217 54
Cheshire	207 47
Grafton	136 68
	<hr/>
	1000 00

And be it further enacted that the same shall be the proportion for the assessment of all public taxes untill a new proportion shall be made and established: and that the Treasurer for the time being issue his warrants accordingly.



## [CHAPTER 44.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE COVENTRY TURNPIKE CORPORATION—

[Approved December 29, 1803. Original Acts, vol. 18, p. 1; recorded Acts, vol. 14, p. 255. See acts of July 6, 1839, Session Laws, June, 1839, Chap. 31, and June 20, 1840, id., June, 1840, Chap. 511.]

Be it enacted by the Senate and house of Representatives in general court convened, that Jonathan Hale, Stephen P. Webster John W. Chandler and their associates and successors be and they hereby are incorporated and made a body corporate and politic under the name of the Coventry Turnpike Corporation: and in that name may sue and prosecute, and be sued and prosecuted to final Judgement and execution and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature—

And be it further enacted that the said Jonathan Hale or John W. Chandler shall call a meeting of said Proprietors by advertizement in the Dartmouth Gazettee printed at Hanover to be holden at any suitable time and place at least thirty days from the first publication of said advertisement; and the proprietors by a vote of a majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases shall choose a Clerk who shall be sworn to the faithfull discharge of the duties of his office: and shall also agree on a method of calling future meetings, and at the same or at any subsequent meeting may elect such officers and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid, and for collecting the tolls hereinafter established; and the same by laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and by laws are not repugnant to the constitution and laws of this State—and all representations shall be proved by writing signed by the person to be represented which shall be filed with the Clerk; and this act, and all rules, regulations, and proceedings of said corporation shall be fairly and truly recorded by the Clerk in a Book or Books provided and kept for that purpose—And be it further enacted that the said corporation are empowered to survey, lay out, make and keep in repair a turnpike road four rods wide in such rout or track as in the best of their Judgement shall combine shortness of distance with the most practicable ground from or near the guide Post in Warren (at the fork of the roads) (one leading to Haverhill corner the other to Coven-

try) unto or near the old Court house in Haverhill. And be it further enacted that in case the proprietors and owners of land through which said road may run shall not agree on the compensation to be made for said land the Superiour Court of Judicature holden within and for the County in which said land lies upon the application of the said Proprietors or of the owner or owners of such land may appoint a Committee to ascertain the compensation and issue execution therefor against said Proprietors in case of non payment, provided nevertheless that no labour shall be done on said road untill the said damages so assessed are actually paid or tendered or such security given as shall be satisfactory to the owner or owners of the land through which said road shall pass, provided said land is owned by an inhabitant of the town where such land lies.— And be it further enacted that the said Corporation may erect and fix so many gates or turnpikes upon and across said road as will be necessary and convenient to collect the tolls and duties herein after granted to said company from all persons travelling in the same with horses, Cattle, carts and carriages—

And be it further enacted that it shall and may be lawfull for said company to appoint such and so many toll gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road the tolls and rates herein after mentioned, and to stop any person riding, leading, or driving any horses, cattle, swine, sheep, sulkey, chair, chaise phaeton coach, charriot, cart, waggon, sleigh sled, or any other carriage of burden or pleasure from passing through the said gates or turnpikes untill they shall have respetively paid the same, that is to say for every mile of said road and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages to wit for every ten sheep or swine one cent; for every ten cattle or horses two cents; for every horse and rider or led horse one cent; for every sulkey, chair, or chaise, with one horse and two wheels two cents; for every charriot coach, stage, phaeton, or chaise with two horses and four wheels four cents; for every carriage of pleasure the like sums, according to the number of wheels and horses drawing the same—for each cart or other carriage of burden drawn by one beast one cent; for each cart waggon or other carriage of burden drawn by two beasts one cent and a half; if drawn by more than two beasts one cent for each additional yoke of oxen or pair of horses; for each sleigh drawn by one horse one and a half cent; if drawn by two horses two cents; if by more than two horses one cent for each additional horse; for each sled drawn by one beast one cent, if drawn by two beasts one cent and a half; if by more than two beasts one cent for each additional yoke of oxen or pair of horses; And at all times when the toll gatherer shall not attend his duty the gate shall be left open. And if any person shall with his carriage, team, cattle or Horses turn off from said road to pass said turnpike

gate on ground adjacent thereto (said ground not being a public highway) with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been to be recovered by the Treasurer of said corporation to the use thereof in an action of debt or on the case, provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with his horse or carriage to or from Public worship or funeral or with his horse team or cattle to or from any mill or on the common or ordinary business of family concerns within the town where such person resides; nor of any officer or soldier of the Militia under arms while passing to and from the place of military duty—And be it further enacted, that the said corporation are hereby empowered to purchase and hold for the purpose aforesaid so much land, as will be necessary for said Turnpike road and the Share or shares of any of said proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of said Corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for nonpayment of assessments duly made agreeably to the by laws that may be agreed upon by said Corporation.— And be it further enacted that no toll shall be taken by said corporation for any mile of said road untill six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from the guide post aforesaid to the place where said road shall terminate, nor untill the Justices of the Superiour Court of Judicature shall adjudge the said road sufficiently made to entitle said corporation to receive said toll. And be it further enacted that said corporation may be indicted for defect of repairs of said road after the toll gates are erected and fined in the same way and manner as towns are by law finable for suffering roads to be out of repair and said fine may be levied on the profits and toll arising or accruing to said corporation— And be it further enacted that at the end of every six years after setting up of any toll-gate as aforesaid an account of the expenditures of laying out and making said road and of the profits arising therefrom shall be laid before the Justices of the Superiour Court of Judicature for the time being under the forfeiture of the privileges of this grant in future, and if the nett profits for the said six years shall exceed nine per centum per annum the said Court may reduce the future toll so far as that it may not exceed nine per centum per annum, Provided nevertheless and be it further enacted that if the said turnpike shall in any part be the same with any high way now used, it shall not be lawfull for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway any thing in this act to the contrary notwithstanding.—

And be it further enacted that if in six Years the said road shall not be completed according to the provisions of this act every part and clause thereof shall be null and void: Provided allso that the State of New Hampshire may at any time after the expiration of forty years from the passing of this act repay the Proprietors of said road the amount of the sum expended by them thereon with nine per centum per annum in addition thereto deducting the toll actually received by the proprietors and in that case the said road shall to all intents and purposes be the property of the State of New Hampshire any thing herein to the contrary notwithstanding. Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep the said road in repair

## [CHAPTER 45.]

*State of*                    }  
*New Hampshire.*        }

## AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE ANDROSCOGGIN BRIDGE—

[Approved December 29, 1803. Original Acts, vol. 18, p. 2; recorded Acts, vol. 14, p. 266.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that Jonathan Peele, Jacob Ashton, George Crowningshield, John Jenks, and their Associates and successors be and they hereby are incorporated, and made a body Corporate and politic by the name of the proprietors of the Androscoggin Bridge, and by that name may sue, and be sued, prosecute and be prosecuted, to final Judgment and Execution and hereby are invested with all the powers and privileges which by law are incident to Corporations of a similar nature, subject however to the reservations herein-after named—

And be it further enacted, that said Jacob Ashton may call a meeting to be holden at any suitable time and place within the Town of Errol, in the County of Grafton, by posting up notifications in said Errol, at least thirty days prior to said meeting, and the proprietors by a vote of a majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to a faithful discharge of the duties of his office. and shall also agree on a method of calling future meetings, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and Government of said Corpora-



tion for carrying into effect the purposes aforesaid, and for collecting the tolls and duties herein after established, and the same by-laws may cause to be executed and annex penalties to the breach thereof, provided said Rules & By-laws be not repugnant to the laws and Constitution of this State—

And all Representations shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, and this act and all Rules Regulations and by-laws, and proceedings of said Corporation shall be truly and fairly recorded by said Clerk in a Book or Books to be provided and kept for that purpose—

And be it further enacted that said Proprietors be and hereby are authorised to erect and keep in repair a Bridge over Androscoggin River in Errol aforesaid on a contemplated Road from the upper Coos to Hollowel in the District of Maine, That said proprietors shall have the exclusive privilege of erecting and keeping in Repair a Bridge over said River on the rout aforesaid, and are hereby empowered to purchase any lands adjoining said Bridge not exceeding One Acre, and to hold the same so long as they shall keep in repair a good and sufficient Bridge on the rout aforesaid,—And the share or shares in said Bridge may be Transferred by will or Deed duly executed acknowledged and recorded by the Clerk of said proprietors on their Records, and the share or shares of any of said proprietors may be sold by said Corporation for non-payment of assessments duly made agreeably to the By-laws, that may be agreed on by said Corporation, And the said Corporation may maintain and prosecute to final Judgment and Execution an action of debt, or on the Case against any proprietor or proprietors for the non-payment of any assessment duly made agreeably to the by laws, as aforesaid

And be it further enacted, That for the purpose of reimbursing said Proprietors the money by them expended in building and supporting said Bridge, a toll be and hereby is granted and established for the benefit of said proprietors, according to the Rates, following, Namely, for each foot passenger one Cent, for each Horse and his rider or leader Six Cents, for each Chaise or other carriage of pleasure, with two wheels and one Horse Twelve Cents, for each carriage of pleasure or with passengers, with four wheels twenty Cents, for the like carriage with four Horses twenty-five Cents, for each sleigh with one Horse six Cents, for each sleigh with two Horses ten Cents, and two Cents for each additional Horse, for each Cart, Wagg<sup>n</sup> sled or or other carriages of burden drawn by one beast six Cents, for the like carriage's drawn by two beasts ten Cents, for each additional pair of Horses, or Yoke of oxen four Cents, for Sheep and swine one half of a cent each for Cattle and Horses one Cent each, and to each team one person only shall be allowed to pass free of toll,—And at all times when the toll gatherer shall not attend his duty the gate shall be left open, And said Corporation are hereby empowered to erect & fix upon and across said Bridge

a Gate, and to appoint such and so many toll gatherers as shall be necessary to collect and receive of and from all persons using said Bridge, the rates of toll above established and to stop all and every person from passing the same untill he, she or they shall have respectively paid toll as aforesaid—

And be it further enacted, that said Corporation may be indicted for defect of repairs of said Bridge after said toll gate is erected and while the same is kept up, and be fined in the same way and manner as Towns are by law finable for suffering Bridges to be out of Repair, and in case any special damage shall happen to any person or persons, or to his or their team or teams, Cattle or Carriages by means of the insufficiency or want of Repair of said Bridge, at any time when the gate is kept up the party injured or aggrieved shall recover his or their damages in an action of Trespass on the case against said Corporation in any Court of Competent Jurisdiction—

And be it further enacted that if within two years from the passing of this Act the said Bridge shall not be completed or if it shall be destroyed and not rebuilt and kept in repair for the space of two years, according to the provisions herein Contained this Act and every part and clause Thereof shall be null and void—

And be it further enacted, That after the term of ten Years from completing said Bridge the Rates of toll shall be subject to the controul of the Superior Court—

#### [CHAPTER 46.]

*State of* }  
*New Hampshire.* }

AN ACT—TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER THE RIVER MERIMAK, AT A PLACE CALLED CLEMENTS' FERRY FROM BOSCAWEN, TO CANTERBURY & FOR SUPPORTING THE SAME

[Approved December 29, 1803. Original Acts, vol. 18, p. 3; recorded Acts, vol. 14, p. 339. See additional act of December 10, 1816, *id.*, vol. 20, p. 496.]

Whereas a bridge over said river, at the place abovementioned will be of public Utility And whereas David McCrillis has Petitioned the General Court for liberty to build the Same and to be incorporated for that purpose—Therefore;

Be it enacted, by the Senate and house of Representatives, in General Court convened, That the person above named, together with his Associates, who are or shall become proprietors thereof, Shall be a Corporation & Body Politic, for the purposes aforesaid under the name of the proprietors of Canterbury Bridge; And by that name may sue and be Sued, unto final judgement & Execution, and do & Suffer all matters, acts and things, which bodies Corporate

may or ought to do and Suffer & the Said corporation Shall and may have a Common Seal and the same may break, renew and alter at pleasure

And be it Further Enacted, That David McCrillis shall call a meeting of said proprietors, by Advertisement in the Courier of New Hampshire, to be holden at any Suitable time & place, after fourteen days from the first Publication of said Advertizement. And the proprietors by a Vote of the majority of those present, or represented at said meeting, accounting and Allowing one Vote to each share, in all Cases; Shall Choose a Clerk, who shall be sworn to the faithfull discharge of said office—and they shall also agree on the method of Calling future meetings—and at the same, or any Subsequent meetings, may Elect such officers and make & Establish such Rules and Bye-Laws as to them shall seem Necessary or Convenient for the regulation and Government of said Corporation, for Carrying into Effect the purposes aforesaid, & for Collecting the toll herein after granted & Established. And the same Rules and bye-laws may cause to be executed; And may annex penalties to the breaches thereof, not exceeding ten dollars for any one breach—

Provided said rules & bye-laws are not repugnant to the Constitution and laws of this State; And all representations at any meeting of said Corporation shall be proved by a writing signed by the person to be Represented, which shall be filed by the Clerk. And this Act, and all rules, Bye-laws, Regulations and proceedings of said Corporation, shall be fairly & truly recorded by the Clerk in a book or books, provided & kept for that purpose—

And be it further Enacted, that the proprietors aforesaid be and hereby are permitted and allowed to erect a bridge over the river Merimak, at any place within the Limits of Clements' Ferry so called—And the said proprietors are hereby empowered to purchase any lands adjoining said bridge, not Exceeding three acres—and to hold the Same in fee Simple—and the Share or shares of any of said proprietors may be transferred by deed duly executed & acknowledged, and recorded by the Clerk of said proprietors on their records—

An be it Further Enacted, that for the purposes of reimbursing the proprietors the money expended by them in building and Supporting said bridge a toll be and hereby is Granted and Established, for the benefit of said proprietors according to the rates following Namely, for each foot passenger one Cent; for each horse & rider four Cents; for each horse & Chaise, Chair, Sulkey or other riding Carriage, drawn by one horse only, ten Cents; for each riding Sleigh, drawn by one horse, four Cents; for each riding Sleigh drawn by more than one horse, six Cents; for each Coach, Chariot, Phaeton, or other four wheeled Carriage for passengers, drawn by more than one horse, twenty Cents; For each Curricle twelve Cents; for each cart, or Other Carriage of Burthen, drawn by two Beasts, ten

Cents, and three cents for each additional beast; for each horse or neat creature exclusive of those rode on, or in Carriages, two Cents; for sheep & swine one half Cent each; & to each team one person, and no more, Shall be allowed as a driver, to pass free of toll—

And be it further Enacted, that the Exclusive right of building and keeping in repair a Bridge across said River Merimak, any where within the limits of Clements' Ferry so Called, be, and the Same hereby is fully granted to Said Petitioner and Such as are or may be Associated with him and become proprietors, their heirs and Assigns—

And be it Further Enacted, that if any tax or Assessment, made by said proprietors for compleating or repairing the said bridge, on the Several Shares, shall be unpaid at the time limited for the payment of the Same, they may proceed to Sell the delinquents Share at Public auction, as the proprietors may agree and determine; And if any overplus remains, after the tax or Assessment and charges, it shall be returned to the delinquent proprietor—

And be it Further Enacted, that if the Above mentioned bridge shall not be compleated for travelling within three Years from the time of the passing hereof, then this Act and Every part thereof shall be null & Void—

Provided nevertheless, that the present Occupiers of said Ferry shall not be interrupted in their right in Said Ferry untill the said bridge is rendered passable—

Provided further, that the present owner of the Ferry & his heirs, who shall hereafter occupy the Farm he now lives on shall have liberty to keep a boat or boats for the purpose of ferrying himself & family or any of his property or Effects across said Ferry forever—

#### [CHAPTER 47.]

*State of*                    )  
*New Hampshire.*        )

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE MAYHEW TURNPIKE CORPORATION—

[Approved December 29, 1803. Original Acts, vol. 18, p. 4; recorded Acts, vol. 14, p. 347. See additional acts of December 30, 1805, id., vol. 16, p. 221, and June 27, 1816, id., vol. 20, p. 460.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Moses Lewis, Thomas W Thompson, Peter Mayhew, William Tarlton, Peter Sleeper, Ebenezer Kelly, Moses Kelly and their Associates and Successors be, and they hereby are incorporated & made a body corporate & politic under the name of the Mayhew Turnpike Corporation, and in that name may



sue & prosecute and be sued & prosecuted to final Judgment & execution, and shall be & hereby are vested with all the powers & privileges which by law are incident to Corporations of a similar nature—

And be it further enacted that the said Moses Lewis or Thomas W Thompson, shall call the meeting of said Proprietors, by Advertisement in the Courier printed at Concord New Hampshire, to be holden at any suitable time & place, at least thirty days from the first publication of said Advertisement; and the Proprietors by a vote of a majority of those present or represented at said meeting, accounting & allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to a faithful discharge of the duties of his Office: and shall also agree on the method of calling future meetings, & at the same or at any subsequent meeting may elect such Officers & make & establish such rules and bye laws as to them shall seem necessary & convenient for the regulation and government of said Corporation for carrying into effect the purposes aforesaid, and for collecting the Tolls herein after established: and the same bye laws, may cause to be executed & annex penalties to the breach thereof, provided said rules & bye laws are not repugnant to the Constitution & laws of this State, and all representations shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, and this Act and all rules, regulations, & proceedings of said Corporation, shall be fairly & truly recorded by the Clerk, in a book or books provided & kept for that purpose—

And be it further enacted that said Corporation are empowered to survey lay out, make & keep in repair a Turnpike road four rods wide, in such a rout or track as in the best of their Judgment shall combine shortness of distance with the most practicable ground, from or near Peter Peasleys in Newchester to the east side of Newfound Pond, from thence on, to a road leading from Plymouth to Coos, in Romney—

And be it further enacted that in case the Proprietors and Owners of land through which said road may run, shall not agree on the Compensation to be made for said land, the Owners of said land shall have liberty to choose three disinterested reputable persons to ascertain the compensation provided nevertheless that no labour shall be done on said road until the said damages so assessed are actually paid or tendered, or such security given as shall be satisfactory to the Owner or Owners of the land, through which said road shall pass—provided said land is owned by an Inhabitant of any Town where said road shall run—

And be it further enacted that said Corporation may erect & fix so many Gates or Turnpikes upon and across said road as will be necessary and convenient to collect the Tolls and duties herein after

granted to said Company, from all persons traveling in the same with horses, Cattle, Carts & Carriages—

And be it further enacted that it shall & may be lawful for said Company to appoint such & so many Toll-gatherers as they shall think proper to collect & receive of & from all persons using said road the Tolls and rates hereafter mentioned, and to stop any person, riding, leading or driving any horses, Cattle, Swine, Sheep, Sulkey, Chair Chaise, Phaeton, Couch, Charriot, Cart, Waggon Sleigh, Sled or any other Carriage of burden or pleasure, from passing through the said Gates or Turnpike until they shall have respectively paid the same, that is to say, for every mile of said road & so in proportion for a greater or less distance, or for a greater or smaller number of Cattle or Carriages (to wit) for every ten sheep or swine, one cent—for every ten Cattle or horses, two cents—for every horse and rider or led horse, one cent—for every Sulkey Chair or Chaise with one horse and two wheels, two cents—for every Charriot, Couch, Stage Phaeton or Chaise, with two horses & four wheels, four cents—for every Carriage of pleasure the like sums according to the number of wheels & Horses drawing the same—for each Cart or other carriage of burden drawn by one beast, one cent—for each Cart, Waggon or other Carriage of burden drawn by two beasts one cent & a half, if drawn by more than two beasts one cent for each additional yoke of oxen or pair of horses—for each Sleigh drawn by one horse one and a half cent, if drawn by two horses, two cents, if by more than two horses, one cent for each additional horse, for each Sled drawn by one beast, one cent, if drawn by two beasts, one & a half cents, if by more than two beasts one cent for each additional Yoke of Oxen or pair of horses—and at all times when the Toll gatherer shall not attend his duty the Gate shall be left open, and if any person shall with his carriage, team, Cattle or horses turn off from said road to pass said Turnpike Gate on ground adjacent thereto, said ground not being a public highway with intent to avoid the toll due by virtue of this Act, such persons shall forfeit and pay three times so much as the legal toll would have been, to be recovered, by the Treasurer of said Corporation, to the use thereof, in an action on the Case, Provided that nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or Carriage to or from public Worship or funeral, or with his horse team or Cattle to or from any Mill or on the common and ordinary business of family concerns within the Town where such persons reside nor of any Officer or soldier of the Militia under arms while passing to and from the place of Military duty,—

And be it further enacted that the said Corporation are hereby empowered to purchase and hold for the purpose aforesaid so much land as will be necessary for said Turnpike road, and the Share or

shares of any of said proprietors may be transfered by deed duly executed, acknowledged, and recorded by the Clerk of said Corporation on their records & the share or shares of any of said proprietors may be sold by said Corporation for nonpayment of Assessments duly made agreeable to the bye laws that may be agreed upon by said Corporation—

And be it further enacted that no toll shall be taken by said Corporation for any mile of said road until eight hundred dollars shall have been expended thereon in labour or a proportionate sum on the whole number of miles reckoning from Peasleys aforesaid to the place where said road shall terminate nor until the Justices of the Superiour Court of Judicature shall adjudge that said road is sufficiently made to entitle said Corporation to receive said Toll—

And be it further enacted that said Corporation may be indicted for defect of repairs of said road after the Toll gates are erected, and fined in the same way & manner as Towns are by law fineable for suffering roads to be out of repair, and said fine may be levied on the profits and toll arising or accruing to said Corporation

And be it further enacted that at the end of every six years after setting up of any toll Gates as aforesaid an account of the expenditures of laying out & making said roads and of the profits arising therefrom shall be laid before the Justices of the Superior Court of Judicature for the time being under the forfeiture of the priviledges of this Grant in future and if the neat proceeds for the said six years shall exceed nine per centum per annum the said Court may reduce the future toll so far as that it may not exceed nine per centum per annum

And be it further enacted that if in three years the said road shall not be compleated according to the provision of this Act, every part & clause thereof shall be null and void, Provided also that the State of New Hampshire may at any time after the expiration of forty years from the passing of this Act repay the proprietors of said road the amount of the sum expended by them thereon with nine per Centum per annum in addition thereto deducting the toll actually received by the proprietors; and in that case the said road shall to all intents & purposes be the property of the State of New Hampshire any thing herein to the contrary notwithstanding, Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary and expedient to compel the said Proprietors to keep the said road in repair—

Provided nevertheless, that no gate or turnpike shall be erected on the old road as heretofore travelled any thing in this act to the contrary notwithstanding

## [CHAPTER 48.]

*State of* }  
*New Hampshire.* }

## AN ACT TO DIVIDE THE STATE INTO DISTRICTS FOR THE CHOICE OF SENATORS

[Approved December 29, 1803. Original Acts, vol. 18, p. 5; recorded Acts, vol. 14, p. 371. Session Laws, November, 1803, p. 9. Laws, 1805 ed., p. 41. This act is virtually repealed by the act of June 22, 1813, id., 1815 ed., p. 45.]

Be it enacted by the Senate and House of Representatives in General Court convened that the State be divided into the following districts, numbered from one to twelve, each of which shall have the right of choosing one Senator for said State annually, pursuant to the Constitution

District N<sup>o</sup> 1. To contain Portsmouth, Durham, Greenland Hampton, Hamptonfalls, Lee, North Hampton, New Castle, Newington, Newmarket, Rye, Seabrook and Stratham.

District N<sup>o</sup> 2. To contain Exeter, Brentwood, Candia, Deerfield, Epping, East Kingstown, Hawke, Hampstead, Kingstown, Kensington, Newtown, Nottingham, Plaistow, Poplin, Raymond, South Hampton and Sandown.

District N<sup>o</sup> 3.—To contain Londonderry, Atkinson, Bow, Bedford, Chester, Dunbarton, Derryfield, Goffstown, Litchfield, Merri-  
 mac, Nottinghamwest, Pelham, Salem and Windham.

District N<sup>o</sup> 4 To contain Concord, Andover, Allenstown, Bos-  
 cawen, Canterbury, Chichester, Epsom, Loudon, Northfield, North-  
 wood, Pittsfield, Pembroke and Salisbury.

District N<sup>o</sup> 5. To contain Dover, Barrington, Barnstead Brook-  
 field, Effingham, Farmington, Madbury, Middleton, Milton, New  
 Durham, Rochester, Sommersworth, Wakefield and Wolfborough.

District N<sup>o</sup> 6. To contain Gilmanton, Adams, Alton, Burton,  
 Bartlett, Conway, Chatham, Center Harbour, Eaton, Hales Loca-  
 tion, Meredith, Moultonborough, New Hampton, Ossipee, Ossipee  
 Gore, Sanbornton, Sandwich, Tamworth and Tuftonborough.

District N<sup>o</sup> 7. To contain Amherst, Brookline, Dunstable, Fran-  
 cistown, Greenfield, Hollis, Lyndeborough, Milford, Mont Vernon  
 Mason, New Boston, New Ipswich, Peterborough, Sharon, Society-  
 Land, Temple and Wilton.

District N<sup>o</sup> 8. To contain Hopkinton, Antrim, Bradford, Deer-  
 ing, Fishersfield, Henniker, Hillsborough, Hancock, Keasearge Gore,  
 New London, Sutton, Weare, Windsor, Warner and Washington.

District N<sup>o</sup> 9. To contain Keene, Chesterfield, Dublin, Fitzwil-  
 liam, Hinsdale, Jaffrey, Marlborough, Packersfield, Rindge, Rich-  
 mond, Swanzey, Sullivan, and Winchester.



District N<sup>o</sup> 10. To contain Charlestown, Alstead, Acworth, Gilsum, Goshen, Langdon, Lempster, Marlow, Newport, Surry, Stoddard, Springfield, Unity, Walpole, Westmoreland and Wendell.

District N<sup>o</sup> 11. To contain Hanover, Claremont, Cornish, Croydon, Canaan, Dorchester, Dames Gore, Enfield, Grafton, Lyme, Lebanon, New Grantham, Orford, Plainfield and Wentworth.

District N<sup>o</sup> 12. To contain the County of Grafton, excepting the several towns included in Districts numbered six and eleven.

### [CHAPTER 49.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE THOMAS HOGG OF WEARE, WILLIAM HOGG OF BEDFORD, HUGH HOGG OF FRANCESTOWN ALL IN THE COUNTY OF HILLSBOROUGH AND JAMES HOGG OF DORCHESTER IN THE COUNTY OF GRAFTON AND THEIR CHILDREN TO ASSUME THE SIR-NAME OF MOORE

[Approved December 29, 1803. Original Acts, vol. 18, p. 6; recorded Acts, vol. 14, p. 376.]

Be it enacted by the Senate and House of Representatives in General Court convened that Thomas Hogg, William Hogg, Hugh Hogg and James Hogg aforementioned and their Children be and hereby are authorised to assume the Sirname of Moore and may by that name hereafter be called and known, sue and be sued, prosecute and be prosecuted; Provided that nothing in this act shall effect any Action already commenced or any written Instrument or Contract already made in which the said Thomas Hogg, William Hogg, Hugh Hogg or James Hogg or their Children are a party.

## [CHAPTER 50.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT PASSED DECEMBER 24<sup>TH</sup> 1798 INVESTING SAMUEL BLODGET ESQUIRE AND OTHERS HIS ASSOCIATES WITH THE EXCLUSIVE RIGHT AND PRIVILEGE OF CUTTING A CANAL BY AMOSKEIG FALLS ON MERRIMACK RIVER AND LOCKING THE SAME.

[Approved December 30, 1803. Original Acts, vol. 18, p. 7; recorded Acts, vol. 14, p. 332. The act referred to is dated December 24, 1798; Laws of New Hampshire, vol. 6, p. 524. See acts of December 30, 1799, id., p. 622; June 18, 1802, recorded Acts, vol. 11, p. 331; December 30, 1803, id., vol. 14, p. 332; December 21, 1805, id., vol. 16, p. 137; December 22, 1808, id., vol. 18, p. 81. By the act of June 19, 1813, part of the act of incorporation is repealed, id., vol. 20, p. 49.]

Whereas by the afore cited Act the said Samuel Blodget and his Associates were incorporated for the purpose aforesaid, and whereas the time limited for completing said Canal and Locks is expired, and the said Samuel has petitioned the Legislature to have a further time given to him and his Associates for completing the same.

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that there be and hereby is allowed the said Samuel Blodget and his Associates the term of two years from and after the passing of this Act to complete the said Canal and Locks any thing in the aforesaid Act to the contrary notwithstanding: Provided that before this Act shall have operation the said Blodget shall give bonds with sufficient sureties to the Treasurer of this State in the sum of two thousand Dollars, that the said Canal and Locks shall be entirely completed in the said term of two years.

And be it further enacted by the authority aforesaid that the toll which the said Blodget and Associates shall have a right to demand for every ton of Oak timber and logs that passes through said Canal shall be thirty two Cents; for every ton of pine timber sixteen Cents; for every ton of pine logs ten Cents; for masts sixteen Cents for each ton and no more any thing in any former Act to the contrary notwithstanding. And in all cases where the aforesaid proprietors shall take through said Canal any loose timber or logs, the Owners of which are absent, the toll shall be no more than if the said Owners were present.

And be it further enacted that the toll on all other Articles passed through said Canal, shall be the same as expressed in the before cited Act.

## [CHAPTER 51.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT INTITLED AN ACT FOR TAXING THE LANDS AND BUILDINGS OF NON RESIDENTS.

[Approved December 30, 1803. Original Acts, vol. 18, p. 8; recorded Acts, vol. 14, p. 336. Laws, 1805 ed., p. 224; id., 1815 ed., p. 271. The act referred to is dated December 10, 1796, Laws of New Hampshire, vol. 6, p. 366. Laws, 1797 ed., p. 451, Appendix to this volume, *post*. See acts of December 15, 1796, Laws of New Hampshire, vol. 6, p. 375; December 21, 1808, Laws, 1815 ed., p. 268; December 23, 1808, id., p. 269; June 25, 1816, id., 1824 ed., p. 20; June 29, 1818, id., p. 21. See also the repealing act of June 19, 1828, Session Laws, 1828, Chap. 25.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the unimproved lands of Non Resident Owners shall hereafter be taxed in the respective towns and places where such lands are situated their equal proportion with Residents in all assessments made for schools, and in all town taxes, except for the support of the Gospel, and the building of houses of public worship and repairs; to be collected in the same way and manner that the law now points out for the collection of State and County taxes any thing in that Act to the contrary notwithstanding.

## [CHAPTER 52.]

*State of* }  
*New Hampshire.* }

AN ACT TO RAISE THIRTY THOUSAND DOLLARS FOR THE USE OF THIS STATE

[Approved December 30, 1803. Original Acts, vol. 18, p. 9; recorded Acts, vol. 14, p. 364.]

Be it enacted by the Senate and house of Representatives in general Court convened, that there be raised, for the use of this State and paid into the treasury thereof on or before the first Wednesday of December annodominii Eighteen hundred and four the sum of thirty thousand dollars, which sum shall be assessed, collected and appropriated for discharging the debts due from this state and for supporting the government of the same.

And be it further enacted, that the treasurer be and he is hereby directed seasonably to issue his warrants to the Selectmen or assessors of the several towns and places in this state, agreeable to the last proportion act, And the select men and assessors aforesaid are hereby required respectively to assess and levy the same according

to law and cause the same to be paid into the treasury of this State on or before the first Wednesday of December aforesaid, and the treasurer shall issue his extents for all taxes which shall then remain unpaid.

[CHAPTER 53.]

*State of* }  
*New Hampshire.* }

AN ACT TO CAUSE THE SEVERAL TOWNS, PARISHES AND PLACES WITH-  
IN THIS STATE TO BE SURVEYED FOR THE PURPOSE OF OBTAINING  
A MAP OF THE STATE—

[Approved December 30, 1803. Original Acts, vol. 18, p. 10; recorded Acts, vol. 14, p. 367. Laws, 1805 ed., p. 207. See additional act of June 18, 1805, id., p. 396.]

Be it enacted by the Senate and House of Representatives in General Court convened, that it shall be the duty of the several towns within this State, to cause an accurate survey of the same to be made, and transmit a Map thereof to the Secretary of this State on or before the first Wedneaday of November One thousand eight hundred & five, containing the exact limits of said towns by careful admeasurement, together with a discription of all public Roads passing through the same, also the rivers, falls and principal streams, ponds lakes and mountains, and the names of adjoining towns, with the extent said towns adjoin on their own towns; the whole to be protracted by a Scale of two hundred rods to an inch, on a horizontal line; and all disputed lines shall be distinctly marked.

And be it further enacted That the expence of the aforesaid Surveys and Maps and forwarding the same to the Secretary shall be defrayed by the several towns respectively, and that the Selectmen of the several towns in this State shall be and hereby are empowered and directed to assess the buildings and unimproved lands owned by Non Residents in their respective towns and places their just proportion of the taxes raised for the payment of the expences aforesaid, and the said taxes upon the lands and buildings of Non Residents shall be assessed and collected in the same manner that the taxes to which the lands and buildings of Non Residents are by the existing laws of this State now liable to be assessed and collected—

And be it further enacted that if any town within this State shall neglect to make a Survey of the Same according to the directions of this Act, or to return a Map thereof to the Secretary of this State by the said First Wednesday of November one thousand eight hundred & five, such town shall forfeit and pay the Sum of One hundred and fifty dollars to be recovered by an extent from the Treasurer for the use of the State



And be it further enacted, that in all cases where towns are uninhabited, or have not more than fifteen rateable polls, it shall be the duty of the proprietors of such town to transmit a Map of the same under the same penalty and Subject to the same Rules and regulations as are heretofore expressed in this Act—

And be it further enacted That the Treasurer be & hereby is directed to furnish the Selectmen of every town in this State, for the use of their respective towns, with a Map of the State, as soon as the same can be obtained from said Surveys, at the expence of the State—

[CHAPTER 54.]

*State of*            }  
*New Hampshire.* }

AN ACT TO ANNEX THE SEVERAL ARTILERY COMPANIES OF THIS STATE TO THE REGIMENTS IN WHICH THEY RESIDE

[Approved December 30, 1803. Original Acts, vol. 18, p. 11; recorded Acts, vol. 14, p. 378. Laws, 1805 ed., p. 250.]

Be it enacted by the Senate & House of Representatives in General Court convened, that the Several Artillery Companies be, and they are hereby Annexed to the respective regiments in Which they reside, subject to the control of the commanding officers of said Regiments agreeably to the laws of this State

[CHAPTER 55.]

*State of*            }  
*New Hampshire.* }

AN ACT IN ADDITION TO SEVERAL ACTS FOR REGULATING THE MILITIA OF THIS STATE

[Approved December 30, 1803. Original Acts, vol. 18, p. 12; recorded Acts, vol. 14, p. 395. Laws, 1805 ed., p. 265. See act of December 28, 1792, Laws of New Hampshire, vol. 6, p. 84.]

Be it enacted by the Senate & house of Representatives in General Court convened, that so much of the law of this State, as exempts the following persons from Military duty, be and hereby is repealed, Viz Elders and Deacons of Churches, Church Wardens, Masters of Arts, Selectmen, All militia officers, who now are in office or who shall hereafter be appointed, who shall not have served as such four years, all civil officers not holding commissions, Millers & Toll gatherers, members of the house of Representatives, all Physicians & surgeons, who have not certificates of being such from the medical society, all Ferry-men except those on post Roads,

And be it further enacted that each company of militia, or military company, shall turn out for inspection of Arms & military exercise on the last wednesday of June annually—and each Regiment, shall be called out, in the months of September or October annually, except in such cases, when by permission from the Brigadier General, of their Brigade, they are allowed to muster by Battallions

And be it further enacted, that each noncommissioned officer, or private, shall pay a fine of two dollars for non appearance on training days and three dollars for non appearance at Regimental or Battallion Muster day, after notice according to law therefor, and each noncommissioned officer, who shall neglect to notify or warn, his company as directed by the commanding officer of said Company, shall pay the Sum of three dollars for each person he shall neglect to warn

And be it further enacted, that no soldier who enlists from any company of Militia, into any company of Cavalry, artillery or light-infantry, shall be exonerated from duty in the company he may enlist from untill he is equiped, for duty in the company he enlists into.

And be it further enacted, that all fines arising from the neglect of duty, shall be appropriated for the purpose of instructing & uniforming, military musicians & for defraying the expences of the companies on training days

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1803, December 21.

The Committee on the Petition from Montvernion for liberty to send a Representative to the General Court Reported that the prayer of said Petition be granted which report being read and considered Voted that it be received and Accepted and that the Town of Montvernion have the liberty to send a Representative to the General Court in future—

[House Journal, 1800-5, p. 364. Senate Journal, 1801-4, p. 220.]

1803, December 29.

The Committee to receive such proposals as may be made by any person or persons respecting the Surveying of the lands in the Notherly part of this state. Reported that M<sup>r</sup> Silas Thorla will locate into Townships of five miles Square as near as the same will admit all the land in this State, lying south of the forty fifth degree of North Latitude located lands and Gores excepted and make out and return to the Secretarys Office correct maps of the same by the fifteenth day of November next for four hundred Dollars—two hundred Dollars thereof to be paid in advance—and he will give sufficient Bond for the faithful performance thereof—

which report being read & considered was received and Accepted and voted that M<sup>r</sup> Bowers M<sup>r</sup> Dix and M<sup>r</sup> J Chamberlain with such of the Senate as they may appoint be a Committee to receive sufficient Bonds of Silas Thorla for the faithful performance of his duty for the purpose of making the Survey aforesaid—

[House Journal, 1800-5, p. 387. Senate Journal, 1801-4, p. 236.]

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1803, December 30.

Resolved by the Senate and House of Representatives in General Court convened that the Governor of this State be and hereby is authorized and impowered to purchase or cause to be purchased and procured at the expence of the State Eight Thousand stand of Arms and Six Brass field pieces for the use and benefit thereof. Said Arms to be distributed amongst the Several Towns in this State agreeable to their proportion of the direct taxes or as the Governor of said State shall direct according to the deficiency of Arms in the Several towns in said state—And that the several field pieces be distributed amongst the Several Artillery Companies in this State as the Governor thereof shall direct.

[House Journal, 1800-5, p. 395. Senate Journal, 1801-4, p. 239.]

## [THIRTEENTH GENERAL COURT.]

[*Held at Concord, Two Sessions, June 6, 1804, to December 14, 1804.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN TAYLOR GILMAN, GOVERNOR.  
 JOSEPH PEARSON, SECRETARY.  
 NATHANIEL PARKER, DEPUTY SECRETARY.  
 NATHANIEL GILMAN, TREASURER.  
 JEREMIAH MASON, ATTORNEY GENERAL.  
 NICHOLAS GILMAN, PRESIDENT OF THE SENATE.  
 JOHN LANGDON, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Levi Bartlett,	Kingston.
William Hale,	Dover.
Benjamin Pierce,	Hillsborough.
Samuel Stevens,	Charlestown.
Daniel Blaisdell,	Canaan.

## [MEMBERS OF THE SENATE.]

Clement Storer,	Portsmouth.
Nicholas Gilman,	Exeter.
John Orr,	Bedford.
John Bradley,	Concord.
John Waldron,	Dover.
Nathan Taylor,	Sanbornton.
Jedediah K. Smith,	Amherst.
Robert Alcock,	Deering.
Seth Payson,	Rindge.
Amasa Allen,	Walpole.
Daniel Kimball,	Plainfield.
Moses P. Payson,	Bath.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and } Bow,	George Evans.
Atkinson and } Plaistow,	Ezekiel Gile.



Brentwood,  
 Candia,  
 Canterbury,  
 Chester,  
 Chichester,  
 Concord,  
 Deerfield,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampstead,  
 Hampton,  
 Hampton Falls and }  
 Seabrook,  
 Hawke and }  
 Sandown,  
 Kensington,  
 Kingston,  
 Londonderry,

Loudon,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin,  
 Rye,  
 Salem,  
 South Hampton and }  
 East Kingston,  
 Stratham,  
 Windham,

Jabez Smith.  
 Jesse Eaton.  
 Masten Morrill.  
 Henry Sweetser.  
 Nathaniel Morrill.  
 William Austin Kent.  
 Richard Jenness.  
 Daniel Cilley.  
 \*Nathaniel Gilman.  
 Ebenezer Johnson.  
 Jacob Kimball.  
 Benjamin Shaw.  
 John Smith.

Benjamin Pillsbury.

Enoch Worthen.  
 Jacob Peaslee.  
 John Prentice.  
 James Pinkerton.  
 Enoch Wood.  
 Gee Pickering.  
 Jeremiah Mead.  
 Joshua Rowell.  
 Stephen Chase.  
 Thomas Leavitt.  
 John Furber.  
 Henry Butler.  
 Amos Moody.  
 Aaron Whittemore.  
 James Hight.  
 John Langdon.  
 Elijah Hall.  
 Stephen Chase.  
 Charles Cutts.

Moses Dudley.

Joseph Parsons.  
 Jesse Webster.

Benjamin Barnard.

Walter Weeks.  
 Samuel Armor.

\* Nathaniel Gilman attended the General Court for four days in the first session and was then elected treasurer. Oliver Peabody was chosen to represent the town during the second session.

## STRAFFORD COUNTY.

Alton,	John Plummer.
Barnstead,	John Nutter.
Barrington,	Isaac Waldron.
	Thomas W. Hale.
Bartlett,	Obed Hall.
Adams,	
Chatham and	
Locations,	
Brookfield and	Henry Pike.
Middleton,	
Conway,	Richard Odell.
Dover,	Daniel Henderson.
Durham,	Jonathan Chesley.
Eaton and	Coleman Colby.
Burton,	
Effingham and	Isaac Lord.
Ossipee Gore,	
Farmington,	Jeremiah Waldron.
Gilmanton,	Samuel Shepard.
	Nehemiah Sleeper.
Lee,	George Tuttle.
Madbury,	Ebenezer Demeritt.
Meredith,	Winthrop Robinson.
Milton,	John Fish.
New Durham,	John Bennett.
New Hampton and	Daniel Smith.
Center Harbor,	
Ossipee,	Samuel Quarles.
Rochester,	David Barker.
Sanbornton,	Samuel Prescott.
Sandwich,	John Beede.
Somersworth,	Andrew Wentworth.
Tamworth,	David Gilman.
Tuftonboro,	Benjamin Young.
Wakefield,	Jonathan Palmer.
Wolfeboro,	Isaiah Horne.

## HILLSBOROUGH COUNTY.

Amherst,	William Fisk.
Andover,	Joseph Philbrick.
Antrim and	Jacob Tuttle.
Windsor,	
Bedford,	Phinehas Aiken.

Boscawen,	Timothy Dix, Jr.
Brookline,	Randol McDonald.
Deering,	Benjamin Rolfe.
Dunbarton,	John Mills.
Dunstable,	Theodore French.
Fishersfield and } Bradford, }	Enoch Hoyt.
Francestown,	Samuel Bell.
Goffstown,	John Butterfield.
Greenfield and } Society Land, }	Amos Whittemore.
Hancock,	William Brooks.
Henniker,	Joshua Darling.
Hillsborough,	Joel Stow.
Hollis,	Benjamin Pool.
Hopkinton,	Philip Greeley.
Litchfield and } Derryfield, }	Samuel Chase, Jr.
Lyndeborough,	Benjamin Jones.
Mason,	James Wood.
Merrimack,	Samuel Forster.
Milford,	Augustus Blanchard.
Mont Vernon,	William Bradford.
New Boston,	Ephraim Jones.
New Ipswich,	Noah Bartlett.
New London,	Joseph Colby.
Nottingham West,	Asa Davis.
Peterborough,	James Wilson.
Salisbury,	Andrew Bowers.
Sutton,	Thomas Wadleigh.
Temple,	Ebenezer Edwards.
Warner,	Aquilla Davis.
Weare,	Samuel B. Tobie.
Wilton,	Philip Putnam.

## CHESHIRE COUNTY.

Acworth,	Gawen Gilmore.
Alstead,	John C. Chamberlain.
Charlestown,	Oliver Hall.
Chesterfield,	Simon Willard.
Claremont,	George B. Upham.
Cornish,	Ithamar Chase.
Croydon,	Samuel Powers.
Dublin,	Isaac Appleton.
Fitzwilliam,	Phinehas Reed.

Goshen and }	Allen Willey.
Wendell, }	
Hinsdale,	David Wolley.
Jaffrey,	Adonijah Howe.
Keene,	Lockhart Willard.
Langdon,	Eleazer Taft.
Lempster and }	Elijah Frink.
Marlow, }	
Marlborough,	Phinehas Farrar.
Newport,	Uriah Wilcox.
Packersfield,	Samuel Griffin.
Plainfield,	Albe Cady.
Richmond,	James Cook.
Rindge,	Josiah Wilder.
Springfield and }	Isaac Clement.
New Grantham, }	
Stoddard,	Nathaniel Emerson.
Sullivan,	Samuel Seaward.
Surry and }	Jonathan Robinson.
Gilsum, }	
Swanzey,	Amasa Aldrich.
Unity,	Benjamin Clough.
Walpole,	Thomas C. Drew.
Washington,	David Heald.
Westmoreland,	Joseph Buffum.
Winchester,	Foster Alexander.

## GRAFTON COUNTY.

Alexandria and }	Moses Lewis.
Bridgewater, }	
Bath,	Amasa Buck.
Canaan,	Ebenezer Clark.
Concord (Lisbon),	John Haynes.
Enfield,	Jesse Johnson.
Franconia, }	
Landaff and }	Peter Carlton.
Lincoln, }	
Groton,	
Dorchester and }	Joseph Burley.
Hebron, }	
Hanover,	Joseph Curtis.
Haverhill and }	John Montgomery.
Coventry, }	
Holderness and }	
Campton, }	Samuel Holmes.



Lebanon,		Clap Sumner.
Littleton,		
Bethlehem and	}	David Goodall.
Dalton,	}	
Lyman,		Nathan Scarritt.
Lyme,		Jonathan Franklin.
New Chester and	}	Ebenezer Kimball.
Danbury,	}	
Orange and	}	Jabez B. Barney.
Grafton,	}	
Orford,		Joseph Pratt.
Piermont and	}	William Tarlton.
Warren,	}	
Plymouth,		Joshua Thornton.
Rumney and	}	Abraham Burnham.
Wentworth,	}	
Thornton,	}	
Peeling and	}	Enoch Colby.
Ellsworth,	}	

## COOS COUNTY.

Cockburne,		
Colebrook,		
Shelburne,		Joseph Loomis.
Stewartstown and	}	
Wales Location,	}	
Jefferson,	}	
Lancaster and	}	William Lovejoy.
Bretton Woods,	}	
Northumberland,	}	
Piercy and	}	Nathan Barlow.
Stratford,	}	

[*First Session, Held at Concord, June 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 1804.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT TO CONSTITUTE A COMPANY OF ARTILLERY IN THE TWENTY NINTH REGIMENT.

[Passed June 13, 1804, without the approval of the Governor. Original Acts, vol. 18, p. 13. Not found in recorded Acts.]

Be it enacted by the Senate and House of Representatives in General Court convened, that there shall be a Company of Artillery, consisting of not more than forty eight Rank and File, formed in, and annexed to the twenty ninth Regiment of Militia in this State, with the present Officers and Soldiers belonging to said Company, until they shall be therefrom lawfully discharged. And the Officers of said Company shall have the power of enlisting from the other Companies in said Regiment, provided that they shall not at any time enlist more out of any one Company than the number by law established. And said Company shall be arranged and the Officers thereof appointed and commissioned, agreeably to the laws of this State.

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN GREENFIELD—

[Approved June 13, 1804. Original Acts, vol. 18, p. 14; recorded Acts, vol. 15, p. 2.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Rev. Timothy Clark and Joshua Holt, Proprietors of said Library and all such as may hereafter become Proprietors of the same, be and they are hereby incorporated into a body politic and corporate by the name of the Proprietors of the Social Library in Greenfield, with continuation and succession forever;— and in that name may sue and be sued in all actions personal, and prosecute and defend the same to final Judgment and execution—And they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoy penalties of disfranchishment or fine not exceeding three

dollars for each offence, to be recovered by said Society in an action of debt, to their use in any court in said State proper to try the same, and they may purchase and receive subscriptions, grants and donations of personal estate, not exceeding the sum of one thousand Dollars, for the benefit of their association—

And be it further enacted that said Society be and they are hereby authorized to assemble at Greenfield aforesaid on the first Monday of October annually, to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in Office till others are chosen in their room, and the said corporation may assemble as often as may be found necessary for the filling up any vacancies that may happen in said Offices; and transacting all other business for the good of said society, excepting the raising of money which shall always be done at the annual meeting, and at no other time:— At which meeting they shall vote all such sums as shall be necessary for the defraying the annual expence of preserving said Library, and for enlarging the same, and shall make and enact such rules and bye laws for the Government of said Corporation, as may from time to time be found necessary—provided the same be not repugnant to the laws and constitution of this State—

And Be it further enacted that Jacob Richardson of said Greenfield is hereby authorized and empowered to call the first meeting of said Proprietors at such time and place in said Greenfield as they may appoint, by posting up a notification for the same, at the public meeting house, at least ten days before the time of said meeting, and to preside in said meeting until the Moderator is chosen, and the said Proprietors, at said meeting shall have all the power to enact all such bye laws, and choose such officers as they may or can do at their annual meeting—

### [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT TO ENABLE ENOCH HALE TO BUILD AND KEEP A BRIDGE OVER CONNECTICUT RIVER,” PASSED DECEMBER ANNO DOMINI ONE THOUSAND SEVEN HUNDRED AND EIGHTY THREE.—

[Approved June 15, 1804. Original Acts, vol. 18, p. 15; recorded Acts, vol. 14, p. 421. See act referred to, Laws of New Hampshire, vol. 4, p. 534. See also the act of June 15, 1797, id., vol. 6, p. 396.]

Whereas the Proprietors of Hale’s Bridge, so called, have presented a petition to the Legislature, requesting that the following rates as Toll be permanently established forever hereafter in lieu

of the rates or toll heretofore established for said Bridge—which request appearing reasonable:—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the first day of July next, the Proprietor or Proprietors of said Bridge, shall be authorized to take and receive the following rates or toll from all persons passing said Bridge, viz—For each passenger on foot, three cents; each horse and rider, six cents; horse and chair or sulkey, twelve and a half cents; curricule or chaise with two horses, twenty cents; each four wheel carriage with two horses, twenty five cents; each four wheel carriage with four horses, thirty cents; or Mail stage, passengers, &c, included, twenty five cents; a cart or waggon drawn by one horse, and driver, with or without loading, ten cents; a cart or waggon with two oxen or horses, sixteen cents; with three oxen or horses, twenty cents; with four oxen or horses, twenty five cents; each sleigh or sled with one horse, ten cents; each pleasure sleigh with two horses, fifteen cents; each loaded sleigh or sled with two horses or oxen fifteen cents; each loaded sleigh or sled with four oxen or horses, twenty cents; each additional horse, ox, or mule, three cents; horses, four cents each; neat cattle and mules, each two cents; sheep, hogs, calves and goats, ten cents the score, or half cent each.—

And be it further enacted. That the Proprietor of said Bridge shall post up in some public place on the same the rates of Toll by this Act established for the inspection of all persons.—

#### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF CANAAN SOCIAL LIBRARY

[Approved June 19, 1804. Original Acts, vol. 18, p. 16; recorded Acts, vol. 15, p. 6.]

Be it enacted by the Senate and House of Representatives in General Court convened that John Hoyt, James Daten, Caleb Welch, Timothy Johnson Jun<sup>r</sup>, Ebenezer Clark, Caleb Welch Jun<sup>r</sup>, Micah Porter, Hubbard Harris, Joshua Pilsbury, Levi George, Joshua Harris, Richard Otis, Elias Porter, John Currier, Ezekiel Wells, Jacob Trussell, Thaddeus Lathrop Jun<sup>r</sup> Jacob Dow, Nathaniel Tucker, Nathaniel Bartlett, Moses Dole, Robert Wilson, Richard Clark 3<sup>d</sup>, Caleb Peirce, Micaiah Moore and Nathaniel Barber, Proprietors of said Library and all such as are or may hereafter become proprietors of the same be and they hereby are incorporated into a



body politic and corporate by the name of the proprietors of Canaan Social Library with continuation and succession forever, and in that name may sue and be sued, may plead and be impleaded, in all personal Actions and may prosecute and defend the same to final Judgment and Execution. And they hereby are vested with all the powers and privileges incident to Corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said society in an Action of debt to their use in any Court proper to try the same, and they may purchase and receive subscriptions, grants and donations of personal estate not exceeding the sum of one thousand Dollars, for the purpose and use of their Association.

And be it further enacted that said Proprietors be and they hereby are authorised and impowered to assemble at Canaan aforesaid on the first Monday of September annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in Office until Others are chosen in their room, and the said Corporation may assemble as often as may be found necessary for the filling up any vacancies that may happen in said Offices and for transacting all other business for the good of said Corporation, excepting the raising of money which shall always be done at their annual meeting and at no other time: At which annual meeting they shall vote all such sums as shall be necessary for defraying the annual Expence of preserving said library and for enlarging the same, and shall make and establish such Rules and Bye-laws for the Government of said Corporation as may from time to time by them be found necessary, provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Jacob Trussell be and he hereby is authorised and impowered to call the first meeting of said proprietors at such time and place as he may judge proper by posting up a Notification for the same at the Meeting house in said Canaan at least fifteen days before the time of holding said Meeting, and to preside in said Meeting until a Moderator is chosen: And the said proprietors at said Meeting shall have all the power and authority to establish all such Bye-laws, and choose all such Officers as they may or can do by virtue of this Act at their annual Meeting.—

## [CHAPTER 5.]

*State of* )  
*New Hampshire.* }

AN ACT TO INCORPORATE ISAAC CHENEY, JACOB TAYLOR AND EZRA BUEL AND OTHERS INTO A RELIGIOUS SOCIETY TO BE CALLED AND KNOWN BY THE NAME OF THE RELIGIOUS SOCIETY IN GROTON

[Approved June 19, 1804. Original Acts, vol. 18, p. 17; recorded Acts, vol. 15, p. 11.]

Be it enacted by the Senate and House of Representatives in General Court convened that Isaac Cheney, Jacob Taylor and Ezra Buel a Committee of said Society Inhabitants of said Groton with such Others as may be admitted as members hereafter living within the bounds of said Groton be and they hereby are made and erected into a body Corporate and politic with Continuation and Succession forever to be called and known by the name of the Religious Society in Groton and by that name may sue and be sued, may plead and be impleaded and may prosecute and be prosecuted to final Judgment and Execution and they hereby are vested with all the powers and privileges which are by law incident to Corporations of a similar nature.—

And be it further enacted that said Society be and they hereby are authorised and impowered to raise such sum or sums of money as they shall judge necessary for the support or maintenance of a public Teacher or Teachers of piety, Religion and morality and to build or repair houses for public Worship and to choose all proper officers for transacting and managing the concerns of said Society, and to make Bye-laws for regulating the same, Provided they are not repugnant to the Constitution and laws of this State

And be it further enacted that the aforesaid Isaac Cheney, Jacob Taylor and Ezra Buell or any two of them shall warn and preside at the first meeting of said Society until a Moderator be chosen, which meeting shall be warned by posting up a notification setting forth specially all matters and things to be acted upon in said meeting at the Meeting house in said town of Groton fifteen days before the day of holding said meeting.

And be it further enacted that said Society shall annually meet on the first Monday of March for the purpose of raising Money for the purposes aforesaid, and for choosing all proper Officers for transacting the business of said Corporation who shall be sworn to the faithful discharge of their duty and all Meetings of said Society, after the first Meeting, shall be notified or warned by the Clerk of said Society, who shall cause a notification, setting forth the business to be transacted at said meeting, to be posted up at such place or

places, as said Society shall direct, fifteen days prior to said Meeting.

And be it further enacted that no person shall be considered as joining said Society unless he or she shall sign his or her name in the book of Records belonging to said Society; and any person who shall hereafter join said Society shall be discharged therefrom by his or her giving notice thereof in writing to the Clerk of said Society and likewise to the Clerk of said town of Groton. Provided that all persons who shall be discharged from said society shall be holden to pay their proportion of all debts said society shall owe in their corporate capacity at the time of their leaving the same.

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

### AN ACT TO ALTER THE NAMES OF MARY HOGG AND OTHERS—

[Approved June 19, 1804. Original Acts, vol. 18, p. 18; recorded Acts, vol. 15, p. 15.]

Whereas Mary Hogg Nancy Hogg Polly Hogg Samuel Hogg Anna Hogg James Hogg Joseph Hogg Sybil Hogg Sam<sup>l</sup> Hogg Harriet Hogg Hiram Hogg and Davis Hogg all of Dublin in the County of Cheshire and State aforesaid have petitioned the Legislature to alter their Sir names to the name of Shepherd— And the prayer thereof appearing reasonable—

Therefore Be it enacted by the Senate and House of Representatives in General Court convened that they and each of them be forever hereafter known denominated and respectively called by the name of Mary Shepherd Nancy Shepherd Polly Shepherd Samuel Shepherd Anna Shepherd James Shepherd Joseph Shepherd Sybil Shepherd Samuel Shepherd Harriet Shepherd Hiram Shepherd and Davis Shepherd anything formerly to the contrary notwithstanding,—

## [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

### AN ACT GRANTING TO EDWARD S<sup>T</sup> LOE LIVERMORE THE RIGHT OF KEEPING A FERRY—

[Approved June 19, 1804. Original Acts, vol. 18, p. 19; recorded Acts, vol. 15, p. 17.]

Whereas Edward S<sup>t</sup> Loe Livermore hath petitioned the General Court, praying that the exclusive right of keeping a Ferry across Pemigewasset River near where the Toll Bridge lately was erected,

between the Towns of Holderness & Plymouth in the County of Grafton— and for the exclusive right of keeping said Ferry within one mile as the River run's, of the place where said Bridge stood; and it appearing for the public benefit, that a Ferry should be kept at said place—

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that there be granted to the said Edward S<sup>t</sup> Loe Livermore his heirs & Assigns forever, the exclusive right of keeping a Ferry at any place within one mile as the river runs, where the said Toll Bridge lately stood, between said Towns of Holderness and Plymouth across Pemigewasset river, with the right of demanding taking and receiving such rates for ferriage as may from time to time be established; pursuant to the laws of this State— Provided that this Act shall not be so construed, as to infringe on any grant heretofore made for the privilege of building a Toll Bridge, nor prevent the Legislature from making any such grant in future, within said limits—

## [CHAPTER 8.]

*State of*                    }  
*New Hampshire.*    {

### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE REPUBLICAN SOCIAL LIBRARY IN WOLFBOROUGH.

[Approved June 19, 1804. Original Acts, vol. 18, p. 20; recorded Acts, vol. 15, p. 20.]

Be it enacted by the Senate and House of Representatives in General Court convened that Stephen W. Horne, John L. Piper, Samuel Nowell, Jonathan Blake and Samuel Meader proprietors of said Library and all such as are, or may hereafter become proprietors of the same be and they are hereby incorporated into a body politic and corporate by the name of the proprietors of the Republican Social Library in Wolfborough with Continuation and Succession forever and in that name may sue and be sued, may plead and be impleaded, in all actions personal and may prosecute and defend the same to final Judgment and Execution. And they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said society in an Action of Debt to their use in any Court in said State proper to try the same, and they may purchase and receive subscriptions, grants and donations of personal Estate, not exceeding the sum of one thousand Dollars, for the purpose and benefit of their Association.



And be it further enacted that said Proprietors be and they are hereby authorised to assemble at Wolfborough aforesaid on the first Monday of September annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in office till others are chosen in their room, and the said Corporation may assemble as often as may be found necessary for the filling up any vacancies that may happen in said Offices, and for transacting all other business for the good of said Corporation, excepting the raising of money which shall always be done at their annual Meeting and at no other time, at which meeting they shall vote all such sums as shall be necessary for defreying the annual expence of preserving said library and for enlarging the same, and shall make and establish such Rules and Bye-laws for the government of said Corporation as may from time to time by them be found necessary, provided the same be not repugnant to the laws and Constitution of this State.

And be it further enacted that Samuel Nowell and Jonathan Blake or either of them of said Wolfborough are hereby authorised and impowered to call the first Meeting of said Proprietors at such time and place in said Wolfborough as the said Samuel and Jonathan or either of them may appoint by posting up a notification at the school house in the first district at least ten days before the time of said meeting, and to preside in said meeting until a Moderator is chosen, and the said proprietors at said meeting shall have all the power and authority to establish all such Bye-laws, and choose all such Officers as they may or can do by virtue of this Act at their annual meeting.

## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE CHESTER TURNPIKE CORPORATION.

[Approved June 19, 1804. Original Acts, vol. 18, p. 21; recorded Acts, vol. 15, p. 65. Session Laws, June, 1804, p. 6. See acts of December 5, 1804, id., November, 1804, p. 15; June 17, 18 and 19, 1806, id., June, 1806, pp. 17, 18, 19. Repealed July 4, 1838, id., June, 1838, Chap. 24.]

Be it enacted by the Senate and house of Representatives in General court convened.

That Henry Sweetser, Asa Robinson, John Bell and Amos Kent, and their associates and successors be, and they hereby are, incorporated and made a body corporate and politic, under the name of the Chester Turnpike Corporation and in that name may sue and prosecute & be sued and prosecuted to final judgment and execution and shall be and hereby are vested with all the powers and

privileges which by law are incident to corporations of a similar nature

And be it further enacted That the said Henry Sweetser or John Bell shall call a meeting of said proprietors by advertisement in the Newspaper printed at Haverhill in Massachusetts to be holden at any suitable time and place at least thirty days from the first publication of said advertisement and the proprietors by a vote of a majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases, shall choose a clerk who shall be sworn to the faithfull discharge of the duties of said office; and shall also agree on a method of calling future meetings and at the same, or at any subsequent meeting, may elect such officers and make and establish such rules and bye laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls herein after established; and the same bye-laws may cause to be executed, and annex penalties to the breach thereof, provided the said rules and bye-laws are not repugnant to the constitution and laws of this State. And all representations shall be proved by writing, signed by the person to be represented, which shall be filed with the clerk; and this act, and all rules regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk in a book or books provided & kept for that purpose.

And be it further enacted, That the said Corporation are empowered to survey, lay out, make, and keep in repair, a turnpike road, four rods wide in such route or track as, in their best judgment, shall combine shortness of distance with the most practicable ground from the highway leading to Pembroke, about a mile above Chester east Meeting house, unto Chester line on a direction to Pembroke Street.—

And be it further enacted, That in case the proprietors and owners of land through which said road may run shall not agree on the compensation to be made for said land the Superiour Court of Judicature, holden within and for the County in which the said land lies upon the application of the said proprietors, or the owners of such land may appoint a committee to ascertain the compensation and issue execution therefor against said proprietors in case of non-payment; Provided nevertheless, That no labour shall be done on said road through the lands of residents, until the said damages so assessed are actually paid or tendered, or such security given as shall be satisfactory to the owner or owners of the land through which the said road shall pass.—And be it further enacted that the said Corporation may erect and fix so many gates or turnpikes upon and across said road as will be necessary and convenient to collect the tolls and duties herein after granted to said company from all persons travelling in the same with horses, cattle, carts and carriages.—

And be it further enacted, That it shall and may be lawful for said company to appoint such and so many toll gatherers as they shall think proper to collect and receive of, and from, all and every person or persons using said road the tolls and rates herein after mentioned, and to stop any person riding leading or driving any horses, cattle, swine, sheep, sulky, chair, chaise, phaeton coach, chariot, cart, waggon, sleigh, sled, or any other carriage of burden, or pleasure from passing through said gates or turnpikes until they shall have respectively paid the same, that is to say, for every mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages to wit—for every ten sheep or swine one cent; for every ten cattle or horses two cents; for every horse and rider or led horse one cent; for every sulkey, chair, or chaise, with one horse and two wheels, two cents;—for every chariot, coach, stage, phaeton or chaise with two horses and four wheels four cents;—for every carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart, waggon or other carriage of burden drawn by one beast one cent; for each cart, waggon or other carriage of burden drawn by two beasts one cent and a half;—if drawn by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse one cent and a half; if drawn by two horses two cents.—if by more than two horses one cent for each additional horse; for each sled or Sleigh of Burden drawn by one beast one cent;—if drawn by two beasts one cent and a half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses. And at all times when the toll gatherer shall not attend his duty the gate shall be left open.—And if any person shall with his carriage, team, cattle or horses turn off from said road to pass said turnpike gate on ground adjacent thereto said ground not being a public highway with intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been to be recovered by the treasurer of said corporation to the use thereof in an action of debt or on the case. Provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with his horse or carriage to, or from public worship, or funeral, or with his horse team or cattle to or from any Mill, or on the common or ordinary business of family concerns within the town where such person resides, nor of any officer, or soldier of the militia under arms, while passing to or from the place of military duty.—

And be it further enacted, that the said corporation are hereby empowered to purchase and hold for the purpose aforesaid so much land as will be necessary for said turnpike road;—and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of

said corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for non-payments of assessments duly made agreeably to the bye-laws that may be agreed upon by said corporation. And be it further enacted, That no toll shall be taken by said corporation for any mile of said road until six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles of said road, nor until the judges of the Superior Court of judicature shall adjudge the said road sufficiently made to entitle said corporation to receive said toll.

And be it further enacted, that said corporation may be indicted for defect of repairs of said road, after the toll gates are erected, and fined in the same way and manner as towns are by law finable, for suffering roads to be out of repair, and said fine may be levied on the profits and toll arising or accruing to said corporation.

And be it further enacted, That at the end of every six years, after setting up of any toll gate as aforesaid, an account of the expenditures of laying out and making said road, and of the profits arising therefrom, shall be laid before the justices of the Superior Court of Judicature for the time being, under the forfeiture of the privileges of this grant in future. And if the net profits for the said six years shall exceed nine per centum per annum, the said court may reduce the future toll so far as that it may not exceed nine per centum per annum.

Provided also, and be it further enacted. That when the net income of the toll shall amount to the sums which the proprietors have expended on said road, with nine per centum per annum on such sums so expended, from the time of their actual disbursements, the said road, with all its rights priviledges and appurtenances shall revert to the State of New Hampshire and become the property thereof to all intents and purposes, any thing in this act to the contrary notwithstanding. Provided also, that the State of New Hampshire may, at any time after the expiration of forty years from the passing of this act, repay the proprietors of said road the amount of the sum expended by them thereon, with nine per centum per annum in addition thereto, deducting the toll actually received by the proprietors and in that case, the said road shall to all intents and purposes be the property of the State of New Hampshire, any thing herein to the contrary notwithstanding.

Provided nevertheless and be it further enacted That if the said Turnpike shall in any part be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway, anything in this act to the contrary notwithstanding.

Provided nevertheless. That the legislature of this State shall have a right to adopt such measures in future, as shall by them be



considered necessary and expedient to compel the said proprietors to keep the said road in repair.

And be it further enacted. That if in three years the said road shall not be completed according to the provision of this act, every part and clause thereof shall be null & void.

# [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING THE INHABITANTS OF NORTHUMBERLAND IN THE COUNTY OF GRAFTON TO RAISE A TAX OF FOUR CENTS ON AN ACRE OF THE FIRST DIVISION, AND THREE CENTS ON AN ACRE OF THE SECOND AND THIRD DIVISIONS OF LAND IN SAID NORTHUMBERLAND, PUBLIC RIGHTS EXCEPTED, FOR THE PURPOSE OF MAKING AND REPAIRING ROADS AND BRIDGES.—

[Approved June 20, 1804. Original Acts, vol. 18, p. 22; recorded Acts, vol. 14, p. 413. See act of June 16, 1796, Laws of New Hampshire, vol. 6, p. 329.]

Sec<sup>n</sup> 1 Be it enacted by the Senate and House of Representatives in General Court convened, That John M. Tillotson, James Lucas, and Jeremiah Eames Esq. be, and they hereby are appointed a Committee to assess and collect a tax of four cents on each acre of the first division, and three cents on an acre of the second and third divisions of land in said Northumberland; public rights excepted, for one year, to be appropriated to the sole purpose of making and repairing roads and bridges in said Northumberland; and the said tax shall be collected in the same manner as State taxes assessed on nonresident proprietors are by law collected, except that the list of taxes left with the deputy secretary, shall remain in his office 'till the fifteenth day of September instead of the first day as by law is directed.

2<sup>d</sup> And be it further enacted, That the said Committee shall in the month of March in the year when said tax is assessed, give public notice in the New Hampshire Gazette and in the Newspaper printed at Hanover six weeks successively of the assessment of said tax and the leave granted to the resident and nonresident owners to work out said tax as hereafter provided.—

3<sup>d</sup> And be it further enacted, That the owners of land in said Northumberland, whether residents or nonresidents, shall have the liberty of working out the said taxes on the highways and bridges in said town as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the rate of eight cents per hour for every able bodied man finding his own diet and tools, and for oxwork the same price

per yoke, any time between the first day of June and the fifteenth day of September in the year when the tax is assessed; and if the tax aforesaid is not duly paid or worked out as above provided on or before the fifteenth day of September in the year when such tax is assessed, the said Committee shall proceed in the same way and manner as Collectors of State taxes are by law directed to do.—

And be it further enacted, That when any lands are sold at public auction by virtue of this act, the aforesaid Committee are hereby empowered to give a good and valid deed of the same; and the same time shall be allowed for redemption, and the same mode pursued in redeeming as in the case of lands sold for the nonpayment of State taxes; provided that no deed shall be executed until the expiration of one year after the sale.—

And be it further enacted, That the said Committee shall, previous to the collection of said tax, give bond in the penalty of ten thousand dollars to the Clerk of the court of common pleas for the county of Grafton for the faithful appropriation of the tax aforesaid within two years from the first advertizing, agreeably to the true intention of this act; which bond may be sued and recovered in any court of competent jurisdiction, and one half of the sum recovered shall be for the use of the proprietors, and the other half for the use of the county—

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY WEBSTER'S FALLS IN PEMIGGEWASSET RIVER.

[Approved June 20, 1804. Original Acts, vol. 18, p. 23; recorded Acts, vol. 15, p. 41. See act of June 17, 1807, id., vol. 16, p. 395, and act of December 3, 1812, id., vol. 19, p. 264.]

Whereas the extension of inland navigation will be of great public utility, and whereas a canal by Websters falls so called in Pemigewasset river near the dwelling house of Ebenezer Eastman in Salisbury in the county of Hillsborough would promote that object, and whereas Thomas W. Thompson and others have petitioned the General Court to be incorporated for that purpose— Therefore,

1 Be it enacted by the Senate and House of Representatives in General Court convened That Thomas W. Thompson, Ebenezer Eastman, Stephen Ambrose, and Jacob Carter, their associates and successors be and they are hereby incorporated and made a body politic and corporate forever, by and under the name of The Proprietors of the Pemigewasset Canal, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be and hereby are vested with all the powers

and privileges which by law are incident to corporations of a similar nature.

2<sup>d</sup> And be it further enacted That the said Thomas W. Thompson shall call a meeting of said Proprietors by advertisement in the *Courier of New Hampshire*, to be holden at any suitable time and place after fourteen days from the first publication of said advertisement; and the Proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings, and at the said first meeting, or any subsequent meetings, may elect such officers, and make and establish such rules and by-laws as to them shall appear necessary or convenient, for the regulation and government of said corporation, for carrying into effect the purpose aforesaid, and for collecting the tolls hereinafter established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof, provided the said rules and by-laws be not repugnant to the laws and Constitution of this State: and all representations at any meeting of said corporation shall be proved by writing, signed by the person to be represented, which shall be filed with the clerk; and this act, and all rules by laws regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk in a book or books to be provided and kept for that purpose.—

3<sup>d</sup> And be it further enacted That the said Proprietors be and they hereby are authorised to purchase and hold in fee simple all such land adjoining to said falls as to them may appear necessary for carrying into effect the object of this act, provided the same exceed not twenty acres. And in all cases where it may be necessary for the said Proprietors to appropriate and use land, which is now unimproved, adjoining the said falls to carry into effect the object of this act, it may and shall be lawful for the said Proprietors so to do; and in all such cases, if the owner or owners of said land, and the said Proprietors cannot agree on the compensation to be made for said land, the Superior Court of Judicature in the county in which the land lies, upon application of said Proprietors or owners may appoint a committee who shall ascertain the compensation to be made to the said owners, and make report to the then next Superior Court of Judicature in the county in which the land lies, and upon the acceptance of said report, and judgment thereon, execution shall issue accordingly.

4<sup>th</sup> And be it further enacted That the said Proprietors may, and shall divide the property belonging to them as a corporation into shares, and into such number of shares as they shall think proper, which shares shall be transferable by deed, duly executed, acknowledged, and recorded by the clerk of said Proprietors, and which shares shall forever hereafter be deemed and held as per-

sonal estate; and the share or shares of any proprietor may be sold by said corporation on nonpayment of assessments duly made, or the sum or sums due from any delinquent proprietor or proprietors on account of any assessment or assessments duly made may be recovered by the said Proprietors of such delinquent proprietor or proprietors by action or suit at law in any court or courts proper to try the same.—

5<sup>th</sup> And be it further enacted That the said Proprietors be and they hereby are authorized to erect, construct, and maintain said canal, and all such locks, and dams as shall be necessary in order to admit the passage of boats, rafts, masts and lumber in said Pemigewasset river by said Webster's falls, provided nevertheless that no dam shall be erected which shall obstruct the passage of the fish: or timber not intended by the owner or owners to pass through the Canal and if complaints of that kind arise, the Superior Court of Judicature, upon application, may appoint a committee of three suitable persons to view the dam or dams erected by said Proprietors, and the report of said committee made to the said Superior Court, and by said Court accepted, shall be the rule to which the said Proprietors shall conform, and which they shall modify their dam or dams.—

6<sup>th</sup> And be it further enacted That for the purpose of compensating the said Proprietors for the money by them expended, or to be expended in erecting, constructing, and maintaining said canal and locks a toll be and hereby is granted and established for the term of Six years for the benefit of said Proprietors, not exceeding the rates following viz For every thousand feet of pine boards thirty cents, for every thousand feet of two and an half inch pine plank seventy five cents, and other pine plank in proportion, for every thousand feet of two and an half inch oak plank one dollar and fifty cents, and other oak plank in proportion, for every cord of pine wood thirteen cents, for every cord of other wood twenty cents, for every thousand of barrel staves forty two cents, for every thousand of hogshead staves sixty seven cents, for every thousand of pipe staves eighty three cents, for every ton of oak timber twenty two cents, for every ton of pine timber thirteen cents, for every boat above one ton burthen thirty three cents, for every ton conveyed up or down in such boats, or conveyed on rafts through said canal fifty cents, for every smaller boat in proportion thereto; for every thousand of shingles three cents, for every thousand of clapboards seventeen cents, for every thousand of hoops twenty five cents, for every ton of masts, spars, and bowsprits twenty cents, and for all other articles not herein enumerated in like proportion. And at the expiration of every Six years, the rates of said toll shall be regulated by the Justices of the Superior Court of Judicature in such manner as the amount of the toll shall not exceed twelve per centum



per annum upon the amount of the monies expended in the erection of said canal and locks, nor be less than six per centum per annum.—

And be it further enacted That if the said Canal and locks be not completed within four years from and after the passing of this act, every part and clause of this act shall be null and void.—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE LONDONDERRY TURNPIKE INCORPORATION—

[Approved June 20, 1804. Original Acts, vol. 18, p. 24; recorded Acts, vol. 15, p. 52. Session Laws, June, 1804, p. 11. See additional acts of December 20, 1805, id., December, 1805, p. 31, and December 27, 1805, id., p. 29. See also act of June 12, 1807, id., June, 1807, p. 14.]

Whereas John Prentice, John Dinsmoor John Montgomery, William A Kent & James Pinkerton have petitioned the General Court praying for liberty to make a Turnpike road from Butter's corner in Concord to the State line near Andover Bridge, which prayer appearing reasonable— Therefore

1 Be it enacted by the Senate & House of Representatives in General Court convened, that John Prentice, John Philips Jun<sup>r</sup>, Thomas W Thompson John Montgomery, William A Kent, James Pinkerton John Dinsmoor, Isaac Thom & George Reid, and their Associates & Successors, be and they hereby are incorporated and made a body corporate and politic, under the name of the Londonderry Turnpike Incorporation and in that name may sue and prosecute, and be sued and prosecuted, to final Judgment and execution; and shall be, and hereby are vested with all the powers and privileges which by law are incident to Corporations of a similar nature—

2<sup>d</sup> And be it further enacted that the said John Prentice or said John Philips, shall call a meeting of said Proprietors by advertisement in the Oracle printed at Portsmouth, to be holden at any suitable time & place, at least thirty days from the first publication of said Advertisement, and the proprietors, by a vote of a majority of those present or represented at said Meeting accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said Office: and shall also agree on a method of calling future meetings, and at the same or at any subsequent meeting may elect such Officers and make and establish such rules and bye:laws, as to them shall seem necessary and convenient for the regulation and government of said

Corporation for carrying into effect the purposes aforesaid and for collecting the Tolls herein after established, and the same bye-laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and bye-laws are not repugnant to the Constitution and laws of this State—and all representations shall be proved by writing, signed by the person to be represented, which shall be filed with the Clerk and this Act and all rules, regulations & proceedings of said Corporation shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose—

3 And be it further enacted that the said Corporation are empowered to survey, lay out make and keep in repair a Turnpike road, four rods wide, in such route or track as in the best of their Judgment shall combine shortness of distance with the most practicable ground, from Butter's corner in Concord, to the State line near Andover Bridge—

4 And be it further enacted, that in case the proprietors and Owners of land through which said road may run, shall not agree on the Compensation to be made for said land; the Superiour Court of Judicature, holden within and for the County in which said land lies, upon the application of the said proprietors or the Owner or Owners of such land may appoint a Committee to ascertain the compensation—which compensation shall be actually paid or tendered by said proprietors before any labour shall be done on said road—

5 And be it further enacted that the said Corporation may erect & fix so many gates or Turnpikes upon and across said road as will be necessary and convenient to collect the Tolls and duties herein after granted to said Company from all persons traveling in the same with horses cattle carts and carriages—

6 And be it further enacted, that it shall and may be lawful for said Company to appoint such and so many toll:gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road the tolls and rates herein after mentioned and to stop any person, riding, leading, or driving any horses, cattle, swine, sheep, sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh; sled or any other carriage of burden or pleasure, from passing through said gates or Turnpikes, until they shall have respectively paid the same, that is to say; for every mile of said road and so in proportion for a greater or less distance or for a greater or smaller number of cattle or carriages to wit, for every ten sheep or swine; one cent— for every ten cattle or horses two cents—for every horse and rider or led horse, one cent—for every sulkey chair or chaise with one horse & two wheels, two cents — for every chariot, coach, stage, phaeton or chaise with two horses and four wheels, four cents—for every carriage of pleasure, the like sums according to the number of Wheels and horses drawing the same—for each Cart or other carriage of burden drawn by one

beast, one cent—for each cart waggon or other carriage of burden, drawn by two beasts, one cent and a half—if drawn by more than two beast, one cent for each additional yoke of Oxen or pair of horses—for each sleigh drawn by one horse, one cent—if drawn by two horses, two cents—if by more than two horses one cent for each additional horse;—for each sled drawn by one beast, one cent—if drawn by two beast one cent and a half—if by more than two beasts, one cent for each additional yoke of oxen or pair of horses.—And at all times when the toll:gatherer shall not attend his duty the gate shall be left open; and if any person shall with his carriage, team, cattle, horses, turn off from said road to pass said Turnpike gate on ground adjacent thereto, said ground not being a public highway, with an intent to avoid the Toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal Toll would have been, to be recovered by the Treasurer of said Corporation, to the use thereof in an action of debt or on the case, Provided that nothing in this Act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship or funeral, or with his horse, team or cattle to or from any Mill or on the common or ordinary business of family concerns within the Town where such person resides nor of any Officer or soldier of the militia under arms while passing to and from the place of military duty

7 And be it further enacted that said Corporation are hereby empowered to purchase and hold for the purpose aforesaid, so much land as will be necessary for said Turnpike road, and the share or shares of any of said Proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of said Corporation on their records, and the share or shares of any of said proprietors may be sold by said Corporation for nonpayment of Assessments, duly made agreeably to the bye:laws that may be agreed upon by said Corporation—

8 And be it further enacted that said Corporation have liberty to erect & maintain a Bridge over and across Merrimack river in the most convenient place to accomodate said road, not interfering with any Bridge already erected or any grant heretofore made—

9 And be it further enacted that no toll shall be taken by said Corporation for any mile of said road, until six hundred dollars shall have been expended thereon or a proportionate sum on the whole number of miles reckoning from the corner aforesaid, to the place where said road shall terminate, nor until the Justices of the Superiour Court of Judicature shall adjudge the said road sufficiently made to entitle said Corporation to receive said toll—

10 And be it further enacted, that said Corporation may be indicted for defect of repairs of said road, after the toll:gates are erected; and fined in the same way and manner as towns are by law fineable, for suffering roads to be out of repair, and said fine may

be levied on the profits and toll arising or accruing to said Corporation—

11 And be it further enacted, that at the end of every six years after setting up of any toll-gate as aforesaid, an account of the expenditures of laying out and making said road and of the profits arising therefrom, shall be laid before the Justices of the Superiour Court of Judicature for the time being, under the forfeiture of the priviledges of this grant in future; and if the net profits for the said six years, shall exceed nine per centum per annum, the said Court may reduce the future toll so far as that it may not exceed nine per centum per annum—

Provided nevertheless and be it further enacted that if the said Turnpike shall in any part, be the same with any highway now used, it shall not be lawful for said Corporation to erect any gate or Turnpike on or across said part of the road that is used and occupied as a public highway any thing in this Act to the contrary notwithstanding—

12 And be it further enacted, that if in six years the said road shall not be compleated according to the provisions of this Act; every part and clause thereof shall be null and void—

Provided also, that the State of New-Hampshire may at any time after the expiration of forty years from the passing of this Act, repay the Proprietors of said road the amount of the sum expended by them thereon with nine per centum per annum in addition thereto, deducting the toll actually received by the proprietors; and in that case, the said road shall to all intents and purposes be the property of the State of New-Hampshire; any thing herein to the contrary notwithstanding, Provided Nevertheless that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary and expedient, to compel the said proprietors to keep the said Road in repair—

### [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE CHESTERFIELD TURNPIKE ROAD IN NEW HAMPSHIRE.

[Approved June 21, 1804. Original Acts, vol. 18, p. 25; recorded Acts, vol. 14, p. 400. Session Laws, June, 1804, p. 17.]

Be it enacted by the Senate and house of Representatives in General Court convened, that Jonathan R. Hale, Isaac Abbot, John Putnam, Benjamin Follet, Ezra Parker Jun<sup>r</sup> Asa Alexander Jun<sup>r</sup>



Daniel Severance, Caleb Alexander, Reuben Alexander, Amos Willard Benjamin Doolittle, Timothy Willis, Abner Johnson, Jabez Kimball Ebenezer Harvey and their associates and successors be and they hereby are incorporated and made a body corporate and politic under the name of the proprietors of the Chesterfield turnpike road in New-Hampshire, and in that name may sue and prosecute, be sued and prosecuted, to final Judgement and execution and shall be and are hereby vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

And be it further enacted, that the said Jonathan R. Hale or Benjamin Follet shall call a meeting of said Proprietors by advertisement in the New Hampshire Sentinel printed at Keene, to be holden at any suitable time and place at least thirty days from the first publication of said advertisement, and the proprietors by a vote of the majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases, shall choose a clerk who shall be sworn to the faithfull discharge of his office and shall also agree on a method of calling future meetings, may elect such officers and make and establish such rules and bye-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls herein after established, and the same bye-laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and bye laws are not repugnant to the constitution and laws of this State, and all representations shall be proved by writing signed by the person to be represented which shall be filed with the Clerk, and this act, and all rules and bye-laws, regulations and proceedings of said corporation shall be fairly and truly recorded by said clerk in a book or books provided and kept for that purpose

And be it further enacted, that the said corporation are empowered to survey, lay out, make and keep in repair a turnpike road of four rods wide in such route or track as in the best of their Judgement shall combine shortness of distance with the most practicable ground from Connecticut river in Chesterfield or from the village near the meeting house in said Chesterfield through said Chesterfield and Winchester to the line of the Commonwealth of Massachusetts.—

Provided nevertheless that said proprietors shall not use or improve any land for said road unless they previously agree with and purchase the same of the owners through which said turnpike road may pass—

And be it further enacted that the Corporation may erect and fix so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls herein after granted to said company from all persons travelling in the same with horses, cattle, carts, and carriages.

And be it further enacted that it shall and may be lawfull for said company to appoint such and so many tollgatherers as they shall think proper to collect and receive of and from all and every person or persons using said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any horses, cattle, swine sheep sulkey chair phaeton coach charriot, chaise, cart, waggon sleigh sled or other carriage of burthen or pleasure from passing through said gates or turnpikes untill they shall have respectively paid the same, that is to say for every mile of said road and so in proportion for a greater or less distance or greater or smaller number of sheep, swine, or cattle &c Viz, for every ten sheep or swine one cent, for every ten cattle or horses two cents, for every horse and his rider, or led horse one cent, for every sulkey, chair, or chaise, with one horse and two wheels two cents; for every chariot, coach stage waggon phaeton or chaise with two horses and four wheels three cents, for either of the carriages last mentioned with four horses, four cents. for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same, for each cart or other carriage of burden drawn by one beast one cent, for each waggon cart or other carriage of burden drawn by two beasts one cent and a half, and if by more than two beasts one cent for each additional yoke of oxen or pair of horses, for each sleigh drawn by one horse one cent, if drawn by two horses two cents and if by more than two horses one cent for every additional horse; for each sled drawn by one horse one cent, for each sled drawn by two horses or a yoke of oxen one cent and a half, and if by more than two horses or one yoke of oxen, one cent for each additional yoke of oxen or pair of horses and at all times when the toll-gatherer shall not attend his duty the gates shall be left open—and if any person shall with his carriage, team, cattle or horses turn off the road to pass the said turnpike gate on ground adjacent thereto, unless the same be an highway with an intent to avoid the payment of the toll due by virtue of this act, such persons shall forfeit and pay three times so much as the lawfull toll would have been to be recovered by the treasurer of said corporation to the use thereof in an action of debt or on the case—

Provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship or with his horse team or cattle or on foot to or from any mill or on the common and ordinary business of family concerns within the said town, and the militia of said State shall have liberty to pass and repass said turnpike gates in all muster days free from toll.

And be it further enacted that the said Proprietors are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said turnpike road, and that the shares in said turnpike road shall be taken, deemed, and considered to be personal

estate, to all intents and purposes, and shall and may be transferrable, and the mode of transferring said shares shall be by deed acknowledged before any Justice of peace, and recorded by the clerk of the corporation in a book to be kept for that purpose. And when any share shall be attached on mesne process an attested copy of such process shall at the time of the attachment be left with the clerk of the corporation, and by him recorded otherwise the attachment shall be void, and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property on execution, the officer making sale, or the Judgement creditor leaving a copy of the execution and the officers return on the same with the clerk of said corporation, within fourteen days after such sale, and paying for the same shall be deemed and considered as a sufficient transfer of said share or said shares in said turnpike road.—

And be it further enacted that no toll shall be taken by said corporation for any mile of said road untill six hundred dollars shall have been expended thereon or a proportionate sum upon the whole number of miles reckoning from where said road shall begin to the place where the same may terminate

And be it further enacted that said corporation may be indicted for defect of repairs of said road after the toll gates are erected and fined in the same way and manner as towns are by law finable for suffering roads to be out of repair, and said fine may be levied on the profits and tolls arising or accruing to said Proprietors.—And be it further enacted, that when said proprietors shall make it appear to the Justices of the Court of Common Pleas in and for the County of Cheshire that they have expended the sum of six hundred Dollars in labour on each mile or a proportionate sum as before mentioned the proprietors shall have the liberty to erect the gates as aforesaid—

And be it further enacted that at the end of every ten years after the setting up of any toll gate, an account of the expenditures upon said road and the profits arising therefrom shall be laid before the Court of Common Pleas in said County of Cheshire for the time being under forfeiture of this act in future—and if the net profits for the said ten years shall exceed nine per cent per annum the said Court may reduce the future toll so far as that it may not exceed nine per cent, and if the profits shall not amount to six per cent, the said court may raise so that it shall not be less than six nor more than nine per cent.—

And be it further enacted, that if in six years the said road shall not be compleated according to the provision in this act, every part and clause thereof, shall be null and void—

Provided also that the State of New Hampshire may at any time after the expiration of forty years from the passing of this act, repay the proprietors of said road the amount expended thereon with nine

per cent per annum in addition thereto, deducting the toll actually received by the proprietors, and in that case the said road shall to all intents and purposes be the property of the State of New Hampshire any thing in this act to the contrary notwithstanding

Provided nevertheless that the Legislature of this state shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compell said proprietors to keep the said road in repair.—

[CHAPTER 14.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A BAPTIST SOCIETY IN THE TOWN OF SWANZEY.—

[Approved June 21, 1804. Original Acts, vol. 18, p. 26; recorded Acts, vol. 14, p. 424.]

Whereas a petition has been presented to the General Court by a number of the Inhabitants in the town of SwanzeY praying that they with such others as may hereafter be admitted may be incorporated into a Religious Society by the name of the Baptist Society in SwanzeY which prayer appearing reasonable; Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that Wyman Richardson, John Holdbrook, Shubael Seaver, Nathan Cross and Abel Wilson Inhabitants of said SwanzeY with such others as may hereafter be admitted as members living within the bounds of said SwanzeY be and they hereby are made and erected into a body Corporate and Politic with Continuation and Succession forever to be called and known by the name of the Baptist Society in SwanzeY and by that name may sue and be sued, may plead and be impleaded and may prosecute and be prosecuted to final Judgment and Execution and they hereby are vested with all the powers and privileges which are by law incident to Corporations of a similar nature.

And be it further enacted, that said Society be and they hereby are authorised and impowered to raise such sum or sums of money as they shall judge necessary for the support or maintenance of a public Teacher or Teachers of piety, religion and morality and to build or repair houses for public Worship and to choose all proper Officers for transacting and managing the concerns of said society, and to make Bye-laws for regulating the same, Provided they are not repugnant to the Constitution and laws of this State

And be it further enacted that Wyman Richardson and Shubael Seaver or either of them shall warn and preside at the first meeting of said Society until a Moderator be chosen which meeting shall be



warned by posting a Notification setting forth specially all the matters and things to be acted upon in said meeting at the school house in the Westerly part of said Swanzey, fifteen days before the day of holding said meeting.

And be it further enacted that said Society shall annually meet on the first Monday of April for the purpose of raising money for the purposes aforesaid and for choosing all proper Officers for transacting the business of said Corporation who shall be sworn to the faithful discharge of their duty, and all meetings of said Society in future shall be notified or warned by the Clerk of said Society who shall cause a notification setting forth the business to be transacted at said meeting to be posted up at such place or places as said Society shall direct fifteen days prior to said Meeting.

And be it further enacted, that no person shall be considered as joining said Society unless he or she shall sign his or her name in the book of Records belonging to said Society, and any person who shall hereafter join said Society shall be discharged from said Society by his or her giving notice thereof in writing to the Clerk of said Society and likewise to the Clerk of said town of Swanzey: Provided that all persons who shall be discharged from said Society shall be holden to pay their proportion of all debts said Society shall owe in their corporate Capacity at the time of their leaving the same.

## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF LANCASTER BRIDGE.—

[Approved June 21, 1804. Original Acts, vol. 18, p. 27; recorded Acts, vol. 15, p. 25. The charter was extended by the act of July 2, 1870, Session Laws, June, 1870, Chap. 89.]

Whereas a petition has been preferred to the General Court setting forth that a bridge over Connecticut river at a place called Wait's bow in Lancaster in the county of Grafton, or at any place between the mouth of Israel's river and the upper line of said Lancaster, would be useful to community:—the prayer of which, upon a public hearing thereof, appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That Richard C. Everett, Levi Willard, Titus O. Brown, Jonathan Cram, Stephen Wilson, Jonas Baker, Artemas Wilder, junior, and such others as may hereafter join them, shall be, and hereby are made a Corporation and body politic by the name of The proprietors of Lancaster bridge; and in that name

may sue and be sued, prosecute and defend, to final judgment and execution, and do and suffer all matters, acts and things, which bodies corporate may or ought to do and suffer. And said corporation shall and may have a common seal, and the same may break, renew and alter at pleasure.—

And be it further enacted, That Richard C. Everett and Levi Willard, or either of them, shall call a meeting of said proprietors by giving them personal notice thereof, to be holden at any suitable time and place after fifteen days from the time of giving them notice as aforesaid—And the said proprietors by a vote of the majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of said office; and they shall also agree on a method of calling future meetings, and at the same, or at any subsequent meeting, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes of this grant; and for collecting the tolls and duties herein after allowed and established; and the same rules and by-laws may cause to be executed, and annex penalties to the breach thereof, not exceeding ten dollars for any one breach—provided such rules and by-laws are not repugnant to the constitution and laws of this State—And all representations at any meeting of said corporation shall be proved by writing signed by the person to be represented, which shall be filed by the clerk; and this act, and all rules, by-laws, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk in a book or books provided and kept for that purpose—

And be it further enacted, That the proprietors aforesaid be, and they hereby are permitted and allowed to erect and maintain a Bridge over Connecticut river at a place called Wait's bow in Lancaster in the county of Grafton, or at any place between the mouth of Israel's river and the upper line of said Lancaster; and the said proprietors are hereby empowered to purchase and hold in fee simple any lands adjoining said bridge, not exceeding five acres, for the purpose of erecting a building or buildings thereon, and for roads leading to and from said bridge—And the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of said proprietors on their records.—

And be it further enacted, That for the purpose of reimbursing said proprietors the money expended by them in building and supporting said bridge, a Toll be, and hereby is granted and established for the benefit of said proprietors, according to the rates following, namily, For each foot passenger, one cent; for each horse and rider, four cents; for each horse and chaise, chair, sulkey, or other riding

carriage drawn by one horse only ten cents; for each riding sleigh drawn by one horse, five cents; for each riding sleigh drawn by more than one horse, two cents for each additional horse; for each coach, chariot, phaeton, or other four wheeled carriage for passengers, drawn by more than one horse, twenty cents; for each curricule twelve cents; for each cart, or other carriage of burthen, drawn by two beasts, ten cents, and two cents for each additional yoke of oxen or pair of horses; for each horse, exclusive of those rid on, three cents; for each neat creature, one cent; for sheep and swine one half cent each; and to each team one person and no more shall be allowed as a driver to pass free of toll—

And be it further enacted, That the exclusive right of building and maintaining a bridge across said Connecticut river at any place between the mouth of Israel's river and the upper line of said Lancaster, a distance of about four miles, be and the same is hereby granted to the said proprietors—

And be it further enacted, That if any tax or assessment made by said corporation for completing or repairing said bridge on the several shares, shall be unpaid at the time limited for the payment of the same, they may proceed to sell the delinquent's share at public auction as the proprietors may agree and determine; and if any overplus remain after paying the tax or assessment and charges it shall be returned to the delinquent proprietor.—

And be it further enacted, That if the above mentioned bridge shall not be completed for travelling within three years from the passing hereof, or in case it shall be destroyed and not rebuilt, within three years after, then this act, and every part thereof, shall be null and void

And be it further enacted, That at the end of three years after the said bridge shall be completed, and at the end of every six years after an account of the expenditures upon said bridge and the profits arising therefrom shall be laid before the Justices of the superior court of judicature for the time being, at any stated term in any county, under the forfeiture of the privileges of this act in future; and if the nett profits of said three years or six years shall exceed twelve per cent. per annum, the said Court may reduce the future toll so far that it may not exceed twelve per cent; and if the said profits shall not amount to six per cent, the said Court may raise the toll so that it shall not be less than six per cent, nor more than twelve per cent per annum

And be it further enacted, That said corporation shall be liable to be indicted for the want of repairs of said bridge in the same way and manner as towns are by law liable to be indicted for the want of repairs of their public highways.—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT DIRECTING THE MODE OF BALLOTING FOR, AND APPOINTING  
ELECTORS OF THIS STATE FOR THE ELECTION OF A PRESIDENT AND  
VICE PRESIDENT OF THE UNITED STATES

[Approved June 21, 1804. Original Acts, vol. 18, p. 28; recorded Acts, vol. 15, p. 33. Session Laws, June, 1804, p. 39.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Inhabitants of the several Towns, Plantations and Places, in this State qualified to vote in the choice of Senators for the State Legislature, shall assemble in their respective Towns Plantations and Places on the first Monday of November next to vote for seven persons, inhabitants of this State, who shall not be Senators or Representatives in Congress, or persons holding offices of profit or trust under the United States, to be electors of President and Vice President of the United States, and the Selectmen of the towns plantations and places shall give fifteen days notice of the time, place, and design of such meeting, and the meeting shall be governed by a Moderator chosen for that purpose, who shall impartially preside, and with the Selectmen whose duty it shall be to attend at such meeting, shall receive from all the Inhabitants of such Towns, plantations, and places respectively, present and qualified as aforesaid, votes for such electors, and shall in open meeting sort and count the same; of all which the Clerk of such town, plantation or place respectively shall make a fair record in the presence of the said selectmen, of the name of every person voted for, and the number of Votes against his name, and a full and fair copy of such record shall be made out, and attested by the said Selectmen or Clerks respectively, and sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof, and transmitted by said Town Clerks to the Sheriffs of the respective Counties to which they belong, within seven days after said meetings, or to the Secretary's office on or before the twenty second day of November next, and the Several Sheriffs shall on or before the said twenty second day of November next transmit to the Secretary's office all votes that shall be in manner aforesaid transmitted or delivered to them and the respective Sheriffs, and Clerks aforesaid shall be liable to the same penalties for neglect of the duties enjoined on them respectively by this act as they are liable to by law for omissions in transmitting the votes for Governor and Senators for this State, And the Secretary shall on the twenty third day of November next lay the same before the Senate and House of Representatives in convention to be by them exam-



ined and counted, and in case there shall appear to be any, or the full number who have a majority of votes, the person or persons having such majority of votes shall be declared electors, provided, that not more than seven persons, have such majority; but in case more than seven persons shall have a majority of votes, then those seven persons who have the highest number of votes shall be declared electors—but if there shall not be any or the whole number having such majority the Senate and House of Representatives in convention as aforesaid shall cause to be made out a list of the persons not chosen, having the highest number of votes, equal to double the number of electors wanted, and if in making out such list it shall happen that two or more persons voted for, have an equal number of votes, which number is also high enough to entitle the candidate to a place in said list, the names of such persons shall be put into a box, and the Secretary, not being one of the Candidates, shall, in presence of said convention, draw the number wanted to complete said list, from which list said convention shall elect by ballot the number of electors wanted—and the person or persons having a majority of such votes shall be appointed and declared electors—And be it further enacted that in cases where the Secretary shall be a candidate, and his name shall be put into the box as aforesaid—said convention shall appoint some other suitable person in his stead to draw out the name or names of the person, or persons, in manner herein before directed—

And be it further enacted, that his Excellency the Governor of this State be, and he hereby is requested to cause the several persons who may be chosen electors to be seasonably notified of their appointment and request their attendance at Concord on the first Tuesday of December next at ten of the clock in the forenoon—

And be it further enacted, that the electors chosen as aforesaid shall meet at said Concord on said first Tuesday of December, and by twelve of the clock at midday of said first Tuesday of December, give notice to the Legislature of the number of electors present, who accept of said trust, and if from such notice it shall appear, that seven electors are not all then present and accept of said appointment—the two houses of the Legislature shall then immediately meet in convention, and by joint ballot elect the number wanting to complete said board—and if any person chosen as elector on said first Tuesday of December, shall not then attend and accept of said trust said convention shall then immediately proceed as aforesaid and choose others to supply such vacancy—

And be it further enacted that the electors chosen and appointed as aforesaid shall give their votes for President and vice President of the United States at Concord on the first Wednesday of December next and shall proceed to transact and do all the duties incumbent on them as electors in manner prescribed by law—

And be it further enacted that his Excellency the Governor be, and he hereby is requested, seasonably, to issue precepts to the several towns plantations and places within this State, directing them to notify & hold meetings on said first monday of November for the purpose of voting for electors as aforesaid—

[CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE GRAFTON TURNPIKE ROAD IN THIS STATE.—

[Approved June 21, 1804. Original Acts, vol. 18, p. 29; recorded Acts, vol. 15, p. 76. Session Laws, June, 1804, p. 23. See additional acts of June 18, 1805, id., June, 1805, p. 16, and June 7, 1808, id., June, 1808, p. 5. Repealed with its amendments by the act of January 3, 1829, recorded Acts, vol. 26, p. 467.]

1 Be it enacted by the Senate and House of Representatives in General Court convened that Daniel Blasdel, Hezekiah Bullock, Ezekiel Wells Moses Dole, Levi Martin, John Mann Jun<sup>r</sup>, Samuel Morey, Jeduthun Wilcox, Jonathan Franklin Rufus Conant, Amherst Kimball Ebenezer Hoit, Nathan Waldo, and their Successors be and they are hereby incorporated, and made a Body corporate and politic forever, under the name of the Proprietors of the Grafton Turnpike Road in New Hampshire, and in that name may sue and prosecute, and be sued & prosecuted to final Judgement and Execution; and shall be and hereby are vested with all the powers and privileges which by Law are incident to corporations of a similar nature—

2 And be it further enacted that the said Daniel Blasdel or Hezekiah Bullock, shall call a Meeting of the said Proprietors by Advertisement in the Paper printed at Hanover to be holden at any suitable time & place after thirty days notice, and the Proprietors by a vote of a Majority of those present or represented at said Meeting, accounting and allowing one vote to each Share in all cases shall choose a Clerk who shall be sworn to the faithful discharge of said office, and shall agree on the method of calling future Meetings, and at the same time, or any subsequent meeting may elect such Officers and make and establish such rules and bye laws, as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid and for collecting the toll hereinafter established; and the same bye laws may cause to be executed and annex penalties to the breach thereof not exceeding twenty dollars provided the said rules and bye laws are not repugnant to the Laws and Consti-

tution or this State, and representations at any meeting of said Corporation shall be proved by writing signed by the Person to be represented which shall be filed by the Clerk and this Act and all Rules, bye Laws, Regulations and proceedings of said Corporation shall be fairly & truly recorded by the Clerk in a Book or Books provided and kept for that purpose—3<sup>d</sup> And be it further enacted that the said Corporation are impowered to survey lay out make and keep in repair a Turnpike Road four rods wide, in such rout or Track as in the best of their Judgement shall combine shortness of distance with the most practicable Ground, from or near Orford Bridge on Connecticut River to the fourth Turnpike Road in Andover at or near Harrimans Bridge so called. Provided nevertheless that said Corporation shall not use or improve any Land for said Road unless they previously agree with and purchase the same of the owners through which the said Turnpike road may pass.—4<sup>th</sup> And be it further enacted that the said Corporation may erect and fix such and so many Gates or Turnpikes upon and across said Road, as will be necessary & sufficient to collect the Tolls and Duties hereinafter granted to the said Company from all persons travelling in the same with Horses, Cattle, Carts & Carriages—Provided nevertheless and be it further enacted that if the said Turnpike shall in any part be the same with any highway now used it shall not be lawful for said Corporation to erect any Gate or Turnpike on or across said part of the road that now is used and occupied as a public highway, any thing in this Act to the contrary notwithstanding—And be it further enacted that it shall and may be lawful for said Corporation to appoint such and so many Toll Gatherers as they shall think proper to collect and receive of and from every person or persons, using said road the Tolls and Rates hereinafter mentioned and to stop any person riding, leading or driving any Horses, Cattle, Sheep; Swine Sulkey, Chair, Chaise, Phaeton, Coach, Stage, Chariot, Cart, Waggon, Sleigh, Sled, or other Carriage of burthen or Pleasure, passing through the said Gates or Turnpikes untill they have respectively paid the same—that is to say for every Mile of said road and so in proportion for a greater or less distance, or a greater or smaller number of Cattle or Carriages to wit for every ten Sheep or Swine half one Cent, for every ten Cattle or Horses one cent for every horse and rider or led horse one Cent, for every Sulkey Chair, or Chaise, with one Horse & two wheels two cents, for every Chariot, Coach, Stage Waggon, Phaeton, or Chaise, with two Horses and four Wheels four Cents, for either of the Carriages last mentioned with four horses five cents for every other Carriage of pleasure, the like sums according to the number of wheels and horses drawing the same,—for each cart or other Carriage of burthen drawn by one beast one Cent and an half, for each Cart or other Carriage of burthen drawn by two Beasts two cents if by more than two Beasts one Cent and an half for each additional Yoke of

Oxen or pair of Horses for each Sleigh or Sled drawn by one Horse one Cent, if drawn by two Horses two cents, if by more than two Horses one Cent for each additional Horse, for each Sled drawn by one yoke of Oxen one cent and an half, if by more than one Yoke one Cent for each additional Yoke, and at all times when the Toll gatherer shall not attend his duty the Gate shall be left open.— And if any person shall with his carriage, Team, Cattle, or Horses, turn off of the Road to pass the said Turnpike Gate on Ground adjacent thereto except the same be a public highway with intent to avoid the payment of the Toll due by virtue of this Act, he shall forfeit and pay three times so much as the legal Toll would have been to be recovered by the Treasurer of said Corporation to the use thereof in an Action of Debt or on the case, provided that nothing in this Act shall extend to entitle the said Corporation to demand of any person who shall be passing with his Horse or Carriage to or from public worship or Funeral or with his Horse, Team, or Carriage, to or from any Mill or on the Common and ordinary business of Family Concerns within the Town where he resides; nor of any Officer or Soldier of the Militia under Arms while passing to & from the place of military duty— 5<sup>th</sup> And be it further enacted that the said Proprietors are hereby empowered to purchase and hold for the purpose aforesaid so much Land as will be necessary for said Turnpike road and the Share or Shares of any of said Proprietors may be transferred by Deed duly executed acknowledged and recorded by the Clerk of said Corporation on their records, and the Share or Shares of any of said Proprietors may be sold by said Corporation for nonpayment of Assessments duly made agreeably to the bye Laws that may be agreed upon by said Corporation.

6<sup>th</sup> And be it further enacted that no Toll shall be taken for any Mile of said Road untill six hundred dollars shall have been expended thereon or a proportionate sum upon the whole number of Miles, reckoning from or near Orford Bridge aforesaid to the place where said road terminates at the fourth Turnpike Road in Andover at or near Harrimans Bridge so called,—nor untill the Justices of the Superiour Court shall adjudge the said Road is sufficiently made to entitle said Corporation to receive said Toll.— 7<sup>th</sup> And be it further enacted that said Corporation may be indicted for defect of repairs of said Road after the Toll Gates are erected, and fined in the same way and manner as Towns are by Law fineable for suffering roads to be out of repair, and said Fine may be levied on the profits and Tolls arising or accruing to said Corporation—

8<sup>th</sup> And be it further enacted that at the end of every six Years after the setting up of any Toll Gate an account of the Expenditures upon said road and the profits arising therefrom shall be laid before the Justices of the Superiour Court of Judicature for the Time being under the forfeiture of this Act in future.—And if the neat profits for the said six years shall exceed Nine p<sup>r</sup> Cent p<sup>r</sup> Annum, the said



Court may reduce the future Toll so far as that it may not exceed Nine p<sup>r</sup> Cent. and if the profits shall not amount to six p<sup>r</sup> Cent. the said Court may raise, so that it shall not be less than six nor more than Nine p<sup>r</sup> Cent. 9 And be it further enacted that if in four Years the said Road shall not be completed according to the provision in this Act, every part and clause thereof shall be null and void—provided also that the State of New Hampshire may at any time after the passing of this Act, repay the Proprietors of said Road the amount of the Sums expended thereon with Nine p<sup>r</sup> Cent per Annum in addition thereto deducting therefrom the Toll actually received by the Proprietors and in that Case the said road shall to all intents and purposes be the property of the State of New Hampshire, any thing in this Act to the Contrary notwithstanding provided nevertheless that the Legislature shall have a right to adopt such Measures in future, as shall by them be considered necessary or expedient to compell the said proprietors to keep the said Road in repair—

[CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE UNION TURNPIKE ROAD IN NEWHAMPSHIRE

[Approved June 21, 1804. Original Acts, vol. 18, p. 30; recorded Acts, vol. 15, p. 77. Session Laws, June, 1804, p. 42.]

Be it enacted by the Senate and House of Representatives in General Court convened that Timothy Walker, Robert Wallace William A Kent, Richard Ayer Edward Whitman, Aaron Adams Timothy Darling, Oliver Noyes Joseph Towne, Joseph Plummer, William Gould Samuel Page, Nathaniel Noyes, Jacob Gibson John Stone, William Adams, Jonathan Wood John Warren, Samuel M. Smith, John Curtice Thaddeus Gibson Samuel Wadsworth, Parker Pearson Charles Rice William Levestone, David Campell Elias Gould Jun., Levi Kemp Stephen Whitaker James Wallace and Joshua Darling and their associates, and successors, be and they hereby are incorporated, and made a body corporate and politic forever, under the name of the Proprietors of the Union Turnpike Road in Newhamphshire, and by that name may sue and prosecute and be sued and prosecuted, to final Judgment and execution and shall be and hereby are vested with all the powers and privileges which by law are incident to Corporations of a Similar nature.—

2<sup>d</sup> And be it further enacted, that the Said Timothy Walker Esq<sup>r</sup> Shall call a meeting of said Proprietors by advertisement in the Courier of Newhamphshire, printed at Concord, to be holden at

any suitable time and place, after fourteen days from the first publication of said advertisement; and the Proprietors by a vote of the majority of those present, or represented at said Meeting, accounting and allowing one vote to each share, in all cases shall choose a Clerk who shall be sworn to the faithful discharge of said office, and shall also agree on a method of calling future meetings, and at the same time, or any subsequent meeting may elect such officers and make and establish such rules and bye-laws as to them shall seem necessary and convenient for the regulation and government of said Corporation, for carrying into effect the purpose aforesaid, and for collecting the tolls herein after established, and the same bye-laws, may cause to be executed and annex penalties to the breach thereof, provided the said rules and bye-laws are not repugnant to the Constitution and laws of this State; and all representations, at any meeting of said Corporation, shall be proved by writing signed by the person to be represented; which shall be filed with the Clerk: And this act and all rules and bye-laws regulations, and proceedings of said Corporation shall be fairly and truly recorded by the Clerk, in a book or books provided and kept for that purpose—

3<sup>d</sup> And be it further enacted that the said Corporation are empowered to survey lay out make and keep in repair a Turnpike Road, or highway of four rods wide; in such rout or track as in the best of their judgment and skill will combine shortness of distance with the most practicable ground from the second Newhampshire Turnpike road in Hillsborough thence through Heniker and Hopkinton to Concord main street—

4<sup>th</sup> And be it further enacted, that in case the said proprietors and the owners of land through which the said road may run shall not agree on the compensation to be made for said land the Superior Court of Judicature holden within and for the County in which said land lies upon the application of the said proprietors or of the owner or owners of such land, the adverse party being duly notified may appoint a Committee to ascertain the compensation and issue Execution therefor against said Proprietors in case of nonpayment:—Provided nevertheless; that no labour shall be done on said road untill the said damages so assessed are actually paid or tender thereof made or such security given as shall be satisfactory to the owner or owners of the land through which said road shall pass—

5<sup>th</sup> And be it further enacted that the said Corporation may erect and fix such and so many Gates or Turnpikes upon and across the said road as will be necessary and sufficient to collect the Tolls and duties, herein after granted to the said Company from all persons traveling in the same with horses Cattle Carts and Carriages—

6<sup>th</sup> And be it further enacted, that it shall and may be lawful for said Corporation to appoint such and so many Toll-gatherers as they shall think proper to collect and receive of and from every

person and persons using the said road, the tolls and rates herein after mentioned and to stop any person riding, leading or driving any horses Cattle, Hogs, Sheep, Sulkey, Chair, Chaise Phaeton, Coach, Chariot, Cart, Waggon, Sleigh, Sled or other Carriage of burthen or pleasure from passing through said Gates or turnpikes untill they shall have respectively paid the same: that is to say, for every mile of the said road and so in proportion for any greater or less distance or any greater or smaller number of Sheep, Hogs or Cattle, Viz, for every ten sheep or hogs half of one Cent; for every ten Cattle one Cent; for every horse and his rider or led horse one Cent; for every Sulkey, Chair or Chaise with one horse and two wheels one Cent and a half; for every Chariot, Coach, Stage Waggon, Phaeton or Chaise with two horses and four wheels three Cents; for either of the Carriages last mentioned with four horses four Cents; for every other Carriage of Pleasure the like sums according to the number of wheels and horses drawing the same; for each Cart or other Carriage of burthen drawn by one beast one Cent; for each Waggon, Cart or other Carriage of burthen drawn by two beasts one and a half Cent; if by more than two one Cent for each additional yoke of Oxen or pair of horses; for each sleigh drawn by one horse one Cent and a half; by two horses two Cents and if by more than two one Cent for each horse; for each sled drawn by one horse one Cent; for each sled drawn by two horses or a yoke of Oxen one Cent and a quarter; and if by more than two horses or one yoke of Oxen, one Cent for each additional pair of horses or yoke of Oxen, and at all times when the toll gatherer shall not attend his duty the Gate or Gates shall be left open: provided that nothing in this act shall extend to entitle the said Corporation to demand or take toll of any Person who shall be passing with his horse or Carriage to or from public worship or with his horse team or Cattle to or from any Mill, or on their common or ordinary business within the town where such person belongs and that the Officers & Soldiers of the Militia shall pass & repass free of Toll on Muster days.—

7 And be it further enacted that the said Proprietors are hereby empowered to purchase and hold in fee-simple so much land as shall be necessary for said road and that the Share or Shares of any of said Proprietors, may be transfered by deed duly executed acknowledged and recorded by the Clerk of said Proprietors, on their records: and the share or Shares of any Proprietors may be sold by said Corporation on nonpayment of the assessments duly made—

8 And be it further enacted, that no toll shall be taken by said Corporation, for any mile of said road untill Six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from Hillsborough on the second Newhampshire Turnpike to Concord Street—

9 And be it further enacted that said Corporation may be indicted for defect of repairs of said road, after toll-gates are

erected, and be fined as Towns are by Law finable, for suffering roads to be out of repair; and said fine may be levied on the profits and tolls, arising or accruing to said proprietors—

Provided Nevertheless, And be it further enacted, that if the said Turnpike Road shall in any part be the same with any highway now used it shall not be lawful for said Proprietors to erect any Gate or turnpike on or across said part of the road now used or occupied as a public highway—

10 And be it further enacted that at the end of every six years an account of the expenditures upon said road, and the profits arising therefrom, shall be laid before the Judges of the Superior Court for the time being under forfeiture of the priviledge of this Act in future and if the nett profitts for the said six years shall exceed Nine per Cent per Annum the said Court may reduce the future toll, so as that it may not exceed Nine per centum per Annum and if the profits shall not amount to six per Cent the said Court may raise the toll so that it shall not be less than Six nor exceed Nine per Cent—

11 And be it further enacted, that if in five years the said road is not compleated according to the provision in this act, every part and clause thereof shall be null and void. Provided also that the State of Newhampshire may at any time after the passing this act repay the Proprietors of the said road the amount of the sum expended by them thereon with Nine per Cent per Annum in addition thereto deducting the amount of Toll actually received by the Proprietors; and in that case the said road shall to all intents and purposes be a public highway anything in this act to the contrary notwithstanding.

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF "THE SUNAPEE TURNPIKE CORPORATION."

[Approved June 21, 1804. Original Acts, vol. 18, p. 31; recorded Acts, vol. 15, p. 90. Session Laws, June, 1804, p. 28. See act of June 23, 1815, recorded Acts, vol. 20, p. 367, and act of June 26, 1817, id., vol. 21, p. 71.]

Sect: 1 Be it Enacted by the Senate & House of Representatives in General Court convened that Jonathan Barnes, Ebenezer Eaton, Richard Cressey, John Raymond & Enoch Hoit and their associates & Successors be, & they hereby are incorporated and made a body corporate & politic under the name of The Sunapee Turnpike corporation; and in that name may sue and prosecute, be sued & prosecuted to final Judgment and execution; and shall be and are hereby vested with all the powers and privileges which by Law are incident to Corporations of a similar nature.—



2 And Be it further Enacted that the said Jonathan Barns or Ebenezer Eaton shall call a meeting of said Proprietors by advertisement in the Farmer's Cabinet printed at Amherst to be holden at any suitable time & place, at least thirty days from the first publication of said Advertisement, and the proprietors by a vote of the Majority of those present or represented at said Meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of his office, and shall also agree on a method of calling future meetings; and may elect such officers and make & establish such Rules & Bye-laws, as to them shall seem necessary & convenient for the regulation & government of said Corporation for carrying into effect the purposes aforesaid, and for collecting the Tolls herein after established; and the same Bye-laws may cause to be executed, and annex penalties to the breach thereof; provided the said Rules & Bye-Laws are not repugnant to the Constitution & Laws of the State; and all representations shall be proved by writing signed by the person to be Represented, which shall be filed with the Clerk: And this Act & all Rules & Bye-laws, regulations & proceedings of said Corporation shall be fairly & truly recorded by said Clerk in a book or books provided & kept for that purpose—

3 And Be it further Enacted that the said corporation are empowered to survey, lay out make and keep in repair a Turnpike road of four rods wide from the South end of Sunapee Pond through that part of the Towns of Fishersfield, Bradford and Hillsborough to unite with the Second Turnpike road where it will best accommodate the public—

Provided Nevertheless, That said proprietors shall not use or improve any land for said road, unless they previously agree with, or purchase the same of the Owners, through which said Turnpike road may pass—

4 And Be it further Enacted, that the corporation may erect and fix so many gates or Turnpikes upon and across said road as will be necessary and sufficient to collect the Tolls herein after granted to said company, from any persons travelling in the same with horses, Cattle, Carts and carriages—

5 And Be it further Enacted that it shall be lawful for said company to appoint such and so many Toll-gatherers as they shall think proper, to collect and receive of and from all & every person or persons using said Road, The tolls and Rates herein after mentioned, and to Stop any person riding leading or driving any horses cattle, swine, sheep, Sulkey, chair, Phaeton, Chaise, Cart, waggon, sleigh, sled or other carriage of burthen or pleasure from passing through said gates or Turnpikes, until they shall have respectively paid the same, that is to say, for every mile of said road and so in proportion for a greater or less distance, or greater or smaller number of sheep swine or cattle &c viz<sup>t</sup> for every ten sheep or swine half one cent; for every ten Cattle or horses One cent; for every horse

and his rider, or led horse one cent; for every sulkey, chair or chaise, with one horse and two wheels two cents; for every chariot, Coach, stage-waggon, Phaeton, or chaise with two horses and four wheels three cents; for either of the Carriages last mentioned with four horses four cents; for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each Cart or other carriage of Burthen drawn by one beast, one cent; for each waggon Cart or other carriage of burthen drawn by two beasts, one cent and a half; and if by more than two beasts, one cent for each additional Yoak of oxen or pair of horses; for each sleigh drawn by one horse, one cent—if drawn by two horses, two cents; and if by more than two horses, one cent for each additional horse;—for each sled drawn by one horse, one cent; for each sled drawn by two horses, or a yoak of oxen, one cent & a quarter—And if by more than two horses or one yoak of oxen, one Cent for each additional pair of horses, or yoak of oxen.

And at all times when the toll-gatherer shall not attend his duty, the gates shall be left open. And if any person shall with his carriage, team cattle or horses turn Off the said road, to pass the said turnpike gate on ground adjacent thereto, unless the same be an highway, with an intent to avoid the payment of the Toll due by virtue of this act, such persons shall forfeit and pay three times so much as the lawful Toll would have been, to be recovered by the Treasurer of said Corporation, to the use thereof, in an Action of Debt or on the case: Provided that nothing in this Act shall extend to entitle the said Corporation to demand Toll of any person, who shall be passing with his horse or Carriage to or from public worship, or with his horse, team or cattle, or on foot to or from any Mill or on the common and ordinary business of family concerns, within said Towns; and the Militia of said State shall have liberty to pass and repass said Turnpike gates on Muster days free from toll—

6<sup>th</sup> And Be it further Enacted that the said Corporation are hereby empowered to purchase and hold for the purpose aforesaid so much land as will be necessary for said Turnpike road; and the share or shares of any of said proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of said corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for nonpayment of assessments duly made agreeably to the Bye-laws that may be agreed upon by said corporation—

7<sup>th</sup> And Be it further Enacted that no Toll shall be taken for any mile of said road until six hundred dollars shall have been expended thereon or a proportionate sum upon the whole number of Miles, reckoning from the South end of Sunapee Pond aforesaid to the place where said road shall strike the second Turnpike,—nor untill the Justices of the Superior Court of Judicature shall adjudge that said road is sufficiently made to entitle said Corporation to receive said toll.—

8 And Be it further Enacted that said Corporation may be indicted for defect of Repairs of said road after the Toll gates are erected, and fined in the same way and manner as Towns are by Law finable, for suffering roads to be out of repair; and said fine may be levied on the profits and Tolls arising or accruing to said corporation—

9 And Be it further Enacted that at the end of every six years after the setting up of any Toll gate upon the road aforesaid, an account of the expenditures upon said road, and the profits arising therefrom shall be laid before the Justices of the Superior Court of Judicature for the time being, under the forfeiture of the privileges of this Act in future. And if the net profits for the said Six years shall exceed Nine per centum per Annum, the said Court may reduce the future toll so far as that it may not exceed Nine per centum per Annum.—

10<sup>th</sup> And Be it further Enacted that if in five years the said road shall not be compleated according to the provisions in this Act every part & clause thereof shall be null & void: Provided also that the State of Newhampshire may at any time, after the passing of this Act repay the Proprietors of said Road the amount of the sums expended by them thereon, with Nine per Centum per Annum in addition thereto, deducting the Toll actually received by said corporation; And in that case the said road shall to all intents and purposes be the property of the State of Newhampshire, any thing herein to the contrary notwithstanding.—Provided Nevertheless, that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep said road in repair. And also provided that no Gate or Turnpike be erected on any land now used or occupied as a public highway.

## [CHAPTER 20.]

*State of*            }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE STODDARD TURNPIKE CORPORATION IN NEW HAMPSHIRE.—

[Approved June 21, 1804. Original Acts, vol. 18, p. 32; recorded Acts, vol. 15, p. 112. Session Laws, June, 1804, p. 47.]

1 Be it enacted by the Senate and House of Representatives in General Court convened, That Nathaniel Emerson, Elisha Kingsbery, Nathaniel S. Prentice, John Hubbard, James Hopkins, and their Associates and Successors, be, and they hereby are incorporated and made a body corporate and politic, forever, under the

name of The Proprietors of the Stoddard Turnpike Corporation in New-Hampshire; and in that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

2 And be it further enacted, That the said Nathaniel Emerson and James Hopkins, or either of them, shall call a meeting of said proprietors to be holden at any suitable time and place, by advertisement in the Farmer's Museum printed at Walpole, at least thirty days from the first publication of said advertisement; and the proprietors by a vote of the majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office; and shall also agree on a method of calling future meetings, and at the same, or at any subsequent meeting, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid, and for collecting the tolls and duties hereinafter established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof; provided the said rules and by-laws are not repugnant to the Constitution and laws of this State— And all representations at any meeting shall be proved by writing signed by the person to be represented, which shall be filed by the Clerk; and this act, and all rules, regulations and proceedings, of said corporation, shall be fairly and truly recorded by the clerk in a book or books provided and kept for that purpose—

And be it further enacted, That the said Corporation are hereby impowered to survey, lay out, make and keep in repair, a turnpike road of four rods wide in such rout or track as in the best of their judgment and skill shall combine shortness of distance with the most practicable ground, from the third turnpike road near Whiteman's tavern in Walpole to the second turnpike road near Gibson's tavern in Francistown, and from thence to the Amoskeag falls in Merrimac river.—

3 And be it further enacted, That if the said proprietors and the owners of land over which said road may run, shall disagree on the compensation to be made for said land, and shall not agree in appointing persons to ascertain such compensation, the Justices of the court of common pleas in the county in which said land lies, if not interested, and if interested, the Justices of the superior court, upon the application of the said proprietors, or the owners of the land, seasonable notice of such application having been first given to the adverse party, shall appoint a committee who shall ascertain the same, in the same way as compensation is made to owners of land for highways as usually laid out, Provided Nevertheless that it Shall not be lawful for said proprietors to make such road until



the damages done the owner or owners of the land through which the same is laid out is ascertained and paid, or tender thereof made—

4 And be it further enacted, That the said corporation may erect and fix such and so many gates or turnpikes, upon and across said road as will be necessary and sufficient to collect the tolls and duties hereinafter granted to said company, from all persons traveling in the same with horses, cattle, carts and carriages.—

5 And be it further enacted, That it shall and may be lawful for said company to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons, using said road, the rates of toll hereinafter mentioned and to stop any person riding, leading or driving, any horses, cattle, carts or carriages, from passing through the said gates or turnpikes, until they shall have respectively paid the same; that is to say—For every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of horses, cattle or carriages, towit; for every ten sheep or hogs, one half cent; for every ten neat cattle, one cent; for every ten horses or mules, one cent; for every horse and its rider, or led horse, one cent; for every sulkey, chair or chaise, with one horse and two wheels, two cents; for every coach, chariot, stage, phaeton, or chaise, with two horses and four wheels, three cents; for either of the carriages last mentioned with four horses, four cents; for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart, waggon, or other carriage of burthen, drawn by one beast, one cent; for the like carriages drawn by two beasts, one cent and a half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse, one cent *and a half*; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each sled, or sleigh of burden, drawn by one horse, three quarters of a cent; if drawn by two horses or a yoke of oxen, one cent, if by more than two horses or a yoke of oxen, one cent for each additional pair of horses or yoke of oxen; and at all times when the toll-gatherer shall not attend his duty, the gates shall be left open. And if any person shall with his carriage, team, cattle or horses, turn out of the said road to pass the said turnpike gate, on ground adjacent thereto, not being a public highway, with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been; to be recovered by the treasurer of said corporation, to the use thereof, in an action of debt or on the case: provided that nothing in this act shall extend to entitle said corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or on a funeral, or with his horse, team or cattle, to or from any mill, or on the common and ordinary business of family concerns within the same town; nor

to any officer or soldier of the militia, under arms, when going to or from the place of military duty.—

And be it further enacted, That the said corporation are hereby impowered to purchase and to hold, in fee simple, so much land as will be necessary for said turnpike; and the share or shares of any proprietor may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records; and said shares may be sold by said corporation on nonpayment of assessments duly made agreeably to the by-laws of said corporation.—

And be it further enacted, That no toll shall be taken for any mile of said road until eight hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from the third turnpike where said road begins to the second turnpike in Francistown; nor shall any toll be taken for any mile of the remaining part of said road until eight hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from the second turnpike in Francistown to Amoskeag falls where said road shall terminate, nor on any part of the whole of said road, until the Justices of the superior court shall adjudge that the said road is sufficiently made to entitle said corporation to receive said toll.—

And be it further enacted, That said corporation may be indicted for the want of repairs of said road, after the toll-gates are erected and fined in the same way and manner as towns are by law fineable for suffering highways and bridges to be out of repair; and said fines may be levied on the profits and tolls accruing to said corporation—

And be it further enacted, That when said corporation shall make it appear to the satisfaction of the Justices of the superior court that the said sum of eight hundred dollars has been expended on each mile of said road, or a proportionate sum upon the whole number of miles as aforesaid, and that said road is sufficiently made to entitle said corporation to receive said toll, then the said corporation shall have liberty to erect the gates as aforesaid— Provided that if the said turnpike road shall in any part be the same with any highway now used,— it shall not be lawful for said corporation to erect any gate or turnpike upon or across that part of said road which is now used as a public highway; any thing herein to the contrary notwithstanding.—

And be it further enacted, That at the end of every six years after the setting up of any toll-gate upon the road aforesaid, an account of the expenditures upon said road, and the profits arising therefrom shall be laid before the Justices of the superior court for the time being under the forfeiture of the privileges of this grant; and if the nett profits for the said six years shall exceed Nine per centum per annum, the said Court may reduce the future rate of toll so far as that it may not exceed Nine per centum per annum; and if

the said profits shall not amount to six per centum per annum, the said court may raise the future toll so that it shall not be less than six, nor more than Nine per cent per annum

And be it further enacted, That if in four years from the passing hereof, that part of said road extending from the third to the second turnpike road shall not be completed agreeable to the provisions of this act, every part and clause thereof shall be null and void; and that if in six years from the passing hereof that part of said road extending from the second turnpike to Amoskeag falls shall not be completed as is by this act provided, every part and clause thereof so far as it respects that part of said road last mentioned, shall be null and void: Provided also that the State of New Hampshire may at any time after the passing hereof, repay the proprietors of said road the amount of the sums expended by them thereon with Nine per centum per annum in addition thereto deducting the toll actually received by said corporation in that case the said road shall to all intents and purposes be the property of the State of New Hampshire, any thing herein to the contrary notwithstanding:— Provided further, that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep said road in repair.

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE WEST-MORELAND TURNPIKE CORPORATION.—

[Approved June 21, 1804. Original Acts, vol. 18, p. 33; recorded Acts, vol. 15, p. 126. Session Laws, June, 1804, p. 54. See additional act of June 18, 1805, recorded Acts, vol. 16, p. 63.]

Sec 1 Be it enacted by the Senate and House of Representatives in General Court convened, That Charles Church, Edmond Brewster, Daniel Dwight, Uriel Evans, and their Associates and Successors, forever, be, and they hereby are, incorporated and made a body corporate and politic under the name of The proprietors of the Westmoreland Turnpike Corporation; and in that name may sue and prosecute, and be sued and prosecuted, to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

2 And be it further enacted, That the said Charles Church and Daniel Dwight, or either of them, shall call a meeting of said proprietors by advertisement in either of the Newspapers printed at Walpole, to be holden at any suitable time and place at least thirty days from the first publication of said advertisement; and the pro-

prietors by a vote of the majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of the duties of said office; and shall also agree on a method of calling future meetings; and at the same, or at any subsequent meeting, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties herein after established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof; provided the said rules and by-laws are not repugnant to the constitution and laws of this State; and all representations at any meeting shall be proved by writing signed by the person to be represented, which shall be filed with the clerk; and this act, and all rules and by-laws, regulations and proceedings of said corporation, shall be fairly and truly recorded by the clerk in a book or books provided and kept for that purpose.—

3 And be it further enacted, That the said corporation are hereby empowered to survey, lay out, make and keep in repair, a turnpike road of four rods wide, in such rout or track as in the best of their judgment and skill shall combine shortness of distance with the most practicable ground, from the third turnpike road in Walpole through Westmoreland, Chesterfield and Hindsdale to the line of Massachusetts:— Provided the said corporation shall not use nor improve any land for said road unless they previously agree with and purchase the same of the owners through whose land said road may pass—

4 And be it further enacted, That said corporation are hereby empowered to purchase and hold, in fee simple, so much land as will be necessary for said turnpike road; and the share or shares of any of the proprietors may be transferred by deed duly executed, acknowledged, and recorded by the clerk of said corporation on their records; and said shares may be sold for non-payment of assessments duly made agreeably to the by-laws that may be agreed on by said corporation.—

5 And be it further enacted, That said corporation may erect and fix such and so many gates or turnpikes upon and across said road as will be necessary and convenient to collect the tolls and duties hereinafter granted and established, from all persons using the same with horses, cattle, carts or carriages.—Provided, that if any part of said turnpike road be the same with any highway now used, it shall not be lawful for said corporation to erect or fix any gate upon or across that part of said road now used as a public highway; any thing herein to the contrary notwithstanding.

6 And be it further enacted, That it shall and may be lawful for said corporation to appoint such and so many toll-gatherers as they



may think proper to demand, collect and receive, of and from all and every person or persons travelling said road the rates of toll herein-after mentioned, and to stop and detain any person or persons from passing through said gates or turnpikes, until they shall have respectively paid the same; that is to say, for every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of cattle or carriages, namely—For every ten sheep or swine, half a cent; for every ten neat cattle, one cent; for every ten horses or mules, one and a half cents; for every horse and rider, one cent; for every carriage of pleasure with two wheels and drawn by one horse, two cents; for the like carriages with four wheels and drawn by two horses, three cents; if drawn by more than two horses, one cent for each additional horse; for every carriage of burthen drawn by one beast, one cent; if drawn by two beasts, one cent and a half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse, one cent; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each sled or sleigh of burthen drawn by one beast, three quarters of a cent; if drawn by two beasts, one cent and a quarter; if by more than two beasts, one cent for each additional pair of oxen or horses; and at all times when the toll-gatherer shall not attend his duty the gates shall be left open.—

7 And be it further enacted, That if any person shall with his horses, cattle, team, or carriage, turn off the said road to pass the said turnpike gate, on ground adjacent thereto, unless the same be a highway, with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof in an action of debt, or on the case:— Provided that nothing in this act contained shall extend to entitle said corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or a funeral, or with his horse, team or cattle, to or from any mill, or on the common and ordinary business of family concerns within the town where such person resides; and the militia of this State shall have a right to pass and repass said gates, on muster days, free of toll—

8 And be it further enacted, That no toll shall be taken by said corporation for any mile of said road until eight hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles, reckoning from the place where said road shall begin in Walpole to the place where it shall terminate upon Massachusetts line; nor until the Justices of the superior court shall adjudge that said road is sufficiently made to entitle said corporation to receive said toll.—

9 And be it further enacted, That said corporation may be indicted for want of repairs of said road, after the toll-gates are erected, and fined in the same way and manner as towns are by law fineable for suffering highways and bridges to be out of repair; and said fines may be levied upon the profits arising or accruing to said corporation.—

10 And be it further enacted, That at the expiration of every six years after the setting up of any toll-gate, an account of the expenditures upon said road, and the profits arising therefrom shall be laid before the Justices of the superior court for the time being under the forfeiture of the privileges of this act in future. And if the nett profits for the said six years shall not amount to six per centum per annum upon the whole amount of expenditure in making and keeping said road in repair, the said Court may raise the rates of toll so that they shall not be less than six per centum per annum; and if the said profits shall exceed eight per centum per annum interest upon the amount of expenditure as aforesaid, in that case the said Court shall not reduce said rates of toll, unless they shall exceed twelve per centum, but the surplus profits arising over and above eight per centum per annum shall be considered to operate as a sinking fund to extinguish the amount of expenditure as aforesaid; and the amount of the sum extinguished shall be ascertained and determined by said Court, and deducted from the amount of expenditure, and a record thereof made upon the books of said corporation. And whenever the said corporation shall be reimbursed the amount of their expenditures as aforesaid, by the operation of the sinking fund as aforesaid, or whenever the State of New Hampshire shall repay the amount of the sums expended by said corporation upon said road with eight per centum per annum in addition thereto, deducting the tolls actually received by said corporation, in either case, the said road with all its privileges and appurtenances, shall to all intents and purposes, be the property of said State; any thing herein to the contrary notwithstanding: Provided however that the Legislature of this State shall have a right to adopt such measures as they shall judge necessary or expedient to compel said corporation to keep the said road in repair.—

11 And be it further enacted, That if in five years from the passing hereof, the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void.—

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF RICHMOND TURNPIKE ROAD IN NEW-HAMPSHIRE

[Approved June 21, 1804. Original Acts, vol. 18, p. 34, recorded Acts, vol. 15, p. 139. Session Laws, June, 1804, p. 33. See additional act of June 12, 1807, id., June, 1807, p. 16.]

Sec<sup>t</sup> 1 Be it enacted by the Senate and house of Representatives in General Court convened that Moses Tyler, Jedediah Buffum, Rufus Whipple, and James Cook and their associates and successors be and they are hereby incorporated and made a body corporate and politic under the name of the Proprietors of the Richmond turnpike road in New Hampshire; and in that name may sue and prosecute, be sued and prosecuted to final judgement and execution; and shall be and are hereby vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

2 And be it further enacted that the said Moses Tyler or Jedediah Buffum shall call a meeting of said proprietors by advertisement in the town of Richmond to be holden at any suitable time and place, at least fourteen days from the first publication of said advertisement; and the proprietors by a majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases shall choose a clerk who shall be sworn to the faithfull discharge of his office, and shall also agree on a method of calling future meetings; may elect such officers and make and establish such rules and bye-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid and for collecting the tolls herein after established; and the same bye-laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and bye-laws are not repugnant to the constitution and the laws of this State; and all representations shall be proved by writing signed by the person to be represented which shall be filed with the clerk; and this act and all rules and bye-laws regulations and proceedings of said corporation shall be fairly and truly recorded by said clerk in a book or books provided and kept for that purpose.—

3 And be it further enacted that the said corporation are empowered to survey, lay out, make and keep in repair a turnpike road of four rods wide in such rout or track as in the best of their Judgement shall combine shortness of distance with the most practicable ground from the Northerly line of Royalstown in the Commonwealth of Massachusetts near a turnpike road in said Royalstown leading to Worcester and Providence to the South line of Swanzey

to such place on said line as by them shall be thought best and convenient for public travelling to the plain land in said Swanzeey in the most direct route to Keene and Charlestown &c—

4 And be it further enacted that the corporation may erect and fix so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls herein after granted to said Company from all persons travelling in the same with horses, cattle, carts and carriages.—

5 And be it further enacted that it shall and may be lawfull for said company to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road, the tolls and rates herein after mentioned, and to stop any person riding, leading, or driving, any horses, cattle, swine, sheep, sulkey, chair, phaeton, coach, charriot, chaise, cart, waggon, sleigh, sled, or other carriage of burden or pleasure, from passing through said gates or turnpikes, untill they shall have respectively paid the same that is to say for every mile of said road and so in proportion for a greater or less distance, or greater or smaller number of sheep, swine, or cattle &c Viz, for every ten neat cattle one cent, for every ten horses or mules two cents; for every ten sheep or swine, one half cent, for every horse and his rider or led horse one cent; for every Sulkey, chair, or chaise, with one horse and two wheels two cents; for every charriot, coach, stage-waggon phaeton, or chaise with two horses and four wheels, three cents; for either of the carriages last mentioned with four horses four cents; for every other carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burden drawn by one beast three quarters of a cent; for each waggon, cart or other carriage of burden drawn by two beasts one and a half cents; and if by more than two beasts one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse one cent, if drawn by two horses two cents, and if by more than two horses one cent for each additional horse; for each sled or sleigh of burden drawn by one horse one cent; for each sled or sleigh of burden drawn by two horses or a yoke of oxen one cent and a half; and if by more than two horses or one yoke of oxen one cent for each additional pair of horses or yoke of oxen. And at all times when the toll-gatherer shall not attend his duty the gates shall be left open. And if any person shall with his team, cattle, carriage, or horses, turn off the said road to pass the said turnpike gate on ground adjacent thereto, unless the same be an highway with an intent to avoid the paying of the toll due by virtue of this act, such person or persons shall forfeit and pay three times so much as the lawfull toll would have been, to be recovered by the treasurer of said corporation, to the use thereof, in an action of debt or on the case; Provided that nothing in this act shall extend



to entitle the said corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse team or cattle or on foot to or from any mill, or on the common and ordinary business of family concerns, residing within the said town; and the militia of said State when under arms shall have liberty to pass and repass said turnpike gates on muster days to and from the place of military duty free from toll.—

6<sup>th</sup> And be it further enacted that said proprietors are hereby impowered to purchase and hold in fee simple, so much land as will be necessary for said turnpike road; and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged, and recorded, by the clerk of said proprietors on their records; and the share or shares of any of said Proprietors may be sold by said corporation, for nonpayment of assessments duly made agreeably to the bye-laws that may be agreed upon by said corporation.—

7<sup>th</sup> And be it further enacted that no toll shall be taken by said corporation for any mile of said road untill six hundred Dollars in labour shall have been expended thereon, or a proportionate sum upon the whole number of miles, reckoning from the line of said Royalstown, where said road shall begin to the place where the same may terminate.—

8 And be it further enacted that said corporation may be indicted for defect of repairs of said road, after the toll gates are erected, and fined in the same way and manner as towns are by law finable for suffering roads and bridges to be out of repair; and said fines may be levied on the profits and tolls arising or accruing to said proprietors.—

9. And be it further enacted that when said proprietors shall make it appear to the Justices of the Superiour Court of Judicature that they have expended the said sum of six hundred dollars in labour on each mile or a proportionate sum as before mentioned the proprietors shall have the liberty to erect the gates aforesaid.—

10<sup>th</sup> And be it further enacted that at the end of every six years after the setting up of any toll gate, an account of the expenditures upon said road, and the profits arising therefrom shall be laid before the Justices of the Superiour Court of Judicature for the time being under the forfeiture of the privileges of this act in future. And if the nett profits for the said six years shall exceed Nine per cent per annum, the said Court may reduce the future toll so far as that it may not exceed Nine per cent; and if the profits shall not amount to six per cent the said court may raise said toll so that it shall not be less than six nor more than Nine per cent.—

11 And be it further enacted that if in three years the said road shall not be completed according to the provision in this act, every part and clause thereof shall be null and void. Provided also that the State of New Hampshire may at any time after the passing of

this act repay the proprietors of said road the amount of the sum expended thereon, with Nine per cent per annum in addition thereto, deducting the toll actually received by the proprietors; and in that case, the said road shall to all intents and purposes be the property of the State of New Hampshire, anything in this act to the contrary notwithstanding:

Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future, as shall by them be considered necessary or expedient to compel the said Proprietors to keep the said road in repair and also provided that no gate or turnpike be Erected on or across any land now used or occupied as a public highway—

[CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
CROYDON TURNPIKE CORPORATION

[Approved June 21, 1804. Original Acts, vol. 18, p. 35; recorded Acts, vol. 15, p. 152. Session Laws, June, 1804, p. 59. See additional act of December 16, 1805, recorded Acts, vol. 16, p. 110.]

Be it Enacted by the Senate and House of Representatives in General Court Convened—That Wilson Shaw Jacob Bartlett Christopher Newton, Shubael Hurd Joseph Hull, David Lyon Oliver Lund, Ruel Kieth Jesse Wilcox Jr Caleb Putnam, Edward Hall Jr John Harris, Daniel Hough, and Uzzel Hurd and their Associates and Successors be and they hereby are Incorporated and made a body Corporate and politic under the name of the Croydon Turnpike Corporation and in that name may sue and prosecute and be sued and prosecuted to final Judgment and Execution and shall be and hereby are vested with all the powers and privileges which by Law are incident to Corporations of a similar nature

And be it further Enacted that the said Samuel Powers and Uzzel Hurd or either of them shall call a Meeting of said Proprietors by posting Notifications one at least in some public place in each Town through which said road is contemplated to pass at least fourteen days before the time of holding said Meeting Expressing the time place and design of said meeting. And the proprietors by a vote of a Majority of those present or represented at said meeting accounting and Allowing one vote to each share in all cases shall choose a Clerk who shall be sworn to the faithful discharge of his Office and shall also agree on a method of calling future Meetings. May Elect such Officers and make and Establish such rules and bye Laws as to them shall seem necessary and Convenient for the

regulation and Government of said Corporation for carying into effect the purpose aforesaid and for Collecting the tolls herein after Established. And the same bye Laws may cause to be Executed And annex penalties to the breach thereof provided the said rules and bye Laws are not repugnant to the Constitution and Laws of this State. And all representations shall be proved by writing signed by the person so represented which shall be filed by the Clerk, and this Act and all rules and bye Laws regulations and proceedings of said Corporation shall be fairly and truly recorded by said Clerk in a book or Books provided and kept for that purpose

And be it further Enacted that said Corporation are empowered to survey lay out make and keep in repair a turnpike road of four rods wide in such rout or track as in their Judgment will Combine Shortness of distance with the most practicable ground from or near the branch turnpike road from Hanover where it intersects the fourth Turnpike road in Leabenon thence Southerly through part of Leabenon part of Enfield or Plainfield, New Grantham Croydon Newport untill it strikes the second New-Hampshire Turnpike road in Lempster or Washington where it will best answer the proposed design of said road and the public good. Provided nevertheless that said proprietors shall not use or improve any land for said road unless they previously agree with and purchase the same of the owners through which the said Turnpike road may pass—

And be it further Enacted that the Corporation may Erect and fix so many Gates or Turnpikes upon or across said road as will be necessary and sufficient to Collect the tolls herein after Granted to said Company from all persons traveling in the same with Horses Cattle Carts or Cariages—

And be it further Enacted that it shall and may be Lawful for said Company to Appoint such and so many toll Gatherers as they shall think proper to Collect and receive of and from all and every person or persons using said road the tolls and rates herein after mentioned and to stop any person riding leading or driving any Horses Cattle Swine Sheep Sulkey Chair Phaeton Coach Chariot Chaise Cart Waggon, Sleigh Sled or other Cariage of burden or pleasure from passing through said Gates or Turnpikes untill they shall have respectively paid the same, that is to say for every mile of said road and so in proportion for a greater or less distance or greater or smaller number of sheep swine or Cattle &C, (Viz) For every ten sheep or swine half of one Cent for every ten Cattle or Horses one Cent, for every Horse and his rider or led Horse one Cent, for every Sulkey, Chair or Chaise with one Horse and two wheels two Cents, for every Chariot Coach Stage Waggon Phaeton or Chaise with two Horses and four Wheels three Cents, for either of the Cariages last mentioned with four Horses four Cents for every Cariage of pleasure the like sums according to the number of Wheels and Horses drawing the same, for each Cart or other Cariage of burden drawn by one beast, one Cent, for each Wag-

gon Cart or other Cariage of burden drawn by two beasts one Cent and a half and if by more than two beasts one Cent for each Additional Yoke of Oxen or pair of Horses For each Sleigh drawn by one Horse one Cent, if drawn by two Horses two Cents, and if by more than two Horses one Cent for every Additional Horse. For each Sled drawn by one Horse one Cent for each Sled drawn by two Horses or a Yoke of Oxen one Cent and a Quator and if by more than two Horses or one Yoke of Oxen one Cent for each Additional pair of Horses or Yoke of Oxen and at all times when the toll Gatherer shall not attend his duty the Gates shall be left open. And if any person shall with his Cariage team Cattle or Horses turn off the said road to pass the said Turnpike Gate on ground adjacent thereto (unless the same be an Highway) with an intent to avoid the payment of the toll due by virtue of this Act such persons shall forfeit and pay three times so much as the Lawfull toll would have been to be recovered by the Treasurer of said Corporation to the use thereof in an Action of Debt or on the case. Provided that nothing in this Act shall Extend to Entitle the said Corporation to demand toll of any person who shall be passing with his Horse or Cariage to or from Public Worship or with his Horse team or Cattle or on foot to or from any Mill or on the common or Ordinary buisness of Family concerns within the said Town. And the Militia of said State shall have liberty to pass and repass said Turnpike Gates on Muster days free from toll—

And be it further Enacted that said Proprietors are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said Turnpike road and the share or Shares of any of said proprietors may be transfered by Deed duly Executed and Acknowledged and recorded by the Clerk of said Proprietors on their Records. And the share or Shares of any of the Proprietors may be sold by said Corporation for Nonpayment of Assessments duly made agreeable to the bye Laws that may be agreed upon by said Corporation—

And be it further Enacted that no toll shall be taken by said Corporation for any Mile of said road untill Six Hundred Dollars in labor shall have been Expended thereon or a proportionate sum upon the whole number of Miles rekonon from the fourth Turnpike road where said road shall begin to the place where the same may terminate

And be it further Enacted that said Corporation may be indicted for defect of repairs of said road after the toll Gates are Erected and fined in the same way and manner as Towns are by Law liable for suffering roads to be out of repair and said fine may be levied on the profits and tolls arising or Accruing to said proprietors— Provided nevertheless And be it further Enacted that if the said Turnpike road shall in any part be the same with any Highway now Used it shall not be Lawful for said Corporation to erect any Gate or Turnpike on or across said part of the road that now is used



and Occupied as a public Highway any thing in this Act to the Contrary notwithstanding

And be it further Enacted that when said proprietors shall make it appear to the Justices of the Superior Court of Judicature that they have Expended the said sum of Six Hundred Dollars in labor on each Mile or a proportionate sum as before mentioned the proprietors shall have liberty to Erect the Gates as aforesaid

And be it further Enacted that at the end of every Six Years after setting up any toll Gate an Account of the Expenditures upon said road and the profits arising therefrom shall be laid before the Justices of the Superior Court of Judicature for the time being under the forfeiture of the privileges of this Act in future and if the Nett profits for the said six Years shall exceed Nine per Cent per Annum the said Court may reduce the future toll so far as that it may not exceed Nine per Cent and if the profits do not amount to Six per Cent the said Court may raise so that it shall not be less than Six nor more than Nine per Cent

And be it further Enacted that if in four Years the said road shall not be compleated According to the provision of this Act every part and clause thereof shall be null and void

Provided also that the State of New Hampshire may at any time after passing this Act repay the proprietors of said road the amount of the sum expended thereon with Nine per Cent per Annum in addition thereto deducting the toll actually received by the proprietors and in that case the said road shall to all intents and purposes be the property of the State of New Hampshire any thing in this Act to the Contrary notwithstanding Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep the said road in repair.

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1804, June 16.

The Committee to take into consideration the report and plan of Silas Thorla respecting the unlocated lands reported that the plan of the land by him located belonging to this state and the field Book be deposited in the Office of the Secretary of this State, and that he have and receive out of the Treasury of this State the Sum of Two hundred Dollars in full compensation for his Services agreeable to a vote of last Session and that the bond by him given remain in possession of the State for indemnification in case the condition should hereafter appear not to be complied with—Which report being read and considered was Received and Accepted and Resolved that the aforesaid Sum of two hundred Dollars be paid the said Silas Thorla out of the Treasury of this state—

[House Journal, 1800-5, p. 440. Senate Journal, 1801-4, p. 293.]

1804, June 20.

The Committee on the Petitions of Samuel Blodgett Reported that the prayer of the Petition which respects an extention of the time for compleating the locks and Canal be so far granted that the Petitioner have the further term of three years allowed him for compleating said work, provided that nothing be done to affect the rates of Toll as established by an Act passed Dec<sup>r</sup> 30<sup>th</sup> 1803—

[House Journal, 1800-5, p. 447. Senate Journal, 1801-4, p. 307.]

1804, June 20.

Resolved that the Sum of five hundred Dollars be granted and paid out of the Treasury of this State for the purpose of making a Road through the lands belonging to this state lying east of Colebrook east line and that said Sum be expended under the direction of Jeremiah Eames Jun<sup>r</sup> Samuel Hawkins and Joseph Loomis who are to give bonds to the Treasurer of this State for the faithful performance of their trust

[House Journal, 1800-5, p. 448. Senate Journal, 1801-4, p. 306.]

[*Second Session, Held at Concord, November 21, 22, 23, 24, 26, 27, 28, 29, 30; December 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 1804.*]

## [CHAPTER 1.]

*State of* }  
*New Hampshire.* }

### AN ACT TO ALTER THE NAME OF DANIEL CARLISLE FRANCIS TO DANIEL CARLISLE SAWYER.

[Passed November 27, 1804. Original Acts, vol. 18, p. 36; recorded Acts, vol. 15, p. 184. This act was not approved by the Governor nor returned with his objections. Therefore it became a law.]

Whereas a Petition has been preferr'd to the Legislature praying that the name of Daniel Carlisle Francis of Westmoreland in the County of Cheshire may be changed to that of Daniel Carlisle Sawyer which appearing reasonable:— Therefore

Be it enacted by the Senate and House of Representatives in General Court convened That the name of the said Daniel Carlisle Francis be altered to that of Daniel Carlisle Sawyer, and in all suits, controversies, records and in all cases whatsoever where he may be mentioned, that Daniel Carlisle Sawyer shall hereafter be his only legal and proper name.—

## [CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT TO EXTEND THE TIME LIMITED IN AN ACT FOR GRANTING A  
 TOLL BRIDGE OVER CONNECTICUT RIVER AT NORTHUMBERLAND—

[Approved November 28, 1804. Original Acts, vol. 18, p. 37; recorded Acts, vol. 14, p. 412. See act of June 17, 1802, *ante*, p. 95.]

Be it enacted by the Senate and house of Representatives in General Court convened—That whereas the General Court at their Session in June A. D. 1802 passed an act granting to certain persons (named in said act) and their associates the exclusive right of building a toll Bridge over Connecticut River at a place called the little falls in Northumberland, that the time limited in said act be extended, two years and six months from and after the first day of June next, any thing in said act to the contrary notwithstanding—

## [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME OF THE  
 PROPRIETORS OF THE EAST LIBRARY IN ALSTEAD.

[Approved November 28, 1804. Original Acts, vol. 18, p. 38; recorded Acts, vol. 15, p. 170.]

Be it enacted by the Senate & House of Representatives in General Court convened, that John Brigham, Levi Lankton, Thomas Taylor, Isaac Kent, Nathan Fay and their associates, be, and they are hereby incorporated into a body politic, by the name of the proprietors of the East Library in Alstead, and in that name may Sue & be sued, and they are hereby vested with all the powers and privileges, incident to Corporations of a Similar nature, and may enjoin penalties of disfranchisement, and fine not exceeding five dollars for each offence to be recovered by said proprietors in an action of Debt to their use in any court proper to try the same: And may make, purchase & receive subscriptions grants & Donations of personal estate not exceeding one thousand dollars, for the purpose & use of their Association And be it further enacted, that said proprietors be & they are hereby Authorized to Assemble at said Alstead, on the, first Monday of February Annually to choose all such Officers, as may be found necessary, for the orderly conducting the affairs of said Corporation, who shall continue in Office untill others are chosen in their room, And said proprietors may

Assemble, as often as may be found necessary for the filling up any vacancies, which may happen in said Offices. And for transacting all other business, And said Proprietors, shall have power to make such rules & bye-laws as may be necessary for the government of said Corporation, provided the same are not repugnant to the Laws & Constitution of this State

And be it further Enacted that John Brigham and Thomas Taylor, or either of them, are hereby authorized to call the first meeting of said proprietors, by posting a notification for that purpose at the East Meeting house in said Alstead at Least fifteen days prior to said Meeting and said Proprietors, shall have the same power at said meeting, to choose officers and make byelaws, as they have by this Act at their Annual Meeting

[CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT TO ANNEX WALES LOCATION IN THE COUNTY OF GRAFTON  
TO THE TOWN OF COCKBURN IN SAID COUNTY.

[Approved November 30, 1804. Original Acts, vol. 18, p. 39; recorded Acts, vol. 14, p. 418.]

Be it enacted by the Senate and House of Representatives in General Court convened that all the lands within said Wales Location be and the same are hereby annexed to the said town of Cockburne; and shall hereafter be considered as a part of, and belonging to said Cockburne as fully to all intents and purposes as though the said Wales Location had been comprehended in the Act incorporating said town of Cockburne.

Provided always that nothing in this Act contained shall in any way or manner release the Inhabitants or Proprietors of said Wales Location from paying their proportion of all debts now due from said Location or from any taxes now assessed on them as Inhabitants or Proprietors in said Location; but the same may be recovered and collected from said Inhabitants and Proprietors in the same way and manner as if this Act had not been passed.



## [CHAPTER 5.]

*State of* }  
*New Hampshire.* } -

AN ACT TO AUTHORIZE JOHN MARCH TO COLLECT CERTAIN TAXES.—

[Approved November 30, 1804. Original Acts, vol. 18, p. 40; recorded Acts, vol. 15, p. 190. See act of June 18, 1806, id., vol. 16, p. 349.]

Whereas John March has petitioned the General Court setting forth that he was appointed collector of taxes in the town of Eaton for the year 1804—that he inadvertently sent the list of nonresident taxes to the office of the deputy secretary not properly authenticated, whereby he has lost his law for collecting the same, and praying that he may have liberty to commit said list again to the deputy-secretary and proceed to collect said taxes in the usual form—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That the said John March shall lodge in the office of the deputy secretary of said State his aforesaid list of taxes on or before the first day of June next, which list shall remain in said office until the first day of September following:— and in case said taxes, or any part thereof, remain unpaid on the said first day of September, the said collector may proceed to collect the delinquent sums in the same way and manner as though said list had been lodged in said office agreeably to law.—Provided nevertheless that said March shall give public notice of said list being lodged as aforesaid, and of the authority given him in this act by publishing the substance of the same with a copy of his list of Taxes in the New Hampshire Gazette three weeks successively, the first publication to commence on or before the first day of June next.—

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR SETTLING TESTATE ESTATES &c”  
 MADE & PASSED DEC. 13<sup>TH</sup> 1792

[Approved November 30, 1804. Original Acts, vol. 18, p. 41; recorded Acts, vol. 15, p. 197. Session Laws, November, 1804, p. 5. Laws, 1805 ed., p. 178; id., 1815 ed., p. 215. For the act referred to see Laws of New Hampshire, vol. 6, p. 60. See act of February 3, 1789, id., vol. 5, p. 380. Repealed July 22, 1822, Laws, 1824 ed., p. 171.]

Whereas in & by said Act the marriage of an Executrix or Administratrix during the continuance of her trust operates as an extinguishment of her official capacity, and whereas it often happens that

actions against an executrix or administratrix which have been of necessity pending in Court a long time are defeated by such marriage whereby the collection of just debts is delayed & the costs of suit can never afterwards be recovered—Therefore

Be it enacted by the Senate & House of Representatives in General Court convened that when any action against or in favor of an Executrix or Administratrix is defeated or discontinued by her marriage during the continuance of her trust just action may be revived by Scire Facias after the appointment of an Administrator de bonis non, either by the Administrator de bonis non or the adverse party, and the costs of suit accrued under the former administration shall follow the issue of the revived action—

### [CHAPTER 7.]

*State of*                    )  
*New Hampshire.*       )

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE PORTSMOUTH BATH.

[Approved November 30, 1804. Original Acts, vol. 18, p. 42; recorded Acts, vol. 15, p. 201.]

Be it enacted by the Senate and House of Representatives in General Court convened That Ammi R Cutter John Langdon, James Sheafe, Clement Storer, Daniel Austin, Elijah Hall, Nathaniel Adams, Charles Cutts & Lyman Spaulding and their associates and successors be and they hereby are incorporated and made a body corporate and politic forever by the name of The Proprietors of the Portsmouth Bath And by that name may sue and be sued and may do & suffer all other acts incident to such corporations

And be it further enacted That the said Proprietors shall meet from time to time for the purpose of electing their necessary officers and for transacting any other business relating to the object of their incorporation and every proprietor present or represented at any such meeting shall be entitled to as many votes as he has shares. The said Nathaniel Adams is hereby authorized to call the first meeting by advertizing the same fourteen days in one of the Portsmouth Newspapers, at which first meeting the proprietors shall choose a Clerk who shall be sworn to the faithful discharge of his duty, & at the same Meeting or at any subsequent meetings notified by the Clerk or in such other way as the Proprietors may agree the proprietors may make and establish such rules and by-laws as to them shall seem convenient and necessary for the regulation & government of said corporation & may cause the same to be executed and annex penalties to the breach thereof provided the same are not repugnant to the constitution & laws of this State.

It shall be the duty of the Clerk to record this Act, the rules & by laws of said corporation, and the proceedings of the proprietors at every regular meeting in a book to be provided for that purpose

And be it further enacted That the said Proprietors may purchase and hold in fee simple any real estate for the purpose of erecting said bath and for effecting the objects of this incorporation Not exceeding the sum of four thousand dollars. And the share or shares of any of said Proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of said Proprietors And the Treasurer of said Corporation is hereby empowered to sell at Auction the share or shares of any proprietor who shall neglect to pay any assessment which shall have been made, which sale shall be advertized fourteen days at least in one of the Portsmouth Newspapers & a deed duly executed acknowledged & recorded as aforesaid from the Treasurer of said corporation to the Purchaser shall be a valid conveyance of such delinquent Proprietors share.

### [CHAPTER 8.]

*State of*            )  
*New Hampshire.*  (

AN ACT TO INCORPORATE THE TOWNSHIP OF WHITEFIELDS IN THE COUNTY OF GRAFTON, BY THE NAME OF WHITEFIELD, AND TO INVEST THE INHABITANTS THEREOF WITH ALL SUCH PRIVILEGES AND IMMUNITIES AS OTHER TOWNS IN THIS STATE HOLD AND ENJOY.—

[Approved December 1, 1804. Original Acts, vol. 18, p. 43; recorded Acts, vol. 15, p. 248.]

Whereas the Inhabitants of Whitefields in the county of Grafton have petitioned the General Court praying that they may be incorporated into a township by the name of Whitefield, and invested with all such privileges and immunities as other towns in this State hold and enjoy—which prayer appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That all the Lands and Inhabitants within the following limits, namely, beginning at a beach tree in the southeast corner of Lancaster, being the northerly line of Dalton, and running south twenty six degrees east, one mile and one hundred eighty rods, to the northeasterly corner of Dalton;— thence on the easterly line of Dalton, south fifty six degrees west, four miles one hundred twenty rods, to the northwest corner of Bethlehem; thence on the northerly side of Bethlehem south fifty eight degrees east five miles ten rods to the west line of Britton-woods;— thence on the west line of Britton-woods north two miles one hundred sixty six rods to the northwest corner of said Britton-woods; thence on the north line of Britton-woods east three miles and a half to the west-

erly line of Jefferson;— thence on said westerly line of Jefferson, north five miles two hundred sixty rods to the easterly line of Lancaster; thence on said easterly line of Lancaster, south sixty nine degrees west five miles fifty rods, to the first mentioned boundary, be, and the same hereby are incorporated and made into a township, to be hereafter called and known by the name of Whitefield, and the Inhabitants who now reside, or hereafter may reside within the limits before mentioned and described, are made and constituted a body corporate and politic, and invested with all the powers, privileges and immunities, which other towns in this state are by law entitled to hold and enjoy, and to remain a distinct town, and to have continuance and succession forever.—

And be it further enacted, That John Burns and Joseph Kimball, or either of them, be, and they hereby are authorized and empowered to call a meeting of said Inhabitants for the purpose of choosing all necessary town officers, by posting up a notification for that purpose in some public place in said town at least fifteen days prior to the day of holding the same, at which the said Burns or Kimball shall preside until a moderator shall be chosen to govern the meeting: And the annual meeting for the choice of town officers shall be holden on the second Tuesday in March forever after.—

Provided always that nothing in this act contained shall in any way or manner release the inhabitants of said town from paying their proportion of all debts now due from said town, or any taxes now assessed on them as inhabitants of said town of Whitefields; but the same may be recovered, levied and collected from the inhabitants of said Whitefield in the same way and manner as if this act had not been passed.—

## [CHAPTER 9.]

*State of*            }  
*New Hampshire.* }

### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN WENDELL

[Approved December 1, 1804. Original Acts, vol. 18, p. 44; recorded Acts, vol. 15, p. 253. See act of June 25, 1829, id., vol. 27, p. 17.]

Be it enacted by the Senate and House of Representatives in General Court Convened that Samuel Rogers Whicher Perkins & Nathaniel Perkins and their Associates Proprietors of said Library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a body politic by the name of the proprietors of the social Library in Wendell with Continuation and succession forever, and in that name may sue and be sued may plead and be impleaded in all personal actions and may prosecute and defend the same unto final Judgment and Execution and



they are hereby vested with all the powers and priveledges incident to corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four Dollars for each offence to be recovered by said society in all actions of debt to their Use in any Court proper to try the same and they may receive Subscriptions grants and Donations of personal estate not exceeding one thousand Dollars for the purpose and use of their Association.—

And be it further enacted that said Society be and they are hereby authorised to assemble at Wendell aforesaid on the second Monday in October Annually to Choose all such Officers as may be found Necessary for the Conducting of the Affairs of said incorporation who shall Continue in office untill others are Chosen in their room, and that said Corporation may Assemble as often as may be found necessary for filling up Vacancies which may happen in said Offices and for transacting all such other business excepting raising of Monies which shall always be done at their annual Meeting and at no other time, at which time they shall vote all necessary sums for defraying the Annual expence of preserving said Library and for enlarging the same and said incorporation shall have power to make such Rules Regulations and by Laws for the Goverment of said Society as may from time to time by them be found necessary, Provided the Laws be not Repugnant to the Constitution & Laws of this state—

And be it further enacted that the said Samuel Rogers and Whitcher Perkins are hereby Authorised and impowered to Call the first Meeting of said proprietors at such time and place as they may appoint by posting a Notification at the most public place in said Town Fifteen days prior to said Meeting. And the proprietors shall have the same powers to Choose Officers make Rules and by laws as they have by this act at their Annual Meeting

## [CHAPTER 10.]

*State of*                    )  
*New Hampshire.*        )

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT ENTITLED AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE DOVER TURNPIKE ROAD IN NEW-HAMPSHIRE—

[Approved December 1, 1804. Original Acts, vol. 18, p. 45; recorded Acts, vol. 15, p. 317. Session Laws, November, 1804, p. 14. The act referred to is dated December 23, 1803, recorded Acts, vol. 14, p. 210. See additional act of June 16, 1809, Session Laws, June, 1809, p. 5. See also act of June 9, 1810, recorded Acts, vol. 18, p. 312.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the proviso in the third section of the said Act which provides that the said proprietors shall not use or

improve any land for said road unless they previously agree with and purchase the same of the owners through which said Turnpike road may pass, be and hereby is repealed—

2<sup>d</sup> And be it further enacted, that said Corporation be and hereby are empowered to survey, lay out, make and keep in repair A Turnpike road four rods wide from Dover Landing near the Bridge through Somersworth to Salmon Fall river, to such place on said river as combining shortness of distance with the most eligible ground shall in their best Judgment meet a contemplated Turnpike Road from Kennebeck river through Portland in the District of Main to New-Hampshire line, and that in order to ascertain the compensation which the owners of the land through which said Turnpike road may pass shall receive for the damages which may be done their land—The Superior Court of Judicature to be holden within and for the County of Strafford upon application made by said proprietors or by the Owners of such land may appoint a Committee to determine the compensation to be paid therefor and such Compensation shall be actually paid or tendered to such owners (or in case any of them shall be Minors) to their respective Guardians, before any labour shall be done on said Road—

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

### AN ACT, IN ADDITION TO AN ACT FOR INCORPORATING THE PROPRIETORS OF THE CHESTER TURNPIKE—

[Approved December 5, 1804. Original Acts, vol. 18, p. 46; recorded Acts, vol. 15, p. 186. Session Laws, November, 1804, p. 15. The act referred to is dated June 19, 1804, id., June, 1804, p. 6. See additional act of June 18, 1806, id., June, 1806, p. 17. See also repealing act of July 4, 1838, id., June, 1838, Chap. 24.]

Whereas the Directors of the Chester Turnpike find it necessary to accomplish there former grant, to pass through the Town of Allenstown about one mile and through land in Pembroke about one quarter of a mile in a line to Pembroke street under such limitations and with such powers and privileges as where granted to them by the act of incorporation which empowered them to make the afore-said Chester Turnpike road which prayer being thought reasonable

Be it enacted by the Senate and House of Representatives, in General Court convened, that the proprietors of the said Chester Turnpike road are empowered to survey lay out make and keep in repair a Turnpike road or highway, of four rods wide, in such route or track as in the best of their judgement will connect the said Turnpike with Pembroke street—

And be it further enacted, that in case said proprietors and owners of land through which the said road may run shall not agree on the compensation to be made for said land the same mode which is pointed out in the aforesaid act of incorporation of the said Chester Turnpike road for ascertaining the value of the said land and for compensating the owners thereof for it shall be used and adopted in the present case provided said proprietors shall pay or tender the compensation to the owners of land before they begin to make said road—

And be it further enacted that the aforesaid proprietors in their laying out making and holding this the said Turnpike road and in every thing relating to the jurisdiction of the same shall be vested with the same powers privileges and immunities, and be subject to the same rules limitations and penalties, in all respects as are expressed, comprehended and understood in the aforesaid act of incorporation—

And be it further enacted that the proprietors of the said Turnpike after the same shall be finished shall be entitled to receive from all and every person using it, the same rates and tolls, in proportion to the length of way that they are allowed by the former grant and under the same rules and regulations

## [CHAPTER 12.]

*State of*            {  
*New Hampshire.* }

### AN ACT TO CHANGE THE NAME OF NATHAN CLOUGH

[Approved December 5, 1804. Original Acts, vol. 18, p. 47; recorded Acts, vol. 15, p. 193.]

Be it enacted by the Senate and House of Representatives in General Court Convened; That the said Nathan Clough be and he is hereby authorised to assume and bear the name of Nathan Kimball Clough and by that name in future Shall be called and known in all legal proceedings any Law, Usage, or Custom to the contrary notwithstanding;—

Provided that nothing in this Act contained Shall impair any contract or obligation by him made, or effect any action or suit now pending in any Court of Law within this State, wherein the Said Nathan is Plaintiff or defendant.—

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
 PROPRIETORS OF PITTSFIELD SOCIAL LIBRARY

[Approved December 5, 1804. Original Acts, vol. 18, p. 48; recorded Acts, vol. 15, p. 284.]

Be it enacted by the Senate and House of Representatives in General Court convened that Josiah White, John Shaw, John True, Joshua Berry, William Berry and Moses Buswell and their Associates, proprietors of said Library and all such as may hereafter become Proprietors of the same be, and they hereby are incorporated into a body politic by the name of the Proprietors of Pittsfield Social Library with continuation and succession forever and in that name may sue and be sued, may plead and be impleaded in all personal actions and may prosecute and defend the same to final judgment and execution and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature, and may enjoin penalties of disfranchisement, or fine not exceeding four Dollars for each Offence to be recovered by said Proprietors in an Action of Debt, to their use, in any Court proper to try the same; and they may make purchase, and receive Subscriptions, grants and donations of personal Estate, not exceeding one thousand Dollars, for the purpose and use of their Association.

And be it further enacted that said Proprietors be, and they hereby are authorised and empowered to assemble at said Pittsfield on the first Monday of March annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in Office until others are chosen in their room; and that said proprietors may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices and for transacting all other business, excepting the raising of monies which shall always be done at their annual meeting and at no other time; At which annual Meeting they shall vote all necessary sums for defreying the annual expence of preserving said library and for enlarging the same; and said Proprietors shall have power to make such Rules and By-laws for the Government of said Corporation as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Josiah White, John Shaw and John True, or either two of them be and hereby are authorised and empowered to call the first meeting of said Proprietors at such time and place as they or either two of them may appoint by posting a



Notification for that purpose at the Meeting-houses in said Pittsfield at least fifteen days prior to said Meeting, and the said proprietors at said Meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual Meeting.

# [CHAPTER 14.]

*State of* )  
*New Hampshire.* )

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE LITTLETON TURNPIKE CORPORATION IN NEW HAMPSHIRE.

[Approved December 8, 1804. Original Acts, vol. 18, p. 49. Not found in recorded Acts. Session Laws, November, 1804, p. 16. See additional acts of June 13, 1807, id., June, 1807, p. 17, June 14, 1808, recorded Acts, vol. 17, p. 262, and June 19, 1812, Session Laws, June, 1812, p. 41.]

Be it enacted by the Senate and House of Representatives in General Court convened, That John Taylor, Asa Lewis, and Lewis McMillan, and their associates and successors, be, and they hereby are, incorporated and made a body corporate and politic, forever, under the name of The proprietors of the Littleton Turnpike corporation in New Hampshire; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

And be it further enacted, That the said Taylor, Lewis and McMillan, or either of them, shall call a meeting of said proprietors by advertisement in the Dartmouth Gazette printed at Hanover, to be holden at any suitable time and place after thirty days from the first publication of said advertisement; and the proprietors by a vote of the majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of said office; and shall also agree on a method of calling future meetings, and at the same time, or at any subsequent meeting, may elect such officers, and make and establish such rules and by-laws, as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls hereinafter established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof provided the said rules and by-laws are not repugnant to the constitution and laws of this State; and all representations at any meeting of said corporation shall be proved by writing signed by the person to be represented, which shall be filed with the clerk. And this act, and all rules and by-

laws, regulations and proceedings of said corporation, shall be fairly and truly recorded in a book or books provided and kept for that purpose.—

And be it further enacted, That the said corporation are hereby empowered, to survey, lay out, make and keep in repair, a turnpike-road, or highway of four rods wide, in such rout or track as in the best of their skill and judgment shall combine shortness of distance with the most practicable ground, from the termination of the tenth New Hampshire turnpike-road near the notch of the White Hills, through the towns of Britton-woods, Bethlehem and Littleton, to strike Connecticut river, at the place agreed upon to build Littleton bridge.—

And be it further enacted, That in case the said proprietors and the owners of land through which said road may run, shall not agree on the compensation to be made for said land, the Court of common pleas holden within and for the county in which said land lies, upon the application of the said proprietors, or of the owner, or owners of such land, the adverse party being duly notified, may appoint a committee to ascertain such compensation, and issue execution therefor against said corporation in case of non-payment; provided nevertheless that no labor shall be done on said road until the damages assessed are actually paid, or tender thereof made, or such security given as shall be satisfactory to the owner or owners of said land.—

And be it further enacted, That the said corporation may erect and fix such and so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls and duties hereinafter granted to said corporation from all persons travelling in the same with horses, cattle, teams or carriages: provided nevertheless that if the said turnpike road shall be the same with any public highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road now used and occupied as a public highway.—

And be it further enacted, That it shall and may be lawful for said corporation to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from every person travelling said road the rates of toll hereinafter mentioned, and to stop all and every person riding, leading or driving any horses, cattle, teams or carriages, from passing through said gates or turnpikes, until they shall have respectively paid the same; that is to say, For every mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of horses or cattle, teams or carriages, to wit; for every ten sheep or hogs, half a cent; for every ten cattle or horses, one cent; for every horse and rider, or led horse, one cent; for every carriage of pleasure with one horse and two wheels, one cent and a half; for the like carriage with two horses and four wheels, three cents; and for each additional horse, one cent; for each cart or carriage of burden drawn

by one beast, one cent; if drawn by two beasts one cent and a half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh of pleasure drawn by one horse, one cent and a quarter; if drawn by two horses, two cents; and if by more than two horses, one cent for each additional horse; for each sled, or sleigh of burden drawn by one beast, one cent; if drawn by two beasts, one cent and a half; if by more than two, one cent for each additional yoke of oxen, or pair of horses: and at all times when the toll-gatherer shall not attend his duty, the gate shall be left open:— Provided always that nothing herein contained shall entitle said corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or a funeral, or with his horse, team or cattle, to or from any mill, or on the common and ordinary business of family concerns within the town where such person belongs; nor of any officer or soldier of the militia while passing, under arms, to or from the place of military duty on muster days.—

And be it further enacted, That if any person shall with his horses, cattle, team, or carriages, turn off the said road to pass the said turnpike gate on ground adjacent thereto, unless the same be a public highway with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof, in an action of debt, or on the case, in any court of competent jurisdiction.—

And be it further enacted, That the said proprietors are hereby empowered to purchase and hold in fee simple, so much land as shall be necessary for said road, and that the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records; and the share or shares of any proprietor may be sold by said corporation on non-payment of assessments duly made.—

And be it further enacted, That no toll shall be taken by said corporation for any mile of said road until six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles, reckoning from the place where said Road begins to the place where the same shall terminate.—

And be it further enacted, That said corporation may be indicted for defect of repairs of said road, after toll-gates shall be erected, and fined as towns are by law fineable for suffering roads to be out of repair; and said fines may be levied on the profits arising or accruing to said corporation.—

And be it further enacted, That at the end of every ten years after the setting up of any toll-gate as aforesaid, an account of the expenditures upon said road, and of the profits arising therefrom, shall be laid before the Justices of the Superior court for the time being, under forfeiture of the privileges of this act in future, and if

the nett profits of the said ten years shall exceed nine per centum per annum, the said Court may reduce the future toll so that it may not exceed nine per centum per annum; and if the nett profits shall not amount to six per centum per annum, the said Court may raise the toll so that it shall not be less than six, nor more than nine per centum.—

And be it further enacted, That if in five years from the passing hereof, the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void: provided also, that the State of New Hampshire may at any time after the passing of this act, repay the proprietors of said road the amount of the sums expended by them thereon, with nine per centum per annum in addition thereto, deducting the amount of toll actually received by the proprietors, and in that case the said road shall to all intents and purposes be the property of the State of New Hampshire; any thing in this act to the contrary notwithstanding. Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep said roads in repair—

#### [CHAPTER 15.]

*State of* )  
*New Hampshire.* )

AN ACT IN ADDITION TO, AND IN AMENDMENT OF AN ACT, ENTITLED,  
AN ACT FOR ESTABLISHING COURTS OF LAW, AND DESIGNATING  
THEIR POWERS, AND REGULATING THEIR PROCEEDINGS IN CERTAIN  
CASES.—

[Approved December 8, 1804. Original Acts, vol. 18, p. 50; recorded Acts, vol. 15, p. 235. Session Laws, November, 1804, p. 6. Laws, 1805 ed., p. 58; id., 1815 ed., p. 64. The act to which this refers is dated February 8, 1791, Laws of New Hampshire, vol. 5, p. 635. See act of December 16, 1797, id., vol. 6, p. 458. See additional act of December 11, 1804, Laws, 1805 ed., p. 59. This act is mentioned in the act of June 27, 1816, id., 1824 ed., p. 173.]

Be it enacted, by the Senate and House of Representatives in General Court convened, that at any time hereafter, when a vacancy shall take place in the Superior Court of Judicature, or in any of the Courts of Common Pleas in this State, by death, resignation or other legal cause of the failure of either of the present Justices of any of said Courts. The said Superior Court and Courts of Common Pleas shall respectively consist of a chief Justice, and two other Justices, appointed and commissioned thereto, by the Governor and Council for the time being, any two of which Justices shall constitute a quorum, and whenever it shall happen that in conse-



quence of any legal disqualification of one or more of said Justices there shall not be a quorum of said Justices for the trial of any cause pending in said Court, any one of said Justices not disqualified as aforesaid, shall be and hereby is empowered to hear try and determine such cause, and make any order relative thereto, and award Execution thereon in the same manner as the Justices of said Court might do if present—any Law to the contrary notwithstanding—

And Be it further enacted, that from and after the time when the Justices of the said Courts of Common Pleas shall in consequence of the provisions of this act, be reduced to the number of three, there shall be paid to each of the Justices of said Courts of Common Pleas attending the same, the sum of twenty three cents for the entry of every action, petition, or complaint, in said Courts—And the remainder of such part of the fees for the entry of actions petitions and complaints as have been heretofore paid to the Justices of said Courts of Common Pleas—shall be paid by the Clerks of said Courts into the Treasuries of said Counties respectively, for the use thereof—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE THE PROPRIETORS OF THE DALTON TURNPIKE ROAD IN THIS STATE

[Approved December 11, 1804. Original Acts, vol. 18, p. 51. Not found in recorded Acts. Session Laws, November, 1804, p. 41.]

Be it enacted by the Senate and House of Representatives in General Court convened that John Innes Clark John B Murray and Thomas Goldthwait and their associates and successors be and they are hereby incorporated and made a body corporate and politic forever under the name of the Proprietors of the Dalton Turnpike Road in New-Hampshire; and in that name may sue and prosecute and be sued and prosecuted to final Judgement and Execution; and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted That the said John Innes Clark, John B Murray or Thomas Goldthwait shall call a meeting of the said Proprietors by advertisement in the paper printed at Hanover to be holden at any suitable time and place after fourteen days notice; and the Proprietors by a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithfull discharge of said Office; and shall agree on a method of calling

future meetings: and at the same time or any subsequent meeting, may elect such Officers, and make and establish such rules and bye-laws as to them shall seem necessary or convenient for the regulation and government of said Corporation for carrying into effect the purposes aforesaid, and for collecting the toll herein after established; and the same bye-laws may cause to be executed, and annex penalties to the breach thereof not exceeding ten dollars for each offence, provided the said rules and bye-laws are not repugnant to the laws and Constitution of this State. And representations at any meeting of said Corporation shall be proved by writing signed by the person to be represented which shall be filed by the Clerk; And this act, and all rules, byelaws, regulations, and proceedings of said corporation shall be fairly and truly recorded in a Book or Books provided and kept for that purpose—

And be it further enacted that the said Corporation are empowered to survey, lay out, make and keep in repair, a turnpike road or highway of four rods wide in such route or tract as in the best of their Judgement shall combine shortness of distance with the most practicable ground from the mouth of Johns River in said Dalton to meet the tenth turnpike road in this State.

And be it further enacted that if said Proprietors, and the owners of land through which the said road may run, shall not agree on the compensation to be made for said land, and shall not agree in appointing persons to ascertain such compensation, then the Judges of the Superior Court of Judicature holden within and for the County in which said land lies, upon application of said Proprietors or the owner or owners of said Land, seasonable notice of such application having been given by the applicants to the adverse party, shall appoint a Committee who shall ascertain the same in the same manner as compensation is made to owners of land for highways, as usually laid out, and execution on non-payment shall issue against said proprietors of course: provided that if said road shall be laid out through the land of residents, it shall not be lawfull for said Proprietors to make said road unless the damage done to the owners of the lands, through which the same is laid out, be ascertained and paid or tender thereof made—

And be it further enacted that the said Corporation may erect and fix such and so many gates or turnpikes upon and across said road, as will be necessary and sufficient to collect the tolls and duties herein after granted to the said Company from all persons travelling in the same with horses Cattle carts and Carriages—

And be it further enacted that it shall and may be lawfull for said corporation to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person and persons using the said road, the tolls and rates herein after mentioned, and to stop any person, riding, leading, or driving, any horses, cattle, hogs, sheep, sulkey, chaise, phaeton, coach, char-

riot, cart, waggon sled, slay of burden, or other carriage of burden or pleasure from passing through the said gates or Turn-pikes untill they shall respectively have paid the same, that is to say for every mile of the said road and so in proportion for any greater or less distance, or greater or smaller number of sheep, hogs, or cattle, Viz for every ten sheep or hogs one cent, for every ten cattle or horses two cents, for every horse and his rider or led horse, one cent; for every sulkey, chair, or chaise with two wheels three cents, for every charriot, coach, stage waggon, phaeton, or chaise with two horses and four wheels four cents, for either of the carriages last mentioned with four horses six cents, for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burden drawn by one beast one cent, for each cart or other carriage of burden drawn by two beasts, two cents, if by more than two beasts for each additional yoke of oxen or pair of horses one cent; for each sleigh drawn by one horse one cent, if drawn by two horses two cents, if by more than two horses one cent for each additional horse; for each sled drawn by one horse one cent, for each sled drawn by two horses or a yoke of oxen one cent and a half if by more than two horses or one yoke of oxen one cent, for each additional pair of horses or yoke of oxen; and at all times when the toll-gatherer shall not attend his duty the gates shall be left open.

And be it further enacted, that the said Proprietors are hereby empowered to purchase and hold in fee simple so much land as shall be necessary for said turnpike road, and that the share or shares of any of said Proprietors may be transferred by deed duly executed, acknowledged, and recorded by the clerk of said Proprietors on their records; and the share or shares of said Proprietors may be sold by said corporation on non-payment of assessments duly made. And be it further enacted that no toll shall be taken by said Corporation for any mile of said road untill six hundred dollars shall have been expended thereon or a proportionate sum upon the whole number of miles beginning at the mouth of Johns river in said Dalton and running in the most direct practicable route until it meets the tenth turnpike road in this State.

And be it further enacted that the said Corporation may be indicted for any defect of repairs of said road after the toll gates are erected, and fined as towns are by law finable for suffering roads to be out of repair, and said fines may be levied on the profits and tolls arising and accruing to said Proprietors; Provided nevertheless, and be it further enacted that no toll shall be demanded or taken of any person whatever who shall be passing with his horse or carriage to or from public worship, or with his horse, team, or cattle, or on foot to or from any mill, or funerals, or military duty, nor from any person on their common or ordinary business of family concerns within the town where such persons belong—

And be it further enacted that when said Proprietors shall make it appear to the Judges of the Court of Common Pleas for the County in which said turnpike road lies, that they have expended said sum of six hundred dollars on each mile or a proportionate sum as aforesaid, said Judges being convinced that the road is made passable agreeable to the intent of this act, the Proprietors shall have liberty to erect the gates aforesaid—

And be it further enacted that at the end of every six years after the setting up of any toll gates an account of the expenditures upon said road and the profits arising therefrom shall be laid before the Legislature of this State, under the forfeiture of the privileges of this act in future; and a right is hereby reserved to said Legislature to reduce the rates of toll before mentioned as they may think proper, so however that if the neat profits shall not amount to more than nine per cent per annum the said rates of toll shall not be reduced; provided nevertheless and be it further enacted, that when the neat income of the toll shall amount to the sum which the proprietors have expended on said road with nine per cent on such sums so expended from the time of their actual disbursements the said road with all its rights, privileges, and appurtenances shall revert to the State of New Hampshire and become the property thereof to all intents and purposes, any thing in this act to the contrary notwithstanding—

And be it further enacted that if in six years from the passing of this act the said road shall not be completed according to the provision of this act every part and clause thereof shall be null and void; provided also that the State of New Hampshire may at any time after the expiration of twenty years from the passing of this act pay the proprietors of said road the amount of the sums expended by them thereon with nine per cent per annum in addition thereto deducting the toll actually received by the proprietors, and in that case, the said road with all its privileges and appurtenances shall to all intents and purposes be the property of the State of New Hampshire, any thing in this act to the contrary notwithstanding

Provided nevertheless that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said Proprietors to keep the said road in repair



## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE JEFFERSON TURNPIKE INCORPORATION.

[Approved December 11, 1804. Original Acts, vol. 18, p. 52; recorded Acts, vol. 15, p. 101. Session Laws, November, 1804, p. 21. See additional act of June 13, 1810, recorded Acts, vol. 18, p. 314.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Joseph Whipple, Obed Hall, and Stephen Wilson and their associates and successors be and they hereby are incorporated and made a body corporate and politic under the name of the Jefferson turnpike incorporation, and in that name may sue and prosecute, and be sued and prosecuted to final Judgement and execution—and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, that the said Joseph Whipple and Obed Hall or either of them shall call a meeting of the Proprietors by advertisement in the New Hampshire Gazette to be holden at any suitable time and place at least thirty days from the first publication of said advertisement, and the proprietors by a vote of a majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithfull discharge of the duties of said office, and shall also agree on a method of calling future meetings, and at the same or any subsequent meeting may elect such officers, and make and establish such rules and bye-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid and for collecting the tolls herein after established; and the same bye-laws may cause to be executed, and annex penalties to the breach thereof not exceeding ten dollars for each offence, provided the said rules and bye-laws are not repugnant to the constitution and laws of this State—and all representations shall be proved in writing and signed by the person to be represented which shall be filed with the Clerk; and this act, and all rules, regulations, and proceedings of said corporation, shall be fairly and truly recorded by the Clerk in a Book or Books provided and kept for that purpose.

And be it further enacted, that said corporation are empowered to survey, lay out, make and keep in repair, a turnpike road four rods wide in such rout or tract as in the best of their Judgement shall combine shortness of distance with the most practicable ground from the northern extremity of the tenth turnpike road through

Breton woods, Jefferson, and Lancaster, to Lancaster Meeting house—

And be it further enacted, that in case the proprietors and owners of land through which said road may run, shall not agree on the compensation to be made for said land, the Superior Court of Judicature, holden within and for the County in which the said land lies upon the application of the said Proprietors or the owners of such land, may appoint a committee to ascertain the compensation, which compensation shall be actually paid or tendered by said Proprietors before any labour shall be done on said road—

And be it further enacted that the said corporation may erect and fix so many gates or turnpikes upon and across said road as will be necessary and convenient to collect the tolls and duties herein after granted to said company from all persons travelling in the same with horses, cattle, carts, and carriages.

And be it further enacted, That it shall and may be lawfull for said company to appoint such and so many toll-gatherers as they shall think proper to collect and receive from all and every person or persons using said road the tolls and rates herein after mentioned, and to stop any person riding, leading, or driving any horses, cattle, swine, sheep, sulkey, chair, chaise, phaeton, coach, charriot, cart, waggon, sleigh, sled, or any other carriage of burden or pleasure from passing through said gates or turnpikes untill they shall have respectively paid the same, that is to say for every mile of said road and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages to wit—for every ten sheep or swine one cent and an half; for every ten cattle or horses three cents; for every horse and his rider or led horse one cent and an half; for every sulkey, chair, or chaise with two wheels, three cents; for every Chariot, coach, Stage-waggon, Phaeton, or chaise with two horses and four wheels four cents and an half; for either of the last mentioned carriages with four horses six cents; for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burden drawn by one beast, one cent and an half; for each cart or other carriage of burthen drawn by two beasts, two cents; if by more than two beasts for each additional yoke of oxen or pair of horses one cent and an half; for each sleigh drawn by one horse one cent and an half—if by two horses, three cents—if by more than two horses one cent and an half for each additional horse; for each sled drawn by one horse one cent and an half; for each sled drawn by two horses or one yoke of oxen two cents; for each additional yoke of oxen or pair of horses one cent and an half. And at all times when the toll-gatherer shall not attend his duty, the gate shall be left open; and if any person shall with his carriage, team, cattle, or horses, turn off from said road to pass said turnpike gate on ground adjacent thereto said ground not being a public highway,

with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof, in an action of debt or on the case; Provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person whatever who shall be passing with his horse, or carriage to or from public worship, or funeral, or with his horse, team, or cattle to or from any mill or of any person, on the common and ordinary business of family concerns within the town where such person resides, nor of any Officer or soldier of the Militia under arms while passing to or from the place of military duty.—

And be it further enacted that said corporation are hereby empowered to purchase and hold for the purpose aforesaid, so much land as will be necessary for said turnpike road; and the share or shares of any of said Proprietors may be transferred by deed duly executed, acknowledged, and recorded by the Clerk of said corporation on their records— and the share or shares of any of said Proprietors may be sold by said corporation for non-payment of assessments duly made, agreeably to the bye-laws that may be agreed upon by said corporation.

And be it further enacted that no toll shall be taken by said corporation for any mile of said road untill Six hundred Dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from the northern extremity of the tenth turnpike aforesaid to Lancaster Meeting house, the distance of about eighteen Miles, nor untill the Justices of the Superior Court of Judicature shall adjudge the said road sufficiently made to entitle said corporation to receive said toll.

And be it further enacted, that said corporation may be indicted for defect of repairs of said road after the toll gates are erected, and fined in the same way and manner as Towns are by law fineable for suffering roads to be out of repair; and said fine may be levied on the profits, and toll arising and accruing to said corporation.—

And be it further enacted, that at the end of every five Years after setting up of any toll gate as aforesaid an account of the expenditures of laying out and making said road, and of all the profits arising therefrom shall be laid before the Justices of the Superior Court of Judicature for the time being, under the forfeiture of the privileges of this grant in future; and if the net profits for the said five years shall exceed nine per centum per annum, the said Court shall alter the future toll so far as that it shall not exceed nine nor be less than six per centum per annum.

Provided nevertheless and be it further enacted, that if the said turnpike shall in any part be the same with any high way now used it shall not be lawfull for said Corporation to erect any gate or turnpike on or across said part of the road that is used and occupied

as a public highway, any thing in this act to the contrary notwithstanding.—

And be it further enacted that if in six years the said Road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void.— Provided also that the State of New Hampshire may at any time after the expiration of twenty Years from the passing of this act, pay the proprietors of said road the amount of the sums expended by them thereon with nine per centum per annum in addition thereto, deducting the toll actually received by the Proprietors; and in that case the said road with all its privileges and appurtenances, shall to all intents and purposes be the property of the State of New Hampshire, any thing in this act to the contrary notwithstanding—

[CHAPTER 18.]

*State of*                    }  
*New Hampshire.*        {

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT IN ADDITION TO, AND IN AMENDMENT OF AN ACT ENTITLED AN ACT FOR ESTABLISHING COURTS OF LAW AND DESIGNATING THEIR POWERS AND REGULATING THEIR PROCEEDINGS IN CERTAIN CASES,” PASSED THE PRESENT SESSION—

[Approved December 11, 1804. Original Acts, vol. 18, p. 53; recorded Acts, vol. 15, p. 178. Session Laws, November, 1804, p. 9. Laws, 1805 ed., p. 59; id., 1815 ed., p. 65. The act to which this refers is dated December 8, 1804, id., 1805 ed., p. 59.]

Whereas there is a vacancy on the bench of the Court of Common Pleas in the County of Grafton, which happened previous to the passing of the aforesaid Act; which case is not provided for in said Act—

Therefore Be it enacted by the Senate and House of Representatives in General Court convened, that the regulations and provisions in the aforesaid Act, to which this is an addition, relating to the Courts of Common Pleas, have effect, relate, and apply to the Court of Common Pleas in the County of Grafton where there is now a vacancy, in the same way and manner as if said vacancy had happened after the passing of the aforesaid Act—



## [CHAPTER 19.]

*State of*            }  
*New Hampshire.* }

AN ACT TO RESTORE NATHAN PUFFER TO LAW IN A CERTAIN CASE.—

[Approved December 11, 1804. Original Acts, vol. 18, p. 54; recorded Acts, vol. 15, p. 180.]

Whereas Nathan Puffer of Westmoreland in the county of Cheshire, hath petitioned the General Court, setting forth, that he was attached to answer in a Court holden before Noah Cooke, esquire, one of the Justices of the peace for said county on the fifteenth day of October last, unto William Wyman of Keene in said county, in a plea of the case founded upon a book-account—and that the justice which the law intends was not attained in said suit—and praying for relief in that behalf—which prayer upon a hearing thereof appearing reasonable:—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That said Nathan Puffer be, and he hereby is authorized and empowered to commence and prosecute to final judgment and execution, an action of review of the aforesaid action or plea of the case, before the said Noah Cooke, esquire; provided the same be commenced and prosecuted within one year from the passing of this act.

And be it further enacted, That the said Noah Cooke be, and he hereby is authorized and directed to sustain said action, and adjudge and determine the same; and that any new pleas and pleadings may be had and filed in said action as are by law allowed in other actions or pleas of the case which are commenced before a Justice of the peace; and either party may have the liberty of appealing to the Superior Court of Judicature; and the same proceedings may be had thereon at said Superior Court, as if an appeal had been claimed and had from the judgment of the said Justice in the common and ordinary way; and said Justice and the Justices of the Superior Court are hereby respectively authorized to render judgment in said action, as in other actions of review.

And be it further enacted, That said Nathan Puffer shall cause a Copy of this Act and an attested Copy of the Writ of review to be given to the said William Wyman, or left at his last and usual place of abode at least fourteen days previous to the day of the return of said writ of review.—

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

## AN ACT TO ANNEX PART OF THE TOWN OF WENDELL TO THE TOWN OF NEW LONDON—

[Approved December 11, 1804. Original Acts, vol. 18, p. 55; recorded Acts, vol. 15, p. 216. Laws, 1805 ed., p. 47; id., 1815 ed., p. 51. See act of June 19, 1817, Session Laws, June, 1817, Chap. 12.]

Whereas the inhabitants of a part of the Township of Wendell in the County of Cheshire would be better accommodated to be annexed to the Town of New London in the County of Hillsborough, Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that so much of the Town of Wendell as is included in the following boundaries Viz beginning at great Sunnapee Pond at the Southwesterly corner of the forty acre lot lately occupied by Robert Boyes, and now occupied by Stephen Currier, thence northerly on the westerly line of said Lot to the Northwesterly corner of said lot, thence following the same course till it strikes the line of Springfield including all the lands in said Wendell southerly of said line and easterly of great Sunnapee Pond; with the inhabitants thereof be annexed to the said Town of New London, and that the said Territory shall hereafter constitute a part of the said Town of New London and of the County of Hillsborough, and that the inhabitants of said Territory shall do the same duties, and enjoy the same privileges as the other inhabitants of the said Town of New London—

And be it further enacted, that this act shall take effect on the first day of February in the year of our Lord one thousand eight hundred and five—

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

## AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR LAYING OUT HIGHWAYS

[Approved December 11, 1804. Original Acts, vol. 18, p. 56; recorded Acts, vol. 15, p. 219. Session Laws, November, 1804, p. 7. Laws, 1805 ed., p. 331; id., 1815 ed., p. 387. The act referred to is dated February 8, 1791, Laws of New Hampshire, vol. 5, p. 577. See additional act of June 20, 1806, Laws, 1815 ed., p. 391. Repealed July 3, 1829, id., 1830 ed., p. 573.]

Be it enacted by the Senate and House of Representatives in General Court convened, that whenever application shall be made to any Court of Common Pleas hereafter in this State to lay out

any road or public highway where the same application has been refused by the Selectmen of any town, that the Court applied to, shall cause an order of notice to be served on the Selectmen so refusing, that they be heard before said Court upon the subject of said petition before the prayer thereof be granted.

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

### AN ACT MAKING FURTHER PROVISION FOR THE ADMINISTRATION OF JUSTICE.—

[Approved December 11, 1804. Original Acts, vol. 18, p. 57; recorded Acts, vol. 15, p. 243. Session Laws, November, 1804, p. 7. Laws, 1805 ed., p. 65; id., 1815 ed., p. 506. This act repeals the acts of February 12, 1794, Laws of New Hampshire, vol. 6, p. 141, and December 4, 1798, id., p. 505. Repealed December 22, 1808, Laws, 1830 ed., p. 55.]

Whereas petitions are often preferred to the General Court praying for Restoration to a Course of Law, which mode of relief is not only burthensome to the Legislature and to the State; but also extremely expensive to individuals, who often live at a great distance from the place of holding said Court.

For Remedy whereof,

Sec<sup>n</sup> 1 Be it enacted by the Senate and House of Representatives in General Court convened, that the Justices of the Superior Court of Judicature be and they are hereby vested with the power of hearing and deciding and granting one Review or new trial after Judgment that may hereafter be rendered in the said Superior Court, or in the Court of Common Pleas, or before any Justice of the Peace, in the following Cases, to wit, upon Verdict of Jury, default, non-suit, discontinuance, report of Referees, or demurrer, and upon the discovery of new Evidence and where an Action by accident or misfortune, hereafter may fail to be prosecuted to final Judgment to the delay of Justice, if it shall appear to them that the Justice the law intended hath not been attained, and that a further hearing of the cause would, all circumstances considered, be just and equitable, and like remedy shall be granted to any person materially interested, who hath not been a party to the suit on which such Judgment may be rendered, and process on said review or new trial shall be by writ of review as in other cases, provided application by petition in writing setting forth the reasons for said review or new trial be made to said Superior Court of which application due notice shall be given to the adverse party, if living within this State, otherwise to his Agent or Attorney who appeared for him in the cause, and all proceedings by virtue of this Act shall be under such Rules and

Regulations, not inconsistent with the fundamental rules and principles of law, as to the said Justices may seem reasonable, and best calculated for the attaining complete Justice.

2 And be it further enacted that all applications, new trials and other proceedings to be had by virtue of this Act, shall be in the County where the original cause was tried, and Costs shall be allowed and taxed in favor of the prevailing party, on the petition as well as on the trial of the cause so reviewed agreeably to the table of Fees.

3 And be it further enacted that actions tried in the Superior Court of Judicature when the Cause originated before a Justice of the Peace may be reviewed in the same manner as actions originating in the Court of Common Pleas may be reviewed.

4 And be it further enacted that an Act entitled an Act making further provision for the administration of Justice made and passed the twelfth day of February A. D. 1794, and also "An Act entitled an Act to make perpetual an Act making further provision for the administration of Justice" made and passed the fourth day of December A. D. 1798 be and they hereby are respectively repealed.

### [CHAPTER 23.]

*State of*                    }  
*New Hampshire.*       }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE CHESHIRE BRIDGE CORPORATION—

[Approved December 11, 1804. Original Acts, vol. 18, p. 58; recorded Acts, vol. 15, p. 267. See act of June 27, 1835, Session Laws, June, 1835, Chap. 6. See also act of June 24, 1845, *id.*, June, 1845, Chap. 297.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Simeon Olcott, Samuel Stevens, Samuel Hunt, Benjamin West, David Taylor, Abel Walker, Aaron Dean, Isaac H. Ely, Lewis R. Morris, Jonathan Baker, Oliver Hastings, John Willard, Oliver Hall, and their associates, be, and they hereby are incorporated into a body politic by the name of the proprietors of the Cheshire bridge, and they are hereby invested with all the powers and privileges incident to corporations of a similar nature.—

And be it further enacted, That the Proprietors aforesaid are hereby authorized to erect a Bridge over Connecticut river at any place within the grant of a Ferry formerly made to Simeon Olcott, esq. near Charlestown meeting-house; and said proprietors are hereby empowered to purchase lands adjoining said Bridge, provided the same does not exceed five acres, and to hold the same in fee simple; and said proprietors shall have the exclusive right of erecting a Bridge within the limits of said Ferry, provided that no Bridge shall be erected without the assent of the owner or owners of said Ferry.—



And be it further enacted, That said proprietors are authorized to take and receive the following rates of toll of all persons passing said Bridge; to wit; For each foot passenger, one cent; for each horse and rider, six cents; horse and chaise or sulkey, twelve and a half cents; for each sleigh drawn by one horse, six cents; for each sleigh drawn by more than one horse, twelve and one half cents; for each sled drawn by one horse, six cents; for each sled drawn by two beasts, twelve and one half cents; for each sled drawn by three beasts, eighteen cents; for each sled drawn by four beasts, twenty five cents; and for all beasts over and above four, three cents each; for each coach, chariot, phaeton, or other four wheeled carriage for passengers, twenty five cents; for each curricule, fifteen cents; for each cart or other carriage of burden drawn by one beast, six cents; by two beasts, twelve and a half cents; by three beasts, eighteen cents; by four beasts, twenty five cents; and for all over and above four, three cents each; for each horse, jack, mule or neat beast, exclusive of those rid on, or in carriages, two cents each; and to each team one person only shall be allowed to pass free of toll; for sheep and swine half a cent each:— and at all times when the toll-gatherer shall not attend his duty, the gate shall be left open.—

And be it further enacted, That Simeon Olcott or Oliver Hall are hereby authorized to call the first meeting of said proprietors by advertisement in the Farmer's Museum printed at Walpole, the last advertisement to be fifteen days before said meeting; and the proprietors by a majority of those present or represented at said meeting, which representation shall always be in writing and signed by the person so represented, allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of his duty; and shall also agree on the method of calling future meetings; and at the same or at any subsequent meeting, may elect such officers, and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said Corporation; and the same by-laws may cause to be executed, and annex penalties to the breach thereof; provided said rules and by-laws are not repugnant to the laws and constitution of this State; and the said representation shall be filed with the Clerk, and this Act, and all rules, by-laws, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk in a book or books provided and kept for that purpose—

And be it further enacted, That said corporation may be indicted for defect of repairs of said Bridge, after the toll-gate is erected, in the same way and manner as towns are fineable for suffering bridges to be out of repair; and any person suffering any special damage for want of repairs as aforesaid, may have his remedy against said proprietors by an action on the case.—

And be it further enacted, That if in five years from the passing

of this act, said Bridge shall not be completed, this act shall be null and void; and if at any future period said Bridge by accident or any other cause shall be destroyed, and said corporation shall not within five years from such destruction erect a new bridge, or repair the old one, in such case, this act shall be null and void.—

And be it further enacted, That the shares in said Bridge may be transferred by deed, duly acknowledged and recorded by the clerk of said corporation; and the shares in said Bridge may be attached on mesne process, and an attested copy of such process shall be left with the clerk of said corporation at the time of such attachment, otherwise the same shall be void; and such shares may be sold on execution as personal estate, and the officer making sale or the judgment-creditor, leaving a copy of said execution with the officer's return thereon within fourteen days after such sale with the clerk of said corporation, shall be a sufficient transfer of such share or shares in said Bridge.—

#### [CHAPTER 24.]

*State of*            }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE GREAT OSSIPEE TURNPIKE INCORPORATION

[Approved December 11, 1804. Original Acts, vol. 18, p. 59; recorded Acts, vol. 15, p. 302. Session Laws, November, 1804, p. 36.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Thomas Cutts, Isaac Lord, Nicholas Emery, Thomas Parsons, Joseph Parsons, Joseph Huckings, James Leavitt, John Leavitt, George Lord, and their associates and successors, be, and they hereby are incorporated and made a body corporate and politic, forever, under the name of 'The proprietors of the Great Ossipee turnpike incorporation'; and in that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

2 And be it further enacted, That the said Thomas Cutts or Isaac Lord, shall call a meeting of said proprietors by advertisement in the Dover Sun, to be holden at any suitable time and place at least thirty days from the first publication of said advertisement; and the proprietors by a vote of the majority of those present or represented at said meeting, accounting & allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of said office, and shall also agree on a method of calling future meetings and at the same or at any

subsequent meeting, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and proper for the regulation and government of said corporation, and for carrying into effect the purposes aforesaid; and for collecting the tolls and duties hereinafter established and the same by-laws may cause to be executed, and annex penalties to the breach thereof, not exceeding ten dollars for any one offence provided the said rules and by-laws are not repugnant to the constitution and laws of this State; and all representations shall be proved by writing, signed by the person to be represented, which shall be filed with the clerk; and this act, and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk in a book or books provided and kept for that purpose.—

3 And be it further enacted, That said corporation are hereby empowered to survey, lay out, make and keep in repair, a turnpike road of four rods wide in such rout or track as in the best of their judgment, shall combine shortness of distance with the most practicable ground from the most convenient place in the town of Sandwich to the line of the district of Maine in Effingham to meet the contemplated turnpike from the counties of York and Cumberland.—

4 And be it further enacted, That said corporation are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said road; and the share or shares of any proprietor may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation upon their records; and may be sold by said corporation on non-payment of assessments duly made.—

5 And be it further enacted, That in case the said proprietors and the owner or owners of land over which the said road may pass, shall not agree on the compensation to be made for said land, the Superior court of judicature holden within and for the county in which said land lies, upon the application of the said proprietors, or of the owner or owners of such land, the adverse party being duly notified, may appoint a committee to ascertain such compensation, and issue execution therefor against said proprietors in case of non-payment: provided nevertheless that no labor shall be done on said road until the said damages so assessed, are actually paid or tendered, or satisfactory security therefor given to said owner or owners.—

6 And be it further enacted, That said corporation may erect and fix such and so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect and receive the tolls and duties hereinafter granted to said corporation from all and every person travelling in the same with horses, cattle, teams or carriages: provided that if any part of said road shall be the same with any highway now used, it shall not be lawful for said corpora-

tion to erect and fix any gate upon or across that part of said road now used as a public highway; anything herein to the contrary notwithstanding.

7 And be it further enacted, That it shall and may be lawful for said corporation to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person using said road the rates of toll hereinafter mentioned, and to stop any person riding, leading, or driving any horses, cattle, teams, or carriages, from passing through said gates or turnpikes, until they shall have respectively paid the same that is to say; for every mile of said road, and so in proportion for a greater or less distance, or a greater or smaller number of horses, cattle, teams or carriages—to wit—For every ten sheep or swine, one half cent; for every ten neat cattle, horses or mules, one cent; for every horse and rider, or led horse, one cent; for every carriage of pleasure with two wheels and one horse, two cents; for the like carriage with four wheels and two horses three cents; and one cent for each additional horse; for each carriage of burden, drawn by one beast, one cent and a half; if by two beasts, two cents; and one cent for each additional yoke of oxen, or pair of horses; for each pleasure sleigh drawn by one horse, one cent and a half; if drawn by two horses two cents; if by more than two, one cent for each additional horse; for each sled or sleigh of burden, drawn by one beast, three quarters of a cent; if drawn by two beasts, one cent; if by more than two, one cent for each additional yoke of oxen or pair of horses; and at all times when the toll-gatherer shall not attend his duty the gate shall be left open.—

And be it further enacted, That if any person shall with his carriage, team, cattle or horses, turn off said road to pass a gate on ground adjacent thereto, not being a public highway, with intent to avoid the payment of toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof, in an action of debt or on the case: provided that nothing herein contained shall extend to entitle said corporation to demand or receive toll of any person who shall be passing with his horse, cattle, team or carriage, upon the common and ordinary business of family concerns within the town where such person resides; nor of any person who shall be passing to or from public worship, or a funeral, or any mill; nor of any officer or soldier of the militia, under arms, when going to or from the place of military duty on muster days.—

And be it further enacted, That no toll shall be taken by said corporation for any mile of said road until six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from the place where said road begins to the place where the same shall terminate; nor until the Justices of



the superior court of judicature shall adjudge the said road is sufficiently made to entitle said corporation to receive said toll.—

And be it further enacted, That said corporation may be indicted for defect of repairs of said road, after the toll-gates are erected, and fined in the same way and manner as towns are by law fineable for suffering roads and bridges to be out of repair; and said fines may be levied upon the profits arising or accruing to said corporation.—

And be it further enacted, That at the expiration of every six years after the setting up of any toll-gate, an account of the expenditures upon said road, and the profits arising therefrom, shall be laid before the Justices of the superior court for the time being under the forfeiture of the privileges of this act in future; and if the nett profits for the said six years shall not amount to six per centum per annum upon the whole amount of expenditures in making and keeping said road in repair, the said court may raise the rates of toll so that they shall not be less than six per cent per annum; and if the said profits shall exceed eight per cent per annum interest upon the amount of expenditure as aforesaid, in that case the said court shall not reduce said rates of toll, unless they shall exceed twelve per centum, but the surplus profits arising over and above eight per cent per annum shall be considered to operate as a sinking fund to extinguish the amount of expenditure as aforesaid; and the amount of the sum so extinguished shall be ascertained and determined by said court, and deducted from the amount of expenditure, and a record thereof made upon the books of said corporation: and whenever said corporation shall be reimbursed the amount of their expenditure as aforesaid, by the operation of the sinking fund as aforesaid; or whenever the State of New Hampshire shall repay the amount of the sums expended by said corporation upon said road with eight per cent. per annum in addition thereto, deducting the tolls actually received by said corporation, in either case the said road with all its privileges and appurtenances shall to all intents and purposes become the property of the said State; any thing herein to the contrary notwithstanding: provided however that the legislature shall have a right to adopt such measures as they shall judge necessary or expedient to compel said corporation to keep said road in repair—

And be it further enacted, That if in five years from the passing hereof, the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void—

## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE BATH TURNPIKE CORPORATION IN NEW HAMPSHIRE.—

[Approved December 11, 1804. Original Acts, vol. 18, p. 60; recorded Acts, vol. 15, p. 337. Session Laws, November, 1804, p. 46.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Ezra Child, Roger Sargeant, Enos Stevens, John Rogers, John Farnum, William Moore, Jeremiah Hutchins, Amasa Buck, Aaron Hibbard, Samuel Holmes, James Little, John Brown, jun. William Webster, Moses P. Payson, Enoch Colby, P Walker, David Webster, Ebenezer Little, Joseph Webster, Benjamin Barron, and Moore Russell, and their associates and successors, be, and they hereby are incorporated and made a body corporate and politic, under the name of The Bath turnpike coporation in New Hampshire; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, That the said Ezra Child and Amasa Buck, or either of them, shall call a meeting of said proprietors by advertisement in the Dartmouth Gazette three weeks successively, to be holden at any suitable time and place at least twenty days from the first publication of said advertisement; and the proprietors by a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to a faithful discharge of his duty; and shall also agree on a method of calling future meetings; may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes of this corporation, and for collecting the tolls herein after established: and the same by-laws may cause to be executed, and annex penalties to the breach thereof, provided the same be not repugnant to the constitution and laws of this State: And all representations shall be proved by writing, signed by the person to be represented, which shall be filed with the clerk; and this act, and all rules and by-laws, regulations and proceedings of said corporation shall be fairly and truly recorded by said clerk, in a book or books provided and kept for that purpose.—

And be it further enacted, That said corporation are hereby empowered to survey, lay out, make and keep in repair, a turnpike road of four rods wide, in such rout or track as in the best of their

judgment shall combine shortness of distance with the most practicable ground from Connecticut river, at or near the southerly line of Lyman in the county of Grafton, through the towns of Lyman, Bath, Landaff, Coventry, Peeling, and Thornton to the easterly line of Sandwich in the county of Strafford.—

And be it further enacted, That said company may erect and fix so many gates or turnpikes, upon and across said road as will be necessary and sufficient to collect the tolls hereinafter granted to said corporation of and from all persons travelling in the same with horses, cattle, carts and carriages.—

And be it further enacted, That it shall and may be lawful for said company to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons using said road the tolls and rates hereinafter mentioned, and to stop any person or persons riding, leading, or driving any horses, cattle, swine, sheep, sulkey, chair, phaeton, coach, chariot, chaise, cart, waggon, sleigh, sled, or other carriage of pleasure or burden, from passing through said gates or turnpikes, until they shall have respectively paid the same; that is to say; for every mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle, swine, sheep, towit: for every ten neat cattle, one cent; for every ten horses or mules, one and half cent; for every ten sheep or swine, one half cent; for every horse and rider or led horse, one cent; for every sulkey, chair or chaise, with one horse and two wheels, two cents; for every chariot, coach, stage, waggon, phaeton, or chaise, with two horses and four wheels, three cents; for either of the carriages last mentioned with four horses, four cents; for every other carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burden drawn by one beast, one cent; for each cart, waggon, or other carriage of burthen, drawn by two beasts, two cents; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse, one cent; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each sleigh or sled of burthen drawn by one horse, one cent; if drawn by two horses, or a yoke of oxen, one cent and a half; and if by more than two horses or a yoke of oxen, one cent for each additional pair of horses or yoke of oxen. And at all times when the toll-gatherer shall not attend his duty the gates shall be left open. And if any person shall with his team, cattle, carriage or horses, turn off said road to pass the said turnpike gate or gates on ground adjacent thereto, unless the same be a public highway, with intent to avoid the payment of toll due by virtue of this act, such person or persons shall forfeit and pay three times so much as the lawful toll would have been, to be recovered by the treasurer of said corporation to the use thereof in an action of debt

or on the case — Provided that nothing in this act contained shall entitle said proprietors to demand toll of any person passing or re-passing in the town where he lives upon the common and ordinary business of family concerns, or when going to or returning from mill, meeting, or attending funeral, in his own or adjacent town; and the militia of this State when under arms shall have liberty to pass and repass said turnpike gates on muster days, to and from the place of military duty, free of toll.—

And be it further enacted, That said proprietors are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said turnpike road: and in case said proprietors and the owners of the land through which the said road may be laid out, cannot agree on the price of the land, and in cases where the owners of the land may not be known, the Justices of the superior court of judicature, or the Justices of the court of common pleas for the county of Grafton for the time being, on application of said proprietors, or the owner or owners of the land, are hereby authorized to appoint a committee of three suitable persons, said owners when known, being notified of the time and place of appointing said committee, to estimate the damage to the owner of the land, through which said road may run. And the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of said proprietors on their records; and the share or shares of said proprietors may be sold by said corporation for nonpayment of assessments duly made agreeably to the by-laws that may be agreed upon by said corporation.

And be it further enacted, That said proprietors be authorized to erect gates and receive toll as aforesaid on ten miles of said road, meaning five miles on and near the highlands between Connecticut river and Ammonoosac river, and five miles on and near the high lands between great Ammonoosac river and Thornton, when they shall have expended six thousand dollars in labor on said ten miles, or in the opinion of the Justices of the court of common pleas in the county of Grafton, for the time being, said ten miles of said road shall have been made sufficiently passable for travellers with their teams and carriages.—

And be it further enacted, That no toll shall be taken by said proprietors for any mile of said road until six hundred dollars in labor shall have been actually expended thereon, or a proportionate sum upon the whole number of miles, reckoning from Connecticut river at or near the southerly part of Lyman, to where said road may terminate, or until in the opinion of the aforesaid Justices of the court of common pleas, said road shall have been made sufficiently passable, except on said ten miles as aforesaid.—

And be it further enacted, That said corporation may be indicted for defect of repairs of said road, after the toll-gates are erected, and while the same are kept up, and fined in the same way and



manner as towns are by law fineable for suffering roads & bridges to be out of repair; and said fines may be levied on the tolls and profits arising or accruing to said proprietors: and when any special damage shall happen to any person, or to his or her property, when travelling said road in consequence of the defect or want of repairs of said road while the toll-gates are kept up, the person so injured may recover pay for the damage so sustained, against said corporation in an action of trespass on the case, in any proper court to try the same.

And be it further enacted, That when said proprietors shall make it appear to the Justices of the court of common pleas in the county of Grafton that they have expended the said sum of six hundred dollars in labor on each mile of said road, or a proportionate sum as before mentioned, or when in the opinion of said Justices said road shall have been made sufficiently passable as before mentioned, said proprietors may have liberty to erect gates and receive toll as aforesaid—

And be it further enacted, That at the end of every six years after the setting up of any gate, an account of the expenditures upon said road, and the profits arising therefrom, shall be laid before the Justices of the superior court of judicature for the time being, under the forfeiture of the privileges of this act in future; and if the nett profits for the said six years shall exceed nine per centum per annum, the said Justices may reduce the future toll so that it shall not exceed nine per cent; and if the profits shall not amount to six per cent, said Justices may raise said toll so that it shall not be less than six, nor more than nine per cent.

And be it further enacted, That in all cases where the said proprietors and the owners of the land through which said road may be laid out cannot agree on the price of the Land the said proprietors shall not break the ground for the purpose of making said road until they pay or tender to the owners of the land the amount of the damages as estimated by said committee as aforesaid—

And be it further enacted, That if in five years from the passing of this act, the said road shall not be completed according to the provisions herein contained, every part and clause thereof shall be null and void—Provided also that the State of New Hampshire may at any time after the passing of this act, repay the proprietors of said road the amount of the sum expended thereon with nine per cent per annum in addition thereto, deducting the toll actually received by the proprietors, and in that case the said road shall to all intents and purposes be the property of the State of New Hampshire—Provided also that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel said proprietors to keep said road in repair—and provided also that no gate or turnpike be erected on or across any land now used or occupied as a public highway.—

## [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

AN ACT DIRECTING THAT CERTAIN TOWN OFFICERS SHALL BE CHOSEN  
 BY BALLOT—

[Approved December 13, 1804. Original Acts, vol. 18, p. 61; recorded Acts, vol. 15, p. 169. Session Laws, November, 1804, p. 12. Laws, 1805 ed., p. 208; id., 1815 ed., p. 249. Repealed June 28, 1827, id., 1830 ed., p. 451.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the first day of June next all Moderators who shall be chosen to govern Town meetings in the several Towns within this State, all Town Clerks, and Selectmen, shall be elected and chosen by ballot any Law usage or custom to the contrary notwithstanding—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST IN NAHUM GOODENOW THE PRIVILEGE OF KEEP-  
 ING A FERRY OVER A CERTAIN PART OF CONNECTICUT RIVER

[Approved December 13, 1804. Original Acts, vol. 18, p. 62; recorded Acts, vol. 15, p. 174.]

Whereas Nahum Goodenow of Westmorland in the County of Cheshire has petitioned the General Court setting forth that a ferry established by law and under good regulations across Connecticut River at a place called the rocks near to the South line of said Westmorland in said State would be a great benefit and accommodation to the Public, and whereas the said Nahum Goodenow has petitioned for the right and privilege of keeping and maintaining a ferry at said place called the rocks in Westmorland near to the South line of said Westmorland, the prayer of which petition appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the exclusive privilege of keeping a ferry with the immunities thereof, over Connecticut River at the place called the rocks in Westmorland near to the South line of said Westmorland, be and hereby is granted to and vested in the said Nahum Goodenow his heirs and assigns; He the said Nahum Goodenow giving bond with sufficient sureties in the sum of one thousand Dollars to the Clerk of the Court of Common Pleas for the County

of Cheshire that the said Ferry shall be constantly kept and well attended during said term.

And be it further enacted that the rates of ferriage to be taken by the said Nahum Goodenow his heirs or assigns shall at times be established by the Justices of the Court of Common Pleas in said County of Cheshire which Justices are hereby authorised and empowered to establish said rates of Ferriage, from time to time, as they shall Judge proper.

And be it further enacted that if any person shall demand or receive any greater rate of ferriage than the said Court of Common Pleas, shall establish he shall for each such offence forfeit and pay to the party injured the sum of six dollars to be recovered in an action of debt before any Court proper to try the same.

And be it further enacted That if any person shall for hire or reward transport over said River within the limits aforesaid any person, creature, or thing, such person so offending shall forfeit and pay to the said Nahum Goodenow his heirs or assigns the sum of six Dollars to be recovered in an action of debt in any Court proper to try the same—

Provided nevertheless that nothing in this Act shall be construed to effect the building of any bridge over the said river within the limits aforesaid at any time hereafter which the General Court may think proper to grant

## [CHAPTER 28.]

*State of*            }  
*New Hampshire.* }

### AN ACT RELATING TO DOWER

[Approved December 13, 1804. Original Acts, vol. 18, p. 63; recorded Acts, vol. 15, p. 194. Session Laws, November, 1804, p. 12. Laws, 1805 ed., p. 154; id., 1815 ed., p. 190. See act of May 15, 1714, Laws of New Hampshire, vol. 2, p. 135, and act of February 9, 1791, id., vol. 5, p. 647. Repealed July 2, 1829, Laws, 1830 ed., p. 538.]

Be it enacted by the Senate and House of Representatives in General Court convened, that no woman who shall hereafter become a Widow shall be entitled to Dower in any lands, whereof her husband was seized during the marriage, unless such lands were in a state of cultivation during such seizin, or were used or kept as a wood or timber lot, and considered as appurtenant to some farm or tenement at the same time owned by the husband of such woman.

And be it further enacted, that when any person, who in his life time was seized of lands and tenements cultivated or improved, and shall lose or part with his title therein, and shall afterwards die, leaving a widow having right of Dower in the same, such widow

shall be endowed of one third part in value of such lands with the buildings thereon according to the value thereof at the time such husband so lost or parted with his title thereto, and such widow shall also be indowed of such part of said lands as will produce an income, equal to one third part of the income which such lands produced at the time such husband lost or parted with his title therein, and not otherwise.

[CHAPTER 29.]

*State of*            {  
*New Hampshire.* }

AN ACT DIRECTING THE RECORDERS OF DEEDS TO MAKE A GENERAL INDEX OF THE DEEDS RECORDED—

[Approved December 13, 1804. Original Acts, vol. 18, p. 64; recorded Acts, vol. 15, p. 190. Session Laws, November, 1804, p. 10. Laws, 1805 ed., p. 53; id., 1815 ed., p. 58. Repealed July 5, 1827, id., 1830 ed., p. 469.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the respective Recorders of deeds in the several Counties in this State, be, and hereby are directed and required to make a general index referring to deeds; which index shall be in one large folio volume of a size that will admit of a large number of additional names, which shall be added as often as deeds are recorded and at the time of recording the same. The index shall contain two lists, one to consist of all the names of the Grantors to the Grantees, the other to consist of all the names of the Grantees from the Grantors: and no Recorder of deeds shall receive any compensation therefor, except for indexing those deeds which have been heretofore recorded and not indexed; but it shall be considered a duty appertaining to the office of Recorder of deeds.—

And be it further enacted, That every Recorder of deeds within this State who shall neglect to comply with the directions and requirements of this act, shall forfeit and pay the sum of twenty dollars for each and every neglect or omission, to be recovered by the treasurer of the County, where such neglect may happen, in an action of debt before any Court of competent jurisdiction for the use of the same County.—



## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT FOR THE BETTER REGULATION OF SCHOOLS WITHIN THIS STATE, AND FOR REPEALING ALL LAWS NOW IN FORCE RESPECTING THE SAME—

[Approved December 13, 1804. Original Acts, vol. 18, p. 65; recorded Acts, vol. 15, p. 206. Session Laws, November, 1804, p. 13. Laws, 1805 ed., p. 295. The first section of this act was repealed June 18, 1807, recorded Acts, vol. 16, p. 421. It was wholly repealed by the act of December 22, 1808, Laws, 1815 ed., p. 368.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, that the selectmen of the several towns, parishes, and places within this State be and they hereby are empowered and required to assess annually the inhabitants of their respective towns, parishes, and places according to their polls and rateable estates, together with the improved and unimproved lands and buildings of non-residents, in a sum to be computed at the rate of forty five Dollars for every one dollar of their proportion for public taxes, for the time being, and so for a greater or lesser sum, which sum when collected shall be applied to the sole purpose of keeping an English Grammar school or schools for teaching, reading, writing, and arithmetic within the Towns, parishes, and places for which the same shall be assessed—

Section 2<sup>d</sup> And be it further enacted, That no person shall be deemed qualified to keep any such school unless he or she produce a certificate from some able and reputable school-master and learned minister of the Gospel or preceptor of some Academy, or President or Tutor of some College that he or she is well qualified to keep such school—

Section 3<sup>d</sup> And be it further enacted That if the Selectmen of any Town, parish, or place, neglect to raise and appropriate for the aforesaid purposes the money required by this act, to be by them assessed, collected, and appropriated, such selectmen shall forfeit and pay the full sum which they shall be found delinquent in assessing, seasonably collecting, and duly appropriating, which sum shall be recovered by bill, plaint, or information in any Court proper to try the same, and when recovered shall be appropriated to the purpose of keeping a school in the Town where such delinquency shall happen, which sum shall be paid out of the goods, and estate of such selectmen; and it shall be the duty of the town clerks for the time being, of the respective Towns, parishes, or places, to see that the sums recovered of such delinquent Selectmen be appropriated agreeable to the true intent, and meaning of this act—

Section 4<sup>th</sup> And be it further enacted, That the operation of this act be suspended untill the first day of March next, Provided nevertheless that no certificate heretofore obtained shall be considered valid after said first day of March—

Section 5<sup>th</sup> And be it further enacted That all the Laws heretofore made respecting the regulation of schools be, and hereby are repealed—

[CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENABLE ABIEL EASTMAN TO ENTER CERTAIN PROCEEDINGS AT THE NEXT COURT OF COMMON PLEAS IN THE COUNTY OF ROCKINGHAM—

[Approved December 13, 1804. Original Acts, vol. 18, p. 66; recorded Acts, vol. 15, p. 211.]

Whereas Abiel Eastman hath petitioned the General Court setting forth, that he commenced a plea of trespass against one Timothy Bradley Junior, triable before William A Kent Esquire on the eighth day of October in the year of our Lord one thousand eight hundred and three; which action was then tried by said Justice, and Judgment rendered, that said Eastman recover his damages & costs, amounting to ten dollars & fifteen cents; from which Judgment said Bradley appealed to the then next Court of common pleas to be holden at Portsmouth on the first tuesday of January last—that previous to the sitting of the Court appealed to, they agreed to refer said action, & accordingly took out a Rule from a Justice of the Peace for that purpose—that on notice to the Referees of their appointment, one of them refused to meet or sit, as a Referee in the business, whereby said Eastman is without redress in the premises, unless by the aid of the Legislature

Therefore

Be it enacted by the Senate & house of Representatives in General Court convened; that the said Abiel Eastman have liberty to enter an Appeal from the Judgment in said action, at the Court of common pleas to be holden at Portsmouth on the first tuesday of January next, in & for the County of Rockingham; and the said Court of common pleas are hereby authorised & directed, to hear, try, & determine, said action, in the same way & manner as tho' the Appeal before mentioned made by the said Bradley, had been entered & prosecuted at the Court, by him appealed to—

And be it further enacted that said Timothy Bradley Junior be served with an attested copy of this Act fourteen days at least, before the sitting of the Court, at which, by this Act, 'tis granted, that an Appeal may be entered—

## [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR REGULATING  
 TOWNS AND THE CHOICE OF TOWN OFFICERS.

[Approved December 13, 1804. Original Acts, vol. 18, p. 67; recorded Acts, vol. 15, p. 214. Session Laws, November, 1804, p. 11. Laws, 1805 ed., p. 208; id., 1815 ed., p. 249. The act referred to is dated February 8, 1791, Laws of New Hampshire, vol. 5, p. 587. Repealed June 28, 1827, Laws 1830 ed., p. 451.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Selectmen of each town in this State be and they hereby are authorised and empowered to warn town Meetings in their respective towns by posting up the warrant therein in the same way and manner as they are now warned by Constables, and the same term of time before said meeting as is by law now established, and all matters and business done and transacted at the meeting warned as aforesaid shall be good and valid as though the same had been warned by a Constable.

## [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
 PROPRIETORS OF BOW REPUBLICAN BRIDGE—

[Approved December 13, 1804. Original Acts, vol. 18, p. 68, recorded Acts, vol. 15, p. 220.]

Be it enacted by the Senate and House of Representatives in general Court convened, that John Carter, Philip Carrigain Jun<sup>r</sup>, Nathaniel Cavis, and Jonathan Brown, and their associates and successors be, and they hereby are incorporated and made a body corporate and Politic by the name of the Proprietors of Bow Republican Bridge, and by that name may sue and be sued, prosecute, and be prosecuted, to final Judgement and execution, and hereby are invested with all powers and privileges which by law are incident to corporations of a similar nature, subject however to the reservations herein after named.—

And be it further enacted, that said John Carter or Nathaniel Caviss may call a meeting of said proprietors to be holden at any suitable time and place within the Town of Bow in the County of Rockingham by posting up notifications in said Town of Bow and in the Towns of Concord and Pembroke in said County at least

fourteen days prior to said meeting, and the proprietors by a vote of a majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases, shall choose a clerk who shall be sworn to the faithful discharge of the duties of his Office, and shall also agree on a method of calling future meetings, may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid, and for collecting the tolls and duties herein after established, and the same bye-laws may cause to be executed, and annex penalties to the breach thereof, provided said rules and bye-laws be not repugnant to the Laws and Constitution of this State—and all representations shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, and this act, and all rules regulations and bye-laws and proceedings of said corporation shall be fairly recorded by said Clerk in a Book or Books to be provided and kept for that purpose.—

And be it further enacted that said Proprietors be and hereby are authorized to erect and keep in repair a bridge over Merrimack near the foot of Garvens falls, and that said Proprietors shall have the exclusive privilege of erecting and keeping in repair a Bridge over said river within the limits aforesaid, and are hereby empowered to purchase any lands adjoining said Bridge not exceeding three acres, and to hold the same so long as they shall keep in repair a good and sufficient Bridge at the place aforesaid—And the share or shares in said Bridge may be transferred by deed duly executed, acknowledged, and recorded by the Clerk of said Proprietors on their records—and the share or shares of any of said Proprietors may be sold by said corporation for non-payment of assessments duly made agreeably to the bye-laws that may be agreed on by said corporation, and said corporation may maintain and prosecute to final Judgement and execution an action of debt or on the case, against any proprietor for the non-payment of any assessment duly made agreeably to the bye-laws as aforesaid—

And be it further enacted That for the purpose of reimbursing said Proprietors the money by them expended in building and supporting said Bridge a toll be and hereby is granted and established for the benefit of said Proprietors, according to the rates following namely, for each foot passenger one cent, for each horse and his rider or leader four cents, for each chaise, or other carriage of pleasure with two wheels and one horse ten cents, for each carriage of pleasure or with passengers with four wheels, twenty cents, for the like carriage with four horses twenty five cents, for each sleigh with one horse six cents, for each sleigh with two horses ten cents, and two cents for each additional horse, for each cart, waggon, sled or other carriage of burden drawn by one beast four cents, for the like carriages, drawn by two beasts six cents, if by more than two,



three cents for each additional pair of horses or yoke or oxen, for sheep and swine one half of a cent each, for cattle and horses two cents each, and to each team one person only shall be allowed to pass free of toll, and at all times when the toll-gatherer shall not attend his duty, the gates shall be left open—And said corporation are hereby empowered to erect and fix upon and across said Bridge a gate, and to appoint such and so many toll-gatherers as shall be necessary to collect and receive of and from all persons using said Bridge the rates of toll as above established and to stop all and every person from passing the same untill he, she, or they shall respectively have paid toll as aforesaid—

And be it further enacted That said corporation may be indicted for defect of repairs of said Bridge after said toll-gate is erected and while the same is kept up, and be fined in the same way and manner as Towns are by law finable for suffering bridges to be out of repair, and in case any special damage shall happen to any person or persons or to his or their team, or teams, cattle, or carriages, by means of the insufficiency or want of repair of said Bridge at any time when the gate is kept up, the party injured or aggrieved shall recover his or their damages in an action of trespass on the case against said Corporation in any court of competent jurisdiction.—

And be it further enacted, That in case said Bridge shall hereafter be discontinued the privileges of the ferry aforesaid shall revert to said Carter his heirs and assigns any thing in this act to the contrary notwithstanding—

And be it further enacted, That if in three years from the passing of this act, the said bridge shall not be completed, or if it shall be destroyed and not rebuilt and kept in repair for the space of four Years according to the provisions herein contained, this act and every part and clause thereof shall be null and void—

#### [CHAPTER 34.]

*State of* }  
*New Hampshire.* }

AN ACT TO DIVIDE THE THIRTEENTH AND TWENTY FOURTH REGIMENT OF MILITIA AND TO CONSTITUTE A NEW REGIMENT IN THE SECOND DIVISION AND SIXTH BRIGADE IN THIS STATE

[Approved December 13, 1804. Original Acts, vol. 18, p. 69; recorded Acts, vol. 15, p. 229. Session Laws, November, 1804, p. 9. Laws, 1805 ed., p. 250.]

Be it Enacted by the Senate and House of Representatives in General Court convened that the companies in the Towns of Haverhill Piermont and Orford Shall form a first Battalion—that the Companies in the Towns of Wentworth Warren & Coventry Shall form a Second Battalion, which Shall constitute the thirteenth Regiment—

that the companies in the Towns of Lancaster Dolton Jefferson & Northumberland Shall constitute a first Battalion—that the Companies in the Towns of Piercy Stratford Wales Gore Cockburne Colebrook & Stewartstown shall form a Second Battalion Which Shall constitute the Twenty fourth—Regiment—that the companies in the Towns of Bath Lyman & Landaff Shall form a first Battalion and that the Companies in the Towns of Concord in the County of Grafton Littleton Bathleham Lincoln and Franconia Shall form a Second Battalion, which Shall constitute the Thirty Second Regiment—

And be it further Enacted that their be allowed one Company of Light Infantry and one company of Cavelry to be Raised out of the thirty Second Regiment and that the Same be Raised in manner and form as the Law in that case provides—

And be it further Enacted that the Inhabitants of the Towns of Whitefield Bretton woods Kilkenny Durand and Nash & Sawyers Location Shall be considered as belonging to the first Battalion and Erral to the Second Battalion of Said Twenty fourth Regiment.—

#### [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT TO ANNEX A PART OF THE TOWN OF HEBRON TO THE TOWN OF ORANGE, AND A PART OF ORANGE TO HEBRON.—

[Approved December 13, 1804. Original Acts, vol. 18, p. 70; recorded Acts, vol. 15, p. 232. See additional act of December 2, 1808, Session Laws, November, 1808, p. 5.]

Whereas the towns of Hebron and Orange in the county of Grafton have petitioned the General Court, praying, that a part of said town of Hebron may be annexed to the said town of Orange, and a part of the town of Orange annexed to the town of Hebron:—which appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That hereafter the dividing line between the said towns of Hebron and Orange shall be as herein described, to wit; beginning at the now southwest corner of said Hebron; thence south thirty degrees west, one mile, being the whole length of two lots; thence east thirty degrees south, nearly two miles, to Alexandria line; and that all the land now in said Orange, and the inhabitants who now, or hereafter may reside upon the same, situate and lying north of said line, be annexed to, and considered a part of, the said town of Hebron; and that all the land now in said town of Hebron, and the inhabitants who now, or may hereafter reside upon the same, situate and lying south of said line, be annexed to, and considered a part of the said town of Orange.—

## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT TO ANNEX TWO CERTAIN GORES OF LAND BELONGING TO THE  
 TOWN OF BOW IN THE COUNTY OF ROCKINGHAM TO THE TOWNS  
 OF CONCORD & PEMBROKE IN SAID COUNTY—

[Approved December 13, 1804. Original Acts, vol. 18, p. 71; recorded Acts, vol. 15, p. 238.]

Be it enacted by the Senate and House of Representatives in General Court convened that the following gores of Land belonging to the Town of Bow aforesaid, and which comprize all the territory of said Town of Bow lying on the East side of Merrimack River adjoining said Town of Concord be disannexed from said Town of Bow and annexed to the Towns of Concord and Pembroke aforesaid in such quantity and proportion of Territory to each of said Towns as is hereafter defined: Viz, to the said Town of Concord the whole of the northerly Gore so called and part of the Southerly Gore adjoining said Concord bounded as follows, Viz, the boundaries of the said Northerly Gore beginning at the northerly point of the said Northerly Gore of said Bow at a Chestnut tree about two hundred rods northerly of Benjamin Thompsons house in said Bow, thence running southerly on the westerly side of said Gore, and by part of the easterly line of said Concord till it strikes soucook river thence North-easterly by said River till it strikes Loudon line, thence northerly on the easterly line of said Gore, and by part of said Loudon westerly line to the bound first mentioned: And the boundaries of the aforesaid part of the said southerly gore beginning at the easterly point of the said Southerly gore at a place in the centre of Soucook river near Col<sup>n</sup> Heads Mills, thence running down the centre of said Soucook River to Merrimack River, thence northerly by the last mentioned river till it strikes Concord southerly line, thence easterly by said line which makes the northerly line of said Gore to the bound first mentioned, that both the so described tracts of land shall be annexed to the said Town of Concord, and hereafter be considered to all intents and purposes as belonging to, and constituting a part of said Town—

And be it further enacted, that the residue of the said Southerly Gore lying on said Pembroke line and bounded as follows, Viz, beginning at the said easterly point of the said Southerly Gore, at the said place in the centre of said Soucook River near said Heads Mills, thence running down the centre of said Soucook River to Merrimack River thence Southeasterly to the easterly bank of said Soucook river, thence Northerly on the easterly bank of said River

to the bound first mentioned, shall be and hereby is annexed to the said Town of Pembroke, and shall hereafter constitute a part of said Town

[CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY THE FALLS OF CONTOCOOK RIVER IN CONCORD AND ALSO WHERE SAID RIVER EMPTIES INTO MERRIMACK RIVER.—

[Approved December 13, 1804. Original Acts, vol. 18, p. 72, recorded Acts, vol. 15, p. 257. See additional act of December 7, 1808, id., vol. 18, p. 92.]

Whereas the extension of inland navigation will be of great public utility, and whereas a canal by Chandlers falls so called in Contocook River would promote that object, and whereas Timothy Darling, and others have petitioned the General Court to be incorporated for that purpose, Therefore,

1 Be it enacted by the Senate and House of Representatives in General Court convened, That Timothy Darling, Aquila Davis, Joshua Darling, Isaac Chandler, John Chandler, Ebenezer Dustin and Ezra Morrill their associates and successors be and they are hereby incorporated and made a body corporate and politic forever by and under the name of the Proprietors of Contocook Canal, and by that name may sue and prosecute, and be sued and prosecuted to final Judgement and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

2 And be it further enacted That the said Timothy Darling or Aquila Davis shall call a meeting of said Proprietors by advertisement in the Newspaper printed at Concord to be holden at any suitable time and place after fourteen days from the first publication of said advertisement, and the Proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithfull discharge of said Office, and shall also agree on a method of calling future meetings, and at the said first meeting, or any subsequent meetings, may elect such Officers, and make and establish such rules and bye-laws as to them shall appear necessary, or convenient for the regulation and government of said corporation, for carrying into effect the purpose aforesaid, and for collecting the tolls herein after established: and the same bye-laws may cause to be executed, and annex penalties to the breach thereof



not exceeding ten dollars, provided the said rules and bye-laws be not repugnant to the laws and Constitution of this State: and all representations at any meeting of said corporation shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, and this Act, and all rules, bye-laws, regulations, and proceedings of said corporation shall be fairly and truly recorded by the clerk in a Book or Books provided and kept for that purpose—

3 And be it further enacted That the said Proprietors be and hereby are authorised to purchase and hold in fee simple all such land adjoining to said falls and River, as *to them may appear* necessary for carrying into effect the object of this act, *provided the same exceed not twenty acres*, and in all cases where it may be necessary for the said Proprietors to appropriate and use land which is now unimproved adjoining the said falls and river to carry into effect the object of this act, it may and shall be lawfull for the said Proprietors so to do, and in all such cases, if the owner or owners of said land and the said Proprietors cannot agree on the compensation to be made for said land, the Superiour Court of Judicature in the County in which the land lies, upon application of said proprietors or owners may appoint a Committee who shall ascertain the compensation to be made to the said owners, and make report to the then next Superiour Court of Judicature in the County in which the land lies, and upon the acceptance of said report, and Judgement thereon, execution shall issue accordingly—

4 And be it further enacted That the said Proprietors may and shall divide the property belonging to them as a corporation into shares, and into such number of shares as they shall think proper, which shares shall be transferrable by deed duly executed, acknowledged, and recorded by the clerk of said Proprietors, and which shares shall forever hereafter be deemed and held as personal estate, and the share or shares of any Proprietor may be sold by said corporation on non-payment of assessments duly made, or the sum or sums due from any delinquent proprietor or proprietors on account of any assessment or assessments duly made, may be recovered by the said proprietors of such delinquent proprietor or proprietors by action or suit at law in any Court or Courts proper to try the same—

5 And be it further enacted That the said Proprietors be and they are hereby authorised to erect, construct, and maintain said Canal, and all such locks and dams as shall be necessary in order to admit the passage of Rafts, masts, and lumber in said Contoocook river by said falls in Contoocook river, Provided nevertheless that no dam shall be erected which shall obstruct the passage of the fish, and if complaints of that kind arise, the Superiour Court of Judicature upon application may appoint a Committee of three suitable persons to view the dam or dams erected by said Proprietors,

and the report of said Committee made to said Superiour Court, and by said Court accepted, shall be the rule to which the said Proprietors shall conform and modify their dam or dams—

6 And be it further enacted That for the purpose of compensating the said Proprietors for the money by them expended or to be expended in erecting, constructing, and maintaining said canal and locks, a toll be and hereby is granted and established for the term of thirty years, for the benefit of the said Proprietors not exceeding the rates following Viz. for every thousand feet of pine boards, fifty cents, for every thousand feet of two and a half inch pine plank one dollar and twenty five cents, and other pine plank in proportion, for every thousand of two and a half inch oak plank, two dollars and fifty cents, and other oak plank in proportion, for every thousand of barrel staves fifty cents, for every thousand of Hogshead staves one dollar, for every ton of oak timber forty cents, for every ton of pine timber twenty five cents, for every thousand of shingles six cents, for every thousand of clap-boards thirty four cents, for every thousand of hoops fifty cents, for every ton of masts, spars, and bowsprits twenty five cents, and for all other articles not enumerated in like proportion, and at the expiration of five years, the rates of said toll shall be regulated by the Justices of the Superiour Court of Judicature in such manner as that the amount of the toll shall not exceed twelve per cent per annum upon the amount of the monies expended in the erection of said canal, nor be less than six per cent per annum under the forfeiture of the privileges of this Act in future.

And be it further enacted That if said canal and locks be not completed within five years from and after the passing of this act, every part and clause of this Act shall be null and void—

#### [CHAPTER 38.]

*State of*            )  
*New Hampshire.*  )

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE SANDWICH TURNPIKE INCORPORATION—

[Approved December 13, 1804. Original Acts, vol. 18, p. 73; recorded Acts, vol. 15, p. 289. Session Laws, November, 1804, p. 31.]

Whereas John M<sup>c</sup>Duffee, William K. Atkinson, John P. Hale, Oliver Crosby, John Wheeler, Moses Hodgdon, Jonas C. March, Joseph Hanson, Nathaniel Upham, and David Barker have Petitioned the General Court praying for liberty to make a turnpike road from Sandwich to Norway Plain in Rochester, and from thence to Dover landing which prayer appearing reasonable

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that John M<sup>c</sup>Duffee, Oliver Crosby,

John Wheeler, Moses Hodgdon, Jonas C. March, Joseph Hanson, Nathaniel Upham, David Barker, William K. Atkinson, and John P. Hale, and their associates and successors be and they hereby are incorporated and made a body corporate and politic under the name of the Sandwich turnpike incorporation; and in that name may sue, and prosecute, be sued and prosecuted, to final Judgement and execution— and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, that the said William K. Atkinson John Wheeler, John P. Hale, or Oliver Crosby shall call a meeting of said Proprietors by advertisement in the Sun printed at said Dover to be holden at any suitable time and place, at least thirty days from the first publication of said advertisement, and the proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithfull discharge of the duties of said office, and shall also agree on a method of calling future meetings, and at the same, or at any subsequent meeting, may elect such officers, and make and establish such rules and bye-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls, herein after established and the same bye-laws may cause to be executed and annex penalties to the breach thereof; provided the said rules and bye-laws are not repugnant to the laws and constitution of this State; and all representations shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, and this act, and all rules, regulations, and proceedings of said corporation, shall be fairly and truly recorded in a Book or Books provided and kept for that purpose.

And be it further enacted, that the said Corporation are empowered to survey, lay out, make, and keep in repair a turnpike road four rods wide in such route or tract as in the best of their Judgement shall combine shortness of distance with the most practicable ground from Sandwich to Norway Plain in Rochester, and from thence to Dover landing.

And be it further enacted, that in case the Proprietors and owners of land through which said road may run, shall not agree on the compensation to be made for said land, the Superior Court of Judicature holden within and for the County in which said land lies upon the application of the said Proprietors or the owner or owners of such land, may appoint a committee to ascertain the compensation, which compensation shall be actually paid or tendered by said Proprietors before any labour shall be done on said road.—

And be it further enacted, that the said Corporation may erect and fix so many gates or turnpikes upon and across said road as

will be necessary and convenient to collect the tolls and duties herein after granted to said company from all persons travelling in the same with horses, cattle, carts and carriages.—

And be it further enacted, that it shall and may be lawfull for said Company, to appoint such and so many toll-gatherers, as they shall think proper to collect and receive from all and every person or persons using said Road the tolls and rates herein after mentioned, and to stop any person, riding, leading, or driving any horses, cattle, swine, sheep, sulkey, chair, chaise, phaeton, coach, charriot, cart, waggon, sleigh, sled, or any other carriage of burden or pleasure from passing through said Gates or turnpikes untill they shall have respectively paid the same, That is to say for every mile of said road, and so in proportion for a greater or less distance, or a greater or smaller number of cattle, or carriages, to wit for every ten sheep or swine half a cent, for every ten cattle or horses one cent, for every horse and rider, or led horse one cent, for every sulkey, chair, or chaise with one horse and two wheels two cents, for every charriot, coach, stage, phaeton, or chaise with two horses and four wheels, four cents, for every carriage of pleasure the like sums according to the number of wheels and horses drawing the same, for each cart or other carriage of burden drawn by one beast one cent, for each cart, waggon, or other carriage of burden drawn by two beasts one cent and a half, if drawn by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse one cent, if drawn by two horses two cents, if by more than two horses one cent for each additional horse; for each sled or sleigh of burden drawn by one beast one cent, if drawn by two beasts one cent and an half, if by more than two beasts, one cent for each additional yoke of oxen or pair of horses, and at all times when the toll-gatherer shall not attend his duty the gates shall be left open. And if any person shall with his carriage, team, cattle, or horses, turn off from said road to pass said turnpike gate on ground adjacent thereto, said ground not being a public highway with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof, in an action of debt or on the case, Provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with his horse, or carriage on the ordinary course of business in the town where such person lives, or with his horse, team, or cattle to or from any mill, or in going to or from public worship, or any funeral, nor of any Officer or soldier of the Militia under arms while passing to and from the place of military duty.

And be it further enacted, that said corporation are hereby empowered to purchase and hold for the purpose aforesaid, so much land as will be necessary for the said turnpike road, and the share



or shares of any of said proprietors may be transferred by deed, duly executed, acknowledged and recorded by the clerk of said corporation on their records, and the share or shares of any of said proprietors may be sold by said corporation for non-payment of assessments duly made, agreeably to the bye-laws that may be agreed upon by said corporation—

And be it further enacted, that no toll shall be taken by said corporation for any mile of said road, untill six hundred Dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles reckoning from the place where said road commences, to the place where said road shall terminate, nor untill the Justices of the Superior Court of Judicature shall adjudge the said road sufficiently made to entitle said corporation to receive said toll.—

And be it further enacted, that said corporation may be indicted for defect of repairs of said road, after the toll-gates are erected, and fined in the same way and manner as towns are by law finable for suffering roads to be out of repair, and said fine may be levied on the profits and toll arising or accruing to said corporation—

And be it further enacted, That at the end of every ten years after setting up of any toll-gate as aforesaid an account of the expenditures of laying out and making said road, and of all the profits arising therefrom shall be laid before the Justices of the Superior Court of Judicature for the time being, under the forfeiture of this grant in future, and if the net profits for the said ten years shall exceed nine per centum per annum the said Court may reduce the future toll so far as that it may not exceed nine per cent per annum, Provided nevertheless, and be it further enacted that if the said turnpike shall in any part be the same with any highway now used, it shall not be lawfull for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway any thing in this act to the contrary notwithstanding—

And be it further enacted, that if in five years, the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void, Provided also that the State of New Hampshire may at any time after the expiration of twenty years from the passing of this act, repay the proprietors of said road the amount of the sum expended by them thereon, with nine per cent per annum in addition thereto, deducting the toll actually received by the proprietors; and in that case, the said road shall to all intents and purposes be the property of the State of New Hampshire, any thing herein to the contrary notwithstanding, provided nevertheless, and be it further enacted that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary and expedient to compel the said proprietors to keep the said road in repair—

## [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF "THE HILLSBOROUGH TURNPIKE CORPORATION."

[Approved December 13, 1804. Original Acts, vol. 18, p. 74; recorded Acts, vol. 15, p. 320. Session Laws, November, 1804, p. 52. See additional act of December 25, 1805, recorded Acts, vol. 16, p. 184.]

Be it enacted by the Senate and house of Representatives in General court convened, That Samuel Morey, Joseph Town, Joseph Pratt Ephraim Kingsbury jun<sup>r</sup>, Philip Greeley, Benjamin Wiggin, Ebenezer Lerner, Baruch Chace, Timothy Darling, John Osgood Ballard, Theophilus Stanley, John Harriss, Roger E. Perkins, Reuben French, James Currier, John Mills, Caleb Stark, John Butterfield, & Phineas Aikin, and their associates, and successors be, and they hereby are incorporated & made a body corporate & politick, under the name of "The Hillsborough Turnpike Corporation:" and in that name may sue & prosecute, and be sued & prosecuted, to final judgement & execution; and shall be, & hereby are vested with all the powers & priviledges which by Law are incident to corporations of a similar nature.

And be it further enacted That the said Samuel Morey or Joseph Towne shall call a meeting of said Proprietors, by advertisement in the "Courier of New Hampshire" to be holden at any suitable time & place, at least thirty days from the first publication of said advertisement; & the proprietors by a vote of a majority of those present, or represented at said meeting accounting & allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithfull discharge of the duties of said office; and shall also agree on a method of calling future meetings, and at the same or at any subsequent meeting may elect such officers & make & establish such rules and by-laws as to them shall seem necessary and convenient for the regulation & government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls herein after established; and the same by-laws may cause to be executed, and to annex penalties to the breach thereof; provided the said rules & by-laws are not repugnant to the constitution & laws of this State. And all representations shall be proved by writing signed by the person to be represented which shall be filed with the clerk; & this act, and all rules, regulations, & proceedings of said corporation shall be fairly & truly recorded by the clerk, in a book or books, provided & kept for that purpose.

And be it further enacted That the said corporation are impowered to survey, lay out, make, & keep in repair a turnpike road,

four rods wide, in such rout or track as in the best of their judgment, shall combine shortness of distance with the most practicable ground, from the fourth New Hampshire turnpike road in Andover by the easterly end of Kiarsearga mountain, to the line of Massachusetts in a direction for Boston.

And be it further enacted That in case the Proprietors and the owners of land through which said road may run, shall not agree on the compensation to be made for said land; the Superior court of Judicature holden within and for the county in which the said land lies, upon the application of the said proprietors, or the owner, or owners of such land, may appoint a committee to ascertain the compensation, which compensation shall be actually paid, or tendered by said proprietors, before any labour shall be done on said road.

And be it further enacted, That the said corporation may erect and fix so many gates or turnpiks, upon and across said road, as will be necessary and convenient to collect the tolls and duties herein after granted to said company, from all persons travelling in the same, with horses, cattle, carts & carriages.

And be it further enacted That it shall & may be lawful for said company to appoint such, & so many toll-gatherers, as they shall think proper, to collect and receive from all and every person, or persons using said road, the tolls and rates hereinafter mentioned, and to stop any person, riding, leading, or driving any horses, cattle, swine, sheep, sulkey, chaise, chair, phaeton, coach, chariot, cart, waggon sleigh, sled, or any other carriage of burden or pleasure, from passing through said gates, or turnpikes, untill they shall have respectively paid the same; that is to say for every mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle, or carriages, to wit, for every ten sheep or swine one cent, for every ten cattle or horses two cents, for every horse and rider or led horse one cent; for every sulkey, chair, or chaise with one horse & two wheels two cents; for every chariot, coach, Stage phaeton or chaise, with two horses & four wheels, four cents; for every carriage of pleasure, the like sums, according to the number of wheels & horses drawing the same; for each cart, or other carriage of burden drawn by one beast, one cent; for each cart, waggon or other carriage of burden drawn by two beasts one cent and an half; if drawn by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh drawn by one horse, one cent; if drawn by two horses two cents; if by more than two horses, one cent for each additional horse; for each sled drawn by one beast, one cent; if drawn by two beasts one cent & an half; & if by more than two beasts one cent for each additional yoke of oxen or pair of horses. And at all times when the toll gatherer shall not attend his duty the gates shall be left open; and if any person shall, with his carriage, team, cattle, or horses, turn off from said road to pass said turnpike gate on ground

adjacent thereto, said ground not being a public highway, with an intent to avoid the toll due by virtue of this act, such person shall forfeit & pay three times so much, as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof, in an action of debt, or on the case; provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with his horse or carriage, to or from public worship or funeral, or with his horse, team, or cattle to or from any mill, or on the common and ordinary business of family concerns within the town where such person resides; nor of any officer or soldier of the militia under arms while passing to and from the place of military duty.

And be it further enacted That said corporation are hereby empowered to purchase & hold for the purpose aforesaid, so much land as will be necessary for said turnpike road; and the share or shares of any of the said proprietors may be transfered by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records. And the share, or shares of any of said proprietors, may be sold by said corporation for non-payment of assessments, duly made, agreeably to the by-laws that may be agreed upon by said corporation.

And be it further enacted, That no toll shall be taken by said corporation, for any mile of said road, untill six hundred dollars shall have been expended thereon, or a proportionate sum on the whole number of miles; reckoning from the fourth New Hampshire turnpike road to the place where the said road shall terminate; nor untill the justices of the Superior Court of Judicature shall adjudge the said road sufficiently made to entitle said corporation to receive toll.

And be it further enacted, That said corporation may be indicted for defect of repairs of said road, after the toll gates are erected, and fined in the same way and manner, as towns are by law finable, for suffering roads to be out of repair; and said fine may be levied on the profits and toll, arising or accruing to said corporation.

And be it further enacted, That at the end of every six years after setting up of any toll gate, as aforesaid, an account of the expenditures of laying out, and making said road, and of all the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature, for the time being under the forfeiture of the privileges of this grant in future; And if the net profits, for the said six years, shall exceed nine per centum per annum, the said court may reduce the future toll so far, as that it may not exceed nine per cent per annum.

Provided nevertheless, And be it further enacted, That if said turnpike shall in any part be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on, or across said part of the road, that is used and occupied



as a public highway; any thing in this act to the contrary notwithstanding.

And be it further enacted, That if in six years the said road shall not be compleated, according to the provisions of this act, every part and clause thereof shall be nul and void.

Provided also That the State of Newhampshire may at any time after the expiration of Twenty years from the passing of this act, repay the proprietors of said road, the amount of the sum expended by them thereon, with nine per cent per annum, in addition thereto, deducting the toll actually received by the proprietors; and in that case the said road, shall, to all intents and purposes be the property of the State of New Hampshire, any thing herein to the contrary notwithstanding.

Provided nevertheless That the Legislature of this State, shall have a right to adopt such measures in future as shall by them be considered necessary and expedient to compel the said proprietors to keep the said road in repair.

#### [CHAPTER 40.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE CHESHIRE TURNPIKE CORPORATION—

[Approved December 13, 1804. Original Acts, vol. 18, p. 75; recorded Acts, vol. 15, p. 329. Session Laws, November, 1804, p. 26. See act of June 19, 1818, recorded Acts, vol. 21, p. 117.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Simeon Olcott, Benjamin West, Oliver Hall, Samuel Hunt, Lewis R. Morris, and their associates, be, and they are hereby incorporated into a body politic, by the name of The proprietors of the Cheshire Turnpike corporation; and as such may sue and be sued, and enjoy all the privileges incident to corporations of a similar nature; and may have a common seal, and the same may break, renew and alter at pleasure.—

And be it further enacted, That Simeon Olcott, or Oliver Hall, may call a meeting of said proprietors by giving fifteen day's notice of the same by advertisement in the Farmer's Museum printed at Walpole; and the proprietors by a majority of those present or represented at said meeting, which representation shall be in writing and signed by the person so represented, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of that office, and may also agree on the method of calling future meetings, and at the same or at any subsequent meetings, may elect such officers, and make and estab-

lish such rules and by-laws as to them shall seem necessary and convenient for the government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls herein-after established; and the same by-laws may accept, and annex penalties, not exceeding ten dollars, to the breach thereof provided said rules and by-laws are not repugnant to the constitution and laws of this State: and the aforesaid representation shall be filed with the clerk in a book or books provided and kept for that purpose

And be it further enacted, That the corporation are empowered, to survey, lay out, make and keep in repair, a turnpike road four rods wide in any place in such route or track as in the best of their judgment and skill shall combine shortness of distance with the best ground from Connecticut river near Charlestown meeting-house where a Bridge may be erected over said river, through said Charlestown, Langdon and Surry to the third New-Hampshire turnpike, near the court-house in Keene: provided nevertheless, said proprietors shall not lay out said road so as to molest any dwelling-house; and provided also that said proprietors shall not have power to make said road through the land of any person or persons, until the individual or individuals shall be compensated for the damage they may sustain, by payment of the same agreeably to the method hereinafter provided.

And be it further enacted, That said proprietors are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said turnpike; and the shares in said turnpike shall be considered to be personal estate to all intents and purposes, and shall be transferrable, and the mode of transferring said shares shall be by deed acknowledged before any Justice of the peace, and recorded by the clerk of the corporation in a book kept for that purpose. And when any share shall be attached on mesne process, an attested copy of such process shall at the time of the attachment be left with the clerk of the corporation, otherwise the attachment shall be void; and such shares may be sold on execution in the same manner as is or may by law be provided for making sale of personal property; the officer making sale or the judgment-creditor, leaving a copy of the execution and the officer's return on the same with the clerk of said corporation within fourteen days after such sale shall be considered as a sufficient transfer of such share or shares in the said turnpike road.—

And be it further enacted, That no toll shall be taken by said corporation for any part of said road, until six hundred dollars shall have been expended on each mile or a proportionate sum upon the whole number of miles.—

And be it further enacted, That it shall and may be lawful for said corporation to erect and fix so many gates or turnpikes upon and across said road as may be necessary to collect the tolls herein-after mentioned, provided that no gate or turnpike shall be erected

across any part of said road which is now occupied as a highway. And it shall and may be lawful for said corporation to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from every person using said road the following rates and tolls, and to stop at each of said gates any person riding, leading or driving, any horses, cattle, hogs, sheep, sulkey chair, chaise, or any other carriage, or in any other manner, until they shall respectively have paid the same: that is to say, for every mile of said road, and so in proportion for a greater or less distance, to wit; for every ten sheep or swine, one half cent; for every ten cattle or horses, one cent; for every horse and his rider, or led horse, one cent; for every sulkey, chair or chaise, with one horse and two wheels, two cents; for every chariot, coach, stage-waggon, phaeton or chair with two horses, three cents; for either of the carriages last mentioned, with four horses, four cents; for every other carriage of pleasure, the like sums according to the number of horses drawing the same; for each cart or other carriage of burden, drawn by one beast, one cent; for each waggon, cart, or other carriage of burden, drawn by two beasts, one cent and a half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh drawn by one horse, one cent; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each sled or sleigh of burden, drawn by one horse, one cent; for each sled drawn by two horses or a yoke of oxen, one cent and a quarter; and if by more than two horses or one yoke of oxen, one cent for each additional pair of horses or yoke of oxen: And at all times when the toll-gatherer shall not attend his duty, the gates shall be left open. And if any person shall turn off said road with his team, cattle or horses with intent to avoid the payment of toll due by virtue of this act, in ground not being a highway, such person shall forfeit and pay three times as much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof in an action of debt:—Provided that nothing in this act shall extend to entitle said corporation to demand toll of any person on the common or ordinary business of family concerns within the town where such person resides; nor of any person who shall be passing with his horse or carriage to or from public worship, or funeral, or with his horse, team, or cattle, to or from any mill in his own or adjacent town; nor of any officer or soldier of the militia, under arms, while passing to and from the place of military duty.

And be it further enacted, That said corporation may be indicted for defect of repairs in said road after said toll-gates are erected, and shall be liable for any special damage sustained for want of repairs, and fined in the same way and manner as towns are fineable for suffering roads to be out of repair.—

And be it further enacted, That at the end of every ten years

after the setting up of any toll-gate, an account of the expenditures upon said road, and the profits arising therefrom, shall be laid before the Justices of the superior court of judicature for the time being, under the forfeiture of the privileges of this act in future; and if the nett profits for said ten years shall exceed nine per cent per annum, the said Court may reduce the future toll so as it shall not exceed nine per cent per annum; and if the profits shall not amount to six per cent, the said Court may raise said toll so that it shall not be less than six per cent nor exceed nine per cent.—

And be it further enacted, That if said corporation cannot agree with the owners of land over which said road may pass, or shall disagree on the compensation to be made for said land, the Justices of the court of common pleas within the county of Cheshire, upon the application of the said proprietors or the owners of the land, reasonable notice of such application having been first given to the adverse party, shall appoint a committee to ascertain the same, in the same way and manner as compensations are ascertained to the owners of land for highways as usually laid out.—

And be it further enacted, That if in five years from the passing of this act, said turnpike road shall not be completed, every part and clause thereof shall be null and void: Provided also that the State of New Hampshire may at any time after the passing hereof, repay the proprietors of said road the amount of the sums expended thereon with nine per cent per annum in addition thereto, deducting the toll received by said proprietors, in which case said road shall to all intents and purposes be the property of the State of New Hampshire.—

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1804, December 1.

The Committee on the Petition of the Inhabitants of Newcastle for liberty to send a Representative to the General Court in future—Reported that the prayer of the Petition be so far granted that they have liberty to send a Representative to the General Court in future until such time as they can be conveniently classed with some other town—which report being read and considered was received and accepted—

[House Journal, 1800-5, p. 494. Senate Journal, 1801-4, p. 361.]

1804, December 3.

The Committee to nominate to this House three suitable persons to collect the existing Laws of this state and procure the printing of the same, reported that the Hon<sup>ble</sup> Jeremiah Smith Esq<sup>r</sup> and George Sullivan Esq<sup>r</sup> of Exeter and Charles Cutts Esq<sup>r</sup> of Portsmouth be appointed a Committee to collect the existing Laws of this State and procure the same to be



printed and that five hundred volumes be stipulated for, for the use of the state, which report being read and considered was received and accepted—  
[House Journal, 1800-5, p. 495. Senate Journal, 1801-4, p. 363.]

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1804, December 4.

The Committee appointed to report in what manner the copies of the Laws of the United states shall be disposed of reported that the Executive department have one the Senate one, the House of Representatives one, the Superior Court one each Court of Common pleas one, each Court of Probate one each Representative District one, Dartmouth College one each Academy one each Incorporated library Association one & each Member of the Senate one—which report being read and considered was received and Accepted and that the same Committee who made the report be directed to direct said Laws for distribution Accordingly—

[House Journal, 1800-5, p. 500. Senate Journal, 1801-4, p. 367.]

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1804, December 6.

The Committee on the Petitions from Marlow & Springfield respecting representation Reported that the prayers of the Petitioners be granted and that the Towns of Marlow and Springfield each have the liberty of sending a Representative to the General Court in future which report being read and considered was received and Accepted—

[House Journal, 1800-5, p. 514. Senate Journal, 1801-4, p. 376.]

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1804, December 7.

Voted that the Inhabitants of Erroll be Annexed to the Towns of Cockburne Colebrook Shelburne & Stuartstown for the purpose of choosing a Representative to the General Court in future they attending the meetings in said Towns but not to remove the meeting to Erroll—

[House Journal, 1800-5, p. 515. Senate Journal, 1801-4, p. 379.]

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1804, December 13.

The Committee to take into consideration the Propriety of allowing the several Captains of the Artillery Companies in this state to receive out of the Treasury certain sums of money for procuring powder port fire and Slow match instead of its being procured by the Adjutant General—Reported that the Captains of the several companies of Artillery in this state be authorized to receive fourteen Dollars each from the Adjutant General as a sufficiency for procuring powder port fire & Slow match for the use of each Company, which report being read & considered was received & Accepted—

[House Journal, 1800-5, p. 543. Senate Journal, 1801-4, p. 401.]

## [FOURTEENTH GENERAL COURT.]

[*Held at Concord and Portsmouth, Two Sessions, June 5, 1805, to December 31, 1805.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, GOVERNOR.  
 PHILIP CARRIGAIN, JR., SECRETARY.  
 NATHANIEL PARKER, DEPUTY SECRETARY.  
 NATHANIEL GILMAN, TREASURER.  
 \*JEREMIAH MASON, ATTORNEY GENERAL.  
 CLEMENT STORER, PRESIDENT OF THE SENATE.  
 SAMUEL BELL, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Levi Bartlett,	Kingston.
Joseph Badger,	Gilmanton.
Benjamin Pierce,	Hillsborough.
Nahum Parker,	Fitzwilliam.
Daniel Blaisdell,	Canaan.

## [MEMBERS OF THE SENATE.]

Clement Storer,	Portsmouth.
Richard Jenness,	Deerfield.
John Orr,	Bedford.
John Bradley,	Concord.
John Waldron,	Dover.
Nathaniel Shannon,	Moultonborough.
Jedediah K. Smith,	Amherst.
Robert Alcock,	Deering.
Daniel Newcomb,	Keene.
George Aldrich,	Westmoreland.
Daniel Kimball,	Plainfield.
Moses P. Payson,	Bath.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and	}	Nathaniel Cavis.
Bow,		
Atkinson and	}	Moses Greenough.
Plaistow,		

\* Jeremiah Mason resigned as Attorney General and George Sullivan of Exeter was appointed to that office December 23, 1805.

Brentwood,  
 Candia,  
 Canterbury,  
 Chester,  
 Chichester,  
 Concord,  
 Deerfield,  
 Epping,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampstead,  
 Hampton,  
 Hampton Falls and }  
 Seabrook, }  
 Hawke and }  
 Sandown, }  
 Kensington,  
 Kingston,  
 Londonderry,

Loudon,  
 Newcastle,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin, }  
 Rye,  
 Salem,  
 South Hampton and }  
 East Kingston, }  
 Stratham,  
 Windham,

Samuel Shaw.  
 Jesse Eaton.  
 Masten Morrill.  
 Henry Sweetser.  
 Nathaniel Morrill.  
 William A. Kent.  
 Moses Barnard.  
 Daniel Coffin.  
 Josiah Sanborn.  
 George Sullivan.  
 Ebenezer Johnson, Jr.  
 Jacob Kimball.  
 Benjamin Shaw.  
 John Smith.

Thomas Page.  
 Enoch Worthen.  
 Amos Gale.  
 John Prentice.  
 James Pinkerton.  
 Enoch Wood.  
 Henry Prescott.  
 Gee Pickering.  
 James Hill.  
 Joshua Rowell.  
 Jonathan Ayer.  
 Daniel Gookin.  
 John Furber.  
 Henry Butler.  
 Amos Moody.  
 Aaron Whittemore.  
 James Hight.  
 Charles Cutts.  
 Elijah Hall.  
 William Ham, Jr.  
 Richard Evans.

Thomas Chase.  
 Joseph Parsons.  
 David Allen.  
 Reuben Greeley.  
 Daniel Jewell.  
 John Dinsmore.

## STRAFFORD COUNTY.

Alton,	John Plumer.
Barnstead,	John Nutter.
Barrington,	Isaac Waldron.
	Thomas W. Hale.
Brookfield and } Middleton, }	Thomas Chamberlain.
Conway,	Richard Odell.
Dover,	Daniel Henderson.
Durham,	Jonathan Steele.
Eaton and } Burton, }	Coleman Colby.
Effingham and } Ossipee Gore, }	Carr Leavitt.
Farmington,	Jeremiah Waldron.
Gilmanton,	Samuel Shepard.
	Nehemiah Sleeper.
Lee,	George Tuttle.
Madbury,	Ebenezer Demeritt.
Meredith,	Winthrop Robinson.
Milton,	Beard Plumer.
Moultonborough,	Caleb Morse.
New Durham,	John Bennett.
New Hampton and } Center Harbor, }	Daniel Smith.
Ossipee,	Samuel Quarles.
Rochester,	David Barker.
Sanbornton,	Samuel Prescott.
Sandwich,	Asa Crosby.
Somersworth,	Andrew Wentworth.
Tamworth,	David Gilman.
Tuftonboro,	Benjamin Young.
Wakefield,	Elisha Sanborn.
Wolfeboro,	Isaiah Horne.

## HILLSBOROUGH COUNTY.

Amherst,	William Fisk.
Andover,	Jonathan Weare.
Antrim and } Windsor, }	Jacob Tuttle.
Bedford,	William Riddle.
Boscawen,	Caleb Knight.
Brookline,	Samuel T. Boynton.



Deering,	Benjamin Rolfe.
Dunbarton,	John Mills.
Dunstable,	Frederick French.
Fishersfield and } Bradford,	Samuel Gunnison.
Francestown,	Samuel Bell.
Goffstown,	John Butterfield.
Greenfield and } Society Land,	Amos Whittemore.
Hancock,	William Brooks.
Henniker,	Joshua Darling.
Hillsborough,	Joel Stow.
Hollis,	Benjamin Pool.
Hopkinton,	Benjamin B. Darling.
Litchfield and } Derryfield,	Samuel P. Kidder.
Lyndeborough,	Daniel Putnam.
Mason,	Rogers Wesson.
Merrimack,	Samuel Forster.
Milford,	Josiah Osgood.
Mont Vernon,	William Bradford.
New Boston,	Ephraim Jones.
New Ipswich,	Noah Bartlett.
New London,	Joseph Colby.
Nottingham West,	Asa Davis.
Peterborough,	James Wilson.
Salisbury,	John C. Gale.
Sutton,	Thomas Wadleigh.
Temple,	Ebenezer Edwards.
Warner,	Aquila Davis.
Weare,	James Caldwell.
Wilton,	Philip Putnam.

## CHESHIRE COUNTY.

Acworth,	Gawen Gilmore.
Alstead,	Cyrus Kingsbury.
Charlestown,	Oliver Hall.
Chesterfield,	Simon Willard.
Claremont,	George B. Upham.
Cornish,	Ithamar Chase.
Croydon,	Samuel Powers.
Dublin,	Isaac Appleton.
Fitzwilliam,	Phinehas Reed.
Goshen and } Wendell,	Allen Willey.
Hinsdale,	David Wolley.

Jaffrey,  
 Keene,  
 Langdon,  
 Lempster,  
 Marlborough,  
 Marlow,  
 New Grantham,  
 Newport,  
 Packersfield,  
 Plainfield,  
 Richmond,  
 Rindge,  
 Springfield,  
 Stoddard,  
 Sullivan,  
 Surry and }  
 Gilsun, }  
 Swanzey,  
 Unity,  
 Walpole,  
 Washington,  
 Westmoreland,  
 Winchester,

Adonijah Howe.  
 Lockhart Willard.  
 Eleazer Taft.  
 Elijah Frink.  
 Phinehas Farrar.  
 Elisha Huntley.  
 Ezra Buswell.  
 Phinehas Chapin.  
 Samuel Griffin.  
 Albe Cady.  
 James Cook.  
 Josiah Wilder.  
 Charles Church.  
 Nathaniel Emerson.  
 Samuel Seaward.  
 Samuel Whitney.  
 Amasa Aldrich.  
 Benjamin Clough.  
 Thomas C. Drew.  
 David Heald.  
 Joseph Buffum.  
 Foster Alexander.

## GRAFTON COUNTY.

Alexandria and }  
 Bridgewater, }  
 Bath,  
 Canaan,  
 Concord (Lisbon),  
 Enfield,  
 Franconia, }  
 Landaff and }  
 Lincoln, }  
 Groton, }  
 Dorchester and }  
 Hebron, }  
 Hanover,  
 Haverhill and }  
 Coventry, }  
 Holderness and }  
 Campton, }  
 Lebanon,  
 Littleton, }  
 Bethlehem and }  
 Dalton, }

Moses Lewis.  
 Samuel Hutchins.  
 Ebenezer Clark.  
 John Haynes.  
 Jesse Johnson.  
 Peter Carleton.  
 Josiah Hobart.  
 Joseph Curtis.  
 John Montgomery.  
 Samuel Holmes.  
 Aaron Hutchinson.  
 David Goodall.

Lyman,		Nathan Scarritt.
Lyme,		John Fairfield.
New Chester and	}	Ebenezer Kimball.
Danbury,		
Orange and	}	Ebenezer Hoyt.
Grafton,		
Orford,		Joseph Pratt.
Piermont and	}	Ezra Bartlett.
Warren,		
Plymouth,		William Webster.
Rumney and	}	William White.
Wentworth,		
Thornton,	}	
Peeling and		Enoch Colby.
Ellsworth,	}	

## COOS COUNTY.

Bartlett,	}	
Adams,		Silas Meserve.
Chatham and	}	
Locations,		
Cockburne,	}	
Colebrook,		
Shelburne,		James Hugh.
Stewartstown and		
Errol,	}	
Jefferson,		William Lovejoy.
Lancaster and	}	
Bretton Woods,		
Northumberland,	}	
Piercy and		* John M. Tillotson.
Stratford,	}	

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\* During the November session Abner Clark represented these towns.

[*First Session, Held at Concord, June 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 1805.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT TO ENCOURAGE THE MANUFACTURING OF COTTEN YARN IN THE TOWN OF NEW IPSWICH IN SAID STATE—

[Approved June 11, 1805. Original Acts, vol. 18, p. 76, recorded Acts, vol. 16, p. 5. Session Laws, June, 1805, p. 30.]

Whereas Charles Barrett and others have petitioned the Legislature, setting forth that the manufacturing of cotten yarn would be of public utility, and praying that they may be exempt from Taxes on the buildings, machinery, and property employed in said manufactory.

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that all the buildings and spinning machinery, which are, and shall be set up by the said Charles Barrett and his associates in the said Town of New Ipswich and necessary for carrying on said Manufacture to Advantage, together with the Stock actually employed in said works and for the purpose above mentioned, shall be, and hereby are exempt from all Taxes for the term of five years from the passing of this Act, and no longer—any law, usage, or custom to the contrary notwithstanding.

Provided always that the benefit of this Act shall not extend to any or either of them for a longer time than the same shall in the judgement of the selectmen of said New Ipswich, be usually and properly occupied and improved in the business for which it was erected, constructed and set up.

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT TO PREVENT THE CIRCULATION OF PRIVATE NOTES, BILLS, ORDERS AND CHECKS—

[Approved June 14, 1805. Original Acts, vol. 18, p. 77; recorded Acts, vol. 16, p. 3. Session Laws, June, 1805, p. 5. Laws, 1805 ed., p. 397; id., 1815 ed., p. 282; id., 1830 ed., p. 128. See acts of June 11, 1803, *ante*, p. 161, and June 17, 1807, Laws, 1815 ed., p. 283. Repealed by act of December 23, 1842. See Revised Statutes, (1842) Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that if any person shall after the first day



of August next, issue or pass any note, bill, order or check, other than a note, bill, order or check of any Bank incorporated by the Laws of this State, or of some one of the United States, with an intent that the same shall be circulated as currency, he shall forfeit and pay for every such offence the sum of Twenty Dollars, to be recovered by Indictment in the Superior Court of Judicature to the use of the State, or by action of Debt, to the use of any person who shall first sue therefor, in any Court of competent Jurisdiction—

And be it further enacted that all bills, notes, checks, draughts or obligations whatsoever, payable to bearer or order, which shall be made, issued or passed after the said first day of August next, with an intent that the same shall be circulated as currency, and which shall bear the impression of types, plates or printing, shall be utterly void, and no action shall be thereon sustained in any Court of Law, except against the original signer of the same.—

Provided nevertheless that nothing herein contained shall affect the rights or privileges, heretofore granted, or which may hereafter be granted to any Bank or Banks incorporated within this State, or be construed to extend to persons receiving or passing any Bill issued by such Banks.—

### [CHAPTER 3.]

*State of*                    }  
*New Hampshire.*        }

AN ACT IN ADDITION TO, AND AMENDMENT OF, AN ACT ENTITLED, AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF WATERQUEECHEE FALLS CANAL; PASSED DEC<sup>R</sup> 8TH 1796.—

[Approved June 14, 1805. Original Acts, vol. 18, p. 78; recorded Acts, vol. 16, p. 39. Session Laws, June, 1805, p. 30. The act referred to is printed in Laws of New Hampshire, vol. 6, p. 358. See additional act of June 13, 1815, recorded Acts, vol. 20, p. 303.]

Whereas said Company have petitioned the General Court, praying, that the time limited in said Act for the compleating of said Canal may be extended to some future time, and that the name and stile of said Company, and the rate of toll, may be so altered, that the name, stile and rate of toll in said grant, may be the same as the name and stile and rate of toll, specified in a grant to said Company from the State of Vermont:—which appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That said Corporation shall hereafter be known by the name of The Company for rendering Connecticut River navigable by Water-queechee Falls; and that they and their successors, and such others as shall be hereafter admitted members

of said Corporation, shall be and continue a body politic and corporate by the same name forever—

And be it further enacted, That in addition to the time limited and described in and by said act for the erecting and compleating of said Locks and Canals, said Company shall have a further time of three years from and after the passing of this act, with all the powers and privileges, and under the same restrictions at the end of said term as is mentioned and described in said act.—

And be it further enacted, That in lieu of the toll heretofore given in and by said act, the said Company shall be entitled to the following rate of toll, towit: For all loaded boats passing through said Locks, twenty five cents per ton, and twelve and an half cents per ton on the tonnage of all empty boats; and twenty five cents for every thousand feet of boards and timber, and for every six thousand of shingles, which sums shall remain the rate of toll forever unless the same shall be altered by the Superior Court as is hereafter provided.—

And be it further enacted, That at the expiration of three years from the compleating of said Locks, it shall be the duty of said proprietors to exhibit to the Justices of the Superior Court, or to such other tribunal as the Legislature may hereafter appoint, a true account of the sums expended by said Company in erecting, maintaining and repairing said Locks and Canals, and the amount of toll received to such time, at their first session in the county of Cheshire after the expiration of said three years; and so in like manner afterwards at the expiration of every five years, under the penalty of the forfeiture of the privileges of said Act; and the said Justices are hereby empowered, upon the exhibition of said account, to take cognizance of the same, and to make such alterations in the rate of toll as they may see fit; provided that the same shall not be raised by said Justices to exceed twelve per cent, per annum, on the sums expended in making and repairing said Locks and Canals; anything in the aforesaid act to the contrary notwithstanding

#### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO EXTEND THE LIMITS OF A GRANT FOR BUILDING A BRIDGE OVER BEDELS FERRY IN HAVERHILL.—

[Approved June 15, 1805. Original Acts, vol. 18, p. 79; recorded Acts, vol. 16, p. 17. See act of June 16, 1802, *ante*, p. 81, and act of December 14, 1812, Session Laws, 1812, p. 251.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the time allowed by a Grant passed &

made June 16<sup>th</sup> 1802 for building a Bridge over Bedels' ferry in Haverhill, be lengthened out & extended two years from and after the passing of this Act, with the same privileges, & subject to the same restrictions as by said Grant are allowed & established.—

[CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN PLAINFIELD—

[Approved June 15, 1805. Original Acts, vol. 18, p. 80; recorded Acts, vol. 16, p. 26.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Thomas Gates, Albe Cady, Elisha Williams, Isaac Chapman, Solomon Dow, Jonathan Harroun, Beza-leel Gates, and all such as may hereafter become proprietors in the same, be, and they hereby are incorporated into a body politic by the name of The proprietors of the Social Library in Plainfield, with continuation and succession forever; and in that name may sue and be sued, plead and be impleaded in all personal actions, and prosecute and defend the same to final judgment and execution; and they hereby are vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement, or fine not exceeding five dollars for any one offence, to be recovered by said proprietors in an action of debt to their use in any Court proper to try the same; and they may make purchase and receive subscriptions, grants and donations of personal estate, not exceeding one thousand dollars for the purpose and use of their association—

And be it further enacted, That said proprietors be, and they hereby are authorized and empowered to assemble at said Plainfield on the first Monday in November annually to choose all such officers as they may judge necessary and convenient for orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room; and said proprietors may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting any other business excepting the raising of money which shall always be done at their annual meeting, and at no other time; at which annual meeting they shall vote all necessary sums for defraying the annual expense of preserving said Library and of enlarging the same And said proprietors shall have power to make and establish such rules and by-laws for the government of said corporation as may from time to time be found necessary and convenient: provided the same be not repugnant to the constitution and laws of this State.—

And be it further enacted, That the said Thomas Gates and Albe Cady, or either of them, shall call the first meeting of said proprietors, at such time and place as they may appoint by posting up a notification for that purpose at some public place in the west parish of said Plainfield at least fifteen days prior to said meeting; and the said proprietors at said meeting shall have the same power to choose officers and make by-laws as they have by this act at their annual meeting—

[CHAPTER 6.]

*State of* )  
*New Hampshire.* )

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN DEERFIELD.

[Approved June 15, 1805. Original Acts, vol. 18, p. 81; recorded Acts, vol. 16, p. 35. See act of June 13, 1808, id., vol. 17, p. 259.]

Be it enacted by the Senate and House of Representatives in General Court convened that Timothy Upham, Joseph Hilton, Moses Barnard, Noah Lane, Seth Fogg, Moody Kent, Isaac Shepard, Phinehas Howe, Enoch Moore, Andrew Freese, Daniel Williams, Eliphalet Poor and Peter Sanborn and their Associates proprietors of said Library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a body politic by the name of the proprietors of the Social Library in Deerfield to have continuance and succession forever and in that name may sue and be sued, may plead and be impleaded in all personal actions, and may prosecute and defend the same to final Judgment and Execution, and they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding four Dollars for each offence to be recovered by said proprietors in an action of debt to their use in any Court proper to try the same, and they may make purchase, and receive subscriptions, grants and donations of personal estate, not exceeding one thousand Dollars, for the purpose and use of their association.

And be it further enacted that said proprietors be and they hereby are authorised and empowered to assemble at said Deerfield on the first Friday in February annually to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation who shall continue in office until others are chosen in their room, and that said proprietors may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices and for transacting all other business excepting the raising of monies which shall always be done at their annual meeting



and at no other time, at which annual Meeting they shall vote all necessary sums for defreying the annual expence of preserving said Library and for enlarging the same. And said proprietors shall have power to make such Rules and By-laws for the government of said Corporation as may from time to time by them be found necessary, provided the same be not repugnant to the Constitution and Laws of this State.

And be it further enacted that Timothy Upham and Joseph Hilton or either of them be and hereby are authorised and impowered to call the first meeting of said proprietors at such time and place as they or either of them may appoint by posting a notification for that purpose at the Congregational meeting house in said Deerfield at least fifteen days prior to said meeting. And the said proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual Meeting.

### [CHAPTER 7.]

*State of*                    )  
*New Hampshire.*       )

#### AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF LYMAN SOCIAL LIBRARY.—

[Approved June 15, 1805. Original Acts, vol. 18, p. 82; recorded Acts, vol. 16, p. 44. See act of June 16, 1810, id., vol. 18, p. 334.]

Be it enacted by the Senate and House of Representatives in General Court convened that Nathan Scarritt, Daniel Moulton Jonathan Moulton, and William Gibson and their associates Proprietors of said Library, and all such as may become hereafter proprietors of the same, be, and they hereby are incorporated, into a body politic, by the name of the proprietors of Lyman Social Library with continuation and succession forever and in that name may sue and be sued may plead and be impleaded, in all personal actions; and may prosecute and defend the same to final Judgment, and Execution; And they are hereby vested with all the powers and privileges incident to corporations of a Similar nature and may enjoin penalties of disfranchisement or fine not exceeding five Dollars for each offence to be recovered in an action of debt by said proprietors, to their use in any Court proper to try the same, and they may make purchase and receive Subscriptions, grants and donations of personal Estate, not exceeding one Thousand Dollars, for the purpose and use of their association.

And be it further enacted, that said proprietors be and they hereby are empower'd & authorised to assemble at said Lyman, on the first monday in november annually, to choose all such Officers as

may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in Office, until others are chosen in their room; and that said proprietors may assemble as often as may be found necessary, for the filling up any vacancies, which happen in said offices, and for transacting all other business, excepting the raising of monies, which shall always be done at their Annual Meeting, and at no other time, at which Annual Meeting they shall vote all necessary sums for defraying the annual expence of preserving said Library, and for enlarging the same, and said proprietors shall have power to make such Rules and Bye-Laws, for the government of said Corporation, as may from time, to time by them be found necessary, provided the same be not repugnant to the Constitution and Laws of this State.—

And be it further enacted that Nathan Scarritt, and Daniel Moulton, or either of them, are hereby authorised and impowered, to call the first meeting of said proprietors, at such time and place, as they may appoint, by posting a notification for that purpose at any publick place in said Lyman, at least fifteen days, prior to said Meeting, and the said proprietors, at said Meeting shall have the same power, to choose Officers, and make Bye-Laws, as they have by this act at their Annual-Meeting.

#### [CHAPTER 8.]

*State of*            )  
*New Hampshire.* )

#### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE HANDELLIAN MUSICAL SOCIETY IN AMHERST—

[Approved June 15, 1805. Original Acts, vol. 18, p. 83; recorded Acts, vol. 16, p. 50.]

Be it Enacted by the Senate and House of Representatives in General Court convened that Joseph Herrick, Roger Smith & Daniel Weston and their Associates, members of said Society, & all such as may hereafter become members of the same be, and they are hereby incorporated into a Body Politic by the name of "The Members of The Handellian Musical Society in Amherst," with continuance & succession forever—and in that name may sue & be sued in all actions personal, & may prosecute & defend the same to final Judgment & Execution— and are hereby vested with all the powers and privileges Incident to corporations of a similar nature—And may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said society in an Action of Debt to their use, in any court proper to try the same—And they may make, purchase and receive subscriptions, donations & grants of Personal estate, not exceeding One Thousand Dollars for the purpose & use of their association.

And Be it further Enacted that said Society be, and they are hereby authorized to assemble at Amherst aforesaid on the second Tuesday of September annually, to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in Office until others shall be chosen in their room—And that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting all other business, except the raising of monies, which shall be always done at the annual meeting, and at no other time, at which time they shall Vote all necessary sums for defraying the necessary expences of said corporation & for increasing the same.—

And said corporation shall have power to make such Rules and Bye-laws for the Government of said society as may from time to time by them be found necessary.—

Provided the same be not repugnant to the Constitution & Laws of this state—

And Be it further Enacted that Joseph Herrick and Daniel Weston, or either of them are hereby authorized and empowered to call the first Meeting of said Society, at such time and place as they may appoint by causing a notification for that purpose to be published in the Newspaper called the Farmer's Cabinet printed at said Amherst at least fifteen days prior to said meeting; and the said members at said meeting shall have the same powers to choose officers and make Bye-Laws as they have by this Act at their annual meeting.—

## [CHAPTER 9.]

*State of*                    }  
*New Hampshire.*        }

AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF NEWTOWN SOCIAL LIBRARY.—

[Approved June 15, 1805. Original Acts, vol. 18, p. 84; recorded Acts, vol. 16, p. 58.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Eliphalet Bartlet, Joshua Rowel, Mark Whittier, Benjamin Goodwin, Jonathan Sargent, Benjamin Whittier, Aaron Whittier, Eli Hoit, Joseph Hoit, Peter Whittier, James Bartlet, Joseph Colby, and their associates and successors, be, and they hereby are incorporated into a body politic by the name of The proprietors of Newtown Social Library, with continuation and succession forever; and in that name may sue and be sued, plead and be impleaded in all personal actions, and prosecute and defend the same to final judgment and execution; and they hereby

are vested with all the powers and privileges incident to corporations of a similar nature; and may enjoin penalties of disfranchisement, or fine not exceeding five dollars for each offence, to be recovered by said proprietors in an action of debt to their use in any Court proper to try the same and they may make, purchase and receive subscriptions grants and donations of personal estate not exceeding one thousand dollars for the purpose and use of their association.—

And be it further enacted, That said proprietors be, and they hereby are authorized and empowered to assemble in said Newtown on the first Monday in November annually to choose all such officers as they may judge necessary and convenient for orderly conducting the affairs of said corporation who shall continue in office until others are chosen in their room; and said proprietors may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices and for transacting any other business excepting the raising of money which shall always be done at their annual meeting and at no other time; at which annual meeting they shall vote all necessary sums for defraying the annual expense of preserving said Library and of enlarging the same. And said proprietors shall have power to make and establish such rules and by-laws for the government of said corporation as may from time to time be found necessary and convenient: provided the same be not repugnant to the constitution and laws of this State—

And be it further enacted, That Eliphalet Bartlet and Joshua Rowel, or either of them, are hereby authorized to call the first meeting of said proprietors at such time and place as they may appoint by posting up a notification for that purpose at some public place in said Newtown at least fifteen days prior to said day of meeting: and the said proprietors at said meeting shall have the same power to choose officers and make by-laws as they have by this act at their annual meeting.—

#### [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN FRANCES TOWN

[Approved June 15, 1805. Original Acts, vol. 18, p. 85; recorded Acts, vol. 16, p. 60.]

Be it enacted by the Senate and house of Representatives in General Court convened, that Moses Bradford John M<sup>o</sup>Ilvain David Lewis William Starret and all such as may hereafter become pro-



prietors in the same, be, and they hereby are incorporated into a body politic by the name of the proprietors of the Social Library in Francestown with continuation and succession forever, and in that name, may sue, and be sued, plead and be impleaded in all personal actions, and prosecute and defend the same to final Judgment and execution, and they hereby are vested with all the powers and privileges incident to corporations of a similar nature; and may enjoin penalties of disfranchisement, or fine not exceeding five dollars for any one offence, to be recovered by said proprietors in an action of debt to their use in any Court proper to try the same, and they may make, purchase and receive, subscriptions grants and donations of personal estate, not exceeding one thousand dollars for the purpose and use of their association.

And be it further enacted, that said proprietors be, and they hereby are authorized and empowered to assemble at said Frances-town on the first Monday of November annually to choose all such officers as they may Judge necessary and convenient, for orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room, and said proprietors may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting any other business, excepting the raising of money which shall always be done at their annual meeting and at no other time, at which annual meeting, they shall vote all necessary sums for defraying the annual expence of preserving said library and of enlarging the same. And said proprietors shall have power to make and establish such rules and bye laws for the government of said corporation as may from time to time be found necessary and convenient: provided the same be not repugnant to the constitution and laws of this State.

And be it further enacted, that the said Moses Bradford and John M<sup>c</sup>Ilvain or either of them, shall call the first meeting of said proprietors at such time and place as they may appoint, by posting up a notification for that purpose at some public place in said Francestown at least fifteen days prior to said meeting, and the said proprietors at said meeting shall have the same power to choose Officers and make bye laws as they have by this act at their annual meeting.

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

## AN ACT RESPECTING THE NON RESIDENT TAX IN LANDAFF

[Approved June 15, 1805. Original Acts, vol. 18, p. 86; recorded Acts, vol. 16, p. 62.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Collector of taxes for the Town of Landaff in the County of Grafton, be allowed to deliver to the Deputy Secretary a copy of his list of nonresident taxes for the present year at any time within thirty days next following the twentieth day of June instant, instead of delivering the same to the Deputy Secretary on or before the eighth day of the present session of the General Court—and the collection of said tax shall, to all intents and purposes, be as legal as if said list had been delivered to the Deputy Secretary on or before said eighth day of the present session, any law usage or custom to the contrary notwithstanding—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A CONGREGATIONAL SOCIETY IN THE TOWN OF WEARE.

[Approved June 15, 1805. Original Acts, vol. 18, p. 87; recorded Acts, vol. 16, p. 65. Session Laws, June, 1805, p. 6.]

Whereas Samuel Paige and others Inhabitants of said Weare have petitioned the General Court representing that they have erected a meeting House in the northerly part of said Town, formed a Church and settled a Minister upon the plan of the Cambridge platform and, for some time past, have acted, in matters of a religious concern, as a separate parish, and praying that they may be incorporated into a Poll-parish, the prayer of which petition (upon a full & public hearing) appearing to be Just and reasonable; Therefore,

Be it Enacted by the Senate and House of Representatives in General Court convened that Samuel Paige, Ithamar Eaton, Nathaniel Fifield, Jonathan Edmunds, Benjamin Cilley, John Cilley, Seth N. Cilley, David Cross, Enoch Goodwin, Jonathan Cilley, David Barnard, David Barnard Jun<sup>r</sup>, Tristram Barnard, Edmund Barnard, John Favour, Moses Boynton, Amasa Foster, Jacob Cilley, Philip Cilley Jonathan Wood, Daniel Gould, Thomas Shaw, Timothy George, Samuel Eaton, Abner Hoyt Jun<sup>r</sup>, Paul Cilley John

Evans, John Day, Thomas Emerson, Follansbe Shaw, Moses Emerson, Richard Collins, John Collins, David Paige, Moses George, David Lull, Abraham Fifield, Samuel Colby, Theodore Cross, Tristram Barnard Junior, John Dow, Benjamin Marshall, Thomas Raymond, Asa Marshall, Thomas Evans Junior, Jonáthan G- Fifield, Thomas Evans, Abiah Straw, Thomas Stevens, Osgood Evans, James Emerson, Stephen Emerson the third, John Dow Junior, Jonathan Jones, Ezra Clement, Stephen Emerson, Jesse Clement, Moses Emerson Junior & Stephen Gould petitioners as aforesaid, together with such other persons as may hereafter Join said society, Be, and they Hereby are, incorporated into a Parish, Body politic and corporate to have continuance and succession forever, by the name of "the Congregational Society in Weare," and by that name may sue and be sued to final Judgment, execution and satisfaction as other incorporated Societies and parishes in this State may by law.—And the said parish at any legal Meeting duly warned and holden for the purpose some time in the Month of March annually may choose all such necessary and customary parish Officers as to them may appear proper for the purpose of assessing and collecting each person's Just proportion of all such taxes as may be Voted and raised at any of said meetings; which Officers shall have equal powers and authorities for said purposes as Town and Parish Officers in other incorporated Towns and Parishes in this State have by the laws thereof.—

And Be it further Enacted that Samuel Paige and Nathaniel Fifield, or either of them, are Hereby authorized and appointed to warn the first meeting of said society by posting up a notification therefor at the meeting house door of said Parish at least fifteen days before said meeting; and the said Samuel Paige, or Nathaniel Fifield, shall preside therein until a moderator shall be chosen.

### [CHAPTER 13.]

*State of* {  
*New Hampshire.* }

AN ACT FOR THE PARTITION OF CERTAIN REAL ESTATE WHEREOF  
JOHN INNES CLARK, AND JOSEPH NIGHTINGALE WERE POSSESSED  
AT THE TIME OF THE DECEASE OF THE SAID NIGHTINGALE.—

[Approved June 17, 1805. Original Acts, vol. 18, p. 88; recorded Acts, vol. 16, p. 78. See act of December 19, 1797, Laws of New Hampshire, vol. 6, p. 464.]

Whereas John Innes Clark of Providence, in the county of Providence, Esquire, late carrying on trade and commerce in company with Joseph Nightingale, of said Providence deceased, under the name and firm of Clark and Nightingale, and Lydia Clark, the

wife of said John Innes Clark; Elizabeth Nightingale, widow and dowager of the said Joseph Nightingale, for herself and for William Nightingale, Joseph Nightingale and George C. Nightingale, sons of the said Joseph Nightingale deceased, and of her the said Elizabeth, minors under the age of twenty one years, and to whose persons and estates the said Elizabeth is guardian, John Clark Nightingale, and Samuel W. Greene and Polly his wife, which said John Clark Nightingale and Polly Greene are children of the said Joseph Nightingale deceased, have petitioned the General Court setting forth that the said Joseph Nightingale deceased died intestate, and tenant in common or joint tenant with the said John Innes Clark, of divers parcels of land, and of divers tenements and hereditaments, or whereof one of said company was sole seized, in trust for the use and benefit of both, situate, lying and being in the several states of New Hampshire, Massachusetts, Rhode-Island, Connecticut, Vermont, Ohio and New-York; that the said petitioners are desirous of making partition, and have agreed so to do, of the several parcels of land, and of the several tenements and hereditaments, herein after mentioned, between the said John Innes Clark of the one part, and the said widow as dowager and guardian as aforesaid, and the other heirs of the said Joseph deceased, on the other part, in manner and form following, that is to say; To the said John Innes Clark, and to his heirs and assigns forever, are assigned and set off the lands, tenements and hereditaments, following, that is to say.

A certain tract of land, lying in North-Providence, in the State of Rhode-Island and Providence Plantations, containing twenty two acres, purchased by the said Clark and Nightingale of the heirs of Doctor Joseph Hewes, by deed bearing date the 18<sup>th</sup> day of March, AD. 1797, and therein said to contain twenty four acres and one quarter, subject however to the right of a drift-way, for all who are or may be concerned in the thatch beds or meadows lying by Wonsquatucket river.

A certain other tract of land, lying in said North-Providence, containing twenty acres and one half, be the same more or less, purchased by the said Clark and Nightingale of Jabez Whipple, by deed bearing date the 31<sup>st</sup> day of October, AD. 1794, and recorded in said North Providence, in Book No. 2. page, 486.

Three several lots or tracts of land, lying in said North-Providence, purchased by the said Clark and Nightingale of Jesse Angell, by deed dated the 23<sup>rd</sup> day of April, AD. 1795, and recorded in said North-Providence in Book No. 2. page 635, the right of dower of Bethiah Angell therein, being relinquished on the back of said deed; one of which last mentioned lots contains about forty acres, be the same more or less.

A certain tract of land, situate in said North-Providence, containing three acres and thirty eight rods, purchased of Elisha Olney,



by deed bearing date the eighteenth day of November AD. 1797, and standing in the name of the said John Innes Clark, but understood to be the joint estate of the said Clark and Nightingale, and paid for out of their property.—

Three certain rights in the thatch beds in North-Providence aforesaid, two being the original rights of John Smith, and one being the original right of Samuel Winsor, purchased by the said Clark and Nightingale of Joseph Winsor, by deed bearing date the 29<sup>th</sup> day of January 1796, and recorded in North-Providence in Book No 2. page 637, with all the stock, utensils and furniture, on the said several tracts of land in North-Providence now being and remaining.

A tract of land at Venture plain, in Johnston, in the State last mentioned, containing about twenty three acres, purchased of David Brown, by deed bearing date the 23<sup>rd</sup> day of April, AD. 1796, and recorded in said Johnston, in Book, No. 2, page 257, and therein said to contain 30 acres.

A certain tract of land situate in Coventry, in the county of Kent, and State last mentioned, being all that tract of land which the said Clark and Nightingale purchased of Thomas Freebody, by deed bearing date the 23<sup>rd</sup> day of January, AD. 1796, and recorded in Coventry, in Book 9, folio 120, excepting such part thereof as was sold to Jonathan Roberts.

Two undivided third parts wharf, lot, buildings and improvements, in Providence, in the county of Providence, and State last aforesaid, employed as a distillery and brew-house; one undivided third part whereof is the property of Ephraim Bowen, jun, together with two undivided third parts of the butts, stills, brewing kettles, and other implements used in the distillery and brewery; the land having been purchased of John Windall, by deed bearing date the 5<sup>th</sup> day of September, AD. 1784, and recorded in Providence, in Book No. 19, page 472, saving to the last mentioned premises, a piece or strip of land fifteen feet wide, including the public gangway of twelve feet wide and extending from Water-Street to the channel on the North side of the premises, which is to be reserved to constitute a common gangway, for the mutual benefit and accommodation of the premises, and the still-house lot immediately North thereof; together with two undivided third parts of a malt-house, standing on land of Christopher Arnold.

The wharf and lot in Providence, called Cooke estate, whereon the houses and stores lately standing, were consumed by fire, which lot adjoins the lot belonging to Col. Jeremiah Olney, on which stood his mansion house, lately consumed by fire. The said Cooke estate having been purchased, by the said Clark and Nightingale, of Joseph Cooke, by deed bearing date the fourth day of January, AD. 1786, and recorded in said Providence, in Book No 21, folio 328.

The south part of the lot in said Providence, which the said Clark

and Nightingale purchased of James Burrough, by deed bearing date the 6<sup>th</sup> day of May AD 1776, and recorded in Providence, in Book No. 20. folio 354. The division line of said lot to run and continue, in a line with the East and West partition line of the store, lately thereon standing and consumed by fire, until the said division line strikes the channel.

The lot opposite the distilleries, in the lower part of the town of Providence, purchased of Christopher Sheldon, by his two deeds, bearing date the 28<sup>th</sup> day of January 1785, and the 17<sup>th</sup> day of September AD. 1785, and recorded respectively in Providence, in Book No. 21, folio 196, and Book N 21, folio, 340, and of John F. Sheldon, Stephen Sheldon, and William Sheldon, by their deed dated the 23<sup>rd</sup> day of April AD. 1794, and recorded in Providence, in Book No. 23, page 345, and of William Sheldon, and John F. Sheldon, by their deed bearing date, the 16<sup>th</sup> day of June and 20<sup>th</sup> day of July, 1796, and recorded in Providence, in Book No. 24. page 269, or whether the above description comprehends the whole hereby intended or not, it is all that piece of land which lies together, whereof the several pieces conveyed by the above mentioned deeds respectively, constitute parts, together with the three story dwelling-house and improvements thereon standing and being.

The lot and house on the West side of the great bridge, in Providence, purchased by the said Clark and Nightingale of Benjamin Birdfall, by deed bearing date the 7<sup>th</sup> day of July. AD. 1786, and recorded in Providence, in Book No. 21, folio 415.

One undivided half part of two certain lots of land, in said Providence, called Law's East lot, and Law's West lot, purchased by the said Clark and Nightingale of George Corlis, by deed dated the 20<sup>th</sup> day of May, AD. 1780, and recorded in Providence, in Book No. 20. folio 573, and therein called the second and third pieces of land.

A certain lot of land in said Providence, containing five acres and ninety nine rods, purchased by said Clark and Nightingale of James Lovett, by deed dated the 19<sup>th</sup> day of August, AD. 1776, and recorded in Providence, in Book No. 22, folio 110.

A certain small piece of land, in said Providence, on the Easterly side of Beacon hill, estimated at sixty two rods or thereabouts, purchased of Nathaniel Wheaton, by deed bearing date, the 29<sup>th</sup> day of July. AD. 1786, and recorded in Providence, in Book No. 21, folio 478, and adjoining the preceding lot.

A certain lot of land on the North side of transit-street, in said Providence, which with another lot was purchased of Joseph Cooke, by deed dated the 7<sup>th</sup> day of June, AD. 1784, and recorded in Providence, in Book No. 21. folio 106, together with a barn and house thereon standing.

A certain lot or piece of land, in said Providence, on Pawtuxet road, purchased of John Field, by deed dated the 18<sup>th</sup> day of June,

AD. 1792, and recorded in said Providence, in Book No. 23, page, 139.

A piece of land in said Providence, on Pawtuxet road, purchased of Ephraim Bowen, jun. Sheriff of the county of Providence, by deed dated in August, AD. 1786, and by the said Ephraim sold to satisfy two executions levied thereon against John Smith the second, in favour of the said Clark and Nightingale, and contiguous to the lot next before described.

Five rights in the Ohio company's purchase, being the only rights therein which the said Clark and Nightingale owned, at the time of the death of the said Nightingale.

Eight thousand seven hundred and twenty three acres, one quarter and fifteen rods of land, in a place called Robbinston, or township No. 4, in the county of Lincoln, and Commonwealth of Massachusetts, purchased of Edward H. Robbins and Nathaniel J. Robbins, by deed dated the 9<sup>th</sup> day of August. AD. 1787.

A certain parcel of land, situated in Petersham, in the county of Worcester and Commonwealth of Massachusetts, containing about fifty six acres, be the same more or less, being the first mentioned of two parcels of land, situate in said Petersham, and purchased by the said Clark and Nightingale of Samuel Ward and David Saunderson, by their deed dated the 12<sup>th</sup> day of September, AD. 1789, and recorded in the registry of deeds for said county of Worcester, Lib. 107, page 348, which parcel of land is said in said deed to be a wood lot, and to be known by the name of the Belknap lot.

All the lands tenements and hereditaments, of whatsoever name or nature, or be the same more or less, situate lying or being in Northfield, or Barnardston, in the Commonwealth of Massachusetts, whereof the said Clark and Nightingale were seized at the time of the death of the said Nightingale, the same having been purchased of the late owners of the Winchester furnace.

All the lands, tenements and hereditaments, of whatsoever name or nature or be the same more or less, situate, lying or being in Winchester, in the county of Cheshire and State of New-Hampshire, whereof the said Clark and Nightingale were seized, at the death of the said Nightingale. Part or all of which was purchased by the said Clark and Nightingale, of Benjamin Thurber, by deed dated the first day of November AD. 1787, and recorded in said county, in Lib. M. folio 351, 352 and 353, and of Daniel Cahoone and Jonathan Arnold, by their deed, bearing date the 5<sup>th</sup> day of November, AD 1790, and recorded in said county of Cheshire, in Lib. 10, folio 215, 216 and 217.

All the estate in Guilford, in the county of Windham and State of Vermont, which the said Clark and Nightingale took by a deed from Hezekiah Horton, jun. dated the first day of May, AD. 1786, and recorded in said Guilford, in Book No. 1, page 340, in a certain farm, or tract of land, being part of the lot No. 46, containing

seventy acres. And all the estate in said Guilford which the said Clark and Nightingale took, in consequence of an execution levied against John Hinkley, for a debt due to the said Clark and Nightingale from the said Hinkley.

One undivided half part of all the lands lying in the towns of St. Johnsbury, Lynden, Billymead, Newark, Random and Navy, in the State of Vermont, to be divided between the aforementioned parties by lot.

One equal half part of all the lands, lying in the State of New-York, all or a part of the deeds whereof are in the sole name of said Joseph Nightingale deceased, in trust, and for the use and benefit of said Clark and Nightingale.

One equal half part of certain lands, with their appurtenances, situate in North-Providence, called the Ruttenburgh estate, purchased of different persons at different times comprehending all lands in said North-Providence, not herein specially assigned to the said John Innes Clark.

And the said Elizabeth Nightingale, Dowager as aforesaid, of said Joseph deceased, shall not be dowable in any of the lands, tenements or hereditaments, aforesaid, assigned and set off as aforesaid to the said John Innes Clark, his heirs and assigns. And the lands tenements and hereditaments herein after recited and described, are set off, assigned and divided in the following manner, that is to say; The use, occupation and improvement of the one undivided third part of them, are set off and assigned to the said Elizabeth Nightingale, as her dower from the endowment of the said Joseph deceased, for and during the term of her natural life; and the use, occupation and improvement of one undivided fifth part of the same lands, tenements, and hereditaments, being the right of the aforesaid Polly Greene, is assigned to the said Elizabeth, and to her heirs and assigns, for and during the term of the life of the aforesaid Samuel W. Greene, the husband of the said Mary, which right the said Elizabeth obtained by purchase; and to the said John Clark Nightingale, Polly Greene, William Nightingale, Joseph Nightingale and George C. Nightingale, to each of them, and to their respective heirs and assigns forever, is assigned and set off one undivided fifth part of the said lands, tenements and hereditaments, forever, subject to the incumbrance of the aforesaid life estates, for the life of said Elizabeth, and Samuel W. Greene as aforesaid, That is to say; Two undivided third parts of the wharf, lot, buildings, and improvements, in Providence aforesaid, sometime employed as a distillery, one undivided third part whereof is the property of Samuel Nightingale, together with two undivided third parts of the butts, stills and other implements used in the distillery; the land having been purchased of Joshua Hacker, by deed dated the 7<sup>th</sup> day of August, AD. 1773, and recorded in Providence, in Book No. 20, folio 147, and of Ephraim Carpenter, by deed dated the 9<sup>th</sup> day of August,



AD 1773, and recorded in Providence, in Book No 20, folio 146. Saving and excepting however from the last mentioned premises, a piece or strip of land fifteen feet wide, including the public gangway, of twelve feet wide, and extending from Water Street to the channel, on the South side of the premises, which is to constitute a common gangway, for the mutual benefit and accommodation of the premises, and the Still-house lot immediately South thereof.

The lot and wharf in Providence, the house and other buildings, whereon were lately consumed by fire, Known by the name of the Allen Brown estate, purchased of Esek Hopkins and Job Randall, by deed dated the 7<sup>th</sup> day of March. AD, 1772, and recorded in Providence, in Book No. 20, folio 35.

A lot of land situate on the North side of Power's lane, in said Providence, comprehending the several lots purchased of Joshua Hacker, by his deed dated the 23<sup>rd</sup> day of January, AD 1775, and recorded in Providence, in Book No. 19, page 257, and his other deed, dated the 30<sup>th</sup> day of November 1776, and recorded in Providence, in Book No. 24, page 483.

The North part of the lot in said Providence, which the said Clark and Nightingale purchased of James Burrough, by deed bearing date the 6<sup>th</sup> day of May, AD. 1776, and recorded in Providence, in Book No. 20, folio 354. The division line of said lot, to run and continue in a line with the East and West partition line of the store, lately thereon standing and consumed by fire, until the said division line strikes the channel.

A house and lot, situate on the corner of Benefit-street and Planet lane, in said Providence, comprehending the lot purchased by the said Clark and Nightingale of William Corlis, by his deed bearing date the 21<sup>st</sup> day of April, AD. 1788, and recorded in Providence, in Book No. 21, folio 559, and all the land contiguous thereto and occupied therewith, being all that remains unsold of a lot purchased of Simeon Ingraham, part of which was sold to Samuel Weeden.

One undivided half part of two certain lots of land, in said Providence, called Law's East lot and Law's West lot, purchased by the said Clark and Nightingale of George Corlis, by deed dated the 20<sup>th</sup> day of May, AD. 1780, and recorded in Providence, in Book No. 20 folio 573, and therein called the 2<sup>nd</sup> and 3<sup>rd</sup> pieces of land.

A certain lot of land, situate in said Providence, containing three acres and one half and five rods, purchased of a committee of the Benevolent Congregational Society, by their deed dated the 21<sup>st</sup> day of May, AD. 1788, and recorded in Providence, in Book No. 21, folio 621.

Two certain lots of land, situate in said Providence, called Thurber and Scott's lot, one whereof was purchased by said Clark and Nightingale, of Benjamin Thurber, by deed dated the 30<sup>th</sup> day of October, AD, 1787 and recorded in Providence, in Book No. 21, folio 529, and contains about three acres and one half an acre of

land, and the other was purchased of Freelove Scott, by deed dated the 28<sup>th</sup> day of September, AD, 1789; and recorded in Providence, in Book No. 23, page 428 and contains three quarters of an acre, and thirty six poles of land.

One undivided eleventh part of the Young Orchard, so called, in Providence, purchased by the said Clark and Nightingale, at the vendue sales of the estate of Joseph Cooke.

All those several tracts of land in Warwick, in the county of Kent, in the State last mentioned, called by the said Clark and Nightingale the Warwick farm containing collectively                    acres, be the same more or less, part of which was purchased by the said Clark and Nightingale of Abraham Lippitt by his deed bearing date the 24<sup>th</sup> day of October, AD. 1794, and recorded in said Warwick, in Book No. 13, page 407, 408, and part whereof was purchased of John Stone, by his deed dated in December, AD. 1795 and recorded in Warwicke, in Book 13, page 226, 227, comprehending in the said Warwick farm, all the lands in said Warwick, whereof the said Clark and Nightingale were seized, at the time of the death of the said Nightingale, with all the buildings and improvements thereon standing and being, including stock utensils & furniture

All the lands, with all the buildings and improvements thereon standing and being, whereof the said Clark and Nightingale were seized, at the time of the death of the said Nightingale, lying and being in Pomfret in the county of Windham and State of Connecticut, part whereof were purchased of David Goodell, by his deed bearing date the 5<sup>th</sup> day of November, AD. 1795, and recorded in said Pomfret, in Lib. 8 folio 47, together with all the stock, furniture and utensils on the said land in Pomfret now being.

A certain tract of land lying in Voluntown in the County and State aforesaid, containing by estimation about four hundred and twenty acres, be the same more or less, purchased by the said Clark and Nightingale of Stephen Pettis, by his deed dated the 20<sup>th</sup> day of March, AD. 1787, and recorded in said Voluntown, in Book No: 7, page 64.

A certain lot and house thereon standing, situate in Norwich, in the State aforesaid, purchased by the said Clark and Nightingale of Asa Spalding.

All the lands lying in Rehoboth in the county of Bristol and Commonwealth of Massachusetts, whereof the said Clark and Nightingale were seized at the time of the death; of the said Nightingale, part whereof was purchased of George Corlis, by his deed dated the 7<sup>th</sup> day of August, AD. 1788, and recorded in said county of Bristol, in Book 67<sup>th</sup> folio 521; part whereof was purchased of Robert Sutton, by his deed dated the 15<sup>th</sup> day of April, AD. 1794, and recorded in said county of Bristol, in Book 73<sup>rd</sup> folio 40 and 41, and part whereof was purchased of Lillis Bears, by her deed dated the 20<sup>th</sup> of May, AD. 1794, and recorded in said county of Bristol, in Book

73<sup>d</sup>, folio 571, and all other lands there lying, of whomsoever purchased, with all their appurtenances

One undivided half part of all the lands lying in the towns of St. Johnsbury, Lyndon, Billymead, Newark, Random and Navy, in the State of Vermont, to be divided between the said parties aforementioned by lot.

One equal half part of all the lands lying in the State of New York, all or a part of the deeds whereof, are in the sole name of said Joseph Nightingale deceased, in trust for the use and benefit of said Clark and Nightingale.

One equal half part of certain lands, with their appurtenances, situate in said North-Providence, called the Ruttenburgh estate, purchased of different persons, at different times, comprehending all the lands in said North Providence, not herein specially assigned to the said John Innes Clark. And the said Lydia Clark shall not be dowable in any of the lands, tenements or hereditaments aforesaid, to the heirs and dowager of the said Joseph Nightingale deceased.

And further setting forth, that the said lands, tenements and hereditaments, whereof the said parties are desirous of making partition as aforesaid, are in the several States aforesaid, and that in the ordinary course and Courts of law, partition in manner aforesaid cannot be made, but must be made of and in those parts of the premises which lie or are in the several States aforesaid, respectively, Now therefore, upon the prayer of the aforesaid petitioners,

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened; That the aforesaid petition, in manner and form aforesaid made, by agreement of said parties, be, and the same hereby is, ratified, established and confirmed, to every legal intent, and purpose, in as full and ample a manner, as in case the same had been made, by the acts and deeds, of the said John Innes Clark and Joseph Nightingale, deceased, during the life time of the said Joseph deceased, and all the right, title, interest, property and estate, whereof the said Clark and Nightingale were seized and possessed, or whereof either of them was seized for the use of both, at the time of the decease of said Nightingale, of, in, and to, that part of the premises, lying or being in this State, thereupon vest and remain to the party to whom the same in the partition aforesaid, is given, attributed or assigned, and to his and their heirs and assigns forever, or according to his and their several and respective estates therein as aforesaid, Provided nevertheless, That unless the Legislatures, of the States of, Massachusetts, Vermont and Ohio, and New-York, shall respectively pass acts for establishing the partition aforesaid, in manner aforesaid, as relative to such of the premises as lie and are within their several jurisdictions, within five years from the passing of this act, the same shall be null and

void. And for the more convenient recording of the titles of the respective parties, aforesaid, in the premises;

Sec. 2. Be it further enacted by the authority aforesaid, That recording this act, and the acts, of the several aforesaid Legislatures, in the proper offices for recording the titles of the several aforesaid estates, shall be a sufficient record of the titles of all the several estates aforesaid, set off and divided in manner aforesaid.

## [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

### AN ACT TO REPEAL SUNDRY ACTS THEREIN MENTIONED.—

[Approved June 18, 1805. Original Acts, vol. 18, p. 89; recorded Acts, vol. 16, p. 1. Session Laws, June, 1805, p. 12. Laws, 1805 ed., p. 400; id., 1815 ed., p. 488.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the following Acts be and the same are hereby repealed:—namely,—An Act for the appointment of special Justices, passed June 26<sup>th</sup> 1786.—

An Act to regulate flaxseed, potash and pearlash for exportation passed June 23<sup>d</sup> 1785.—

An Act in addition to an Act entitled “An Act to regulate flaxseed, potash and pearlash for exportation:—this additional Act passed June 27<sup>th</sup> 1787.—

An Act in addition to and for the amendment of an Act entitled an Act to regulate flaxseed, potash, and pearlash for exportation. This last additional Act passed September 27<sup>th</sup> 1787—

An Act to regulate the exportation of beef and pork, passed June 16<sup>th</sup> 1791.—

An Act for repealing a clause in an Act for regulating the exportation of beef and pork, passed the sixteenth day of June last, the latter Act passed December 27<sup>th</sup> 1791.—

An Act to encourage the manufacturing of linseed oil within this State passed June 21<sup>st</sup> 1786—

An Act to encourage the erecting of mills for slitting, rolling and plating Iron and to encourage and promote the manufacturing of nails within this State, passed September 22<sup>d</sup> 1787.

An Act to encourage the erecting of proper buildings for carrying on the manufacture of sail cloth or duck within this State, passed the 3<sup>d</sup> day of February 1789.—

An Act providing remedy when executions are levied upon estate not the property of the debtor, passed February 1<sup>st</sup> 1791.

Provided always, that the present Act shall not be construed in any degree to infringe or impair any rights acquired under either of the Acts aforesaid.—



## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO CONSTITUTE A COUNTY WITHIN THIS STATE BY THE NAME OF THE COUNTY OF COOS"

[Approved June 18, 1805. Original Acts, vol. 18, p. 90; recorded Acts, vol. 16, p. 9. Session Laws, June, 1805, p. 24. Laws, 1805 ed., p. 393; id., 1815 ed., p. 53. The act referred to is dated December 24, 1803, *ante*, p. 206. Repealed January 3, 1829, Laws, 1830 ed., p. 307.]

Be it enacted by the Senate and house of Representatives in general Court convened, that the whole of Nash & Sawyers location, so called, be annexed to & be a part & parcel of the County of Coos— And be it further enacted that all writs of Execution which issue on Judgments rendered at the Superior Court of Judicature in said County, shall be made returnable to the Superior Court of Judicature then next to be holden within & for the County of Grafton in the same manner as Executions which issue on Judgments rendered at said Court in said Grafton County—

And be it further enacted that the selectmen of the several Towns, Plantations & places within said County of Coos are hereby authorised & impowered to assess the County Tax which has been voted during this session of the General Court to be raised within & for said County of Coos, by the valuation which was made last spring of the rateable property within said County, & may cause the same to be collected the present year, in the same way and manner as the Laws of this State authorise the collection of similar taxes, excepting, only, that instead of the Collectors lodging a list of Non-resident Taxes with the Deputy Secretary on or before the eighth day of the next Session of the General Court, to be by him kept till the first day of September, it shall be the duty of every Collector of Taxes within said County, to deliver to the Deputy Secretary a list of the nonresident Taxes on or before the first day of August next, and the same shall be kept by said Deputy Secretary until the first day of October next—

And be it further enacted that the several Collectors of Taxes within said County of Coos, be authorised & directed to collect & pay into the Treasury of said County for the use of said County, so much of the County Tax, amounting in the whole to one thousand dollars, voted last June to be raised for the County of Grafton, as was assessed on that part of the then County of Grafton, which now constitutes the County of Coos—

And be it further enacted that said County of Coos be united

with the County of Grafton, for the purpose of electing a Counsellor, and the Senatorial districts remain the same as they were previous to the establishment & organization of said County of Coos—

[CHAPTER 16.]

*State of*            {  
*New Hampshire.* }

AN ACT TO PROVIDE FOR THE ERECTION OF GUN HOUSES—

[Approved June 18, 1805. Original Acts, vol. 18, p. 91; recorded Acts, vol. 16, p. 12. Session Laws, June, 1805, p. 9. Laws, 1805 ed., p. 399.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Captain of each company of Artillery, organized according to Law, be entitled to receive out of the Treasury the sum of Fifty Dollars, for the purpose of erecting a Gun House, for the safe keeping of the ordnance, carriage, harness and apparatus, belonging to his company; and the Governor being certified by the commanding Officer of a regiment, that a company of Artillery is organized within the same as aforesaid, shall give the captain of such company an order on the Treasurer for the aforesaid sum—And if after the erection and completion of said Gun House, any part of said sum shall remain unexpended, the sum so remaining shall be appropriated for the purpose of instructing the musick in the regiment in which said company of Artillery may be formed—

And be it further enacted that in case any Captain shall neglect or omit to appropriate the money by him received, by virtue of this Act, for the purposes herein expressed, within one year from the time of his receiving the same, he shall forfeit and pay the sum of one hundred dollars, to be recovered by any person who may first sue for the same, before any Court in this State of competent jurisdiction, the one half to the use of the Regiment, in which such company of Artillery may be formed, to be appropriated for musical instruments and instructing the musick in said Regiment, and the other half to the use of the person suing for the same—

And be it further enacted that the Field officers of the respective regiments shall locate the place where each Gun house shall be erected, and that a deed conveying the fee of the land, on which the same shall be erected, shall be executed to the State of New-Hampshire and lodged in the Secretary's office before the buildings are completed—

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO DIVIDE THE TWENTY SEVENTH REGIMENT OF MILITIA,  
 AND TO CONSTITUTE A NEW REGIMENT IN THE SECOND DIVISION  
 AND SECOND BRIGADE IN THIS STATE.

[Approved June 18, 1805. Original Acts, vol. 18, p. 92; recorded Acts, vol. 16, p. 15. Session Laws, June, 1805, p. 8. Laws, 1805 ed., p. 398.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Companies in the towns of Wolfborough and Tuftonborough shall form a first Battalion and the Companies in the towns of Ossipee, Effingham and the Northerly Company in Wakefield shall form a second Battalion which shall constitute the said twenty seventh Regiment. And that the Companies in the towns of New-Durham and Alton shall form a first Battalion and the Companies in the towns of Middleton, and Brookfield and the Southerly Company in Wakefield shall form a second Battalion which shall constitute the thirty third Regiment.

And be it further enacted, that there be allowed one Company of Light Infantry, and one Company of Cavalry, to be raised out of the thirty third Regiment; and that the same be raised in manner and form as the law in that case provides.

And be it further enacted that the Inhabitants of Ossipee Gore shall be considered as belonging to the Company in the town of Effingham.

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AN AMENDMENT OF AN ACT ENTITLED  
 AN ACT TO INCORPORATE THE PROPRIETORS OF THE GRAFTON  
 TURNPIKE ROAD IN THIS STATE

[Approved June 18, 1805. Original Acts, vol. 18, p. 93; recorded Acts, vol. 16, p. 18. Session Laws, June, 1805, p. 16. The act referred to is dated June 21, 1804, *ante*, p. 287. See additional act of June 7, 1808, Session Laws, June, 1808, p. 5. Repealed by act of January 3, 1829, recorded Acts, vol. 26, p. 467.]

Be it enacted by the Senate & house of representatives in General Court convened. That, that part of said act which provides, that the said corporation shall not use or improve any land for said road, unless they previously agree with and purchase the same of the owners through which the said Turnpike road may pass be and hereby is repealed

And be it further enacted, that in cases where the proprietors of said road cannot agree with the owners of the land through which the same may pass, for the compensation which the owners of said land ought to receive for their damages, the Justices of the superior court of Judicature to be holden in the County of Grafton, shall upon the application of said proprietors, or said owners appoint a committee to determine on such compensation, which compensation when so determined shall be actually paid or tendered by said proprietors to the said owners respectively or their legal representatives, before said road is opened or any labour done thereon—provided nevertheless that in case the owners can not be found or are unknown the said proprietors may proceed to make said Road and the Treasurer of said corporation shall be responsible for said damages, when lawfully demanded of him, and on refusal, shall be liable to an action of debt for the recovery thereof.

### [CHAPTER 19.]

*State of* {  
*New Hampshire.* }

#### AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE EPPING SOCIAL LIBRARY

[Approved June 18, 1805. Original Acts, vol. 18, p. 94; recorded Acts, vol. 16, p. 23.]

Be it enacted by the Senate and House of Representatives, in General Court convened that Thomas Burleigh, Joseph Shepard, Nathan Batchelder, Joseph Blake Jun<sup>r</sup>, Zebulon Dow and their Associates proprietors of said Library and all such as may hereafter become Proprietors of the same be, and they hereby are incorporated into a Body-politic by the name of the Proprietors of the Epping Social Library with continuance and succession forever and in that name may sue and be sued, may plead and be impleaded in all personal Actions and may prosecute and defend the same to final Judgment and Execution and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four Dollars for each Offence to be recovered by said Proprietors in an Action of Debt to their use in any Court proper to try the same, and they may make purchase and receive subscriptions, grants and donations of personal Estate not exceeding one thousand Dollars for the purpose and use of their Association.

And be it further enacted that said Proprietors be and they hereby are authorized and impowered to assemble at said Epping on the second Monday of February annually to choose all such Officers as may be found necessary for the Orderly conducting the affairs of



said Corporation who shall continue in Office until others are chosen in their room; and that said proprietors may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices and for transacting all other business except the raising of Monies which shall always be done at their annual Meeting and at no other time at which annual Meeting they shall vote all necessary sums for defreying the annual Expence of preserving said Library and for enlarging the same, and said Proprietors shall have power to make such Rules and By-laws for the Government of said Corporation as may from time to time by them be found necessary, provided the same be not repugnant to the Constitution and Laws of this State.—

And be it further enacted that Joseph Shepard and Thomas Burleigh, or either of them, are hereby authorized and impowered to call the first Meeting of said Proprietors at such time and place as they may appoint by posting a Notification for that purpose at each Meeting house in said Epping at least fifteen days prior to said Meeting; and the said Proprietors at said Meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual Meeting.—

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE THE PROPRIETORS OF LANCASTER SOCIAL LIBRARY

[Approved June 18, 1805. Original Acts, vol. 18, p. 95; recorded Acts, vol. 16, p. 28. See additional act of December 18, 1816, id., vol. 20, p. 541.]

Be it enacted by the Senate and House of Representatives in General Court convened, that William Lovejoy Adino N. Brackett Richard Eastman Abraham Hinds and William Farrar, and their Associates be and they are hereby incorporated into a body politic by the name of the proprietors of the Lancaster Social Library, with continuation and succession forever, and by that name may sue and be sued, may plead and be impleaded in all actions personal, and may prosecute and defend the same to final judgment and Execution, and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence, to be recovered by said proprietors in an action of debt to their use in any Court proper to try the same, and they may make, purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand Dollars for the purpose and use of their Association—

And be it further enacted, that said corporation be and they hereby are authorised to assemble at Lancaster aforesaid on the first Monday of September annually to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room; and that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting all other business excepting the raising of monies which shall be always done at their annual meeting and at no other time at which annual meeting they shall vote all necessary sums for defraying the annual expence of preserving said Library and for enlarging the same. And said corporation shall have power to make such rules and by-laws for the Government of said corporation as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and laws of this State

And be it further enacted that William Lovejoy and William Farrar or either of them are hereby authorised and empowered to call the first meeting of said proprietors at such time and place as they may appoint, by posting up a notification for that purpose in some public place in the town of Lancaster or by giving personal notice at least fifteen days prior to said meeting and the said proprietors at said meeting, shall have the same power to choose officers and make By-laws as they have by this act at their annual meeting—

#### [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE MONADNOCK MINERAL SPRING.—

[Approved June 18, 1805. Original Acts, vol. 18, p. 96; recorded Acts, vol. 16, p. 31. Session Laws, June, 1805, p. 28.]

Be it enacted by the Senate and House of Representatives in General Court convened, that David Page Jun<sup>r</sup> Adonijah Howe, Abner Howe, Samuel Daken, John Joslin and David Cutler, and their associates and successors and such as may hereafter join them, be and they hereby are incorporated and made a body corporate and politic forever, by the name of the Proprietors of the Monadnock Mineral Spring, and by that name may sue and be sued and may do and suffer all other acts incident to such corporations—

And be it further enacted, that the said proprietors shall meet from time to time for the purpose of electing their necessary officers, and for transacting any business relating to the subject of their incorporation;—and every proprietor present or represented at any such meeting, shall be entitled to as many votes as he has shares—

The said David Page Jun<sup>r</sup> is hereby authorized to call the first meeting by posting an Advertisement of the same, at some public place in the town of Jaffrey, fourteen days prior to the time of holding said meeting, at which first meeting the proprietors shall choose a Clerk who shall be sworn to the faithful discharge of the duties of his office, and at the same meeting or at any subsequent meeting, notified by the Clerk or in such other way as the proprietors may agree, the proprietors may make and establish such rules and by-laws, as they shall think proper, for the regulation and government of said corporation, and may cause the same to be executed, and annex penalties to the breach thereof, provided the same be not repugnant to the constitution and laws of this State.—It shall be the duty of the Clerk to record this Act, the rules and byelaws of said corporation, and the proceedings of the proprietors, at every regular meeting, in a book to be provided and kept for that purpose—

And be it further enacted that the said proprietors may purchase and hold in fee simple real estate for said purpose, not exceeding the value of the sum of Two Thousand dollars, and the share or shares of any of said Proprietors, may be transferred by deed, duly executed, acknowledged and recorded by the Clerk of said Proprietors, and the Treasurer of said corporation is hereby empowered to sell at auction the share or shares of any proprietor who shall neglect to pay any assessment which shall have been made, which sale shall be advertized fourteen days at least, by posting the same in some public place in said town, and a deed duly executed, acknowledged and recorded as aforesaid, from the Treasurer of said corporation to the purchaser, shall be a valid conveyance of such delinquent proprietors share—

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT OBLIGING THE SELECTMEN OF THE SEVERAL TOWNS WITHIN THIS STATE TO CAUSE AN ACCURATE SURVEY OF THE SAME TO BE MADE AND TO TRANSMIT A MAP THEREOF TO THE SECRETARY OF THIS STATE ON OR BEFORE THE FIRST WEDNESDAY OF NOVEMBER ONE THOUSAND EIGHT HUNDRED & FIVE &C.

[Approved June 18, 1805. Original Acts, vol. 18, p. 97; recorded Acts, vol. 16, p. 43. Session Laws, June, 1805, p. 11. Laws, 1805 ed., p. 396. The act referred to is dated December 30, 1803, *ante*, p. 249.]

And whereas it would be very inconvenient and almost impossible for Several Towns to procure Said maps at the time Specified in Said act;

Therefore be it enacted by the Senate and House of Representatives in General Court convened, that the further operation of Said act, be, & hereby is postponed until the Second Tuesday of June one thousand eight hundred & Six, any clause or provision in Said act to the contrary notwithstanding.—

## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT TO DIVIDE THE FOURTEENTH REGIMENT OF MILITIA AND TO CONSTITUTE A NEW REGIMENT IN THE SECOND DIVISION AND SIXTH BRIGADE IN THIS STATE

[Approved June 18, 1805. Original Acts, vol. 18, p. 98; recorded Acts, vol. 16, p. 47. Session Laws, June, 1805, p. 8. Laws, 1805 ed., p. 398.]

Be it enacted by the senate & house of Representatives in General Court convened that the Companies in the Towns of Plymouth New-holderness & Rumney shall form a first battalion, That the companies in the Towns of Campton Thornton Peeling & Elsworth shall form a second Battalion, which shall constitute the fourteenth Regiment—

That the companies in the Towns of New-Chester and Bridgewater shall constitute a first Batalion and that the companies in the Towns of Alexandria Groton Hebron & Danbury shall form a second battalion, which shall constitute the thirty fourth Regiment

And be it further enacted that there be allowed one company of Light Infantry and one Company of Cavalry to be raised out of the thirty fourth Regiment, and that the same be raised in the manner and form as the Law in that case provides—

## [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

AN ACT ALTERING ONE OF THE TERMS OF HOLDING THE SUPERIOR COURT OF JUDICATURE IN THE COUNTIES OF COOS, GRAFTON AND HILLSBOROUGH.—

[Approved June 18, 1805. Original Acts, vol. 18, p. 99; recorded Acts, vol. 16, p. 48. Session Laws, June, 1805, p. 10. Laws, 1805 ed., p. 394.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Superior Court of Judicature shall in future be holden at Lancaster within and for the county of Coos on the first Tuesday in October annually instead of the sec-



ond Tuesday in November;—That the Superior Court of Judicature shall in future be holden at Haverhill within and for the county of Grafton on the second Tuesday in October annually, instead of the first Tuesday in November; and that the Superior Court of Judicature shall in future be holden at Amherst within and for the county of Hillsborough on the Tuesday next following the fourth Tuesday in October annually, instead of the first Tuesday in October.—

And be it further enacted, That all actions, pleas, recognizances, indictments, verdicts, and all processes, of what name or nature soever, now pending in said Superior Court, or returnable to, or sustainable by the same, in the several counties aforesaid, shall be returned to, sustained and determined by the Superior Court of Judicature at the respective terms fixed by this act for holding the same; any law, usage or custom to the contrary notwithstanding.—

### [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT, INTITLED AN ACT, TO INCORPORATE A COMPANY BY THE NAME OF THE ORFORD TURNPIKE CORPORATION—

[Approved June 18, 1805. Original Acts, vol. 18, p. 100; recorded Acts, vol. 16, p. 55. Session Laws, June, 1805, p. 18. The act referred to is dated December 27, 1803, *ante*, p. 210.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the proviso in the third Section of the said act, which provides that said proprietors shall not use nor improve any land for said road but what the owner or owners thereof shall previously and, Voluntarily sell or give for that purpose, be and hereby is repealed—

And be it further enacted, That said incorporation be and hereby are empowered to Survey, lay out make and keep in repair, a turnpike road of four rods wide, in such route or track as, in the best of their Judgment, shall combine shortness of distance with the most practicable ground, from Orford bridge on Connecticut River, through Orford and part of Wentworth to Akins' bridge on Bakers river, and that in order to ascertain the compensation which the owners of the land, through which said turnpike road may pass, shall receive for the damages which may be done their land, the Superior Court of Judicature, to be holden within and for the County of Grafton, upon application made by said proprietors, or by the owner of such land, may appoint a committee to determine the compensation to be paid therefor, and such compensation shall

be actually paid or tendered to Such owners, or in case any of them shall be minors, to their respective guardians, before any labour shall be done on the same land—

And be it further enacted, That the said proprietors be and hereby are empowered to make use of the County road, as now laid out between Orford Bridge and said Akins' Bridge, for said intended Turnpike Road—

## [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

### AN ACT IN ADDITION TO AN ACT FOR REGULATING PILOTAGE IN THE PORT OF PISCATAQUA—

[Approved June 18, 1805. Original Acts, vol. 18, p. 101; recorded Acts, vol. 16, p. 57. Session Laws, June, 1805, p. 11. Laws, 1805 ed., p. 399; id., 1815 ed., p. 464; id., 1830 ed., p. 284. The act referred to is dated June 22, 1785, Laws of New Hampshire, vol. 5, p. 73. Repealed by act of December 23, 1842. See Revised Statutes, (1842) Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Governor with advice of Council be and hereby is authorised and empowered to appoint one or more suitable person or persons as a pilot or pilots for the harbor afore-said, and give to each pilot thus appointed a branch or warrant for the due execution of his office, with power of substitution in certain cases to be therein prescribed, and such deputies as the said branch pilots shall depute, shall be by the respective pilots, reported to the Governor for his approbation, any thing in the former Act to the contrary notwithstanding

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

### AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE WESTMORELAND TURNPIKE CORPORATION." PASSED JUNE 21<sup>ST</sup> 1804.—

[Approved June 18, 1805. Original Acts, vol. 18, p. 102; recorded Acts, vol. 16, p. 63. Session Laws, June, 1805, p. 17. The act referred to is printed, *ante*, p. 300.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the proviso in the third Section of said Act, which provides that the said Proprietors shall not use or improve any land for said road, unless they previously agree with

and purchase the same of the owners through which said Turnpike road may pass, be and hereby is repealed.—

And be it further enacted, that the said Corporation are hereby empowered to survey, lay out, make and keep in repair a Turnpike Road of four Rods wide, in such rout or track as in the best of their Judgment and skill, shall combine shortness of distance with the most practicable ground, from the third Turnpike Road in Walpole, through Westmoreland, Chesterfield and Hinsdale, to the line of Massachusetts; and that, in order to ascertain the compensation which the owners of the land,—through which said Turnpike road may pass, shall receive for the damages which may be done their land, the Court of Common Pleas for the County of Cheshire, upon application made by said Proprietors, or by the owners of such land, may appoint a Committee to determine the Compensation to be paid therefor, and such compensation shall be actually paid or tendered to such owners, or (in case any of them shall be minors) to their respective guardians, before any labor shall be done on said road.—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT, TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE HANCOCK TURNPIKE CORPORATION IN NEW-HAMPSHIRE.—

[Approved June 18, 1805. Original Acts, vol. 18, p. 103; recorded Acts, vol. 16, p. 68. Session Laws, June, 1805, p. 19.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Gordon, Gardner Towne, William Brooks, Amos Whittemore, Jacob Richardson, David Holmes, Jacob Whittemore, William Whittemore and Jonathan Felt and their associates and successors be, and they hereby are incorporated, and made a body corporate and politic forever under the name of the Proprietors of the Hancock Turnpike corporation in New-Hampshire; and in that name may sue and prosecute, be sued and prosecuted to final Judgment and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

Sect. 2. And be it further enacted that the said Samuel Gordon and Gardner Towne or either of them shall call a meeting of said Proprietors, to be holden at any suitable time & place, by advertisement in the newspaper printed at Amherst, at least thirty days from the first publication of said advertisement, and the proprietors by a vote of the majority of those present or represented at said meeting,

accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall also agree on a method of calling future meetings, and at the same or any subsequent meeting, may elect such officers, and make and establish such rules and bye-laws, as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid, and for collecting the tolls and duties hereinafter established; and the same bye laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and bye laws are not repugnant to the Constitution and laws of this State.— And all representations at any meeting shall be proved by writing, signed by the person to be represented, which shall be filed by the Clerk; and this Act, and all rules, regulations and proceedings of said corporation, shall be fairly and truly recorded by the Clerk in a book or books, provided and kept for that purpose.—

Sect. 3. And be it further enacted, that the said corporation are hereby empowered to survey, lay out, make and keep in repair a turnpike road, of four rods wide in such rout or track as in the best of their Judgment shall combine shortness of distance, with most practicable ground, from Stoddard through Hancock, Greenfield, and Lyndborough to Milford.—

Sect. 4. And be it further enacted, that if the said proprietors and the owners of land over which said road may run, shall disagree on the compensation to be made for said land, and shall not agree in appointing persons to ascertain such compensation, the Justices of the Court of Common Pleas in the County in which said land lies, if not interested, and if interested, the Justices of the Superior Court, upon the application of the said proprietors, or the owners of the land, reasonable notice of such application having been first given to the adverse party, shall appoint a committee, who shall ascertain the same, in the same way as compensation is made to the owners of land for highways as usually laid out; Provided nevertheless, that it shall not be lawful for said proprietors to make such road, until the damages done the owner or owners of the land through which the same is laid out, is ascertained and paid, or tender thereof made—

Sect. 5. And be it further enacted, that the said corporation may erect and fix such and so many gates or turnpikes, upon and across said road as will be necessary and sufficient to collect the tolls and duties herein after granted to said company, from all persons travelling in the same with horses, cattle, carts and carriages.—

Sect: 6. And be it further enacted, that it shall and may be lawful for said company to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person or persons using said road, the rates of toll herein after mentioned; and to stop any person riding, leading or driving any



horses, cattle, carts or carriages from passing through said gates or turnpikes, until they shall have respectively paid the same; that is to say, for every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of horses, cattle or carriages—to wit—For every ten sheep or hogs, one half cent, for every ten neat cattle, one cent; for every ten horses or mules, one cent; for every horse and his rider or led horse, one cent; for every sulkey, chair or chaise with one horse and two wheels, two cents; for every coach, chariot, stage, phaeton, or chaise, with two horses and four wheels, three cents; for either of the carriages last mentioned, with four horses, four cents, for every other carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart, waggon or other carriage of burthen, drawn by one beast, one cent; for the like carriages drawn by two beasts, one cent and a half; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse, one cent & a half; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each sled or sleigh of burden drawn by one horse, three quarters of a cent; if drawn by two horses or a yoke of oxen, one cent; if by more than two horses or a yoke of oxen, one cent for each additional pair of horses or yoke of oxen; and at all times when the toll-gatherer shall not attend his duty, the gates shall be left open—And if any person shall, with his carriage, team, cattle, or horses, turn off the said road to pass the said turnpike gate on ground adjacent thereto, not being a public highway, with an intent to avoid the payment of the toll, due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said corporation, to the use thereof, in an action of debt, or on the case:—Provided, that nothing in this Act shall extend to entitle said corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or on a funeral, or with his horse, team or cattle, to or from any mill, or on the common or ordinary business of family concerns, within the same town; nor to any officer or soldier of the militia, under arms, when going to or from the place of military duty.—

Sect. 7.—And be it further enacted, that the said Corporation are hereby empowered to purchase and hold in fee simple, so much land as will be necessary for said Turnpike; and the share or shares of any proprietor may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said corporation, on their records; and said shares may be sold by said corporation on non-payment of assessments, duly made agreeably to the bye laws of said corporation—

Sect. 8. And be it further enacted that no toll shall be taken for any mile of said road, untill eight hundred Dollars shall have been

expended thereon, or a proportionate sum upon the whole number of miles, reckoning from where said road begins, to where the same shall terminate—nor until the Justices of the Superior Court shall adjudge that said road is sufficiently made to entitle said corporation to receive said toll.—

Sect. 9. And be it further enacted, that said corporation may be indicted for want of repairs of said road after the toll gates are erected, and fined in the same way and manner as towns are by law finable for suffering highways and bridges to be out of repair; and said fines may be levied on the profits and tolls accruing to said corporation.—

Sect. 10. And be it further enacted, that when said corporation shall make it appear to the Justices of the Superior Court, that the said sum of eight hundred dollars has been expended on each mile of said road, or a proportionate sum upon the whole number of miles as aforesaid, and that said road is sufficiently made to entitle said corporation to receive said toll, then the said corporation shall have liberty to erect the gates as aforesaid.—Provided, that if the said Turnpike road, shall in any part be the same with the highway now used, it shall not be lawful for said corporation to erect any gate or turnpike upon or across that part of said road, which is now used as a public highway, anything herein, to the contrary notwithstanding.—

Sect.—11. And be it further enacted, that at the end of every six years after the setting up of any toll gate, upon the road aforesaid, an account of the expenditures upon said road and the profits arising therefrom, shall be laid before the Justices of the Superior Court for the time being, under the forfeiture of the privileges of this grant; and if the net profits for the said six years, shall exceed nine per centum per annum, the said Court may reduce the future rate of toll so far, as that it may not exceed nine per centum per annum; and if the said profits shall not amount to six per centum per annum, the said Court may raise the future toll so that it shall not be less than six, nor more than nine per centum per annum.—

Sect: 12. And be it further enacted, that if in five years from the passing hereof, the said road is not completed, according to the provision in this Act, every part and clause thereof shall be null and void.—Provided also, that the State of New-Hampshire may at any time after the passing hereof, repay the proprietors of said road the amount of the sums expended by them thereon with nine per centum per annum in addition thereto, deducting the toll actually received by said corporation—in that case the said road shall to all intents and purposes be the property of the State of New-Hampshire, anything herein to the contrary notwithstanding.—Provided further, that the Legislature of this State, shall have a right to adopt such measures in future, as shall by them be considered necessary or expedient to compel the said proprietors to keep said road in repair.—

## [CHAPTER 29.]

*State of* }  
*New Hampshire.* }

## AN ACT GRANTING UNTO BENJAMIN STRONG OF STRATFORD CERTAIN ISLANDS IN CONNECTICUT RIVER—

[Approved June 18, 1805. Original Acts, vol. 18, p. 104; recorded Acts, vol. 17, p. 414.]

Whereas Benjamin Strong of Stratford in the County of Co's hath executed and delivered to the Treasurer of this State for the Use of the State his the said Strong's promisory note for three hundred and fifty dollars with Interest as a consideration for the land herein after described—Therefore, be it enacted by the Senate & House of Representatives in General Court convened that there be and hereby is granted unto Benjamin Strong of Stratford in the County of Co's in this State, Esquire, & to his Heirs and Assigns forever a certain Island in Connecticut River, situated within about twenty rods of said Strong's dwelling house in said Stratford containing about forty acres, also two other small Islands situated near said first mentioned Island the one on the northerly part containing about three acres and the one on the southerly part containing about two acres be the same more or less with all the priviledges & appurtenances to the same belonging—

## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

## AN ACT TO RESTORE GEORGE DORR TO LAW IN A CERTAIN CASE.—

[Approved June 18, 1805. Original Acts, vol. 18, p. 105; recorded Acts, vol. 17, p. 415.]

Wheras George Dorr late of Westmoreland in the County of Cheshire and State of New-Hampshire Saddler, has petitioned the General Court, setting forth that he was summoned by Clement Trowbridge of said Westmoreland Blacksmith, to appear before Joseph Burt Esquire, one of the Justices of the Peace for said County of Cheshire, on Monday the fourteenth day of October A. D. 1801, to answer to the said Trowbridge in a plea of the case, wherein the said Clement demanded of the said George the sum of \$9.39—that he appeared—put in his plea that he never promised &c—and then and there had trial—and that it was considered by the said Justice that the said George did never promise, and that he should recover his costs of him the said Clement, from which Judgment the

said Clement appealed to the Superior Court of Judicature to be holden at Keene for the said County of Cheshire on the third Tuesday of October then Current—which action before the sitting of said Superior Court was settled and stopped by said Trowbridge—And afterwards on Monday the 7<sup>th</sup> day of December A. D. 1801 (the said George being absent from said State) the said Clement in a secret manner before Nathan Babbitt Esq obtained Judgment against him for the said sum of nine dollars thirty nine cents, and also for the sum of three dollars ninety four cents his cost on the former trial, amounting to thirteen dollars thirty three cents damage, and two dollars seven cents cost of suit, which judgment has been fully satisfied, and that the Justice which the law intends was not attained in said last mentioned suit; and praying for relief in that behalf—which prayer appearing reasonable—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the said George Dorr be, and he hereby is authorized and empowered to commence and prosecute to final Judgment and execution an action of review of the aforesaid action or plea of the case before the said Nathan Babbitt Esq, provided the same be commenced and prosecuted within one year from the passing of this Act—

And be it further enacted, that the said Nathan Babbitt be, and he hereby is authorized and directed to sustain said action and adjudge and determine the same; and that any new pleas and pleadings may be had and filed in said action as are by law allowed in other actions or pleas of the case which are commenced before a Justice of the Peace; and either party may have the liberty of appealing to the Superior Court of Judicature; and the same proceedings may be had thereon at said Superior Court, as if an appeal had been claimed and had from the Judgment of the said Justice last mentioned, in the common and ordinary way; and said Justice, and the Justices of the Superior Court are hereby respectively authorized to render Judgment in said action, as in other actions of review—

And be it further enacted, that the said George Dorr shall cause a copy of this act and an attested copy of the writ of review to be given to the said Clement Trowbridge, or left at his last and usual place of abode at least fourteen days previous to the day of the return of said writ of review—



## [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO, AND AMENDMENT OF AN ACT INTITLED,  
 "AN ACT REGULATING FEES."

[Approved June 19, 1805. Original Acts, vol. 18, p. 106; recorded Acts, vol. 16, p. 7. Session Laws, June, 1805, p. 13. Laws, 1805 ed., p. 395; id., 1815 ed., p. 132. The act referred to is dated December 16, 1796, Laws of New Hampshire, vol. 6, p. 381. Repealed June 27, 1817, Laws, 1824 ed., p. 123.]

Be it enacted by the Senate and House of Representatives, in General Court convened, That for every action, petition or complaint entered in the Court of Common Pleas, the Clerk thereof shall receive thirty cents, in full for entry, verdict, nonsuit or default, judgment, recording and every other service relative to such action, petition or complaint for which no fees are particularly prescribed by said act; the said Clerk paying thereout the Crier's and Sheriff's fees for default or nonsuit, and the remainder of such part of the fees for the entry of actions, petitions and Complaints as have heretofore been paid to the Clerk of said Courts of Common Pleas, shall be paid by the Clerk of said Courts into the treasuries of said Counties respectively for the use thereof.

## [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT ENTITLED AN ACT FOR THE LIMITATION OF ACTIONS, AND FOR PREVENTING VEXATIOUS SUITS, MADE AND PASSED THE SIXTEENTH DAY OF JUNE A. D. 1791.—

[Approved June 19, 1805. Original Acts, vol. 18, p. 107; recorded Acts, vol. 16, p. 20. Session Laws, June, 1805, p. 14. Laws, 1805 ed., p. 395; id., 1815 ed., p. 169; id., 1830 ed., p. 74. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 769. See acts of June 22, 1814, Laws, 1815 ed., p. 170, and June 30, 1825, id., 1830 ed., p. 71. Repealed by act of December 23, 1842. See Revised Statutes, (1842) Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the first day of January in the year of our Lord one thousand eight hundred and eight, no person or persons, body corporate or politic, shall make any entry into any lands, tenements or hereditaments, or shall make any prescription, title or claim thereto, or to any rents, annuities or portions issuing therefrom, or shall sue or maintain any action for the recovery or obtaining possession thereof, unless such person or

persons, body corporate or politic, or the person, or persons under whom they respectively claim, have been seized or possessed thereof within twenty years next before the making such entry or commencement of such suit, and in default thereof, such person or persons, body corporate or politic, their heirs and successors, shall forever after be excluded from making such entry, or from suing or maintaining an action for the recovery thereof—

And be it further enacted, that all writs of formedon in descender, remainder and reverter of any lands, tenements and hereditaments, hereafter to be sued and brought, shall be commenced within ten years, next after the title or cause of action descended or accrued, and no time afterwards—provided always, that when any person is or shall be entitled to any writs of formedon aforesaid, or to make any entry into any lands, tenements and hereditaments, or to bring any action or suit for the recovery thereof, or for the recovery of any rents, annuities or portions issuing therefrom, shall at the time of said right or title first descended or accrued to them, be within the age of twenty one years, feme covert, non compos mentis, imprisoned or without the limits of the United States, then such person or persons, he or they shall or may notwithstanding the expiration of said term, make entry into, or bring his or their action for the recovery thereof, at any time within five years next after he or they shall attain to their full age, be discovert, become of sound mind, be enlarged from prison or return into the United States, and at no time afterwards—

And be it further enacted, that when any action shall be brought against any person for the recovery of any lands or tenements, which such person holds by virtue of a supposed legal title under a bona fide purchase, and which the occupant, or person under whom he claims, has been in the actual peaceable possession and improvement of for more than six years before the commencement of the action, the Jury which tries said action, if they find a verdict for the plaintiff, shall also enquire and by their verdict, ascertain the increased value of the premises by virtue of the buildings and improvements made by such person or persons or those under whom he or they claim, and no writ of seizen or possession shall issue upon such Judgment, until such plaintiff shall have paid into the hands of the Clerk of said Court, for the use of the defendant or person or persons justly entitled thereto, such sum as said jury shall assess as aforesaid, which sum shall be paid to the Clerk within one year after the verdict rendered by the Jury, otherwise no writ of possession shall issue—Provided nevertheless, that from and after the passing this Act, so much of said act as relates to the allowance for the buildings and improvements made on the premises, by the person holding by virtue of a supposed legal title as aforesaid, shall be in full force, any thing in this act to the contrary notwithstanding—

## [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING A TAX OF ONE CENT ON EACH ACRE OF LAND IN  
DURAND, PUBLIC LANDS EXCEPTED.—

[Approved June 19, 1805. Original Acts, vol. 18, p. 108; recorded Acts, vol. 16, p. 52. Session Laws, June, 1805, p. 26.]

Be it enacted by the Senate and House of Representatives in General Court convened, That a tax of one cent per acre on all the lands in said Durand, public lands excepted, be raised and laid out on the road and bridges leading through said town, within eighteen months from the passing of this act.—

And be it further enacted, That James Height, Obed Hall, and Stephen Jillson, be, and they are hereby appointed a committee to assess, collect and appropriate the said sum of one cent per acre as aforesaid, to the sole purpose of making and repairing the said road and bridges therein according to the true intent and meaning of this act; and that they be vested with all the powers which authorize selectmen to assess State taxes, and collectors to collect the same, so far as is necessary to enable them to discharge the duties prescribed by this act; and said tax shall be collected in the same way and manner as State taxes on non-residents are by law collected.

And be it further enacted That the said committee, or a majority of them, shall in the month of July next give public notice in the New Hampshire Gazette three weeks successively of the assessment, and leave granted to the resident and nonresident owners of land in said town to work out said tax as is hereinafter provided.—

And be it further enacted, That the owners of land in said Durand shall have the liberty of working out said tax on the road aforesaid under the direction of said committee, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose (for whose faithfulness said committee shall be responsible) at the rate of two thirds of a dollar per day for an able-bodied man finding his own tools and diet, and for ox-work including chains at the rate of half a dollar per day for each yoke of oxen; provided said labor shall be performed before the first day of October next after public notice herein before directed shall have been given.—

And be it further enacted, That if the owners of land so assessed shall neglect to pay the sum so assessed on their lands in money or labor as aforesaid until the first day of October the said committee shall then proceed to collect of every such delinquent owner the sum so assessed on his lands in the same way and manner as collectors of State taxes are directed by law to do, and lay out the same

on the said road and bridges aforesaid: provided the money so collected shall be laid out on said road and bridges between the fifteenth day of May and the first day of October in the year in which it shall be collected.—

And be it further enacted, That when any lands are sold by virtue of this act, the said committee, or any two of them, are hereby empowered to give a good and valid deed or deeds of the same, and the same time of redemption, and the same mode pursued in redeeming such lands, shall be allowed and pursued, as is provided by law in cases where lands are sold for non-payment of State taxes.—

And be it further enacted, That said committee or a majority of them, before they proceed to collect said tax, shall make and deliver their bond to the Clerk of the Court of Common Pleas within and for the county of Coos, in the penal sum of five hundred dollars, conditioned for the faithful performance of all the duties required of them by this act.—

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1805, June 13.

Resolved that all the people in this State known by the name of Universallists be and they are hereby recognized & considered as a distinct religious sect or denomination from any other and are intitled to all the privileges and immunities which any other denomination is entitled to by the Constitution and laws of said State—

[House Journal, 1800-5, p. 588. Senate Journal, 1805, (printed copy) p. 28.]

1805, June 19.

The Committee to whom were referred the communications of the Governor of Massachusetts enclosing resolutions of the Legislature of that Commonwealth proposing an amendment of the Constitution of the United states, report that they have given to the said proposition all the consideration due to the importance of the Object contemplated, and the high sense entertained of the state originating it, without discovering the propriety or expediency of its adoption—

And notwithstanding their ready disposition to co-operate with an adjoining sister State in all matters obviously tending to their general interest, the committee cannot forbear expressing their Sorrow that so unfavourable a time should have given birth to the Resolution which in their Opinion is calculated to excite prejudices among the states without even a probability of producing equal benefits—

To supply the natural imperfections of human invention the framers of the constitution wisely provided in the instrument itself for the amendment of its own defects, presuming that none would ever be attempted, but such as experience should point out, and necessity dictate—



And although such imperious alterations of a general nature have silenced partial opposition and embraced the original instrument yet the people retain no less confidence in its stability & Security No attempt before the present has been made so to alter the national compact as materially to affect that part of it, founded on compromise and equal advantages as was evidently the article partially complained of establishing representation and taxation mutual pillars of the government—The Idea of reciprocal combination of these fundamental Articles, was coeval with that of Union and confederation, yet with universal assent to that principle, the compound ratio of representation, in a mixed population, some of whom claiming to be considered either in number or as property, must have demanded more than all and obtained the whole information and candor of the convention—Indeed were it now proper for the Committee to enter upon a reexamination of the subject, from the imperfect sense they can form of the complicated mass of Claims and objections inevitably presenting themselves they would long remain unauthorized to condemn the Article as established by the Constitution inasmuch as it combines the two great essentials before mentioned, and attaches the burden of direct taxes to the privilege of an enlarged representation—An equivalent that has once proved more than nominal and is feared may again be realized before its return be desirable—And because they are wholly unprepared to offer a fit substitute for the Article which the proposed alteration would totally subvert—Although the numerous representation complained of in the undisturbed season of Commerce may, in a degree possess the means of avoiding the consequent incumbrance yet as the states supposed to be favoured are agricultural and depend much on imported manufactures subject to impost duties ultimately to be defrayed by the consumer, their necessities will direct them to equal impositions; but ever in the event the farming interest should predominate in those states, others of the same pursuit will find security against direct taxes in ordinary times and a guarantee against unnecessary wars—

Other important principles of the Constitution are so intimately connected with that part of the Article proposed to be altered, as, in the opinion of the Committee forbids any innovation to be made upon it—

Resolved therefore that the amendment of the Constitution of the United states proposed by the Legislature of the Commonwealth of Massachusetts ought not to be adopted—

Resolved that the Governor of this State be requested to transmit a Copy of the foregoing Resolution to the Governor of Massachusetts—

[House Journal, 1800-5, p. 625. Senate Journal, 1805, (printed copy) p. 47.]

1805, June 19.

The Committee on the Petition of Ezra Bartlett Esq<sup>r</sup> in behalf of the Town of Warren reported that the prayer of the Petition be granted and that the Towns of Warren and Coventry be classed for the purpose of Choosing a Representative the next year—which report being read and considered was received and accepted—

[House Journal, 1800-5, p. 629. Senate Journal, 1805, (printed copy) p. 47.]

[*Second Session, Held at Portsmouth, December 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 30, 31, 1805.*]

## [CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING STEPHEN ROWE, OTHERWISE STEPHEN BROWN, TO ASSUME THE NAME OF STEPHEN ROWE BROWN—

[Approved December 7, 1805. Original Acts, vol. 18, p. 109; recorded Acts, vol. 16, p. 97.]

Whereas Stephen Rowe, otherwise Stephen Brown of Kensington in the County of Rockingham in said State, Cordwainer, has petitioned the General Court, representing that he has from his earliest childhood, gone by the name of Stephen Rowe, otherwise Stephen Brown indiscriminately:—that there are several by the name of Stephen Brown in said town:—and that he has no name established by Law:—Wherefore he prays liberty to assume the name of Stephen Rowe Brown:—

Therefore:—

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Stephen be, and he hereby is authorised and empowered to assume and bear the name of Stephen Rowe Brown, and by that name in future shall be called and known, in all legal proceedings, any Law, custom, or usage to the contrary notwithstanding—

Provided, that nothing in this Act contained, shall impair any contract or obligation by him made, or affect any action or suit, now pending in any Court of Law, within this State, wherein the said Stephen is Plaintiff or Defendant—

## [CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT TO CONSTITUTE A COMPANY OF CAVALRY IN THE SECOND BATTALION IN THE THIRTEENTH REGIMENT.—

[Approved December 9, 1805. Original Acts, vol. 18, p. 110; recorded Acts, vol. 16, p. 98. Session Laws, December, 1805, p. 35. Laws, 1811 ed., p. 5.]

Be it enacted by the Senate and House of Representatives in General Court convened, that there shall be a company of cavalry in the second battalion in the thirteenth Regiment of militia; and

annexed to said regiment, which company shall not consist of more than thirty four rank and file—And said company shall be formed, and the officers thereof appointed and commissioned, agreeably to the laws of this State—

### [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE NEWPORT TURNPIKE CORPORATION.

[Approved December 10, 1805. Original Acts, vol. 18, p. 111; recorded Acts, vol. 16, p. 99. Session Laws, December, 1805, p. 5.]

Be it enacted by the Senate and House of Representatives in General Court convened that Stephen Hurd Ezra Parmale Christopher Newton, Ezra Hall, Erastus Newton, Elijah Brown, Renold Way, Amos Hall, Uriah Hall, Wilson Shaw, Joel Smith, Jonathan Bartlett, Nathaniel Beckwith, David Graves, John Parker, Uzzel Hurd, Russel Smith, John Way, Joseph Parker, James Way, Joseph Hull, Shubeal Hurd, Eber Thayer, Elijah Frink, Sewel Bennet, Jonathan Fare, Charles Minor, David Willey, Nathaniel Way, and their Associates, and Successors be and they hereby are incorporated and made a body corporate and politic forever, under the name of the Newport Turnpike corporation, and in that name may sue and prosecute be sued and prosecuted to final Judgment and execution, and shall be and hereby are Vested with all the priveledges and powers which by Law are incident to corporations of a similar nature

And Be it further enacted that the said Uzzel Hurd and Joseph Hull or either of them shall call a meeting of said corporation to be holden at any suitable time and place by posting notifications one at least in some public place in each Town through which said Road is contemplated to pass, at least fourteen days before the time of holding said meeting expressing the time place and design of said meeting, And the proprietors by a majority present or Represented at said meeting accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithfull discharge of the duties of his Office, And shall agree on a Method of Calling future meetings, And at the same or at any subsequent meeting may elect such Officers and make and establish such rules and bye-Laws as to them shall seem necessary and convenient for the regulations and government of said Corporation for carrying into effect the purposes afforesaid and for collecting the tolls and duties herein after established and the same by-Laws may cause to be executed, And annex penalties to the breach thereof, Provided

the said rules and by-Laws are not Repugnant to the Constitution and Laws of this State.—And all Representations at any meeting shall be proved by writing, seigned by the person to be represented which shall be filed by the Clerk And this act and all rules regulations and proceedings of said Corporation shall be fairly and truly recorded by the Clerk in a Book or Books provided and kept for that purpose.

And be it further Enacted that the said Corporation are hereby Empowered to lay out make and keep in repair a turnpike Road of four Rods wide in such rout or tract as in the best of their Judgment shall combine shortness of Distance with the most practicable ground from the Croydon Turnpike Road in Newport Southerly through Newport Unity and Lemster untill it intersects the Second New Hampshire Turnpike road near the Meeting House in Lemster thence Southerly through part of Lemster and Marlow untill it intersects the Stodard Turnpike Road in Marlow, Thence Southardly through part of Marlow in that Rout or tract which said Corporation shall Judge best untill it intersects the third New Hampshire Turnpike Road in Keene

And be it further Enacted that if the said proprietors and the owners of Land over which said road may run shall disagree on the compensation to be made for said Land and shall not agree in appointing persons to Assertain such compensation the Justices of the Court of Common Pleas in the County where such Land lies if not interested And if Interested the Justices of the Superior Court upon the application of the Proprietors or the owners of the Land Reasonable notice of such application having been first given to the adverse party shall appoint a Committee who shall Assertain the same in the same way as compensation is made to the Owners of Land for Highways as usually laid out. Provided nevertheless that it shall not be lawfull for said Proprietors to make such Road untill the Damages done the owner or owners of the Lands through which the Same is laid out is Ascertained and paid or tender thereof made, or security given for the payment of the Same to the Said owner thereof to his or their Satisfaction

And be it further Enacted that the said Corporation may erect and fix such and so many gates or Turnpikes upon and across Said Road as will be necessary and sufficient to collect the Tolls and duties herein after granted to said Company from all persons travelling in the Same with Horses Cattle Carts or Carriages.—

And be it further Enacted that it shall and may be lawfull for said Company to appoint such and so many toll Gatherers as they shall think proper to collect and receive of and from all and every person or persons using said Road the Rates and tolls herein after mentioned and to stop any person riding leading or driving any Horses Cattle Carts Carriages from passing through said Gates or Turnpikes untill they shall have respectively paid the same that is



to say for every mile of said Road and so in proportion for a greater or less distance or greater or smaller number of Horses Cattle or Carriages (to wit) for every ten sheep or Hogs one half Cent, for every ten neat Cattle one Cent for every ten Horses or Mules one Cent, for every Horse and his Rider or led Horse one Cent, for every Sulkey Chair or Chase with one Horse and two Wheels two Cents, for every Coach, Chariot, stage Phaeton or Chaise with two Horses and four Wheels three Cents, for either of the Carriages last mentioned with four Horses four Cents for every other Carriage of Pleasure the like sums according to the number of Wheels and Horses drawing the same, for each Cart Waggon or other Carriage of burden drawn by one beast one Cent, for the like Carriages drawn by two beasts one Cent and a half, If by more than two Beasts one Cent for each additional Yoke of oxen or pair of Horses,—for each pleasure Sleigh drawn by one Horse one cent and a half, if drawn by two Horses two Cents if drawn by more than two Horses one Cent for each Additional Horse, for each Sled or sleigh of burden drawn by one Horse three quarters of a Cent, if drawn by two Horses or a Yoke of Oxen one Cent, if by more than two Horses or Yoke of Oxen one Cent for each additional Yoke of Oxen or pair of Horses. And at all times when the toll-gatherer does not attend his duty the Gates shall be left open. And if any person shall with his Carriage team Cattle or Horses turn off the said road to pass the said Turnpike Gate on Ground adjacent thereto not being a publick Highway with an intent to avoid the payment of the toll due by virtue of this act such person shall forfeit and pay three times as much as the Legal toll would have been.—Provided that nothing in this Act shall extend to entitle said Corporation to demand or receive toll of any person who is an inhabitant in any Town where any Gate may be erected nor any Officer or Soldier of the Militia under arms going to or from the place of Military Duty, nor to any funeral that may have occasion to pass said Gates

And be it further Enacted that the said Corporation are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said Turnpike road and the share or shares of any proprietor may be Transferred by Deed duly executed Acknowledged and Recorded by the Clerk of Said Corporation on their records, and said shares may be sold by said Corporation on nonpayment of Assessments duly made agreeable to the Byelaws of Said Corporation.

And be it further Enacted that the said Corporation shall take no toll for any Mile of said Road untill five Hundred Dollars shall have been expended thereon reconing a proportionate sum upon the whole number of Miles from the Croydon Turnpike in Newport or from the Meeting House in Said Newport where said Road begins to the second New Hampshire Turnpike Road in Lemster, Nor shall any toll be taken for any mile of said Road reconing from the

second New Hampshire Turnpike road in Lemster to the Stodard Turnpike Road in Marlow untill Six Hundred Dollars have been expended thereon or a proportionate sum on the whole number of Miles. Nor shall any toll be taken on the remaining part of Said Road untill Seven Hundred Dollars have been expended thereon or a proportionate sum on the whole number of Miles reconing from the Stodard Turnpike road in Marlow to the third New Hampshire Turnpike road in Keene where said Road shall terminate. Nor on any part of said Road untill the Justices of the Superior Court shall adjudge that—That part of said Road is sufficiently made to entitle Said Corporation to Receive Toll at which time said Corporation may erect Gates thereon according to the provitions of this act on that part of Said Road.

And be it further Enacted that Said Corporation may be Indited for want of repairs of said Road after the toll gates are erected and fined in the Same way and manner as Towns are by Law fineable for suffering Highways and bridges to be out of Repair and said fines may be levied on the profits and tolls accruing to said Corporation.—Provided that if the said Turnpike road shall in any part be the same with any Highway now used it shall not be Lawfull for said Corporation to erect any Gate or Turnpike upon or across that part of Said Road which is now used as a publick Highway any thing herein to the Contrary notwithstanding.

And be it further Enacted that at the end of every six Years after the Setting up of any toll Gate upon the Road aforesaid an account of the expenditures upon said Road, and the profits arising therefrom shall be laid before the Justices of the superior Court for the time being under the forfeiture of the priveledges of this Grant in future and if the neat profits for the said six Years shall exceed nine Per Centum Per Annum, the said Court may reduce the future rate of toll so far as that it may not exceed nine per centum per annum. And if the said profits shall not amount to six per Centum per annum, the said Court may raise the future tolls so that it shall not be less than six nor more than nine P<sup>r</sup> Centum P<sup>r</sup> Annum.—

And be it further Enacted that if in four Years from the passing this act that part of said road extending from the Croydon Turnpike in Newport or from the Meeting House in Newport to the second New Hampshire Turnpike in Lemster shall not be compleeted agreeable to the provitions of this act every part and Clause thereof so far as it respects that part of Said Road shall be null and Void. And that if in five Years from the passing hereof that part of said Road Extending from the second New Hampshire Turnpike in Lemster to the Stodard Turnpike in Marlow shall not be completed as is by this act Provided, every part and clause thereof so far as it respects that part of said Road shal be null and Void. And if in six Years that part of Said road Extending from the Stodard Turn-

pike in Marlow to the third New Hampshire Turnpike Road in Keene shall not be completed according to the provisions of this act every part and clause thereof so far as it respects that part of said Road shall be null and Void. Provided also that the State of New Hampshire may at any time after the passing hereof repay the Proprietors of Said Road the amount of the sums expended by them thereon with nine p<sup>r</sup> centum p<sup>r</sup> annum in addition thereto, deducting the toll actually received by said Corporation.—In that case the said Road shall to all intents and purposes be the property of the State of New Hampshire. Provided, further that the Legislature of this State shall have a Right to adopt such measures in future as shall by them be considered necessary or expedient to compell said proprietors to keep said Road in Repair.—

[CHAPTER 4.]

*State of*                    }  
*New Hampshire.*        }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT, ENTITLED, "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER, AT OR NEAR THE FIFTEEN MILES FALLS, SO CALLED IN LITTLETON, AND FOR SUPPORTING THE SAME," MADE AND PASSED JUNE 16, 1802—

[Approved December 16, 1805. Original Acts, vol. 18, p. 112; recorded Acts, vol. 16, p. 109. The act referred to is printed, *ante*, p. 78. See acts of June 18, 1806, recorded Acts, vol. 16, p. 372, and June 17, 1807, *id.*, p. 435. See also act of July 18, 1876, Session Laws, 1876, Chap. 155.]

Whereas David Goodall has petitioned the Legislature, representing that liberty was given to him and his associates to build a bridge over Connecticut River, in Littleton, in a limited time, which time is not yet expired, and whereas it is represented that certain unforeseen obstacles have fallen in the way of building the same; wherefore he prays that such longer time may be granted to him and his associates, for that purpose, as shall be deemed proper:—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said David Goodall, together with those persons in the aforesaid Act, and such others as may hereafter associate with them for that purpose, be and they hereby are allowed the term of Three years, from and after the passing of this Act, to build and complete said Bridge in, anything in the aforesaid Act, to which this is an Addition, to the contrary notwithstanding.—

## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, ENTITLED AN ACT TO INCORPORATE  
 CERTAIN PERSONS BY THE NAME OF THE CROYDON TURNPIKE  
 CORPORATION

[Approved December 16, 1805. Original Acts, vol. 18, p. 113; recorded Acts, vol. 16, p. 110. Session Laws, December, 1805, p. 28. The act referred to is dated June 21, 1804, *ante*, p. 307.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the following Proviso in said Act, to wit, "Provided nevertheless, that said Proprietors shall not use or improve any land for said Road, unless they previously agree with and purchase the same of the owners through which said Turnpike Road may pass," be and the same is hereby repealed.

And be it further enacted, that if the said Proprietors and the owners of land over which said Road is or may be laid, cannot agree upon the compensation to be made for said land, and shall not agree upon persons to ascertain such compensation, the Justices of the Court of Common Pleas in the County where the land lies, if not interested, and if interested, the Justices of the Superior Court, upon the application of the said Proprietors, or the owners of said land, shall appoint a Committee to ascertain the same; due notice having been given by the applicant to the adverse party, which Committee shall ascertain the compensation to be made for said land, and Execution shall issue against said Corporation for the same. And it shall not be lawful for said Proprietors to break into any enclosure to make said Road untill such compensation has been ascertained and paid, or tender thereof made.

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE WILLIAM STEEL TO COLLECT CERTAIN  
 TAXES—

[Approved December 16, 1805. Original Acts, vol. 18, p. 114; recorded Acts, vol. 16, p. 112.]

Whereas William Steel has petitioned the General Court setting forth that he was appointed Collector of Taxes, in the Town of Conway, for the Year 1805, and that for Reasons set forth in said Petition he has lost his Law for collecting the nonresident Taxes in



his List—and praying that he may be restored to his Law—The prayer of which Petition appearing reasonable. Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that said William Steel shall lodge in the Office of the Deputy Secretary of said State, his aforesaid List of Taxes, on or before the first Day of March next, which List of Taxes shall remain in the said Office untill the first day of September following: and in Case said Taxes or any part thereof Remain unpaid on said first day of September said Collector may proceed to collect the delinquent Sums in the Same Way and Manner as though said List had been lodged in the Office of the Deputy Secretary at the Time pointed out by Law—Provided nevertheless that the said William Steel shall give public Notice of his Restoration to Law by publishing this Act three Weeks in the New-Hampshire Gazette, the first publication to commence on or before the first day of March next—

## [CHAPTER 7.]

*State of*                    }  
*New Hampshire.*       }

AN ACT TO DISANNEX A PART OF THE FARM OWNED BY BRACKETT WEEKS FROM THE TOWN OF STRATHAM AND TO ANNEX IT TO GREENLAND.—

[Approved December 18, 1805. Original Acts, vol. 18, p. 115; recorded Acts, vol. 16, p. 113.]

Whereas Brackett Weeks has petitioned the General Court, representing, that his dwelling house has heretofore been considered as situated in the town of Greenland, and he as an Inhabitant of said town; but by a late settlement of the boundary line between said town of Greenland and the town of Stratham, his dwelling-house together with four acres of his Farm is included within the limits of said Stratham; and praying that so much of his Farm as is situated in Stratham be disannexed from said Stratham and annexed to the town of Greenland—which appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That, that part of the farm now owned by the said Brackett Weeks, being about four acres, together with his dwelling house thereon, situate and being in the town of Stratham, be disannexed from said Stratham, and that the same be hereafter considered as a part of & annexed to the town of Greenland—

## [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE ISAAC CLEMENT TO ASSUME THE NAME OF ISAAC LANGDON CLEMENT AND DAVID CLEMENT, THE 3<sup>D</sup> TO ASSUME THE NAME OF DAVID SMITH CLEMENT.—

[Approved December 18, 1805. Original Acts, vol. 18, p. 116; recorded Acts, vol. 16, p. 115.]

Whereas Isaac Clement & David Clement of Newgrantham, in the County of Cheshire, in said State, Yeomen have petitioned the General Court, praying that they may be authorised to assume the names of Isaac Langdon Clement and David Smith Clement, and the said prayer appearing reasonable, therefore

Be it enacted by the Senate & house of Representatives in General Court convened, that the said Isaac Clement be authorised to assume the name of Isaac Langdon Clement; and the Said David Clement the 3<sup>d</sup> be authorised to assume the name of David Smith Clement; And that they may respectively by these names, be known and called hereafter, Sue and be Sued; plead and be impleaded in all actions to final Judgment and Execution:—

Provided that nothing in this act contained shall affect any action or Suit already commenced, or any written contract already made in which the Said Isaac Clement or David Clement the 3<sup>d</sup> are parties.

## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST IN ABEL FARR THE PRIVILEGE OF KEEPING A FERRY OVER CONNECTICUT RIVER.

[Approved December 18, 1805. Original Acts, vol. 18, p. 117; recorded Acts, vol. 16, p. 116.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the sole and exclusive privilege of keeping a Ferry over said River, between what is called Governor's brooks in Chesterfield and Westmoreland line, shall vest in Abel Farr his heirs and assigns, until the Legislature shall judge proper to grant liberty for building a bridge within said limits:— he and they from time to time as occasion may require giving bond with sufficient sureties in the sum of five Hundred dollars, to the Clerk of the Court of Common Pleas in and for the County of Cheshire in the State

aforesaid, for the use of said County, that the said Ferry shall be well attended and constantly kept.—

And be it further enacted that the rates of Ferriages to be taken by the said Abel Farr his heirs and assigns, shall at all times be established by the Justices of the Court of Common Pleas in the County of Cheshire, which Justices are hereby authorised and empowered to establish said rates of Ferriage from time to time as they shall judge proper.—

And be it further enacted that if any person shall demand or receive any greater rate of ferriage than the said Court of Common Pleas shall establish, they shall for each and every such offence forfeit and pay to the party injured, the sum of six dollars, to be recovered by action of debt, before any Court proper to try the same.—

And be it further enacted that if any person shall for hire or reward, transport over said river within said limits, any person, creature or thing, such person so offending shall forfeit and pay to the said Abel Farr, his heirs or assigns, the sum of six dollars, to be recovered by action of debt, before any Court proper to try the same.—

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE MONADNOC TURNPIKE CORPORATION.—

[Approved December 19, 1805. Original Acts, vol. 18, p. 118; recorded Acts, vol. 16, p. 118. Session Laws, December, 1805, p. 22.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Edward Sprague, Aaron Appleton, Andrew Allison, Nathan Whittemore, Samuel Hamilton Samuel Smith, William Wilson, Daniel Robbe, John White, Samuel Collins, Calvin Stone, and their associates and successors, be, and they hereby are incorporated and made a body politic and corporate forever, by the name of The proprietors of the Monadnoc Turnpike Corporation in New Hampshire; and in that name may sue and be sued, prosecute and defend to final judgment and execution; and shall be and hereby are vested with all the powers and privileges which by law are incident to Corporations of a similar nature.

And be it further enacted, That the said Samuel Smith, Aaron Appleton & William Wilson or either of them, shall call the first meeting of said proprietors by advertisement in the newspaper printed at Amherst, to be holden at any suitable time and place at least thirty days from the first publication of said advertisement;

and the proprietors by a vote of the majority of those present, or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to a faithful discharge of the duties of said office; and shall also agree on the method of calling future meetings; and at the same, or at any subsequent meeting may elect such officers, and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties herein after established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof: provided the said rules and by-laws are not repugnant to the Constitution and laws of this State. And all representations at any meeting shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk; and this Act, and all rules and by-laws, regulations and proceedings of said corporation shall be truly and fairly recorded by the clerk in a book or books provided and kept for that purpose.—

And be it further enacted, That said corporation are hereby empowered to survey, lay out, make and keep in repair, a Turnpike Road of four rods wide in such rout or track, as in the best of their skill and judgment shall combine shortness of distance with the most practicable ground, from the head of the Canal at the County Bridge in Milford, through the towns of Wilton, Temple, and through the notch of the Mountain dividing Temple from Peterborough to the third New Hampshire turnpike road at the foot of Marlborough Hills, near Phinehas Farrar's dwelling house in said Marlborough.

And be it further enacted, That if said proprietors and the owner or owners of land, over which said road may be laid shall disagree on the compensation to be made for said land, and shall not agree in appointing persons to ascertain such compensation, the Justices of the Court of Common Pleas in the County in which said land lies, if not interested, and if interested, the Justices of the Superior Court in the same county upon the application of the said proprietors, or of the said owner or owners, reasonable notice of such application having been first given to the adverse party, shall appoint a committee who shall ascertain the same in the same way and manner as compensation is made to the owners of land for highways as usually laid out—Provided that it shall not be lawful for said proprietors to make such road until the damages done the owner or owners of the land over which the same is laid out is ascertained and paid, or tender thereof made.—

And be it further enacted, That said Corporation is hereby empowered to purchase and hold in fee simple, so much land as will be necessary for said road; and the share or shares of any proprietor may be transferred by deed duly executed, acknowledged and



recorded by the clerk of said corporation; and said shares may be sold by said corporation for non-payment of assessments duly made agreeably to the by-laws of said corporation.—

And be it further enacted, That said corporation may erect and fix such and so many gates or turnpikes upon and across said road as will be necessary and sufficient for collecting of and from all persons using the same the tolls and duties hereinafter granted to said company.—

And be it further enacted, That it shall and may be lawful for said corporation to appoint such and so many toll-gatherers as they may think proper to collect and receive of and from all persons using the said road the rates of toll hereinafter mentioned, and to stop and detain any person riding, leading or driving, any horses, cattle, carts or carriages from passing through said gates or turnpikes until they shall have respectively paid the same; that is to say, for every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of cattle or carriages—towit—For every ten sheep or hogs, one half cent; for every ten neat cattle, one cent; for every ten horses or mules, one and a half cent; for every horse and rider, or led horse, one cent; for every carriage of pleasure, with one horse and two wheels, two cents; for the like carriage with two horses and four wheels, three cents; and one cent for each additional horse; for each carriage of burden drawn by one beast, one cent; if drawn by two beasts, one and a half cent; and one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh drawn by one horse, one cent; if drawn by two horses, one cent and a half; and one cent for each additional horse; for each sled or sleigh of burden drawn by one beast, three quarters of a cent; if drawn by two beasts, one cent, and a quarter; and one cent for each additional yoke of oxen, or pair of horses— And at all times when the tollgatherer does not attend his duty, the gates shall be left open—And if any person shall with his team, carriage, cattle or horses, turn off the said road to pass the said turnpike gate on ground adjacent thereto, not being a public highway, with intent to avoid the payment of toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof in an action of debt or on the case—Provided that nothing in this act shall extend to entitle said corporation to demand or receive toll of any person, who shall be passing with his team, carriage or horse, to or from public worship, funeral, mill, or the common and ordinary business of family concerns within the same town; nor of any officer or soldier of the militia, under arms, when going to or from the place of military duty

And be it further enacted, That no toll shall be taken for any mile of said road, until eight hundred dollars shall have been ex-

pended thereon; or a proportionate sum upon the whole number of miles, reckoning from the place where said road begins to the place where the same shall terminate; nor until the Justices of the Superior Court shall adjudge that said road is sufficiently made to entitle said corporation to receive said toll—

And be it further enacted, That said corporation may be indicted for defect of repairs of said road after toll-gates are erected, and while they are kept up, and fined in the same way and manner as towns are or shall be fineable for suffering highways and bridges to be out of repair, and said fines may be levied on the profits and tolls accruing to said corporation.—

And be it further enacted, That when said proprietors shall make it appear to the Justices of the Superior Court that the said sum of eight hundred dollars has been expended on each mile, or a proportionate sum upon the whole number of miles as aforesaid, and that said road is sufficiently made to entitle said corporation is entitled to received said toll, then the said corporation shall have liberty to erect the gates as aforesaid—Provided that if the said turnpike road shall be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike upon or across that part of said road which is now used as a public highway, anything herein to the contrary notwithstanding—

And be it further enacted, That at the end of every six years after the setting up of any toll-gate upon the road aforesaid, an account of the expenditures upon said road, and of the profits arising therefrom, shall be laid before the Justices of the Superior Court for the time being, under forfeiture of the privileges of this Act, and if the nett profits for the said Six years shall exceed nine per centum per annum, the said Court may reduce the future rate of toll so far that it shall not exceed nine per centum per annum; and if the said profits shall not amount to six per centum per annum, the said Court may raise the future toll so that it shall not be less than six, nor more than nine per centum per annum.—

And be it further enacted, That if in five years from the passing hereof, the whole of said road shall not be completed agreeably to the provisions of this act, every part and clause thereof shall be null and void. Provided also that the State of New Hampshire, may at any time after the passing hereof repay the proprietors of said road the sum by them expended in making and keeping said road in repair with nine per centum per annum in addition thereto, deducting the toll actually received by said corporation,—in that case the said road shall to all intents and purposes be the property of the State of New Hampshire—Provided further that the Legislature of said State shall have a right to adopt such measures as they shall think proper or expedient to compel said proprietors to keep said road in repair.—

And be it further enacted, That the Clerk shall at all times ex-

hibit the book or books by him kept, and certificates and certified copies give, of all records and proceedings of said Corporation, to any person who shall apply therefor; and the Clerk shall be allowed the same fees for searching, copying and certifying the records, that by law are allowed to Registers of deeds; and if the Clerk shall neglect or refuse to comply in exhibiting and certifying as aforesaid he shall forfeit and pay the sum of twenty dollars for each and every neglect or refusal, to be recovered in an action of debt before any Court of competent jurisdiction for the use of the person suing for the same.—

## [CHAPTER 11.]

*State of* )  
*New Hampshire.* )

AN ACT TO ANEX THE INHABITANTS ON THE EAST SIDE OF THE MOUNTAIN IN LINCOLN AND THE INHABITANTS OF THE GORE SO CALLED TO THE TOWN OF PEELING FOR DOING MILITARY DUTY

[Approved December 19, 1805. Original Acts, vol. 18, p. 119; recorded Acts, vol. 16, p. 126. Session Laws, December, 1805, p. 56. Laws, 1811 ed., p. 5.]

Whereas the Inhabitants of Lincoln on the east side of the mountain & the inhabitants of the Gore so called have petitioned the General Court praying to be annexed to the Town of Peeling for doing military duty which appearing Reasonable—Therefore

Be It enacted by the Senate and house of Representatives in General Court convened that the Inhabitants of the Town of Lincoln on the east side of the mountain in said Town and the Inhabitants of the Gore so called be and they hereby are annexed unto the Town of Peeling for the purpose of doing military duty

## [CHAPTER 12.]

*State of* )  
*New Hampshire.* )

AN ACT TO INCORPORATE AND ESTABLISH A COMPANY, BY THE NAME OF THE COOS TURNPIKE CORPORATION.—

[Approved December 19, 1805. Original Acts, vol. 18, p. 120; recorded Acts, vol. 16, p. 127. Session Laws, December, 1805, p. 11.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Moses Dow, Absalom Peters, Joseph Bliss, David Webster Jun<sup>r</sup> Asa Boynton, Charles Johnston, Alden Sprague, Moody Bedel, William Tarlton, John Page and Stephen

P. Webster, and their associates and successors, be and they hereby are incorporated and made a body politic forever, under the name of the Coos Turnpike Corporation, an in that name may sue & prosecute & be sued & prosecuted to final judgment & execution & shall be and hereby are vested with all the powers & privileges, which by law are incident to corporations of a similar nature.—

And be it further enacted—that William Tarlton & Stephen P. Webster, or either of them shall call the first meeting of said proprietors by advertisement in the Dartmouth Gazette printed at Hanover to be holden at any suitable time & place after thirty days from the first publication of said advertisement & the proprietors by a vote of the majority of those present or represented at said meeting, accounting & allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said Office; and shall also agree on a method of calling future meetings; and at the same time, or at any subsequent meeting, may elect such officers & make & establish such rules & by laws as to them shall seem necessary & convenient for the regulation & government of said Corporation in carrying into effect the purposes aforesaid, & for collecting the tolls hereafter mentioned; and the same by laws may cause to be executed, & annex penalties to the breach thereof, provided the said rules and by laws are not repugnant to the Constitution & laws of this state; and all representations at any meeting of said Corporation, shall be proved by writing, signed by the person to be represented which shall be filed with the Clerk. And this act, & all rules, by laws regulations & proceedings of said Corporation shall be fairly & truly recorded in a book or books provided & kept for that purpose.—

And be it further enacted that the said Corporation are hereby empowered to survey, lay out, make & keep in repair a turnpike road or highway, four rods wide, beginning at Haverhill Corner so called, thence in such rout or tract as shall in their best skill & judgment combine shortness of distance with the most practicable ground, through a part of said Haverhill, Piermont & Warren to the waters of Bakers river so called at or near Merrils mills in said Warren.—

And be it further enacted—that if the said proprietors and owners of land, through which said turnpike may run, shall not agree on the compensation to be made for said land, the Court of Common Pleas holden within the County, where said land lies, upon application of the said Proprietors, or of the owners of said land, the adverse party being duly notified, may appoint a committee to ascertain such compensation, & issue execution therefor against said Corporation in every case of non payment.—

And be it further enacted, that the said Corporation may erect & fix such & so many gates or turnpikes on and across said road, as will be necessary & sufficient to collect the tolls and duties herein



after granted to said Corporation, from all persons travelling in the same with horses, cattle, teams, or Carriages; Provided nevertheless that if the said turnpike road shall be the same with any public highway now used, it shall not be lawful for said Corporation to erect any gate or turnpike on or across said part of the road now used & occupied as a public highway—

And be it further enacted,—that it shall and may be lawful for said Corporation to appoint such and so many tollgatherers, as they shall think proper to collect & receive of and from every person travelling said road, the rates of toll herein after mentioned, and to stop all & every person or persons riding, leading or driving any horses, Cattle, teams or Carriages, from passing through said gates or turnpikes, untill they shall have respectively paid the same; that is to say, for every mile of said road & so in proportion for a greater or less distance, or for a greater or less number of horses or cattle, teams or carriages; to wit, for every ten sheep or hogs, half a cent; for every ten cattle or horses, one cent; for every horse and rider or led horse, one cent; for every carriage of pleasure with one horse and two wheels, one cent & a half; for the like carriage with two horses and four wheels, three cents; and for each additional horse, one cent; for each cart or carriage of burden drawn by one beast, one cent; if drawn by two beasts one cent & a half; if drawn by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh of pleasure drawn by one horse, one cent & a quarter, if drawn by two horses, two cents; and if by more than two horses, one cent for each additional horse;—for each sled or sleigh of burden drawn by one beast one cent, if drawn by two beasts one cent & a half; if by more than two, one cent for each additional yoke of oxen or pair of horses. And at all times when the toll-gatherer shall not attend his duty, the gate shall be left open,—Provided always, that nothing herein contained shall entitle said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or a funeral, or with his horse team or cattle to or from any mill, or on the common & ordinary business of family concerns within the town where such person belongs; nor of any officer or soldier of the militia while passing under arms, to or from the place of military duty on muster days.—

And be it further enacted—that if any person shall with his horses, cattle, team or carriages, turn off the said road to pass the said turnpike gate, on ground adjacent thereto, unless the same be a public highway, with intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said Corporation to the use thereof, in an action of debt or on the case in any Court of competent jurisdiction.—

And be it further enacted, that the said proprietors are hereby empowered to purchase and hold in fee simple so much land as shall

be necessary for said road, and that the share or shares of any of said proprietors may be transferred by deed duly executed acknowledged & recorded by the Clerk of said corporation on their book of records; and the share or shares of any proprietor may be sold by said Corporation, on nonpayment of assessments duly made.—

And be it further enacted, that no toll shall be taken by said Corporation for any mile of said road, untill six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles, reckoning from the place where said road begins, to the place where the same shall terminate.—

And be it further enacted, that said corporation may be indicted for defect of repairs of said road, after toll gates shall be erected, and fined as towns are by Law finable, for suffering roads to be out of repair; and said fines may be levied on the profits arising or accruing to said Corporation.—

And be it further enacted that at the end of every ten years after the setting up of any toll gate as aforesaid, an account of the expenditures upon said road, and of the profits arising therefrom, shall be laid before the justice of the Superior Court for the time being, under forfeiture of the privileges of this act in future; and if the net profits of the said ten years shall exceed nine per centum per annum, the said Court may reduce the future toll, so that it may not exceed nine per centum per annum; and if the net profits shall not amount to six per centum, per annum, the Court may raise the toll so that it shall not be less than six; nor more than nine per centum.—

And be it further enacted, that if in five years from the passing hereof, the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null & void:— Provided also, that the State of New Hampshire may at any time after the passing of this act, repay the Proprietors of said road, the amount of the sums expended thereon by them, with nine per centum per annum in addition thereto, deducting the amount of toll actually received by the Proprietors; and in that case the said road shall, to all intents & purposes, become the property of said State of New Hampshire, any thing in this act to the contrary notwithstanding.

And be it further enacted that the Clerk shall at all times exhibit the book or books by him kept, and certificates & certified copies give, of all records and proceedings of said corporation, to any person who shall apply therefor, and the Clerk shall be allowed the same fees for searching, copying, & certifying the records, that by law are allowed to Registers of deeds, and if the Clerk shall neglect or refuse to comply in exhibiting and certifying as aforesaid, he shall forfeit and pay the sum of twenty dollars, for each and every neglect or refusal, to be recovered in an action of debt, before any Court of competent jurisdiction, for the use of the person suing for the same.—

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE LONDONDERRY TURNPIKE INCORPORATION," PASSED JUNE 20<sup>TH</sup> 1804

[Approved December 20, 1805. Original Acts, vol. 18, p. 121; recorded Acts, vol. 16, p. 138. Session Laws, December, 1805, p. 31. See act referred to, *ante*, p. 274. See also acts of December 27, 1805, Session Laws, December, 1805, p. 29, and June 12, 1807, *id.*, June, 1807, p. 14.]

Whereas the proprietors of the said Turnpike have petitioned the General Court praying for leave to erect a Bridge over Merrimack river near Isle-hookset falls, and to establish a rate of Toll similar to that of other Bridges over said river in that vicinity, which prayer appearing reasonable

Therefore

Be it enacted by the Senate & house of Representatives in General Court convened, that the said Proprietors be, and they are hereby authorised to erect and maintain a Bridge over Merrimack river near Isle-hookset falls, at any suitable place within the limits of one mile above, and one mile below said falls

And be it further enacted, that for the purpose of reimbursing the said proprietors the money expended by them in building and supporting said Bridge a Toll be, and is hereby granted, and established for the benefit of said proprietors according to the rates following, namely, for each foot passenger one Cent, for each Horse and rider, four cents, Sleigh with one Horse six cents—Sleigh with two Horses ten cents—Chaise, Chair or Sulkey, ten cents, Waggon, Cart, or Sled with two Beasts Twelve & half cents—each additional beast three Cents—Sheep or Swine one half cent—led Horse or Neat creature one and a half Cents—Curricule or Phaeton twelve & half cents—Chariot or Coach with two Horses twenty cents—with four Horses twenty five cents—Cart with one Horse, six cents, and to each Team one person and no more, as a driver to pass free of Toll

And be it further enacted that said corporation may be indicted for defect of repairs of said Bridge after the Toll gate is erected, and fined in the same way and manner as Towns are by law fineable for suffering roads and bridges to be out of repair, and said fine may be levied on the profits and tolls arising or accruing to said proprietors

## [CHAPTER 14.]

*State of*                    {  
*New Hampshire.*        }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT, ENTITLED  
 "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF  
 BUILDING A BRIDGE OVER PEMIGEWASSET BRANCH AT EMERSON'S  
 FALLS SO CALLED, BETWEEN THE TOWNS OF NEW-CHESTER AND  
 SANDBORNTON, AND FOR SUPPORTING THE SAME."—MADE AND  
 PASSED JUNE 12: 1801.—

[Approved December 21, 1805. Original Acts, vol. 18, p. 122; recorded Acts, vol. 16, p. 135. See the act referred to, *ante*, p. 17. See also acts of December 15, 1803, *ante*, p. 171, December 20, 1808, recorded Acts, vol. 17, p. 396, June 17, 1813, *id.*, vol. 20, p. 53, December 18, 1824, *id.*, vol. 22, p. 562, and December 20, 1842, *id.*, vol. 35, p. 156.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the share or shares of any of the Proprietors of said Bridge, may be transferred by Deed duly executed, acknowledged and recorded by the Clerk of said Corporation; anything in the aforesaid Act, to which this is an addition to the Contrary notwithstanding.—

And be it further enacted, that the Clerk of said Corporation shall at all times exhibit the book or books by him kept, and certificates and certified copies give, of all records and proceedings of said corporation, to any person who shall apply therefor, and the Clerk shall be allowed the same fees for searching, copying and certifying the records, that by law are allowed to Registers of deeds, and if the Clerk shall neglect or refuse to comply, in exhibiting and certifying as aforesaid, he shall forfeit and pay the sum of twenty dollars, for each and every neglect or refusal, to be recovered in an action of debt, before any Court of competent Jurisdiction, for the use of the person suing for the same—



## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT TO EXTEND THE TIME WHICH WAS ALLOWED SAMUEL BLODGET FOR DRAWING A LOTTERY GRANTED HIM BY AN ACT OF THE GENERAL COURT, PASSED JUNE 18<sup>TH</sup> 1802, ENTITLED AN ACT, TO AUTHORISE SAMUEL BLODGET, TO SET UP A LOTTERY FOR THE PURPOSE OF LOCKING AMOSKEAG FALLS.—

[Approved December 21, 1805. Original Acts, vol. 18, p. 123; recorded Acts, vol. 16, p. 137. See the act referred to, *ante*, p. 101. See also acts of December 24, 1798, Laws of New Hampshire, vol. 6, p. 524, December 30, 1799, *id.*, p. 622, December 30, 1803, *ante*, p. 247, December 22, 1808, recorded Acts, vol. 18, p. 81, June 24, 1809, *id.*, p. 266, June 21, 1810, *id.*, p. 393, and June 19, 1813, *id.*, vol. 20, p. 49.]

Whereas Samuel Blodget has petitioned the General Court, representing that he has been unable to draw and finish the Lottery granted him by said Act, and that the time allowed by said Act for completing said Lottery has expired, and praying that a further term of three years might be allowed him for drawing and finishing said Lottery, the prayer of which petition appearing reasonable;

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that a further term of three years from and after the passing of this Act, be and the same hereby is granted and allowed to the said Samuel Blodget, his heirs, executors, administrators and assigns, for drawing and finishing the aforesaid lottery according to the directions, provisions and for the purposes recited in the aforesaid Act—And that the said Samuel Blodget be and he is hereby authorised to pay and satisfy prizes in said Lottery, by assigning to the persons who shall be entitled to such prizes, certain shares in the Blodget Canal, agreeably to the schemes of said Lottery, which have been or may be published—

And be it further enacted, that the tickets in said Lottery may be signed by the managers of said Lottery who shall be hereafter appointed.—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING THE JUDGE OF PROBATE FOR THE COUNTY OF ROCKINGHAM TO RECONSIDER "AN ACCOUNT OF NATHANIEL GIDDINGE DECEASED OF HIS GUARDIANSHIP OF HIS CHILDREN BY HIS FORMER WIFE ANNA GIDDINGE DECEASED, EXHIBITED FOR ALLOWANCE BY ELIPHALET GIDDINGE ADMINISTRATOR OF THE ESTATE OF THE SAID NATHANIEL GIDDINGE DECEASED."

[Approved December 21, 1805. Original Acts, vol. 18, p. 124; recorded Acts, vol. 16, p. 141.]

Whereas John Taylor Gilman, Guardian of the persons and estates of Eliphalet Giddinge, Dorothy Giddinge, Mary Giddinge, Harriot Giddinge and Nathaniel Giddinge, children and heirs at Law of Nathaniel Giddinge late of Exeter in the County of Rockingham deceased, and of Anna Giddinge the former wife of the said Nathaniel, also deceased, has petitioned the General Court representing that on the seventeenth day of September A. D. 1804, Eliphalet Giddinge of Exeter aforesaid as Administrator of the estate of the said Nathaniel deceased, exhibited for allowance, to the Judge of Probate for the County of Rockingham, an account, purporting to be "an account of Nathaniel Giddinge dec<sup>d</sup> of his Guardianship of his children by his former wife Anna Giddinge deceased, exhibited for allowance by Eliphalet Giddinge Administrator of the estate of the said Nathaniel Giddinge;—that the said Eliphalet being at that time Guardian to the said Children as well as administrator as aforesaid, the Judge of Probate did not order public notice to be given of the presentation of said account, that any other persons interested therein might appear and object thereto, but on the same seventeenth day of September by his order thereon, decreed that the same be passed and allowed. Wherefore the said John Taylor Gilman prays that an Act may be passed, authorising the Judge of Probate (after giving due notice) to reconsider the said Account, as tho' no former order or decree had been made.— Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the Judge of Probate for the County of Rockingham, be and he hereby is authorised & empowered, after giving due notice thereof, to reconsider the aforesaid account, as tho' no former order or decree had been made, and to make such further order thereon as he may think proper.—

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
 NEW-HAMPSHIRE IRON FACTORY COMPANY.—

[Approved December 21, 1805. Original Acts, vol. 18, p. 125; recorded Acts, vol. 16, p. 143. See acts of June 18, 1810, id., vol. 18, p. 344, June 16, 1814, id., vol. 20, p. 206, June 29, 1818, id., vol. 21, p. 214, June 11, 1819, id., p. 221, June 29, 1819, id., p. 319, June 14, 1825, id., vol. 23, p. 17, July 1, 1829, id., vol. 27, p. 64, June 30, 1860, id., vol. 52, p. 279, July 4, 1861, id., vol. 53, p. 235, and August 9, 1881, Session Laws, 1877–1881, Chap. 231.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Asa Towne, Amos Towne, Solomon Towne, Moses Lewis, Stephen P. Webster, Samuel Hutchins, William Simpson, Joshua Goodale and Stephen Couch and their associates and successors be and they hereby are incorporated and made a body corporate and politic forever, by the name of the New-Hampshire Iron factory Company, and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution, and do and suffer all other Acts incident to such corporations.—

And be it further enacted that the aforesaid Proprietors shall meet from time to time for the purpose of electing their necessary Officers, and for transacting any other business relating to the object of their incorporation; and every proprietor present or represented at any such meeting shall be entitled to as many votes as he has shares, provided that no person shall in any case be entitled to more than twenty votes. The said Asa Towne and Joshua Goodale or either of them are hereby authorised to call the first meeting of said Proprietors by advertisement in the New-Hampshire Gazette printed at Portsmouth, and also in the Dartmouth Gazette printed at Hanover and in the Palladium printed at Boston, at least three weeks previous to said meeting, at which first meeting the Proprietors shall choose a Clerk who shall be sworn or affirmed to the faithful discharge of his duty, and at the same meeting, or at any subsequent meetings, notified by the Clerk, or in such other way as the Proprietors may agree, they may make and establish such rules and bye-Laws as to them shall seem necessary for the regulation and government of said Corporation:—and may cause the same to be executed and annex penalties to the breach thereof, provided the same are not repugnant to the Constitution and laws of this State—It shall be the duty of the Clerk to record this Act, the rules and bye-laws of this Corporation, and the proceedings of the Proprietors at every regular meeting in a book to be provided for that purpose—

And be it further enacted that the said Proprietors may purchase and hold in fee simple any real estate for the purpose of erecting furnaces, machinery and other buildings, and for effecting the objects of their incorporation, not exceeding the sum of eight thousand dollars—and the said Proprietors are authorised to raise capital stock, not exceeding one hundred thousand dollars, which shall be divided into two hundred shares for the purpose of making and manufacturing bar iron, ironmongery, hardware and any other things which can be wrought from the iron ore which has been or may be discovered in the town of Concord or elsewhere in the County of Grafton in said State.—And the share or shares of any of the Proprietors may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said proprietors—And the Treasurer of said Corporation is hereby empowered to sell at Auction the share or shares of any proprietor who shall neglect to pay any assessments which shall have been made; which sale shall be advertised fifteen days at least in one of the newspapers printed at Portsmouth and also in the newspaper printed at Hanover and in the Palladium printed at Boston; and a deed duly executed acknowledged and recorded as aforesaid from the Treasurer of said corporation to the purchaser, shall be a valid conveyance of such delinquent proprietors share—

And be it further enacted, that the forges, furnaces, machinery, Lands and tenements on which the same may be built, together with the stock wrought or to be wrought, be and the same hereby are exempt from taxation for and during the term of ten years from and after the passing of this Act—

And be it further enacted that the Clerk of said corporation shall at all times exhibit the book or books by him kept, and shall at all times give certificates and certified copies of all records and proceedings of said corporation to any person who may apply therefor, and the said Clerk shall be allowed the same fees for searching, copying and certifying records, that by law are allowed to Registers of deeds and if the Clerk shall neglect or refuse to comply in exhibiting and certifying as aforesaid, he shall forfeit and pay the sum of twenty dollars for each and every neglect or refusal, to be recovered in an action of debt before any Court of competent Jurisdiction for the use of the person suing for the same—



## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE WILLIAM SIMPSON AND HIS ASSOCIATES & THEIR SUCCESSORS, BY THE NAME OF THE PIERMONT TURNPIKE BRANCH.—

[Approved December 21, 1805. Original Acts, vol. 18, p. 126; recorded Acts, vol. 16, p. 147. Session Laws, December, 1805, p. 17.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the said William Simpson and his associates and their successors be, and they hereby are incorporated and made a body corporate and politic, under the name of the Piermont Turnpike Branch, and by that name may sue and prosecute, and be sued and prosecuted to final Judgment and execution—and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

And be it further enacted that the said William Simpson shall call a meeting of said proprietors, by advertisement in the newspaper printed at Hanover in said State, to be holden at any suitable time and place, at least thirty days from the first publication of said advertisement; and the proprietors, by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said office; and shall also agree on a method of calling future meetings, and at the same, or at any subsequent meeting, may elect such officers, and make and establish such rules and bye-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls herein after established;—And the same bye-laws may cause to be executed and annex penalties to the breach thereof; provided the said rules and bye-laws are not repugnant to the constitution and laws of this State—And all representations shall be proved by writing, signed by the person to be represented, which shall be filed with the Clerk; and this Act, and all rules, regulations, and proceedings of said corporation, shall be fairly and truly recorded by the Clerk, in a book or books provided and kept for that purpose—

And be it further enacted that the said corporation are empowered to survey, lay out, make and keep in repair a Turnpike road four rods wide, in such route or track as in the best of their Judgment shall combine shortness of distance, with the most practicable ground, from the Orford turnpike road at Baker's pond in the easterly part of Orford, extending and passing through a part of Orford

and Piermont, until the same shall intersect or form a connexion with the Coos turnpike Road—

And be it further enacted, that in case the proprietors and owners of land through which said road may run, shall not agree on the compensation to be made for said land, the Superior Court of Judicature, holden within and for the County in which the said land lies, upon the application of the said Proprietors, or the owners of such land, the adverse party being duly notified of said Application may appoint a Committee to ascertain the compensation, and issue Execution therefor against said Proprietors in case of non-payment:—Provided nevertheless, that no labor shall be done on said road through the lands of residents, until the said damages so assessed are actually paid or tendered, or such security given as shall be satisfactory to the owner or owners of the land through which the said road shall pass.—

And be it further enacted, that the said corporation may erect and fix so many gates or turnpikes, upon or across said road as will be necessary and convenient to collect the tolls and duties hereinafter granted to said company, from all persons travelling in the same with horses, cattle, carts and carriages.—

And be it further enacted, that it shall and may be lawful for said company to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using said road; the tolls and rates hereinafter mentioned, and to stop any person, riding, leading, or driving any horses, cattle, swine, sheep, sulkey, chair, phaeton, coach, charriot cart, waggon, sleigh, sled, or any other carriage of burden or pleasure, from passing through said gates or turnpikes, until they shall have respectively paid the same:—That is to say, for every mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages, to wit, for every ten sheep or swine, four Mills; for every ten cattle or horses, one cent; for every horse and rider, or led horse, one cent; for every sulkey, chair or chaise, with one horse and two wheels, two cents; for every chariot, coach, stage, phaeton or chaise, with two horses and four wheels, four cents; for every carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart, waggon or other carriage of burden, drawn by one beast, one cent; for each cart, waggon, or other carriage of burden, drawn by two beasts, one cent and an half; if drawn by more than two beasts, one cent for each additional yoke of oxen, or pair of horses; for each pleasure sleigh, drawn by one horse, one cent; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each sled or sleigh of burden drawn by one beast, one cent; if drawn by two beasts one cent and a quarter; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses.—And at all times, when the

toll-gatherer shall not attend his duty, the gate shall be left open—And if any person shall, with his carriage, team, cattle or horses, turn off from said road to pass said turnpike gate on ground adjacent thereto, said ground not being a public highway, with intent to avoid the toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said corporation to the use thereof, in an action of debt, or on the case; Provided that nothing in this Act shall extend to entitle the said corporation to demand toll of any person, who shall be passing with his horse or carriage to or from public worship or funeral, or with his horse team or cattle to or from any mill, or on the common or ordinary business of family concerns within the town where such person resides, nor of any officer or soldier of the Militia under arms, while passing to or from the place of military duty.—

And be it further enacted, that the said corporation are hereby empowered to purchase and hold, for the purpose aforesaid, so much land as will be necessary for said turnpike road; and the share or shares of any of said proprietors, may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said corporation on their records—And the share or shares of any of said Proprietors, may be sold by said corporation for non-payments of assessments duly made agreeably to the bye-laws that may be agreed upon by said corporation—

And be it further enacted, that no toll shall be taken by said corporation for any mile of said road until six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles of said road, nor until the Justices of the Superior Court of Judicature shall adjudge the said road sufficiently made to entitle said corporation to receive said toll.—

And be it further enacted, that said corporation may be indicted for defect of repairs of said road, after the toll gates are erected, and fined in the same way and manner as towns are by law finable for suffering roads to be out of repair, and said fine may be levied on the profits and toll arising or accruing to said corporation—

And be it further enacted, that at the end of every six years, after setting up of any toll-gate as aforesaid, an account of the expenditures of laying out and making said road, and of the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature for the time being, under the forfeiture of the privileges of this grant in future—And if the net profits for the said six years, shall exceed nine per centum per annum, the said Court may reduce the future toll, so far as that it may not exceed nine per centum per annum.—

And be it further enacted, that when the net income of the toll shall amount to the sums which the proprietors have expended on said road, with nine per centum per annum, on such sums so ex-

pended, from the time of their actual disbursements, the said road, with all its rights, privileges and appurtenances shall revert to the State of New-Hampshire, and become the property thereof, to all intents and purposes, anything in this act to the contrary notwithstanding. Provided also, that the State of New-Hampshire may at any time after the expiration of forty years from the passing of this Act, repay the proprietors of said road, the amount of the sum expended by them thereon, with nine per centum per annum in addition thereto, deducting the toll actually received by the proprietors, and in that case, the said road shall to all intents and purposes be the property of the State of New-Hampshire, anything herein to the contrary notwithstanding—

Provided nevertheless, and be it further enacted, that if the said Turnpike, shall in any part be the same with the highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway, anything in this Act to the contrary notwithstanding—

Provided nevertheless, that the Legislature of this State, shall have a right to adopt such measures in future, as shall by them, be considered necessary and expedient to compel the said Proprietors to keep the said road in repair—

And be it further enacted, that if in six years, the said road shall not be completed according to the provision of this Act, every part and clause thereof shall be null and void—

And be it further enacted, that the Clerk of said Corporation shall at all times, exhibit the book or books by him kept, and certificates and certified copies give, of all records and proceedings of said corporation, to any person who shall apply therefor; and the Clerk shall be allowed the same fees, for searching, copying and certifying the records, that by law are allowed to Registers of deeds—And if the Clerk shall neglect or refuse to comply, in exhibiting and certifying as aforesaid, he shall forfeit and pay the sum of twenty dollars, for each and every neglect or refusal, to be recovered in an action of debt, before any Court of competent jurisdiction, for the use of the person suing for the same.



## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE CHESTERFIELD MANUFACTORY.

[Approved December 23, 1805. Original Acts, vol. 18, p. 127; recorded Acts, vol. 16, p. 156. See additional act of June 23, 1809, id., vol. 18, p. 251; also act of June 22, 1831, id., vol. 28, p. 26.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Ebenezer Stearns, Moses Smith, Ebenezer Cheney, Samuel Hamilton, Amasa Makepeace, Enos Farwell, Elnathan Gorham, Peter Phelps, Presson Farwell, Levi Cole, Samuel Gibson, Jonathan Stearns, Joseph Patridge, Jacob Stearns, Joseph Wheelock, John Richardson, Joseph Hill, Abraham Stearns, James Robertson Jun<sup>r</sup> and Phinehas Willard, and their associates and successors be and they hereby are incorporated and made a body corporate and politic forever, by the name of the Proprietors of the Chesterfield manufactory, and by that name may sue and be sued, and may do and suffer all other acts incident to such corporations—

And be it further enacted that the said Proprietors shall meet from time to time for the purpose of electing their necessary officers and for transacting any other business relating to the object of their incorporation, and every Proprietor present or represented at any such meeting, shall be entitled to as many votes as he has shares. The said Moses Smith and Ebenezer Stearns or either of them are hereby authorised to call the first meeting of said Proprietors, by posting up advertisements for that purpose in two public places in the town of Chesterfield, fourteen days previous to said day of meeting, at which first meeting the Proprietors shall choose a Clerk who shall be sworn or affirmed to the faithful discharge of his duty;— and at the same meeting, or at any subsequent meetings, notified by the Clerk, or in such other way as the Proprietors may agree, the Proprietors may make and establish such rules and bye-laws as to them shall seem convenient and necessary, for the regulation and government of said corporation, and may cause the same to be executed, and annex penalties to the breach thereof, provided the same are not repugnant to the Constitution and Laws of this State— It shall be the duty of the Clerk to record this Act, the rules and bye-Laws of said corporation, & the proceedings of the Proprietors, at every regular meeting, in a book to be provided for that purpose—

And be it further enacted that the said Proprietors may purchase and hold in fee simple any real estate for the purpose of erecting buildings and for effecting the objects of this incorporation, not exceeding the sum of Four Thousand Dollars—And the said Proprie-

tors are authorised to raise capital stock, not exceeding four thousand Dollars, which shall be divided into shares, for the purpose of extending the manufactory of cotton yarn, cloth, and woollens as they may judge necessary.—And the share or shares of any of said Proprietors, may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said Proprietors.—And the Treasurer of said Corporation is hereby empowered to sell at Auction the share or shares of any Proprietor who shall neglect to pay any assessment which shall have been made, which sale shall be advertised fourteen days at least, by posting up notifications for that purpose in two public places in the said Chesterfield, and also by advertising the same in one of the newspapers printed at Keene or Walpole the like term; and a deed duly executed, acknowledged and recorded as aforesaid, from the Treasurer of said Corporation to the purchaser, shall be a valid conveyance of such delinquent Proprietors share—

And be it further enacted, that the Clerk shall at all times exhibit the book or books by him kept, and certificates and certified copies give, of all records and proceedings of said corporation, to any person who shall apply therefor, and the Clerk shall be allowed the same fees, for searching, copying and certifying the records, that by law are allowed to Registers of deeds, and if the Clerk shall neglect or refuse to comply, in exhibiting and certifying as aforesaid, he shall forfeit and pay the sum of twenty dollars, for each and every neglect or refusal, to be recovered in an Action of debt, before any Court of competent Jurisdiction, for the use of the person suing for the same.—

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

### AN ACT RESPECTING IDLE PERSONS.—

[Approved December 24, 1805. Original Acts, vol. 18, p. 128; recorded Acts, vol. 16, p. 160. Séssion Laws, December, 1805, p. 43. Laws, 1811 ed., p. 47; id., 1815 ed., p. 228. The act of February 9, 1791, Laws of New Hampshire, vol. 15, p. 691, relating to idiots, is referred to in this act. See acts of February 15, 1791, id., p. 691, June 27, 1809, Session Laws, June, 1809, p. 18, June 21, 1810, Laws, 1815 ed., p. 230, and December 16, 1828, recorded Acts, vol. 16, p. 11. Repealed by act of July 2, 1822, Laws, 1824 ed., p. 172.]

Be it enacted by the Senate and House of Representatives in General Court convened, that when any person by excessive drinking, gaming, idleness, debauchery or vicious habits of any kind, shall so spend, waste or lessen his or her estate, or shall so neglect attending to any lawful or useful calling or business, which he or she may be capable of attending to, as thereby to expose himself or herself, or his or her family, or any of them to want, or suffering

circumstances, or shall by thus spending, wasting or lessening, his or her estate; or by thus neglecting to attend to any lawful or useful calling or business, endanger or expose the town to which he or she belongs, in the Judgment of the Selectmen of the town in which he or she doth reside, to charge or expense, for the maintenance or support of him or her, or of his or her family, or any of them; such Selectmen, or the major part of them, shall, in such case, lodge a Complaint with the Judge of Probate for the County to which the person spending, wasting, or lessening his or her estate, or neglecting any lawful or useful calling or business as aforesaid doth reside.—And if it shall appear to the Judge of Probate, that the person complained of, comes within the description of this Act, and has had due notice of the complaint exhibited against him or her, as the case may be, then and in that case the said Judge of Probate shall appoint the said Selectmen or a major part of them, or some suitable and discrete person or persons, guardian or guardians of such person,—whose duty it shall be immediately to give public notice of their appointment in some Newspaper printed in the County where they may reside, if there be any Newspaper printed in the same County; but if there be not any Newspaper printed in such County, all such Guardians shall give notice as aforesaid in some newspaper printed in a County adjacent, and in all cases shall post up a notification of similar import in the town where such Guardian or Guardians reside, and in two adjacent towns—And no sale or bargain of any real or personal estate, and no contract of any nature whatever, made by such person or persons under guardianship as aforesaid, after the appointment, and during the continuance of such guardianship as aforesaid, shall be held or considered valid in Law.—

And be it further enacted, that the guardian or guardians that may be thus appointed by virtue of this Act, shall, in discharging the duties of their appointment, pursue the same method, and be under similar obligations for a faithful discharge of their trust, as guardians appointed for idiots and distracted persons, by virtue of an Act, entitled “An Act for the relief of idiots and distracted persons.” passed February 9<sup>th</sup> Anno Domini 1791.—

And be it further enacted, that it be the duty of all guardians, who may be appointed by virtue of this Act, to inculcate habits of sobriety and industry, in the persons placed under their charge as aforesaid; and may bind them and their children out to labor, or employ them in the work house in the town where they live, if any there be, provided that every contract made by such guardian or guardians in any of the cases aforesaid, shall be in writing and shall express the term such person is to serve, which shall not exceed one year at a time, but may be renewed, or made for a shorter time, as in the opinion of said guardian or guardians there may be occasion. And it shall be the duty of all such guardians to account for the proceeds income, and profit of all persons thus placed under their

charge, in the same manner, and to be appropriated in the same way as accounts are to be kept, and appropriations to be made of the profits and income of the estate of idiots and distracted persons in the aforesaid Act passed February 9<sup>th</sup> 1791.—

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT TO REPEAL AN ACT MADE AND PASSED JUNE 18<sup>TH</sup> 1802, ENTITLED "AN ACT TO PREVENT THE CIRCULATION AND CURRENCY OF BANK BILLS, OF A DENOMINATION LESS THAN FIVE DOLLARS."

[Approved December 24, 1805. Original Acts, vol. 18, p. 129; recorded Acts, vol. 16, p. 164. Session Laws, December, 1805, p. 56. Laws, 1811 ed., p. 58; id., 1815 ed., p. 505. The act referred to is printed, *ante*, p. 119.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the aforesaid Act and every part thereof, be and the same hereby is repealed.—Provided however that nothing in this act contained, shall be construed to affect any action now pending to recover a penalty by virtue of the aforesaid Act.—

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT TO ANNEX CERTAIN REGIMENTS THEREIN DESCRIBED TO PARTICULAR BRIGADES IN SAID STATE—

[Approved December 24, 1805. Original Acts, vol. 18, p. 130; recorded Acts, vol. 16, p. 165. Session Laws, December, 1805, p. 36. Laws, 1811 ed., p. 8.]

Be it enacted by the Senate and House of Representatives in general Court convened, that the twenty eighth Regiment be and is hereby annexed to the fifth Brigade, that the twenty ninth Regiment be and is hereby annexed to the second Brigade, that the thirtieth Regiment be and is hereby annexed fourth Brigade, that the thirty first Regiment be and is hereby annexed to the fifth Brigade, that the thirty second Regiment be and is hereby annexed to the sixth Brigade, that the thirty third Regiment be and is hereby annexed to the second Brigade, and that the thirty fourth Regiment be and is hereby annexed to the sixth Brigade

And be it further enacted that from and after the passing of this act, the several Regiments therein mentioned constitute part of and do military Duty in the respective Brigades to which they are hereby annexed.—



## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF HINSDALE BRIDGE AND THE SIXTH NEW HAMPSHIRE TURNPIKE CORPORATION."

[Approved December 24, 1805. Original Acts, vol. 18, p. 131; recorded Acts, vol. 16, p. 166. Session Laws, December, 1805, p. 61. The act referred to is dated June 17, 1802, *ante*, p. 87. See acts of June 16, 1806, Session Laws, June, 1806, p. 15, June 11, 1807, recorded Acts, vol. 17, p. 172, June 12, 1812, Session Laws, June, 1812, p. 39, and January 7, 1853, *id.*, November, 1852, Chap. 1362.]

Be it enacted by the Senate and House of Representatives in General Court convened that instead of the rate of toll in and by said Act mentioned, for the purpose of reimbursing said Proprietors the Money by them expended in building and supporting said Bridge a toll be and hereby is granted and established for the benefit of said Proprietors, at said Bridge only and not at the Road, according to the rate following, namely, for each foot passenger, two Cents; for each horse and rider, eight Cents; horse and chaise or sulkey, twenty Cents; for each riding sleigh drawn by one horse, ten Cents; for each riding sleigh drawn by more than one horse, fifteen Cents; for each sled drawn by one beast, six Cents; for each sled drawn by two Beasts, fifteen Cents; for each sled drawn by three beasts, eighteen Cents and three quarters; and for each beast over and above four, four Cents each; for each coach, chariot, phaeton or other four wheel carriage for passengers, thirty one Cents; and for each additional horse, four Cents each; for each curricule, twenty Cents; for each cart or other carriage of burthen drawn by one beast, ten Cents; by two beasts, twenty Cents; by three beasts, twenty five Cents; by four beasts, thirty Cents; and for all over and above, four Cents each; for each horse, jack, mule or neat beast, exclusive of those rode on or in carriages, two Cents each; for sheep or swine one half Cent each; and to each team one person only shall be allowed to pass free of toll:—And the aforesaid shall be the rate of toll at said Bridge, any thing in the Act to which this is an addition to the contrary notwithstanding.

And be it further enacted, that no person shall be allowed to drive more than twenty horses, jacks, mules or neat beasts upon or across said Bridge at one and the same time or in one parcel, unless, in the opinion of the toll gatherer, more than that number can be drove across said Bridge without injury to the same, on the penalty that the person so driving more than twenty as aforesaid, shall forfeit and pay the sum of five Dollars to be recovered in an Action

of Debt by said Corporation, to the use of said Corporation; in any Court proper to try the same.

And be it further enacted, that the Proprietors of said Corporation shall be and hereby are empowered to receive the rate of toll pointed out by this Act for and during the term of five years from the passing of the same, and at the expiration of the said five years, said Proprietors shall make out a true statement of the expences of said Bridge together with a fair and true statement of the toll by them received and lay the same before the Superior Court of Judicature, and if in the opinion of said Superior Court of Judicature said toll is too high they may reduce the same, and if in their opinion said toll is not enough, they are hereby empowered to raise the same, and are also hereby empowered to regulate said toll as they shall think reasonable after the expiration of said five years.

[CHAPTER 24.]

*State of*            }  
*New Hampshire.* }

AN ACT IMPOWERING THE INHABITANTS OF PIERCY IN THE COUNTY OF COOS TO RAISE A TAX ON ALL THE LANDS IN SAID PIERCY, PUBLIC LANDS EXCEPTED, FOR THE PURPOSE OF MAKING A ROAD AND BRIDGES IN SAID PIERCY WHICH ROAD LEADS THROUGH SAID PIERCY TO PORTLAND.

[Approved December 24, 1805. Original Acts, vol. 18, p. 132; recorded Acts, vol. 16, p. 169.]

Whereas a petition has been presented to the General Court by a number of the Inhabitants of Piercy in the County of Coos praying that the lands in said town may be taxed for the purpose aforesaid.— Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that Abner Clark, Elisha Blake and Edward Rowell be and they hereby are appointed a Committee to assess a tax of two Cents on each acre of land in said Piercy, public Rights excepted, counting undivided land at forty acres a right, and the said Committee shall collect the same to be appropriated to the sole use of making and repairing said Road and Bridges and the said Committee shall lay out said Road through said Piercy and make return thereof to the Clerk of the Court of Common Pleas in said County, and the said tax shall be collected in the same way and manner as State taxes assessed on Non-resident proprietors by law are, except, that the list of taxes left with the Deputy Secretary shall remain in his Office till the fifteenth day of September, instead of the first, as by law is otherwise directed.

And be further enacted that the said Committee shall, in the Month of May in the year when said tax is assessed, give public notice in the New Hampshire Gazette and in the News-paper printed at Hanover six weeks successively of the assessment of said tax and of the leave granted to the Resident and Non-resident Owners to work out said tax as hereafter provided.

And be it further enacted that the Owners of land in said Piercy whether Residents or Non-residents shall have the liberty of working out the said taxes on said Road or Bridges in said town as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the rate of seven Cents an hour for every able bodied Man finding his own diet and tools, and for Ox work at the rate of six Cents an hour any time between the first day of June and the fifteenth day of September in the year when the said tax is assessed, and if the said tax is not duly paid or worked out as above provided on or before the fifteenth day of September in the year when such tax is assessed, the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State taxes are by law directed to do.

And be it further enacted, that when any lands are sold at public Auction by virtue of this Act the aforesaid Committee are hereby impowered to give a good and valid deed of the same; and the same time shall be allowed for redemption, and the same mode pursued in redeeming, as in the Case of lands sold for Non-payment of State taxes: Provided that no deed shall be executed until one year after the sale; and the said Committee shall, previous to the Collection of said tax, give Bond in the penalty of fifteen hundred Dollars to the Clerk of the Court of Common Pleas for the County of Coos for the faithful appropriation of the tax aforesaid within two years from the first advertiseing agreeably to the true intention of this Act; which Bond may be sued in any Court Competent to try the same, and one half of the sum recovered shall be for the use of the Proprietors and the other half for the use of the County.

## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING THE INHABITANTS OF WHITEFIELD IN THE COUNTY OF COOS IN SAID STATE TO RAISE A TAX ON ALL THE LANDS IN SAID WHITEFIELD, PUBLIC LANDS EXCEPTED, FOR THE PURPOSE OF MAKING A ROAD FROM LANCASTER, THROUGH SAID WHITEFIELD, TO BETHLEHEM.

[Approved December 24, 1805. Original Acts, vol. 18, p. 133; recorded Acts, vol. 16, p. 173. Session Laws, December, 1805, p. 54.]

Whereas a petition has been presented to the General Court by the Inhabitants of said Whitefield praying that the lands in said Whitefield, public lands excepted, may be taxed for the purpose aforesaid, which petition appearing reasonable:—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that Levi Willard, Stephen P. Webster and Samuel Minot Esquires be and hereby are appointed to direct the Course of a Road, through said Whitefield, from Lancaster to Bethlehem aforesaid

And be it further enacted that Maj<sup>r</sup> John Burns, John M<sup>c</sup>Master and Benjamin Brown be and they hereby are appointed a Committee to assess a tax of two Cents on each Acre of land, public lands excepted, in said Whitefield and the said Committee shall collect the same to be appropriated to the sole use of making and repairing said Road, and the said Committee shall lay out a Road through said Whitefield in such Rout as the said Levi Willard, Stephen P. Webster and Samuel Minot shall direct, and make return thereof to the Clerk of the Court of Common Pleas in said County of Coos, and the said tax shall be collected in the same way and manner as State taxes assessed on Non-resident Proprietors by law are; except that the list of taxes left with the Deputy Secretary shall remain in his Office until the fifteenth day of September, instead of the first day, as by law is otherwise directed.

And be it further enacted that the said Committee shall in the Month of May, in the year when said tax is assessed, give public notice in the New Hampshire Gazette, and in the News-paper printed at Hanover, six weeks successively of the assessment of said tax, and of the leave granted to the Resident and Non-resident Owners to work out said tax as hereafter provided.

And be it further enacted the Owners of land in said Whitefield whether Residents or Non-residents shall have the liberty of working out the said tax on said Road or Bridges in said town as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the



rate of seven Cents an hour for every able bodied man finding his own tools and diet and for Ox work at the rate of six Cents and hour, any time between the first day of June and the fifteenth day of September in the years when said tax is assessed which said tax is to be assessed in two equal assessments, and if said taxes are not duly paid or worked out as above provided on or before the fifteenth day of September in the years when such taxes are assessed, the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State taxes are by law directed to do.

And be it further enacted that when any lands are sold at public Auction by virtue of this Act the aforesaid Committee are hereby empowered to give a good and valid deed of the same, and the same time shall be allowed for redemption and the same mode pursued in redeeming as in the Case of lands sold for the Non-payment of State taxes; Provided that no deed shall be executed until one year after the sale; and the said Committee shall previous to the Collection of said taxes, give Bond in the penalty of one thousand Dollars to the Clerk of the Court of Common Pleas for the County of Coos for the faithful appropriation of the taxes aforesaid within two years from the first advertising agreeably to the true intention of this Act; which Bond may be sued in any Court competent to try the same, and one half of the sum recovered shall be for the use of the Proprietors, and the other half for the use of the County.

## [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE FIRST NEW-HAMPSHIRE COMPANY OF RIFLEMEN.—

[Approved December 24, 1805. Original Acts, vol. 18, p. 134; recorded Acts, vol. 16, p. 177. Laws, 1811 ed., p. 6.]

Be it enacted by the Senate and House of Representatives in General Court convened, that John Bellows, Thomas C. Drew, Nicanor Townsley, Samuel Grant, Isaac Redington, William Pierce, Francis Gardner, Josiah Bellows, Roger Vose, George Sparhawk, Josiah Bellows the second, Noble Orr, James Knapp, Daniel Carlisle, Jonas Fairbank, Almerin Parker, Elisha White, Levi Hubbard Stephen Ormsby, Aaron Graves Junior, Samuel Morrison and Ephraim Stearns and their associates and those who may hereafter join said Company, be and they hereby are incorporated into a body politic, by the name of the first New-Hampshire Company of Riflemen, with continuation and succession forever, and by that name may sue and prosecute, be sued and prosecuted, in all personal actions to final judgment and execution:—and they are hereby vested with all the powers and privileges incident to corporations of a similar

nature, and may enjoin penalties of disfranchisement or fine, not exceeding five dollars for each offence, to be recovered by said Company, in an action of debt to their use in any Court proper to try the same.—

And be it further enacted that the members of said Corporation be and they hereby are empowered and authorised to assemble at Walpole in the County of Cheshire in said State, on the last Wednesday of May annually, to choose all such officers as may be found necessary for the regulation and discipline of said Company, who shall continue in Office for the term of one Year— And the said Company may assemble as often as may be found necessary for the filling up of any vacancies, which may happen in said offices, and for transacting all business, necessary for the well ordering and regulating said Company, excepting the raising of monies, which shall be done at their annual meeting, and at no other time;—at which annual meetings they may vote all necessary sums for defraying the annual expences of said Company.—And the said Company shall have power to make such rules and Bye-Laws for the government of said company, as may from time to time by them be found necessary—Provided the same be not repugnant to the Constitution and Laws of this State—

And be it further enacted, that there shall be annually elected by the Company, and Commissioned by the Governor of this State, upon a certificate for that purpose from the Company, one Captain, two Lieutenants and one Ensign, who shall hold their respective offices for the term of one year next after their election, and until others shall be commissioned and sworn in their room—And the non-commissioned Officers of said Company shall be elected as aforesaid who shall receive warrants from the Commanding Officer of said Company, and shall severally hold their offices for the term aforesaid:—Provided that in cases where a vacancy or vacancies may happen, any person or persons appointed to fill such vacancy or vacancies, he or they so appointed shall hold their respective offices no longer than until the next annual election—And no person shall be eligible to hold the same office for two years in succession—

And be it further enacted that the said Company shall be under the command, and subject to all orders of the Commander in chief of this State, in the same way and manner as the militia of this State now are, or from time to time may be—And the said Company may at any time join with, and do military duty with the Regiment, in which said Company is formed, or in either of the Battalions of said Regiment, and when said Company shall have so formed with the Regiment or battalion, the officers and men of said Company shall be subject to the command of the Field Officers for said day, and be liable to fine and punishment in the same way and manner as companies of militia may be.—

And be it further enacted that John Bellows and Thomas C. Drew, or either of them be and they hereby are authorised to call

the first meeting of said Company, at such time and place as they may judge necessary, by advertising the same in one of the Newspapers printed at Walpole aforesaid, at least fifteen days previous to said meeting, and the said Company at said meeting shall have the same power to choose Officers and make bye-Laws, as they have by this Act, at their annual meeting—

And be it further enacted that no person liable by Law to do military duty in any town or place in this State, be permitted or allowed to enlist or become a member of said Corporation, during such liability.—

[CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT IMPOWERING A COMMITTEE TO RAISE A TAX ON ALL THE LANDS IN WINSLOWS LOCATION IN THE COUNTY OF COOS, PUBLIC LANDS EXCEPTED, FOR THE PURPOSE OF MAKING A ROAD AND BRIDGES IN SAID TOWN WHICH ROAD LEADS FROM NORTHUMBERLAND TO PORTLAND PRAYING THAT THE LANDS IN SAID TOWN MAY BE TAXED FOR THE PURPOSE AFORESAID

[Approved December 24, 1805. Original Acts, vol. 18, p. 135; recorded Acts, vol. 16, p. 239. Session Laws, December, 1805, p. 48. See act of June 25, 1818, id., June, 1818, Chap. 56.]

Be it enacted by the Senate and House of Representatives in General Court convened that Abner Clark, John M. Tillotson and Joseph Dyer be and they hereby are appointed a Committee to assess a tax of three Cents on each Acre of land in said town, public lands excepted, counting undivided lands at forty Acres a Right, and the said Committee shall collect the same to be appropriated to the sole use of making and repairing said Road and Bridges, and the said Committee shall lay out said Road through said town and make return thereof to the Clerk of the Court of Common Pleas in said County of Coos, and the said tax shall be collected in the same way and manner as State taxes assessed on Non-resident Proprietors by law are; except that the list of taxes left with the Deputy Secretary shall remain in his Office till the fifteenth day of September, instead of the first day, as by law is otherwise directed.

And be it further enacted that the said Committee shall in the month of May in the year when said tax is assessed give public notice in the New Hampshire Gazette and in the News Paper printed at Hanover six weeks successively of the assessment of said tax and of the leave granted to the Resident and Non-resident Proprietors to work out said tax as hereafter provided.

And be it further enacted that the Owners of land in said town whether Residents or Non-residents shall have the liberty of work-

ing out the said tax on said Road or Bridges in said town as the said Committee shall direct, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, at the rate of eight Cents an hour for every able bodied Man finding his own diet and tools, and for each yoke of Oxen at the rate of six Cents an hour any time between the first day of June and the fifteenth day of September in the year when the said tax is assessed, and if the said tax is not duly paid or worked out as above provided on or before the fifteenth day of September in the year when such tax is assessed the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State taxes are by law directed to do.

And be it further enacted that when any lands are sold at public Auction by virtue of this Act, the aforesaid Committee are hereby impowered to give a good and valid Deed of the same; and the same time shall be allowed for Redemption and the same mode pursued in Redeeming as in the Case of lands sold for the non payment of State taxes; Provided that no Deed shall be executed until one year after the sale; and the said Committee shall, previous to the Collection of said tax, give Bond in the penalty of eight hundred Dollars to the Clerk of the Court of Common Pleas for the County of Coos for the faithful appropriation of the tax aforesaid within two years from the first advertising agreeably to the true intention of this Act; which Bond may be sued in any Court competent to try the same, and one half of the sum recovered shall be for the use of the Proprietors, and the other half for the use of the County.—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

### AN ACT TO ANNEX PART OF THE TOWN OF LONDONDERRY TO THE TOWN OF WINDHAM

[Approved December 25, 1805. Original Acts, vol. 18, p. 136; recorded Acts, vol. 16, p. 181. Session Laws, December, 1805, p. 34.]

Wheras a part of the inhabitants of the Town of Londonderry have petitioned the General Court praying that the lands which are exempted out of the Charter of Windham to Londonderry may be Disannexed from Londonderry and Annexed to the Town of Windham the prayer of which Appearing reasonable

Therefore

Be it enacted by the Senate and House of Representatives in General Court Convened that the Exempted lands aforesaid with the inhabitants thereon be annexed to the Town of Windham and to Constitue a part thereof—and that the inhabitants of said Territory



shall do the same duties and enjoy the same privileges as the other inhabitants of the said Town of Windham any thing in the Act of incorporation to the Contrary notwithstanding—And be it further enacted that this act shall take effect on the first day of February next

[CHAPTER 29.]

*State of* }  
*New Hampshire.* }

AN ACT FOR REGULATING THE MANUFACTURE AND SALE OF BREAD

[Approved December 25, 1805. Original Acts, vol. 18, p. 137; recorded Acts, vol. 16, p. 182. Session Laws, December, 1805, p. 33. Laws, 1811 ed.; p. 43; id., 1815 ed., p. 441; id., 1830 ed., p. 239. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas it is expedient that so necessary an article of Consumption as Bread shou'd be so far regulated, that the Citizens of this State might not be exposed to fraud as to the weight of Bread; and as it is highly reasonable that Bread like evry other Article of Commerce or Manufacture, shou'd be sold by some common Standard. easily discernible by the purchaser

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in general Court convened that from and after the first day of March next all soft Bread, whether baked in Loaves, or Biscuit which shall be exposed to Sale by any Baker or other person shall be sold by weight

Section 2 Be it further enacted That all soft Biscuit which shall hereafter be offered for Sale shall weigh four or eight ounces and all Loaves of soft Bread shall be of some one of the following Weights Viz a half of one pound one, two, three or four pounds—and each and evry soft Biscuit and Loaf shall be markd with the Initials of the Bakers Christian Name and his Sername at length and the weight of such Biscuit and Loaf And if any Baker or other Person shall offer for Sale any soft Biscuit or loaves which shall not severally be mark'd and conform to one of the weights before-mentioned he shall forfeit and pay ten dollars to be recovered by action of debt before any justice within and for the County where such offense shall happen by any person who shall sue for the same together with legal Costs—one half of the penalty aforesaid to be to his own use—and the other half to the use of the poor of the Town where such Baker resides—

## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE HILLSBOROUGH TURNPIKE INCORPORATION PASSED DECEMBER 13<sup>TH</sup> 1804

[Approved December 25, 1805. Original Acts, vol. 18, p. 138; recorded Acts, vol. 16, p. 184. Session Laws, December, 1805, p. 32. The act referred to is printed, *ante*, p. 363.]

Whereas the proprietors of said Turnpike have petitioned the General Court praying for leave to erect a bridge across Merrymack river in such place as said Turnpike shall intersect said river, and to establish a rate of Tolls similar to that of other bridges over said river in that vicinity which prayer appearing reasonable—

Therefore

Be it enacted by the Senate and house of Representatives in General Court Convened That the said proprietors be and they are hereby authorised to erect, keep in repair, and maintain a bridge over Merrymack river in the aforesaid direction, provided that said bridge shall not be erected within the limits of any bridge already made, or granted, or ferry that has been heretofore granted on said river.

And be it further enacted That for the purpose of reimbursing the said proprietors the money expended by them in building and supporting said bridge, a toll be, and is hereby granted and established for the benefit of said proprietors according to the rates following—namely for each foot-passenger one cent; for each horse and rider four cents; Sleigh with one horse six cents: Sleigh with two horses ten cents: Chaise, Chair, or Sulkey ten cents: Waggon, Cart, or sled with two beasts twelve cents & a half: each additional beast three cents: Sheep or swine one half cent: Led-horse or neat creature one and a half cent: Curricule or Pheaton twelve & a half cents: Chariot or coach with two horses twenty cents: with four horses twenty five cents: Cart with one horse Six Cents: and to each team, one person and no more as a driver to pass free of Toll.

And be it further enacted that said corporation may be indicted for defect of repairs of said bridge after the toll gate is erected, and fined in the same way and manner as towns are by Law finable for suffering roads and bridges to be out of repair, and said fine may be levied on the profits and tolls arising or accruing to said proprietors

## [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT TO DIVIDE THE FIRST REGIMENT OF MILITIA IN SAID STATE.—

[Approved December 26, 1805. Original Acts, vol. 18, p. 139; recorded Acts, vol. 16, p. 186. Session Laws, December, 1805, p. 40. Laws, 1811 ed., p. 8.]

Be it enacted by the Senate and House of Representatives in General Court convened that the first, second and fifth companies in the town of Portsmouth, shall form a first battalion, that the third, fourth and sixth companies in the said town of Portsmouth shall form a second battalion, which shall constitute the first Regiment:— That the companies in the towns of New Castle Rye and Greenland shall form a first battalion, and the companies in the towns of Newington and Stratham shall form a second battalion, which shall constitute the thirty fifth Regiment, any Law to the contrary notwithstanding—

And be it further enacted that the said Thirty fifth Regiment shall be annexed to, and be a part of the first Brigade of Militia of said State—

## [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO REGULATE THE INSPECTION OF BEEF & C.

[Approved December 26, 1805. Original Acts, vol. 18, p. 140; recorded Acts, vol. 16, p. 187. Session Laws, December, 1805, p. 39. Laws, 1811 ed., p. 43; id., 1815 ed., p. 438. The act referred to is dated June 18, 1802, *ante*, p. 108. Repealed July 5, 1826, Laws, 1830 ed., p. 235.]

Be it enacted by the Senate and House of Representatives in General Court convened. That from and after the passing of this act, the Inspector or Deputy Inspector Shall & may be authorised to brand and designate a Sort or quality of Beef, to be denominated Cargo N<sup>o</sup> 3, in addition to the qualities pointed out in the Act to which this is an Amendment; Cargo N<sup>o</sup> 3 shall consist of all neat Cattle, weighing two hundred and upwards not before described and included in the former N<sup>os</sup> or qualities; each Barrel shall consist of pieces of Beef of an average quality of the Creature, including one neck, four shanks, Leg rands and shoulder-clods selected from Mess and Cargo N<sup>o</sup> 1.—

Be it further enacted, that all Beef, packed and Branded N<sup>o</sup> 3 shall contain the same weight, & subject to the regulations, and provisions which by law is already established for Inspecting Beef.—

[CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT TO ESTABLISH THE PAY OF BRIGADE INSPECTORS IN THIS STATE

[Approved December 27, 1805. Original Acts, vol. 18, p. 141; recorded Acts, vol. 16, p. 188. Session Laws, December, 1805, p. 36. Laws, 1811 ed., p. 8.]

Be it enacted by the Senate and House of Representatives in General Court Convened that from and after the passing this Act the several Brigade Inspectors shall be allowed for their services as follows—Viz for Inspecting each Rigement or Battalion separately—excepting the Regiment in which he resides and has his home two Dollars—and for each mile of actual and necessary travel to do said duty eight cents and for making out to the Adjutant General the return of the Brigade by him Inspected one Dollar

[CHAPTER 34.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF "THE BAND OF MILITARY MUSICK OF THE TWENTIETH REGIMENT."—

[Approved December 27, 1805. Original Acts, vol. 18, p. 142; recorded Acts, vol. 16, p. 189.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Abel Cole, Clement Trowbridge, Samuel Bailey, Abiather Shaw jun<sup>r</sup>, Charles Church Jun<sup>r</sup> Prosper Boothe, Martin Doyle, Abiather Dean Jun<sup>r</sup> Horatio Dean, Martin Cole, Alpheus Langley, Isaac Colb and Silvester Carpenter and their associates, members of said Band, and all such as may hereafter become members of the same be, and they are hereby incorporated into a body politic by the name of "The Band of Military musick of the twentieth Regiment."—with continuance & succession forever—and in that name may sue and be sued in all actions personal, and may prosecute and defend the same to final Judgment and Execution—and are hereby vested with all the powers and privileges incident to corporations of a similar nature—and may enjoin



penalties of disfranchisement or fine not exceeding four dollars, to be recovered by said Society in an action of debt to their use in any Court proper to try the same—and they may make, purchase and receive subscriptions donations and grants of personal estate, not exceeding the sum of Five hundred Dollars for the purpose and use of their association

And be it further Enacted that the said association which shall at no time consist of more than Sixteen persons be and they are hereby authorised to assemble at any suitable place within the limits of the said Twentieth Regiment, on the first tuesday of May annually, to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others shall be chosen in their room—and that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting all other business, except the raising of monies, which shall be always done at the annual meeting, and at no other time, at which time they may vote all necessary sums for defraying the necessary expences of said corporation.

And be it further Enacted that said Corporation shall have power to make such rules and bye-Laws for the government of said Corporation, as may from time to time by them be found necessary—Provided the same be not repugnant to the Constitution and Laws of this State—and the said Abel Cole and Clement Trowbridge or either of them are hereby authorised and empowered to call the first meeting of said corporation, at such time and place as they may appoint, by advertising the same three weeks in one of the Newspapers printed at Walpole—And the said members at said meeting shall have the same powers, as by this Act they have at their annual meeting—

And be it further Enacted that the said Corporation and each individual member thereof, shall be under the direction and controul of the Field Officers of the said Twentieth Regiment, and subject to all such orders and commands of the said officers or either of them, as the officers and soldiers of the Militia now are or from time to time may be—And the members of said corporation shall be subjected to no other military duty than that of Musicians—And no more than one thirteenth part shall enlist out of any Company of militia of said Regiment into said Band, without the consent of the Commanding Officer of such company in writing, and filed by the Clerk of said corporation—

## [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT, EMPOWERING THE INHABITANTS OF THE TOWN OF COCKBURN IN THE COUNTY OF COOS, TO RAISE A TAX OF THREE CENTS ON EACH ACRE OF LAND IN SAID TOWN, PUBLIC RIGHTS EXCEPTED, FOR MAKING A NEW ROAD, LEADING EASTERLY TO INTERSECT THE ROAD LEADING FROM COLEBROOK TO ERROL AND REPAIRING THE OLD ROAD AND BUILDING BRIDGES THEREON—

[Approved December 27, 1805. Original Acts, vol. 18, p. 143; recorded Acts, vol. 16, p. 193. Session Laws, December, 1805, p. 37.]

Whereas, a petition has been presented to the General Court, praying for a tax of three Cents on each Acre of land in said Cockburn, public rights excepted, for the purpose of building Bridges and making roads therein which prayer appearing reasonable—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened that the Select Men of said Cockburn for the time being, be and hereby, are Authorised and directed, within two years from the passing of this Act, to assess and appropriate to the purpose aforesaid, a tax of three Cents on each Acre of land in said Cockburn, public rights excepted.—

And, be it further enacted, that said tax be appropriated to making the roads and building the Bridges aforesaid as the Select Men, may think proper, and the same shall be Collected, in the same way as, State taxes. on the Lands of non-residents, by law are, (excepting the Copy of said assessment shall be left with the Deputy Secretary, until, the fifteenth day of September, instead of the first day, as is by law directed,) excepting, also that the Select Men shall be the Collectors of said tax.—

And, be it further enacted, that the Select Men shall in the month of May in the year when said tax, shall be assessed give public notice in the New-hampshire Gazette, and in the Dartmouth Gazette, printed at Hanover, three weeks successively, of the assessment of said tax, and leave granted to the residents and nonresident owners to work out said tax, as is herein after provided.—

And, be it further enacted, that the owners of lands, in said Cockburn either residents, or nonresidents, shall have the liberty to work out said tax, on the Highways and Bridges, in said Cockburn, as said Select Men shall direct, whose duty it shall be, to superintend the same, or appoint some suitable person, for that purpose, and such owners of lands so assessed, shall be allowed, for their labor, (as follows,) eight Cents per hour, for every able bodied man, finding his own tools and diet, and six Cents per hour, for every

yoke of oxen—provided, said labor shall be performed, before the fifteenth day of September next, after such public notice herein, before directed have been given.—

And be it further enacted, that if the owners of Lands, or either of them, shall neglect, to pay the sum, so assessed on their Lands, in money or in labor, as aforesaid, untill said, fifteenth day of September, the Select Men, shall then proceed, to collect of every delinquent, owner the sum so assessed on his lands in the same way and manner as Collectors of State taxes, are by law directed to do—

And, be it further enacted by the Senate and House of Representatives in General Court Convened, that when any Lands, are sold by virtue of this Act at public vendue the said Select Men, are hereby empowered, to give a good & valid Deed or Deeds, of the same, and the same time shall be allowed for redemption, and the same mode for redeeming such lands, and the redemption shall make such sale or vendue, void in the same manner, as is provided by law, in cases, where lands are sold, for nonpayment of State taxes: Provided however, that no such Deed, shall be given, untill one year after the time of sale—

And, be it further enacted, that the Select Men shall before they proceed to collect said tax, make out their Bond in which, they shall be jointly and severally Bound, to the Clerk of the Court of Common Pleas, in the County of Coos in the sum of Two thousand Dollars, conditioned, for the faithful performance of all the duties, required by Virtue of this Act, which Bond in case said Select Men shall not perform said duties may be sued, in any Court Competant to try the same, and judgment may be rendered thereon, for the whole penalty, and one half of the sum recovered, shall be for the use of the Proprietors, suing for the same, and the other half, for the use of said County: any law to the Contrary, notwithstanding

## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE LONDONDERRY TURNPIKE INCORPORATION

[Approved December 27, 1805. Original Acts, vol. 18, p. 144; recorded Acts, vol. 16, p. 197. Session Laws, December, 1805, p. 29. The act referred to is dated June 20, 1804, *ante*, p. 274. See also act of December 20, 1805, *ante*, p. 436; and act of June 12, 1807, Session Laws, June, 1807, p. 14.]

Be it enacted by the Senate and House of representatives in general Court convened that in all cases when the owners of any lands through which said Turnpike may pass are unknown to the said proprietors and likewise where there are minors, or oth rs holding

lands in common the said proprietors may enter and make said road and the Treasurer of said Corporation shall be responsible for said damages when demanded of him and on refusal shall be liable to an action of debt for the recovery thereof

## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A SOCIETY IN WALPOLE, BY THE NAME OF THE WALPOLE MECHANIC SOCIETY.

[Approved December 27, 1805. Original Acts, vol. 18, p. 145; recorded Acts, vol. 16, p. 198.]

Whereas Samuel Grant, Nicanor Townsley, and others have petitioned to be incorporated into a Society by the name of the Walpole Mechanic Society, for the purpose of promoting and aiding Manufactures and the Mechanic Arts.

Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Grant, Nicanor Townsley, and others, their associates, be, and hereby are made and constituted a body politic and corporate, with power to sue and be sued; and to exercise and enjoy all the privileges incident to a Corporation, to choose such officers as they may think proper, and have a common seal, whereby their doings may be authenticated; to establish funds for the promotion of the purposes of their institution, and to do and transact any matter or thing in the premises.

And be it farther enacted that Samuel Grant Esq. be authorised to call the first meeting of said Society to organise under this act, and that at such meeting such rules and orders for the regulation thereof be entered into as are consistent with this Act.

## [CHAPTER 38.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE HANOVER AQUEDUCT—

[Approved December 28, 1805. Original Acts, vol. 18, p. 146; recorded Acts, vol. 16, p. 199.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Nathan Smith, John Hubbard, Benjamin J. Gilbert, James Wheelock, and their associates and successors, be, and they hereby are incorporated and made a body cor-



porate and politic forever, under the name of The proprietors of the Hanover Aqueduct; and by that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be and hereby are vested with all the powers and privileges which are by law incident to corporations of a similar nature.—

And be it further enacted, That John Hubbard Esq. or Benjamin J Gilbert Esq<sup>r</sup> before named shall call a meeting of said proprietors by advertisement in the Dartmouth Gazette, to be holden at any suitable time and place after thirty days from the first publication of said advertisement: And the proprietors by a vote of a majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases, shall choose a clerk who shall be sworn to a faithful discharge of the duties of said office: and shall agree on a method of calling future meetings; and at the same time, or at any future meetings may elect such officers and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for securing, manageing and improving the interests thereof, and for carrying into effect the purposes by this act intended; and the same by-laws may cause to be executed, and annex penalties to the breach thereof; provided the said rules and by-laws are not repugnant to the constitution and laws of this State; and all representations at any meeting of said corporation shall be proved by writing, signed by the person to be represented; which shall be filed with the clerk, or recorded in a book or books provided and kept for that purpose.—

And be it further enacted, That said corporation shall have power to purchase and hold in fee simple, or otherwise, so much land as may be sufficient to enable them to convey to College-Plain so called in Hanover by means of an Aqueduct, the water from Mink brook, so called, in said Hanover, or from any spring or springs of water in the neighborhood of, and not more than three miles distant from Dartmouth college, and to secure to them the exclusive right to such springs.—

And be it further enacted, That said corporation shall have power to convey the water from any such spring or springs or from said Mink brook to said College-plain, and there to distribute the same, by means of an aqueduct and cisterns. to be by them built for that purpose: provided the land upon which said aqueduct and cisterns are built is owned by said corporation, or the owners of such lands shall have previously consented thereto.—

And be it further enacted, That the share or shares of any of said proprietors may be transferred by deed duly executed and acknowledged and recorded by the clerk of said proprietors on their records; and the share or shares of any proprietors may be sold by said corporation on nonpayment of assessments duly made agreeable to the by-laws that may be agreed upon by said corporation.—

## [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING SCHOOL-DISTRICTS TO BUILD AND REPAIR  
SCHOOL HOUSES AND REGULATING SCHOOLS—

[Approved December 28, 1805. Original Acts, vol. 18, p. 147; recorded Acts, vol. 16, p. 203. Session Laws, December, 1805, p. 45. Laws, 1811 ed., p. 50; id., 1815 ed., p. 366. See acts of December 13, 1804, *ante*, p. 350, June 18, 1807, recorded Acts, vol. 16, p. 421, December 22, 1808, Laws, 1815 ed., p. 368, and June 30, 1825, recorded Acts, vol. 27, p. 74. Repealed July 6, 1827, Laws, 1830 ed., p. 432.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the several Towns and places within this State, be, and they hereby are respectively empowered at any legal meeting for that purpose, to divide into School Districts, and to define the limits thereof, and the same, from time to time to alter in such manner as shall be thought fit and convenient—And a record of such division and alteration shall be made in the Clerks Office of such town or place within three months after any such division or alteration shall have taken place—And no person shall have a right to send to, or receive any benefit from any School in a district where he is not a resident without the consent of such district—

And be it further enacted, That the inhabitants of the several School-districts whose limits are, or shall be defined as aforesaid, qualified to vote in town affairs, be, and they hereby are empowered, at any meeting called in the manner hereinafter prescribed, to raise money for the purposes of erecting, repairing or purchasing, a School house, in their respective districts, and of necessary utensils for the same; to determine in what part of the district to erect said School-house; to choose a Committee to superintend the building and repairing of Said School house or for purchasing the same, and to choose a clerk, who shall be sworn to a faithful discharge of the duties of his office; whose duty it shall be to make a fair record of all votes passed at any meeting of the district, and to certify the same when required; & the money raised as aforesaid shall be assessed and collected in the manner as is herein after provided—

And be it further enacted, That for the purposes aforesaid, every person shall be taxed in the district in which he lives for all the estate he holds in the town, being under his own actual improvement, and all other of his real estate in the same town, shall be taxed in the district in which it is included; and lands when the owner thereof lives without the town, shall be taxed in such district as the Selectmen, having regard to the local situation thereof, shall appoint; and it shall be the duty of the

Selectmen before they assess a tax for any district, to determine in which district such lands respectively shall be taxed, and to certify in writing their determination to the Clerk of the town, who shall record the same and such land while owned by any person residing without the limits of the town, shall be taxed in such districts untill the town shall be districted anew, Provided however, that all the lands within any town owned by the same person not living therein, shall be taxed in one and the same district, And the Select men shall assess in the same manner as town taxes are assessed on the polls and estates of the inhabitants composing any School-district, defined as aforesaid, and on lands in said town, belonging to persons living out of the same which the Select men shall have directed to be taxed in such district, all monies voted to be raised by the inhabitants of such district for the purposes aforesaid, in thirty days after the Clerk of the district shall certify to said Selectmen the sum voted by the district to be raised as aforesaid. And it shall be the duty of said Selectmen to make a warrant directed to one of the collectors of the town to which such district belongs, empowering and requiring said Collector to levy and collect the tax so assessed, and to pay the same within a time limited in said warrant, to the Treasurer or Selectmen of the town, to whom a certificate of the assessment shall be made by the assessors. And the money so collected and paid shall be at the disposal of the committee of the district, to be by them applied for the building, repairing, or purchasing, of a school house in the district to which they belong—And such collector in collecting such tax, shall have the same powers and be holden to proceed in the same manner as is by law provided in collecting town taxes—

And be it further enacted, that the Treasurer or Selectmen of any town to whom a certificate of the assessment of a district tax shall be transmitted as aforesaid shall have the same authority to enforce the collection and payment so assessed and certified, as if the same had been voted to be raised by the town for the towns use—

And be it further enacted, That it shall be the duty of the Selectmen of the several towns and places divided in school districts as aforesaid, upon application made to them, in writing, by three or more freeholders resident within any School district in their respective towns to issue their warrant directed to one of the persons making such application, requiring him to warn the inhabitants of such district, qualified to vote in town affairs, to meet at such time and place in the same district, as the Select men shall in their warrant appoint; and the warning aforesaid shall be by notifying personally every person in the district qualified to vote in town affairs, or by leaving at their usual places of abode, a notification in writing, expressing therein the time, place and purpose of the meeting, ten days, at least, before the time appointed for holding the same: and any vote to raise money passed by a majority of the inhabitants

of any School district present at any district meeting holden pursuant to this act shall be obligatory on the inhabitants of said district to be assessed, levied and collected as prescribed in this Act—

And be it further enacted, That if the inhabitants of any School district cannot agree where to erect a School house for the accommodation of the same, the Selectmen of the town to which such district belongs, upon application made to them by the Committee of the district are hereby authorized and empowered to determine on the place where a School house, for the use and Accomodation of the district, shall be erected—

[CHAPTER 40.]

*State of* }  
*New Hampshire.* }

AN ACT TO PREVENT DAMAGE WHICH MAY BE DONE BY LUMBER TO OWNERS OF LAND LYING ON AND ADJOINING ANY RIVER IN THIS STATE.—

[Approved December 28, 1805. Original Acts, vol. 18, p. 148; recorded Acts, vol. 16, p. 208. Session Laws, December, 1805, p. 41. Laws, 1811 ed., p. 44; id., 1815 ed., p. 397; id., 1830 ed., p. 188. This act repeals the acts of January 4, 1792, Laws of New Hampshire, vol. 5, p. 839, June 17, 1794, id., vol. 6, p. 187, and June 14, 1800, id., p. 641. It was partially repealed by the act of June 10, 1808, Laws, 1815 ed., p. 399, and was later revived by the act of January 3, 1829, id., 1830 ed., p. 190. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the fifteenth day of April next, if any lumber, such as spars, masts, or logs of any kind which have been, or may be put into any river in this State, or into any stream running thereinto, and that may be by the waters thereof carried or lodged upon any improved land adjoining the same, and which may not be taken away by the owner or owners, his or their agent or agents, on or before the first day of May annually, it shall and may be lawful for the owner or owners of such land to detain in his or their possession, all such masts, spars, and other lumber, until the owner or owners thereof, his or their agent or agents pay the owner or owners of the land so incumbered, all the damage sustained by reason of said lumber lying on his or their land as aforesaid. And in case the owner or owners of such incumbrance, or his or their agent or attorney, and the owner or owners of land so incumbered, shall not agree upon the damage sustained as aforesaid, the selectmen of the town where such land lies, or the major part of them, not being interested, shall adjust the same; but if a major part of such selectmen shall be interested, in that case any three justices of the peace in the county where such land lies, not interested, or a major part of them, shall adjust



the said damage done as aforesaid, which adjudication shall be final and conclusive between the parties—

And be it further enacted; That if such incumbrance shall not be removed by the owner or owners thereof, or his or their agent or agents, on or before the first day of November annually, then the owner or owners of such land so incumbered may take all such incumbrance, and convert the same to his or their own use—Provided always, that when the owner or owners of any such spars, masts, and other lumber as aforesaid shall have paid the damage with Cost as aforesaid, the owner or owners of all such lumber shall have liberty to remove the same from all such lands, any time between the said first day of November and first day of May then next; any law, usage or custom to the contrary notwithstanding.

And be it further enacted, That if any person or persons shall stop any masts, spars or logs, and confine them in any place so as to prevent the same from floating down any river or stream as aforesaid, that are or shall be marked with any owner's name or mark, or destroy, make use, or dispose of the same, or cut out, or deface any mark as aforesaid otherwise than such as may become forfeit as provided in this act, he shall forfeit and pay to such owner or owners six times the value of said lumber, to be recovered in any court proper to try the same.—

And be it further enacted, That an act entitled “an act to prevent damage which may be done by lumber to the owners of land lying on and adjoining Connecticut river and Merrimac river, passed January the fourth one thousand seven hundred & ninety two—and an act in addition to and amendment of said act passed June the seventeenth one thousand seven hundred and ninety four—also the act in addition to and amendment of said last mentioned act; passed June the fourteenth one thousand eight hundred, be, and they hereby are repealed—

## [CHAPTER 41.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE AN ACADEMY AT DOVER, BY THE NAME OF THE FRANKLIN ACADEMY—

[Approved December 28, 1805. Original Acts, vol. 18, p. 149; recorded Acts, vol. 16, p. 211.]

Whereas William K. Atkinson, Henry Mellen, John Wheeler, Oliver Crosby, Joseph Smith, Nathaniel W. Ela, Edward Sise, William Hale, Abraham Duncan, Amos Cogswell, William Twombly, Ezra Green and Samuel Hale have petitioned the General Court, representing that an Academy at Dover would be of public utility:—  
Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that there be and hereby is established at Dover in the County of Strafford in said State, An Academy by the name of the "Franklin Academy" and the end and design of said Institution is and shall be, to promote, religion, piety, virtue and morality and for teaching and instructing youth in the english Latin and Greek languages—in writing, music painting and the art of Speaking—in Geography, logic, geometry, mathematics and such other Branches of science, as opportunity may Permit and the Trustees, herein after to be provided, shall order and direct.—

And, be it further enacted that William K. Atkinson, John Waldron, Henry Mellen, John Wheeler, Oliver Crosby, Daniel Henderson & Samuel Hale, be and they hereby are nominated and appointed Trustees and Overseers of said Academy, and they are hereby erected and incorporated into a body politic by the Name of the Trustees of the Franklin Academy and they and their successors in said Office—Shall be and Continue a body politic and Corporate and by that name have continuance and duration forever.—

And, be it further enacted that the said Trustees and their Successors shall have one common Seal, for their use, which they may break, change or renew at pleasure—and they may sue and be sued, prosecute and defend, in all actions real, personal and mixed, and the same pursue to final Judgment, execution, settlement & full satisfaction as other like Corporations, may, can or ought to do.—

And be it further enacted that the said Trustees and their Successors, elected and chosen as hereafter provided, shall be the true and sole visitors, trustees and governors of said Academy in perpetual succession forever, with full power and Authority from time to time and at all times, to elect such Instructors, officers and Servants of said Academy as to them and their successors may seem most fit and convenient.—And at any legal meeting to elect and choose by ballot such and so many other reputable persons for Trustees of said Academy as they shall Judge to be necessary and convenient: Provided the number of said Corporation, shall at no time exceed ten: And if it shall so happen at any time, that the number of said Corporation shall be less than seven, it shall be their duty to call a meeting as soon as may be and elect by ballot one or more suitable persons to compleat said number of seven at least.—

And said Corporation shall have power and Authority, at any time to make such rules, orders and by-laws for the good government of said Academy, as they may find necessary, provided they be not repugnant to the Constitution or laws of this State: All which rules orders and by-laws shall be observed by the Instructors and other Officers of said Academy, and the Students and servants thereof upon the penalties therein mentioned and contained—

And said Corporation are hereby authorised from time to time and at all times to supersede and remove any member of said Corporation, or any teacher, instructor, officer student or servant, thereof, as occasion may require: and appoint others in their room and stead.—

And be it further enacted that said Board of Trustees and their successors in said Office be and they are hereby invested with full power and authority in law, to take, receive and hold by gift, grant, purchase, devise or otherwise agreeably to law—any estate real personal and mixed not exceeding Twenty Thousand Dollars in value for the use, benefit and emolument of said institution; and the same to sell, dispose of and convey by Deed or other legal mode of conveyance, or lease rent and improve the same and the income, profits, proceeds and avails thereof, to lay out and dispose of, to the best, advance of said Institution.—

To have and to hold said privileges and immunities to said Corporation, their successors and assigns, for the use, benefit and emolument of said institution, and, the enfranchisements, herein mentioned and agreeable to such terms conditions, limitations, intentions and designs of those who may hereafter become, benefactors of the same as expressed in any Deed or other instrument of conveyance to be made, for that Purpose.—

And, the said William K. Atkinson, and John Wheeler, or either of them are hereby Authorised and empowered to call the first meeting of said Corporation, at such time and place as they may appoint, by advertising the same three weeks in the Newspaper, printed at Dover—at which meeting and any other, the said Trustees and their successors may agree upon and establish, a method of calling, meetings, establish modes, for their proceedings and manner of keeping their records.—

## [CHAPTER 42.]

*State of* }  
*New Hampshire.* }

### AN ACT TO SECURE TO MASTERS AND APPRENTICES BOUND BY DEED OR INDENTURE THEIR MUTUAL PRIVILEGES—

[Approved December 28, 1805. Original Acts, vol. 18, p. 150; recorded Acts, vol. 16, p. 216. Session Laws, December, 1805, p. 50. Laws, 1811 ed., p. 55; id., 1815 ed., p. 370; id., 1830 ed., p. 175. Repealed by act of December 23, 1842. Revised Statutes (1842), Chap. 230.]

Sec<sup>t</sup> 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, That minors of the age of fourteen years or upwards, may be bound by Deed or Indenture, as apprentices to the age of twenty one years, by their Father, or in case of his decease by their mother or Guardian having the minors

consent expressed in the Indenture. And any minor having no father, mother or Guardian, may by deed or Indenture bind himself, with the approbation of the Selectmen, or the Overseers of the poor, or a major part of them of the town where said minor belongs,—*Provided*, that in every case, there shall be two indentures of the same tenor and form, executed by both, one to be kept by each party. And where any are bound by the Selectmen or overseers of the poor, they shall express their approbation thereon and sign the same. And all Contracts which shall be made by any Parent, Guardian Selectmen or Overseers, or by any minor, for himself, pursuant to this Act, shall be good and effectual in Law, against all parties—

Sec<sup>t</sup> 2<sup>d</sup> Be it further enacted, That if any apprentice bound as aforesaid shall depart from the service of his said Master, it shall be lawful for the master of said Apprentice, to empower any and all persons, (by giving public notice in any Newspaper, or by posting up advertizments in public places) to apprehend, detect and bring back said Apprentice, to the place of his duty; in which case the necessary expence shall be defreyed by the said Master, to be recovered by him of said Apprentices Parent, or Guardian, together with the reasonable damage he may have sustained by said apprentices absconding or leaving his service, and the same shall be a proper article of charge in his Guardianship account—

Sec<sup>t</sup> 3<sup>d</sup> Be it further enacted, That it shall be the right and duty of all Parents and Guardians, Selectmen or Overseers, as the case may be to enquire into the usage of such minors and defend them from the cruelties, neglects, or breaches of Covenant of the said Master; and such parents, Guardians, Selectmen, or overseers, in case of breach of the Contract as above, may Complain to any Justice of the peace in said County. of any personal Cruelty, ill usage, neglect or breaches of Covenant, and the Justice after having duly notified the parties, shall proceed to hear and determine such complaints, And if the complaint shall be supported the Court may render Judgment, that the said minor be discharged from the obligation and service of his said master, and the said master to pay costs of Court and all damage the said apprentice may in the judgment of the Court have sustained from any cruelty, ill usage, or neglect of his said master, or from any personal abuse of the master, or from others the said master may have countenanced in abusing said apprentice, and execution may be issued accordingly—But if said complaint shall not be supported, the Court shall award costs to the respondent—

Sec<sup>t</sup> 4<sup>th</sup> And be it further enacted, That in case any apprentice shall lay violent hands on, strike, or violently abuse his said master, his master on complaint may have him tried before some Justice of the peace of said County, and if it shall be made to appear, that said apprentice is guilty in manner and form as shall be represented



to said Court, said Apprentice, his parent or guardian, shall pay all damages his said Master, may have sustained, by any such abuse, violence or injury, and Costs of Court, And any such conduct may acquit the said master from all obligations he may be under to said apprentice, his parent or Guardian, if the master chooses to give up the indenture which he has entered into with the parties—

Sect. 5<sup>th</sup> And be it further enacted, That if any apprentice bound as aforesaid shall be guilty of any gross missbehavior, willful neglect, or refusal of his duty, and persist therein, after being suitably remonstrated with by his said master, he the said master may complain thereof to any Justice of the Peace in said County whereof he is an inhabitant, and the said Justice after duly notifying said apprentice, and all persons covenanting on his behalf, shall proceed to hear and decide on such complaints, and if the said complaint shall be supported, he may render judgment that the master shall be discharged from the contract or covenant he may be under to said apprentice, his parent, Guardian or Selectmen as the case may be. And the costs shall be paid by the said parent, Guardian or minor—

Sect. 6<sup>th</sup> And be it further enacted, That when it shall be made to appear that the master of any apprentice has been negligent in teaching, or causing any apprentice to be taught the art, Trade or profession, he became obligated to teach him; the same shall be actionable in any court of Law suitable to try the same, and the Court shall award such damage to said apprentice, as he shall make to appear, in the Judgment of said Court, after he shall become of age, and execution may issue accordingly against such master—

Sect. 7<sup>th</sup> And be it further enacted. That in case any person or persons shall persuade or intice away any apprentice from the service of his master, or secrete, convey, send, or carry off any apprentice. either by sea or land, or cause any apprentice to leave his said master, so as to deprive any master of the service of any apprentice, such person or persons, thus secreting, or conveying away any apprentice, as above, shall make good all damages to said master, besides paying a fine to the use of the County of not less than five dollars, or more than One hundred dollars, as the guilt, or aggravation of the case may be made to appear in the Judgment of any Court proper to try the same—

Sect. 8<sup>th</sup> And be it further enacted, That no covenant of apprenticeship entered into by any minor, his parent, guardian or Selectmen as the case may be, for the purpose of such minors learning any trade mystery or Art, and made to any master, shall be binding on such minor, parent or guardian &c— after the decease of the master, but on the death of such master, the said covenant shall be deemed null and void from that time; unless, when it shall so happen, that the apprentices time, agreeably to contract, shall have nearly expired, in this case, it shall be optional with the apprentice to tarry his time out in the service of the widow, or the executor or administrator of his said masters estate, and thereby become

entitled to all the gifts, grants, engagements and promises set forth and specified in the indenture of apprenticeship, and the same shall be paid out of the estate of his said master as though the master had lived untill his apprenticeship had expired—

## [CHAPTER 43.]

*State of* }  
*New Hampshire.* }

## AN ACT AUTHORIZING THE TOWN OF DERRYFIELD TO MAKE COHASS BROOK NAVIGABLE—

[Approved December 28, 1805. Original Acts, vol. 19, p. 1; recorded Acts, vol. 16, p. 224.]

Whereas Benjamin F. Stark, Joseph Moore, and Samuel P. Kidder, in behalf of the town of Derryfield, have petitioned the General Court, representing, that by reason of the numerous falls in Cohass brook, the transportation of lumber from Massabesick pond to Merrimac river is so obstructed as to render the same almost impracticable, and praying that said town may be authorized to construct and maintain canals and slips within or near the margin of said brook proper to aid the passage of lumber down the same; and to receive a reasonable toll therefor:—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That the inhabitants of said Derryfield, in their corporate capacity, be, and they hereby are authorized and empowered to make, construct, and maintain forever, such and so many canals, locks, and slips, within and near the margin of Cohass brook between Massabesick pond and Merrimac river, as they may judge necessary and convenient to facilitate the passage of lumber down said brook: and they are hereby vested with all the powers and privileges which corporations for similar purposes in this State hold and enjoy.—

And be it further enacted, That the inhabitants of said Derryfield, qualified to vote in town affairs, at any legal meeting holden for that purpose, may elect such officers, and make and establish such rules and by-laws, and annex such penalties to the breach thereof, not exceeding ten dollars, as they may judge proper for their regulation and government, for carrying into effect the purposes aforesaid: provided such rules and by-laws are not repugnant to the constitution and laws of this State.

And be it further enacted, That in case the said town of Derryfield and any person or persons through whose land said canals must necessarily pass, shall not agree on the compensation to be made for the damage such person may sustain thereby, such damage shall be ascertained and compensation made therefor in the way established by law for ascertaining damages and making compensation for lands taken for public highways.—

And be it further enacted, That for the purpose of reimbursing said town the money expended in canalling, locking and slipping said brook, and keeping the same in repair, a toll be, and hereby is granted and established—that is to say—For every thousand feet of Boards passing through said canals, locks or slips, one dollar; for every thousand of hogshead hoops, one dollar; for every ton of oak timber, seventy five cents; for every ton of pine timber, forty cents; for every thousand of hogshead staves, one dollar & eighty cents; for every thousand of barrel staves, one dollar; for every thousand feet of oak plank two and a half inches thick, four dollars; for clapboards fifty cents per thousand; for shingles, ten cents per thousand; for oak wood sixty cents per cord; for pine wood forty cents per cord; for every other species of lumber, not herein mentioned such sum as shall appear equitable and just compared with the above rates of toll. And said town shall have a right, as soon as said canals and slips are made passable, to appoint such and so many toll-gatherers as shall be thought proper to collect and receive of and from all persons using said canals and slips the rates of toll abovementioned, and to stop and detain any person or persons from passing the same until he or they shall have paid the same.—

And be it further enacted, That if in five years from the passing hereof the said canals locks and slips, shall not be completed according to the provisions in this act, every part and clause thereof shall be null and void.—

#### [CHAPTER 44.]

*State of*                    }  
*New Hampshire.*        }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE COCKBURNE AND LEMINGTON BRIDGE

[Approved December 28, 1805. Original Acts, vol. 19, p. 2; recorded Acts, vol. 16, p. 227.]

Be it enacted by the Senate and house of Representatives, in General Court convened that Abel Learned, Mills DeForest, Jacob Terry Jun<sup>r</sup>, Sylvanus Learned, Christopher S. Bayley, and Abel Hobart, and their associates and Successors be and they hereby are incorporated and made a body corporate and politic by the name of the Proprietors of the Cockburne and Lemington Bridge and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and they hereby are invested with all the powers and privileges which by law are incident to Corporations of a similar nature, subject however to the reservations herein after named.

And be it further enacted that said Abel Learned and Mills De-

Forest or either of them may call a Meeting of said Proprietors to be holden at any suitable time and place within the town of Cockburne in the County of Coos by posting up notifications in said town of Cockburne and in the town of Lemington in the State of Vermont at least thirty days prior to said Meeting, and the proprietors by a vote of a Majority of those present or represented at said Meeting accounting and allowing one vote to each share in all cases shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his Office, and the said proprietors shall also agree on a Method of calling future Meetings, and may elect such Officers and make and establish such Rules and By-laws as to them shall seem necessary and convenient for the regulation and government of said Corporation, for carrying into effect the purposes aforesaid and for collecting the tolls and duties herein after established and the same By-laws may cause to be executed and annex penalties to the Breach thereof provided said Rules and By-laws be not repugnant to the laws and Constitution of this State: And all Representations shall be proved by writing signed by the person to be represented which shall be filed with the Clerk, and this Act and all Rules, Regulations and By-laws and Proceedings of said Corporation shall be truly and fairly recorded by said Clerk in a Book or Books to be provided and kept for that purpose.

And be it further enacted that said Proprietors be and hereby are authorized to erect and keep in repair a Bridge over Connecticut River from Cockburne in this State to Lemington in the State of Vermont, and that said Proprietors shall have the exclusive privilege of erecting and keeping in repair a Bridge over said River between the towns aforesaid and are hereby impowered to purchase any lands adjoining said Bridge not exceeding three Acres and to hold the same so long as they shall keep in repair a good and sufficient Bridge at the place aforesaid—And the share or shares in said Bridge may be tranferred by Will or Deed duly executed, acknowledged and recorded by the Clerk of said Proprietors on their Records, and the share or shares of any of said Proprietors may be sold by said Proprietors for Nonpayment of Assessments duly made agreeably to the By-laws which may be agreed on by said Proprietors and said Proprietors may maintain and prosecute to final judgment and execution an Action of debt or on the Case against any Proprietor or Proprietors for the Non payment of any assessment duly made agreeably to the By-laws as aforesaid.

And be it further enacted that for the purpose of reimbursing said Proprietors the money by them expended in building and supporting said Bridge a toll be and hereby is granted and established for the benefit of said Proprietors according to the rates following, namely, for each foot passenger, one Cent; for each horse and his Rider, or Leader, four Cents; for each chaise or other carriage of pleasure with two wheels and one horse, ten Cents; for each car-



riage of pleasure with four wheels drawn by two horses, twenty Cents; for the like carriage drawn by four horses, twenty five Cents; for each sleigh drawn by one horse, four Cents; for each sleigh drawn by two horses, eight Cents, and two Cents for each additional horse; for each cart, waggon, sled or other carriage of burden drawn by one beast, four Cents; for the like carriage drawn by two beasts, eight Cents; if by more than two beasts, four Cents for each additional pair of horses or yoke of Oxen; for sheep and swine one quarter of a Cent each; for Cattle and Horses, other than those rode on or in Carriages, three quarters of a Cent each; and to each team one person only shall be allowed to pass free of toll, and at all times when the toll-gatherer shall not attend his duty the gate shall be left open.—And said Proprietors are hereby empowered to erect and fix upon and across said Bridge a gate and to appoint such and so many toll gatherers as shall be necessary to collect and receive of and from all persons using said Bridge the rates of toll as above established, and to stop all and every person from passing the same until he, she or they shall have respectively paid toll as aforesaid.

And be it further enacted that said proprietors may be indicted for defect of repairs of said Bridge after said toll gate is erected and while the same is kept up and be fined in the same way and manner as towns are by law finable for suffering Bridges to be out of repair, and in case any special damage shall happen to any person or persons, or his or their team or teams, cattle or carriages by means of the insufficiency or want of repair of said Bridge at any time when the gate is kept up, the party injured or aggrieved shall recover his or their damages in an Action of Trespass on the Case against said Proprietors in any Court of competent Jurisdiction.

And be it further enacted, that if in three years from the passing of this Act, the said Bridge shall not be completed, or if it shall be destroyed and not rebuilt and kept in repair for the space of two years, according to the provisions herein contained, this act and every part and clause thereof shall be null and void,—Provided nevertheless that the Inhabitants of Cockburne and Lemington, or any other persons shall have the privilege of purchasing said Bridge at any future time by reimbursing the said Proprietors the sum by them expended on said Bridge with six per Cent Interest thereon, deducting the toll actually received and provided also that said Proprietors shall make a true statement of the toll received and of the sums expended once in every five years and lay the same before the Justices of the Court of Common Pleas for the County of Coos, and if in the opinion of said Justices of said Court of Common Pleas It does not amount to six per Cent on the sum expended it shall be in the power of the said Justices to alter the toll, so that the interest shall not be less than six nor more than nine per Cent per Annum interest upon the sums actually expended.—

## [CHAPTER 45.]

*State of* }  
*New Hampshire.* }

AN ACT TO EXTEND THE CHARTERS OF THE TOWNS OF STRATHAM AND NEWMARKET, TO THE OLD DRAW IN THE BRIDGE OVER EXETER RIVER, SO CALLED, BETWEEN SAID TOWNS, AND FOR OTHER PURPOSES.

[Approved December 28, 1805. Original Acts, vol. 19, p. 3; recorded Acts, vol. 16, p. 243. Session Laws, December, 1805, p. 57. Repealed June 17, 1807, id., June, 1807, p. 19.]

Whereas doubts have arisen respecting the line between the Towns of Stratham and Newmarket in the County of Rockingham in said State:—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the lines of the said towns shall in future extend to, and be as follows, that is to say, that part of the said town of Stratham which joins Exeter River, shall extend to the Ship's channel in the center of said river, excepting where the Bridge was built across said river between said towns, and at that place the boundary line of said Stratham shall extend to where the Draw or Hoist was affixed in said Bridge;—and that part of the town of Newmarket which adjoins the aforesaid river, shall extend to the Ship's channel in the center of said River, excepting at that place where the aforesaid Bridge was built, where the line of Newmarket shall extend to where the Draw or Hoist was made as aforesaid—

And be it further enacted, That it shall be the duty of the said Towns of Stratham and Newmarket to build and keep in repair a Bridge over Exeter River, at the place where the old one now is;—that is to say, it shall be the duty of the said Town of Stratham to build and keep in repair, that part of said Bridge which is from Stratham shore to the draw or hoist in said bridge; and it shall be the duty of the said town of Newmarket to build and keep in repair that part of said Bridge which is from Newmarket shore to the Draw or hoist in said Bridge—And if said bridge is not built and completed for travelling (excepting the draw or hoist) within nine months from the passing of this Act, the said towns or either of them neglecting to make and keep in repair their part, may be indicted and fined in the same way and manner as towns are by law indictable and finable for suffering roads and bridges to be out of repair:—and shall be liable for all damages which any person shall sustain in his person or property, by reason of the insufficiency or want of repairs of their respective parts of said Bridge—

And be it further Enacted, That Bradbury Cilley and Joseph Ela—together with their associates who are or shall become Proprietors for that purpose, be and they hereby are incorporated and made a body corporate and politic by the name of "*the Proprietors of the Draw of Stratham and Newmarket Bridge*" for the purpose of erecting and keeping in repair a draw or hoist in said bridge—And it shall be the duty of the said Proprietors to make and keep in repair a suitable, sufficient and well constructed draw or hoist, for the passage of such vessels and craft passing up and down Exeter River as need such a convenience and passage.—And it shall also be the duty of the said Proprietors at all times to provide and keep in repair after said draw shall be completed, suitable and sufficient apparatus for raising said draw or hoist; and shall also keep one person in readiness to assist in hoisting the same, at the times when the said Proprietors shall demand and receive toll from persons for passing said Bridge.—

And be it further enacted that for the purpose of re-imbursing the said Corporation the monies which shall be by them expended and laid out in building said draw or hoist, and keeping the same in good repair, a toll be, and hereby is granted and established, of the rates following, to wit, for each foot passenger one cent, for each horse and rider three cents, for each two wheeled carriage of pleasure, drawn by one horse five cents, and two cents for each additional horse, for each four wheeled carriage of pleasure, or for passengers, drawn by two horses, ten cents, and two cents for each additional horse; for each pleasure sleigh drawn by one horse, five cents, and two cents for each additional horse, for each cart, sled or other carriage of burden, drawn by one horse four cents, and two cents for each additional yoke of oxen or pair of horses, for each horse, except those ridden on, or neat creature, one cent, and for each sheep or swine one quarter of a cent.—And said corporation are authorised to collect and receive toll at the rates aforesaid, from every and all person and persons, using and passing over said bridge, from the first day of October until the thirty first day of December in each and every year, both of said days inclusive, and to stop any person from passing with any horse or horses, cattle team or carriage, until the toll aforesaid shall be paid, during the term aforesaid and at no other time—And may to that end erect and keep up a gate, upon and across said bridge—And at all times between the said first day of October, and the thirty first day of December, in each year, when the toll gatherer shall not attend his duty the gate shall be left open.—

And be it further enacted that the corporation may be indicted and fined for any defect of repairs of said draw or hoist in the same way and manner as towns are by law indictable and finable for suffering roads and bridges to be out of repair—And shall be liable for all damages which any person shall sustain in his person or prop-

erty, by reason of the insufficiency, or want of repairs of said draw or hoist—

And be it further enacted, that the said corporation shall keep or cause to be kept fair accounts of their expenditures, in building said draw or hoist, and in keeping the same in repair from time to time, and of the tolls arising from said Bridge, and at the end of every two years from and after the passing of this Act, they shall exhibit and lay said accounts before the Justices of the Superior Court of Judicature, when sitting and holding said Court in the County of Rockingham, for their inspection and examination, and to be by them adjusted and approved— And whensoever it shall appear to the said Justices that said corporation has been reimbursed from the toll, the monies expended in building and keeping in repair said draw or hoist with necessary expences attending the Gate and interest for the same, they shall order that said toll gate be left open, and said Corporation shall cease to demand and receive toll, and all obligation of passengers to pay the same shall cease and determine thereafter— Until such time as the Justices aforesaid shall be of Opinion, and determine that repairs are necessary, or that a new draw or hoist ought to be made and in such case, the said corporation shall repair or rebuild said draw or hoist, as said determination may be, and shall be entitled to and receive the toll granted and established by this Act subject to limitations and restrictions herein made and set forth: provided that in no case the said Corporation shall demand have or receive any toll from persons passing over or using said bridge, at any other season of the year than between the first day of October and the thirty first day of December both days inclusive as aforesaid—

And, be it further enacted that if at any time hereafter the State of New-Hampshire, or any person or persons shall reimburse the said Corporation the monies by them expended in building said draw or hoist and keeping the same in repair, with lawful interest therefor, deducting the toll by them actually received the said toll gate shall be left open and said Corporation shall cease to demand and receive toll, and all obligations of passengers to pay the same shall cease and determine thereafter—

And, be it further enacted that if said Corporation shall during any time, in which they shall receive toll, from persons using said bridge, fail of having some suitable person to assist in raising said draw or hoist, they shall for each neglect, forfeit and pay the sum of twenty Dollars to any person, who shall sue therefor—to be recovered by an action of debt before any Court of proper Jurisdiction, to try the same—

And, be it further enacted that said Corporation by the said name of the Proprietors of the draw of Stratham and New-Market Bridge—may sue and prosecute and be sued, and prosecuted to final Judg-



ment, and execution, and shall be and hereby are vested with all the powers and privileges, which are by law incident or belonging to Corporations of a similar nature, and all such powers as shall be necessary to carry into effect the beneficial purposes contemplated by this act: so far as it respects the said Corporation—

And be it further enacted, that the said Bradbury Cilley, and Joseph Ela or either of them shall call the first meeting, of said proprietors, by advertising the same in one of the Newspapers printed at Portsmouth at least fifteen days previous to the day appointed for said meeting, and at that meeting a Clerk shall be chosen by a major vote of those present or represented, who shall be sworn or affirmed to a faithful discharge of his Office, and a mode of calling future meetings shall in like manner be agreed on—And at that or any subsequent, lawful meeting, of said Proprietors, they may elect such Officers, and make and establish such rules & bye-laws, as to them shall appear necessary or suitable and proper for regulating said Corporation and for carrying into effect the aforesaid purpose, and for collecting the tolls herein before established—and such bye-laws may, make & cause to be executed, always provided that said rules and bye-laws be not repugnant to the constitution and laws of this State, or the United-States— And All representations at any meeting of said Corporation, shall be proved by writing, signed by the person to be represented, which shall be kept on file by the Clerk and this act, all rules, bye-laws votes and regulations of said Corporation, shall be fairly and truly recorded by the Clerk in a Book of Records, provided by said Corporation.—

And be it further enacted that if in two months after the parts assigned to the towns of Stratham and New Market, in building said Bridge shall be completed, the said draw or hoist shall not be completed, then this Act, and every part and clause thereof, so far as it respects the said Corporation shall be null and void—provided however that nothing herein contained shall affect, that part of this Act, which obliges the said towns of Stratham and NewMarket to build and keep in repair the aforesaid bridge, in case the said Corporation should not build and complete the aforesaid draw or hoist—

## [CHAPTER 46.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE  
"A COMPANY BY THE NAME OF THE MAYHEW TURNPIKE CORPORA-  
"TION" PASSED DEC<sup>R</sup> 29TH 1803—

[Approved December 30, 1805. Original Acts, vol. 19, p. 4; recorded Acts, vol. 16, p. 221. Session Laws, December, 1805, p. 30. See act referred to, *ante*, p. 241. See additional act of June 27, 1816, recorded Acts, vol. 20, p. 460.]

Be it enacted by the Senate and House of Representatives in General Court convened, That that part of the section in said act which enacts "that in case the proprietors and owners of land "through which said road may run Shall not agree on the Compen- "sation to be made for said land, the owners of said land shall have "liberty to choose three disinterested reputable persons to ascertain "the compensation," be, and the same hereby is repealed.—

And be it further enacted, That in case said proprietors and the owner or owners of land through which said road may run shall not agree on the compensation to be made for said land, and shall not agree in appointing persons to ascertain such compensation, then the Justices of the court of common pleas, if not interested, otherwise the Justices of the superior court, in the county where said land lies, upon application of said proprietors, or the owner or owners of said land, seasonable notice having been first given by the applicants to the adverse party, shall appoint a committee who shall ascertain the same in the same manner as compensation is made to owners of land for highways as usually laid out, and execution on non-payment shall issue against said proprietors of course— Provided that this act shall not be construed to prohibit any persons the privilege of choosing reputable characters to appraise the damages on their own lands, agreeably to the former act, provided he or they will do it when called upon by said proprietors, any thing in this act, or in the former acts to the contrary notwithstanding.

## [CHAPTER 47.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR RAISING THIRTY THOUSAND DOLLARS FOR THE USE OF THIS STATE

[Approved December 30, 1805. Original Acts, vol. 19, p. 5; recorded Acts, vol. 16, p. 232. Session Laws, December, 1805, p. 35.]

Be it enacted by the Senate and House of Representatives in General Court convened, that there be raised in the year one thousand eight and six for the use of this State the sum of thirty thousand Dollars; which sum shall be assessed, collected and paid into the Treasury on or before the first day of December next; and is appropriated for discharging the debts due from this State, and for the support of Government.

And be it further enacted that the Treasurer be, and he hereby is directed seasonably to issue his Warrants to the Selectmen or Assessors of the several towns, parishes and districts within this State, agreeably to the last proportion Act, for assessing and collecting the aforesaid sum of thirty thousand Dollars. And the Selectmen and Assessors of the several towns, parishes and districts aforesaid are hereby respectively required to assess and levy the same according to law, and cause the same to be paid into the Treasury of this State, on or before the first day of December next; and the Treasurer shall issue extents for all taxes which shall then remain unpaid.

## [CHAPTER 48.]

*State of* }  
*New Hampshire.* }

## AN ACT GRANTING TO JOSEPH COOLEY AN APPEAL FROM A JUDGMENT RECOVERED AGAINST HIM BEFORE A JUSTICE OF THE PEACE IN A CRIMINAL PROSECUTION.

[Approved December 30, 1805. Original Acts, vol. 19, p. 6; recorded Acts, vol. 16, p. 234.]

Whereas Joseph Cooley of Effingham in the County of Strafford and State of New Hampshire has petitioned the General Court representing that on the thirty first day of March A. D. 1805 he was arrested by virtue of a Warrant issued by Jacob Gilman Esq<sup>r</sup> one of the Justices of the peace in said County, on the Complaint of Reuben Hurd for feloniously taking, stealing and carrying away a certain Iron Chain claimed by the said Hurd as his property, that he plead not guilty before the said Justice being wholly innocent

of the charge alledged against him,—that notwithstanding his innocence, he then having had no opportunity of producing evidence in his favor, and being ignorant in the law he did not claim an Appeal from the Judgment of the said Justice,—that since the rendition of said Judgment he has obtained full, and sufficient proof of his innocence, and praying that he may be allowed to appeal from the said Judgment of the said Justice and be tried by a Jury which appearing reasonable:—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Joseph Cooley be and he hereby is authorised and impowered to appeal from the Judgment aforesaid, and prosecute the same to final Judgment before any Court of Common Pleas to be holden within and for the said County of Strafford, Provided however the said Joseph Cooley shall claim said appeal within two Months from the passing of this Act:

And be it further enacted that the Justices of said Court of Common Pleas be and they hereby are authorised and directed to sustain the said Appeal and adjudge and determine the same.

And be it further enacted that the said Joseph Cooley shall cause that an attested Copy of this Act and notice of his appeal by virtue thereof shall be served on the said Reuben Hurd at least fifteen days prior to the sitting of the Court to which said Appeal shall be claimed

#### [CHAPTER 49.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A SOCIETY BY THE NAME OF THE GRAND LODGE OF THE STATE OF NEW HAMPSHIRE—

[Approved December 30. 1805. Original Acts, vol. 19, p. 7; recorded Acts, vol. 16, p. 236. See act of June 20, 1825, id., vol. 23, p. 34.]

Whereas a petition has been presented to the General Court, praying that the Grand Lodge of the State of New Hampshire may be incorporated, which prayer appearing reasonable,

Be it enacted by the Senate and House of Representatives in General Court convened that Thomas Thompson, Clement Storer, John McClinton, Edward J. Long, Joseph Willard Elijah Hall, Lyman Spalding, Thomas Manning, Samuel Jones, George Richards, and Benjamin Brierley and their associates and successors be and they hereby are incorporated and made a body corporate and politic forever; under the name of the Grand Lodge of the State of New Hampshire, and by that name may sue and be sued, plead and be impleaded, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.



Provided that this grant shall extend for and during the term of Twenty years from and after the passing of this Act and no longer.—

Sec<sup>t</sup> 2<sup>d</sup> And be it further enacted, that Thomas Thompson, and Lyman Spalding or either of them be and hereby are empowered to call the first meeting of the said corporation by giving three weeks notice of the time and place thereof in the Newhampshire Gazette; and the said corporation may at the same or any future meeting agree upon a method of calling meetings of said Corporation; and at the same or any subsequent meeting may elect such officers, make and establish such rules and byelaws as to them shall seem necessary for their regulation and government, provided the said rules and bye-laws are not repugnant to the Constitution and laws of this State.

Sec<sup>t</sup> 3<sup>d</sup> And be it further enacted that said Corporation be and hereby are empowered to purchase and hold in fee simple so much real estate as will be necessary for the erection of suitable and appropriate buildings for carrying into effect the charitable & benevolent objects of the said Corporation, provided the same does not exceed six thousand dollars.

## [CHAPTER 50.]

*State of* }  
*New Hampshire.* }

### AN ACT GRANTING UNTO NATHANIEL DAGGET A CERTAIN ISLAND IN CONNECTICUT RIVER—

[Approved December 30, 1805. Original Acts, vol. 19, p. 8; recorded Acts, vol. 16, p. 252.]

Whereas Nathaniel Dagget of Westmoreland in the County of Cheshire hath paid into the Treasury of this State, the sum of Fifty Dollars as a consideration for the land herein after described—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that there be and hereby is granted unto the said Nathaniel Dagget, and to his heirs and assigns forever, a certain Island in Connecticut River, opposite Shim's brook, so called, and about half a mile north of Solomon Robbins' Ferry in said Westmoreland, containing about three or four acres, be the same more or less, with all the privileges and appurtenances to the same belonging—

## [CHAPTER 51.]

*State of* }  
*New Hampshire.* }

AN ACT TO REGULATE THE TAXING OF BILLS OF COST IN ACTIONS BEFORE JUSTICES OF THE PEACE IN CERTAIN CASES—

[Approved December 31, 1805. Original Acts, vol. 19, p. 9; recorded Acts, vol. 16, p. 238, Session Laws, December, 1805, p. 40. Laws, 1811 ed., p. 44; id., 1815 ed., p. 133. Repealed December 23, 1820, id., 1830 ed., p. 315.]

Be it enacted by the Senate and House of Representatives in General Court convened, that in every action brought before a Justice of the Peace, where the Plaintiff doth not appear in person, the plaintiff in his bill of cost shall in no case be allowed more for his travel than he would be entitled to, provided he lived within ten miles of the place of trial—

And be it further enacted, that this Act shall not take effect or be in force until the first day of May next—

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1805, December 14.

Resolved that forever hereafter it shall be the duty of the Clerk of the senate and the Clerk of the House of Representatives at the rising of the Legislature to deposit from time to time all papers and Petitions that are not recorded in the Secretary's Office appertaining to the unfinished business of the Legislature in the hands of the Secretary of State and that it shall be the duty of the said Secretary to take care of the same and deliver over all such papers so deposited in his hands to the Clerks aforesaid early on the first day of the Session of the Legislature from Session to session next after his receiving such papers—

[House Journal, 1800-5, p. 668. Senate Journal, December Session, 1805 (printed copy) p. 27.]

1805, December 16.

Whereas certain Resolves of the Legislature of North Carolina respecting the importation of Slaves or people of Colour into the United states has been laid before this Legislature; the subject matter of which being considered, the adoption of similar resolutions appears necessary, Therefore

Resolved that our Senators in the Congress of the United States be instructed and our Representatives requested to take all legal and necessary steps and use their utmost exertions as soon as the same is practicable to obtain an amendment to the Federal Constitution so as to authorize and empower the Congress of the United States to pass a Law

whenever they may think it expedient to prevent the further importation of Slaves or people of Colour from any of the Westindia Islands, from the coast of Affrica or else where into the United states or any part thereof—

Resolved further that His Excellency the Governor be and is hereby requested to transmit copies of the foregoing Resolution to our Senators & Representatives in Congress, also to the Governor of North Carolina—

[House Journal, 1800-5, p. 670. Senate Journal, December Session, 1805, (printed copy) p. 29.]

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1805, December 17.

The Committee to consider the Petition of the Selectmen of Alexandria, also the Petition of the Selectmen of Danbury respecting representation reported that the prayer of the Petitioners from Alexandria and the prayer of the Petitioners from Danbury be granted and that they be classed accordingly which report being read & considered—voted that it be Accepted and that they have liberty to send a Representative to the General Court in future—

[House Journal, 1800-5, p. 673 Senate Journal, December Session, 1805, (printed copy) p. 31.]

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1805, December 19.

The Committee to divide this state into districts for choosing Representatives to Congress—Reported as follows—The whole number of Inhabitants 183,858—The proportion for each Representative district 36,771—The first District to consist of the County of Rockingham excepting the Towns of Concord Bow Northfield Canterbury, Loudon Northwood and Pittsfield—The whole number 37,401—

The Second District to consist of the County of Strafford together with the Towns of Northfield Canterbury Loudon Northwood & Pittsfield—excepting the Towns of Conway & Burton—The whole number 37,164—

The third District to consist of the County of Hillsborough together with the Towns of Concord & Bow—excepting the Towns of New Ipswich Sharon Peterborough Hancock Antrim Windsor New London Kearsarge Andover and Salisbury—The whole number 37,515

The fourth District to consist of the County of Cheshire together with the Towns of New Ipswich Sharon Peterborough Hancock Antrim and Windsor—excepting the Towns of Plainfield Cornish Newport New Grantham Springfield Croydon Wendall & Goshen—The whole number 37,306—

The fifth district to consist of the Counties of Grafton & Coos—together with the Towns of Plainfield Cornish Newport New-Grantham Springfield Croydon Wendall Goshen New London Kearsarge Andover Salisbury Conway and Burton—The whole number 34,472—which report being read and considered, was Accepted—

[House Journal, 1800-5, p. 679. Senate Journal, December Session, 1805 (printed copy) p. 36.]

1805, December 26.

The Committee on the Petition of Noah Piper and others respecting Representation reported that the prayer of the Petition be so far granted that the Towns of Groton & Hebron be classed together for the purpose of choosing a Representative to the General Court in future—And that the Towns of Dorchester & Orange be classed together for the purpose of choosing a Representative to the General Court in future—And that the legal voters of Dames Gore have the right of voting with Dorchester and Orange for the purpose aforesaid—which report being read and considered was Accepted—

[House Journal, 1800–5, p. 708. Senate Journal, December Session, 1805, (printed copy) p. 52.]

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1805, December 26.

Whereas Timothy Dix Jun<sup>r</sup> has Petitioned the General Court for a grant to him his heirs and Assigns on one of the Townships in the Northerly part of this State, recently located & now unappropriated—Therefore—Resolved that Township Number Two lying Easterly of and adjoining to Cockburne Colebrook & Stuartstown and Bounded as follows, that is to say beginning at a fir tree at the Northwest corner of William Erwins location thence North twenty Degrees East three miles & twenty four rods by Cockburne and Colebrook to a Birch tree, thence by Colebrook North seventy Degrees east one mile & Ninety eight rods, thence by Colebrook & Stuartstown Six miles & Seventy one rods to Dartmouth College grant to a Birch tree, thence South Seventy degrees East three miles & one hundred and twenty rods to a Birch tree—thence South eight degrees West eight miles & two hundred and eighty six rods to a Birch tree, being the Northwest corner of Errol, thence North eighty two degrees west five miles and thirty four rods to a Rock Maple tree being the Northwest corner of Millsfield, thence South eight Degrees west eighty rods to William Erwins location by a Birch tree, thence North Seventy degrees West one mile to the first mentioned bound, and containing twenty nine thousand three hundred and forty Acres be the Same more or less as Surveyed and planned by Silas Thorla under authority of said state Anno Domini one thousand eight hundred and four, be and the same hereby is granted unto the said Timothy Dix Jun<sup>r</sup> his heirs and Assigns in fee Simple, forever subject however to the reservations & conditions herein after mentioned that is to say, reserving out of said Township three hundred Acres of land of a quality as good as the general average of said Township for the support of the Gospel ministry and three hundred Acres for the support of Schools—said reserved lands to be laid out in lots as near the centre of said Township as may be to be of a quality as aforesaid— And on Condition that the said Dix shall within ninety days from the passing this Resolve give security to the Treasurer of this State, to the said Treasurer's Acceptance for the payment of four thousand and five hundred dollars in Annual instalments of five hundred Dollars each the first Instalment to be paid in five years with Interest from the passing this resolve—the remaining instalments to carry interest at Six p<sup>r</sup> Cent p<sup>r</sup> Annum from and after the passing this Resolve until the times of their Respective payments—and on this further condition that the said Dix



shall within five years from the passing this Resolve make and effect thirty Actual settlements within the limits of said granted Township—

[House Journal, 1800-5, p. 710. Senate Journal, December Session, 1805, (printed copy) p. 49.]

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1805, December 26.

The Committee appointed to take under consideration the Resolves of the State of Pennsylvania relating to an Alteration in the Constitution of the United states—Reported unanimously the following Resolutions—

Resolved that it is inexpedient to make any amendments in the Constitution of the United States relative to the Judiciary department as proposed by the Resolve of the State of Pennsylvania—

Resolved that his Excellency the Governor be requested to transmit a Copy of the foregoing Resolution to the Executive of Pennsylvania to be laid before the Legislature thereof—which report being read and considered was accepted—

[House Journal, 1800-5, p. 716. Senate Journal, December Session, 1805, (printed copy) p. 53.]

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1805, December 30.

Resolved that the Treasurer of this State cancel the Taxes that are outstanding against the Town of New Castle—namely the Balance on the Indent tax for 1789—also the taxes for the years 1795, 1796, 1798, 1799, 1800, and 1801 amounting in the whole to one hundred fifty five Dollars Twenty two Cents, which sum was retained by the selectmen and by them paid to the Treasurer of New Castle Bridge and by him passed to the Credit of said Town agreeably to a Resolve of the General Court of Dec<sup>r</sup> 30<sup>th</sup> 1791—

[House Journal, 1800-5, p. 734. Senate Journal, December Session, 1805 (printed copy) p. 60.]

## [FIFTEENTH GENERAL COURT.]

[*Held at Hopkinton, One Session, June 4, 1806, to June 20, 1806.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, GOVERNOR.

PHILIP CARRIGAIN, SECRETARY.

CHARLES CUTTS, DEPUTY SECRETARY.

NATHANIEL GILMAN, TREASURER.

\*GEORGE SULLIVAN, ATTORNEY GENERAL.

CLEMENT STORER, PRESIDENT OF THE SENATE.

SAMUEL BELL (CHESTER), SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Levi Bartlett,	Kingston.
Joseph Badger,	Gilmanton.
Benjamin Pierce,	Hillsborough.
Nahum Parker,	Fitzwilliam.
Daniel Blaisdell,	Canaan.

## [MEMBERS OF THE SENATE.]

Clement Storer,	Portsmouth.
Benjamin Barnard,	South Hampton.
William White,	Chester.
John Bradley,	Concord.
John Waldron,	Dover.
Nathaniel Shannon,	Moultonborough.
Jedediah K. Smith,	Amherst.
Robert Alcock,	Deering.
Lockhart Willard,	Keene.
George Aldrich,	Westmoreland.
Daniel Kimball,	Plainfield.
Peter Carleton,	Landaff.

## [MEMBERS OF THE HOUSE.]

Allenstown and	}	Hall Burgen.
Bow,		
Atkinson and	}	James Noyes, Jr.
Plaistow,		
Brentwood,		Jonathan Veazy.
Candia,		Richard Emerson.
Canterbury,		Obadiah Clough.

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\* Samuel Bell of Francestown was appointed Attorney General in September, 1806.

Chester,  
 Chichester,  
 Concord,  
 Deerfield,  
 Epping,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampton Falls and }  
 Seabrook, }  
 Hawke and }  
 Sandown, }  
 Kensington,  
 Kingston,  
 Londonderry,

Loudon,  
 Newcastle,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin, }  
 Rye,  
 Salem,  
 South Hampton and }  
 East Kingston, }  
 Stratham,  
 Windham,

Henry Sweetsir.  
 Nathaniel Morrill.  
 Samuel Green.  
 Moses Barnard.  
 Daniel Coffin.  
 Josiah Sanborn.  
 Nathaniel Parker.  
 Shadrach Robinson.

John Smith.

Benjamin Pillsbury.

Enoch Worthen.  
 Amos Gale.  
 William Adams.  
 John Moor.  
 Jonathan Clough, Jr.  
 Henry Prescott.  
 Thomas Pickering, Jr.  
 Jeremiah Mead.  
 Joshua Rowell.  
 Jonathan Ayer.  
 Daniel Gookin.  
 John Harvey.  
 Jacob Cilley.  
 Amos Moody.  
 Asa Robinson.  
 James Hight.  
 Elijah Hall.  
 William Ham, Jr.  
 Charles Cutts.  
 Richard Evans.

Sherburne Blake.

Joseph Parsons.  
 David Allen.

J. H. Pillsbury.

Daniel Jewell.  
 John Campbell.

#### STRAFFORD COUNTY.

Alton,  
 Barnstead,  
 Barrington,

John Plummer.  
 Charles Hodgdon.  
 Isaac Waldron.  
 Thomas W. Hale.

Brookfield and }	Daniel Wingate.
Middleton, }	David Page.
Conway,	Daniel Henderson.
Dover,	Valentine Smith.
Durham,	Jeremiah Gilman.
Eaton and }	
Burton, }	
Effingham and }	Isaac Lord.
Ossipee Gore, }	Jeremiah Waldron.
Farmington,	Samuel Shepard.
Gilmanton,	Jonathan Smith.
Lee,	George Tuttle.
Madbury,	Ebenezer Demeritt.
Meredith,	Stephen Perley.
Milton,	Beard Plumer.
New Durham,	John Bennett.
New Hampton and }	Daniel Smith.
Center Harbor, }	
Ossipee,	Samuel Quarles.
Rochester,	David Barker.
Sanbornton,	Samuel Prescott.
Sandwich,	Asa Crosby.
Somersworth,	Andrew Wentworth.
Tamworth,	Benjamin Gilman.
Wakefield,	Jonathan Copp.
Wolfeboro,	Nathaniel Brown.

## HILLSBOROUGH COUNTY.

Amherst,	William Fisk.
Andover,	Jacob B. Moore.
Antrim and }	Jacob Tuttle.
Windsor, }	
Bedford,	William Riddle.
Boscawen,	Benjamin Little.
Brookline,	Samuel T. Boynton.
Deering,	Benjamin Rolfe.
Dunbarton,	John Mills.
Dunstable,	Frederick French.
Fishersfield and }	Enoch Hoyt.
Bradford, }	
Francestown,	Samuel Bell.
Goffstown,	John Butterfield.
Greenfield and }	Amos Whittemore.
Society Land, }	
Hancock,	William Brooks.



Henniker,	Joshua Darling.
Hillsborough,	Joel Stow.
Hollis,	Benjamin Poole.
Hopkinton,	Benjamin B. Darling.
Litchfield and } Derryfield, }	Robert Parker.
Lyndeborough,	Daniel Putnam.
Mason,	Rogers Wesson.
Merrimack,	James Thornton.
Milford,	Josiah Osgood.
Mont Vernon,	William Bradford.
New Boston,	Ephraim Jones.
New Ipswich,	Noah Bartlett.
New London,	Joseph Colby.
Nottingham West,	Asa Davis.
Peterborough,	James Wilson.
Salisbury,	Andrew Bowers.
Sutton,	Thomas Wadleigh.
Temple,	Ebenezer Edwards.
Warner,	James Flanders.
Weare,	James Caldwell.
Wilton,	Philip Putnam.

## CHESHIRE COUNTY.

Acworth,	Gawen Gilmore.
Alstead,	Cyrus Kingsbury.
Charlestown,	Oliver Hastings.
Chesterfield,	Simon Willard.
Claremont,	George B. Upham.
Cornish,	James Ripley.
Croydon,	Samuel Powers.
Dublin,	Isaac Appleton.
Fitzwilliam,	Nahum Parker.
Goshen and } Wendell, }	Joshua Currier.
Hinsdale,	David Wolley.
Jaffrey,	David Page, Jr.
Keene,	Elijah Dunbar.
Langdon,	James Egerton.
Lempster,	Jacob Smith.
Marlborough,	Joseph Frost.
Marlow,	Elisha Huntley.
New Grantham,	Ezra Buswell.
Newport,	Uriah Wilcox.
Packersfield,	Josiah Robbins.
Plainfield,	John Harris.

Richmond,	James Cook.
Rindge,	Josiah Wilder.
Springfield,	Daniel Noyes.
Stoddard,	Aaron Matson.
Sullivan,	Roswell Hubbard.
Surry and }	Asa Wilcox.
Gilsum, }	Amasa Aldrich.
Swanzey,	Benjamin Clough.
Unity,	Amasa Allen.
Walpole,	David Heald.
Washington,	Joseph Buffum.
Westmoreland,	Foster Alexander.
Winchester,	

## GRAFTON COUNTY.

Alexandria and }	Peter Ladd.
Danbury, }	Samuel Hutchins.
Bath,	Thomas Crawford.
Bridgewater,	Ebenezer Clark.
Canaan,	John Haynes.
Concord (Lisbon),	Joseph Burleigh.
Dorchester and }	Jacob Cochran.
Orange, }	Ebenezer Hoyt.
Enfield,	Asahel Buell.
Grafton,	Samuel Kendrick.
Groton and }	Nathaniel Merrill.
Hebron, }	Samuel Holmes.
Hanover,	Thomas Waterman.
Haverhill,	David Goodall.
Holderness and }	Joshua Thornton.
Campton, }	John Fairfield.
Lebanon,	Ebenezer Kimball.
Littleton, }	Joseph Pratt.
Dalton and }	Nathaniel Whitmore.
Bethlehem, }	William Webster.
Lyman,	Abraham Burnham.
Lyme,	Caleb Chase.
New Chester,	
Orford,	
Piermont,	
Plymouth,	
Rumney and }	
Wentworth, }	
Thornton, }	
Peeling and }	
Ellsworth, }	

## COOS COUNTY.

Bartlett,	}	Silas Meserve.
Adams,		
Chatham and		
Wales Location,		
Cockburne,	}	James Hugh.
Colebrook,		
Shelburne,		
Stewartstown and		
Errol,	}	William Lovejoy.
Lancaster,		
Jefferson and		
Bretton Woods,		
Northumberland,	}	Abner Clark.
Stratford and		
Piercy,	}	

[*First Session, Held at Hopkinton, June 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 1806.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE THE TOWN OF BARNSTEAD TO ELECT A REPRESENTATIVE.

[Approved June 5, 1806. Original Acts, vol. 19, p. 10; recorded Acts, vol. 16, p. 263.]

Whereas a Vacancy of Representation in the town of Barnstead is occasioned by reason of the Election of a Representative being holden on a day different from the one established by law for elections—

Therefore, Be it Enacted by the Senate and House of Representatives in General Court convened that the Town of Barnstead be and hereby is authorised and impowered to elect one suitable person to represent said Town in the General Court the present Year at a meeting to be holden on monday the ninth day of June instant at two of the clock in the Afternoon any law, Usage or custom to the contrary notwithstanding—

And be it further enacted that the Notice for warning said Town meeting shall be by the Selectmen or Constable posting up at both the meeting houses in said Town a Copy of this Act at least Forty eight hours previous to the time of choosing said Representative, which meeting shall be holden at the North west meeting house in said Barnstead.

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF WINDHAM LIBRARY

[Approved June 7, 1806. Original Acts, vol. 19, p. 11; recorded Acts, vol. 16, p. 264.]

Be it enacted by the Senate and house of Representatives in General Court convened. That Samuel Harris Robert Dinsmore and James Davidson and their associates, Proprietors of said Library and all such as may hereafter become Proprietors of the same, be and hereby they are incorporated into a body Politic by the name of the Proprietors of Windham Library with Continuation and Suc-



cession forever; and in that name may sue and be sued, may plead and be impleaded in all actions personal and prosecute and defend the same to final Judgment and Execution. And they are hereby vested with all the powers and Priviledges incident to corporations of a similar nature. And may enjoin penalties of Disfranchisement or fine not exceeding five Dollars for each Offence; to be recovered by said Society in an action of Debt to their Use in any Court proper to try the same. And they may make purchase and receive Subscriptions Grants and Donations of Personal Estate not exceeding one thousand Dollars for the purpose and use of their association—

And be it further enacted that said Society be and they hereby are authorized to assemble at said Windham on the first tuesday in november Annually to chuse all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in office untill others are chosen in their room—And that said Corporation may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices and for the transacting all other business, excepting the raising of monies which shall always be done at their annual meeting and at no other time at which time they shall vote all necessary Sums for defraying the annual expense of preserving said Library and for enlarging the same—And said corporation shall have power to make such Rules and By-Laws for the government of said Society as may from time to time by them be found necessary; provided the same be not repugnant to the Constitution and Laws of this State

And be it further enacted that Samuel Harris Robert Dinsmore and James Davidson or either of them are hereby authorized and empowered to call the first meeting of said Proprietors at such time and place as they may appoint by posting a notification for that purpose at the meeting-house in said Windham at least fifteen days prior to said meeting—And the said Proprietors at said meeting shall have the same power to chuse Officers and make By-Laws as they have by this act at their annual-meeting.

## [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE A NUMBER OF PERSONS BY THE NAME OF THE UNIVERSAL SOCIETY AT PORTSMOUTH

[Approved June 10, 1806. Original Acts, vol. 19, p. 12; recorded Acts, vol. 16, p. 268. The act referred to is dated June 18, 1793, Laws of New Hampshire, vol. 6, p. 105.]

Be it Enacted by the Senate and House of Representatives in General Court convened that the following clause in an Act entitled an "Act to incorporate a number of persons by the name of the Universal Society at Portsmouth," Viz. "Provided nevertheless and be it further enacted that nothing contained in this Act shall ever be construed to empower the said Corporation to assess upon any property belonging to said Society or upon the individuals thereof any taxes for the support of a Minister," Be and the same is hereby repealed, and that the said Universal Society have the same power of Assessing and collecting taxes as is by law given to the North parish in said Portsmouth, anything in the Act aforesaid to the contrary notwithstanding

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE JOHN BROOKS TO ASSUME THE NAME OF JOHN DRURY BROOKS.

[Approved June 12, 1806. Original Acts, vol. 19, p. 13; recorded Acts, vol. 16, p. 269.]

Whereas John Brooks of Alstead in the County of Cheshire and State of New Hampshire has petitioned the General Court praying that he may be authorised to assume the name of John Drury Brooks, and the said prayer appearing reasonable—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that the said John Brooks be and he hereby is authorised to assume the name of John Drury Brooks, and may by that name hereafter be known and called, may sue and be sued, prosecute and be prosecuted to final judgment and execution. Provided however that nothing in this Act contained shall affect any action already commenced, or any written instrument or any contract already made wherein the said John Brooks is a party.

## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME OF THE PROPRIETORS OF FRANCONIA SOCIAL LIBRARY.—

[Approved June 12, 1806. Original Acts, vol. 19, p. 14; recorded Acts, vol. 16, p. 271. See act of June 21, 1819, id., vol. 21, p. 251.]

Be it enacted by the Senate and House of Representatives in General Court convened that Artemas Knight, Daniel Burt and Phinihas S. Bennett, and their Associates, proprietors of said Library, and all such as may hereafter become proprietors of the same, be and they hereby are incorporated into a body politic, by the name of the proprietors of Franconia Social Library, with continuation and succession forever—And in that name may sue and be sued in all actions personal, and prosecute and defend the same to final Judgment and Execution—And they are hereby vested with all the powers and privileges incident to corporations of a similar nature—And may enjoin penalties of disfranchisement or fine not exceeding five dollars for each offence, to be recovered by said Society in an action of debt to their use, in any Court proper to try the same—And they may make purchase and receive subscriptions, grants and donations of personal estate, not exceeding one Thousand Dollars, for the purpose and use of their association—

And be it further enacted that said Society be and they hereby are authorised to assemble at said Franconia on the first Monday in January annually, to elect all such officers as may be found necessary, for the orderly conducting the affairs of said Corporation, who shall continue in office until others are chosen in their room— And that said corporation may assemble as often as may be found necessary for the filling up of any vacancies which may happen in said offices, and for the transacting all other business, excepting the raising of monies, which shall always be done at their annual meeting, and at no other time—at which time they shall vote all necessary sums, for defraying the annual expence of preserving said Library and for enlarging the same—And said Corporation shall have power to make such rules and bye-laws for the government of said Society, as may from time to time by them be found necessary; provided the same be not repugnant to the Constitution and Laws of this State—

And be it further enacted that the said Artemas Knight, Daniel Burt and Phinehas S. Bennett or either of them are hereby authorised and impowered to call the first meeting of said Proprietors, at such time & place as they may appoint, by posting a notification for that purpose at Zebedee Appleby's tavern in said Franconia,

at least fifteen days prior to said meeting—And the said Proprietors at said meeting, shall have the same power to elect officers and make bye-laws as they have by this Act at their annual meeting—

[CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER THE WATERS OF THE WINNEPISIOKEE AT A PLACE CALLED BAGLEY'S POINT BETWEEN THE TOWNS OF GILMANTON AND SANDBORNTON—

[Approved June 13, 1806. Original Acts, vol. 19, p. 15; recorded Acts, vol. 16, p. 274. See act of June 24, 1809, id., vol. 18, p. 272.]

Section 1<sup>st</sup> Be it enacted by the Senate and house of Representatives in General Court convened, that Samuel Greely, Thomas Burns, Simeon Taylor, John Ladd, Andrew Young, Edward Ladd, Benjamin Morgan Elisha Smith jr David Johnston, John Doe and their Associates, and those who are, or may become proprietors in said bridge, shall be a Corporation & body politic under the name of the proprietors of the Winnepissiokee Bridge, and by that name may sue & be sued, to final judgment and execution, and do and suffer all matters and things which bodies corporate ought to do or suffer, and the said Corporation shall & may have a common seal, and the same may break, renew & alter at pleasure—

Section 2<sup>d</sup> And be it further enacted that the said Samuel Greely Thomas Burns & Simeon Taylor or any two of them may call a meeting of the proprietors by advertising the same at two public places in Gilmanton and Sandbornton, to be holden at any suitable place within the Towns of Gilmanton or Sandbornton after fifteen days notice from the first posting up of said advertisements, and the said proprietors, by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases shall choose a Clerk, who shall be sworn to the faithful discharge of said office, and they shall also agree on a method of calling future meetings, and at the same or any other subsequent meetings may elect such Officers, & make & establish such rules & bye Laws as to them shall seem necessary or convenient for the regulation & government of said Corporation, for carrying the purpose aforesaid into effect, and for collecting the toll herein after granted and established, and the same rules & bye laws may cause to be executed and may annex penalties to the breach thereof not exceeding ten dollars for any one breach—provided said rules & bye laws are not repugnant to the Constitution & Laws of this State; and representations at any meeting of said Corporation shall



be proved by writing signed by the person to be represented, which shall be filed by the Clerk; and this Act, and all rules and bye Laws, regulations & proceedings of said Corporation shall be fairly & truly recorded by the Clerk in a book or books provided & kept for that purpose—

Section 3<sup>d</sup> And be it further enacted that the Proprietors aforesaid be & hereby are permitted and allowed to erect a bridge over the waters of the Winnepissiokee at Bagley's point (so called) between the Towns of Gilmanton & Sandbornton, and the said Proprietors are hereby impowered to purchase three Acres of Land for the building and accommodation of said Bridge and to hold the same in fee simple, & the share or shares of any of said Proprietors may be transferred by deed duly executed, acknowledged & recorded by the Clerk of said Proprietors on their records

Section 4<sup>th</sup> And be it further enacted that for the purpose of reimbursing said proprietors, the money expended by them in building and supporting said bridge, a Toll be and hereby is granted & established for the benefit of said Proprietors according to the rates following, that is to say, for each foot passenger one cent,—for each horse & rider four cents for each horse & chaise, chair, sulkey or other riding Carriage drawn by one horse only, ten cents—for each riding Sleigh drawn by one horse four cents—for each riding sleigh drawn by more than one horse six cents—for each Coach, Chariot, Phaeton or other four wheeled Carriage, for passengers drawn by more than one horse, twenty cents—for each Curricule twelve cents—for each Cart or other carriage of burthen drawn by two beasts ten cents, and three cents for each additional beast, for each horse or neat creature, otherwise than those rode on, or in Carriages two cents—for sheep and swine one half cent each, and for each Team one person, & no more, shall be allowed as a driver to pass free of Toll—

Section 5<sup>th</sup> And be it further enacted that if any tax or assessment made by said Corporation for compleating or repairing said Bridge on the several shares shall be unpaid at the time limited for the payment of the same, they may proceed to sell the delinquents share at Public Auction as the Proprietors may agree and determine, and if any overplus remains after paying the tax or Assessments and charges, it shall be returned to the delinquent Proprietor on demand—

Section 6<sup>th</sup> And be it further enacted that if the abovementioned Bridge shall not be compleated for travelling within Four years from the passing of this Act, then it shall be, & every part thereof, null and void—

Section 7<sup>th</sup> And be it further enacted that it shall not be lawful for the said Proprietors to erect said Bridge in such a manner as to obstruct or prevent the passage of Boats and rafts up and down the said waters—

## [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PITTSFIELD-TURNPIKE-CORPORATION.

[Approved June 13, 1806. Original Acts, vol. 19, p. 16; recorded Acts, vol. 16, p. 279. Session Laws, June, 1806, p. 7.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Jacob Peaslee, James Hight, Charles Hodgsdon, Charles Hodgsdon Jr Samuel Brown, James Brown, Isaac Brown, John Chase, Simeon Drake and Joseph Hanson and their associates and successors be, and they hereby are incorporated and made a body corporate and politic forever, under the name of the Pittsfield-Turnpike-Corporation, and in that name may sue and prosecute and be sued and prosecuted unto final Judgment and Execution, and shall be and hereby are vested with all the privileges and powers which by Law are incident to corporations of a similar nature.

And be it further enacted, that the said Jacob Peaslee and James Hight, or either of them shall call a meeting of said proprietors to be holden at any suitable time & place by posting Notifications, one at least in some public place in each Town through which said road is contemplated to pass at least fourteen days before the time of holding said meeting, expressing the time place and design of said meeting, and the proprietors by a majority present or represented at said meeting, accounting and allowing one vote to each share in all cases shall choose a Clerk, who shall be sworn to the faithfull discharge of the duties of his office; and shall agree on a method of calling future meetings, and at the same, or at any subsequent meeting may elect such Officers and make & establish such rules & bye-laws, as to them shall seem necessary & convenient for the regulation and government of said Corporation for carrying into effect the purposes afforsaid and for collecting the tolls and duties hereinafter established, and the same Bye-Laws may cause to be executed, and anex penalties to the breach thereof. Provided said rules and bye-Laws are not repugnant to the Laws of this State; And all representations at any meeting shall be proved by writing, signed by the person to be represented, which shall be filed by the Clerk in a book or books provided and kept for that purpose.

And be it further enacted, that the said Corporation are hereby empowered to lay out, make and keep in repair a Turnpike-road of four rods wide in such rout or tract as shall in the best of their Judgement combine shortness of distance with the most practicable

ground from Charles Hodgdon's esquire in Barnstead to Jenness's Pond so called in Pittsfield, near the line of Northwood.

And be it further enacted, that if the said proprietors and the owners of land over which said road may run shall not agree on the compensation to be made for such land, and shall not agree in appointing persons to ascertain such compensation, the Justices of the Court of common-pleas in the County where such land lies if not interested, and if interested the Justices of the Superior Court upon the Application of the proprietors or the owners of the land, reasonable notice having been given to the adverse party of such application, shall appoint a committee who shall ascertain the same in the same way as compensation is made to the owners of land for High-ways as usually laid out, Provided nevertheless, that it shall not be lawfull for said proprietors to make such road until the damages done the owner or owners of the lands through which the same is laid out is ascertained and paid, or tender thereof made, or security given for the payment of the same to the said owner thereof to his or their satisfaction.

And be it further enacted, that the said Corporation may erect & fix such and so many gates or turnpikes upon and across said road as will be necessary & sufficient to collect the tolls and duties hereinafter granted to said Company, from all persons travelling the same with horses, cattle, carts or carriages.

And be it further enacted that it shall and may be lawfull for said Company to appoint such and so many Toll-gatherers as they shall think proper to collect of and from all and every person or persons using said road the rates and tolls hereinafter mentioned, and to stop any person, riding, leading or driving any Horses Cattle, Carts or Carriages from passing through said gates or turnpikes until they shall respectively have paid the same, that is to say, for every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of Horses, Cattle or Carriages, (to wit) for every ten sheep or swine one half cent, for every ten neat cattle, horses, or Mules one cent, for every horse and his rider or led horse one cent, for every Sulkey, Chair or Chaise with one horse & two wheels two cents, for every Coach Charriot, Stage, Phaeton or Chaise with two horses and four wheels three cents, for either of the Carriages last named, with four horses, four cents, for every other carriage of pleasure the like sums, according to the number of wheels and horses drawing the same; for each Cart, Waggon, or other carriage of burden drawn by one beast one cent, for the like carriages drawn by two beasts, one and a half cents, if by more than two beasts, one cent for each additional Yoke of oxen or pair of horses, for each pleasure Sleigh drawn by one horse one cent & an half if drawn by two horses, two cents, if drawn by more than two horses, one cent for each additional horse for each Sled or Sleigh of burden drawn by one horse three quarters of a cent, if by two

horses or one Yoke of oxen, one cent, if by more than two horses or one yoke of oxen, one cent for each additional yoke of oxen or pair of horses; and at all times when the toll-gatherer does not attend his duty the gates shall be left open, and if any person shall with his Carriage, team, cattle or horses turn off the said road to pass the said Turnpike gate on ground adjacent thereto not being a public highway with an intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been, Provided that nothing in this Act shall extend to entitle said Corporation to demand or receive toll of any person who is an inhabitant of any Town where any gate may be erected, nor any Officer or soldier of the Militia under arms, going to or from the place of Military duty, nor to any funeral that may have occasion to pass said gate.

And be it further enacted, that the said corporation are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said Turnpike road, and the share or shares of any proprietor may be transfered by Deed duly executed, acknowledged and Recorded by the Clerk of said Corporation on their Records, and said shares may be sold by said Corporation on non-payment of assessments duly made agreeable to the Bye-Laws of said Corporation.

And be it further enacted that the said Corporation shall take no toll for any mile of said road untill Six Hundred dollars shall have been expended thereon, reckoning a proportionate sum upon the whole number of miles from Charles Hodgdon's esquire in Barnstead, to Jenness's Pond in Pittsfield near the line of Northwood, Nor shall any toll be taken for any mile of said road untill the Justices of the Superior Court shall adjudge that said road is sufficiently made to entitle the said Corporation to receive toll, at which time said Corporation may erect gates thereon according to the provisions of this Act.

And be it further enacted, that said Corporation may be indited for want of repairs of said road after the toll-gates are erected, and fined in the same way & manner as Towns are by Law fineable for suffering highways and bridges to be out of repair, and said fines may be levied on the profits and tolls accruing to said Corporation Provided that if the said Turnpike road shall in any part be the same with any highway now used it shall not be lawfull for said Corporation to erect any gate or Turnpike upon or across that part of said road which is now used as a public highway, any thing herein to the contrary notwithstanding.

And be it further enacted, that at the end of every six years after the setting up of any toll gate upon the road aforesaid, an account of the expenditures upon said road and the profits arising therefrom shall be laid before the Justices of the Superior Court for the time being under the forfeiture of the priviledges of this grant in future,



and if the neat profits for the said six Years shall exceed nine p<sup>r</sup> centum p<sup>r</sup> annum, the said Court may reduce the future rate of toll so far as that it may not exceed nine p<sup>r</sup> centum p<sup>r</sup> annum And if the said profits shall not amount to six p<sup>r</sup> centum, p<sup>r</sup> annum, the said Court may raise the future tolls so that it shall not be less than six p<sup>r</sup> centum, p<sup>r</sup> annum nor more than nine p<sup>r</sup> centum p<sup>r</sup> annum.

And be it further enacted, that if in Six years from the passing of this Act, the said road and every part thereof shall not be compleated agreeable to the provisions of this Act, every part and clause thereof shall be null and void;

Provided allso that the State of New Hampshire may at any time after the passing hereof repay the proprietors of said road the amount of the sums expended by them thereon, with nine p<sup>r</sup> centum, p<sup>r</sup> annum, in addition thereto, deducting the toll actually received by said Corporation; in that case the road shall to all intents and purposes be the property of the State of New Hampshire. Provided further, that the Legislature of this State shall have a right to adopt Such measures in future as shall by them be considered necessary or expedient to compel said Proprietors to keep said road in repair.

#### [CHAPTER 8.]

*State of*                    }  
*New Hampshire.*        }

AN ACT TO DIVIDE THE NINETEENTH REGIMENT OF MILITIA IN SAID STATE.—

[Approved June 13, 1806. Original Acts, vol. 19, p. 17; recorded Acts, vol. 16, p. 293. Session Laws, June, 1806, p. 22.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Company or companies in the town of Moultonborough, and the first company in Sandwich, shall constitute the first battalion; and the second company in Sandwich, and the Companies in Tamworth shall form the second battalion, which shall constitute the Nineteenth Regiment—And the companies of Eaton and Burton and the first company in Conway shall form the first battalion, and the companies in Bartlett, Adams and Chatham, and the second company in Conway, shall form the second battalion, which shall constitute the Thirty sixth Regiment:—which Regiment last mentioned, shall form a part of, and be annexed to, the second Brigade of Militia in said State.—

## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

## AN ACT TO ALTER THE NAME OF JOSEPH HOGG, SIMSON HOGG &amp; WILLIAM HOGG

[Approved June 14, 1806. Original Acts, vol. 19, p. 18; recorded Acts, vol. 16, p. 289.]

Whereas Joseph Hogg, Simson Hogg & William Hogg have petitioned the General Court that their respective names may be changed and that they may hereafter be called and known by the names of Joseph Wilder, Simson Wilder and William Wilder—

And the prayer of the petitioners appearing reasonable Therefore, be it enacted by the Senate and House of Representatives in General Court convened, that the respective names of Joseph Hogg, Simson Hogg & William Hogg be and they are hereby altered and changed to the names of Joseph Wilder, Simson Wilder and William Wilder, and that the aforesaid persons shall forever hereafter be called and known by the names of Joseph Wilder, Simson Wilder and William Willder any thing formerly to the contrary notwithstanding—

And be it further enacted, that no contract, obligation or Suit heretofore made or commenced for or against the said Joseph, Simson or William shall be in any wise affected by this Act—

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

## AN ACT GRANTING CERTAIN LANDS IN THE TOWN OF ADAMS IN SAID STATE TO SAID TOWN OF ADAMS FOR THE SUPPORT OF SCHOOLS &amp; FOR THE SUPPORT OF THE GOSPEL IN SAID TOWN—

[Approved June 14, 1806. Original Acts, vol. 19, p. 19; recorded Acts, vol. 16, p. 292.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Town of Adams in the County of Coos, shall be entitled to three hundred Acres of Land the property of said State in said Town of Adams for the Support of Schools in said Town and to three hundred Acres of Land for a Parsonage or Ministry Right in said Town, and are hereby authorized to lay out and survey the same in any part of the Lands belonging to said State, in said Town of Adams, for which no Application has heretofore been Made—

And be it further enacted, that said Lands be and are hereby appropriated to the above purposes forever & no other uses

## [CHAPTER 11.]

*State of* )  
*New Hampshire.* )

AN ACT TO INCORPORATE JOSEPH W. PICKERING, AND OTHERS INTO  
 A RELIGIOUS SOCIETY, CALLED AND KNOWN BY THE NAME OF THE  
 FIRST BAPTIST SOCIETY IN PORTSMOUTH.—

[Approved June 16, 1806. Original Acts, vol. 19, p. 20; recorded Acts, vol. 16, p. 295. By the act of December 23, 1840, Session Laws, November, 1840, Chap. 8, the name was changed to the Pleasant Street Christian Society.]

Whereas a petition has been presented to the General Court by a number of the inhabitants of the town of Portsmouth, praying that they with such others as may hereafter be admitted into said society, be incorporated and known by the name of the First Baptist Society in Portsmouth;—which prayer appearing reasonable,—Therefore,—

Be it enacted by the Senate and House of Representatives in General Court, convened, That Joseph W. Pickering, Edward Call, John Underwood, Hanson M. Hart, John G. Brewster, Henry Buford, Nicholas Rollins, Thomas Safford, Richard Rice, Joseph Y. Burgin, Thomas Treadwell, Daniel P. Drowne, Enoch Thompson, Robert Neal, Jeremiah Low, and John Abbot, and their associates, with such others as may be admitted members hereafter, be and they hereby are made and vested into a body corporate and politic, with continuation and succession forever;—to be called and known by the name of the first Baptist society in Portsmouth, and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and are hereby vested with all the powers and privileges, which by Law are incident to corporations of a similar nature.—

And be it further enacted, that said society be and they hereby are authorised and empowered to raise such sum or sums of money as they shall judge necessary from time to time, for the purpose of Building and keeping in repair a house or houses for public worship, and for the support or maintenance of a public teacher of piety and Religion; and to choose all proper officers for transacting and managing the concerns of said society, and to make by-laws for regulating the same, Provided they are not contrary to the Constitution and Laws of this State

And be it further enacted, that said society shall annually meet on the second Tuesday of July, for the purposes aforesaid, and for choosing all proper officers for transacting the business of said Corporation, who shall be sworn to the faithful discharge of their duty, and all meetings of said society in future, shall be notified or warned by the clerk of the same, who shall cause a notification, setting

forth the business to be transacted at said meeting, to be posted up at such place, as said society shall direct, fifteen days prior to said meeting

And be it further enacted, That said society may hold real estate in Portsmouth to the value of five Thousand dollars, and receive Subscriptions, grants and donotions of personal estate to the value of Three thousand dollars.—

And be it further enacted, That Joseph W. Pickering and Edward Call, or either of them, shall warn and preside at the first meeting of said Society, untill a moderator be chosen, which meeting shall be warned by posting up a notification, setting forth specially all matters and things to be acted upon in said meeting, at the Baptist meeting-house in said town of Portsmouth, fifteen days before the day of holding said meeting.—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

### AN ACT IN ADDITION TO AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF HINDSDALE BRIDGE AND THE SIXTH NEW HAMPSHIRE TURNPIKE CORPORATION—

[Approved June 16, 1806. Original Acts, vol. 19, p. 21; recorded Acts, vol. 16, p. 299. Session Laws, June, 1806, p. 15. The act referred to is dated June 17, 1802, *ante*, p. 87. See also acts of December 24, 1805, *ante*, p. 450, and June 11, 1807, recorded Acts, vol. 11, p. 72. This act was repealed by the act of June 12, 1812, Session Laws, June, 1812, p. 39. By the act of January 7, 1853, *id.*, November, 1852, Chap. 1362, the name of the corporation was changed.]

Be it enacted by the Senate and house of Representatives in General Court convened, That instead of the rates of toll in and by said act, allowed to be taken by said corporation, the following shall and may be lawful for the corporation to collect and receive of and from every person and persons using the said road, the rates herein after mentioned and stop any person riding, leading or driving any horses, cattle, hogs, sheep, sulkey chaise chair, phaeton, coach, chariot, cart, waggon, sleigh, sled or other carriage of burden or pleasure from passing through said gate or turnpike, untill they shall have respectively paid the same, that is to say, for every mile of said road, and so in proportion, for any greater or less distance or any greater or smaller number of sheep, hogs or cattle, viz. for every ten sheep or hogs one cent, for every ten cattle two cents, for every horse and his rider one cent, for every sulkey, chair, or chaise with one horse and two wheels one cent and a half, for every chariot, coach, stage, waggon, phaeton or chaise with two horses and four wheels, three cents, for either of the carriages last mentioned with four horses four cents, for every other carriage of pleasure the like



sums according to the number of wheels and horses drawing the same, for each cart or other carriage of burden drawn by one beast one cent, for each waggon, cart or other carriage of burden, by two beasts one and a half cents, if by more than two, one cent for each additional yoke of oxen or horse, for each sleigh drawn by one horse, one cent and a half, by two horses two cents, and if by more than two one cent for each horse, for each sled drawn by one horse one cent, for each sled or sleigh of burden drawn by two horses or a yoke of oxen one cent and a quarter, and if by more than two horses or one yoke of oxen, one cent for each pair of horses or yoke of oxen—

And be it further enacted, That so much of the clause of said act, to which this is an addition, as respects the rate of toll said corporation may receive at the gate on the road, and not at the bridge, and no more of said clause of said act, is hereby repealed—

### [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

#### AN ACT IN ADDITION TO AN ACT INTITLED AN ACT IN ADDITION TO OR AMENDMENT OF AN ACT TO INCORPORATE THE TOWN OF GOSHEN—

[Approved June 17, 1806. Original Acts, vol. 19, p. 22; recorded Acts, vol. 16, p. 302. Session Laws, June, 1806, p. 21. The act referred to is dated June 22, 1797, Laws of New Hampshire, vol. 6, p. 418. See also acts of December 27, 1791, id., vol. 5, p. 815, and December 8, 1796, id., vol. 6, p. 357.]

Whereas the Select Men of the Town of Goshen have set forth in a Petition that in an act entitled an Act in addition to or amendment of an act to incorporate a Town by the name of Goshen a mistake took place

Be it Enacted by the Senate and House of Representatives in General Court Convened. that the Bounds and lines of Said Goshen be as follows, Beginning at a Stake and Stones on Fishersfield West line about one Hundred and sixty rods North of Corey Road so called thence North Seventy one Degrees West to the North West Corner of Lot Number nine south Division of Seventy five acre Lotts as Lotted by the Proprietors of Wendell, thence as said Act of incorporation Directs untill it comes to the South East Corner of said Goshen thence North Six & a half Degrees West untill it intersects with the West line of Fishersfield, thence on said Fishersfield line to the Bounds first mentioned, Be and the same shall hereafter be considered as the Bounds and lines of said Goshen any thing in the aforesaid Acts to the Contrary notwithstanding.—

## [CHAPTER 14.]

*State of*            }  
*New Hampshire.* }

## AN ACT TO ARRANGE THE COMPANIES IN THE TWELFTH REGIMENT OF MILITIA IN THIS STATE.—

[Approved June 17, 1806. Original Acts, vol. 19, p. 23; recorded Acts, vol. 16, p. 304. Session Laws, June, 1806, p. 23.]

Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the passing of this Act, the companies in the towns of Rindge, Jaffrey and Fitzwilliam, shall form a first battalion, and the companies in the towns of Dublin, Marlborough & Packersfield, shall form a second battalion, which shall constitute the twelfth Regiment, any law, usage or custom to the contrary notwithstanding—

Provided nevertheless, that those persons who are inhabitants of said town of Fitzwilliam, and are enlisted into the Company of Cavalry belonging to the second battalion in said Regiment, shall continue to do duty in said Company until they shall voluntarily join some company belonging to said first battalion.—

## [CHAPTER 15.]

*State of*            }  
*New Hampshire.* }

## AN ACT GRANTING CERTAIN LANDS IN THE TOWN OF ADAMS TO THE TOWN OF BARTLETT FOR THE SUPPORT OF SCHOOLS AND OF THE GOSPEL IN SAID BARTLETT

[Approved June 17, 1806. Original Acts, vol. 19, p. 24; recorded Acts, vol. 16, p. 306.]

Be it enacted by the Senate and House of Representatives in General Court convened—that the Town of Bartlett in the County of Coos, shall be entitled to three hundred Acres of Land situate in the Town of Adams the Property of said State for the Support of schools in said Bartlett—and to three hundred Acres of Land, situate in Adams as aforesaid for the Support of the Gospel in said Bartlett, and are hereby authorised to lay out & survey the same in any part of the Land the Property of this State in Adams, for which no Application has heretofore been made—

And be it further enacted that said Lands are hereby appropriated for the above purposes forever—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORIZE THE RAISING A TAX ON ALL THE LANDS IN STEWARTSTOWN (PUBLIC RIGHTS EXCEPTED) FOR THE PURPOSE OF CUTTING, AND REPAIRING A ROAD, AND MAKING A BRIDGE.

[Approved June 17, 1806. Original Acts, vol. 10, p. 25; recorded Acts, vol. 16, p. 307. Session Laws, June, 1806, p. 19. See act of December 24, 1799, Laws of New Hampshire, vol. 6, p. 597.]

Whereas a petition has been presented the general Court, by the Selectmen of Stewartstown, praying that the lands in said Stewartstown may be taxed for the purposes aforesaid.

Therefore be it enacted by the Senate, and House of Representatives in general Court convened, that Jeremiah Eames Jun<sup>r</sup>, Elisha Dyer, and David Lock be, and they are hereby appointed a Committee to assess a tax of two Cents on each acre of land, (public rights excepted) in said Town of Stewartstown, for one year; and the said Committee shall collect the same, to be appropriated by them to the sole use of making, and repairing a Road which is laid out from the River Road to Town number two; and for building a Bridge over Connecticut River near Eames' Mills:—one half of the tax collected to be laid out on the Road as aforesaid, and one half in building the Bridge as aforesaid; and the whole of said tax of two Cents per acre, on each acre of land, shall be collected in the same way and manner, as state taxes assessed on non Resident proprietors by law are collected

And be it further enacted, that the said committee shall, in the month of April, in the year one thousand eight hundred and seven; when said tax is assessed, give public notice in the New Hampshire Gazette, and in the Newspaper printed at Hanover, three weeks successively of the Assessment of said tax; and of the leave granted to the Resident, and non resident owners to work out said tax as is, hereafter provided.

And be it further enacted that the owners of land in the said Town of Stewartstown, whether Residents, or non Residents, shall have the liberty of working out the said taxes on the said Road or Bridge as the said Committee shall direct, and it shall be the duty of the said Committee to superintend the same, or appoint some suitable person for that purpose, and there shall be allowed for the labour which may be so done at the rate of eight Cents per hour for every able bodied man finding his own diet and tools, and for Ox work at the same price per yoke; provided that said labour be offered at any time between the first day of June, and the first day of October in the said year one thousand eight hundred and seven.

And if the tax aforesaid is not duly paid or worked out as is herein provided, on or before the first day of October, in the year one thousand eight hundred and seven, then, the said Committee shall proceed in collecting the same, in the same way and manner as Collectors of State taxes are by law directed to do.

And be it further enacted, that when any lands are sold at public Auction by virtue of this act, the aforesaid Committee are hereby empowered to give a good and valid Deed of the same, and the same time shall be allowed for redemption, and the same mode pursued in redeeming as in the case of lands sold for the nonpayment of State taxes: provided that no Deed shall be executed untill one year after the sale.

And be it further enacted that the said Committee shall previous to the collection of said tax give bond in the penalty of fifteen hundred Dollars to the Clerk of the Court of Common pleas for the County of Coos—for the faithful appropriation of the tax, aforesaid, within two years from the first advertising, agreeably to the true intention of this Act; which bond may be sued and recovered in any Court competent to try the same; and one half the sum recovered shall be for the use of the proprietors, and the other half to the use of the County

## [CHAPTER 17.]

*State of*                    }  
*New Hampshire.*        {

### AN ACT REGULATING THE COMPANY OF ARTILLERY IN THE SIXTEENTH REGIMENT—

[Approved June 17, 1806. Original Acts, vol. 19, p. 26; recorded Acts, vol. 16, p. 313. Session Laws, June, 1806, p. 23.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the officers of the said Company of Artillery, be and they hereby are authorised and impowered to enlist into said Company, such and so many persons as they may deem expedient, from any or all of the Companies of Infantry in the first battalion in said Regiment;—Provided that the said Company of Artillery shall not at any time consist of a greater number than Thirty two Rank and file;—and that no company of Infantry shall be reduced to a less number than Sixty four, by reason of such enlistment.



## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO, AND AMENDMENT OF CERTAIN ACTS HERETOFORE PASSED, GRANTING TURNPIKE INCORPORATIONS—

[Approved June 17, 1806. Original Acts, vol. 19, p. 27; recorded Acts, vol. 16, p. 314. Session Laws, June, 1806, p. 18. Laws, 1815 ed., p. 395; id., 1830 ed., p. 183. See act of June 19, 1806, Session Laws, June, 1806, p. 19. See also acts of June 22, 1818, id., June, 1818, Chap. 28, and July 2, 1827, id., June, 1827, Chap. 33. Repealed by act of December 23, 1842. See Revised Statutes, (1842) Chap. 230.]

Whereas impositions on the public have taken place, in consequence of the omission of the words, "Sleigh of burthen" after the word, "sled", in several acts passed for the purpose aforesaid, for remedy whereof—

Be it enacted, by the Senate and House of Representatives, in General Court convened, That from and after the passing this act, every Sleigh of burthen, shall pay no more toll, than is charged on a sled drawn by the same number of beasts, although, the words sleigh of burthen are not inserted in said act or Acts

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE FIFTH NEW HAMPSHIRE TURNPIKE MADE AND PASSED JUNE 17<sup>TH</sup> 1802,

[Approved June 17, 1806. Original Acts, vol. 19, p. 28; recorded Acts, vol. 16, p. 316. Session Laws, June, 1806, p. 17. See act referred to, *ante*, p. 83. See also act of June 25, 1810, Session Laws, June, 1810, p. 14.]

Whereas in and by said Act Thomas Cogswell Esq<sup>r</sup> was appointed and authorised to call the first Meeting of said proprietors, and whereas the time has elapsed for holding said meeting and no person is authorised to call a Meeting of the Proprietors at this Time and the Proprietors wishing to carry the design of said Act into effect; Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that Thomas Cogswell and John P. Hale, Esquires, or either of them be and they hereby are authorised and appointed to call a meeting of said proprietors at such time and place as he or they shall appoint, giving the same notice as is required by said Act, and either of them may preside therein until a Moderator

shall be chosen, and the said Proprietors, at said Meeting are hereby authorised and impowered to act upon and transact all such matters and things as they might or could have done at their first Meeting by virtue of the Act of their Incorporation: And the Proceedings at said Meeting shall be binding on the Proprietors as though their first Meeting had been held agreeably to the tenor of the said Act to which this is an addition.

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT TO COMPEL CERTAIN PERSONS TO PERFORM MILITARY DUTY, UNTILL THE RESPECTIVE COMPANIES OF ARTILLERY INTO WICH THEY MAY INLIST BE FURNISHED WITH FIELD PIECES—

[Approved June 17, 1806. Original Acts, vol. 19, p. 29; recorded Acts, vol. 16, p. 318. Session Laws, June, 1806, p. 24.]

Be it enacted by the Senate & house of Representatives in General Court convened, that no person who has already inlisted or may hereafter inlist from any company of Infantry into any Company of Artillery shall be exempted or excused from doing duty in the company from which he inlisted untill the Company of Artillery is furnished with Field pieces necessary by Law for doing Military duty—

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT CONSTITUTING A SECOND COMPANY OF CAVALRY IN THE TWENTY FIRST REGIMENT.

[Approved June 17, 1806. Original Acts, vol. 19, p. 30; recorded Acts, vol. 16, p. 320. Session Laws, June, 1806, p. 24.]

Be it enacted by the Senate and House of Representatives, in General Court convened, That there shall be a second, or additional, company of cavalry, consisting of not more than fifty rank and file, annexed to the twenty first regiment of militia; that the present officers and soldiers, belonging to the cavalry, and residing within the town of Hopkinton, with such other inhabitants of said town, as may hereafter enlist, shall constitute the said second company; and that the said second company shall be formed, and the officers thereof appointed and commissioned agreeably to the laws of this State.

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY ISLE-OF HOOKSET FALLS, ON MERRIMACK RIVER—APPROVED FEB<sup>V</sup> 18<sup>TH</sup> 1794

[Approved June 17, 1806. Original Acts, vol. 19, p. 31; recorded Acts, vol. 16, p. 321. The act referred to is printed in Laws of New Hampshire, vol. 6, p. 149. See also acts of June 21, 1797, id., p. 408, December 22, 1803, *ante*, p. 189, December 1, 1808, recorded Acts, vol. 17, p. 342, and June 13, 1810, id., vol. 18, p. 316.]

Whereas in and by said Act, Robert M<sup>c</sup>Gregore and William Duncan Esquires, and their associates, were incorporated with the exclusive Privilege of cutting a Canal by Isle-of-hookset-falls, on Merrimack river, and locking the same; under certain restrictions and with certain privileges as therein prescribed—And Whereas the term therein limited for compleating the same, as well as the terms allowed them in two Subsequent additional Acts, have expired—and the Said William Duncan having Deceased—

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened That the said Robert M<sup>c</sup>Gregore & the Legal Representatives of the said William Duncan dec<sup>d</sup>, & those who have or may hereafter become associates with them, be allowed a further time until the first Day of October AD: One thousand eight hundred and seven, for the purpose of finishing and compleating said Canal & Locks; under such restrictions & with such privileges as was allowed in the above recited Act of incorporation—

## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORIZE THE RAISING A TAX ON ALL THE LANDS IN THE TOWNS OF BETHLEHAM, FRANCONIA, AND LINCOLN (PUBLIC RIGHTS EXCEPTED) FOR THE PURPOSE OF MAKING A ROAD AND BRIDGES—

[Approved June 17, 1806. Original Acts, vol. 19, p. 32; recorded Acts, vol. 16, p. 324. Session Laws, June, 1806, p. 13. See act of June 17, 1802, *ante*, p. 98. See additional act of June 13, 1807, recorded Acts, vol. 16, p. 429.]

Whereas a Petition has been presented the General Court by William Lovejoy and others, praying that the lands in the Towns of Bethlehem, Franconia, and Lincoln may be taxed for the purposes aforesaid.

Therefore be it enacted by the Senate and House of Representatives in general Court convened, that Samuel Greely Esquire, John Brown Jun<sup>r</sup> Esquire, and Benjamin Barron Esquire be, and they are hereby appointed a Committee to assess a tax of two cents on each acre of land (public rights excepted) in said Towns of Bethlehem, Franconia and Lincoln for one year, and the said Committee shall collect the same to be appropriated by them to the sole use of making and repairing a Road to be laid out by the said Committee from the North line of Bethlehem, through Bethlehem Franconia, and Lincoln to strike through the middle Notch, so called, and to follow the general course of the middle branch of Pemisiwassett River thus to the North line of Peeling, so as to intersect the river Road in Peeling. And the said tax shall be collected in the same way and manner, as state taxes assessed on non Resident proprietors by law are collected—

And be it further enacted, that the said Committee shall in the month of April in the year one thousand eight hundred and seven when said tax is assessed, give public Notice in the New Hampshire Gazette, and in the newspaper printed at Hanover, three weeks successively of the Assessment of said tax, and of the leave granted to the Resident and non Resident owners to work out said tax as is hereafter provided.

And be it further enacted, that the owners of lands in said Towns of Bethlehem Franconia and Lincoln whether Residents or non Residents shall have the liberty of working out the said taxes on the said Road so to be laid out as aforesaid as the said Committee shall direct and it shall be the duty of the said Committee, to superintend the same, or appoint some suitable person for that purpose, and there shall be allowed for the labour which may be so done at the rate of eight Cents per hour for every able bodied man, finding his own diet and tools, and for Ox work at the same price per Yoke; provided that said labour be offered at any time between the first day of June, and the first day of October, in the said year one thousand eight hundred and seven. And if the tax aforesaid, is not duly paid, or worked out as is herein provided, on or before the first day of October in the year one thousand eight hundred and seven; then the said Committee shall proceed in collecting the same, in the same way and manner as Collectors of state taxes are by law directed to do.

And be it further enacted that when any lands are sold at public Auction by virtue of this act, the aforesaid Committee are hereby empowered to give a good and Valid Deed of the same; and the same time shall be allowed for redemption, and the same mode pursued in redeeming, as in the case of lands sold for the non payment of state taxes: provided that no deed shall be executed untill one year after the sale.

And be it further enacted that said Committee shall previous to



the collection of said tax, give bond in the penalty of Two thousand Dollars to the Clerk of the Court of common pleas for the County of Grafton, for the faithful appropriation of the tax aforesaid, within two years from the first advertising, agreeably to the true intention of this act; which bond may be sued and recovered in any Court competent to try the same and one half the sum recovered shall be for the use of the proprietors, and the other half to the use of the County—

Provided nevertheless and be it further enacted that it shall not be lawful for the Inhabitants of the towns of Bethlehem, Franconia and Lincoln to tax the unimproved Lands of Non Residents for the support of highways for one year after the year one thousand, eight hundred and six any law, usage, or custom to the contrary notwithstanding.

[CHAPTER 24.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE  
PRESIDENT DIRECTORS & COMPANY OF THE HILLSBOROUGH  
BANK—

[Approved June 18, 1806. Original Acts, vol. 19, p. 33; recorded Acts, vol. 16, p. 329. See resolutions of June 16, 1810, id., vol. 7, p. 270, and June 21, 1811, Session Laws, June, 1811, p. 29.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, that Robert Means James Ray, William Fisk, Daniel Prior, Charles H. Atherton Eli Brown, Samuel Foster, William Bradford, Daniel Warner & Joseph Langdell and their associates, and those who may hereafter become associates in the said Bank, their successors and assigns, shall be and hereby are erected and made a corporation, by the name of the President, Directors and Company of the Hillsborough Bank; and shall so continue during the term of Twenty Years next after the passing of this act, and by that name shall be, and are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court whatever; and also to make, have and use a common Seal, and the same again at pleasure to break, alter or renew; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as to them shall appear necessary and convenient, for the government of said corporation, and the prudent management of their affairs—Provided such by-laws, ordinances & regulations shall in no-wise be contrary to the Laws and Constitution of this State—

Section 2<sup>d</sup> And be it further enacted, that the capital Stock of

said Corporation shall consist of a sum not less than Fifty Thousand dollars nor more than Two hundred Thousand dollars in specie,—shall be divided into Two thousand shares; and the Stockholders shall by a majority of votes, determine the amount of payment to be made on each share, and the time when the same shall be made; also the mode of transferring and disposing of the Stock, and the profits thereof, which being entered in the Books of said Corporation, shall be binding on the Stockholders, their Successors and assigns—Provided that no Stockholder shall be allowed to borrow at said Bank, until he shall have paid in his full proportion of said sum of Fifty thousand dollars at least. And said corporation are hereby made capable in law, to have, hold, purchase and 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 any one time, with power to bargain, sell, and dispose of the same lands tenements & hereditaments, and to loan & negotiate their monies and effects, by discounting on banking principles on such personal security as they shall think advisable—

Section 3<sup>d</sup> And be it further enacted, that the following rules, limitations and provisions, shall form, and be the fundamental articles of said corporation—

1<sup>st</sup> That said corporation shall not issue and have in circulation at any one time bills, notes or obligations to a greater amount than twice their stock actually paid in, in addition to the simple amount of the monies deposited in said Bank for safekeeping; and in case of any excess, the directors under whose administration it may happen, shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt said corporation, or any estate real or personal which they may hold as a body corporate, from being liable for and chargeable with such excess—

2<sup>nd</sup> That said corporation shall not vest, use or improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kind of personal pledges lodged in their hands by way of security to an amount sufficient to reimburse the sum loaned.—

3<sup>d</sup> None but a member of said corporation, being a citizen of this State and resident therein shall be eligible for a Director, and the directors shall choose one of their own number to act as President—the Cashier before he enters on 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 ten thousand dollars, with condition for the faithful discharge of the duties of his Office—

4<sup>th</sup> That for the well ordering of the affairs of said corporation, a meeting of the stockholders, from and after their first meeting shall be held at such place as they shall direct—on the first monday of July, and at any other time during the continuance of said corporation, at such place as shall be appointed by the President &

Directors for the time being, by public notification being given at least three weeks previous thereto; at which annual meeting there shall be chosen by ballot five Directors, to continue in office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportion, that is to say—for every one share one vote, and every two shares above one, shall give a right to one vote more; Provided no one member shall have more than ten votes, and absent members may vote by proxy, being authorised in writing.—

5<sup>th</sup> No director shall be entitled to any emolument for his services; but the stockholders may make the President such compensation as to them shall appear reasonable—

6<sup>th</sup> No less than three directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case the directors present may choose a chairman for the time being in his stead.—

7<sup>th</sup> All Bills issued from the Bank aforesaid and signed by the President, shall be binding on said Corporation.—

8<sup>th</sup> The Directors shall make half yearly dividends, of the profits, rents, premiums and interest of the Bank aforesaid—

9<sup>th</sup> The Directors shall have power to appoint a Cashier Clerks and such Officers for carrying on the business of the Bank, with such salaries as to them shall seem meet.—

Section 4<sup>th</sup> - And be it further enacted, that the said Bank shall be established and kept in the town of Amherst.

Section 5<sup>th</sup> And be it further enacted, that the persons herein before mentioned, or any three of them, are authorised to call a meeting of the members and Stockholders of said corporation as soon as may be, at such time and place as they may see fit, by giving public notice at least three weeks prior to the time of meeting, in Amherst News-paper, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said corporation, as the said Stockholders shall deem necessary, and for the choice of the first board of directors, and such other officers as they may see fit to choose.—

Section 6<sup>th</sup> That any Person or Persons specially appointed by the Legislature of this State for the purpose, shall have a right to examine into the affairs of the Bank, and at all times when the bank is open, have access to the Bank books—

\* And be it further enacted that if said Corporation shall at any time hereafter divide their Stock, previous to the payment of all their Bills, or shall refuse or neglect to pay any of their Bills, when presented for payment, in the usual manner, the original Stock-

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\* This section is an amendment to the original bill.

holders, their Successors, Assigns, and the Members of said Corporation, shall in their private Capacities be jointly and severally liable to the holder of any Bill, or Bills, issued by the said Corporation, for the payment thereof, any such Member or Members, who shall have been compelled to make payment as aforesaid, shall hereby be authorised to recover of the remaining Members of said Corporation, their proportion of the sum or sums paid as aforesaid, to be estimated according to their respective Shares in said Bank Corporation

[CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE  
PRESIDENT DIRECTORS AND COMPANY OF THE CONCORD BANK.—

[Approved June 18, 1806. Original Acts, vol. 19, p. 34; recorded Acts, vol. 16, p. 339. See additional act of December 22, 1824, id., vol. 23, p. 6.]

Sec. 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, That Timothy Walker, Caleb Stark, John Bradley, John Mills, Robert Harris, Ebenezer Peasley Richard Ayer, William Whittle William A Kent, Joshua Darling, Thomas W Thompson, Aquilla Davis, John Chandler, Baruch Chase, Joseph Towne and Joseph Clough and their associates and those who may hereafter associate with them in said Bank, their successors and assigns, shall be and hereby are created and made a corporation by the name of the President, Directors and Company of the Concord Bank, and shall so continue from the first day of July next, until the expiration of twenty years next following, and by that name may sue and be sued, plead and be impleaded, defend and be defended in any court of record having competent jurisdiction, and also to make, use and have a common seal, and the same at pleasure to break, alter, and renew, and also to order establish, and put in execution such bye-laws ordinances, and regulations as to them shall appear necessary and convenient for the government of said corporation, and the prudent management of their affairs—Provided such bye-laws, ordinances, and regulations shall in no wise be contrary to the Laws and Constitution of this State—And the said corporation shall be always subject to the rules, restrictions, limitations, and provisions herein described.—

Sec. 2. And be it further enacted, That the capital stock of said Bank shall consist of a sum not less than fifty thousand dollars, nor more than two hundred thousand dollars in specie and shall be divided into one thousand shares, and the stockholders at their first meeting shall by a majority of votes determine the amount of the



payments to be made on each share and the time when the same shall be made, and also the mode of transferring and disposing of the stock and profits thereof, which being entered in the books of said corporation shall be binding on the stockholders their successors and assigns—Provided that no stock-holder shall be allowed to borrow at said Bank until he shall have paid in his full share or proportion of said sum of fifty thousand dollars at least—And said corporation are hereby made capable in law to have, hold purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements & hereditaments to the amount of ten thousand dollars and no more at any one time, with power to bargain, sell and dispose of the same lands, tenements and hereditaments, and to loan and negotiate their monies, and effects, by discounting on banking principles on such personal security as they shall think advisable.

Sec. 3. And be it further enacted, That the following rules, limitations and provisions shall form and be the fundamental articles of said corporation—First, That said corporation shall not issue and have in circulation at any one time, bills, notes or obligations to a greater amount than twice their stock actually paid in, in addition to the simple amount of monies deposited in said bank for safe keeping, and in case of any excess, the President and Directors under whose administration it shall happen shall be liable for the payment of the same in their private capacity, but this shall not be construed to exempt said corporation or any estate real or personal which they may hold as a body corporate, from being liable for, and chargeable with such excess.—

Second—That said corporation shall not vest, use nor improve any of their monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their hands, by way of security, to an amount sufficient to reimburse the sums loaned.—

Third. None but a member of said corporation being a citizen of this state and resident therein shall be eligible for a director.— And the directors shall choose one of their own number to act as President.—The cashier before he enters on the duties of his office shall give bonds with two sureties to the satisfaction of the board of directors, in a sum not less than ten thousand dollars, with condition for the faithful discharge of the duties of his office.—

Fourth.—That, for the well ordering the affairs of said corporation, a meeting of the stockholders from and after the time of the first meeting shall be held at such place as they shall direct on the first monday of September annually, and at any other time during the continuance of said corporation, at such place as shall be appointed by the President and Directors for the time being, by public notification being given at least three weeks previous thereto, at which annual meeting there shall be chosen by ballot five directors

to continue in office the year ensuing their election, and the number of votes, to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the following proportion; That is to say for every one share one vote, and every two shares above one share shall give a right to one vote more provided that no one member shall have more than ten votes, and absent members may vote by proxy being authorised in writing.—

Fifth—Not less than three directors shall constitute a board for the transaction of business of whom the President shall always be one except in case of sickness or necessary absence in which case the directors present may choose a chairman for the time being in his stead.—

Sixth. No director shall be entitled to any emolument for his services, but the stockholders may make the president such compensation as to them shall appear reasonable.—

Seventh—All bills issued from the Bank aforesaid and signed by the President shall be binding on said corporation.

Eighth—The Directors shall make half yearly dividends of all profits, rents, premiums and interest of the Bank aforesaid.

Ninth—The Directors shall have power to appoint a Cashier, Clerks and such officers for carrying on the business of the Bank, with such salaries as to them shall seem meet.

Sec. 4. And be it further enacted, That the said Bank shall be established and kept in the town of Concord.

Sec. 5. And be it further enacted, That the persons herein before named or any three of them are authorised to call a meeting of the members and stockholders of said corporation as soon as may be at such time and place as they may see fit by giving public notice thereof at least three weeks prior to the time of meeting, in the Farmers Cabinet printed at Amherst and in one of the papers printed in the county of Rockingham, for the purpose of making ordaining and establishing such bye laws, ordinances and regulations for the orderly conducting the affairs of said corporation as the stockholders shall deem necessary, and for the choice of the first board of Directors and such other officers as they shall see fit to choose.

Sec. 6. And be it further enacted, That any person or persons specially appointed by the Legislature of this State for the purpose, shall have a right to examine into the affairs of the Bank, and at all times when the Bank is open have access to the Bank Books.—

\* And be it further enacted that if said Corporation shall at any time hereafter divide their stock, previous to the payment of all their Bills or shall refuse or neglect to pay any of their Bills when presented for payment in the usual manner the original Stockholders their Successors, Assigns and the Members of said Corporation

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\* This section is an amendment to the original bill.

shall in their private capacities be jointly and severally liable to the holder of any Bill or Bills issued by the said Corporation for the payment thereof, and any such Member or Members who shall be compelled to make payment as aforesaid shall hereby be authorised to recover of the remaining Members of said Corporation, their proportion of the sum or sums paid as aforesaid to be estimated according to their respective Shares in said Bank Incorporation

[CHAPTER 26.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING JOHN MARCH TO COLLECT CERTAIN TAXES—

[Approved June 18, 1806. Original Acts, vol. 19, p. 35; recorded Acts, vol. 16, p. 349. See act of same title passed November 30, 1804, *ante*, p. 314.]

Whereas John March has petitioned the General Court setting forth that he was appointed Collector of Taxes in Eaton, in said State for the Year 1804, and for Reasons set forth in said Petition he has lost his Law for Collecting the nonresident Taxes in his List, and praying that he may be restored to his Law—The prayer of which Petition appearing reasonable—therefore—

Be it enacted by the senate and House of Representatives in General Court convened—that the said John March shall deposit in the Office of the Deputy Secretary of said State his afore said List of Taxes on or before the first Day of September next, which List shall remain in said Office, untill the first day of March following and in Case all or any part of said Taxes remain unpaid on said first Day of March—said Collector may proceed to collect the delinquent Sums in the Same way and Manner as though he had never lost his Law—provided nevertheless that said John March shall give public Notice of his restoration to Law by publishing this Act three Weeks successively in the New-Hampshire-Gazette, the first publication to commence on or before the first day of Sept<sup>m</sup> next—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING THE SUPERIOR COURT TO ADJUST AND DETERMINE THE ACCOUNT OF JOHN MOONEY OF HIS ADMINISTERING UPON THE ESTATE OF STEPHEN MEAD, AND FOR OTHER PURPOSES—

[Approved June 18, 1806. Original Acts, vol. 19, p. 36; recorded Acts, vol. 16, p. 351.]

Whereas John Mooney of Meredith in the County of Strafford, has petitioned the General Court, representing that he was appointed by the late Judge of Probate for said County of Strafford, Administrator of the Estate of Stephen Mead late of Meredith aforesaid deceased—That before he had fully administered upon said estate, or settled his administration account, he received the appointment of Judge of Probate for said County—and that there is now no tribunal before whom he can legally settle his administration account—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the Superior Court of Judicature when sitting in the County of Strafford, be & they hereby are authorised and empowered, to hear, determine & adjust the account of the said John Mooney for his administering upon the estate of the said Stephen Mead, in the same way & manner as though the said Superior Court had had original Jurisdiction of the same.—Provided the said John Mooney shall give public notice of his intention to present said account for allowance at said Court, in the same way and manner as though the same were to be presented to a Court of Probate for examination & allowance—

And be it further enacted, that the said Superior Court, when sitting as aforesaid, be, & they hereby are authorized and empowered to appoint an Administrator, de bonis non, upon the estate of the said Stephen Mead.—And the Administrator so appointed as aforesaid shall have the same power and authority, and be under the same restrictions and obligations as though he had been appointed by a Judge of Probate—he giving bond pursuant to Law, to the acceptance of the Judges of the said Superior Court.—

And be it further enacted, that the said Superior Court be & they hereby are authorised and empowered to receive, hear, adjust & allow any account or accounts which may be presented by the said administrator, so to be appointed as aforesaid, to the said Court for their approbation and allowance; and it shall be the duty of the said Administrator who shall be appointed by virtue of this



Act, to present his administration account or accounts to the said Superior Court, in the same manner, as administrators are by Law obliged to exhibit their accounts to Judges of Probate.—

[CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT MADE AND PASSED JUNE 19<sup>TH</sup> 1804,  
ENTITLED AN ACT TO INCORPORATE A COMPANY BY THE NAME OF  
THE CHESTER TURNPIKE CORPORATION.—

[Approved June 18, 1806. Original Acts, vol. 19, p. 37; recorded Acts, vol. 16, p. 354. Session Laws, June, 1806, p. 17. The act referred to is printed *ante*, p. 266. See also act of December 5, 1804, *id.*, p. 319, and repealing act of July 4, 1838, Session Laws, June, 1838, Chap. 24.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Proprietors of the said Turnpike Corporation, be and they hereby are authorised and impowered, to purchase have and hold in fee simple, to them and their assigns, such and so much real estate, situate near and adjoining to said Turnpike Road, at or near equal distances between the line of the town of Pembroke, and M<sup>r</sup> Sam<sup>l</sup> Anderson's tavern on said Turnpike road, as will be necessary and convenient for the said Proprietors to erect a dwelling house and other buildings for public entertainment and accommodation:—provided the land and buildings aforesaid shall not exceed the sum of Six Thousand Dollars—

[CHAPTER 29.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF "THE  
BAND OF MILITARY MUSIC OF THE TWELFTH REGIMENT"

[Approved June 18, 1806. Original Acts, vol. 19, p. 38; recorded Acts, vol. 16, p. 355.]

Be it enacted by the Senate & House of Representatives in General Court convened. That Leme Page, Joseph Davis, Timothy Shedd, Emerson Hale, John Lovejoy Jun<sup>r</sup> James Cutler Amos Cutler Jun<sup>r</sup> and James Bennett and their Associates not exceeding sixteen in number members of said Band, & all such as hereafter may become members of the same be and they are hereby incorporated into a body politic by the name of, The band of Military Music of

the twelfth Regiment, with continuance & succession forever—And in that name may sue & be sued in all actions personal, and may prosecute and defend the same to final Judgment and execution—& are hereby vested with all the powers & privileges incident to corporations of a similar nature—And may enjoin penalties of disfranchisement or fine not exceeding four dollars for any one offence to be recovered by said Society in an action of debt to their use in any Court proper to try the same—And they may make purchase & receive subscriptions, donations & grants of personal estate, not exceeding the sum of five hundred dollars for the purpose & use of their Association—

And be it further enacted that the said Association which shall at no time consist of more than sixteen persons be and they are hereby authorised to assemble at any suitable place within the limits of the said twelfth Regiment on the first Tuesday of November annually to choose all such officers as may be found necessary for the orderly conducting the affairs of said Corporation, who shall continue in office untill others shall be chosen in their room—And that said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said offices, and for transacting all other business, except the raising of money, which shall always be done at their annual meeting, and at no other; at which time they may vote all necessary sums for defraying the necessary expences of said Corporation—

And be it further enacted, That said Corporation shall have power to make such rules & bye laws for the government of said corporation as may from time to time by them be found necessary—Provided the same be not repugnant to the Constitution & Laws of this State—And the said Leme Page and Joseph Davis or either of them are hereby authorised & empowered to call the first meeting of said Corporation by posting up a Notification in some public place in the Town of Ringe fifteen days before the day of holding said meeting—And the said members at said meeting shall have the same powers as by this Act they have at their annual meeting.—

And be it further enacted that the said Corporation and each individual member thereof, shall be under the controul of the Field Officers of the said twelfth Regiment, and subject to all such orders & commands of the said Field Officers or either of them, as the Officers & Soldiers of the Militia now are, or from time to time may be.— And when the members of said Corporation shall have furnished themselves with suitable musical Instruments, and shall have qualified themselves to discharge their duty in said Band—and shall have uniformly clothed themselves agreeable to the direction of the Field Officers commanding said Regiment, they shall be subjected to no other duty than that of Musicians.—

And be it further enacted that no more than one thirteenth part

shall inlist out of any one Company of Militia of said Regiment into said Band, without the consent of the Commanding Officer of such Company in writing—which writing shall be filed and kept by the Clerk of said Corporation

[CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF  
BUILDING A BRIDGE OVER PEMIGEWASSET RIVER BETWEEN THE  
TOWNS OF BRIDGEWATER AND NEW HAMPTON

[Approved June 18, 1806. Original Acts, vol. 19, p. 39; recorded Acts, vol. 16, p. 360. See acts of June 14, 1808, id., vol. 17, p. 254, December 17, 1812, id., vol. 19, p. 340, July 2, 1870, Session Laws, June, 1870, Chap. 87.]

Whereas a bridge over said Pemigewasset River at or near Burley's ferry so called will be of much public utility and whereas Robert Moor Daniel Smith, and Joseph Robertson have petitioned the General Court for liberty to build the same and to be incorporated for that purpose Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that the persons above named together with those their associates who are or shall become proprietors in said bridge so long as they continue Proprietors thereof shall be a corporation and body politic for the purpose aforesaid under the name of the Proprietors of the Pemigawasset Bridge and by that name may sue and be sued to final Judgement and execution and to do and suffer all matters, acts, and things, which bodies corporate may or ought to do, or suffer, and the said Corporation shall and may have a common seal and the same may break renew and alter at pleasure—

And be it further enacted that Robert Moor, Daniel Smith and Joseph Robertson or either of them shall call a meeting of said Proprietors by an advertisement posted up at the meeting houses in Bridgewater and New Hampton—to be holden at any suitable time and place after fourteen days from the first sitting up of any advertisement and the said Proprietors by a vote of the majority of those present or represented at said meeting allowing one vote to each share in all cases shall choose a Clerk who shall be sworn to the faithfull discharge of said Office, and they shall also agree on a method of calling future meetings, and at the same or any subsequent meetings may elect such officers and make and establish such rules and bye-laws as to them shall seem necessary and convenient for the regulations and government of said Corporation for carrying into effect the purposes aforesaid and for collecting the tolls

herein after granted and established, and the same rules and bye-laws may cause to be executed and may annex Penalties to the breach thereof not exceeding ten dollars for any one breach provided said rules and bye-laws are not repugnant to the Constitution and laws of this State, and all representations at any meeting of said corporation shall be proved in writing signed by the person to be represented which shall be filed with the Clerk, and this Act and all rules, bye-laws, regulations and Proceedings of said corporation shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose—

And be it further enacted that the Proprietors aforesaid be and hereby are permitted and allowed to erect a bridge over said Pemigawasset River at or near Burley's ferry so called and the said Proprietors are hereby empowered to purchase any lands adjoining said bridge and to hold the same in fee simple, Provided it shall not exceed three acres, and the share or shares of any of said Proprietors may be transferred by deed duly executed, acknowledged and recorded by the register of Deeds in the County of Grafton—

And be it further enacted that the shares in said bridge shall be considered as real estate and holden for debts of the respective Proprietors in the same manner as their other real estate by law is holden—

And be it further enacted that for the purpose of reimbursing said Proprietors the money expended by them in building and supporting said bridge a toll be and hereby is granted and established for the benefit of said Proprietors according to the rates following Viz for each foot passenger one cent, for each horse and rider three cents, for each and every chaise, chair, sulkey or other riding carriage drawn by one horse only ten cents, for each riding sleigh drawn by one horse only four cents, for each riding sleigh drawn by more than one horse six cents, for each coach, charriot, Phaeton, or other four wheeled carriage for passengers drawn by more than one horse twenty cents, for each Curricle twelve cents, for each cart, waggon, or other carriage of burden drawn by two beasts ten cents, and two cents for each additional beast, for each horse or neat creature exclusive of those rode on or in carriages one cent and a half, for sheep and swine one quarter of a cent each and to each team one person only shall be allowed to pass free of toll—

And be it further enacted, that the exclusive right of building and maintaining a bridge across said Pemigawasset river, at the place aforesaid be and hereby is granted to and vested in said Petitioners, and such as are or may be associated with them and become Proprietors, their heirs and assigns—

And be it further enacted, that if any tax or assessment made by said Corporation for completing or repairing the said bridge on the several shares shall remain unpaid at the time limited for the payment of the same they may proceed to sell the delinquent share or



shares at Public auction as the Proprietors may agree and determine and if any overplus remains after paying the tax or assessment and charges it shall be returned to the said delinquent Proprietor—

And be it further enacted that if the above mentioned bridge shall not be completed for travelling within three Years from the time of the passing of this Act then this Act and every part thereof shall be null and void

[CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING WILLIAM CALDWELL AND HIS ASSOCIATES BY THE NAME AND STYLE OF THE PROPRIETORS OF PISCATAQUOG CANAL—

[Approved June 18, 1806. Original Acts, vol. 19, p. 40; recorded Acts, vol. 16, p. 366.]

Section 1<sup>st</sup> Be it enacted by the Senate & house of Representatives in General Court convened, that the said William Caldwell and his Associates and Successors are hereby incorporated and shall be a Corporation forever under the name of the Proprietors of the Piscataquog Canal and by that name may sue & be sued, prosecute & be prosecuted to final Judgment & Execution—And shall be, & hereby are vested with all the powers & privileges which are by Law incident to corporations of a similar nature—

Sect<sup>n</sup> 2<sup>d</sup> And be it further enacted by the Authority aforesaid, that the said Proprietors may make their application to any Justice of the peace in & for the County of Hillsborough, whereupon such Justice is hereby empowered to issue his warrant to one of said Proprietors directing him to warn & notify said Proprietors to meet at such time & place in the Town of Weare as he shall therein direct, to agree on such method as may be thought proper for calling meetings of said Proprietors for the future; & to do & transact such matters & things relating to said Proprietors as shall be expressed in the warrant, and the Proprietor to whom such warrant shall be directed shall give notice to said Proprietors by causing the same or the substance thereof to be published in the Amherst Newspaper fourteen days before the holding of said meeting to be lodged with the Clerk that shall then & there be chosen—And the said Proprietor may at the same, or any other legal meeting choose a Clerk who shall be sworn to the faithful discharge of his trust—Treasurer, and other Officer or Officers, of the corporation, that they may deem necessary, & make & establish such rules and bye Laws, as to them shall seem necessary & convenient for the regulation & government of said Corporation, and for collecting the tolls hereinafter estab-

lished, and the same bye Laws may cause to be executed, & annex penalties to the breach thereof not exceeding twenty dollars for each offence—Provided the said rules & bye laws are not repugnant to the Constitution & Laws of this State.—And every Proprietor in person or by his Representative shall be allowed in the Proprietary meetings one Vote for each share he shall hold in said corporation, which shall not be divided into more than two hundred shares, and all representations to be proved in writing signed by the person making the same by special appointment, which shall be filed with the clerk; And this Act, & all rules, regulations, votes & bye laws of the said Corporation shall be fairly recorded by the said Clerk in a book or books for that purpose to be provided & kept. And the said Corporation are hereby authorised & empowered to lay out, make & keep in repair a canal or canals, in the said River Piscataquog from Gale's Mills in Weare to Parkers landing in Bedford; and that they have leave to clear out & remove any obstructions in said River, to lock or canal any fall or falls, & to render said river navigable & safe for boats to pass up & down the same, Provided that in locking & canalling said River the Grantees in this Act shall not obstruct, impede, or in any manner injure the Mill priviledges now enjoyed & already improved, or which may hereafter be improved for that purpose on Piscataquog River—

Sec. 3<sup>d</sup> And be it further enacted, that for the purpose of reimbursing the said Proprietors the monies by them expended in building & supporting the locks, & canals aforesaid, the following Tolls are hereby granted & established for the sole benefit of the Proprietors—viz—For every thousand of Oak plank thirty cents p<sup>r</sup> Mile—for every thousand of Deck plank two inches & half thick fifteen cents per mile—For every thousand of boards five cents p<sup>r</sup> Mile—For every Ton of Timber three cents p<sup>r</sup> Mile—For every thousand of Hogshead staves nine cents p<sup>r</sup> Mile—For every thousand of barrel staves four cents p<sup>r</sup> Mile—And all other lumber in proportion—

Sec 4<sup>th</sup>—And be it further enacted that the said Proprietors be & they are hereby authorized & empowered to purchase & hold to them & their Successors forever, so much real estate as may be necessary for the purposes contemplated in this Act, and that the property of no individual proprietor in said Canal shall be conveyed in any other form than by deed legally executed & recorded in the records of the corporation by the Clerk of the same.—

Sec<sup>t</sup> 5<sup>th</sup>—And be it further enacted that there shall be Toll gatherers & others to attend all locks on said Canal in the day time, & give constant Attendance during the whole season for boats & rafts to pass, & on the toll being paid shall immediately permit passengers to pass, with their rafts, boats and other property through said Locks & Canals; and the said Tolls shall commence on said Canal as soon as the same or any part thereof shall be compleated and shall continue forever.—

Sec. 6<sup>th</sup> And be it further enacted, that if the said Company

shall not proceed to begin the said Canal within one Year after passing this Act, or shall not within four Years, from the end of the said One Year compleat the same according to the true intent & meaning of this Act, then, in either of those cases, it shall & may be lawfull for the Legislature of this State to resume all & singular the rights, priviledges, and franchises hereby granted.—

[CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER AT OR NEAR THE FIFTEEN MILE FALL IN LITTLETON & FOR SUPPORTING THE SAME—

[Approved June 18, 1806. Original Acts, vol. 19, p. 41; recorded Acts, vol. 16, p. 372. The act referred to is dated June 16, 1802, *ante*, p. 78. See acts of December 16, 1805, *ante*, p. 424, June 17, 1807, recorded Acts, vol. 16, p. 435, June 17, 1820, Session Laws, June, 1820, Chap. 8, and July 18, 1876, *id.*, June, 1876, Chap. 155.]

Whereas the annual meeting of said Corporation has by lapse of time, been lost—Therefore

Be it enacted by the Senate & House of Representatives in General Court convened, that David Goodall & Samuel Learnard Junior or either of them be & they are hereby empowered to call a meeting of said Corporation by posting up a notification of the same at some public place in the Town of Littleton in the State of New Hampshire, also a notification at some public place in the Town of Waterford in the State of Vermont, at least fourteen days before said Meeting, setting forth the time & place of meeting & the business then to be acted upon—

## [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT TO RESTORE ELEAZER CUMMINGS, AARON WHEELER, JOEL ADAMS, NATHANIEL PRENTICE, WOODS LEE, OLIVER HOSMORE AND NATHAN BLOOD TO LAW IN THEIR CERTAIN CASES—

[Approved June 18, 1806. Original Acts, vol. 19, p. 42; recorded Acts, vol. 16, p. 374.]

Whereas Eleazer Cummings and Nathaniel Prentice of New Ipswich in our County of Hillsborough Aaron Wheeler, Woods Lee and Oliver Hosmore of Mason in said County and Joel Adams of Sharon in said County and Nathan Blood of Pepperell in the County of Middlesex and Common Wealth of Massachusetts land holders in our County of Hillsborough have petitioned us setting forth that the Proprietors of the third New Hampshire turnpike Road have caused said Road to be laid out and opened through their several lands and their damages occasioned thereby to be appraised by a Committee without haveing given notice thereof to them the said land holders as by law should have been done—

And whereas it hath appeared to us that legal notice of the appointment of said Committee and said appraisal was not given as aforesaid—Therefore Be it enacted by the Senate and House of Representatives in General Court convened that the said said Eleazer Cummings, Aaron Wheeler, Joel Adams, Nathaniel Prentice, Woods Lee, Oliver Hosmore and Nathan Blood be restored to Law and they and each of them are hereby fully empowered and authorized to proceed in ascertaining and recovering the damages which they have sustained by the passing of said Road through their lands as aforesaid in the same way and manner as they might have done if no proceedings of said Proprietors as aforesaid had ever been had—

And be it further enacted that the Justices of the Court of Common Pleas if not interested and if interested the Justices of the Superior Court are hereby authorized and directed to appoint a Committee or Committees to reappraise said damages and to proceed in receiving their report rendering Judgment and Granting Execution thereon in the same manner as is by an act entitled an act to incorporate a Company by the name of the Proprietors of the third turnpike Road in New Hampshire pointed out and to allow such costs to the said land holders or either party as may appear Just and reasonable in their proceedings to obtain their damages occasioned by said Road as aforesaid

And be it further enacted that the proceedings of said Proprietors heretofore had in the appointment of the first mentioned Committee without giving legal notice as aforesaid and their appraisal of said damages and the Judgment thereon rendered be null and of no effect—



## [CHAPTER 34.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
NEW-HAMPSHIRE TRADING COMPANY.

[Approved June 18, 1806. Original Acts, vol. 19, p. 43; recorded Acts, vol. 16, p. 377.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Daniel Weeks, Seth Walker, Benjamin Hill, Benjamin Swett, Jonathan Hartwell and all such persons as shall become Stockholders in said Company being Citizens of the United States be and are hereby incorporated into a Company and Body politic by the Name of the New Hampshire Trading Company for and during the term of five years after the passing of this Act, and by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final Judgment and Execution, and have a common seal which they may alter at pleasure and may purchase hold and convey any estate real or personal for the use of said Company, subject to the Restrictions herein after mentioned

Section 2. And be it further enacted that the Capital stock of said Company shall not be less than one hundred thousand, nor more than two hundred thousand Dollars exclusive of profits arising from said Business and shall be divided into one thousand Shares.

Section 3. And be it further enacted by the authority aforesaid that the stock, property, affairs and concerns of said Company shall be managed and conducted by seven Directors one of whom shall be President thereof who shall hold their Offices for one year and until a new choice be made and no longer which Directors shall at the time of their being chosen be stockholders and Citizens of this State and shall be elected on the first Monday of October in each and every year (at such time of the day and in such place in the town of Portsmouth as the Directors for the time being shall appoint) by a majority of the votes of the Stockholders counting one vote for each Share, of which election public notice shall be given in some Newspaper printed in the town of Portsmouth, and the Stockholders not present may vote by proxy under such regulations as the said Company shall prescribe. And if by reason of any unavoidable accident the said Directors shall not be appointed on the first Monday of January as aforesaid it shall be lawful to choose them on another day in manner herein prescribed.

Section 4. And be it further enacted that the Directors so chosen shall meet as soon as may be after every election and shall choose out of their body one Person to be President who shall Preside for one Year; one Secretary whose duty shall be to superintend and

direct the Clerks and to receive and pay out money, to receive and draw orders and letters of business and keep all the records of the Company and two agents whose duty it shall be constantly to attend to the affairs of the company, to buy and sell, to inspect and direct the servants and together with the secretary to transact all the business of the Company together subject to such rules and regulations as the directors shall from time to time appoint, which agents and Secretary shall be sworn faithfully to discharge the duties of their Office and shall receive for their services a compensation to be agreed on by the Directors—And in case of the death or resignation of the President or of any of the directors, or of his or their inability to serve such vacancy shall be filled up for the remainder of the year in which it may happen by a special election for that purpose to be holden in the same manner as is herein directed respecting the annual election for Directors and President—

Section 5— And be it further enacted that there shall be a stated meeting of the Directors at least once in every month and as often within each month as the President and board of Directors shall deem proper—

Section 6—And be it further enacted that twenty five dollars on each share in said Company shall be paid within thirty days after the first meeting of said Company and the remaining sum due on each share at such equal installments and under such penalties as the said Company shall direct—

Section 7 And be it further enacted that it shall be the duty of the Directors on the first monday of November annually to make dividends of so much of the profits arising from the business of said Company as to them shall appear advisable—

Section 8<sup>th</sup> And be it further enacted that Daniel Weeks, Seth Walker, William Garland, Benj<sup>a</sup> Swett and J. Hartwell or any three of them be and are hereby authorised to call a meeting of the members of said Company in Portsmouth by advertising the same three weeks successively in a newspaper in Portsmouth for the purpose of choosing their first board of directors, and other necessary Officers—

\*And be it further enacted that the Original Stockholders and their Successors & assigns and the members of said Corporation shall in their private capacities be Jointly & severally liable for the payment of any and all debts contracted by said Corporation. Provided the said Corporation have neglected or refused to pay said debts when thereto required. And any such member or members who shall have been compelled to make payment as aforesaid shall hereby be authorized to recover of the remaining members of said Corporation their proportion of the sum or sums paid as aforesaid to be estimated according to their respective shares in said Corporation

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\* The last section of this act is an amendment to the original bill.

## [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE THE PROPRIETORS OF TURNPIKE ROADS AND  
TOLL BRIDGES TO REDUCE THEIR TOLL

[Approved June 19, 1806. Original Acts, vol. 19, p. 44; recorded Acts, vol. 16, p. 383. Session Laws, June, 1806, p. 19. Laws, 1815 ed., p. 394; id., 1830 ed., p. 182. See act of June 17, 1806, *ante*, p. 514. See also acts of June 22, 1818, Session Laws, June, 1818, Chap. 28, and July 2, 1827, id., June, 1827, Chap. 33. Repealed by act of December 23, 1842. See Revised Statutes, (1842) Chap. 230.]

Be it enacted by the Senate and house of Representatives in General Court convened, that the proprietors of Turnpike Roads and Toll bridges, within this State, be and they hereby are authorised to reduce their Toll as much as they shall think proper, in all cases whatever—

## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT TO REPEAL THE LAST SECTION OF AN ACT ENTITLED "AN ACT  
MAKING COMPENSATION TO GRAND & PETIT JURORS."

[Approved June 19, 1806. Original Acts, vol. 19, p. 45; recorded Acts, vol. 16, p. 385. Session Laws, June, 1806, p. 7. Laws, 1815 ed., p. 125. The act referred to is dated December 10, 1800, Laws of New Hampshire, vol. 6, p. 677. Repealed July 4, 1827, Laws, 1830 ed., p. 464.]

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after passing this act the last section of said act making an addition of the sum of twenty five cents to be paid for the entry of every action made at the Superior Court of Judicature and the several Courts of Common Pleas within this State to be paid by the several Clerks of said Courts into the County Treasury for the use of said County be and the same is hereby repealed.

## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO, AND AMENDMENT OF AN ACT ENTITLED  
 “AN ACT FOR MENDING & REPAIRING HIGHWAYS IN THIS STATE”

[Approved June 20, 1806. Original Acts, vol. 19, p. 46; recorded Acts, vol. 16, p. 386. Session Laws, June, 1806, p. 5. Laws, 1815 ed., p. 391. The act referred to is dated February 27, 1786, Laws of New Hampshire, vol. 5, p. 117. Repealed January 3, 1829, Laws, 1830 ed., p. 582.]

Whereas the first clause in the fifth section of said Act is found to be insufficient for the purposes thereby intended, which clause is in the following words—viz—

And whereas many persons within this State, make a practice of unloading & laying down in the Streets or Highways, Masts, Spars, Mill Logs, Boards, Plank, Timber & other lumber, firewood, and rocks for building to the great incumbrance of said Streets and Highways, so as to render them almost or altogether impassable; For prevention whereof—Be it enacted by the authority aforesaid, that in any of the causes aforementioned, the Surveyor of the District where any such incumbrance shall be, shall make complaint in writing to some Justice of the peace for the County, dwelling in the same town, or in one of the next adjacent Towns to the place where the offence is committed; Which Justice, upon his own view of such incumbrance, shall & may, by warrant under his hand & seal, directed to such Surveyor, cause the same immediately to be removed so far as the said Justice may Judge necessary for the public good; and may & shall therein order so much thereof to be sold by such Surveyor, as shall be adjudged by said Justice necessary to pay the legal cost, which said Justice shall tax, and three times the price of the labour of removing the same; which labour shall also be estimated by said Justice.”—But in case the said Articles of incumbrance should be of little or no value, & should not sell for a sum sufficient to pay and discharge the sum adjudged by the said Justice for the price of the labour, and the cost taxed as aforesaid, no provision is made in said Act for the recovery of the same.—

Therefore, Be it enacted by the Senate & house of Representatives in General Court convened, That in all cases when the said Articles of incumbrance, removed by any Surveyor as aforesaid, shall not sell for a sum sufficient to pay and discharge the cost taxed, and three times the price of the labour of removing the same, estimated by the Justice, as aforesaid, the said Surveyor shall be entitled to recover the same, or such part thereof as shall remain unpaid after the sale of such Articles, of the person or persons who shall so incumber said Highways, by Action or plea of Trespass, in



any Court in the County where the offence shall be committed competent & proper to try the same—And in like manner all other Articles of incumbrance not before enumerated may be removed from the highways in this State—And all persons who shall incumber said Highways with such other articles, shall be liable to be prosecuted in the same manner as is herein before directed for offenders who incumber said highways with any of the articles enumerated as aforesaid.

. And be it further enacted that it shall be the duty of such Surveyor to give reasonable notice to any person leaving any incumbrance in the highway as aforesaid to remove the same and in Case such person shall refuse or neglect so to do the surveyor shall then proceed to remove the same as heretofore directed in this Act and shall follow the same rules and regulations in making sale of any such incumbrance as Collectors of Taxes are directed to do in advertising and making sale of personal Estate

\*[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]

1806, June 11.

Resolved, that the Selectmen of the several Towns and places in this State be, and they hereby are directed to insert expressly in the warrant for calling the Annual Town meeting on the second Tuesday in March next, among other purposes of the meeting, this Article, Viz, To take the sense of the qualified Voters on the subject of a Revision of the Constitution, and make return thereof to the then next session of the General Court, and that a copy of this resolve be seasonably sent to the Selectmen of the several Towns and places in this State, and that the Secretary cause this resolve to be published in the several Newspapers printed in this State, as soon as may be.

1806, June 18.

Resolved, That the Adjutant General be authorised to draw out of the Treasury of this State the sum of one hundred Dollars to be appropriated for the purchase of Military books for the use of the several Companies of Artillery and Cavalry in this State as the Adjutant General may think proper, said Adjutant General laying the Account thereof before the Legislature at their next Session—

1806, June 18.

Whereas it was Resolved by the General Court on the thirtieth day of December in the year of our Lord one thousand eight hundred & three,

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\* The original papers, of which these are copies, are on file in the office of the secretary of state.

that the Governor be empowered to procure at the expence of the State eight thousand stands of Arms for the use of said State—And whereas by said Resolve no express authority was given to the Governor to draw any money out of the Treasury of the State for that purpose.—Therefore,

Resolved, that the Governor of this State be and hereby is authorised and empowered to draw out of the Treasury of this State a sum of Money not exceeding sixteen thousand Dollars for the purpose of purchasing four thousand stands of Arms of those already voted to be purchased, if the same can be obtained for that sum, laying the Account thereof before the Legislature.

1806, June 18.

Resolved, That the Commissary General make a statement of the Arms, Ammunition and Military Stores belonging to this State, the Repair which they are in, and the places where they are deposited and make Report to the next Session of the General Court

1806, June 19.

The Committee to take into Consideration the Report of the Committee who were appointed at the last Session to accept proposals for lands belonging to this State reported that the proposals for the following lands be accepted viz.—for an Island in Winnipissiokee river containing about four Acres made by Willoughby Durgin for fifteen Dollars,—also a tract of land in the town of Adams containing as per plan seventy one Acres by Joseph Hoit at 50 Cents per Acre,—also another tract in said Adams of seventy Acres applied for by Joseph Bump at 40 Cents per Acre. Also the following pieces of land in said town of Adams applied for as follows viz<sup>t</sup>

One hundred & twenty five Acres by John Nute at 50 Cts p<sup>r</sup> Acre  
 One hundred & ten Acres by Asa Davis at 50 Cts p<sup>r</sup> Acre  
 One hundred & ten Acres by Nathaniel Meserve at 50 Cts. p<sup>r</sup> Acre  
 One hundred & three Acres by Joseph Harris at 50 Cts. p<sup>r</sup> Acre  
 One hundred & twenty Acres by N. & A. Chesley at 40 Cts. p<sup>r</sup> Acre  
 One hundred Acres by Anthony Vincent at 75 Cts. p<sup>r</sup> Acre  
 two hundred Acres by Joseph Burnham at 20 Cts. p<sup>r</sup> Acre payable in two years with interest—

The Residue of the proposals are in the opinion of your Committee, inadequate to the value of the lands, they therefore beg leave to report further that it is expedient that the Residue of said lands be sold at public Vendue on the first Monday of the next Session and that the Secretary cause that said lands to be advertised for sale at public Vendue on the first Monday of the next Session of the General Court at 10 o'Clock A. M. at the place of adjournment and that he cause the same to be published in the several Newspapers in this State three Weeks successively in the Month of August next, and three Weeks successively in the Month of April following, and the Conditions of payment to be stated in said advertisements, one half of the purchase money to be paid in two years and

the other half in four years with interest from the date with satisfactory Security for the payment—which Report being Read & Considered was received & Accepted—

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1806, June 20.

Resolved, by the Senate and House of Representatives in General Court convened that Philip Carrigian Jun<sup>r</sup> & Phinehas Merrill be and they are hereby directed to return to the several Towns in this State all the surveys of those towns which upon inspection may be found inaccurate and imperfectly described pointing out and particularly noting the defect.

And the several towns thus imperfectly surveyed or incorrectly stated are hereby directed to make a new survey or correct the Errors particularly pointed out and make return thereof to the Secretary's Office as soon as may be.

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1806, June 20.

Resolved that Philip Carrigain Jun<sup>r</sup> & Phinehas Merrill, have the exclusive privilege of the copyright of the Map of this State, agreeable to the late surveys of the several Towns—on their protracting and furnishing this State with 500 accurate copies of said map, free of any expence, and to the acceptance of the Legislature—to be delivered on or before the second wednesday of June next—on a scale of four miles to an inch

## [SIXTEENTH GENERAL COURT.]

[*Held at Hopkinton, One Session, June 3, 1807, to June 19, 1807.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, GOVERNOR.

PHILIP CARRIGAIN, SECRETARY.

OBADIAH CARRIGAIN, DEPUTY SECRETARY.

NATHANIEL GILMAN, TREASURER.

WILLIAM K. ATKINSON, ATTORNEY GENERAL.

SAMUEL BELL, PRESIDENT OF THE SENATE.

CHARLES CUTTS, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Levi Bartlett,	Kingston.
Joseph Badger,	Gilmanton.
Benjamin Pierce,	Hillsborough.
Amasa Allen,	Walpole.
Daniel Blaisdell,	Canaan.

## [MEMBERS OF THE SENATE.]

Elijah Hall,	Portsmouth.
Benjamin Barnard,	South Hampton.
William White,	Chester.
John Bradley,	Concord.
Richard Dame,	Rochester.
Nathaniel Shannon,	Moultonborough.
Samuel Bell,	Francestown.
Robert Alcock,	Deering.
Lockhart Willard,	Keene.
George Aldrich,	Westmoreland.
John Fairfield,	Lyme.
Moses P. Payson,	Bath.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and	}	John Carter.
Bow,		
Atkinson and	}	John Bassett.
Plaistow,		
Brentwood,		Jonathan Veazy.
Candia,		John Taylor.
Canterbury,		Obadiah Clough.



Chester,  
 Chichester,  
 Concord,  
 Deerfield,  
 Epping,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampstead,  
 Hampton,  
 Hampton Falls and }  
 Seabrook, }  
 Hawke and }  
 Sandown, }  
 Kingston,  
 Londonderry,

Loudon,  
 Newcastle,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin, }  
 Rye,  
 Salem,  
 South Hampton and }  
 East Kingston, }  
 Stratham,  
 Windham,

Henry Sweetser.  
 Nathaniel Morrill.  
 Samuel Green.  
 Thomas Jenness.  
 Daniel Coffin.  
 Josiah Sanborn.  
 Nathaniel Parker.  
 Shadrach Robinson.  
 John True.  
 John Dearborn.  
 Peter Tilton.  
 Elisha Quinby.  
 Amos Gale.  
 William Adams.  
 John Moor.  
 Jonathan Clough, Jr.  
 Henry Prescott.  
 Thomas Pickering, Jr.  
 Jeremiah Mead.  
 Joshua Rowell.  
 Jonathan Ayer.  
 Daniel Gookin.  
 John Harvey.  
 Jacob Cilley.  
 James Gibson.  
 Asa Robinson.  
 James Hight.  
 Edward Cutts.  
 William Ham, Jr.  
 Charles Cutts.  
 Richard Evans.  
 Thomas Chase.  
 Joseph Parsons.  
 David Allen.  
 Daniel Page.  
 Daniel Jewell.  
 Samuel Armor.

## STRAFFORD COUNTY.

Alton,  
 Barnstead,  
 Barrington,

Thomas Jewett.  
 Charles Hodgdon.  
 Isaac Waldron.  
 Thomas W. Hale.

Brookfield and } Middleton, }	Thomas Chamberlain.
Conway,	Richard Odell.
Dover,	Amos Cogswell.
Durham,	George Trask.
Eaton and } Burton, }	Coleman Colby.
Effingham and } Ossipee Gore, }	Samuel Quarles.
Farmington,	Levi Leighton.
Gilmanton,	John Shepard.
	John Smith.
Lee,	George Tuttle.
Madbury,	Ebenezer Demeritt.
Meredith,	Stephen Perley.
Milton,	Beard Plumer.
Moultonborough,	Ezekiel Hoyt.
New Durham,	Jonathan Folsom.
New Hampton and } Center Harbor, }	Daniel Smith.
Rochester,	Nathaniel Upham.
Sanbornton,	Samuel Prescott.
Sandwich,	Daniel Hoyt.
Tamworth,	Benjamin Gilman.
Tuftonboro,	Benjamin Young.
Wakefield,	Jonathan Copp.
Wolfeboro,	Isaac Horne.

## HILLSBOROUGH COUNTY.

Amherst,	William Fisk.
Andover,	Jonathan Weare.
Antrim and } Windsor, }	Jacob Tuttle.
Bedford,	William Riddle.
Boscawen,	Benjamin Little.
Brookline,	Samuel T. Boynton.
Deering,	Benjamin Rolfe.
Dunbarton,	Jeremiah Stinson.
Dunstable,	Zaccheus Lovewell.
Fishersfield and } Bradford, }	Enoch Hoyt.
Francestown,	Peter Woodbury.
Goffstown,	John Butterfield.
Greenfield and } Society Land, }	James Miller.
Hancock,	William Brooks.
Henniker,	Joshua Darling.

Hillsborough,  
 Hollis,  
 Hopkinton,  
 Litchfield and }  
 Derryfield, }  
 Lyndeborough,  
 Mason,  
 Merrimack,  
 Milford,  
 Mont Vernon,  
 New Boston,  
 New Ipswich,  
 New London,  
 Nottingham West,  
 Peterborough,  
 Salisbury,  
 Sutton,  
 Temple,  
 Warner,  
 Weare,  
 Wilton,

Elijah Beard.  
 Benjamin Poole.  
 Benjamin B. Darling.  
 Isaac Huse.  
 Daniel Putnam.  
 Rogers Wesson.  
 Samuel McConihe, 3d.  
 Josiah Osgood.  
 William Bradford.  
 Ephraim Jones.  
 Noah Bartlett.  
 Joseph Colby.  
 Asa Davis.  
 James Wilson.  
 Thomas W. Thompson.  
 Thomas Wadleigh.  
 Ebenezer Edwards.  
 James Flanders.  
 James Caldwell.  
 Abiel Wilson.

## CHESHIRE COUNTY.

Acworth,  
 Alstead,  
 Charlestown,  
 Chesterfield,  
 Claremont,  
 Cornish,  
 Croydon,  
 Dublin,  
 Fitzwilliam,  
 Hinsdale,  
 Goshen and }  
 Wendell, }  
 Jaffrey,  
 Keene,  
 Langdon,  
 Lempster,  
 Marlborough,  
 Marlow,  
 New Grantham,  
 Newport,  
 Packersfield,  
 Plainfield,  
 Richmond,

William Grout.  
 Joel Chandler.  
 Benjamin Labaree.  
 Simon Willard.  
 George B. Upham.  
 Ithamar Chase.  
 Samuel Powers.  
 Isaac Appleton.  
 Ephraim Butterfield.  
 David Wolley.  
 Allen Willey.  
 David Page, Jr.  
 Samuel Dinsmore.  
 James Egerton.  
 Joseph Hall.  
 Phineas Farrar.  
 Elisha Huntley.  
 James Smith.  
 Jesse Wilcox.  
 Josiah Robbins.  
 John Harris.  
 Joseph Weeks.

Rindge,	Josiah Wilder.
Springfield,	Daniel Noyes.
Stoddard,	Aaron Matson.
Surry and }	Samuel Whitney.
Gilsum, }	
Sullivan,	Samuel Seaward.
Swanzey,	Amasa Aldrich.
Unity,	Wilson Shaw.
Walpole,	Thomas C. Drew.
Washington,	Alden Rouncival.
Westmoreland,	Joseph Buffum.
Winchester,	Daniel Hawkins.

## GRAFTON COUNTY.

Alexandria and }	John Page.
Danbury, }	
Bath,	Rogers Sargent.
Bridgewater,	Thomas Crawford.
Canaan,	Ebenezer Clark.
Concord (Lisbon),	John Haynes.
Dorchester,	
Orange and }	Joseph Burleigh.
Theophilus Dame's Gore, }	
Enfield,	Jesse Johnson.
Grafton,	John Kimball.
Groton and }	Josiah Hobart.
Hebron, }	
Hanover,	Samuel Kendrick.
Haverhill,	Moody Bedel.
Holderness and }	Joshua Smith.
Campton, }	
Landaff, }	
Franconia and }	John Cogswell.
Lincoln, }	
Lebanon,	Thomas Waterman.
Littleton,	
Bethlehem and }	Stephen Houghton.
Dalton, }	
Lyman,	Joshua Thornton.
Lyme,	Jonathan Franklin.
New Chester,	William W. Sargent.
Orford,	John Dame.
Piermont,	Isaac Patterson.
Plymouth,	William Webster.
Rumney and }	
Wentworth, }	David Gibson.



Thornton,	}	Enoch Colby.
Peeling and		
Ellsworth,	}	Obadiah Eastman.
Warren and		
Coventry,	}	

## COOS COUNTY.

Bartlett,	}	Silas Meserve.
Adams,		
Chatham and	}	Hezekiah Parsons.
Wales Location,		
Cockburne,	}	William Lovejoy.
Colebrook,		
Shelburne,	}	Ephraim H. Mahurin.
Stewartstown and		
Errol,	}	
Lancaster,		
Jefferson and	}	
Bretton Woods,		
Northumberland,	}	
Piercy and		
Stratford,	}	

[*First Session, Held at Hopkinton, June 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 1807.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN POPLIN—

[Approved June 6, 1807. Original Acts, vol. 19, p. 47; recorded Acts, vol. 17, p. 91.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Moody Carr, Nathan Merrill, Eze-kiel Robinson, John Scribner Jun<sup>r</sup>, William Hardy and Moses Hook and their associates, proprietors of said Library with all such as may hereafter become proprietors of the same, be and they hereby are incorporated into a body Politic by the name of the Proprietors of the Social Library in Poplin; with all the powers and privileges incident to such corporations; and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence; make purchases and receive subscriptions, grants and donations of personal estate not exceeding one thousand dollars including the books of their association.—

And be it further enacted, that the said Society be, and they are hereby authorised to assemble at Poplin aforesaid, on the first tuesday in September annually, to chuse all such officers as may be found necessary for the orderly conducting of the affairs of said corporation, who shall continue until others are chosen in their room. And that the said corporation may assemble as often as they agree for filling up vacancies which may happen in said offices, and to transact all other business, except to assess and raise money, which shall be done always at some annual meeting and at no other time; at which meeting they shall vote all necessary sums for defraying the annual expences of preserving said Library and enlarging the same.—

And that Moody Carr and Nathan Merrill or either of them, are hereby authorised and empowered to call the first meeting of said Proprietors at such time and place as they may appoint, giving ten days notice thereof, which notice shall be personal, or by posting notifications at some public place in the several towns where the proprietors live—at which meeting they may enact such by-laws and regulations and chuse all such Officers as they may or can do at their annual meeting—

## [CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING NATHANIEL GOULD DUREN TO ASSUME THE NAME OF NATHANIEL DUREN GOULD—

[Approved June 9, 1807. Original Acts, vol. 19, p. 48; recorded Acts, vol. 16, p. 402.]

Whereas Nathaniel Gould Duren of New-Ipswich in the County of Hillsborough in said State, has petitioned the General Court, praying that he may assume the name of Nathaniel Duren Gould:—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Nathaniel be, and he hereby is authorised and empowered to assume and bear the name of Nathaniel Duren Gould, and by that name in future shall be called and known, in all legal proceedings, any law, usage or custom to the contrary notwithstanding.—

Provided, that nothing in this act contained shall impair any contract or obligation by him the said Nathaniel made, or affect any action or suit, now pending in any Court of law, within this State, wherein the said Nathaniel is a party.

## [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING THE RAISING AND COLLECTING OF A COUNTY TAX IN AND FOR THE COUNTY OF COOS THE PRESENT YEAR

[Approved June 9, 1807. Original Acts, vol. 19, p. 49; recorded Acts, vol. 16, p. 409. Session Laws, June, 1807, p. 5.]

Whereas by mistake there hath been no County tax voted by the representatives of the said County for the present year; And whereas it is absolutely necessary that there should be raised levied and Collected a County tax in and for said County for this year in order to pay the debts and meet the ordinary expenses thereof

Therefore

Be it enacted by the senate and House of Representatives in General Court Convened, that the Representatives of the said County of Coos, may, at any time during the present session of the General Court form themselves into a County Convention; and when so met in Convention, may vote Such Sum of money as they may think necessary and proper for the use of said County; which

Sum, the Selectmen in the said County of Coos, are authorised and directed to assess on the rateable polls and estates within their Respective Towns plantations and places by the inventories of the present year, and said tax when duly assessed in the usual Way, as by Law established shall be Collected by the Several Collectors thereof in the same way and manner as other County taxes are by Law Collected except that the Several Collectors of said tax Shall leave the nonresident list with the Deputy Secretary by the first day of September next, and the same shall remain with him untill the first day of January next—

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

## AN ACT AUTHORISING REUBEN HOBART TO COLLECT CERTAIN TAXES.—

[Approved June 9, 1807. Original Acts, vol. 19, p. 50; recorded Acts, vol. 16, p. 432.]

Whereas Reuben Hobart has petitioned the General Court, representing that he was appointed Collector of Taxes in Hebron in the County of Grafton in said State, for the year one thousand eight hundred and six, and for reasons set forth in said petition, he has lost his law for collecting the Non-resident taxes in his list:—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Reuben Hobart shall deposit in the Office of the Deputy Secretary of said State, his aforesaid list of Taxes, on or before the eighth day of the present Session of the General Court, which list shall remain in said office until the first day of December next; and in case all or any part of said taxes remain unpaid on said first day of December next, said Reuben Hobart may proceed to collect the delinquent sums in the same way and manner as though he had never lost his law—

Provided nevertheless, that said Reuben Hobart shall give publick notice of his restoration to law, by publishing this Act three weeks successively, in the New Hampshire Gazette, the first publication to commence on or before the first Tuesday of August next.—



## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF  
THE PROPRIETORS OF THE HAMPTON LIBRARY

[Approved June 9, 1807. Original Acts, vol. 19, p. 51; recorded Acts, vol. 17, p. 40.]

Be it enacted by the Senate and House of Representatives in General Court convened that Christo<sup>r</sup> Toppan, Thomas Ward, Ebenezer Lawrance John Dearborne and their associates Proprietors and Owners of said library and all such as may hereafter become proprietors of the same Be and hereby are incorporated into a body politic by the name of the Proprietors of the Hampton Library with continuation and succession forever and in that name may sue and be sued in all actions personal, and may prosecute and defend the same to final judgment and execution and they are hereby vested with all the powers and privileges incident to corporations of a similar nature and may enjoin penalties of disfranchisement, or fine not exceeding four dollars for each offence to be recovered by said society in an action of debt to their use in any court proper to try the same and they may make, purchase and receive subscriptions grants and donations of personal estate not exceeding two thousand Dollars for the purpose and use of their association

And be it further enacted that the said society be, and they hereby are, authorised to assemble at Hampton aforesaid on the first Monday of January, annually; to choose all necessary officers for the orderly conducting the affairs of said corporation, who shall continue in office untill others are chosen in their stead. And that said corporation may assemble as often as shall be found necessary for filling up vacancies which may happen in said offices, and for transacting all other business excepting the raising money, which shall always be done at their annual meeting and at no other time at which meeting they shall vote all necessary sums for the defraying the annual expence of preserving the said library and for enlarging the same, and said corporation shall have power to make such rules, regulations and By-laws for the government of said society as may from time to time by them be found necessary, provided the same be not repugnant to the Constitution and laws of this State

And be it further enacted that Christopher Toppan and James Leavitt or either of them are hereby authorised and empowered to call the first meeting of the said proprietors at such time and place as they or either of them may appoint by posting up a notification for that purpose at the meeting Houses in said Hampton at least fifteen days prior to said meeting: and the said proprietors at said meeting shall have the same power to choose officers, and make By-laws, as they have by this act, at their annual meeting—

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A MISSIONARY SOCIETY

[Approved June 9, 1807. Original Acts, vol. 19, p. 52; recorded Acts, vol. 17, p. 207.]

Whereas a number of persons convened at Portsmouth on the 12 day of June in the year 1804 & formed themselves into a missionary society under a constitution containing the following articles—viz—

1—The Society to be denominated, The Piscataqua Missionary Society; the officers of which are to consist of a President secretary & board of Trustees, not exceeding seven, to be chosen annually by ballot—

2—The Trustees thus chosen, shall appoint a Treasurer, who shall give bonds for the faithfull discharge of the trust in such sum as the Trustees shall direct—

3—The President (who may be chosen from the Clergy or laity) shall preside in the meetings, make drafts upon the Treasurer, according to the directions of the board of Trustees, & act as one of the Trustees, a majority of whom shall constitute a quorum

4—It shall be the duty of the Secretary, who is to be one of the Trustees to enrol the names of the members, to record the proceedings of the society, to file & preserve all papers & letters committed to his care, to transcribe such as shall be judged, suitable or expedient to be made public & to be the organ of communication for the society in all correspondences, relating to its interests—

5—It shall be the duty of the Treasurer to take the charge of all the property of the society, from whatever source arising; to exhibit to the society, at their annual meetings & to the board of Trustees, whenever required, a full & fair statement of all his proceedings, & of the situation of their property; and at the expiration of the term for which he is appointed, to deliver over to his successor in office, all the society's property in his hands or under his care,—

6—Of the Trustees not more than three nor less than one shall be appointed from the laity. Their duty shall be to procure & examine persons to be employed as Missionaries, to issue certificates of their appointments, & give letters of instruction & recommendation to direct their itinerations, to recall them when expedient, to communicate to the society annually, an account of their missions & success—& also to select books & pamphlets for distribution. The Trustees will meet twice a year and as much oftener as their President shall judge the interest of the Institution requires. In the appointment of Missionaries & selection of books, tracts, & pamphlets for distribution, they will frequently advise & consult with the lower Piscataqua association of Ministers—

7—The society shall meet at Portsmouth N.H. on the first wednesday in May annually at 10 o'clock A.M.—At the annual meeting a sermon will be delivered in public, & two preachers, be appointed by ballot, for the next year, the second of whom (if the first should not fail) shall be the first for the year next ensuing—The meetings of the society & of the Trustees to be opened with prayer—

8—In all transactions of the society a majority shall govern. Additions & alterations of this constitution may be made, provided the same shall have been one year under consideration of the society—

9—Any person may become a member of this society by subscribing his name to this constitution—& paying to the Treasurer—for the purposes of the institution—two dollars— Each minister belonging to the society, will at any time admit members, on the condition aforesaid— Each subscriber shall be held to pay two Dollars annually, to the Treasurer—untill he shall express to the Secretary in writing a desire to be disconnected: which desire being thus expressed the membership ceases of course—

10—All monies received by members, are to be receipted for & transmitted to the Treasurer—whose receipt is a discharge to the person paying the same—

11—To preserve & perpetuate the institution, donations, or bequests, are to constitute a fund; and one sixth part of the annual interest, or proceeds of the fund, thus constituted shall be added to the capital—

12 The accompts of the society shall be open to the inspection of all who shall be desirous of examining them—

13 At each annual meeting of the society, the Treasurer shall deliver to the Secretary a list of all donations received, that a record may be made thereof in the society's book

14 In the choice of Missionaries, such will be preferred, who have been sometime settled in the Ministry, whose knowledge & experience will afford them greater influence & who may be serviceable in gathering churches & administering the ordinances, but piety, prudence, fortitude & a well directed, zeal, are esteemed qualities, indispensable for Missionary employment—

And whereas the said society have raised a small fund to carry on the laudable purposes of the institution, and are desirous of an act of incorporation to aid them thereon, as well as give stability & protection thereunto

Be it enacted by the Senate & House of Representatives in general Court convened that the constitution aforesaid & the doings of said society in conformaty thereunto—are hereby ratified, confirmed & established. And that Benjamin Abbot of Exeter Esq—Jesse Appleton of Hampton Clerk, Joseph Buckminster of Portsmouth Doctor in divinity, James Miltimore of Stratham Clerk Huntington Porter of Rye Clerk, David Sewall of York in the District of Maine

Esq—John Thompson of Berwick in said District Clerk & Nathaniel Appleton Haven of said Portsmouth Merchant, and their associates, members of said society, be & hereby are incorporated & made a body politic for the purposes aforesaid by the name & style of the Piscataqua Missionary Society—And the said Society shall have perpetual succession & may have a common seal, which they may change alter, break & make anew at pleasure—And said Society is hereby made capable in law, of receiving from any person or persons charitably disposed to aid the benevolent purposes of this Institution; any grants or devices of lands or tenements, in fee Simple or for a lesser estate, and all subscriptions, donations & bequests of money to any amount not exceeding twenty thousand Dollars, and that all grants, donations, subscriptions, devices & bequests, made to the Society aforesaid shall be improved in such manner as the Trustees of said Society shall judge most conducive to answer the design of the institution—

And be it further enacted by the Authority aforesaid that said Society shall at all times have power to sue & may be sued & shall be held to answer by the name stile & title aforesaid & may prosecute or defend by any Agent or Agents appointed either by the Society or the Trustees thereof. And if it should so happen that said society shall become seized of lands & tenements, it shall be lawfull by deed, under the hand & seal of the President to sell & convey the same provided such sale shall be made & concluded on by the Trustees aforesaid—

And be it further enacted—that the Trustees aforesaid, upon the death or resignation of the President or Secretary, be & hereby are empowered, if they shall judge it essential to the interest of the institution to appoint a successor, the person or persons thus appointed to continue in office untill the next annual meeting of the Society for the choice of officers—

And be it further enacted by the authority aforesaid that as often as it shall appear to the Trustees, that some other place in the vicinity of Portsmouth or some other time in the month of May, than the first Wednesday, will better accommodate the society or better promote the institution, for holding their annual Meetings—The Trustees may direct the annual meeting to be held on some other day of the week than Wednesday, or in some other place in the vicinity of Portsmouth, giving eight days previous notice thereof, at the least, in one or more of the weekly newspapers published at Portsmouth.

And to the end, the members of said society & all contributors to said design may know the state of the funds of said society, & the disposition thereof & of all donations made to said society—

Be it enacted—that particular accounts of such funds & the disposition of them, shall be exhibited by the Treasurer at the Stated annual meeting of the society; a Committee of said society having first examined & certified the same to be true. And fair entries



shall be made in proper books, provided for the purpose of all donations made to said society, & of all the estate both real & personal, belonging to the same, and said books shall be produced to the stated annual meetings & be there opened for the perusal & examination of the members—

And be it further enacted—that it shall be the duty of said society to lay before his Excellency the Governor & the Hon the Council any alterations or amendments that may be made in the constitution aforesaid, that they (the Governor & Council) may disallow or confirm the same at their discretion, provided—that such alterations or amendments shall not be contrary to the laws & constitution of this State—

### [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF WILLIAM WOODWARD TO WILLIAM H. WOODWARD.

[Approved June 10, 1807. Original Acts, vol. 19, p. 53; recorded Acts, vol. 16, p. 400.]

Whereas William Woodward of Hanover in the county of Grafton in said State, son of the late Honourable Bezaleel Woodward of said Hanover, hath preferred his petition, praying that he may be allowed to take the name of William H. Woodward; and the prayer thereof appearing reasonable Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the said William Woodward be, and he hereby is allowed to take the name of William H. Woodward, and that the said William by the name of William H. Woodward shall and may in future be called and known.

### [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN NEWINGTON

[Approved June 10, 1807. Original Acts, vol. 19, p. 54; recorded Acts, vol. 16, p. 437. See act of December 11, 1797, Laws of New Hampshire, vol. 6, p. 432. See additional act of June 18, 1811, recorded Acts, vol. 19, p. 39.]

Be it Enacted by the Senate and House of Representatives in the General Court convened, that the Reve<sup>d</sup> Joseph Langdon Rich<sup>d</sup> Pickering Gee Pickering Rich<sup>d</sup> D Hart Will<sup>m</sup> Fabyan Jethro Furber

Eph<sup>m</sup> Coleman Richard Dame Tho<sup>m</sup> Pickering J<sup>r</sup> William Drew and their associates—Proprietors and owners of said Library and all such as may hereafter become proprietors of the same,—Be and hereby are Incorporated into a Body politic by the name of the proprietors of the social Library in Newington, with continuation and succession forever and in that Name may sue and be sued in all actions personal, and may prosecute and defend the same to final Judgment and Execution, and they are hereby Vested with all the powers and privileges incident to corporations of a similar nature and may enjoin penalties of Disfranchisement or fine not exceeding four Dollars for each offence, to be recovered by said society in an action of Debt to their use in any Court proper to try the same, and they may make purchase and receive Subscriptions, Grants and Donations of Personal Estate not exceeding one Thousand Dollars for the purpose and use of their association

And Be it further enacted that the said Society be, and they hereby are Authorised to assemble at Newington aforesaid on the last monday of December Annually to choose all necessary Officers for the orderly conducting the affairs of said Corporation, and who shall continue in office untill others are chosen in their stead—And that said corporation may assemble as often as may be found necessary for filling up vacancies which may happen in said offices, and for transacting all other Business except raising money which shall always be done at their annual meeting and at no other time—at which time they shall vote all necessary sums for defraying the annual expence of preserving said Library and for enlarging the same, and said corporation shall have power to make such Rules regulations and By Laws for the Government of said society as may from time to time by them be found necessary,—Provided the same be not repugnant to the Constitution and Laws of said state

And be it further Enacted that Rich<sup>d</sup> Dame and Thomas Pickering Jun<sup>r</sup> or either of them are hereby authorised and impowered to call the first meeting of said Proprietors at such time and place as they or either of them may appoint by posting up a Notification for that purpose at the Meeting House in said Newington at least fifteen days prior to said Meeting, and the said proprietors at said Meeting shall have the same power to choose officers and make By Laws as they have heretofore mentioned in this act at their annual Meeting

## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING ROBERT HOGG AND HIS FAMILY, TO ASSUME THE NAME OF HUNTLEY.—

[Approved June 10, 1807. Original Acts, vol. 19, p. 55; recorded Acts, vol. 17, p. 16.]

Whereas Robert Hogg of Marlow in the County of Cheshire in said State, in behalf of himself and family has petitioned the General Court, praying, that instead of the name of Hogg, they may assume the name of Huntley:—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Robert Hogg, and his family, namely, Nelly Hogg, Sally Clark Hogg, Nelly Clark Hogg, Margaret Gregg Hogg, Robert Clark Hogg, Lasinda Hogg, & Pelitiah Hogg, be and they hereby are authorised and empowered, respectively to assume and bear the names of Robert Huntley, Nelly Huntley, Sally Clark Huntley, Nelly Clark Huntley, Margaret Gregg Huntley, Robert Clark Huntley, Lasinda Huntley and Pelitiah Huntley, and by those names respectively in future shall be called and known, any law usage or custom to the contrary notwithstanding—

Provided, that nothing in this Act contained, shall impair any contract or obligation, by them or either of them made, or affect any action or suit, now pending in any Court of law, within this State, wherein the said Robert, or either of the persons before named, is a party.—

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT MORE EFFECTUALLY TO DEFINE AND IMPROVE THE CHARITABLE ESTABLISHMENT KNOWN BY THE NAME OF THE PRESIDENT OF MOORS CHARITY SCHOOL AND THE POWERS AND DUTIES OF THE PRESIDENT THEREOF AND TO CONSTITUTE A BOARD TO ASSIST IN DIRECTING THE EXPENDITURES OF THE FUNDS OF SAID SCHOOL—

[Approved June 10, 1807. Original Acts, vol. 19, p. 56; recorded Acts, vol. 17, p. 21. Session Laws, June, 1807, p. 6. See additional act of December 21, 1808, recorded Acts, vol. 17, p. 394.]

Whereas a school was a long time since founded by the late Reverend Eleazer Wheelock STD who was President or Director thereof and also President of Dartmouth College which was formerly and

still is known by the name of Moors Charity School as well as Moors Indian charity school and has since the death of the said Eleazer been kept up and continued at Hanover in this State by the Hon<sup>l</sup> John Wheelock LLD President thereof and of Dartmouth College, as the successor of said Eleazer as President of said College and said school—

And whereas many and valuable donations and Grants have been made of Property in America for the benefit of said School not only to the said Eleazer, but to the said John the successor of the said Eleazer in the Office of President or director thereof, considered as being distinct in its objects from Dartmouth College.—

And whereas it has always been considered that Dartmouth College and Moors Charity School are different branches of the same institution and that the President of said College ever has been and ever should be President of said School— And as the trustees of said College have not considered that they had any Official right to be concerned in the application of the funds of said school And as it is the desire of the President and deemed by the friends of the Institution adviseable that the President in the application of the funds of said School should act by and with the advice and concurrence of other Persons, Therefore, Be it enacted by the Senate and House of Representatives in General Court convened that the said John Wheelock President of Dartmouth College and his successors in Office for the time being, appointed agreeably to the Charter of said College whether by the last will of the President Preceding or otherwise, shall forever hereafter be and hereby is declared to be the President of Moors Charity School, and the board of Trustees of Dartmouth College for the time being shall forever hereafter be and hereby are declared to be the trustees of said School and that said School as a Corporation and as heretofore considered for the Purposes aforesaid may and shall be known and called hereafter by the name of the President of Moors Charity School—and that said President with the advice and concurrence of said Trustees may and shall expend the issues and avails of all the funds and Property of said school for the uses intended by the donors—Provided nevertheless that the funds of said College and school and their Proceeds shall be distinct and Separate and that nothing herein contained shall be considered as having any concern with the funds in the care of the Hon<sup>l</sup> Society in Scotland for Propagating Christian Knowledge, or as interfering with their right of inspection or as affecting any other Property belonging to said school, than such as has been or may be hereafter granted in America for the use and benefit of said School



## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME AND STYLE OF "THE PROPRIETORS OF PLYMOUTH SOCIAL LIBRARY."—

[Approved June 10, 1807. Original Acts, vol. 19, p. 57; recorded Acts, vol. 17, p. 37.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the Reverend Drury Fairbank, John Rogers, Jotham Cumings Jun<sup>r</sup> David Webster, William Webster, Moor Russell, Samuel Wells, James Little, and John Porter, and their associates, proprietors of said Library, and all such as may hereafter become proprietors of the same, be and they hereby are incorporated into a body politick, by the name and style of the Proprietors of Plymouth social Library, with continuation and succession forever. And by that name may sue and be sued, may plead and be impleaded in all actions personal, and may prosecute and defend the same to final judgment and execution— And they are hereby vested with all the powers and privileges, incident to corporations of a similar nature—And may enjoin penalties of disfranchisement or fine, not exceeding five dollars, to be recovered by said society in an action of debt to their use, in any court proper to try the same.—And they may make, purchase and receive, subscriptions, grants and donations of personal estate, not exceeding One Thousand Dollars, for the purpose and use of their association.—

Sec. 2. And be it further enacted, that said society be and they hereby are authorised to assemble at said Plymouth on the first wednesday in January annually, to elect and appoint all such officers, as may be found necessary, for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room. And said corporation may assemble as often as may be found necessary, for the filling up of any vacancies which may happen in said offices, and for transacting all other business, excepting the raising of monies, which shall always be done at their annual meetings, and at no other time:—at which times they shall vote and assess all necessary sums for defraying the annual expence of preserving said Library, and for enlarging the same—And said corporation shall have power to make such Rules and Bye-Laws for the government of said Society, as may from time to time, by them be found necessary; provided the same be not repugnant to the constitution and laws of this State—

Sec. 3. And be it further enacted, that John Rogers and Jotham Cumings jun<sup>r</sup> or either of them, are hereby authorised and empowered to call the first meeting of said Proprietors, at such time and

place as they may appoint, by posting a notification for that purpose, at the Meeting House in said Plymouth, at least fifteen days, prior to said meeting— And the said Proprietors at said meeting shall have the same power to elect officers, and make Bye-Laws, as by this Act they have at their annual meeting—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN WEARE.”

[Approved June 11, 1807. Original Acts, vol. 19, p. 58; recorded Acts, vol. 16, p. 396. The act referred to is dated December 7, 1798, Laws of New Hampshire, vol. 6, p. 516.]

Be it enacted by the Senate & House of Representatives in General Court convened that the said Proprietors be and they hereby are authorised & impowered to hold their annual meeting for the choice of officers and other purposes pointed out in their charter of Incorporation on the third Monday of November annually instead of the first thursday of September anything in the said former act to the contrary notwithstanding.

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT FOR CALLING A MEETING OF THE PROPRIETORS OF CONCORD BRIDGE—

[Approved June 11, 1807. Original Acts, vol. 19, p. 59; recorded Acts, vol. 16, p. 442. See acts of January 16, 1795, Laws of New Hampshire, vol. 6, p. 240, December 9, 1796, id., p. 361, and December 16, 1812, recorded Acts, vol. 19, p. 315.]

Whereas the Proprietors of Concord Bridge have represented to the General Court that by reason of the failure of the publication of the Concord Newspapers they have been precluded from holding their Annual Meeting for the choice of Officers and transacting their other necessary business on the first Monday of June current agreeably and in pursuance of such notice as the Rules and Bye laws of said corporation require—And that they had suffered inconveniences on that account—Wherefore, they prayed that some person might be authorized and empowered to call a meeting of said Proprietors for the purposes aforesaid—The prayer of which petition appearing reasonable—Therefore—Be it Enacted by the Senate

and House of Representatives in General Court convened that Charles Walker Esq Be, and he is Hereby authorized and empowered to call a meeting of said Proprietors by advertisement in the New Hampshire Gazette, to be holden at any suitable time and place after Fourteen days from the first publication of said Advertisement. And the said Proprietors by a majority of those present or represented at said Meeting may choose a Clerk, Three Directors and a Treasurer, agree upon a method of calling future meetings, and transact their other necessary business. And the said officers which shall be chosen at said Meeting shall be, and they Hereby are invested with the same powers and privileges as tho they had been legally chosen by the Proprietors at their annual Meeting on the first Monday of June of this present year.—

#### [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN BARNSTEAD—

[Approved June 11, 1807. Original Acts, vol. 19, p. 60; recorded Acts, vol. 16, p. 457.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Reverend Enos George, John Nutter Anthony Nutter Benjamin Hodgdon, Joseph Norris, Lemuel Bunker Moses Dennet, William Nutter, John Bickford, Charles Hodgdon Jun<sup>r</sup>, Thomas Williams and their associates Proprietors and owners of said library and all such as may hereafter become Proprietors of the same be and hereby are incorporated into a body Politic by the name of the Proprietors of the social library in Barnstead with continuation and succession forever, and in that name may sue and be sued in all actions personal, and may prosecute and defend the same to final Judgement and execution and they are hereby vested with all the powers and privileges incident to corporations of a similar nature and may enjoin Penalties of disfranchisement or fine not exceeding four dollars for each Offence to be recovered by said Society in an action of debt to their use in any Court competent to try the same, and they may make, purchase, and receive subscriptions grants and donations of personal estate not exceeding one thousand dollars for the purpose and use of their association—

And be it further enacted, that the said Society be and they are hereby authorised to assemble at Barnstead aforesaid on the last thursday in December annually to choose all necessary officers for the orderly conducting the affairs of said corporation and who shall continue in Office untill others are chosen in their stead, and that

said Corporation may assemble as often as may be found necessary for filling up vacancies which may happen in said Offices and for transacting all other business except raising money which shall always be done at their annual meeting and at no other time, at which time they shall vote all necessary sums for defraying the annual expence of preserving said library and for enlarging the same, and said corporation shall have power to make such rules, regulations, and by-laws for the government of said Society as may from time to time by them be found necessary provided the same be not repugnant to the constitution and laws of said State—

And be it further enacted that John Nutter Esquire, Benjamin Hodgdon, Lemuel Bunker or either two of them are hereby authorised and impowered to call the first meeting of said Proprietors at such time and place as they or either two of them shall appoint by posting up notifications for that purpose at the two meeting houses in said Barnstead at least fifteen days prior to said Meeting and the said Proprietors at said meeting shall have the same privileges and power to choose Officers and make by-laws as they have heretofore mentioned in this act at their annual meeting—

### [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

#### AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE EATON SOCIAL LIBRARY—

[Approved June 11, 1807. Original Acts, vol. 19, p. 61; recorded Acts, vol. 17, p. 1.]

Be it enacted by the Senate & house of Representatives in General Court convened that, William Snell Colman Colby, John March, Nicholas Blasdell Moses Davis J<sup>ur</sup> Simon Seavy, Job Allard, Eli Glines, Richard Lary, Stephen Danforth Samuel Flanders, Timothy Danford and Elijah Merrow, and their associates Proprietors of said Library and all such others as may hereafter become proprietors of the same be and hereby Are Incorporated into a body Politic by the name of the proprietors of Eaton social Library with Continuation and succession forever, and in that name may sue & be sued may plead and be impleaded in all actions personal & prosecute and defend the same to final Judgment, & execution and they are hereby vested with all the powers & priveledges incident to Corporations of a similar nature, and injoin penalties of Disfranchizement or fine not exceeding five dollars, for each offence, to be recovered by said society in an action of debt to their use in any Court proper to try the same, and they may make purchase and receive subscrip-



tion Grants and donations of personal estate not exceeding one thousand dollars for the purpose and use of their association.—

and be it further enacted that said society be and they hereby are authorised to assemble at said Eaton on the last monday in May annually to choose all such Officers as may be found Necessary for the orderly conducting the affairs of said Corporation, who shall continue in Office untill others are chosen in their room, and that said Corporation may Assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices and for the transacting all other business, excepting the raising of money which shall always be done at their annual meeting, and at no other time, at which time they shall vote all necessary sums for defraying the annual expence of preserving said Library, and for enlarging the same, and said Corporation shall have power to make such rules and by laws for the Government Of said society as may from time to time by them be found Necessary, Provided the same be not repugnant to the Constitution and laws of this State.—

And be it further enacted that William Snell Colman Colby or either of them are hereby authorised and impowered to call the first meeting of said proprietors at such time and place as they may appoint, by posting up a notification for that purpose at the house of William Snell Esq. in said Eaton at least fifteen days prior to said meeting, and the said proprietors at said meeting shall have the same power to choose Officers and make by laws as they have by this act at their annual meeting—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN, ACT, TO RAISE THE SUM OF EIGHT THOUSAND DOLLARS BY A PUBLIC LOTTERY FOR THE USE OF THE HINDSDALE BRIDGE AND SIXTH NEW HAMPSHIRE TURNPIKE CORPORATION—

[Approved June 11, 1807. Original Acts, vol. 19, p. 62; recorded Acts, vol. 17, p. 72. See acts of June 17, 1802, *ante*, p. 87, December 24, 1805, *ante*, p. 450, June 16, 1806, *ante*, p. 509, June 12, 1812, Session Laws, June, 1812, p. 39, June 22, 1815, recorded Acts, vol. 20, p. 309, and January 7, 1853, *id.*, vol. 44, p. 140.]

Whereas the Legeslature of this State did by an Act passed in the year of Our Lord One Thousand Eight hundred and Two Authorise certain Persons named in said Act and their Associates to erect and build a Bridge Over Connecticut River in Hindsdale and the same was Completed in the Year One Thousand Eight Hundred and four, And in a verry short Time after, the complition thereof by an unforeseen accident the whole was lost, and in the year following it was rebuilt by the Proprietors thereof, And by the late

extraordinary Freshets the Bridge and Banks of the River to which it connects has been so much injured as to require large and Expensive repairs or the whole will be lost—Therefore—

Be it enacted by the Senate and House of Representatives in General Court Convened That there be and there is hereby granted to the Proprietors of the Hindsdale Bridge Corporation a Public Lottery to raise the sum of Eight Thousand Dollars Exclusive of the expences thereof, to be by the said Corporation Appropriated to the sole Use of Repairing the Bridges and Toll House and securing the same against further depredations, and the President And Directors of said Corporation are impowered and Permitted to set up and carry on such Lottery to raise the sum aforesaid for the Use aforesaid in as many Classes or draughts as they shall Judge necessary and in any way and manner Usually practised in the United States, provided said Lottery be drawn and finished within Three years from the passing this act—

And be it further enacted that Daniel Hawkins and Oliver Chapin Esquires and Doc<sup>r</sup> David Wooley are appointed managers of said Lottery who shall before they enter on the duties of their Trust be Sworn by some Justice of the Peace, to faithful discharge thereof And shall also give Bonds with Sufficient surities To the Treasurer of this State in the Sum of Sixteen Thousand Dollars for the faithful performance of all Things relative to the management of said Lottery, and to pay all Prize Tickets according to the Tennor of their scheem and also to refund any sum or sums of money which may be paid for Tickets in any class of said Lottery in case said Lottery shall not be drawn and finished within the Time limited, and to pay Over to the Treasurer of said Corporation the Proceeds of each and every Class and To render to the President and Directors thereof a Fair and Just account of all their proceedings in the premises whenever required, And all the money so raised shall be applied by the President and Directors aforesaid to the Use as is in this act provided, and the said President and Directors may if they shall Judge necessary appoint Two Additional Managers of said Lottery, and fill any vacancy That may happen therein, Who shall before they enter on the duties of their Trust be quallified in the same manner as is provided for the managers herein named, And the said president and Directors shall render to the General Court an account of all their proceedings and Transactions concerning the premises when thereto required—Provided however that this Act shall not Take efect so as to Autherise any managers to proceed therein or set up said Lottery untill leave shall have been Obtained from the Legeslature of the State of Massachusetts for selling and disposing of Tickets in said Lottery within that Commonwealth—

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF THE SOCIAL LIBRARY IN SUTTON,  
 NEW LONDON AND FISHERSFIELD.—

[Approved June 12, 1807. Original Acts, vol. 19, p. 63; recorded Acts, vol. 16, p. 407. See act of December 26, 1799, Laws of New Hampshire, vol. 6, p. 605.]

Whereas the Directors of said Library have petitioned the General Court, praying for an Alteration of the name of said Library, Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that in future, instead of the name of "The Proprietors of the Social Library in Sutton, New London and Fishersfield," the said Corporation shall be called and known, by the name of "The Proprietors of the Social Library in Sutton," anything in their Act of incorporation, to the contrary notwithstanding.—

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT ALTERING ONE OF THE TERMS OF THE SUPERIOR COURT OF  
 JUDICATURE IN THE COUNTIES OF HILLSBOROUGH AND CHESHIRE.

[Approved June 12, 1807. Original Acts, vol. 19, p. 64; recorded Acts, vol. 17, p. 44. Session Laws, June, 1807, p. 13.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Superior Court of Judicature shall in future be holden at Amherst, in the county of Hillsborough, on the second tuesday following the fourth tuesday of October annually, instead of the tuesday following the fourth tuesday of October. That the Superior Court of Judicature shall in future be holden at Keene, in the county of Cheshire, on the fourth tuesday of October annually, instead of the third tuesday of October.

And be it further enacted, That all actions, pleas, recognizances, indictments, verdicts, and all processes of what name or nature soever, now pending in said Superior Court, or returnable or sustainable by the same, in the several counties aforesaid, shall be returned to, sustained and determined by the Superior Court of Judicature, at the respective times fixed by this Act for holding the same; any law, usage, or custom, to the contrary notwithstanding—

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THE TWENTY FIRST DAY OF JUNE IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FOUR ENTITLED AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF RICHMOND TURNPIKE ROAD IN NEW-HAMPSHIRE.

[Approved June 12, 1807. Original Acts, vol. 19, p. 65; recorded Acts, vol. 17, p. 57. Session Laws, June, 1807, p. 16. See act referred to, *ante*, p. 304.]

Whereas in and by the aforesaid Act it is provided and enacted, that if in three years the said Proprietors Road shall not be completed, then the said Act and every part thereof shall be null and void—which time having been found to be insufficient for said purpose. Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That the proprietors of the said Turnpike Road be and they hereby are allowed a further term of two years in addition to what is allowed in said act, to make and complete said Road; any thing in the aforesaid act to which this is an addition to the contrary notwithstanding.

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING THE LONDONDERRY TURNPIKE CORPORATION TO PURCHASE AND HOLD REAL ESTATE FOR CERTAIN PURPOSES—

[Approved June 12, 1807. Original Acts, vol. 19, p. 66; recorded Acts, vol. 17, p. 62. Session Laws, June, 1807, p. 14. See acts of June 20, 1804, *ante*, p. 274, December 20, 1805, *ante*, p. 436, and December 27, 1805, *ante*, p. 464.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Proprietors of the said Turnpike Corporation be, and they hereby are Authorised and empowered to purchase have and hold, in fee simple to them and their Assigns, so much Real Estate, situate, near and adjoining to said Turnpike road, as may be necessary for the purposes of erecting Toll Houses and a Dwelling House and other Buildings for Public entertainment and accommodation; provided said lands shall not exceed the sum of two thousand Dollars—



## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS, BY THE NAME AND STYLE OF "THE PROPRIETORS OF MEREDITH-BRIDGE SOCIAL LIBRARY."—

[Approved June 12, 1807. Original Acts, vol. 19, p. 67; recorded Acts, vol. 17, p. 64.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Daniel Smith, Daniel Avery, Stephen Perley, John Smith, Simeon Taylor and John Burleigh, and their associates, proprietors of said Library, and all such as may hereafter become proprietors of the same, be and they hereby are incorporated into a body politic, by the name and style of "the Proprietors of Meredith-Bridge Social Library" with continuation and succession forever;—and by that name may sue and be sued, may plead and be impleaded in all actions personal, and may prosecute and defend the same to final Judgment and execution.—And they are hereby vested with all the powers and privileges, incident to corporations of a similar nature. And may enjoin penalties of disfranchisement or fine, not exceeding five dollars; to be recovered by said society in an action of debt to their use, in any Court proper to try the same—And they may make, purchase and receive, subscriptions grants and donations of personal estate, not exceeding One Thousand Dollars, for the purpose and use of their Association—

Sect. 2. And be it further enacted that said Society be and they hereby are authorised to assemble at Gilmanton or Meredith, near Meredith Bridge, so called, on the last monday in December annually, to elect and appoint all such officers, as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room. And said corporation may assemble as often as may be found necessary for the filling up of any vacancies which may happen in said Offices, and for transacting all other business, excepting the raising of monies, which shall always be done at their annual meetings, and at no other time:—at which times they shall *vote* and assess all necessary sums for defraying the annual expence of preserving said Library, and for enlarging the same—And said Corporation shall have power to make such Rules and Bye-Laws for the government of said Society, as may from time to time by them be found necessary; provided the same be not repugnant to the Constitution and Laws of this State.—

Sect. 3. And be it further enacted that Stephen Perley and

Daniel Avery or either of them, are hereby authorised and impowered to call the first meeting of said Proprietors, at such time and place as they may appoint, by posting notifications for that purpose, at some publick place in Gilmanton and Meredith, at least fifteen days, prior to said meeting— And the said Proprietors at said Meeting shall have the same power to elect Officers, and make Bye Laws, as by this Act they have at their Annual meeting.—

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF TRINITY CHAPTER.

[Approved June 12, 1807. Original Acts, vol. 19, p. 68; recorded Acts, vol. 17, p. 80.]

Whereas John Harris, William Webster, Moses Lewis, Abel Hutchins, Joel Harris, Elisha Hitchcock, Lemuel Hitchcock, Robert Fowle, Aquila Davis, Peter C. Farnum, George Richards, Samuel Boardman, & Joshua Darling have obtained from Benjamin Hurd Jun<sup>r</sup> Esq<sup>r</sup> & Thomas Smith Webb Esq<sup>r</sup> the two first officers of The United States, General Grand Chapter, a charter authorizing and empowering them and their successors to form, open, & hold a regularly constituted *Chapter of Royal Arch Masons*, in the town of Hopkinton, in the State of Newhampshire; and whereas the object of said institution appears to be the laudable purpose of promoting the cause of benevolence & charity, by administering relief to worthy companions, who by accident or misfortune may be reduced to indigence & distress; and whereas for effecting so laudable a design, by a convenient management and effectual security of their funds, a charter of incorporation is necessary; and whereas the above named John Harris, William Webster, Moses Lewis, Abel Hutchins, Joshua Darling, Joel Harris, & Aquila Davis, in behalf of themselves & their companions, have presented a petition to the General Court, praying that they and their successors may be incorporated by the name of Trinity Chapter; and whereas the prayer of said petition appears just & reasonable; Therefore,

Sect. 1. Be it enacted by the Senate & House of Representatives in General Court convened, that the said John Harris, William Webster, Moses Lewis, Abel Hutchins, Joshua Darling, Joel Harris, and Aquila Davis, and their associates and successors, be & they hereby are incorporated & made a body politic & corporate, by the name of Trinity Chapter; and by that name may sue & be sued, plead & be impleaded; and shall be, and hereby are, vested with all the powers & privileges, which are, by law, incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that the said corporation be, and hereby are, empowered to purchase & hold in fee simple, in the town of Hopkinton aforesaid, so much real estate, as may be necessary for the erection of a suitable hall or building, in which to hold their meetings, and other property, or estate, for effecting the charitable & benevolent purposes of said corporation; provided the same shall not exceed three thousand dollars.

Sect. 3. And be it further enacted, that the said John Harris be, & he hereby is, authorized & empowered to call the first meeting of the said corporation, by giving three weeks notice of the time & place thereof, in the Farmer's Cabinet, printed at Amherst, or in some public newspaper, printed at Concord. And the said corporation may at that, or at any subsequent meeting, agree upon the times & places of holding future meetings, and the method of calling the same; and may also elect such officers, & make & establish such rules & by-laws, as they may think necessary & proper for their regulation & government; provided the said rules & by-laws be not repugnant to the constitution and laws of the State of New Hampshire.

Sect. 4. Provided nevertheless, and be it further enacted, that any real estate holden by said corporation, by virtue of this act, shall be subject to taxation in the same way & manner as other real estate.

## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

### AN ACT FOR THE SUPPRESSION OF LOTTERIES.

[Approved June 12, 1807. Original Acts, vol. 19, p. 69; recorded Acts, vol. 17, p. 100. Session Laws, June, 1807, p. 15. Laws, 1815 ed., p. 395. This act repeals the act of February 14, 1791, Laws of New Hampshire, vol. 5, p. 686. Repealed by act of July 7, 1827, Laws, 1830 ed., p. 186.]

Be it Enacted by the Senate and House of Representatives in General Court convened. That if any person or persons shall undertake to set up any Lottery or expose to sale or dispose of any estate, real or personal, by way of Lottery, such person or persons shall for every such offence, forfeit and pay a sum not exceeding six hundred dollars nor less than twenty five dollars, according to the aggravation of the offence to be recovered by an action of Debt in any Court competent to try the same in the County where the offence is committed, the one half thereof to the use of the prosecutor and the other half to the use of the County, wherein the offence was committed

And be it further enacted, That if any person or persons shall be aiding or assisting in any Lottery, by printing or any other ways

publishing an account thereof, or where tickets may be had for the same, such person or persons shall forfeit a sum not exceeding one hundred dollars nor less than ten dollars, to be recovered and disposed of in manner aforesaid.

And be it further enacted, That if any person or persons shall offer or expose to sale, actually sell or otherwise dispose of to any person in this State any Lottery Ticket, such person shall forfeit a sum not exceeding three hundred dollars nor less than ten dollars for each ticket so exposed to sale, or otherwise disposed of; the said forfeiture to be recovered in manner aforesaid and to the use aforesaid.

Provided always, That nothing in this Act shall be construed to extend to any Lottery allowed, or that shall hereafter be allowed by Act or Law of the Legislature of this State, or of the United States.

And be it further enacted, that a Law for the suppression of Lotteries passed February fourteenth one thousand seven hundred and ninety one be, repealed on the first day of october 1807, and that this act shall take effect on that day.—

#### [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

#### AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF OSS�PEE AND WOLFBOROUGH UNION LIBRARY—

[Approved June 12, 1807. Original Acts, vol. 19, p. 70; recorded Acts, vol. 17, p. 114.]

Be it enacted by the Senate and House of Representatives in General Court Convened that Jacob Haines, Dudley Hardy, John Young, Benjamin Scaggel, Zacheus Young, Samuel Wiggin, Jacob Brown, Thomas B. Wiggin, John C. Young, John M<sup>c</sup>Crillis Samuel Smith, James Scaggel Samuel Quarles, and Moses Hoyt—and their associates Proprietors of said Library and such others as may hereafter become Proprietors of the same be & hereby are incorporated into a body politic by the name of the Proprietors of Ossipee & Wolfborough Union Library with Continuance & succession forever and in that name may sue and be sued may plead & be impleaded in all actions personal & prosecute & defend the same to final Judgment and Execution and they are hereby vested with all powers and priviledges incident to Corporations of a similar nature and may injoin penalties of disfranchisement or fine not Exceeding five Dollars for each Offence to be recovered by said society in an Action of Debt to their use in any Court proper to try the same and they may make purchase and Receive subscriptions Grants and dona-



tions of personal Estate not exceeding one thousand Dollars for the purpose and use of their Association

And be it further enacted that said society be and they hereby are authorized to assemble on the last saturday of May annually to chuse all such Officers as may be found necessary for the orderly Conducting affairs of said Corporation who shall Continue in Office untill others are chosen in their room and that said Corporation may Assemble as often as may be found necessary for the filling up any Vacancies which may happen in said Offices and for transacting all other business excepting the raising of money which shall always be done at their annual meeting and at no other time at which time they shall vote all necessary sums for defraying the annual expence of preserving said Library and for enlarging the same & said Corporation shall have power to make such Rules and by laws for the Government of said society as may from time to time by them be found necessary provided the same be not repugnant to the Constitution & laws of this State—

And be it further enacted that Jacob Haines, John Young & Samuel Smith or either two of them are hereby authorized & empowered to Call the first meeting of said Proprietors at such time & place as they may appoint by posting up two notifications for that purpose one at Haines & Tibbets Store in Wolfborough & one at the meeting House in Ossipee fifteen days at least prior to said meeting and the said Proprietors at said meeting shall have the same power to chuse Officers & make by laws as they have by this Act at their annual meeting

## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE RINDGE TURNPIKE ROAD IN NEW HAMPSHIRE.

[Approved June 12, 1807. Original Acts, vol. 19, p. 71; recorded Acts, vol. 17, p. 156. Session Laws, June, 1807, p. 8. See additional acts of November 24, 1812, *id.*, November, 1812, p. 26, and June 21, 1815, recorded Acts, vol. 20, p. 334.]

Sec. 1<sup>st</sup> Be it enacted by the Senate and House of Representatives, in General Court convened, That Edward Jewett, William Kimball, Josiah Sawtell, Seth Payson, Joseph Perkins, Stephen Jewett Junior, Joshua Walker, Samuel Kendall, Moses Todd, Isaiah Whitney, Robinson Perkins Joel Raymond, Thomas Jewett Nehemiah Bowers, Samuel Tarbell and Enoch Whitcomb, and their Associates and Successors be, and they are hereby incorporated and made a body corporate and politic under the name of the Proprietors of the Rindge Turnpike Road in New Hampshire, and in that name

may sue and prosecute, and be sued and prosecuted to final judgment and execution, and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

Sec. 2<sup>nd</sup> And be it further enacted, That the said Edward Jewett and Stephen Jewett Junior, or either of them, shall call a meeting of said Proprieors, to be holden at any suitable time and place, by posting notifications, one at least in some public place in each town, through which said road is contemplated to pass, at least fourteen days before the time of holding said meeting expressing the time place and design of said meeting. And the Proprietors, by a majority present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithfull discharge of the duties of his office; and shall agree on a method of calling future meetings; and at the same, or at any subsequent meeting, may elect such officers, and make and establish such rules and bye-laws, as to them shall seem necessary and convenient, for the regulation and government of said Corporation, for carrying into effect the purposes aforesaid, and for collecting tolls and duties herein after established: and the same bye-laws may cause to be executed, and annex penalties to the breach thereof, provided said rules and bye-laws are not repugnant to the Constitution and Laws of this State. And all representations at any meeting shall be proved by writing, signed by the person to be represented, which shall be filed by the Clerk, in a book or books provided and kept for that purpose.

Sec. 3<sup>rd</sup> And be it further enacted, That the said Corporation are hereby impowered to lay out, make and keep in repair a Turnpike Road of four rods wide in such route or tract, as shall in the best of their judgment combine shortness of distance with the most practicable ground from the State line between Massachusetts and New Hampshire at or near the south west corner of New Ipswich to the Branch Turnpike which leads from Keene to the north line of Fitzwilliam.

Sec. 4<sup>th</sup> And be it further enacted, That if the said Proprietors, and the owners of land over which said road may run, shall not agree on the compensation to be made for such land, and shall not agree in appointing persons to ascertain such compensation the Justices of the Court of Common Pleas in the County where such land lies, if not interested, and if interested the Justices of the Superior Court, upon the application of the proprietors or the owners of the land, reasonable notice having been given to the adverse party of such application, shall appoint a Committee who shall ascertain the same in the same way as compensation is made to the owners of land for Highways, as usually laid out. Provided Nevertheless, that it shall not be lawful for said proprietors to make such road untill the damages done the owner or owners of the land through

which the same is laid out is ascertained and paid, or tender thereof made, or security given for the payment of the same to the said owner thereof, to his satisfaction.

Sec. 5<sup>th</sup> And be it further enacted, That the said Corporation may erect and fix such and so may gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls and duties herein after granted to said company from all persons travelling the same with horses, cattle, carts or carriages.

Sec. 6<sup>th</sup> And be it further enacted, That it shall and may be lawful for said Company to appoint such and so many Toll-gatherers as they shall think proper, to collect of and from all and every person or persons using said road the rates and tolls herein after mentioned, and to stop any person riding, leading or driving any horses, cattle, carts or carriages from passing through said gates or turnpikes, until they shall respectively have paid the same; that is to say, for every mile of said road, and so in proportion for a greater or less distance or greater or smaller number of horses, cattle or carriages (to wit) for every ten sheep or swine, one half cent; for every ten neat cattle, horses or mules, one cent; for every horse and his rider, or led horse, one cent; for every sulkey, chair or chaise with one horse and two wheels, two cents; for every coach, chariot, stage, phaeton or chaise with two horses and four wheels, three cents; for either of the carriages last named with four horses, four cents; for every other carriage of pleasure, the like sums, according to the number of wheels, and horses drawing the same; for each cart, waggon, or other carriage of burden, drawn by one beast, one cent; for the like carriages drawn by two beasts, one and a half cents; if by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh, drawn by one horse, one cent and a half, if drawn by two horses, two cents, if drawn by more than two horses, one cent for each additional horse; for each sled or sleigh of burden, drawn by one horse, three quarters of a cent, if by two horses or one yoke of oxen, one cent; if by more than two horses or one yoke of oxen, one cent for each additional yoke of oxen or pair of horses; and at all times when the toll-gatherer does not attend his duty, the gates shall be left open. And if any person shall with his carriage, team, cattle or horses turn off the said road to pass the said Turnpike gate on ground adjacent thereto, not being a public high way, with an intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been—Provided, that nothing in this act shall extend to entitle said Corporation to demand or receive toll of any person who is an inhabitant of any town where any gate may be erected, nor any officer or soldier of the militia under arms, going to or from the place of military duty, nor to any funeral that may have occasion to pass said gate.

Sec. 7<sup>th</sup> And be it further enacted, That the said Corporation are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said Turnpike Road, and the share or shares of any proprietor may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said Corporation on their records; and said shares may be sold by said Corporation on non-payment of assessments duly made agreeable to the bye-laws of said Corporation.

Sec. 8<sup>th</sup> And be it further enacted, That the said Corporation shall take no toll for any mile of said road until six hundred dollars shall have been expended thereon, reckoning a proportionate sum upon the whole number of miles of said road; nor shall any toll be taken for any mile of said road until the Justices of the Superior-Court shall adjudge that the said road is sufficiently made to entitle the said Corporation to receive toll; at which time said Corporation may erect gates thereon according to the provisions in this act.

Sec. 9<sup>th</sup> And be it further enacted, That said Corporation may be indicted for want of repairs of said road after the toll-gates are erected, and fined in the same way and manner as towns are by law fineable for suffering highways and bridges to be out of repair, and said fines may be levied on the profits, and tolls accruing to said Corporation—Provided, that if the said Turnpike Road shall in any part be the same with any highway now used, it shall not be lawful for said Corporation to erect any gate or turnpike upon or across that part of said road, which is now used as a public highway; anything herein to the contrary notwithstanding.

Sec. 10<sup>th</sup> And be it further enacted, That at the end of every six years after the setting up of any toll-gate upon the road aforesaid, an account of the expenditures upon said road, and the profits arising therefrom, shall be laid before the Justices of the Superior Court for the time being, under the forfeiture of the privileges of this grant in future; and if the net profits of the said six years shall exceed nine per cent. per annum, the said Court may reduce the future rate of toll so far as that it may not exceed nine per cent per annum; and if the said profits shall not amount to six per cent. per annum, the said Court may raise the future tolls so that it shall not be less than six per centum per annum, nor more than nine per centum per annum.

Sec. 11<sup>th</sup> And be it further enacted, That if in six years from the passing of this act, the said road and every part thereof shall not be completed, agreeable to the provisions of this act, every part and clause thereof shall be null and void.

Provided also, That the State of New-Hampshire may at any time after the passing hereof repay the proprietors of the said road the amount of the sums expended by them thereon, with nine per centum per annum in addition thereto, deducting the toll actually received by said Corporation; in that case, the road shall to all intents and purposes be the property of the State of New Hampshire.



Provided further, That the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient, to compell said Proprietors to keep said road in repair.

[CHAPTER 26.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING TO MILLS OLCOTT THE PRIVILEGE OF LOCKING  
WHITE RIVER FALLS.

[Approved June 12, 1807. Original Acts, vol. 19, p. 72; recorded Acts, vol. 17, p. 179. See act of July 7, 1826, Session Laws, June, 1826, Chap. 60; resolution of July 5, 1833, id., June, 1833, Chap. 168; act of December 24, 1840, id., 1837-41, p. 513.]

Whereas the erecting locks and cutting canals on White River falls on Connecticut River, so that the same shall be navigable for boats, for the transportation of lumber, goods, wares and merchandize, would be of great public utility. And whereas, Mills Olcott of Hanover has petitioned the Legislature for the exclusive privilege of locking the same.

Therefore.

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the said Mills Olcott and his Associates be and they hereby are constituted a Corporation by the name of *The White River Falls Company*, and may by that name sue and be sued, implead and be impleaded, to final judgment and execution; may have a common seal, and the same alter at pleasure, and shall enjoy all the privileges and powers incident to a Corporation.

Sec. 2. And be it further enacted, That the said Mills Olcott and his Associates, their heirs and assigns forever, be invested with the exclusive privilege of cutting Canals and Locking said falls and rendering said Connecticut River, navigable for boats and lumber, from the head of said falls at the upper Bar so called, to the foot of the falls at the lower Bar of the same, commonly called "Phelp's Bar"—provided the same be completed within six years from the passing this Act—and may purchase any lands contiguous to said locks and necessary therefor and hold the same in fee simple.

Sec. 3. And be it further enacted, That if at any time the said Mills Olcott and his Associates, shall find it necessary to make use of the lands of private persons in the prosecution of said object, for placing locks, digging canals, or for roads, towing paths, or any other purpose necessary for the full enjoyment of the privileges aforesaid and shall make application to the Selectmen of the Town in which such land lies, to lay out the same, the said Selectmen are

hereby empowered to lay out and set off the same accordingly, and the same mode shall be pursued in determining the damages so sustained, by the owner or owners of such lands, as is provided by law in case of laying out and opening highways, which damages the said Proprietors, before taking possession of the lands so set off, shall pay or tender to the owner or owners thereof; and after such payment or tender as aforesaid the said Proprietors shall be invested with the title to such lands. And if the Town where such lands lie is interested in the decision in such case the Selectmen of any adjoining Town are hereby authorized to lay out and set off said lands; And the same mode shall also be pursued in ascertaining any damages which may accrue either to individuals or corporations, by reason of flowing either lands or roads in consequence of any dam which may be necessary to be erected.

Sec. 4. And be it further enacted, That the said Corporation, for the space of twelve years next after said locks shall be completed, shall have full power to fix and determine the rate of toll to be taken by said Corporation, for the passing of Boats, Rafts and other property through the locks and canals belonging to said Corporation, subject to the restrictions and reservations herein after provided.

Sec. 5. And be it further enacted, That the said Corporation shall in the month of January or February next after they commence receiving toll, cause to be published in some Newspaper printed in Windsor in the State of Vermont, and some Newspaper printed in Hanover, the rates of toll to be by them taken for the season next ensuing—and shall also in the month of January or February in every succeeding year cause similar notice to be given of the rates of toll to be taken by them for such year. And said Corporation shall not be at liberty to depart from the rates of toll so published, during the year in which they are published as aforesaid under the pains of forfeiting the sum of thirty dollars for any such offence, to be recovered by any person who will sue for the same.

Sec. 6. And be it further enacted, That the road leading by said falls from the landing place above to the landing place below said falls at Phelp's Bar so called, shall not in any wise be obstructed by said Company, but that full liberty shall be left to every person to cart and team on said road, any law, usage or custom to the contrary notwithstanding.

Sec. 7. And be it further enacted, That said Company shall at any meeting of the Proprietors warned and holden in any manner they shall agree upon for that purpose, have power to make and establish such rules and bye-laws, as to them shall appear convenient and necessary for the carrying into effect the purpose aforesaid. Provided the same be not contrary to the laws and constitution of this State—

Provided nevertheless and be it further enacted that nothing in this act shall authorize the said Mills Olcott or his associates to erect any dam across said river so as to prevent the free passage of lumber down Connecticut river as heretofore used & enjoyed

[CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO, AND AMENDMENT OF, AN ACT, ENTITLED  
“AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF LITTLETON TURNPIKE CORPORATION, IN NEW HAMPSHIRE—

[Approved June 13, 1807. Original Acts, vol. 19, p. 73; recorded Acts, vol. 16, p. 55. Session Laws, June, 1807, p. 17. See the act referred to, dated December 8, 1804, *ante*, p. 322. See also acts of June 14, 1808, recorded Acts, vol. 17, p. 261, and June 19, 1812, Session Laws, June, 1812, p. 41.]

Be it enacted by the Senate & House of Representatives in General Court convened—that said act be so far altered & amended as that the said corporation are empowered to survey lay out, make & keep in repair a turnpike road or highway of four rods wide, in such rout or tract as in the best of their skill & judgment will combine shortness of distance, with the most practicable ground, from the termination of the tenth New Hampshire turnpike road, near the notch of the white hills, through the towns of Brittonwoods, Bethlehem & Littleton to strike Connecticut river, at the place now agreed upon to build Littleton bridge, or at any other place on the Eastwardly bank of said river, which shall be directly opposite to the termination of the Northern Vermont turnpike road on the Westwardly bank of said river—

[CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING THE TOWN OF PACKERSFIELD TO ASSESS A CERTAIN TAX.

[Approved June 13, 1807. Original Acts, vol. 19, p. 74; recorded Acts, vol. 16, p. 425.]

Whereas the Select-men of the Town of Packersfield in the County of Cheshire in said State have petitioned the General Court representing that the Treasurer of said State issued his warrant the twenty seventh day of January Anno Domini one thousand eight hundred and six, directed to said Select-men, requiring them to

assess within said Town the sum of one hundred sixty one dollars and forty cents, being the proportion of said Town of the sum directed to be raised by an Act of the General Court passed the thirtieth day of December Anno Domini one thousand eight hundred and five entitled an Act for raising thirty thousands dollars for the use of the State, and to cause said sum to be paid into the Treasury of this State, on or before the first day of December then next following. And Whereas the said Select-men did not receive said warrant until the third day of July in the year of our Lord one thousand eight hundred and six, by means whereof the said sum could not legally be assessed in said Town.

Therefore.

Be it enacted by the Senate and House of Representatives in General Court convened, That the Select-men of said Town of Packersfield who shall be elected for the year of our Lord one thousand eight hundred and eight shall be and they hereby are authorised and directed to assess, within said Town, the said sum of one hundred, sixty one dollars and forty cents, and to cause the same to be paid into the Treasury of this State, on or before the first day of December in the said year of our Lord one thousand eight hundred and eight— And in all things respecting the premises, the said Select-men conform to the said Act passed the thirtieth day of December in the year of our Lord one thousand eight hundred and five excepting the time of assessing said money and causing the same to be paid into the Treasury. And in case the same is not paid into the Treasury by the said first day of December in the year of our Lord one thousand eight hundred and eight; the Treasurer is hereby directed and requested to proceed against said Town, the Select-men or Collectors thereof as by the aforesaid Act he is required.

## [CHAPTER 29.]

*State of*            }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO AUTHORIZE THE RAISING A TAX ON ALL THE LANDS IN THE TOWNS OF BETHLEHEM, FRANCONIA AND LINCOLN, (PUBLIC RIGHTS EXCEPTED) FOR THE PURPOSE OF MAKING A ROAD & BRIDGES," PASSED JUNE 17, 1806.—

[Approved June 13, 1807. Original Acts, vol. 19, p. 75; recorded Acts, vol. 16, p. 429. See act referred to, *ante*, p. 516.]

Whereas in & by said Act it was required that public notice be given of the assessment of said tax & of the leave granted to the resident & nonresident owners to work out said tax as is in said Act provided, by advertisement in the month of April 1807, three



weeks successively, in the New Hampshire Gazette & in the Newspaper printed at Hanover,—And whereas said notice has been given, but that the first advertisement was inserted in the New Hampshire Gazette on the thirty first day of March, & not in the month of April as by said act required.— And, Whereas also, the list of taxes assessed on said lands by virtue of said Act, has not been left with the Deputy Secretary on or before the eighth day of the session of the Gen<sup>l</sup> Court, as by Law required, wherefore—

Be it enacted by the Senate & House of Representatives in General Court convened, that the Committee named in said Act be & they are hereby required to give public notice of the assessment of said tax, & of the leave granted to the resident & non resident owners to work out said tax under the rules & restrictions in said act provided by advertisement in the New Hampshire Gazette three weeks successively the first publication whereof to be some time in the month of June current.—

And be it further enacted, That the Deputy Secretary be, & he is hereby authorized to receive the list of taxes assessed on said lands agreeably to the aforesaid act, if the same shall be presented any time before the first day of July next.—any law usage or custom to the contrary notwithstanding

### [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE NEWHAMPSHIRE MISSIONARY SOCIETY.

[Approved June 13, 1807. Original Acts, vol. 19, p. 76; recorded Acts, vol. 16, p. 462. See amendment which was passed July 7, 1877, Session Laws, June, 1877, Chap. 156. By the act of July 1, 1879, id., June, 1879, Chap. 103, the name of the society was changed.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the Rev<sup>d</sup> Elihu Thayer, Samuel Wood, Walter Harris, and Ethan Smith, and Mess<sup>rs</sup> John Mills, Joseph Towne, & Joshua Morse, and their associates & successors, be, and they hereby are incorporated & made a body politic & corporate forever, by the name of The Newhamphshire Missionary Society; and by that name may sue & be sued, plead & be impleaded; and shall be, and hereby are, vested with all the powers & privileges, which are by law incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that the said corporation be and they hereby are authorized & empowered to take, receive, and hold in fee simple, or otherwise, grants and devises of lands & real estate; and also subscriptions, donations, and bequests of money & personal estate; and may establish funds, not exceeding ten thou-

sand dollars, for promoting the laudable & benevolent designs of their institution.

Sect. 3. And be it further enacted, that the said Ethan Smith and Joseph Towne, or either of them be and they hereby are authorized & empowered to call the first meeting of said corporation, by giving three weeks notice of the time and place thereof in The Farmer's Cabinet, printed at Amherst, or in some public newspaper, printed at Concord. And the said corporation may at that, or at any subsequent meeting, agree upon the times & places of holding future meetings, and the method of calling the same; and may also elect such officers, and make & establish such rules & by-laws, as they may think necessary & proper for their regulation & government; provided the said rules & by-laws be not repugnant to the constitution & laws of the State of Newhampshire.

### [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

#### AN ACT, REGULATING THE TAKING OF FISH IN EASTERMAC-BROOK AND TARBELL'S-BROOK, IN NOTTINGHAM WEST.

[Approved June 13, 1807. Original Acts, vol. 19, p. 77; recorded Acts, vol. 17, p. 46. Session Laws, June, 1807, p. 16. Laws, 1815 ed., p. 447. This act partially suspends the acts of June 18, 1790, Laws of New Hampshire, vol. 5, p. 526, January 12, 1795, id., vol. 6, p. 221, and December 20, 1797, id., p. 476. Repealed by act of December 19, 1816, Laws, 1824 ed., p. 116.]

Whereas, Moses Hadley and others by Petition have set forth that, by the operation of a Statute of this State, relative to the Preservation of Fish, the Mills on Eastermac-Brook at certain times are rendered useless:

Be it therefore enacted, by the Senate and house of Representatives in General Court convened; that an act of this State, entitled "An act to prevent the destruction of Salmon, Shad, and Alewives in Merrimac-River and for repealing all the laws heretofore made for that purpose" and the two Acts in Addition to and in Amendment thereof be suspended, and hereafter not operative, from the tenth-day of July to the last day of October, Annually, as far as it relates to the taking of fish in Eastermac-Brook aforesaid for said term of time

And be it further enacted, That no person, after the passing of this Act, shall catch, kill, or destroy any Alewives, in Tarbell's Brook aforesaid; at any time from Sunrising on thursday to Sunrising on the monday next following on penalty of forfeiting for each fish so caught, killed or destroyed, a sum not exceeding Six Dollars, nor less than one Dollar; at the Descretion of the Court or Justice before whom the trial may be; to be recoverd in the same way and manner as in and by the Acts last mentioned pointed out.

And be it further enacted that no action to recover any forfeiture aforesaid shall be sustained unless commenced within sixty days next after the offence shall have been committed.

[CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER PEMIGAWASSET RIVER AT McNORTON FALLS IN PEELING AND FOR SUPORTING THE SAME.—

[Approved June 15, 1807. Original Acts, vol. 19, p. 78; recorded Acts, vol. 17, p. 120. See act of June 22, 1815, id., vol. 20, p. 353.]

Whereas Benjamin Barron Thomas Pinkham John Briant Benajah Fox and Benjamin Barron Jun<sup>r</sup> have petitioned the Legislature seting forth that a bridge over pemigawasset River at McNortons falls in the Town of Peeling would be of Great public Utility and praying to be Incorporated into a company for building a bridge at the before mentioned place, The prayer of which petition appearing reasonable—Therefore—

Be it enacted by the senate and House of Representatives in General Court convened, that the persons above named together with those who shall associate with them for the purpose of building and suporting a bridge at the before mentioned place be and they hereby are Incorporated into a body politic for the purposes afforesaid, under the name of the proprietors of the Peeling bridge and by that name may sue and be sued to final Judgement and execution, and do and suffer all matters acts and things which bodies corporate ought to do or suffer. And the said Corporation shall and may have a common seal and the same may break, renew and alter at pleasure

And Be it further enacted that Benjamin Barron shall call a meeting of said proprietors by posting up an Advertisement in some public place in the towns of Peeling and Thornton to be holden at any suitable time and place within the said Town of Peeling after fourteen days notice. And the said proprietors by a vote of the majority of those present, or represented, at said meeting allowing one vote to each share, in all cases, shall choose a Clerk who shall be sworn to the faithfull discharge of the duties of said office, And they shall also agree on a method of calling future meetings, and at the same, or any subsequent meeting, may elect such officers and make and establish such Rules and By-laws as to them shall seem necessary or convenient for the regulation and government of said corporation for carrying into effect the purpose afforesaid, and for collecting the toll hereinafter granted and established, and the same rules and by-laws may cause to be excuted; and may annex penalties to the breach of the same, not exceeding five Dollars for any

one breach, provided said Rules and By-Laws are not repugnant to the Constitution and Laws of the State; and all Representations at any meeting of s<sup>d</sup> Proprietors shall be proved by writing signed by the person Represented, which writing shall be filed by the Clerk; and this act and all Rules By-laws and proceedings of said Corporation shall be truly and fairly recorded by the Clerk in a Book or Books to be provided and kept for that purpose—

And be it further enacted, that the proprietors aforesaid be and hereby are permitted and allowed to erect a Bridge over pemigawasset River at M<sup>c</sup>Nortons falls in the said Town of Peeling and the said proprietors are hereby impowered to purchase any land adjoining said falls for the purpose aforesaid and to hold the same in fee simple provided however it shall not exceed three acres and the share or shares of any of said proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of said proprietors

And be it further enacted that for the purpose of reimbursing to the said proprietors the monies by them expended in building and suporting said bridge, a toll be and hereby is granted, and established for the benefit of said proprietors according to the rates following namely—for every foot passenger one Cent—for each horse and rider three Cents for each horse and Chaise Chair or Sulkey or other rideing wheel carriage drawn by one horse only Seven Cents for each rideing sleigh drawn by one horse three Cents for each sleigh drawn by more than one horse Six Cents for each coach chariot phaeton or other four wheeled carriage drawn by more than one horse (for conveying passengers) Sixteen Cents for each curricule twenty Cents; for each Cart or other carriage of Burden drawn by two beasts Six Cents and three Cents for each additional Beast for each horse or neat creature exclusive of those rode on or in carriages one half Cent for Sheep and Swine one Quarter a Cent Each and to each team one person and no more shall be allowed to pass free of toll and at all times when the toll gatherer shall not attend his duty the gate shall be left open—

And Be it further enacted that if any tax or assessment made by said corporation for compleating or repairing the said bridge, on the several shares, shall remain unpaid at the time limited for the payment of the same, they may proceed to sell the delinquents share at public auction as the proprietors may agree and determine; and if any overpluss shall remain after paying the Tax and charges; the same shall be returned to the said delinquent proprietor

And be it further enacted that said proprietors may be indicted for defect of repairs of said bridge after haveing erected a toll gate, and while it is kept up, and be fined in the same way and manner as towns are by Law fineable for suffering bridges to be out of repair, and in case any special damage shall happen to any person or persons or his or their team or teams cattle or carriages by means of insufficiency or want of repair of said bridge at any time when the



gate is kept up, the party injured or agrieved shall recover his or their damages in an action of Trespass on the case against said proprietors in any Court of competent Jurisdiction

And be it further enacted that if in three years from the passing this act the said Bridge shall not be compleated, or if it shall be destroyed and not rebuilt and kept in repair for the space of two years according to the provisions in this act contained, this act and every clause thereof shall be null and utterly void,—

### [CHAPTER 33.]

*State of*            }  
*New Hampshire.* }

AN ACT EXTENDING THE JURISDICTION OF THE TOWN OF THORNTON OVER A CERTAIN GORE OF LAND LYING EASTWARDLY OF & ADJOINING TO THE SAID TOWN OF THORNTON CALLED BLANCHARDS GORE, AND ALSO TO AUTHORISE THE RAISEING A TAX OF TWO CENTS ON EACH ACRE OF ALL THE LANDS IN THE SAID GORE AND IN THE SAID TOWN OF THORNTON PUBLIC RIGHTS EXCEPTED—

[Approved June 16, 1807. Original Acts, vol. 19, p. 79; recorded Acts, vol. 16, p. 445.]

Be it enacted by the Senate and House of Representatives that said gore be and hereby is annexed unto the Town of thornton and shall from and after the passing of this Act be considered as under or within the Jurisdiction of the said town of Thornton

And be it further enacted that the Selectmen of the Town of thornton be and they hereby are impower'd to assess a tax of two cents on each acre of land (public rights excepted) in the said Town of Thornton & in the said gore, and to collect the same, to be appropriated by them to the sole use of makeing and repairing roads and Bridges within the said Town of Thornton and the said gore. And the said tax shall be collected in the same way and manner as State taxes assessed on nonresident proprietors, are collected—

And be it further enacted that said selectmen shall in the month of April in the year one thousand Eight hundred and eight when said tax is assessed give public notice in the New Hampshire Gazette three weeks successively of the assessment of said Tax and of the leave granted to the nonresident owners to work out said tax as is hereafter provided -

And be it further enacted that the owners of Land in the said town and gore whether residents or nonresidents shall have the liberty of working out the said Taxes on the said roads or bridges so to be laid out, under the direction of the said Selectmen, and it shall be the duty of the said selectmen to superintend the same or to appoint some suitable person for that purpose, And there shall be allowed for the labour which may be so done, at the rate of eight

cents per hour for every able bodied man, finding his own tools and diet, and for ox work six cents p<sup>r</sup> hour for a yoke of oxen, provided that said work be offered at any time between the first day of June and the first day of October in the said year one thousand eight hundred and eight, and if the said tax shall not be paid nor the labour performed before the said first day of October, then the said Selectmen shall proceed in collecting the same, in the same way and manner as collectors of State taxes are by law directed to do—

And be it further enacted that when any lands are sold at public auction, by virtue of this act the selectmen aforesaid are hereby empowered to give a good and valid deed of the same and the same time shall be allowed for redemption and the same mode pursued in redeeming as in the case of Lands sold for the nonpayment of State taxes, provided that no Deed shall be executed untill one year after the sale

Provided nevertheless and be it further enacted that it shall not be lawfull for the Inhabitants of the said town of Thornton, to tax the unimproved lands of nonresidents for one year, next after collecting the aforesaid tax, for the suport of highways any Law usage or custom to the contrary notwithstanding—

#### [CHAPTER 34.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO EXEMPT CERTAIN GOODS AND CHATTELS OF DEBTORS FROM ATTACHMENT AND EXECUTION.

[Approved June 16, 1807. Original Acts, vol. 19, p. 80; recorded Acts, vol. 16, p. 451. Session Laws, June, 1807, p. 19. Laws, 1815 ed., p. 156. This act repeals one clause of the act of February 15, 1791, Laws of New Hampshire, vol. 5, p. 701. See also acts of June 13, 1796, id., vol. 6, p. 321, December 13, 1796, id., p. 380, November 30, 1803, *ante*, p. 167, December 22, 1808, Laws, 1815 ed., p. 184, June 21, 1811, id., p. 159, and January 3, 1829, id., 1830 ed., p. 476.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the first day of January next the wearing apparel necessary for immediate use, one comfortable bed, bedstead and bedding necessary for the same, the bibles and school books in actual family use, together with one cow, and one swine, or in case the debtor be a mechanic, tools of his occupation to the value of twenty dollars in lieu of said Cow, shall be altogether exempted from attachment and execution, and no civil officer shall attach, levy upon or take the same or any part thereof either upon mesne process or execution.

Sec. 2. And be it further enacted, that no debtor or debtors owning any of the goods and chattels exempted as aforesaid, shall hereby be precluded from the benefit of an Act passed the fifteenth day of

February, in the year of our Lord one thousand seven hundred and ninety one, entitled "An Act for the ease and relief of persons imprisoned for debt," and instead of the oath thereby prescribed to be taken whenever the Justices thereby authorised to administer an oath or affirmation shall think proper to administer the same, there shall be taken an oath or affirmation in form following, to wit I A.B. do solemnly swear before Almighty God, (or affirm as the case may be) that I have not any estate real nor personal, in possession, reversion nor remainder to the amount of twenty dollars, excepting the Goods and Chattels exempted from attachment and execution by "an Act entitled An Act to exempt certain Goods and Chattels of debtors from attachment and execution," and that I have not since the commencement of this suit against me, nor at any other time directly nor indirectly sold, leased nor otherwise conveyed, nor disposed of to nor entrusted any person or persons whomsoever with all nor any part of the estate real nor personal whereof I have been the lawful owner or possessor with any intent or design to secure the same, or to receive or to expect any profit or advantage therefor nor have caused nor suffered to be done any thing else whatsoever, whereby any of my Creditors may be defrauded; so help me God or (this I do under the pains and penalties of perjury) as the case may be: which oath or affirmation may be administered by a Justice of the Superior Court of Judicature and a Justice of the Quorum, or by a Justice of the Court of Common Pleas and a Justice of the Quorum, in the County where the debtor may be imprisoned.

Sec. 3. And be it further enacted, that so much of said Act passed the fifteenth day of February in the year of our Lord one thousand seven hundred and ninety one, as is in the words following to wit "Unless the Creditor or some person for him pay the prison Keeper weekly, five shillings lawful money per week for the support and maintainance of such debtors, and on default or neglect of paying for one week, or satisfying the prison Keeper therefor, the prison Keeper shall discharge the prisoner," and also an Act passed the thirteenth day of December, one thousand seven hundred and ninety six, entitled "An Act in addition to an Act entitled an Act for the ease and relief of persons imprisoned for debt passed February one thousand seven hundred and ninety one, be and the same hereby are repealed. Provided that no such debtor shall be admitted to the oath aforesaid unless he shall have given notice to the Creditor or Creditors who committed him to prison or their Agent or Attorney of the time and place when and where such oath will be administered fifteen days previous to taking said oath.

Sec. 4. And be it further enacted, that said debtor may at the expiration of fifteen days from the time of his commitment apply to have said oath administered to him, in the same manner as is provided by the second section of an act passed September 15th.

1792 entitled "An act for the ease and relief of persons imprisoned for debt."

Sec. 5. And be it further enacted, that in all cases when any debtor or debtors, shall make application as aforesaid to be admitted to the benefit of the oath in this Act prescribed, and the application shall not prevail, either in consequence of the applicants' withdrawing his application without a division of the Justice applied to; or upon a division of said Justices; it shall be the duty of said Justices, if they think it reasonable to tax cost for the Creditor or petitioner for the travel and attendance of himself, his witnesses, and for his depositions in the same way and manner as cost is taxed for parties to suits in the Superior Court of Judicature, and render Judgment in favour of said Creditor for the same and issue execution in due form of law accordingly. And no Justices shall be authorised to sustain any after application or petition of any debtor imprisoned as aforesaid, until the cost which may have arisen and been taxed and allowed on all former applications shall have been fully paid.

# [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR THE RELIEF OF THE PROPRIETORS OF THE PEMIGGEWASSETT CANAL.—

[Approved June 17, 1807. Original Acts, vol. 19, p. 81; recorded Acts, vol. 16, p. 395. See acts of June 20, 1804, *ante*, p. 271, and December 3, 1812, recorded Acts, vol. 19, p. 264.]

Whereas the Proprietors of the Pemiggewassett canal have by accident lost their annual meeting & consequently have been prevented from making a legal choice of officers—& whereas they are desirous of Legislative aid in procuring another meeting at which they may make a legal choice of officers—Therefore

Be it enacted by the Senate & House of Representatives in General Court convened That Thomas W. Thompson, Stephen Ambrose, and Ebenezer Eastman or either of them be authorized to call a meeting of the Proprietors of the Pemiggewassett Canal for the choice of the officers heretofore usually chosen at the annual meetings of said Proprietors, & for the transacting any other business relative to said corporation they may deem expedient, by giving notice of said meeting & the particular business to be attended to at the same, in the Concord Gazette or the Dartmouth Gazette three weeks successively prior to said meeting—



## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE  
CONCORD ENGINE COMPANY N<sup>o</sup> 1.

[Approved June 17, 1807. Original Acts, vol. 19, p. 82; recorded Acts, vol. 16, p. 398. See act of December 22, 1808, incorporating the New Hampshire Independent Volunteers, id., vol. 18, p. 60.]

Sect. 1. Be it enacted by the Senate & House of Representatives, in General Court convened, that Sherburn Wiggin, Abel Hutchins, Obadiah Carrigain, Sargent Rogers, & Daniel Greenleaf, and their associates & successors, be, and they hereby are, incorporated, & made a body politic & corporate forever, by the name of The Concord Engine Company N<sup>o</sup> 1. and by that name may sue & be sued, plead & be impleaded; and shall be, and hereby are, vested with all the powers & privileges, which are by law incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that the said corporation be & hereby are authorized and empowered to purchase and hold in fee simple, or otherwise, in the town of Concord, so much real estate as may be necessary for the erection of a suitable & convenient Engine house or building; and other property or estate, not exceeding one thousand dollars, for purchasing, maintaining, & keeping in repair, suitable engines & apparatus for the extinguishment of fires, and carrying into effect the objects of said corporation.

Sect. 3. And be it further enacted, that the said Sherburn Wiggin and Abel Hutchins, or either of them, be, and they hereby are authorized & empowered to call the first meeting of the said corporation, by giving three weeks notice of the time & place thereof in some public newspaper printed at Concord. And the said corporation may at that, or at any subsequent meeting agree upon the times & places of holding future meetings, and the method of calling the same; and may also elect such officers, & make & establish such rules and by-laws, as they may think necessary and proper for their regulation & government; provided such rules & by-laws be not repugnant to the constitution & laws of the State of Newhampshire.

## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING ISAIAH HORNE AND HIS FAMILY TO ASSUME  
THE NAME OF ORNE

[Approved June 17, 1807. Original Acts, vol. 19, p. 83; recorded Acts, vol. 16, p. 405.]

Be it enacted by the Senate and House of Representatives in General Court convened that the said Isaiah Horne and his family namely Isaiah G Horne, Henry H Horne, Mary Ann Horne, Harriot S Horne, Charles B Horne, Frederick T Horne, & Woodbury L Horne be and they hereby are authorised and empowered respectively to assume and bear the name of Isaiah Orne, Isaiah G Orne, Henry H Orne, Mary Anne Orne, Harriot S Orne, Charles B Orne, Frederick T Orne and Woodbury L Orne and by those names respectively in future to be called and known any law usage or custom to the contrary notwithstanding

Provided—nothing in this Act contained shall impair any contract or obligation by them or either of them made, or affect any action or suit now Pending in any Court of law in this State wherein the Said Isaiah or either of the Persons before named is a Party

## [CHAPTER 38.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE THE PROPRIETORS OF LITTLETON BRIDGE CORPORATION, TO RATIFY CONFIRM AND ESTABLISH THE PROCEEDINGS  
OF THEIR FORMER MEETINGS—

[Approved June 17, 1807. Original Acts, vol. 19, p. 84; recorded Acts, vol. 16, p. 435. See act of June 16, 1802, *ante*, p. 78.]

Whereas, the said Proprietors of Littleton Bridge Corporation, at their former meetings, have chosen their Officers; agreed upon a place to build said Bridge, contracted with undertaker for the building said Bridge and have transacted other things important to said corporation;—and whereas doubts are entertained, as to the legality of the manner, form and process in the warnings and proceedings of such meetings—Therefore to prevent any disputes, controversies or lawsuits arising therefrom in future.

Be it enacted by the Senate and House of Representatives in General Court convened, That said Proprietors, at any annual or quarterly meeting, are hereby authorised, to ratify, confirm and estab-

lish, any grants, conveyances, votes and transactions, by them at any former meeting or meetings designed and intended to be made, done, performed or transacted agreeable to such design, intention and aim, notwithstanding any want of legal form, proper terms or any defect of process relative to the same—provided that an article for that purpose shall be inserted in the warning of such annual or quarterly meeting.

### [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO VEST IN AMASA ALLEN, JOSIAH BELLOWS & OTHERS THE PRIVILEGE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER IN WALPOLE IN THIS STATE

[Approved June 17, 1807. Original Acts, vol. 19, p. 85; recorded Acts, vol. 17, p. 8.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Amasa Allen, Samuel Stevens, Francis Gardner, Alexander Thomas, Thomas Bellows 2<sup>d</sup>, Joseph Bellows Jun<sup>r</sup>, Asher Southard, Samuel Grant, Thomas Bellows, Oliver Allen, James Howland, Josiah Bellows, Roger Vose, Isaac Redington, David Stone, William Pierce, George Sparhawke, Josiah Bellows Jun<sup>r</sup>, and James Felt and their Associates, who are or hereafter may become proprietors in said Bridge, so long as they shall continue to be Proprietors thereof, shall be a Corporation and Body Politic by the Name of "The Proprietors of Walpole Village Bridge," for the purpose and with the exclusive privilege of building and keeping in repair a Bridge over Connecticut River, in Walpole aforesaid, at any place between the Southerly Line of the grant for Hales or Geyers Bridge, at Bellows' falls, and the line between Walpole & Westmoreland; and by that name may sue and be sued to final Judgment and Execution, and do and suffer all matters acts and things which bodies corporate may or ought to do or suffer; and the said Corporation shall and may have a common Seal, and the same may break, renew and alter at pleasure,—

And be it further enacted, That Amasa Allen, & Josiah Bellows, or either of them, shall call a Meeting of said Proprietors, by advertisement posted at the Meeting house in said Walpole, to be holden at any suitable time and place, after fourteen days from the first publication of said advertisement. And the said Proprietors by a Vote of the Majority of those present or represented at said Meeting, and allowing one Vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and they shall also agree on a method of calling future meetings; and at any subsequent meetings may elect such Officers

and make and establish such Rules and By-laws as to them shall seem necessary or convenient, for the regulation and government of said Corporation, for carrying into effect the purpose aforesaid and for collecting the toll herein after granted and established; and the same Rules and By-laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding ten Dollars for any one breach—Provided said Rules and By-laws are not repugnant to the Constitution and Laws of this State; and all Representations at any meeting of said Corporation shall be proved in writing, Signed by the person to be represented, which shall be filed by the Clerk; and this Act, and all Rules, By laws, Regulations & Proceedings of said Corporation, shall be fairly and truly recorded by the Clerk in a Book or Books provided and kept for that purpose.—

And be it further Enacted, that the Proprietors aforesaid, be and hereby are permitted and allowed to erect a Bridge at any place within the limits aforesaid and they are hereby empowered to purchase any lands adjoining said Bridge and to hold the same in fee Simple Provided the same shall not exceed five acres; and the share or shares of any of said Proprietors may be transferred by Deed, duly executed, acknowledged and recorded by the Register of Deeds in the County of Cheshire.

And be it further enacted, that the Shares in said Bridge shall be considered as Real Estate and holden for the debts of the respective Proprietors in the same manner their other real Estate is by law holden—

And be it further enacted, that for the purpose of reimbursing said Proprietors the money by them to be expended in building and Supporting said Bridge, a toll be and hereby is granted and established for the benefit of said Proprietors, according to the rates following, Namely; for each foot passenger two Cents; for each horse and rider, six cents; for each horse and chaise, chair, sulkey, or other riding carriage, drawn by one horse only, twelve cents; for each riding sleigh drawn by one horse, six cents; for each riding sleigh drawn by more than one horse, twelve Cents; for each Coach, chariot, phaeton or other four wheeled carriage for passengers, drawn by more than one horse, twenty cents; for each cart or other carriage of burthen, drawn by two beasts, twelve cents, and three cents for every additional beast; for each horse or neat creature, exclusive of those rode on or in Carriages, two Cents; for Sheep & swine half a cent each; and to each team one person and no more shall be allowed as a driver to pass toll free—

And be it further enacted, that if any tax or assessment, made by said Corporation for compleating or repairing said Bridge on the Several Shares shall remain unpaid at the time limited for the payment of the same, they may proceed to sell the delinquents share at Public Auction as the Proprietors may agree and determine, and



if any overplus remains after paying the tax or assessment and Charges, it shall be returned to the delinquent Proprietor

And be it further enacted that the exclusive Right of building and maintaining a Bridge across said Connecticut River any where within the aforesaid Limits be and the Same is hereby granted to & Vested in Said Proprietors and such as may associate with them & become Proprietors, his & their heirs and assigns—Provided Nevertheless that this grant shall not interfere with, any grant to any person whomsoever for a ferry or Bridge, heretofore granted or made—

And be it further enacted, that if the Said Bridge shall not be completed for travelling within three years from the passing of this Act, then this Act and every part thereof shall be Null and Void—

#### [CHAPTER 40.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INCORPORATING THE BAPTIST SOCIETY IN CONWAY PASSED DECEMBER THE TENTH A.D. 1800—

[Approved June 17, 1807. Original Acts, vol. 19, p. 86; recorded Acts, vol. 17, p. 29.]

Whereas in & by said Act, "Elijah Densmore and others therein named were incorporated into a Body corporate & politic by the name and Stile of the Baptist Society in Conway—and whereas James Wille and Others have petitioned the General Court praying to be annexed to said Baptist Society, the prayer of which Petition appearing reasonable—Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that James Wille, Jonathan Thompson, Joseph Lowd, Samuel Rogers, John Thompson, Stephen Burbank, Alexander Wentworth, Thomas Merrill J<sup>r</sup>, Amos Merrill J<sup>r</sup>, Ezekiel Wentworth, William Knox J<sup>r</sup> and Ezra Thompson, be and they are hereby annexed to the baptist Society in Conway—

## [CHAPTER 41.]

*State of* }  
*New Hampshire.* }

AN ACT TO REPEAL AN ACT PASSED DECEMBER 28<sup>TH</sup> 1805, ENTITLED  
 “AN ACT TO EXTEND THE CHARTERS OF THE TOWNS OF STRATHAM  
 AND NEWMARKET TO THE OLD DRAW IN THE BRIDGE OVER EXETER,  
 RIVER (SO CALL’D) BETWEEN SAID TOWNS, & FOR OTHER PUR-  
 POSSES.”

[Approved June 17, 1807. Original Acts, vol. 19, p. 87; recorded Acts, vol. 17, p. 30. Session Laws, June, 1807, p. 19. See act referred to, *ante*, p. 479.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the aforesaid act, and every part thereof, be, and the same is hereby repealed.

## [CHAPTER 42.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT TO INCORPORATE  
 A COMPANY BY THE NAME OF THE PROPRIETORS OF THE FOURTH  
 TURNPIKE ROAD IN NEW HAMPSHIRE—

[Approved June 17, 1807. Original Acts, vol. 19, p. 88; recorded Acts, vol. 17, p. 32. Session Laws, June, 1807, p. 18. The act referred to is dated December 8, 1800, Laws of New Hampshire, vol. 6, p. 656. See act of July 6, 1833, recorded Acts, vol. 30, p. 150.]

Whereas application has been made to the Legislature of this State by the Proprietors of the Fourth Turnpike Road in New Hampshire, shewing that a By Law of said Proprietors required that notice of their Meetings shou’d be published in the Concord Currier, & Dartmouth Gazette; & as the publication of the Concord Currier has ceased, said Proprietors were not able to notify their meeting according to said By Law— And as said Proprietors have caused notice of their meetings to be published in the Portsmouth Papers & Concord Gazette since the publication of the Concord Currier ceased, instead of advertizing in the Concord Currier:

Be it enacted by the Senate and House of Representatives in General Court convened, that the doings of said Proprietors at their Meetings since the publication of the Currier ceased shall be & are hereby considered valid to all intents & purposes, as if the Concord Currier had been published, & notice of said meetings had been published in said Concord Currier; said By Law notwithstanding—

## [CHAPTER 43.]

*State of* }  
*New Hampshire.* }

AN ACT APPROPRIATING CERTAIN FINES FOR THE REPAIRING OF HIGHWAYS AND BRIDGES.

[Approved June 17, 1807. Original Acts, vol. 19, p. 89; recorded Acts, vol. 17, p. 59. Session Laws, June, 1807, p. 26. Laws, 1815 ed., p. 392.]

Whereas the Laws now in force for making and keeping in repair highways and bridges within this State, are found inadequate to the purposes intended thereby.

Therefore.—

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that all fines which shall hereafter be imposed by the Superior Court of Judicature within this State on any town for defect in making or repairing any highway or bridges within the same such fine shall be appropriated and disposed of for the making and repairing the bridges and highway so defective as aforesaid.

Sec. 2. And be it further enacted that the Superior Court shall at the Session when any such fine shall be imposed as aforesaid, appoint one or more person or persons, to superintend the collection and appropriation of the same for the purposes aforesaid, whose duty it shall be to attend to the collection of such fine, and the appropriation thereof in manner aforesaid, and shall make return of his or their doings therein unto said Court whenever by them thereunto required.

## [CHAPTER 44.]

*State of* }  
*New Hampshire.* }

AN ACT TO PREVENT THE ISSUEING FROM BANKS AS A CURRENCY CERTAIN DESCRIPTION OF BANK BILLS, NOTES AND OBLIGATIONS THEREIN MENTIONED.

[Approved June 17, 1807. Original Acts, vol. 19, p. 90; recorded Acts, vol. 17, p. 68. Session Laws, June, 1807, p. 41. Laws, 1815 ed., p. 283; id., 1830 ed., p. 129. See act of June 11, 1803, *ante*, p. 161. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that from and after the first day of July next, it shall be unlawful for any Banking Company in this State, by themselves, their Directors or Agents, to issue with intent to put in circulation, as a currency any Bank Bill Note or Obligation the payment of which shall be subject to any condition whatever or

payable at any other place than the Bank from which it issued, or which shall not be made payable to the bearer, or which shall not be payable on demand in specie.

And if any such Banking Company, or any person or persons in their behalf, shall be concerned in issuing any such Notes, Bills or Obligations he or they shall for every such offence forfeit and pay the sum of one hundred dollars, to be recovered by any person who shall sue for the same by action of Debt in any Court having competent jurisdiction, the one half thereof to his own use and the other half to the use of the State.

Sec. 2. And be it further enacted, That from and after the first day of July next if any Banking Company in this State shall neglect or refuse to pay in specie any such Bank Bill, Note or Obligation by them issued, subsequent to said first day of July, upon the same being presented to the Bank and such payment requested, the holder of such Bank-Bill Note or Obligation may bring his action upon the same and recover against such Bank the amount of such Bill, Note or Obligation in any Court having competent jurisdiction together with trible costs of suit.

Sec. 3. And be it further enacted, that from and after the first day of January next, if any person or persons shall knowingly pass any Bank Bill, Note or Obligation of the description in this act, excepting to the Bank from which the same issued, and which shall have issued subsequent to said first day of July next by any Bank in this or any other State, he or they shall forfeit and pay the sum of five dollars, to be recovered in manner aforesaid

#### [CHAPTER 45.]

*State of*            }  
*New Hampshire.* }

#### AN ACT ALTERING THE TIME OF HOLDING THE ANNUAL MEETING OF THE "*Sanbornton Baptist Association.*"

[Approved June 17, 1807. Original Acts, vol. 19, p. 91; recorded Acts, vol. 17, p. 78. See act of June 10, 1803, *ante*, p. 151.]

Whereas the "Sandbornton Baptist Association" have petitioned the General Court, representing, that by their Act of incorporation, which passed June 10<sup>th</sup> 1803, their annual meeting was to be holden on the last Tuesday, of March, which time has been found to be inconvenient; and whereas they have requested that the same may be holden on the First Tuesday of March:

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the annual meeting of the Sandbornton Baptist Association, shall in future, be holden on the first Tuesday of March, any law, usage or custom to the contrary notwithstanding.—



## [CHAPTER 46.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING TO THE TOWN OF BETHLEHEM CERTAIN LANDS FOR THE SUPPORT OF SCHOOLS & THE GOSPEL MINISTRY IN SAID TOWN

[Approved June 17, 1807. Original Acts, vol. 19, p. 92; recorded Acts, vol. 17, p. 104.]

Be it enacted by the Senate and House of Representatives in general Court Convened that the town of Bethlehem in the County of Grafton shall be entitled to six hundred acres of the lands belonging to the State of Newhampshire in the Said town of Bethlehem, provided there Be that quantity belonging to said State within the limits of said town On which there is no Settlements, one half thereof for the support of schools and the other half thereof for the support of the gospel ministry in said town forever. And the said town of Bethlehem is hereby authorized and empowered to Servey and lay out said six hundred Acres of land, for the sole purposes aforesaid, from the gores of land on the southerly side of said town, begining at the westerly end of said gores by land now in the possession of Jonathan Blanden

Provided said town of Bethlehem Cause said six hundred acres of land to be located Surveyed and Set off by the first day of June one thousand Eight hundred and Eight and Return a porticuler description of the Same into the office of the Secretary of this State by or before the last day of June one thousand Eight Hundred and Eight

Provided that nothing in this act Contained shall authorize said town of Bethlehem to enterrupt or disturb any person or persons who have heretofore Settled, and are at present in possession of any lands in said town.

## [CHAPTER 47.]

*State of* }  
*New Hampshire.* }

AN ACT GIVING TO THE SOUTH PARISH IN PORTSMOUTH CERTAIN ADDITIONAL POWERS—

[Approved June 17, 1807. Original Acts, vol. 19, p. 93; recorded Acts, vol. 17, p. 129.]

Whereas a Petition has been preferred to the General Court by the wardens of the South Parish in Portsmouth, in behalf of said society, setting forth that they labor under many inconveniences, and praying that a new act of incorporation may be granted them—the prayer of which petition appearing reasonable: therefore

Be it enacted by the Senate and House of Representatives in General Court convened, That the society usually worshipping at the south meeting House in Portsmouth and commonly called by the name of the south parish are hereby declared, established and confirmed to be a body politic and corporate by the name of the south parish in Portsmouth with all the privileges and immunities necessary or incident to a religious society with powers to hold the land and buildings now belonging to said Parish and all Grants and endowments heretofore made or which may hereafter be made said parish provided the same do not exceed the Sum of Eight Thousand Dollars exclusive of their meeting House with full power in their said corporate name to sue for and recover any real or personal property, belonging to said parish, of any person or persons who have or may hereafter have any such property in his or their hands or possession and to do and transact all and every act that any parish or religious society may, or by law can do within this state.

And be it further enacted that at any legal meeting of said parish they may adopt such By-laws for the due ordering and managing of said corporation—and may adopt such methods for assessing and collecting their Parochial Taxes as they may think proper provided the same are not repugnant to the laws of this state

And be it further enacted that said parish may receive any grant or donation whether of real or personal Estate provided the same do not exceed the sum of Eight Thousand Dollars and may adopt any measures they may agree upon to establish a fund which may enable them to support the Gospel ministry—

And be it further enacted that each and every owner of a pew in said Meeting House shall be liable to pay his proportion of whatever tax shall be laid on the pews by a Vote of the Parishioners at any legal Meeting. And—in order to designate the persons belonging to said parish, be it further enacted that those who now compose said society and each and every person who shall pay a tax on his Poll and Estate to be assessed by the wardens in conformity to a Vote of the Parishioners after the passing this act shall be considered as belonging to said Parish, and liable to pay his proportion of all Parochial Taxes untill he shall declare his intention of ceasing to be a parishioner and produce a Certificate from the wardens or other officers of some other parish that he is a member of such parish and pays an annual tax thereunto

And be it further enacted that the annual Meeting for choosing parish officers, and transacting other necessary business be holden on the last Monday in April annually to be notified and warned according to law by the wardens for the time being and said parish are hereby impowered at any annual Meeting to agree upon the method of calling any other meeting that may be thought necessary

## [CHAPTER 48.]

*State of* }  
*New Hampshire.* }

AN ACT TO RAISE THREE THOUSAND DOLLARS BY A PUBLIC LOTTERY,  
FOR THE PURPOSE OF MAKING A ROAD THROUGH THE NOTCH OF A  
MOUNTAIN IN TOWNSHIP NUMBER TWO IN THE COUNTY OF  
COOS.—

[Approved June 18, 1807. Original Acts, vol. 19, p. 94; recorded Acts,  
vol. 16, p. 411.]

Whereas Timothy Dix, Junior, hath petitioned the General Court for liberty to raise the sum of three thousand dollars by a public Lottery for the purpose of making a good waggon-road through the notch of a mountain, in township number two, in the County of Coos, which petition appearing reasonable,—Therefore,

Sect. 1<sup>t</sup> Be it enacted by the Senate and House of Representatives in General Court convened, that there be and hereby is granted, unto the said Timothy Dix, Junior, a public lottery to raise the sum of three thousand dollars, exclusive of the expences thereof, to be, by the said Dix, appropriated to the sole purpose of making that part of the road aforesaid leading from Colebrook to Errol, that is laid thro' the notch of the mountains, in township number two; and the said Dix is hereby empowered and permitted to set up and carry on such lottery to raise the aforesaid sum for the purpose aforesaid, in as many classes or draughts, as he may Judge necessary, and in the way and manner usually practised in the United States;— Provided said lottery be drawn and finished within the term of three years from the passing of this Act.

Sect. 2<sup>d</sup> And be it further enacted, That the Governor and Council of this State are hereby authorized to appoint suitable persons to be managers of said lottery, who shall be under oath to be administered by any Justice of the peace, for the faithful discharge of said trust, and shall duly pay all prize tickets according to their tenor and scheme; and shall refund any sum or sums of money, which may be paid for tickets, in any class of said lottery, in case such class shall not be drawn and finished within the term aforesaid; and the said Managers shall give bond with sufficient sureties in the sum of six thousand dollars, to the Treasurer of this State for the faithful discharge and performance of all things relating to the management of said lottery; and to pay over to said Timothy Dix, Junior, the proceeds of each and every class of said lottery, from time to time, when and so often as said classes shall respectively be drawn and the proceeds thereof realized, on the demand of said Dix; who shall also give bonds with sufficient sureties in the sum of six thousand dollars to the State of New Hampshire to be lodged with

the Treasurer of the state, conditioned to lay out within one year from the time he shall receive the same from the managers, the whole proceeds of said lottery, in making said road to the acceptance of the Justices for the time being of the Court of common pleas for the County of Coos, who shall examine the same at the expence of s<sup>d</sup> Dix; And the said managers and the said Dix, shall render to the General Court an account of all their doings and proceedings, and all charges and demands by them made and allowed concerning the premises when thereto required—

Provided Nevertheless, that the managers afforesaid shall not be appointed untill the said Dix, shall have obtained permission of the Commonwealth of Massachusetts to make sale of said tickets and draw said lottery in said Commonwealth.

### [CHAPTER 49.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO THE SEVERAL ACTS IN THIS STATE “REGULATING THE MILITIA.”—

[Approved June 18, 1807. Original Acts, vol. 19, p. 95; recorded Acts, vol. 16, p. 404. Session Laws, June, 1807, p. 44. See acts of December 28, 1792, Laws of New Hampshire, vol. 6, p. 84, June 19, 1793, id., p. 110, June 18, 1795, id., p. 263, December 26, 1795, id., p. 279, December 27, 1798, id., p. 545, December 10, 1800, id., p. 678, December 30, 1803, *ante*, p. 250, and December 22, 1808, Laws, 1815 ed., p. 287. The act of 1808 repeals all former militia laws.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the Selectmen of the several towns and unincorporated places within this State, shall furnish suitable meats and drinks for the refreshment of all noncommissioned officers and soldiers within their several towns and places, on all Battalion or Regimental muster days; and also one quarter of a pound of powder to each Soldier, at the expence of said towns or places.

Sec. 2. And be it further enacted, That no company of Cavalry, shall exceed the number of sixty four rank and file, and no company of Artillery shall exceed the number of forty eight.



## [CHAPTER 50.]

*State of*            }  
*New Hampshire.* }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
 BOSCAWEN-RELIGIOUS-SOCIETY.

[Approved June 18, 1807. Original Acts, vol. 19, p. 96; recorded Acts, vol. 16, p. 416.]

Whereas George Jackman, Timothy Dix, Daniel Peterson, Joseph Gerrish, Jeremiah Morrill, Timothy Dix, Junior, Daniel Carter, Joseph H. Morrill, Thomas Gillmore, Somersby Pearson, Isaac Chandler, Nathaniel Green, John Chandler, Simeon Atkinson James Uran, Samuel Morrill, Denison Bowers Nathan Carter John S. Abbot, Timothy Noyes, William Gill, John Gill, Joseph Atkinson, Junior, Jeremiah Burpee, Jeremiah Burpee, Junior, Samuel Uran, Joel French Jane Atkinson, Tristram Noyes, William G. Emerson, Samuel B. Gerrish, Samuel W. Lang, Samuel Mooney, Daniel Webster, Timothy Clark, Moses Gage, Richard Gage, Thomas Gerrish, Joshua Morse, Samuel Plummer, Daniel Carter, Junior, Benjamin Clark, Edmund Webber, & Jonathan P. Webster, have petitioned the General Court praying that they and such others as may hereafter associate with them may be incorporated into a Society by the name of the Boscawen-religious-Society, the prayer whereof appearing reasonable—Therefore,

Be it enacted, by the Senate and House of Representatives in General Court convened that George Jackman, Timothy Dix, Daniel Peterson and others aforementioned and all such as may hereafter associate with them be and they hereby are made and erected into a body corporate and politic with continuation and succession forever to be called and known by the name of the Boscawen-religious-Society, and by that name may sue and be sued, may plead and be impleaded, and may prosecute and defend the same to final Judgment and execution, and are hereby vested with all the powers and priviledges which are by law incident to corporations of a similar nature.

And be it further enacted, that said association be and they hereby are authorised and empowered to raise such sum or sums of money as they shall judge necessary for the support or maintenance of a public teacher or teachers of piety, religion and morality, and build or repair houses for public worship and to choose all proper officers for managing the concerns of said Society, and to make rules and by-laws for regulating the same; Provided they are not repugnant to the Constitution & laws of this State.—

And be it further enacted that said Society shall annually meet on the last tuesday of march for the purpose of raising money for the purposes afforesaid, and for choosing all proper officers for trans-

acting the business of said corporation who shall be sworn to the faithfull discharge of their duty; and all meetings of said Society shall in future be notified or warned by the Clerk of said corporation, who shall cause a notification setting fourth the business to be transacted at said meeting to be posted up at such place or places as said corporation shall direct fifteen days prior to said meeting.

And be it further enacted, that George Jackman and Timothy Dix or either of them shall warn and preside at the first meeting of said corporation untill a Moderator shall be chosen which meeting shall be warned by posting up a Notification specially seting forth all matters and things to be acted upon in said meeting at the easterly meeting-house in Said Boscawen, fifteen days before the holding said meeting; and at said first meeting said Society shall have the same power to choose officers, as they have by this act at their annual meetings.

### [CHAPTER 51.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE BETTER REGULATION OF SCHOOLS WITHIN THIS STATE, AND REPEALING ALL LAWS NOW IN FORCE RESPECTING THE SAME—"

[Approved June 18, 1807. Original Acts, vol. 19, p. 97; recorded Acts, vol. 16, p. 421. Session Laws, June, 1807, p. 41. The act referred to is dated December 13, 1804, *ante*, p. 350. See also act of June 15, 1799, Laws of New Hampshire, vol. 6, p. 575. Repealed December 22, 1808, Laws, 1815 ed., p. 368.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened That the selectmen of the several towns, parishes and places within this State, be and they hereby are empowered and required to assess annually the inhabitants of their respective towns, parishes and places according to their polls and rateable estates, together with the improved and unimproved lands and buildings of nonresidents, in a sum to be computed at the rate of seventy Dollars for every one Dollar of their proportion for public taxes, for the time being, and so for a greater or less sum, which sums, when collected, shall be applied to the sole purpose of keeping an english grammar school or schools for teaching reading, writing and arithmetic within the towns, parishes and places for which the same shall be assessed—

And be it further enacted, that the first section of the act to which this is an addition, be, and hereby is repealed.

## [CHAPTER 52.]

*State of* }  
*New Hampshire.* }

## AN ACT GRANTING TO JONATHAN BLANDIN A CERTAIN GORE OF LAND IN BETHLEHEM.

[Approved June 18, 1807. Original Acts, vol. 19, p. 98; recorded Acts, vol. 16, p. 423.]

Be it enacted by the Senate & House of Representatives, in General Court convened, that there be and hereby is granted unto Jonathan Blandin of Bethlehem, in the county of Grafton, and to his heirs & assigns forever, provided the condition herein after mentioned be performed, a certain tract of land in Bethlehem aforesaid, being the gore of land at the westerly end of the seventh range of the long ranges of lots in said town, & containing about fifty acres, be the same more or less, with all the privileges & appurtenances to the same belonging.

Provided always and the grant aforesaid is upon this condition, that the said Jonathan Blandin shall, by the first day of October next, give good & sufficient security to the Treasurer of this State for the payment of the sum of fifty dollars, within two years from the passing of this act, with interest.

## [CHAPTER 53.]

*State of* }  
*New Hampshire.* }

## AN ACT TO PREVENT MASTS, SPARS AND OTHER TIMBER BEING PUT INTO CONNECTICUT RIVER WITHOUT BEING RAFTED.

[Approved June 18, 1807. Original Acts, vol. 19, p. 99; recorded Acts, vol. 17, p. 5. Session Laws, June, 1807, p. 32. See act of December 28, 1805, *ante*, p. 469. Repealed by act of June 10, 1808, Laws, 1815 ed., p. 399.]

Whereas the practise of putting large quantities of Masts, Spars and other pine logs into Connecticut River, and suffering the same to float at random down said river, without being rafted, has proved a very serious injury to the owners of Bridges, Mills and Locks thereon; as well as a great damage to owners of land adjoining, by leaving their meadows covered with said timber, and also by breaking away the banks of said river has frequently destroyed much of the land of individuals; and more especially as it is good policy by all wise and wholesome regulations to encourage the manufacture of said lumber within this State.

Therefor—

Sec. 1. Be it enacted by the Senate and House of Representa-

tives in General Court convened, that from and after the first day of Nov<sup>m</sup> 1809, all masts, spars and other Timber which shall be more than twenty four feet in length which shall be found afloat in said Connecticut River without being rafted and under the immediate care and direction of persons capable of managing such raft or which shall be found on the lands of any persons adjoining said river in consequence of being so turned into said river without rafting, shall be absolutely forfeited to any person or persons who will take up the same, any usage or law of this State to the contrary notwithstanding.

## [CHAPTER 54.]

*State of* }  
*New Hampshire.* }

### AN ACT GRANTING A CERTAIN QUANTITY OF LAND TO DARTMOUTH COLLEGE.—

[Approved June 18, 1807. Original Acts, vol. 19, p. 100; recorded Acts, vol. 17, p. 18. Session Laws, June, 1807, p. 33.]

Whereas the promotion of knowledge among all classes of people is highly necessary for the security of their equal rights as citizens, and for their prosperity as a nation—and whereas the establishment of Dartmouth College has under Divine Providence been signally useful in diffusing science in the various professions, academies and schools throughout this State; and considering the situation of that Seminary as favourable to the acquirement of science, the cultivation of good habits, and procuring a public education in all the higher branches of literature at small expence—And whereas from the documents and statements laid before the Legislature, it abundantly appears that its important purposes cannot be subserved without the particular patronage of the State, and that without legislative aid it must inevitably decline, and be finally reduced to ruin—Therefore, to give countenance and encouragement to that laudable Institution, and to render it still more useful in all future times in promoting literature among mankind, and especially among the inhabitants of this State, more particularly by being better enabled to educate the sons of the more needy and indigent citizens.

Be it enacted by the Senate and House of Representatives in General Court convened, That a tract of land amounting to six miles square be granted to the Trustees of said College, to be located within one year from the passing of this Act by the Trustees recognised in this Bill, with the approbation of the Governor and Council of this State and the same may be located in one body, not interfering with any grants, of land heretofore made by the Legislature or Government of the said State; which said land amounting to six miles square, shall be to the Trustees of said College and their Suc-



cessors to be held by them forever without alienation, and the avails and incomes of said land shall be applied wholly and exclusively to assist the education of the youths who shall be indigent, and to alleviate the expences of the members of families in this State, whose necessitous circumstances will render it impossible for them to defray the expences of an education at said Seminary without such assistance. The Trustees in the application of the avails of said granted premises to be in any future time responsible to and subject to the direction of the Legislature for the faithful discharge of their trust relative thereto.

And be it further enacted, that the members of the Council, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Superior Court shall hereafter ex officio be members of the board of Trustees of said College in respect of this and any future grant to said College which may be made by this State—

Provided nevertheless That no settler shall be disturbed or molested by said Trustees in any settlement or improvement he may have made at the time of the passing of this act—

### [CHAPTER 55.]

*State of* }  
*New Hampshire.* }

#### AN ACT AUTHORIZING & EMPOWERING SAMUEL BRAGG TO APPEAL FROM THE JUDGMENT OF CERTAIN COMMISSIONERS.

[Approved June 18, 1807. Original Acts, vol. 19, p. 101; recorded Acts, vol. 17, p. 26.]

Whereas Samuel Bragg of Dover in the County of Strafford hath petitioned the General Court setting forth, that he is a just creditor of the estate of Thomas Footman late of said Dover deceased, represented insolvent; that he exhibited his claim against said estate to the commissioners, appointed by the Judge of Probate, for said County of Strafford, to receive, examine, and adjust the claims against said estate, but for some cause the same was not returned or allowed; that by accident he failed to appeal from the judgment of said commissioners within the time limited by law for that purpose, whereby he is likely to lose the benefit of his said claim; and hath thereupon prayed said Court for relief; and whereas the prayer of said petition appears just and reasonable; Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Samuel Bragg be and he hereby is authorized & empowered to appeal from the judgment of the commissioners on said estate, made & returned to the Judge of Probate for said County of Strafford on the fourth day of August in the year

of our Lord one thousand eight hundred & six, in the same way & manner as if said appeal had been made within the time limited by the statute in such case made & provided. And the Justices of the Superior Court of Judicature are hereby authorized to sustain, & hear, & try said appeal, and make a decree thereon. Provided nevertheless that said appeal shall be claimed & made on or before the first day of July next and not afterwards.

And be it further enacted that the same notice shall be given, and the same proceedings had, as is pointed out in cases of appeal from the judgment of commissioners on insolvent estates, by the law of this State entitled "An act for the equal distribution of insolvent estates."

## [CHAPTER 56.]

*State of*            }  
*New Hampshire.* }

### AN ACT RESPECTING PAUPERS—

[Approved June 18, 1807. Original Acts, vol. 19, p. 102; recorded Acts, vol. 17, p. 34. Session Laws, June, 1807, p. 37. Laws, 1815 ed., p. 359. See acts of December 20, 1797, Laws of New Hampshire, vol. 6, p. 468, June 27, 1809, Laws, 1815 ed., p. 359, and June 14, 1820, id., 1830 ed., p. 298. Repealed December 16, 1828, id., p. 307.]

Be it enacted by the Senate and house of representatives in General Court convened that from and after the passing of this act, if any person or persons shall bring and leave or with an intent to leave any pauper poor and Indigent person or persons having no visible means of suport from any other State into any town or place in this State who shall not have any legal settlement within this State knowing him her or them to be such shall forfeit and pay a sum not exceeding three hundred Dollars nor less than fifty Dollars at the discretion of the Court before whom the same is tried for every such offence to be sued for and recovered by action of Debt before any Court proper to try the same one moiety of which shall be to the use of any person or persons who may sue for the same and the other moiety to the use of the State

## [CHAPTER 57.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR CEDING TO THE UNITED STATES OF AMERICA ONE ACRE AND THREE QUARTERS OF AN ACRE OF LAND, WITH THE FORT & LIGHTHOUSE THEREON, SITUATE IN NEW CASTLE," PASSED FEB<sup>V</sup> 14<sup>TH</sup>, 1791.—

[Approved June 18, 1807. Original Acts, vol. 19, p. 103; recorded Acts, vol. 17, p. 48. Session Laws, June, 1807, p. 44. Laws, 1815 ed., p. 43; id., 1830 ed., p. 40. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 685.]

Whereas there remains about One Acre & one half of an Acre of Land, belonging to this State, situate in said New Castle, adjoining the before mentioned Land, which would be useful to and greatly accommodate the United States—

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened, That the remainder of the Land at said New Castle, belonging to this State, being about one acre & one half of an Acre, more or less, be and hereby is Ceded to and Vested in the United States of America, with all the Jurisdiction thereof, which is not reserved by this Act.—

Provided Nevertheless, and be it further enacted, That all writs, warrants executions and all other processes of every kind, both civil and criminal issuing under the authority of this State, or any officer thereof, may be served and executed on any part of said Land, or in any Fort or other building which now is or hereafter may be erected upon said Premises, in the same way and manner as though this Act had not been passed—and Provided also that if the United States shall at any time make any compensation to any one of the united States for the Cession of and Land which hath been or hereafter may be made to the United States, the like compensation be made to this State for the Land ceded by this Act in Proportion to the Value thereof—

## [CHAPTER 58.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT, INTITLED  
“AN ACT FOR THE TAKING OF AFFIDAVITS OUT OF COURT” PASSED  
FEBRUARY 9TH. 1791.

[Approved June 18, 1807. Original Acts, vol. 19, p. 104; recorded Acts, vol. 17, p. 51. Session Laws, June, 1807, p. 38. Laws, 1815 ed., p. 114. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 612. See act of June 29, 1819, Laws, 1824 ed., p. 241. Repealed December 31, 1828, id., 1830 ed., p. 505.]

Whereas in and by said Act it is required, that the party proposing to take any such Affidavits, shall cause a notification in writing, signed by the Justice before whom such affidavit is to be taken, to be delivered to the adverse party. &c. Which is often attended with great expence and inconvenience—for remedy whereof—

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the party proposing to take any such depositions, a reasonable time previous to the taking of such deposition, shall cause a notification in writing signed by any Justice of the Peace in this State, to be delivered to such adverse party, or left at his usual place of abode; and in such notification shall be expressed the name of the Justice of the Peace before whom such deposition is to be taken, the day, hour and place of taking the same

Sec. 2. And be it further enacted, that if the party proposing to take any such deposition, shall neglect or refuse to take the same, after notice as aforesaid, the adverse party, in case of actual travel by himself or Attorney to the place and at the time mentioned in such notification, shall be entitled to have and recover, in an action or plea of the case, of the party proposing to take such deposition, double the fees which are allowed by law to witnesses for their travel and attendance at Court in the trial of civil causes, unless seasonably notified, in writing signed by the party proposing to take such deposition or his Attorney, that such deposition will not be taken.

Sec. 3. And be it further enacted, that such part and so much of the Act entitled “An Act for the taking of affidavits out of Court” passed February 9th. 1791—requiring a notification in writing signed by the Justice before whom such affidavits are proposed to be taken, shall be, and is hereby repealed—



## [CHAPTER 59.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT EMPOWERING  
 THE TOWN OF PORTSMOUTH TO APPOINT HEALTH OFFICERS AND  
 FOR PREVENTING NUISANCES IN SAID TOWN

[Approved June 18, 1807. Original Acts, vol. 19, p. 105; recorded Acts, vol. 17, p. 95. Session Laws, June, 1807, p. 42. Laws, 1815 ed., p. 458; id., 1830 ed., p. 268. The act referred to is dated June 15, 1799, Laws of New Hampshire, vol. 6, p. 578. See also acts of June 10, 1803, *ante*, p. 147, and January 3, 1833, Session Laws, November, 1832, Chap. 106. Repealed by act of December 23, 1842. Revised Statutes (1842), Chap. 230.]

Whereas the provisions of said Act, are on experience found not fully to answer the salutary purposes contemplated thereby

Therefore, be it enacted by the Senate and House of Representatives in general Court convened that whenever the health officers of the said Town shall have made known their orders, (made according to the directions of said Act respecting Quarantine) to the commanding officer of the fort at New Castle and desired his aid & co-operation in stopping all Vessels subject to quarantine and attempting to pass the quarantine Road up to said Town if any Vessel so subject shall attempt to pass after being hailed from the fort and forbidden to pass, it shall be lawful for the commanding Officer of said fort for the time being, to fire a shot a head of said Vessel, and if she shall not then come to, but shall still endeavor to pass, then to fire a shot, astern of said Vessel; and if she still persist in attempting to pass up in manner aforesaid then to fire upon and into said Vessel untill she shall bring to in submission to the regulations by law made and established for the health and safety of said Town and of the State.

And be it further enacted that in case any Master or officer commanding any Vessel subject to Quarantine shall refuse to come to anchor, and attempt to pass up the Harbor after being hailed and forbidden as aforesaid, thereby by his obstinacy obliging the commanding officer of said Fort to fire one or more shots in manner aforesaid—every such master or officer commanding such Vessel shall forfeit and pay to the commanding officer at the fort the sum of five dollars for each charge so expended in each shot made as aforesaid in order to bring such Vessel to, and to compell the commander to submit to the laws: which expence shall be paid before said Vessel leaves quaranting ground

## [CHAPTER 60.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE NORTHERLY PART OF NEW LONDON AND THAT PART OF KEARSARGE GORE NORTH OF KEARSARGE MOUNTAIN, INTO A TOWN BY THE NAME OF WILMOT

[Approved June 18, 1807. Original Acts, vol. 19, p. 106; recorded Acts, vol. 17, p. 107. Session Laws, June, 1807, p. 35.]

Whereas a petition signed by a number of the Inhabitants of the northerly part of Newlondon and Kearsarge Gore, praying to be set off from the said towns and be incorporated into a seperate town, has been presented to the General Court,—Therefore—

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That all the lands and inhabitants within the following limits, namely, in the northerly part of Newlondon beginning at the southeasterly corner of lot number twenty two, and the southwesterly corner of lot number twenty one on the southeasterly line of said Newlondon, thence running westerly across said Newlondon on the northerly sides of lots number twenty two, thirty five, fifty four, seventy, seventy eight, ninety, one hundred and twelve and one hundred and thirty one to Springfield line, thence north thirty nine degrees east to the north-easterly corner of said Newlondon, thence south twelve degrees east on Danbury and Kearsarge Gore line to the southeasterly course of said New-London, thence south thirty nine degrees west to the place of beginning. And also all the lands and Inhabitants within said Kearsarge Gore north of a straight line beginning at the south west corner of Andover thence running westerly to the highest part of said mountain thence westerly to the north east corner of Lot number fifty eight, thence on the westerly line of Lot fifty eight to the east line of Sutton—and the same are hereby incorporated into a Town by the name *Wilmot*, and the Inhabitants who now reside or shall hereafter reside within the before mentioned boundaries, are made and constituted a bōdy politic and corporate, and invested with all the powers, privileges and immunities which other towns in this State by law are entitled to enjoy, to remain a distinct town to have continuance and succession forever.

Sec. 2. And be it further enacted, that all monies or other property now due or that shall hereafter become due or the property of the towns of New London and Kearsarge Gore by virtue of any grant or other act done or performed, before the passing of this act shall be divided between the remaining towns of Newlondon and Kearsarge Gore and the said town of Wilmot according to their present proportion of public taxes, and provided always that nothing

in this act contained shall in any wise release the inhabitants of the said northerly part of New London and Kearsarge Gore from paying their proportion of all debts now due from the towns of New London and Kearsarge Gore or their proportion of the support and relief of the present poor of said towns, including all those supported in whole or in part, or from paying their proportion of the support of any poor persons now resident in other towns which by law the towns of Newlondon and Kearsarge Gore may hereafter be liable to relieve or support; but the same may be assessed levied and collected from the inhabitants of the northerly part of New London and Kearsarge Gore now Wilmot in the same way and manner as if this Act had not been passed.

Sec. 3. And be it further enacted, that Samuel Messer Junior and Benjamin Cass, or either of them be and hereby are authorised and impowered to call a meeting of the said Inhabitants, for the purpose of choosing all necessary town Officers, and either said Messer or Cass shall preside therein until a Moderator shall be chosen to govern said meeting, which shall be warned by posting up notic thereof in two public places in said Wilmot fourteen days prior to the day of holding the same. And the annual meetings for the choice of town Officers shall be holden on the second Tuesday of March annually—

## [CHAPTER 61.]

*State of* }  
*New Hampshire.* }

AN ACT TO VEST IN SELVESTER PULSIFER AND LEONARD PULSIFER  
THE PRIVILEG OF BUILDING A BRIDGE OVER CONNECTICUT RIVER IN  
PLAINFIELD.

[Approved June 18, 1807. Original Acts, vol. 19, p. 107; recorded Acts, vol. 17, p. 135. See additional act of June 24, 1809, id., vol. 18, p. 259.]

Whereas Selvester Pulsifer and Leonard Pulsifer, have petitioned the General Court praying that they would grant unto them and their Associates the sole and exclusive right of making and keeping in repair a Bridge across said River at any place three miles south of Lebanon line in Plainfield in the County of Cheshire.

Therefore—

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the said Selvester Pulsifer and Leonard Pulsifer and their associates who shall become proprietors in said Bridge, so long as they shall continue proprietors thereof shall be a Corporation and Body Politic for the purpose aforesaid under the name of the Proprietors of the Plainfield Bridge and by that name may sue and be sued to final judgment and execu-

tion, and do and suffer all matters, acts and things which bodies Corporate may or ought to do or suffer; and the said Corporation shall and may have a common seal and the same may break, renew and alter at pleasure.

Sec. 2. And be it further enacted, that the said Selvester Pulsifer and Leonard Pulsifer, or either of them shall call a meeting of said proprietors by posting notifications for that purpose in two public houses in said Plainfield fifteen days prior to said meeting. And the said proprietors by a vote of the majority of those present or represented at said meeting, and allowing one vote to each Share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of said office and they shall also agree on a method of calling future meetings, and at the same or any subsequent meetings, may elect such officers, and make and establish such rules and bye-laws as to them shall seem necessary or convenient, for the regulation and government of said Corporation, for carrying into effect the purpose aforesaid, and for collecting the toll herein after granted and established, and the same rules and bye-laws may cause to be executed, and may annex penalties to the breach thereof not exceeding ten dollars for any one breach—Provided said rules and bye-laws are not repugnant to the Constitution and laws of this State; and all representations of any meeting of said Corporation, shall be proved in writing, signed by the person to be represented, which shall be filed by the Clerk, and this act and all rules, bye-laws, regulations and proceedings of said Corporation shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose.

Sec. 3. And be it further enacted, that the proprietors aforesaid be and hereby are permitted and allowed to erect a bridge across said river any where in said Plainfield, three miles south of Lebanon line; and the said proprietors are hereby impowered to purchase any lands adjoining said bridge and to hold the same in fee simple, provided it shall not exceed three acres, and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the Register of Deeds in the County of Cheshire.

Sec. 4. And be it further enacted, that the shares in said bridge shall be considered as real estate and holden for the debts of the respective proprietors in the same manner their other real estate is by law holden.

Sec. 5. And be it further enacted, that for the purpose of reimbursing said proprietors the money expended by them in building and supporting said bridge, a toll is hereby granted and established for the benefit of said proprietors, according to the rates following, namely;—for each foot passinger two cents; for each horse and rider, six cents; for each horse and shaise, chair, sulkey, or other riding carriage, drawn by one horse only, twelve cents; for each riding sleigh drawn by one horse six cents; for each riding sleigh



drawn by more than one horse twelve cents; for each coach, chariot, phaeton or other four wheel carriage for passangers drawn by more than one horse, twenty cents; for cart or other carriage of burthen drawn by two beasts, twelve cents; and three cents for every additional beast; for each horse or neat creature, exclusive of those rode on or in carriages two cents; for sheep or swine half a cent each; and to each team one person and no more shall be allowed as a driver to pass free of toll.

Sec. 6. And be it further enacted, that the exclusive right of building and maintaining a bridge across said Connecticut River any where within the aforesaid limits be and the same is hereby fully granted to and vested in said Petitioners, and such as are or may be associated with them and become proprietors therein and their heirs and assigns.

Sec. 7.—And be it further enacted that if any tax or assessments, made by said Corporation for completing or repairing the said bridge on the several shares, shall remain unpaid at the time limited for the payment of the same, they may proceed to sell the delinquent's share at public auction, as the proprietors may agree and determine; and if any overplus remains after paying the tax or assessent and charges, it shall be returned to the delinquent proprietor.

Sec. 8. And be it further enacted, that if the above mentioned Bridge shall not be completed for travelling within two years from the time of the passing of this Act, then this Act and every part thereof shall be null and void.

## [CHAPTER 62.]

*State of* }  
*New Hampshire.* }

### AN ACT TO AUTHORIZE THE TOWN OF HAMPTON TO RAISE AND TURNPIKE THE CAUSEWAY IN SAID TOWN AND TO BUILD A BRIDGE OVER HAMPTON RIVER

[Approved June 18, 1807. Original Acts, vol. 19, p. 108; recorded Acts, vol. 17, p. 145. See act of December 23, 1808, Session Laws, November, 1808, p. 45. See resolutions of June 25, 1821, id., June, 1821, Chap. 12, and June 19, 1826, id., June, 1826, Chap. 2.]

Whereas the said Town of Hampton have petitioned the Honorable General Court for liberty to raise and widen the Causeway in said Town, to turnpike the same and to build a Bridge over Hampton River

Therefore be it enacted by the Senate and House of Representatives in general Court convened that the said Town of Hampton be, and hereby is, authorised and empowered to repair raise and widen the causeway now called Hampton Causeway and to build a Bridge over Hampton River

And be it further enacted that the said Causeway so to be made and built shall be raised five feet above the surface of the causeway as it now stands, shall be thirty two feet in width, and with the bridge aforesaid shall be railed on both sides for the security of travellers who may pass thereon; and a dike sufficiently wide and deep to take off the water from the Marsh above shall be made, and kept in repair; and sluices shall be provided to give passage to the water.

And be it further enacted that the said Town of Hampton at a legal Town meeting duly notified and warned and having expressed in said notification the purpose for which said meeting is called shall authorize their Selectmen for the time being to assess on the Inhabitants of said Town in the same proportion, one with another as they are assessed for State or county taxes a sum sufficient to make the said Causeway and bridge and said Town of Hampton shall then and there choose and appoint five directors to superintend the making and building the same which directors shall give bond with sufficient security for the faithful discharge of their duty

And be it further enacted that the inhabitants of Hampton aforesaid shall have liberty to work out the said tax, on the causeway and bridge so to be made and built; and shall be allowed for the labor so to be done at the rate of eight cents per hour for every able bodied man finding his own diet and tools and for ox work at the same price per yoke provided that said labor be offered at any time when the Selectmen aforesaid shall require the same to be performed; and if the tax aforesaid is not duly paid or worked out as is herein provided on or before the first day of October Annually then the selectmen aforesaid shall proceed in collecting the same, in the same way and manner as collectors of state taxes are by law directed to do.

And be it further enacted that when the said causeway and bridge shall be compleated according to the directions in this act made and provided, and it shall be made so to appear to the Justices of the superior Court or of the court of common pleas in Rockingham County—the said Selectmen of Hampton may erect a toll gate appoint a collector, and receive toll as is hereafter in this act permitted.

And be it further enacted that it shall and may be lawful for the toll gatherer so to be appointed, to collect of and from all and every person or persons using said Causeway and Bridge the Rates and tolls herein-after mentioned, and to stop any persons from passing over said causeway untill the toll shall be paid—that is to say; for every horse and his rider—six Cents; for every Sulkey chair and chaise with one horse twelve & an half Cents; for every Coach Chariot Stage Phaeton or Chaise with two horses twenty Cents; for every Stage Coach or carriage of pleasure with four horses twenty five Cents; and for every other Coach or carriage of pleasure the like sum according to the number of horses—provided however that

no toll shall be taken from the Inhabitants of Hampton and Hampton falls who may pass over the said causeway and bridge on their necessary or usual business in said Towns nor from any person who may be employed about the Marshes or who may be going to, or from Dodges' Mills so called. And it is further enacted, that at all times when the toll gatherer does not attend his duty the Gate shall be left open.

And be it further enacted, that the Town of Hampton may be indicted for want of repairs of said Causeway and Bridge after the toll gate is erected and may be fined in the same way and manner as Towns are by law finable for suffering highways and Bridges to be out of repairs.—

And be it further enacted that at the end of every two years after the setting up of the toll Gate aforesaid an account of the expenditures upon said Road and the profits arising therefrom shall be laid before the justices of the superior Court for the time being under the forfeiture (for the neglect thereof) of the privileges of this grant in future. And if the nett profits for the said two years shall exceed twelve per Centum per annum the said justices may reduce the future rate of toll so far as that it may not exceed twelve per centum per annum, and if the said profits shall not amount to twelve per Centum per annum the said Court may raise the future toll so that it shall not be less, nor more, than twelve per Centum per annum.

And be it further enacted that the nett proceeds of toll so to be collected shall be appropriated in the manner following,—to wit, so much thereof as shall be equal to six per cent on the amount of expence of building said causeway and bridge shall go to the Town of Hampton as Interest on the money so laid out, and the remainder shall be considered a sinking fund, to be appropriated towards a reimbursement to the Town of Hampton of the expence of building & making said Bridge and causeway and as said expence shall be diminished, so shall the Town of Hampton be entitled, from time to time, to appropriate for the payment of Interest, only so much of said toll as will pay six per Cent on the balance of the account of expenditures for making and building said Causeway and Bridge; and shall appropriate the balance of said toll towards the further extinguishment of said balance of account of expenditures. And after a sum has been collected sufficient to pay the expence of building said Causeway and Bridge and to pay six per Cent Interest on the amount of that expence—then, and thereafter the said Causeway and bridge shall be free from toll, and no toll shall be taken for passing thereon.

And be it further enacted That if in three years from the passing this act the said Causeway and bridge and every part thereof shall not be completed agreeably to the provisions of this act every part and clause thereof shall be null and void.

## [CHAPTER 63.]

*State of* }  
*New Hampshire.* }

AN ACT FOR THE REGULATION OF THE POLICE IN THE TOWN OF  
PORTSMOUTH

[Approved June 18, 1807. Original Acts, vol. 19, p. 109; recorded Acts, vol. 17, p. 173. Session Laws, June, 1807, p. 39. Laws, 1815 ed., p. 459. See act of July 1, 1831, Session Laws, June, 1831, Chap. 33. Repealed June 28, 1823, Laws, 1830 ed., p. 269.]

Be it enacted by the Senate and House of Representatives in General Court convened that the police officers of the Town of Portsmouth for the time being who are or may be legally chosen and qualified, or any one or more of them be, and hereby are authorised and empowered to arrest any rogue, Vagabond, lewd, idle or disorderly person or persons using any jugling or unlawful Games or plays, common pipers, fiddlers or runaways, common drunkards common night walkers common railers or brawlers all pilferers, all persons profane, wanton or lascivious in Speech conduct or behavior or guilty of writing or painting on fences or buildings any thing obscene or improper; and any other person who shall in any way transgress against the rules of good order; and the person or persons so arrested shall be immediatly taken or carried before some justice of the peace, provided the said arrest should be made at any hour between six oClock in the morning and nine oClock in the evening, but provided the said arrest should be made at any other hour; the police officer or officers shall have authority and are hereby empowered to commit the person or persons so arrested to Bridewell, or the house of correction where he or they shall remain untill the following day when he or they shall be taken before a justice in the same manner as though the arrest was made between the hours of six oClock in the morning and nine oClock in the evening—

And be it further enacted that it shall be lawful for each and every police officer to take and command such assistance as may be needful to arrest and detain any person or persons as aforesaid, and to convey the same before a justice or to Bridewell as in this act is before provided

and if any person shall refuse to give aid and assistance to any police officer as aforesaid, such person so refusing shall upon conviction thereof before any justice of the peace be fined in a sum not exceeding ten dollars, nor less than one Dollar exclusive of costs and the said justice shall commit the offender who refused so to give aid and assistance, untill the fine be satisfied or shall cause such fine penalty and costs to be levied by distress and sale of the offenders Goods, returning the overplus if any there be,



And be it further enacted that the oath of any officer of the police; shall be deemed full and sufficient evidence upon trial of any offence committed against the police of the said Town of Portsmouth unless in the Judgment of the Court and Justice the same shall be invalidated by other evidence that may be produced.

And be it further enacted that any Justice of the peace may commit unto Bridewell or the house of correction in Portsmouth any person of the description mentioned in the first section of this act who may have committed an offence against the police of said Town and the said justice shall have the same power of decreeing punishment and to the same extent as is provided in any other case but if the said person so complained of is acquitted upon trial he shall not be entitled to costs against the police officer.

# [CHAPTER 64.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE ASHUELOT TURNPIKE CORPORATION.

[Approved June 18, 1807. Original Acts, vol. 10, p. 110; recorded Acts, vol. 17, p. 188. Session Laws, June, 1807, p. 27. See additional act of June 22, 1809, id., June, 1809, p. 9; also act of June 29, 1826, id., June, 1826, Chap. 29.]

Be it enacted by the senate and House of Representatives in general Court convened that Moses Tyler and Esek Buffum and their associates and successors be and they hereby are incorporated and made a body corporate and politic forever, under the name of the Ashuelot Turnpike Corporation, and in that name may sue and prosecute, and be sued and prosecuted unto final Judgment and Execution; and shall be, and hereby are vested with all the privileges and powers, which by law are incident to Corporations of a similar nature.

And be it further enacted that the said Moses Tyler and Esek Buffum or either of them, shall call a meeting of said Proprietors to be holden at any suitable time and place by posting notifications one at least in some public place in each Town, through which said road is contemplated to pass at least fourteen days before the time of holding said meeting expressing the time place and design of said Meeting. and the Proprietors by a majority present or represented at said Meeting accounting and allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithfull discharge of the duties of his office; and shall agree on a method of calling future meetings; and at the same or at any subsequent meeting may elect such officers and make and establish such rules and bye-laws as to them shall seem necessary and convenient

for the regulation and government of said Corporation, for carrying into effect the purposes aforesaid and for Collecting the tolls and duties herein after established: and the same bye-laws may cause to be executed and annex penalties to the breach thereof provided said rules and bye laws are not repugnant to the laws of this State. And all representations at any meeting shall be proved by writing signed by the person to be represented, which shall be filed by the Clerk in a book or books provided and kept for that purpose.

And be it further enacted that the said Corporation are hereby empowered to lay out make and keep in repair a Turnpike road of four rods wide, in such route or tract as shall in the best of their Judgment combine shortness of distance with the most practicable ground, from the Turnpike road in Winchester to Fitzwilliam Village leading to Boston.

And be it further enacted that if the said Proprietors, and the owners of land over which said road may run, shall not agree on the compensation to be made for such land and shall not agree in appointing persons to ascertain such compensation, the Justices of the Court of Common pleas in the County where such land lies, if not interested and if interested the Justices of the Superior Court, upon the application of the Proprietors or the owners of the land, reasonable notice having been given to the adverse party of such application shall appoint a Committee who shall ascertain the same in the same way as compensation is made to the owners of land for Highways as usually laid out. provided nevertheless that it shall not be lawful for said Proprietors to make such road until the damages done the owner or owners of the land through which the same is laid out is ascertained and paid or tender thereof made, or security given for the payment of the same to the said owner thereof to his or their satisfaction.

And be it further enacted, that the said Corporation may erect and fix such and so many gates or Turnpikes upon and across said road as will be necessary and sufficient to collect the tolls and duties herein after granted to said company from all persons travelling the same with horses cattle carts or carriages.

And be it further enacted that it shall and may be lawful for said Company to appoint such and so many toll-gatherers as they shall think proper, to collect of and from all and every person or persons using said road the rates and tolls herein after mentioned, and to stop any person riding, leading or driving any horses cattle carts or carriages from passing through said gates or Turnpikes, until they shall respectively have paid the same; that is to say for every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of horses cattle or carriages, (to wit) for every ten sheep or swine, one half cent; for every ten neat cattle, horses or mules one Cent; for every horse and his rider, or led horse one Cent; for every Sulkey chair or chaise with one horse and two

wheels two Cents; for every Coach, chariot, stage, Phaeton or chaise, with two horses and four wheel three Cents for either of the Carriages last mentioned with four horses four Cents; for every other Carriage of pleasure, the like sums, according to the number of wheel, and horses drawing the same; for each Cart waggon, or other Carriage of burden drawn by one beast one Cent for the like Carriages drawn by two beasts one and a half Cents; if by more than two beasts one Cent for each additional yoke of oxen or pair of horses; for each pleasure sleigh, drawn by one horse, one Cent and an half, if drawn by two horses, two Cents if drawn by more than two horses one Cent for each additional horse; for each sled or sleigh of burden drawn by one horse three quarters of a Cent if by two horses or one yoke of oxen one Cent; if by more than two horses or one yoke of oxen one Cent for each additional yoke of oxen or pair of horses; and at all times when the toll-gatherer does not attend his duty, the gates shall be left open. And if any person shall with his carriage, team cattle or horses turn off the said road to pass the said Turnpike gate on ground adjacent thereto not being a public highway, with an intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been—provided that nothing in this act shall extend to entitle said Corporation to demand or receive toll of any person who is an inhabitant of any Town where any gate may be erected nor any officer or soldier of the Militia under arms going to or from the place of military duty, nor to any funeral that may have occasion to pass said gate.

And be it further enacted, that the said Corporation are hereby empowered to purchase and hold in fee simple so much land as will be necessary for said Turnpike road, and the share or shares of any Proprietor may be transferred by Deed duly executed acknowledged and recorded by the Clerk of said Corporation on their records; and said shares may be sold by said Corporation on non-payment of assessments duly made agreeable to the bye-laws of said Corporation.

And be it further enacted, that the said Corporation shall take no toll for any mile of said road until six hundred dollars shall have been expended thereon, reckoning a proportionate sum upon the whole number of Miles from the Turnpike road in Winchester to Fitzwilliam Village; nor shall any toll be taken for any mile of said road until the Justices of the Superior Court shall adjudge that said road is sufficiently made to entitle the said Corporation to receive toll at which time said Corporation may erect gates thereon according to the provisions of this act.

And be it further enacted that said Corporation may be indicted for want of repairs of said road after the toll gates are erected, and fined in the same way and manner as Towns are by law fineable for suffering highways and bridges to be out of repair, and said fines

may be levied on the profits and tolls accruing to said Corporation—provided that if the said Turnpike road shall in any part be the same with any highway now used, it shall not be lawful for said Corporation to erect any gate or Turnpike upon or across that part of said road which is now used as a public highway; anything herein to the contrary notwithstanding.

And be it further enacted that at the end of every six years after the setting up of any toll-gate upon the road aforesaid, an account of the expenditures upon said road and the profits arising therefrom shall be laid before the Justices of the Superior Court for the time being, under the forfeiture of the privileges of this grant in future; and if the net profits for the said six years shall exceed nine per Cent. per annum the said Court may reduce the future rate of toll so far as that it may not exceed nine per centum per annum; and if the said profits shall not amount to six per Cent. per annum the said Court may raise the future toll so that it shall not be less than six per centum per annum, nor more than nine per centum per annum.

And be it further enacted that if in six years from the passing of this act the said road and every part thereof shall not be completed agreeable to the provisions of this act, every part and clause thereof shall be null and void.

Provided also that the State of New-Hampshire may at any time after the passing hereof repay the Proprietors of the said road the amount of the sums expended by them thereon, with nine per Centum per annum in addition thereto deducting the toll actually received by said Corporation; in that Case the road shall to all intents and purposes be the property of the State of New Hampshire.

Provided further, that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient, to compel said Proprietors to keep said road in repair.

#### [CHAPTER 65.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE SELECTMEN OF THE TOWNS OF STRATHAM AND NEW MARKET FOR THE PURPOSE OF BUILDING AND KEEPING IN REPAIR A BRIDGE OVER EXETER RIVER BETWEEN THE SAID TOWNS—

[Approved June 18, 1807. Original Acts, vol. 19, p. 111; recorded Acts, vol. 17, p. 198. Session Laws, June, 1807, p. 22. See amendment of June 25, 1858, id., 1853-60, p. 1982.]

Be it enacted by the Senate and House of Representatives in general Court convened, that the selectmen of the Towns of Stratham and New Market in the County of Rockingham, and their Suc-



cessors the Selectmen who shall be hereafter annually chosen in said Towns, be, and they are hereby incorporated and made a body politic, and corporate by the name of the proprietors of Stratham and New-Market Bridge for the purpose of erecting and keeping in repair a bridge over Exeter River between the said Towns of Stratham and New Market, and by the said name of the proprietors of Stratham and New Market Bridge may sue and prosecute and be sued and prosecuted, to final judgement and execution and shall be and hereby are vested with all the powers and privileges which are by law incident or belonging to corporations of a similar nature and all such powers as shall be necessary to carry into effect the beneficial purposes contemplated by this act

And be it further enacted that Jeremiah Mead and Daniel Jewell or either of them shall call the first meeting of said proprietors by posting up notifications for that purpose at the most public places in said Towns, or by notice in writing to be read unto, or left at the usual place of abode of the selectmen of said Towns at least fifteen days previous to the day appointed for said meeting and at that meeting a Clerk shall be chosen by a major vote of those present or represented; who shall be sworn to a faithful discharge of his office, and a mode of calling future meetings shall then in like manner be agreed on. And at that time or at any subsequent lawful meeting of said proprietors they may elect such officers, and make and establish such By-laws and rules as to them shall appear necessary, or suitable and proper for regulating said Corporation and for carrying into effect the aforesaid purpose and for collecting the tolls herein after established and such By-laws, may cause to be executed; always providing that said rules and By laws be not repugnant to the Constitution and laws of this State or of the United States. And all representations at any meeting of said Corporation shall be proved by a writing signed by the persons so represented, which shall be kept on file by the Clerk; and this act and all rules, by-laws, and votes with the regulations of said Corporation; shall be fairly and truly recorded by the Clerk in a book of Records provided by said Corporation

And be it further enacted that said corporation be, and it hereby is authorised and empowered to erect and build a Bridge upon and across Exeter River between the said Towns of Stratham and New Market at the place where the old bridge between said Towns now is: provided however that they make and fix in the same a suitable, sufficient and well constructed draw or hoist for the passage of such Vessels and craft passing up and down as need such a convenience and passage; and that they provide and keep in repair after said bridge shall be erected suitable and sufficient apparatus for raising said draw or hoist, and keep one person in readiness to assist in hoisting the same

And be it further enacted, that for the purpose of reimbursing the

said corporation the monies which shall be by them expended and laid out in building said bridge, and keeping the same in good repair, a toll be and hereby is granted and established of the rates following to wit; for each foot passenger one cent; for each horse and rider three Cents; for each two wheeled cariage of pleasure drawn by one horse six cents and two Cents for each additional horse; for each four wheeled cariage of pleasure (or for passengers) drawn by two horses twelve Cents and two Cents for each additional horse; for each Sleigh drawn by one horse five Cents and two cents for each additional horse; for each Cart, Sled, or other carriage of burden drawn by one horse five Cents and two Cents for each additional horse for each Cart, waggon, Sled, or Sleigh of burden if drawn by one yoke of Oxen six Cents, and two Cents for each additional yoke of oxen or pair of horses; for each horse except those ridden on, or neat Creature one Cent and for each Sheep or swine one quarter of a Cent and said Corporation are authorised to collect and receive toll at the rates aforesaid from every and all person or persons using and passing over said bridge and to stop any person from passing with any horse or horses cattle team or carriage untill the toll aforesaid shall be paid and may to that end erect and keep up a Gate upon and across said bridge; but at all times when the toll gatherer shall not attend his duty the Gate shall be left open

And be it further enacted, that said Corporation may be indicted and fined for any defect of repairs of said bridge in the same way and manner as Towns are by law indictable and fineable for suffering roads and bridges to be out of repair and shall be liable for all damages which any person shall sustain in his person or property by reason of the insufficiency or want of repairs of said bridge.

And be it further enacted that the said Corporation shall keep or cause to be kept fair accounts of their expenditures in building said bridge and in keeping it in repair from time to time and also of the tolls arising therefrom and at the end of every two years from and after the passing this act they shall exhibit and lay said accounts before the justices of the Superior Court, when sitting and holding said Court in the County of Rockingham for their inspection and examination and the said account is to be by them adjusted and approved: and whensoever it shall appear to the said justices that said Corporation has been reimbursed from the toll the monies expended in building and keeping in repair the said bridge with Interest for the same, they shall order that said toll Gate be left open, and said corporation shall cease to demand and receive toll and all obligations of passengers to pay the same shall cease and determine thereafter untill such time as the justices aforesaid shall be of opinion and determine that repairs are necessary, or that a new bridge ought to be built and in such case the said corporation shall repair or rebuild said bridge as said determination may be, and shall be entitled to, and and receive the toll granted and established by this

act; subject to the limitations and restrictions therein made and set forth.

And be it further enacted that the same rates of toll shall be paid by the inhabitants of the towns of New Market and Stratham and for the same term of time as shall be exacted from others under the penalty of ten Dollars for each omission and the penalty of twenty Dollars for each neglect in attendance on the draw or hoist, each fine to be recovered of the selectmen of the aforesaid Towns one half thereof to the use of the complainant and the other half to the use of the County of Rockingham before any Court proper to try the same

[CHAPTER 66.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING TO THOMAS WHITMAN AND OTHERS THE PRIVILEGE OF LOCKING AND SLIPING GREAT OSSISPEE RIVER—

[Approved June 19, 1807. Original Acts, vol. 19, p. 112; recorded Acts, vol. 17, p. 85.]

Whereas the Erecting Locks and Slips and Cutting Canals on Great Ossipee River so that the same shall be navigable for boats for the transportation of lumber goods wares and Merchandise would be of a public utility and whereas Thomas Whitman and others have petitioned the Legislature for an Exclusive Privilege of Locking Slipping and Canaling the same

Sec<sup>n</sup> 1<sup>st</sup> Therefore Be it enacted by the Senate and House of Representatives in General Court Convened that the said Thomas Whitman, Timothy Meeder, John Gilman Joseph Boydoin, Jacob Gilman, Samuel Gilman, William Gilman, Edward Hafford, Samuel Quarles, Colman Colby Isaac Love, Benjamin Gilman, John Folsom David Howard, and their Associates be and they hereby are Constituted a Corporation by the name of the Great Ossipee Canal Company and may by that name sue & be sued plead and be impleaded to final Judgment and Execution may have a Common seal and the same alter at pleasure and shall enjoy all the Priviledges & powers incident to Corporations of a similar nature—

Sec<sup>n</sup> 2<sup>d</sup> And be it further enacted that the said Thomas Whitman and his Associates their heirs and Assigns forever be invested with the exclusive Priviledge of Cuting slipping and Canaling said River And falls within this State and rendering the same navigable for both and lumber from Great Ossepee Pond to the Province Line of said State Provided the same be Completed within six years from the passing this Act and may purchase any lands Contiguous to said Locks Slips and Canals necessary therefor and hold the same in fee simple

Sec<sup>n</sup> 3<sup>d</sup> And be it further enacted that the said Corporation for the space of twelve years next after said Locks Slips and Canals shall be Compleated shall have full power to fix and determine the rates of toll to be taken by said Corporation for the passing of Boats Rafts and other property through the Locks Slips and Canals belonging to said Corporation subject to the restrictions and reservations herein after provided—

Sec<sup>n</sup> 4<sup>th</sup> And be it further enacted that the said Corporation shall in the Month of January or February next after they commence receiving toll Cause to be published in the Dover Sun the rates of toll to be by them taken for the season next ensuing and shall also in every Month of Jan<sup>r</sup> and Feb<sup>r</sup> in every succeeding year cause similar notice to be given of the rates of toll to be taken by them for such year and said Corporation shall not Be at liberty to depart from the rates of toll so published during the year in which they so published as aforesaid under the pains of forfeiting for every such offence thirty Dollars to be recovered by any person who shall see fit to sue for the same in any Court of Law Competant to try the same—

Sec<sup>n</sup> 5<sup>th</sup> And be it enacted that said Company shall at any meeting of the Proprietors warned in any manner that a majority of the Proprietors may agree upon for the purpose aforesaid have power to make and Establish such rules and bye laws as to them shall appear Convenient and necessary for the Carrying into effect the purposes aforesaid provided the same be not Contrary to laws and Constitution of this State

**\*[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED DURING THIS SESSION.]**

1807, June 10.

Resolved that the Vendue Advertised by the Secretary for the sale of the land belonging to this State be held on the lower floor of this house on the 10<sup>th</sup> day of June Instant at Twelve of the Clock of said day—and that the Townships N<sup>o</sup> One N<sup>o</sup> Three & N<sup>o</sup> Four be set up & exposed for sale on said day—

And be it further resolved that Nath<sup>l</sup> Gilman & Phillip Carrigain Esq<sup>r</sup> be a Committee on the part and in behalf of the State of New Hampshire to make and execute a Deed or Deeds of conveyance of said land to any person or persons who may become purchasers thereof provided satisfactory security be given for the payment of the purchase money the one half in two years the other in four years from the sale of said land—said Security or Notes to be on Interest—

And be it further Resolved that Jesse Johnson be auctioneer on the part of this State for the sale of said land who is hereby authorised to make the necessary arrangements—

And be it further Resolved that the sale of said land be restricted and

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\* The original papers, of which these are copies, are on file in the office of the secretary of state.



that no Deed of conveyance shall be executed of any of the aforesaid land unless the State of New Hampshire shall realise the sum of forty Eight cents per acre for all the land thus sold & disposed of

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1807, June 11.

Resolved, that the Governor of this State be, and hereby is authorised and empowered to draw out of the Treasury of this State as occasion may require, by and with advice of Council, a sum not exceeding sixteen thousand Dollars, the whole or any part of which sum is to be expended by him in the purchase of small arms, provided he should deem such purchase necessary or expedient. And that the Governor of this State be and hereby is authorised and empowered to draw out of the Treasury of this State a further sum not exceeding three thousand Dollars to be appropriated by him for the purchase of field pieces with their apparatus

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1807, June 15.

Resolved, that all the people of this State known by the name of Methodists be, and they are hereby recognized and considered as a distinct religious sect or denomination from any other, and are entitled to all the privileges and immunities which any other denomination is entitled to by the Constitution and laws of said State.

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1807, June 17.

Be it resolved by the Senate and House of Representatives in General Court convened that a grant of eight dollars be made to each and every Company in this State for the purpose of purchasing musical instruments and the instruction of musick and the Governor is hereby authorised to draw an Order on the State Treasurer for the payment of said sums to the respective Commanding Officers of said Companies upon their producing a Certificate from the Commanding Officer of the Regiment to which they respectively belong of their appointment.

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1807, June 18.

Resolved by the Senate and House of Representatives in General Court convened, That the Selectmen or the major part of them at the charge of the Town parish or place they belong, shall take an inventory of the Polls and Rateable estates of the several towns, parishes and places within this State, Which Inventory shall consist of all male polls from eighteen to seventy years of age (except such from eighteen to twenty one as shall be enrolled in the Militia President, Professors, Tutors, Instructors and Students of Colleges, ordaind ministers and Preceptors of Academies, paupers and idiots) also of the following articles which each person shall be possessed of on the first day of April next (viz.) Orchard, Arable, Mowing and Pasture land accounting so much Orchard as will in a common season produce ten barrells of cyder or perry one acre, so much pasture land as will summer a cow four acres, and what mowing land will produce commonly one ton of good english hay yearly or medow hay in proportion one acre, and what arable or tillage land will commonly produce twenty

five bushels of corn yearly one acre, in which is to be considered all land planted with indian corn potatoes and beans, and sown with grain, flax or peas. All stallions or stud horses that have been wintered three winters, all other horses and mares distinguishing those which have been wintered two, three, four and five winters, all oxen, cows and young cattle distinguishing those that have been wintered two three, four and five winters, cows that have been wintered four winters and oxen that have been wintered five winters. Oxen that have been wintered four winters All mills, wharves and ferries and the yearly rent thereof, (yearly repairs thereof being first deducted,) according to the judgment of the persons taking the inventory; the sum total of the value of all real estate (viz) lands and buildings, not included in the above mentioned articles (exclusive of all toll bridges) whether owned by residents or nonresidents, except such as are appropriated to public use.—The sum total of the value of all the stock in trade—the sum total of all money on hand or at interest more than the party pays interest for—That said inventory taken as above, be made agreeable to the following form, and be returned into the Secretary's Office on or before the second Wednesday of June next.

	Polis from 18 to 70 years of age excepting those from 18 to 21 enrolled in the Militia, President, Professors, Tutors, Instructors and Students of Colleges ordained Ministers, preceptors of academies, paupers and idiots.
	Acres of Orchard land.—
	Acres of Arable land.
	Acres of Mowing land.
	Acres of Pasture land.
	Stallions or Stud horses that have been wintered three winters and upwards.
	Other horses and mares that have been wintered five winters.
	Other horses and mares wintered four winters.
	Other horses and mares wintered three winters.
	Horses and mares wintered two winters.
	Oxen wintered five winters.
	Oxen wintered four winters.
	Cows wintered four winters.
	All neat Stock wintered but three winters.
	All neat Stock wintered but two winters
	Yearly rent or income of wharves, Mills and ferries, yearly repairs deducted
	Sum total of the value of all buildings and real estate improved and owned by residents and nonresidents not included in the above.
	Sum total of the value of all stock in trade.
	Sum total of money at interest including Bank Stock, Stock in the funds and securities for any kind of property at interest, more than interest is paid for.
	Sum total of the value of all improved lands owned by Residents or nonresidents
	All chaise, coaches, sulkies and other wheel carriages of pleasure.

That every person is required to give in a true and faithful inventory of all the foregoing articles belonging to him respectively on oath if required thereto by the person or persons taking said inventory, who are hereby empowered to administer the same and on refusal or neglect thereof the person or persons taking said inventory are to set down to him or them so refusing or neglecting so much as in his or their judgment appears equitable by way of doomage.

That the Selectmen of the next oldest town to every town, parish or place where no Selectmen are choosen, shall take an inventory of such town, parish or place or appoint some person or persons in said town, parishes or places to do the same and return it as aforesaid, for which they shall, be paid an adequate reward out of the Treasury on their account being exhibited and allowed by the General Court. And also that the Selectmen shall return distinctly the amount or footing of each column of the inventory taken last April so that the number of Polls, horses, cattle, acres of land improved, value of unimproved lands and all other rateable estate, inventoried and rated in each town parish and place the present year may appear. Also make return of what a Single Poll was taxed in the last state tax—

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1807, June 19.

Whereas Philip Carrigain and Phinehas Merrill who were appointed by the Legislature to procure a Map of this State, have stated that more time and expence were requisite for the accomplishment of their object than has been contemplated, That many unforeseen difficulties have already arisen and more are expected to arise, which requiring patience and time for the Mathematical corrections will necessarily retard the completion of the work, and have prayed for an extension of the time, and Whereas they have stated that an enlargement of the Scale will make the Map more valuable as it will contain more representation and must necessarily be more correct, and have prayed for liberty to make the said Map on a more extensive scale and have petitioned the Legislature for the loan of a sum of money to assist them in making the map in the most correct manner and on the most proper scale, and whereas it will require pecuniary expences beyond the resources of almost any individual, and as the accomplishment of that object is of great consequence to the State and every due encouragement ought to be given towards the completion of the same in a correct and Proper manner, Therefore Be it resolved, that the said Philip Carrigain and Phinehas Merrill Be and hereby are allowed and authorised to Protract said Map on a scale of eight hundred rods to an inch, and that the time for compleating said Map be and hereby is extended to the second wednesday of June One thousand eight hundred and ten— And be it further resolved that Philip Carrigain and Phinehas Merrill have and receive out of the treasury of this State the sum of Five thousand dollars upon their giving satisfactory Security to the treasurer for the repayment of the same with interest by the second wednesday of June in the Year of our Lord one thousand eight hundred and ten—

And be it further Resolved that the Treasurer shall loan the whole to said Carrigain provided the said Merrill shall express to the said treasurer his consent and agreement thereto—

Provided nevertheless that nothing herein contained shall be considered as any farther affecting the Contract heretofore made by the Legislature with the said Carrigain and Merrill than is expressed in this Resolve—

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1807, June 19.

Resolved by the Senate and House of Representatives in General Court convened That The Commissary General be and he is hereby authorised and impowered to call upon all persons who may have received any small arms or Military Stores the property of the State of New Hampshire and ascertain as correctly as may be what disposition said persons have made of the same and that he lay the result of his investigation before the Legislature at their next Session—



## [SEVENTEENTH GENERAL COURT.]

[*Held at Concord, Two Sessions, June 1, 1808, to December 23, 1808.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, GOVERNOR.  
 PHILIP CARRIGAIN, SECRETARY.  
 OBADIAH CARRIGAIN, DEPUTY SECRETARY.  
 NATHANIEL GILMAN, TREASURER.  
 WILLIAM K. ATKINSON, ATTORNEY GENERAL.  
 SAMUEL BELL, PRESIDENT OF THE SENATE.  
 CHARLES CUTTS, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Daniel Gookin,	North Hampton.
Joseph Badger,	Gilmanton.
Benjamin Pierce,	Hillsborough.
Amasa Allen,	Walpole.
William Tarlton,	Piermont.

## [MEMBERS OF THE SENATE.]

Elijah Hall,	Portsmouth.
Richard Jenness,	Deerfield.
William White,	Chester.
John Bradley,	Concord.
Richard Dame,	Rochester.
Nathaniel Shannon,	Moultonborough.
Samuel Bell,	Francestown.
Joshua Darling,	Henniker.
Lockhart Willard,	Keene.
George Aldrich,	Westmoreland.
John Fairfield,	Lyme.
Moses P. Payson,	Bath.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and	}	John Evans.
Bow,		
Atkinson and	}	Nathaniel Clark.
Plaistow,		
Brentwood,		Jonathan Veazy.
Candia,		John Taylor.
Canterbury,		Jonathan Ayers.

Chester,  
 Chichester,  
 Concord,  
 Deerfield,  
 Epping,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampstead,  
 Hampton,  
 Hampton Falls and }  
 Seabrook, }  
 Hawke and }  
 Sandown, }  
 Kensington,  
 Kingston,  
 Londonderry,

Loudon,  
 Newcastle,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin, }  
 Rye,  
 Salem,  
 South Hampton and }  
 East Kingston, }  
 Stratham,  
 Windham,

Henry Sweetser.  
 Abraham True.  
 Samuel Green.  
 Isaac Shepard.  
 Daniel Coffin.  
 Thomas D. Merrill.  
 Nathaniel Parker.  
 James Whidden.  
 John True.  
 John Dearborn.  
 Samuel George.

Benjamin Pillsbury.

Joseph Brown.  
 Daniel Wadleigh.  
 William Adams.  
 John Moor.  
 Jonathan Clough, Jr.  
 Henry Prescott.  
 Thomas Pickering, Jr.  
 Jeremiah Mead.  
 Edmund Peaslee.  
 Stephen Chase.  
 Levi Marston.  
 John Harvey.  
 Jacob Cilley.  
 Josiah Butler.  
 Isaac Morrison.  
 James Hight.  
 Edward Cutts.  
 William Ham, Jr.  
 Charles Cutts.  
 Richard Evans.

Sherburne Blake.

Joseph Parsons.  
 David Allen.

Richard White.

Daniel Jewell.  
 Samuel Armour.

#### STRAFFORD COUNTY.

Alton,  
 Barnstead,  
 Barrington,

James McDuffee.  
 Charles Hodgdon.  
 Isaac Waldron.  
 Thomas W. Hale.

Brookfield and }	Silas Whitehouse.
Middleton, }	
Conway,	Richard Odell.
Dover,	Amos Cogswell.
Durham,	Valentine Smith.
Eaton and }	
Burton, }	Jeremiah Gilman.
Effingham and }	
Ossipee Gore, }	Carr Leavitt.
Farmington,	Levi Leighton.
Gilmanton,	John Shepard.
	John Smith.
Lee,	George Tuttle.
Madbury,	Nathaniel Hayes.
Meredith,	Isaac Ladd.
Milton,	Beard Plumer.
Moultonborough,	Ezekiel Hoyt.
New Durham,	Thomas Tash.
New Hampton and }	
Center Harbor, }	Noah Robinson.
Ossipee,	Samuel Quarles.
Rochester,	Nathaniel Upham.
Sanbornton,	Bradstreet Moody.
Sandwich,	Daniel Hoyt.
Somersworth,	Andrew Wentworth.
Tamworth,	Benjamin Gilman.
Tuftonboro,	Jonathan Burbank.
Wakefield,	Jonathan Copp.
Wolfeboro,	Jacob Haynes.

## HILLSBOROUGH COUNTY.

Amherst,	William Fisk.
Andover and }	
Wilmot, }	Jonathan Weare.
Antrim and }	
Windsor, }	Jacob Tuttle.
Bedford,	Samuel Chandler.
Boscawen,	Enoch Gerrish.
Brookline,	Samuel T. Boynton.
Deering,	Benjamin Rolfe.
Dunbarton,	John Mills.
Fishersfield and }	
Bradford, }	Ebenezer Cressey.
Francetown,	Peter Woodbury.
Goffstown,	David L. Morrill.
Greenfield and }	
Society Land, }	Amos Whittemore.

Hancock,	William Brooks.
Henniker,	Joshua Darling.
Hillsborough,	Elijah Beard.
Hollis,	Benjamin Poole.
Hopkinton,	Benjamin B. Darling.
Litchfield and }	Simeon Kendall.
Derryfield, }	
Lyndeborough,	Daniel Putnam.
Mason,	Rogers Wesson.
Merrimack,	James Thornton.
Milford,	Josiah Osgood.
Mont Vernon,	John Batchelder.
New Boston,	Ephraim Jones.
New Ipswich,	Noah Bartlett.
New London,	Joseph Colby.
Nottingham West,	Asa Davis.
Peterborough and }	James Wilson.
Sharon, }	
Salisbury,	Thomas W. Thompson.
Sutton,	Thomas Wadleigh.
Temple,	Ebenezer Edwards.
Warner,	Richard Bartlett.
Weare,	James Caldwell.
Wilton,	Abiel Wilson.

## CHESHIRE COUNTY.

Acworth,	William Grout.
Alstead,	Moses Hale.
Charlestown,	Benjamin Labaree.
Chesterfield,	Levi Jackson.
Claremont,	George B. Upham.
Cornish,	Ithamar Chase.
Croydon,	Samuel Powers.
Dublin,	Andrew Allison.
Fitzwilliam,	Thomas Stratton.
Hinsdale,	Uriel Evans.
Goshen and }	John Currier.
Wendell, }	
Jaffrey,	Laban Ainsworth.
Keene,	Elijah Dunbar.
Langdon,	John Prentice.
Lempster,	Jacob Smith.
Marlborough,	Elisha Huntley.
New Grantham,	James Smith.
Newport,	Jesse Wilcox, Jr.
Packersfield,	Josiah Robbins.
Plainfield,	John Harris.



Richmond,	Joseph Weeks.
Rindge,	Josiah Wilder.
Springfield,	Daniel Noyes.
Stoddard,	Gardner Towne.
Surry and }	Asa Wilcox.
Gilsum, }	
Swanzey,	Aquila Ramsdell.
Unity,	Jabez Perkins.
Walpole,	Thomas C. Drew.
Washington,	Alden Rouncival.
Westmoreland,	Job F. Brooks.
Winchester,	William Humphrey.

## GRAFTON COUNTY.

Alexandria and }	William Pattee.
Danbury, }	
Bath,	Roger Sargent.
Bridgewater,	Moses Lewis.
Canaan,	Moses Dole.
Concord,	Timothy Taylor.
Dorchester, }	
Orange and }	Joseph Burleigh.
Dame's Gore, }	
Enfield,	Edward Evans.
Grafton,	John Kimball.
Groton and }	Asahel Buell.
Hebron, }	
Hanover,	Mills Olcott.
Haverhill,	Stephen P. Webster.
Holderness and }	Samuel Holmes.
Campton, }	
Landaff, }	
Franconia and }	Luke Brooks.
Lincoln, }	
Lebanon,	Thomas Waterman.
Littleton, }	
Bethlehem and }	Stephen Houghton.
Dalton, }	
Lyman,	Joshua Thornton.
Lyme,	Jonathan Franklin.
New Chester,	William W. Sargent.
Orford,	John Dame.
Piermont,	Isaac Patterson.
Plymouth,	William Webster.
Rumney and }	
Wentworth, }	Aaron Burnham.

Thornton,	}	Enoch Colby.
Peeling and		
Ellsworth,	}	Abel Merrill.
Warren and		
Coventry,		

## COOS COUNTY.

Bartlett,	}	Silas Meserve.
Adams,		
Chatham and	}	Jeremiah Eames.
Wales Location,		
Cockburne,	}	William Lovejoy.
Colebrook,		
Shelburne,	}	Ephraim H. Mahurin.
Stewartstown and		
Errol,	}	
Lancaster,		
Jefferson and	}	
Bretton Woods,		
Northumberland,	}	
Piercy and		
Stratford,		

[*First Session, Held at Concord, June 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 1808.*]

[CHAPTER 1.]

*State of*            }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF WILLIAM DEWEY THE SECOND, TO WILLIAM W. DEWEY.

[Approved June 7, 1808. Original Acts, vol. 19, p. 113; recorded Acts, vol. 17, p. 251.]

Whereas William Dewey the second, of Hanover in the county of Grafton in said State, son of Benoni Dewey of said Hanover, hath preferred his petition, praying that he may, in future, be called and known by the name of William W. Dewey; and the prayer thereof appearing reasonable;—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said William Dewey be and he hereby is allowed to take the name of William W. Dewey, and that the said William by the name of William W. Dewey Shall and may, in future, be called and known.

[CHAPTER 2.]

*State of*            }  
*New Hampshire.* }

AN ACT TO INCORPORATE THOMAS THOMPSON, GEORGE LONG, JOHN HAVEN & OTHERS INTO A SOCIETY BY THE NAME OF THE PORTSMOUTH MARINE SOCIETY.—

[Approved June 7, 1808. Original Acts, vol. 19, p. 114; recorded Acts, vol. 17, p. 311.]

Whereas the said Thomas Thompson, George Long, John Haven and others have preferred a petition setting forth that they have associated for the purpose of affording relief to decayed and disabled seamen, and the poor widows and orphans of deceased Seamen, as well as to collect and diffuse nautical information, and praying for an act of incorporation: And whereas the objects of the petitioners appear to be highly laudable,

Therefore,

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, That Thomas Thompson, George Long, John Haven, John F. Parrott and William Appleton, together

with all others who shall become members thereof, Be, and hereby are, erected into a body politic and corporate forever, by the name of The Portsmouth Marine Society.

Sec<sup>t</sup> 2<sup>d</sup>. And be it further enacted That the said corporation is hereby declared and made capable in law of having, purchasing and holding in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements or other Estate, real or personal; Provided that the annual income of the same shall not exceed the sum of Five Thousand Dollars, and also to sell and dispose of the same.

Sec<sup>t</sup> 3. And be it further enacted That the said corporation shall have full power and authority to make, have and use a common seal, and the same to break, alter & renew at pleasure; and shall be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, in all actions real, personal and mixed; and may elect such officers, and make, establish and put in execution such by-laws and regulations, as may be necessary for the government of said Corporation, and do and execute all and singular other matters and things, that to them shall or may appertain to do— Provided That, in no case, the same shall be repugnant to the laws and Constitution of this State.

Sec<sup>t</sup> 4. And be it further enacted That Thomas Thompson, George Long, and John Haven, or any two of them, be and hereby are authorized to fix the time and place at which the first meeting of said Society shall be holden by publishing the same in one of the Portsmouth papers.

### [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE THE PROPRIETORS OF THE SOUTH MEETING HOUSE IN CONWAY—

[Approved June 7, 1808. Original Acts, vol. 19, p. 115; recorded Acts, vol. 17, p. 319.]

Whereas James Osgood and Others, Proprietors of the south Meeting House in Conway, have petitioned to be incorporated for the Purpose of finishing and keeping in repair the South Meeting House in Conway—Which Petition appearing reasonable

Be it therefore enacted by the Senate and House of Representatives in General Court convened, that James Osgood, John Boswell Jeremiah Farington, Barnet Walker Moses Willson and Josiah Dolloff, with all the Owners and Other Proprietors of the south Meeting House in Conway, and such as shall hereafter become their



Associates, their Successors and Assigns Shall be and hereby are made a Body corporate and politic, by the Name of the Proprietors of the south Meeting House in Conway, and shall so ever hereafter continue, and by that Name may sue and be sued, prosecute and defend in any Court whatever—And also make have and use a common Seal, and the same again at pleasure, to break alter or renew; and also to ordain, establish and put in execution such by-laws Ordinances and Regulations as to them shall appear necessary and convenient for the Government of said Corporation and the prudent Management of their Affairs—Provided such Bye-laws Ordinances and Regulations shall in no wise be contrary to the Laws and Constitution of this State—

And be it further enacted, that said Corporation may hold and possess real Estate for the purpose of accommodating said House and Owners to the Amount of three thousand Dollars, and may have and use personal Property to any Amount necessary for the purposes of finishing and keeping in repair the House aforesaid and maintaining an Instructor of Piety and Morality in the same—

And be it further enacted that the first Meeting of said Corporation shall be holdin in said Conway in said Meeting House on the first Tuesday of September next at one of the Clock P-M. and Notice thereof shall be given by a Notification posted up at said Meeting House, under the Hands of any three of the Grantees aforesaid, at least fifteen Days prior to said Meeting, and that their future Meetings shall ever after that time be regulated and holden according as the Majority of said Proprietors shall direct—

And be it further enacted, that any Proprietor or Owner in Said House shall have a Right to invite any approved preacher of his Denomination to preach therein when it is not Occupied by any Other Preacher who may be chosen by the Corporation aforesaid or by the Congregational Society in the Town of Conway—

And be it further enacted, that each Proprietor aforesaid shall have a Right to vote in said Meeting in Proportion to the value of his property, which he in his Capacity as a proprietor may have therein and, that, Such proportion shall be regulated and defined at the first Meeting aforesaid, by a Majority of Votes of said Proprietors—

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THE 21. DAY OF JUNE, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED & FOUR, ENTITLED "AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PROPRIETORS OF THE GRAFTON TURNPIKE ROAD, IN NEW HAMPSHIRE.—

[Approved June 7, 1808. Original Acts, vol. 19, p. 116; recorded Acts, vol. 17, p. 336. Session Laws, June, 1808, p. 5. See act referred to, *ante*, p. 287. See also act of June 18, 1805, *ante*, p. 400. Repealed January 3, 1829, recorded Acts, vol. 26, p. 467.]

Whereas in and by the aforesaid Act it is provided and enacted that if in four years the said Proprietors' road shall not be completed, then the said Act, and every part thereof, shall be null and void; which time having been found to be insufficient for said purpose— Therefore—

Be it enacted by the Senate and House of Representatives, in General Court convened, That the proprietors of the said Turnpike Road, Be, and they hereby are allowed a further time of Three years, in addition to what is allowed in said Act, to make and complete said Road, anything, in the aforesaid Act, to which this is an addition, to the contrary notwithstanding.—

## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF TUFTONBOROUGH SOCIAL LIBRARY

[Approved June 7, 1808. Original Acts, vol. 19, p. 117; recorded Acts, vol. 17, p. 338. See act of June 18, 1810, *id.*, vol. 18, p. 347.]

Be it enacted by the Senate and house of Representatives in General Court convened that Benjamin Bean, John Hall Joseph Peavey, Charles Nutter, John Drake, Benjamin Canney, Ebenezer Canney, Paul Dame Proprietors of said Library and all such as are or may hereafter become proprietors of the same be and they hereby are incorporated into a body politic and corporate by the name of the proprietors of Tuftonborough Social Library with continuance and succession forever and in that name may sue and be sued, may plead and be impleaded in all personal Actions and may prosecute and defend the same to final Judgment and Execution—And they hereby are vested with all the powers and privileges, incident to

corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said society in an Action of debt to their use in any Court proper to try the same and they may purchase and receive subscriptions grants and donations of personal estate not exceeding the sum of one thousand dollars, for the purpose and use of their Association—

And be it further enacted that said Proprietors be and they are hereby authorised and impowered to assemble at Tuftonborough aforesaid on the first Monday of April Annually to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room, and the said corporation may assemble as often as may be found necessary for the filling up any vacancies that may happen in said Offices and for transacting all other business for the good of said corporation, excepting the raising of money which shall always be done at their annual meeting and at no other time—At which Annual meeting they shall vote all such sums as shall be necessary for defraying the annual expence of preserving said library and for enlarging the same and shall make and establish such Rules and Bye-laws for the Government of said corporation as may from time to time by them be found Necessary, provided the same be not repugnant to the Constitution and Laws of this State—

And be it further enacted that John Drake, John Hall and Benja<sup>a</sup> Bean or either two of them be & they are hereby authorised and impowered to call the first meeting of said proprietors by posting up a notification for the same at Joseph Peavey's, Tuftonborough Corner at least fifteen days before the time of holding of said meeting, and to preside in said meeting until a Moderator is chosen—And the said proprietors at said meeting shall have all the powers and authority to establish all such Bye-laws and choose all such Officers as they may or can do by virtue of this Act at their annual Meeting—

#### [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT ALTERING THE NAME OF WILLIAM HAM TO WILLIAM H, HAM.

[Approved June 7, 1808. Original Acts, vol. 19, p. 118; recorded Acts, vol. 17, p. 351.]

Whereas William Ham the 4<sup>th</sup> of Portsmouth in the County of Rockingham and said State of New-Hampshire Gentleman, hath preferred a petition to the General Court, praying that he may be

allowed in future, to take the name of William H Ham instead of William Ham; and the prayer thereof appearing reasonable. Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened that the said William Ham the fourth be, and hereby is allowed to take the name of William H. Ham, and that the said William by the name of William H. Ham, shall and may hereafter be called and known.

### [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

#### AN ACT FORMING, AND ESTABLISHING A COMPANY OF ARTILLERY IN THE TWELFTH REGIMENT OF MILITIA, IN THE TOWN OF FITZWILLIAM

[Approved June 8, 1808. Original Acts, vol. 19, p. 119; recorded Acts, vol. 17, p. 243. Session Laws, June, 1808, p. 6. See act of June 28, 1837, id., June, 1837, Chap. 34.]

Be it Enacted by the Senate and House of Representatives in General Court conveyed That the Officers of the Company of Artillery now organized in the Town of Fitzwilliam be and they hereby are authorised to Inlist from the Companies of Infantry in said Town of Fitzwilliam so many as to compleat the number of thirty two non-Commissioned Officers and privates, to be inlisted in proportion to the numbers contained in each Company of Infantry, and whenever the said Company shall be Reduced to less than thirty two, they may have power to Inlist from said Companies in maner aforesaid so as to keep their number in said Company

### [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A MILITARY COMPANY IN THE TOWN OF PORTSMOUTH IN SAID STATE BY THE NAME OF THE PORTSMOUTH SEA FENCIBLES.

[Approved June 8, 1808. Original Acts, vol. 19, p. 120; recorded Acts, vol. 17, p. 266.]

Whereas a number of persons consisting of Masters and Mates of Vessels and other Seafaring Men of this State, have associated and formed a Military Company for the purpose of defending the town & port of Portsmouth & the seacoast of this State and have chosen



John Bowles their Captain, John S. Davis and Abraham Shaw Lieutenants, and Elihu D. Brown their Ensign, and have by their said Officers petitioned the General Court for an Act of Incorporation of said Company by the name of The Portsmouth Sea Fencibles;—And the prayer appearing reasonable,

Therefore,

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the said John Bowles, John S. Davis, Abraham Shaw, and Elihu D. Brown and their associates, consisting of Mariners enrolled as members of said Company, Be, and they hereby are incorporated into a Military Company by the name of the Portsmouth Sea Fencibles with all the powers and privileges by law belonging to a Military Company in this State, and said Company is hereby attached or annexed to the First Regiment of Militia, & subjected to the control of the Commanding Officers thereof, agreeably to Law, which Company may consist of the number of Ninety Six rank and file, and is not to exceed that number, but the same may be kept good by enlistment.

Sec. 2<sup>d</sup> And be it further enacted, That said Company shall be armed with swords or sabres and pistols, and have the management of such pieces of ordnance or artillery as shall be furnished them by the United States, or by this State, and be trained and exercised in the use of the same, and be exempted from carrying other arms, and from other military duty.

Sec. 3. And be it further enacted, That the field Officers of the said first Regiment shall recommend to his Excellency the Governor to grant Commissions to the aforesaid respective officers of said Company, and shall recommend other suitable persons from time to time hereafter to be commissioned as officers to command the same agreeably to the Laws of this State.—

## [CHAPTER 9.]

*State of*                    }  
*New Hampshire.*        }

AN ACT TO INCORPORATE A MILITARY COMPANY IN THE TOWN OF NEW CASTLE IN SAID STATE BY THE NAME OF "THE NEW CASTLE SEA FENCIBLES"—

[Approved June 8, 1808. Original Acts, vol. 19, p. 121; recorded Acts, vol. 17, p. 285.]

Whereas Henry Prescott Jun<sup>r</sup> and George Bell in the capacity of a Committee chosen by the citizens of the Town of New Castle, have petitioned the General Court for an act to incorporate all the inhabitants of said town, liable by law to do military duty, into a Company of Sea Fencibles—and the prayer appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That all the Inhabitants of the Town of New-Castle in this State, who are by law liable to do military duty, Be, and the same are hereby incorporated into a Company by the name of The New-Castle Sea Fencibles, with all the powers & privileges by law belonging to a Military Company, in said State; and said Company is hereby attached or annexed to the thirty fifth Regiment of Militia, and subjected to the control of the Commanding officers thereof agreeably to Law.—

And be it further enacted, That said Company may be armed with swords, or sabres and pistols and have the management of such pieces of ordnance, or artillery, as shall be furnished them by the United States, or by this State, and be trained and exercised in the use of the same, and exempted from carrying other arms and from other military duty.

And be it further enacted, That the field officers of the said Thirty Fifth Regiment shall recommend to his Excellency the Governor suitable persons from time to time hereafter to be commissioned as officers to command said Company, agreeably to the Laws of this State.—

#### [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A COMPANY, BY THE NAME OF THE HAVERHILL & FRANCONIA IRON MANUFACTORY.

[Approved June 8, 1808. Original Acts, vol. 19, p. 122; recorded Acts, vol. 17, p. 287. See act of June 24, 1819, id., vol. 21, p. 275.]

Section 1<sup>st</sup> Be it enacted by the Senate and house of Representatives in General Court convened That James Stimpson, Joseph Newell, James Schenck, Samuel Browning, John Lee, Benjamin K. Hough, William Andrews and Stephen Couch and their associates and successors, Be and they hereby are incorporated and made a body politic and corporate, forever, by the name of The Haverhill and Franconia Iron Manufactory, and by that name may sue & prosecute, and be sued and prosecuted to final judgment and Execution, and do and suffer all other Acts incident to such corporations.—

Sect: 2<sup>d</sup> And be it further enacted, That the aforesaid proprietors shall meet, from time to time, for the purpose of electing their necessary officers, and for transacting any other business relating to the object of their incorporation, and any proprietor present, or represented, at any such meeting, shall be entitled to one vote for every ten shares he may hold.

Sect. 3. And be it further enacted That said James Simpson and

Joseph Newell or either of them, be, and they hereby are, authorized and empowered to call the first meeting of said proprietors, within thirty days after the passing of this act, by advertisement in the New England Palladium and Independent Chronicle, printed at Boston, at least fourteen days previous to said meeting, and, at which first meeting the said proprietors shall ballot for a choice of a Clerk, who shall be sworn to the faithful discharge of his duty; and at the same meeting, or at any subsequent meeting notified by the Clerk, or in such other way as the proprietors may agree upon, they may elect such officers and establish such bye-laws, as they may think necessary & proper, for the regulation and government of the said Corporation, and may cause the same to be executed, and annex penalties to the breach thereof, Provided they be not repugnant to the laws and constitution of the State of New-Hampshire. And it shall be the duty of the Clerk to record this act, the rules and Bye laws of said Corporation, and the proceedings of said proprietors, at Every regular meeting, in a Book or Books to be provided and kept for that purpose.

Sect. 4. And be it further enacted, That the said proprietors may purchase and hold in fee simple, or otherwise, any real estate for the purpose of erecting furnaces, machinery and other buildings, and for effecting the objects of their incorporation, not exceeding the sum of Fifty thousand dollars;—and the said proprietors are authorized to raise Capital Stock, not exceeding One hundred and fifty thousand dollars; and all the property so purchased, or advanced, shall be considered as personal Estate, and shall be divided into one thousand Shares, for the purpose of making, manufacturing and vending Iron, and other things that can be wrought from the Iron ore, or from the ores of any other metals that have been, or may be, discovered on lands owned, or which may hereafter be owned by the persons in this act named, their associates and successors, or either of them, in the Towns of Haverhill or Franconia or elsewhere in this State: And the share or shares of any of the proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of the said Corporation. And the Treasurer of said Corporation is hereby empowered to sell, at Auction, the Share or shares of any proprietor who shall neglect to pay, within sixty days, any assessments which shall have been made; which sale shall be duly advertised, at least fifteen days before such day of sale; and a deed duly executed, acknowledged and recorded, as aforesaid, from the Treasurer of said Corporation to the purchaser shall be a valid conveyance of such delinquent proprietor's share.—

Sect 5<sup>th</sup> And be it further enacted, That the furnaces, forges, machinery, Lands and Tenements on which the same may be erected, together with the stock wrought, or to be wrought, be, and the same hereby are, exempted from taxation for and during the Term of Ten years from and after the passing of this act, which sum so exempted shall not exceed Eighty Thousand Dollars.

Sect. 6. And be it further enacted, That the Clerk of said Corporation shall, at all times, exhibit the Book or books by him kept, and shall, at all times, give certificates and certified copies of all records and proceedings of said Corporation to any proprietor who may apply therefor; and the said Clerk shall be allowed such fees as the corporation may see fit to establish by their laws, not exceeding the lawful fees for copying and certifying, that, by Law, are allowed to registers of deeds; and if the Clerk shall neglect or refuse to comply in exhibiting and certifying, as aforesaid, he shall forfeit and pay the sum of Ten dollars for each and every neglect & refusal, to be recovered by an action of debt before any court of competent jurisdiction, for the use of the person suing for the same.

[CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING PAUL CUSHMAN TO CALL THE FIRST TOWN MEETING IN DALTON—

[Approved June 8, 1808. Original Acts, vol. 19, p. 123; recorded Acts, vol. 17, p. 306. See act of November 4, 1784, Laws of New Hampshire, vol. 5, p. 23, and act of December 11, 1797, id., vol. 6, p. 431.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Paul Cushman of said Dalton, be and hereby is authorized to call the first meeting of said town of Dalton for the purpose of organizing the same; and the said first meeting may be holden at such time and place within said town of Dalton, as the said Paul Cushman shall direct. And it shall be the duty of the said Cushman to notify and warn the Inhabitants of said Town to meet for the purposes aforesaid, by a warrant, under his hand & Seal to be posted up in some publick place in said town fifteen days prior to the day of meeting. And shall insert in such warrant the articles necessary to be acted upon at said meeting, and the said Paul Cushman shall preside over said meeting untill a Moderator be chosen—

And Be it further enacted, That the inhabitants of said town may at their first meeting, warned as aforesaid proceed to Choose a Moderator to govern said meeting Town Clerk, and Selectmen, who when chosen and sworn shall be invested with all the powers, by law appertaining to their respective offices—



## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT PROVIDING A REMEDY AGAINST THE REPRESENTATIVES OF  
 DECEASED PARTIES, TO JOINT OBLIGATIONS AND CONTRACTS.—

[Approved June 9, 1808. Original Acts, vol. 19, p. 124; recorded Acts, vol. 17, p. 344. Session Laws, June, 1808, p. 6. Laws, 1815 ed., p. 110; id., 1830 ed., p. 65. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the heirs, executors or administrators, of any person jointly bound or holden with any other person, or persons, by bond, covenant, promisory note or other contract, for the payment of any debt, or for the performance or forbearance of any act, or other thing, and dying during the lifetime of the other, may be charged by virtue of such bond, covenant, promisory note, or other contract, in the same way and manner, as such heirs, executors and administrators, might have been charged, if such deceased person, bound or holden, as aforesaid, had been bound or holden severally, as well as jointly; any law, usage or custom, to the contrary notwithstanding.

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT REGULATING THE MODE OF PUTTING PINE-TIMBER INTO CON-  
 NECTICUT RIVER.

[Approved June 10, 1808. Original Acts, vol. 19, p. 125; recorded Acts, vol. 17, p. 231. Session Laws, June, 1808, p. 7. Laws, 1815 ed., p. 399; id., 1830 ed., p. 189. The act of December 28, 1805, *ante*, p. 469, as far as it relates to Connecticut river, was repealed by this act. It was partly revived by the act of January 3, 1829, Laws, 1830 ed., p. 190. See act of June 18, 1807, *ante*, p. 600. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas the present mode of putting Pine Timber into Connecticut River, and letting it float at random down the same, does great injury to the Mills, Bridges, and other works on said River, and is a great damage to the intervals and medows, by lodging thereon, and also, by wearing away the Banks of said River, and besides is rapidly wasting and destroying said Timber; but is more particularly discouraging to, and almost wholly prevents, the manufacture thereof in our own Country.

Therefore—

Sec. 1st. Be it enacted by the Senate and House of Representa-

tives in General Court convened, That from and after the first day of November in the year of our Lord Eighteen Hundred and nine, all Pine Timber found floating in said Connecticut River, without being rafted, or under the immediate care and controul of some person or persons, and also all Pine Timber which, by being put into said River without having been rafted, or under such controul, shall be found on the Banks or Meadows adjoining said River, shall and hereby is forfeited, to any person who will take up the same. Provided nevertheless, that nothing in this Act shall be so construed as to forfeit any pine-timber found as aforesaid, which shall have once been rafted, but shall by accident break away, or get out of the possession and controul of the persons having the care of it; but in all such cases the rightful owner shall be entitled to reclaim said Timber and continue to possess and own the same agreeable to Law. Provided said Timber be reclaimed within ninety days after so breaking away.

Sec. 2d. And be it further enacted, that from and after said first day of November in the year of our Lord Eighteen hundred and nine, An Act, entitled "an act to prevent damage which may be done by lumber, to owners of land lying on, and adjoining to any river in this State," passed December 28. A.D. 1805. so far as the same respects Connecticut River, shall cease and be of no effect. And also, an Act entitled "An act to prevent Masts, Spars, and other timber being put into Connecticut River, without being rafted" passed 18. June A.D. 1807. be and hereby is repealed.

#### [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO DIVIDE THE TWENTY THIRD REGIMENT OF MILITIA IN THIS STATE

[Approved June 10, 1808. Original Acts, vol. 19, p. 126; recorded Acts, vol. 17, p. 241. Session Laws, June, 1808, p. 8.]

Be it enacted by the Senate & house of Representatives in General Court Convened that the Companies in the Town of Lebanon & the South Company in Hanover shall Constitute the first Battallion, and the Companies in Lime and The North Company in Hanover shall form the second Battallion which shall constitute the twenty third Regiment—and the Companies In Canaan Dorchester & Orange shall form the first Battallion And the Companies in Enfield & Grafton shall form a second Battallion which shall constitute the thirty seventh Regiment, which Regiment last mentioned, shall form a part of, & be annexed to the sixth Brigade of Militia in this State—

And be it further enacted, that there be allowed one Company of Cavalry to be raised out of the thirty seventh Regiment, & that the same be raised in manner & form as the Law in that case provides—

[CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT TO RESTORE LEVI WILLARD TO HIS LAW.

[Approved June 10, 1808. Original Acts, vol. 19, p. 127; recorded Acts, vol. 17, p. 245.]

Whereas Levi Willard, Sherriff of the County of Coos has petitioned the General Court, seting forth that he received from the Treasurer of said County Extents against the Towns of Cambridge Success and Barker's Location directing him to collect the County taxes assessed on said Towns and Location for the year A D. 1806, and that by accident the copies of said Extents were not returned to the Deputy Secretary in due season to enable him to collect said taxes by law—and praying to be authorized to collect said taxes, the present year. the prayer of said petition appearing reasonable

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Levi Willard shall be, and hereby is authorized to collect the County taxes assessed on the towns of Cambridge Success and Barkers Location for the year AD. 1806. which remains now unpaid, and the said Levi Willard shall let the copies of the aforesaid Extents remain in the Office of the Deputy Secretary 'till the first day of November next, and if said taxes are not paid by the said first day of November, then the said Levi Willard may proceed to collect the same according law.

Provided however that the said Levi Willard shall give publick notice of his being restored to his law, by publishing this Act in the New Hampshire Gazette three weeks successively the first publication to commence by the fifteenth day of August next—

[CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE LITCHFIELD TURNPIKE CORPORATION.

[Approved June 10, 1808. Original Acts, vol. 19, p. 128; recorded Acts, vol. 17, p. 269. Session Laws, June, 1808, p. 8.]

Whereas Robert Means and others have petitioned the General Court, praying for liberty to make a Turnpike road from the ter-

mination of the Second New Hampshire Turnpike, in the Town of Amherst, to the State line, in a direction with Andover Bridge, which prayer appearing reasonable, Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened That Robert Means, Daniel Prior, Samuel Curtis, John Phillips Jun<sup>r</sup> Nehemiah Abbot, Samuel Farrar, Elijah Bradstreet, Benjamin Ames Jun<sup>r</sup> Amos Blanchard and their associates and successors, be, and they hereby are incorporated and made a body corporate and politic under the name of The Litchfield Turnpike Corporation, and in that name may sue and prosecute, and be sued and prosecuted to final judgment and Execution; and shall be and hereby are vested with all the powers & privileges which by law are incident to corporations of a similar nature.

And be it further enacted That the said Robert Means & Samuel Farrar shall call a meeting of said proprietors by advertisements in the Farmers' Cabinet, printed in Amherst, and the Columbian Centinel printed in Boston, to be holden at any suitable time and place, at least Thirty days from the first publication of said Advertisements, and the proprietors by a vote of a majority of those present and represented, at said Meeting, accounting and allowing one vote for each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and shall also agree on a method of calling future meetings and at the same or any subsequent meeting, may elect such Officers, and make and establish such rules and by laws, as to them shall seem necessary and convenient, for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls hereinafter established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof, provided the said rules and by-laws are not repugnant to the Constitution and laws of this State; and all representations shall be proved in writing signed by the person to be represented, which shall be filed by the Clerk, and this Act and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the Clerk, in a book or books provided & kept for that purpose.

And be it further enacted That the said Corporation are empowered to survey, lay out, make and keep in repair a turnpike road, four rods wide, in such route or track, as in the best of their judgment will combine shortness of distance with the most practicable ground from the termination of the Second New Hampshire Turnpike in the Town of Amherst, to the State line, in a direction with Andover Bridge.—

And be it further enacted, That in case the proprietors and owners of land, through which said road may run, shall not agree on the Compensation to be made for said land, the Superior Court of Judicature holden in and for the County in which said land lies, upon the application of said proprietors, or the owner or owners of such land, may appoint a Committee to ascertain the compensa-



tion, which shall be actually paid or tendered by said proprietors, before any labor shall be done on said road.

And be it further enacted, That the said Corporation may erect so many Gates or Turnpikes upon and across said road, as will be necessary and convenient to collect the tolls and duties hereinafter granted to said Company, from all persons traveling in the same with horses, cattle, carts and carriages.—

And be it further enacted, That it shall and may be lawful for said Company to appoint such and so many toll gatherers, as they shall think proper to collect and receive of and from all and every person or persons using said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, sheep, swine, sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled, or any other carriage of burthen, or pleasure, from passing through said Gates, or Turnpikes, until they shall have respectively paid the same, that is to say, for a mile of said Road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages (viz) for every ten sheep or swine, one cent; for every Ten cattle or horses two cents; for every horse and rider or led horse one cent; for every sulkey, chair or chaise, with one horse and two wheels, Two cents; for every chariot, coach, stage, phaeton, or chaise with two horses and four wheels Four cents; for every carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burthen drawn by one Beast one Cent, for each cart, waggon, or other carriage of burthen, drawn by two beasts one cent & an half, if drawn by more than two beasts one cent for each additional yoke of oxen, or pair of horses; for each sleigh drawn by one horse one cent; if drawn by two horses two cents, if by more than two horses one cent for each additional horse; for each sled drawn by one beast one cent; if drawn by two beasts one cent & an half, if by more than two beasts one cent for each additional yoke of oxen or pair of horses. And at all times when the toll gatherer shall not attend his duty the gate shall be left open; and if any person shall with his carriage, team, cattle or horses turn off from said road, to pass said turnpike gates, on ground adjacent thereto, said ground not being a public highway, with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said corporation to the use thereof in an action of debt, or on the case. Provided, That nothing in this act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with horse or carriage to or from public worship or funeral, or with his horse, team, or carriage to or from any mill, or on the common or ordinary business of family concerns, within the Town where such person resides, nor of any officer or soldier of the militia under arms, while passing to or from the place of military duty.—

And be it further enacted, That said Corporation are hereby empowered to purchase and hold, for the purpose aforesaid, so much land as will be necessary for said Turnpike road; and the share or shares of any of said Proprietors may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said Corporation, on their records, and the share or shares of any of said proprietors may be sold by said Corporation for nonpayment of assessments duly made agreeably to the by-laws that may be agreed upon by said Corporation.

And be it further enacted, That said corporation have liberty to erect and maintain a bridge over and across Merrimack River in the most convenient place to accomodate said Road not interfering with any bridge already erected, or any grant heretofore made.—

And be it further enacted, That in addition to the Tolls hereinbefore mentioned said corporation have liberty to erect and maintain one gate or turnpike over and across said Bridge, and to collect and receive from all and every person or persons using said Bridge the rates and tolls hereinafter mentioned, and to stop any person passing on foot or riding, leading or driving any horses, cattle, swine, sheep, sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled, or any other carriage of burthen or pleasure, from passing through said gate or turnpike, until they shall have respectively paid the same, that is to say, for every foot passenger one cent; for every ten sheep or swine five cents; for every ten cattle or horses Ten cents; for every horse and rider Four cents; for every sulkey, chair or chaise with one horse and two wheels Ten cents; for every chariot, coach, stage, phaeton or chaise with two horses and four wheels Twenty cents; for every carriage of pleasure the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burthen drawn by one beast Six cents; for each cart, waggon or other carriage of burthen drawn by two beasts Ten cents, if drawn by more than two beasts Six—cents for each additional pair of oxen or horses; for each sleigh drawn by one horse Four cents; if drawn by two horses Eight cents; and if more than two, for each additional horse Three cents; for each sled drawn by one horse Four cents; if drawn by two beasts Eight cents; if by more than two beasts, for each additional pair of horses or yoke of oxen Six—cents. And at all times when the tollgatherer shall not attend his duty, the gate shall be left open.—

And be it further enacted, That no toll shall be taken by said corporation for any mile of said road until six hundred dollars shall have been expended thereon, or a proportionate sum on the whole number of miles, reckoning from the Turnpike aforesaid to the place where said road shall terminate, nor until the Justices of the Superior Court of Judicature shall adjudge the said road sufficiently made to entitle said Corporation to receive said Toll.

And be it further enacted, That said Corporation may be indicted for defect in repairs in said road or bridge, after the Toll gates are

erected; and fined in the same way and manner as towns are by law finable for suffering roads and bridges to be out of repair, and said fine may be levied on the profits of toll arising or accruing to said corporation.—

And be it further enacted, That at the end of every six years, after setting up of any toll gate as aforesaid, an account of the expenditures of laying out and making said road and bridge, and of the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature, for the time being, under the forfeiture of the privileges of this grant in future; and if the nett profits for the said six years shall exceed twelve per centum, the said Court may reduce the future toll so far as that it may not exceed twelve per centum per annum.—

Provided nevertheless and be it further enacted That if the said Turnpike road shall in any part be the same with any High way now used, it shall not be lawful for said Corporation to erect any Gate or Turnpike on or across said part of the road that is used and occupied as a public Highway, anything in this act to the contrary notwithstanding.—

And be it further enacted, That if in seven years the said road shall not be completed according to the provisions of this act every part and clause thereof shall be null and void. Provided also that the State of New Hampshire may at any time after the expiration of forty years from the passing of this act repay the proprietors of said road, the amount of the sum expended by them thereon, with Twelve per centum per annum, in addition thereto, deducting the Toll actually received by the proprietors, and in that case the said road shall, to all intents and purposes, be the property of the State of New Hampshire, any thing herein to the contrary notwithstanding.—

Provided nevertheless, That the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary and expedient, to compel the said proprietors to keep the said road in repair.—

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE PIERMONT BRIDGE CORPORATION.—

[Approved June 11, 1808. Original Acts, vol. 19, p. 129; recorded Acts, vol. 17, p. 279.]

Whereas a petition hath been presented to the General Court by Ephraim Root, and Ephraim Root Jun<sup>r</sup> praying that the right of Erecting a Bridge over Connecticut River may be granted to them and their associates, which prayer appearing reasonable—

Therefore—

Be it enacted by the Senate and house of Representatives in General Court convened, That Ephraim Root and Ephraim Root Junior, and such others as may hereafter join them, shall be and hereby are, made a Corporation and body politic by the name of The Peirmont Bridge Corporation,—and in that name may sue and be sued, prosecute and defend to final judgment and execution; and do and suffer all matters, acts and things which bodies corporate may or ought to do and suffer. And the said Corporation shall and may have a Common seal, and the same may break, renew and alter at pleasure.—

And be it further enacted That said Ephraim Root and Ephraim Root Jun<sup>r</sup>, or either of them, shall call a meeting of said Proprietors by giving them personal notice thereof, to be holden at any suitable time and place, after fifteen days from the Time of giving them notice as aforesaid. And the said proprietors by a vote of a majority of them present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of said office, and they shall also agree on a method of calling future meetings, and at the same or at any subsequent meeting may elect such officers and make and establish such Rules and by-laws, as to them shall seem necessary and convenient, for the regulation and government of said Corporation, for carrying into effect the purposes of this grant, and for collecting the Tolls and duties hereinafter allowed and established; and the same rules and by laws may cause to be executed, and annex penalties to the breach thereof, not exceeding Ten dollars for any one breach, provided such Rules and by laws are not repugnant to the Constitution and laws of this State; And all representations at any meeting of said Corporation shall be proved by writing, signed by the person to be represented, which shall be filed by the Clerk, and this act and all rules, by-laws, regulations and proceedings of said corporation shall be fairly & truly recorded by the Clerk in a book or books provided and kept for that purpose.—

And be it further enacted, That the proprietors aforesaid be and they hereby are permitted and allowed to erect and maintain a Bridge over Connecticut River between the Towns of Piermont in this State and Bradford in the State of Vermont, at any place within their right of keeping a ferry over said Connecticut River, and the said proprietors are hereby empowered to purchase and hold, in fee simple, any lands adjoining said Bridge not exceeding Three Acres for any purpose which they may deem necessary. And the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the Clerk of said proprietors on their records.

And be it further enacted, That for the purpose of reimbursing said proprietors the money expended by them in building and sup-



porting said Bridge, a Toll be and hereby is granted and established for the benefit of said proprietors, according to the rates following namely, For each foot passenger one cent; for each Horse and Rider four cents; for every additional rider one cent, for each chaise, chair, sulkey, or other riding carriage drawn by one horse only Ten cents; for each riding sleigh drawn by one horse five cents; for each riding sleigh drawn by more than one horse Ten cents & for each additional horse two cents; for each coach, chariot, phaeton, or other four wheeled carriage for passengers drawn by more than one Horse Twenty cents; for each curricule Sixteen cents; for each cart or other carriage of burthen drawn by two beasts Ten cents; and Two cents for each additional yoke of oxen or pair of horses; for each Horse exclusive of those rid on, Two cents; for each neat creature one cent; for sheep and swine one half cent each; and to each team one person and no more shall be allowed as a driver to pass free of toll.—

And be it further enacted, That the exclusive right of building and maintaining a bridge across said Connecticut River at Piermont aforesaid be and the same is hereby granted to the said Proprietors.—

And be it further enacted, That if any tax or assessment made by said Corporation, for completing or repairing said Bridge, on the several shares, shall be unpaid at the time limited for the payment of the same, they may proceed to sell the delinquents' share or shares at public auction, as the proprietors may agree and determine; and if any overplus remain after paying the tax or assessment & charges, it shall be returned to the delinquent proprietor.

And be it further enacted, That if said Bridge shall not be completed for travelling within Three years from the passing of this act; or in case it shall be destroyed and not rebuilt, within Three years after, then this act and every part thereof shall be null and void.—

And be it further enacted, That at the end of Three years after the said Bridge shall be completed, and at the end of every six years after, an account of expenditures upon said bridge and the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature, for the time being, at any stated term in any County, under the forfeiture of the privileges of this act in future; and if the nett profits of said Three years or Six years shall exceed Twelve per cent per annum the said Court may reduce the future toll so far that it may not exceed twelve p<sup>r</sup> cent; and if the said profits shall not amount to six per cent, the said Court may raise the toll so that it shall not be less than six per cent, nor more than Twelve per cent per annum.

And be it further enacted That said corporation shall be liable to be indicted for the want of repairs of said bridge, in the same way and manner as towns are by law liable to be indicted for the want of repairs of their public highways.—

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT DIRECTING THE MODE OF BALLOTING FOR, AND APPOINTING  
ELECTORS OF THIS STATE, FOR THE ELECTION OF A PRESIDENT  
AND VICE PRESIDENT OF THE UNITED STATES.—

[Approved June 11, 1808. Original Acts, vol. 19, p. 130; recorded Acts, vol. 17, p. 219. Session Laws, June, 1808, p. 29.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the inhabitants of the several towns, plantations and places in this State, qualified to vote in the choice of Senators for the State Legislature, shall assemble in their respective towns, plantations and places, on the first Friday of November next, to vote for seven persons, inhabitants of this State, who shall not be Senators or Representatives in Congress, or persons holding offices of profit or trust under the United States, to be Electors of President and Vice President of the United States, and the Selectmen of the towns, plantations and places, shall give fifteen days notice of the time, place and design of such meeting; and the meeting shall be governed by a Moderator, chosen for that purpose, who shall impartially preside, and with the Selectmen, whose duty it shall be, to attend at such meeting, shall receive from all the inhabitants of such towns, plantations and places respectively, present and qualified as aforesaid, votes for such Electors (each voter giving in on one ballot or ticket the names of the persons he votes for) and shall in open meeting, sort & count the same; of all which the Clerk of such town, plantation or place respectively, shall make a fair record in the presence of the said Selectmen, of the name of every person voted for, and the number of votes against the same, and a full and fair copy of such record shall be made out, and attested by the said Selectmen or Clerks respectively, and sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof, and transmitted by said town clerks to the Sheriffs of the respective Counties to which they belong, within seven days after said meetings, or to the Secretary's office, on or before the twenty fourth day of November next, and the several Sheriffs shall, on or before the said twenty fourth day of November next, transmit to the Secretary's office, all votes that shall be in manner aforesaid transmitted or delivered to them; and the respective Sheriffs and Clerks aforesaid, shall be liable to the same penalties for neglect of the duties enjoined on them respectively by this Act, as they are liable to by law for omissions in transmitting the votes for Governor and Senators for this State, and the Secretary shall on the twenty fifth day of November next, lay the same before the Senate and

House of Representatives in convention, to be by them examined and counted; and in case there shall appear to be any, or the full number, who have a majority of votes, the person or persons having such majority of votes shall be declared Electors, provided that not more than seven persons have such majority; but in case more than seven persons, shall have a majority of votes, then those seven persons who have the highest number of votes, (if such there be) shall be declared Electors—And in case the state of the votes will not admit of the designation of seven persons by the highest number of votes, then so many as can be designated, shall be declared Electors; and from the remaining number of those who have a majority of the votes, the Senate and House of Representatives, in convention shall forthwith elect by ballot, one person at a time, so many persons as, added to those already declared Electors, shall complete the number of seven—But if there shall not be any, *or the whole number*, who have such majority of votes of the people, the Senate and House of Representatives in convention as aforesaid, shall cause to be made out a list of the persons not chosen, having the highest number of votes, equal to double the number of Electors wanted, and if in making out such list, it shall happen, that two or more persons voted for, have an equal number of votes, which number is also high enough to entitle the candidate to a place in said list, the names of such persons shall be put into a box, and the Secretary, not being one of the candidates, shall in presence of said convention, draw the number wanted to complete said list, from which list said convention shall elect by ballot, one person at a time, the number of Electors wanted, and the person or persons having a Majority of such votes, shall be appointed and declared Electors—

And be it further enacted, that in cases where the Secretary shall be a Candidate, and his name shall be put into the box as aforesaid, said convention shall appoint some other suitable person in his stead, to draw out the name or names of the person or persons, in manner hereinbefore directed—

And be it further enacted, that His Excellency the Governor of this State, be and he hereby is requested to cause the several persons who may be chosen Electors, to be seasonably notified of their appointment, and request their attendance at Concord, on the first Tuesday of December next, at ten of the clock in the forenoon—

And be it further enacted, that the Electors chosen as aforesaid shall meet at said Concord on said first Tuesday of December, and by twelve of the clock at mid day of said first Tuesday of December, give notice to the Legislature, of the number of Electors present, who accept of said trust, and if from such notice, it shall appear, that seven Electors are not all then present and accept of said appointment, the two houses of the Legislature shall then immediately meet in convention, and by joint ballot, elect the number wanting to complete said board. And if any person chosen as Elector, on

said first Tuesday of December, shall not then attend and accept of said trust, said convention shall then immediately proceed as aforesaid, and choose others to supply such vacancy—

And be it further enacted that the Electors chosen and appointed as aforesaid, shall give their votes for President and Vice President of the United States at Concord on the first Wednesday of December next, and shall proceed to transact and do all the duties incumbent on them as Electors in manner prescribed by Law—

And be it further enacted that His Excellency the Governor be, and he hereby is requested seasonably to issue precepts to the several towns, plantations and places within this State, directing them to notify and hold meetings on said first Friday of November for the purpose of voting for Electors as aforesaid—

### [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE WILLIAM WEBSTER, BROADSTREET MOODY, AND ENOCH COLBY ESQUIRES, TO DETERMINE THE JURISDICTIONAL LINES BETWEEN THE TOWNS OF NEW-CHESTER, ALEXANDRIA AND DANBURY.

[Approved June 11, 1868. Original Acts, vol. 19, p. 131; recorded Acts, vol. 17, p. 236.]

Whereas the Selectmen of New-Chester have petitioned the Legislature, Setting forth that they Suffer great inconveniences, by reason of the uncertainty of the Lines between said New-Chester, Alexandria and Danbury, and praying that a Committee may be appointed to determine Said lines; which prayer appearing reasonable.—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court Convened, That William Webster, Broadstreet Moody and Enoch Colby Esquires, be and they hereby are appointed, a Committee to determine the Jurisdictional lines between Said Towns of New-Chester, Alexandria and Danbury, and report the Same to this House at this or their next Session—Provided the expenses of Said Committee be paid by Said Petitioners.



## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR CALLING A MEETING OF THE PROPRIETORS OF FEDERAL BRIDGE—

[Approved June 11, 1808. Original Acts, vol. 19, p. 132; recorded Acts, vol. 17, p. 260. See acts of December 28, 1795, Laws of New Hampshire, vol. 6, p. 288, June 11, 1803, *ante*, p. 160, June 15, 1811, recorded Acts, vol. 19, p. 15, and July 1, 1819, *id.*, vol. 21, p. 424.]

Whereas the proprietors of Federal Bridge, by reason of the failure of the publication of the Concord Newspapers, have been precluded from holding their Annual meeting agreeably and in pursuance of such notice as the rules & Bye-laws of said Corporation require; Therefore Be it Enacted by the Senate & House of Representatives in General Court convened that Stephen Ambrose Esquire be and he is Hereby authorised and empowered to call a meeting of said proprietors by Advertisement in the Concord Gazette, to be holden at any suitable time and place after fourteen days from the first publication of said Advertisement. And the said Proprietors by a majority of those present or represented at said meeting may choose a Clerk, Three Directors & a Treasurer, agree upon a method of calling future meetings and transact their other necessary business. And the said Officers which shall be chosen at said Meeting shall be & they hereby are invested with the same powers & privileges as tho' they had been chosen by the proprietors at their annual Meeting the present year.

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE SUNDRY PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY GARVEN'S FALLS AND TURKEY RIVER FALLS, SO CALLED, IN THE TOWN OF BOW.

[Approved June 11, 1808. Original Acts, vol. 19, p. 133; recorded Acts, vol. 17, p. 293.]

Whereas Israel Aldrich, and George Colson have petitioned the General Court representing that the rendering of Merrimack River navigable for boats and rafts of lumber &c would be of much public utility, and praying that they and their associates may be incorporated for the purpose of cutting and opening a canal on Merrimack River and Turkey River falls in the Town of Bow, which prayer appearing reasonable—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That Israel Aldrich, George Colson, John Carter, Jonathan Eastman, Richard Ayer, James White Benjamin Noyes, John Eastman and their associates and Successors be and they are hereby incorporated and made a body politic and corporate under the name of The proprietors of the Bow Canal, & by that name may sue and be sued, prosecute and be prosecuted to final judgment and Execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted That the said Israel Aldrich and George Colson or either of them shall call a meeting of said proprietors by advertisement in the Concord Gazette, to be holden at any suitable time and place after fourteen days notice from the first publication thereof; and the proprietors by a vote of those present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of the duties of said office, and shall also agree on a method of calling meetings in future; and at the said first meeting, or any subsequent meetings, may elect such officers, and make and establish such rules & by-laws as to them shall appear necessary and convenient, for the regulations and government of said Corporation, for carrying into effect the purpose aforesaid, and for collecting the tolls hereinafter established, and the same by laws may cause to be executed and annex penalties to the breach thereof, Provided the said rules and by laws be not repugnant to the Constiution and laws of this State: and all representations at any meeting of said Corporation shall be made in writing, signed by the person to be represented, which shall be filed with the Clerk, and this Act and all Rules, by laws, regulations and proceedings of said Corporation shall be fairly and truly recorded by the Clerk in a book or books to be provided and kept for that purpose.

And be it further enacted, That the said proprietors be and they hereby are authorized to purchase and hold in fee simple all such land adjoining to said Garven and Turkey falls as to them may appear necessary for carrying into effect the object of this act, provided the same exceed not Twenty acres. And in all cases where it may be necessary for the said proprietors to appropriate and use land which is now unimproved adjoining either of said Falls, to carry into effect the object of this act, it may and shall be lawful for the said proprietors so to do, and in all such cases if the owner or owners of said land and the said proprietors cannot agree on the Compensation to be made for said land, the Superior Court of Judicature in the County in which the land lies upon application of said proprietors or owners, may appoint a Committee, who shall ascertain the compensation to be made to the said owners, and make report to the then next Superior Court of Judicature to be holden in the County in which the land lies, and upon the acceptance of

said report and judgment thereon execution shall issue accordingly.

And be it further enacted, That the said proprietors may and shall divide the property belonging to them as a corporation into shares and into such number of shares as they shall think proper, which shares shall be transferable by deed duly executed, acknowledged & recorded by the Clerk of said proprietors, and which shall forever hereafter be deemed and held as personal Estate, and the share or shares of any proprietor may be sold by said Corporation on nonpayment of assessments duly made, or the Sum or Sums due from any delinquent proprietor or proprietors on account of any assessments duly made may be recovered by the said corporation of such delinquent proprietor or proprietors by action or suit at law in any Court or Courts proper to try the same.—

And be it further enacted That the said Proprietors be and they hereby are authorized to erect, construct and maintain said Canal, & all such locks and dams as shall be necessary in order to admit the passage of boats, rafts, masts and lumber in said Merrimack River by said Garven's and Turkey Falls. Provided nevertheless that no dam shall be erected which shall obstruct the passage of the Fish, or timber not intended by the owner or owners to pass through said Canal; and if complaints of that kind arise, the Superior Court of Judicature upon application, may appoint a Committee of three suitable persons to view the dam or dams erected by said proprietors, and the report of said Committee made to said Superior Court and by said Court accepted shall be the rule to which the said proprietors shall conform, and by which they shall modify their dam or dams.

And be it further enacted, That for the purpose of compensating the said proprietors for the money by them expended in erecting, constructing and maintaining said Canal and locks, a Toll be and hereby is granted and established for the Term of six years after said Canal shall be completed, for the benefit of said proprietors, not exceeding the rates following (*viz*<sup>t</sup>) For every Thousand feet of pine boards Thirty four cents; for every Thousand feet of Two and an half inch pine plank Ninety four cents and other pine plank in proportion; for every thousand feet of two and an half inch oak plank, one Dollar and Seventy cents, and other oak plank in proportion; for every cord of pine wood Sixteen cents; for every cord of other wood twenty five cents; for every thousand of Barrel Staves fifty cents; for every thousand of Hogshead staves Seventy five cents; for every thousand of pipe staves Ninety five cents; for every Ton of oak Timber Twenty five cents; for every Ton of pine Timber Sixteen Cents; for every boat above one Ton's burthen One Dollar; for every Ton carried up or down in such boat, or carried on rafts through said Canal fifty eight Cents; for every smaller boat in proportion thereto; for every thousand of Shingles four cents; for every thousand of Clapboards Twenty cents; for every thousand of hoops twenty cents; for every ton of Masts, spars and bowsprits

Twenty five cents, & for all other articles not herein enumerated in like proportion; and at the expiration of every Six years the rates of said Toll shall be regulated by the Justices of the Superior Court of Judicature, in such manner as the amount of the Toll shall not exceed Twelve per centum per annum upon the amount of the monies expended in the erection of said Canal, and locks, nor be less than six per centum per annum.

And be it further enacted That if the said Canal and locks be not completed within five years from and after the passing of this act, every part and clause of this act shall be null and void.—

[CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
LANGDON LIBRARIAN SOCIETY

[Approved June 11, 1808. Original Acts, vol. 19, p. 134; recorded Acts, vol. 17, p. 315.]

Be it enacted by the Senate and House of Representatives in General Court covenanted that James Egerton, William Benton and Benjamin Palmer and their Associates proprietors of said library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a body corporate and made a body politic by the name of the Langdon Librarian Society with continuation and succession forever and in that name may sue and be sued may plead and be impleaded in all personal actions and may prosecute and defend the same to final Judgment and execution, and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding six Dollars for each offence to be recovered by said proprietors in an action of debt to their use in any Court proper to try the same and they may make purchase and receive subscriptions grants and donations of personal estate not exceeding one thousand Dollars for the purpose and use of their association

And be it further enacted that the said proprietors be and they hereby are authorized and empowered annually to assemble at said town of Langdon on the first Monday in March to choose all such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in office until others are chosen in their room; and that said proprietors may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices and for transacting all other business, excepting the raising of monies which shall always be done at their annual Meeting and at no other time at which annual



Meeting they may vote all necessary sums for defraying the annual expence of preserving said library and for enlarging the same: And said proprietors shall have power to make such Rules and By-laws for the Government of said Corporation as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that James Egerton, William Benton and Benjamin Palmer, or either two of them be and they are hereby authorized and impowered to call the first meeting of said Proprietors at such time and place as they may appoint by posting a notification for that purpose at the meeting house in Langdon at least fifteen days prior to said meeting and the said proprietors at said meeting shall have the same power to choose Officers and make By-laws as they have by this Act at their annual Meeting.—

### [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISEING PAUL BEAN, ALIAS KNOWLTON, TO ASSUME THE NAME OF LUTHER. K. MADISON.

[Approved June 13, 1808. Original Acts, vol. 19, p. 135; recorded Acts, vol. 17, p. 248.]

Whereas Paul Bean, alias Knowlton has petitioned the General Court setting forth that it is verry doubtful what his real name is, and praying that he may hereafter assume and take the name of Luther. K. Madison.— Therefore

Be it enacted by the Senate and House of Representatives in General Court convened—

That from and after the passing of this act it may and shall be lawful for the said Paul Bean, alias Knowlton to assume and take the name of Luther. K. Madison and by that name shall forever hereafter be known.

### [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MEETING OF THE PROPRIETORS OF THE SOCIAL LIBRARY IN DEERFIELD.

[Approved June 13, 1808. Original Acts, vol. 19, p. 136; recorded Acts, vol. 17, p. 259. See act of June 15, 1805, *ante*, p. 381.]

Be it enacted by the Senate and House of Representatives in General Court convened that the annual meeting of the proprietors

of the Social Library in Deerfield shall hereafter be holden on such day as the majority of the proprietors present shall determine by vote instead of the first Friday of February as in the Act of their incorporation is prescribed any thing in said Act of incorporation to the Contrary notwithstanding.

[CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT INCORPORATING CERTAIN PERSONS BY THE NAME OF THE  
KEENE ENGINE COMPANY—

[Approved June 13, 1808. Original Acts, vol. 19, p. 137; recorded Acts, vol. 17, p. 308. See acts of June 29, 1825, Session Laws, June, 1825, Chap. 38, and June 18, 1836, id., June, 1836, Chap. 79.]

Be it enacted, by the Senate and House of Representatives in General Court convened, that Daniel Newcomb, Noah Cooke, Elijah Dunbar, Samuel Dinsmoor, Foster Alexander, Daniel Adams, John G. Bond, William Wyman, Daniel Chapman, James Mann and others, their associates and successors, be and hereby are incorporated and made a body politic and corporate forever, by the name of the Keene Engine Company; and by that name may sue and be sued, plead and be impleaded, and shall be and hereby are vested with all the powers and privileges which are, by law, incident to corporations of a similar nature.—

And be it further enacted that the said corporation be, and they hereby are authorised and empowered to purchase and hold, in fee simple or otherwise, in the town of Keene, so much real estate as may be necessary for the erection of a suitable Engine house, and other property, sufficient for purchasing, and keeping in repair, suitable Engines and apparatus for the extinguishment of fires, and for carrying into effect the objects of said corporation—provided that no property, to the amount of more than eight hundred dollars, shall, by virtue of this Act, be exempted from taxes.

And be it further enacted that the said Daniel Newcomb, Elijah Dunbar and Samuel Dinsmoor, or any two of them, be and they hereby are authorised and empowered to call the first meeting of the said Corporation, by giving, at least seven days notice thereof in the Newhampshire Sentinel, printed at Keene—and the said Corporation may, at that or any subsequent meeting, agree upon the times and places of holding future meetings, and the method of calling the same; and may elect such officers, and make and establish such rules and bye-laws as they may think necessary and proper, for their regulation and government—provided such rules and bye-laws be not repugnant to the Constitution and laws of the State of Newhampshire—

## [CHAPTER 26.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE SANDBORNTON TURNPIKE CORPORATION—

[Approved June 13, 1808. Original Acts, vol. 19, p. 138; recorded Acts, vol. 17, p. 359. Session Laws, June, 1808, p. 15.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Andrew Lovejoy, Daniel Smith Joseph Robinson, Robert Moore, Nathaniel Plumer Broadstreet Moody, Samuel Gerrish, and Benaiah Sanborn and their Associates and Successors be and they are hereby incorporated and made a body corporate and politic forever under the name of the Proprietors of the Sandbornton Turnpike Corporation, and by that name may sue and prosecute and be sued and prosecuted to final Judgment and execution, and shall be and hereby are invested with all the powers and privileges which are by Law incident to corporations of a similar nature—

And be it further enacted, That the said Andrew Lovejoy and Daniel Smith or either of them shall call a meeting of said proprietors, to be holden at any suitable time and place by advertizement in the Concord Gazette, at least thirty days from the first publication of said Advertizement, and the proprietors by a vote of the majority of those present or represented at said meeting accounting and allowing one vote to each share, in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of the duties of his Office, and shall also agree on a method of calling future meetings, and at the same or at any subsequent meeting may elect such Officers and make and establish such rules and by-Laws as to them shall seem necessary and convenient for the regulation and government of said Corporation, for carrying into effect the purposes aforesaid and for collecting the tolls and duties herein after established and the same by-Laws may cause to be executed and annex penalties to the breach thereof, provided the said rules and by Laws are not repugnant to the constitution and Laws of this State—and all representations at any meeting shall be proved by writing signed by the person to be represented which shall be filed by the Clerk; and this act, and all rules and regulations and proceedings of said Corporation, shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose—

And be it further Enacted, that the said Corporation may and hereby are empowered to survey, lay out, make and keep in repair a Turnpike road, of four rods wide in such rout or tract, as in the best of their Judgment shall combine shortness of distance with the most practicable ground, from Pemigewasset Bridge on Pemigewas-

set river through New-Hampton, part of Meredith and to Jonathan Calley's in Sandbornton—

And be it further enacted, That if the said proprietors and the owners of the land over which said road may run, shall disagree on the compensation to be made for said land and, shall not agree in appointing persons to ascertain such Compensation the Justices of the Court of Common pleas in the County in which said Land lies, if not interested, and if interested the Justices of the Superior Court upon the application of the said proprietors, or the owners of the land, reasonable notice of such application having been first given to the adverse party, shall appoint a Committee who shall ascertain the same in the same way and manner as compensation is made to the owners of Land for highways as is usually laid out;—

And be it further enacted, that the said Corporation may erect and fix such and so many gates or Turnpikes, upon and accross said road as will be necessary and sufficient to collect the tolls and duties herein after granted to said Company, from all persons travelling in the same with Horses cattle, carts and carriages—

And be it further enacted that it shall and may be lawfull for said Company to appoint such and so many toll gatherers as they shall think proper to collect and receive of and from all & every person or persons using said road the rates of toll herein after mentioned and to stop any person, riding leading, or driving any horses, cattle carts or carriages from passing through said gates, or turnpikes untill they shall have respectively paid the same that is to say, for every mile of said road and so in proportion for a greater or smaller number of horses cattle carts or carriages Viz for every ten sheep or hogs one half Cent, for every ten neat cattle one cent, for every ten horses or mules one cent, for every horse and his rider, or led horse one cent, for every sulkey, Chair, or chaise with one horse and two wheels two cents, for every coach Charriot Stage or Phaeton or chaise with two horses and four wheels three cents for either of the carriages last mentioned with four horses four cents, for every other carriage of pleasure the like sums according to the number of wheels and horses drawing the same, for each cart wagon or other carriage of burthen drawn by one beast one cent, for the like carriages drawn by two beasts one cent and an half—if by more than two beasts one cent for each additional Yoke of oxen or pair of horses; for each pleasure sleigh Drawn by one horse one cent and an half, and if drawn by two horses two cents if by more than two horses one cent for each additional Horse—for each sleigh or sled of burthen drawn by one Horse three quarters of a cent, if drawn by two horses or one Yoke of oxen, one cent, if by more than two horses or a Yoke of Oxen One cent for each additional pair of horses or Yoke of Oxen—And at all times when the toll gatherer shall not attend his duty, the gates shall be left open.—And if any person shall with his carriage, team, cattle or horses turn off of the said road to pass the said Turnpike gate on ground adjacent thereto



not being a public highway with an intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been, to be recovered by the Treasurer of said Corporation to the use thereof in an action of Debt or on the case—Provided that nothing in this Act shall extend to entitle said Corporation to demand or receive toll of any person who shall be passing with his Horse or carriage to or from public worship, or on a funeral, or with his horse team or cattle to or from any mill or on the common or ordinary business of family concerns within the same town nor of any Officer or soldier of the militia under arms going to or from the place of military duty—

And be it further Enacted that the said Corporation are hereby empowered to purchase and hold in fee simple so much Land as will be necessary for said Turnpike and the share or shares of any proprietor may be transferred by deed duly executed acknowledged and recorded by the Clerk of said Corporation on their records and said Shares may be sold by said Corporation on nonpayment of assessments, duly made agreeably to the by Laws of said Corporation—

And be it further enacted that no toll shall be taken for any mile on said road, untill six hundred Dollars shall have been expended thereon, or a proportionate sum, upon the whole number of miles—

And be it further enacted That said Corporation may be indicted for want of repairs of said road, after the toll gates are erected, and fined in the same way and manner as towns are by Law fineable for suffering highways and bridges to be out of repair and said fines may be levied on the profits and tolls accruing to said Corporation—

And be it further enacted, that when said Corporation shall make it appear to the Justices of the Superior Court that the said sum of six hundred Dollars has been expended on each mile of said road or a proportionate sum upon the whole number of miles aforesaid, and that said road is sufficiently made to entitle said Corporation to receive said toll, then the said Corporation shall have liberty to erect the gates aforesaid, Provided that if the said Turnpike road shall in any part be the same with any highway now used, it shall not be Lawful for the said Corporation to erect any gate or Turnpike on or across that part of said road which is now used as a public highway any thing herein to the contrary notwithstanding—

And be it further Enacted—That at the end of every six Years, after the setting up of any toll gate upon the road aforesaid, an account of the expensiturs, on said road and the profits arising therefrom shall be laid before the Justices of the Superior Court for the time being, under the forfeiture of the privileges of this grant.—And if the net profits, for the said six years, shall exceed nine per centum per annum, the said Court may reduce the future rate of toll so far as that it may not exceed nine per centum per

annum—and if the said toll shall not ammount to six per centum per annum, the said Court may raise the future rate of toll so far that it shall not be less than six nor more than nine per centum per annum

And be it further Enacted, that if in five years from the passing hereof the aforesaid road be not compleated, agreeable to the provisions in this Act, every part and clause thereof shall be null and void, and of none effect—

*Provided Also* That the State of New-Hampshire may at any time after the passing hereof repay the proprietors of said road, the amount of the sums expended by them on the same, with nine per Centum per annum, in addition thereto, deducting the toll actually received by said Corporation—in that case the said road shall to all intents and purposes be the property of the State of New Hampshire—any thing in this act contained, to the contrary notwithstanding.—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE THE MANAGERS OF HARVARD COLLEGE LOTTERY TO VEND THEIR TICKETS IN SAID LOTTERY IN THIS STATE

[Approved June 14, 1808. Original Acts, vol. 19, p. 139; recorded Acts, vol. 17, p. 235.]

Be it Enacted by the Senate and House of Representatives in General Court convened, That the Present Managers of said Lottery and such as may hereafter be appointed Managers thereof under the present grant of said Lottery be and they are hereby authorised and empowored by themselves or their Agents to Vend their tickets in said Lottery in any town or place in this State, any Law usage or custom to the contrary Notwithstanding—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO ESTABLISH THE LINE OF THE TOWN OF THORNTON—

[Approved June 14, 1808. Original Acts, vol. 19, p. 140; recorded Acts, vol. 17, p. 239.]

Whereas the Selectmen of the town of Thornton have petitioned the Legislature setting forth that the said Town of Thornton is bounded as follows (viz) Begining at the northeast corner of the Town of Campton, thence west on Campton north line about six miles to the northwest Corner thereof, which is also the northeast

corner of Rumney; thence north thirty degrees east twelve miles; from thence south about twelve miles to the first mentioned bound; and that a south point from the north angle of said Town will not strike the said first mentioned bound; and that the State being the owner of the land adjoining to the said Town of Thornton on the easterly side thereof, and praying that an agent may be appointed on the part of the State to meet with an agent or agents of the said Town of Thornton to settle and establish the said line, the prayer of which petition appearing reasonable

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened that Captain Jotham Cummings Junior of Plymouth be, and he hereby is appointed an agent on the part of the State of New Hampshire to meet with an agent or agents on the part of the said town of Thornton to agree upon and establish the line on the said easterly part of the said Town of Thornton, between the said Town and the land belonging to the State,

#### [CHAPTER 29.]

*State of* }  
*New Hampshire.* }

AN ACT.—TO ESTABLISH A UNIFORM RATE OF TOLL TO BE RECEIVED AT SUNDRY BRIDGES ACROSS CONNECTICUT RIVER BETWEEN THE TOWNS OF HAVERHILL IN NEW HAMPSHIRE AND NEWBURY IN VERMONT—

[Approved June 14, 1808. Original Acts, vol. 19, p. 141; recorded Acts, vol. 17, p. 249. See acts of January 14, 1795, Laws of New Hampshire, vol. 6, p. 227, June 16, 1802, *ante*, p. 81, and December 27, 1803, *ante*, p. 213.]

Be it enacted by the Senate & House of Representatives in General Court convened that from & after the passing of this act, the rates of toll to be demanded & received at the "Haverhill Bridge"—Bedel's Bridge,—& Wells River Bridge, so called, be as follows, that is to say, for every foot passenger, one cent,—for every horse & rider, five cents,—for every horse & chaise, chair, or Sulkey twelve & a half cents—for every one horse sleigh or sled five cents,—for every two horse sleigh or sled ten cents, and three cents for each additional horse,—for every Coach chariot, Phaeton, or other four wheeled Carriage of pleasure twenty five cents,—for every cart with one beast six cents, with two beasts twelve cents, with three beasts fifteen cents, with four beasts twenty cents, & three cents for each additional beast,—for every horse mule, mule, Jack, or neat beast two cents each, & for every sheep or swine half a cent each.

And be it further enacted, that those clauses in the Laws of this state, which point out the particular rates of toll to be recived at the aforesaid Bridges be, & the same are hereby repealed.

## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT, VESTING IN NATHANIEL DAVIS THE RIGHT OF KEEPING AND CONTINUING A BRIDGE FROM GOVERNOR'S ISLAND, SO CALLED, IN WINNEPISSIOKEE LAKE, TO THE MAIN LAND IN GILMANTON.—

[Approved June 14, 1808. Original Acts, vol. 19, p. 142; recorded Acts, vol. 17, p. 252.]

Whereas Nathaniel Davis of a place called Governor's Island, in Winnepissiokee Lake, and within the limits of the town of Gilmanton, has petitioned the General Court, representing that at his own expence, he has erected a bridge from said Island to the main land in Gilmanton, which bridge is connected with a road laid out by the Selectmen of Gilmanton aforesaid; and praying that an Act may be passed, confirming the right and privilege of said Bridge in him:—which prayer appearing reasonable—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the right and privilege of said bridge, and of continuing the same, and of continuing any other bridge at the place where the said bridge is now erected, be and hereby is granted unto and vested in the said Nathaniel Davis his heirs and assigns forever.

And be it further enacted that it shall not be lawful for the said Nathaniel Davis his heirs or assigns, to continue any bridge at the place aforesaid, so as to prevent the passage of Boats or rafts under the same—And said Bridge shall at all times be free for all persons who please, to pass over the same—

## [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PEMIGEWASSET BRIDGE CORPORATION—

[Approved June 14, 1808. Original Acts, vol. 19, p. 143; recorded Acts, vol. 17, p. 254. The act referred to is dated June 18, 1806, *ante*, p. 528. See acts of December 17, 1812, recorded Acts, vol. 19, p. 340, and July 2, 1870, Session Laws, June, 1870, Chap. 87.]

Whereas in and by said Act, it is enacted that shares in said Corporation shall be transferred by deed, to be recorded by the registry of deeds for the County of Grafton and whereas great inconveniencies and expense arise therefrom—

Therefore—



Be it enacted by the Senate and House of Representatives in General Court convened, That from the passing of this Act, The only mode of transfer of shares in said Corporation shall be by deed duly executed, acknowledged, and recorded by the Clerk of said Corporation in the Proprietors Books of record, any thing in the aforesaid Act to the Contrary notwithstanding—

[CHAPTER 32.]

*State of*            }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER PEMIGEWASSET BRANCH, AT WEBSTER'S FALLS, SO CALLED, BETWEEN THE TOWNS OF SALISBURY AND SANDBORNTON, AND FOR SUPPORTING THE SAME, PASSED THE NINTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD, ONE THOUSAND, EIGHT HUNDRED—

[Approved June 14, 1808. Original Acts, vol. 19, p. 144; recorded Acts, vol. 17, p. 256. See act referred to, Laws of New Hampshire, vol. 6, p. 664.]

Whereas the Proprietors of the Republican Bridge between the towns of Salisbury and Sandbornton, have petitioned the General Court praying that the rates of toll established by their act of incorporation might be altered, and that their Clerk might be empowered to record the several shares owned by said Proprietors in said Bridge, instead of having them recorded in the Registers' of Deeds offices, as in and by said incorporation is enacted, which prayer appearing reasonable—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, That from and after the first day of July next, the following rates of toll, from all persons passing said Bridge, are hereby authorized to be taken and received—viz—For each foot passenger, one cent; for each horse and one rider, four cents; for each additional rider one cent; for each chaise, chair, sulkey, or other pleasure carriage, on wheels drawn by one horse only, twelve and one half cents; for each riding sleigh drawn by one horse six and one quarter cents; for each riding sleigh for passengers, drawn by two horses, ten cents, and for each additional horse three cents; for each coach, chariot, phaeton, or other four wheeled carriage for passengers, drawn by two horses, twenty cents, and for each additional horse, three cents; for each curricule, twelve and one half cents; for each cart, waggon, sleigh, sled, or other carriage of burthen, drawn by two beasts, ten cents; and three cents for each additional beast; for each cart, sleigh, or sled, or other carriage of burden drawn by one horse only, six and one quarter cents; for each horse or neat creature exclusive of those rode on, or in carriages, two cents; for sheep & swine, one half cent

each; and to each team, one person, and no more, shall be allowed as a driver to pass free of toll—

And be it further enacted, That the share or shares of any of said Proprietors, may be transfered by Deed duly executed, acknowledged, and recorded by the Clerk of said Proprietors in their records; and it shall be the duty of the Clerk of said Proprietors, at all proper times, to have his Books ready for the inspection and examination of the said proprietors, and of any other person whomsoever—any thing in said act of incorporation to the contrary notwithstanding.—

[CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT, TO EXTEND THE GRANT MADE IN THE YEAR 1804, TO THE LITTLETON TURNPIKE CORPORATION & TO EMPOWER THEM TO SET UP TOLL GATES.

[Approved June 14, 1808. Original Acts, vol. 19, p. 145; recorded Acts, vol. 17, p. 261. See acts of June 13, 1807, *ante*, p. 576, and June 19, 1812, Session Laws, June, 1812, p. 41.]

Be it enacted, by the Senate & House of Representatives in General Court convened, that the Littleton Turnpike Corporation are hereby allowed a further time of five years, to build & complete said Littleton Turnpike road, any thing, in any former Law of this State to the contrary, notwithstanding.—

And be it further enacted, that it shall be lawful for said Corporation to receive toll & erect one or more gates across any part of said road, so soon, as in the opinion of the Justices of the Court of Common pleas for the County of Grafton, it shall be deemed expedient,—any thing in the aforesaid grant to the contrary notwithstanding.—

[CHAPTER 34.]

*State of* }  
• *New Hampshire.* }

AN ACT GRANTING A PUBLIC LOTTERY TO THE TRUSTEES OF CHESTERFIELD ACADEMY.

[Approved June 14, 1808. Original Acts, vol. 19, p. 146; recorded Acts, vol. 17, p. 263. See acts of January 12, 1790, Laws of New Hampshire, vol. 5, p. 475, and June 24, 1814, recorded Acts, vol. 20, p. 266.]

Whereas Abraham Wood and others, Trustees of Chesterfield Academy, have preferred a Petition to the General Court, praying for the “grant of a Lottery, or other Legislative aid,” which petition appearing reasonable—Therefore,

Art. 1. Be it enacted by the Senate and House of Representa-

tives in General Court convened, that there be, and hereby, is granted to the said Abraham Wood and others, Trustees of Chesterfield Academy and their Successors, a public Lottery to raise the sum of five thousand Dollars,—exclusive of the expences thereof, to be appropriated by the said Trustees, for the purpose of establishing a permanent fund for the Support of said Institution. And the said Trustees and their Successors are, hereby, permitted & empowered to set up and carry on such Lottery to raise the aforesaid sum, in as many Classes, or draughts, as they may judge necessary, and in the way usually practised in the United States; provided said Lottery be drawn and finished in four years from the passing of this Act.

Art. 2. And, Be it further enacted, that the Governor and Council are, hereby, authorised to appoint suitable persons to be Managers of said Lottery, to be under oath, administered by any Justice of the peace, for the faithful discharge of their trust. They shall duly pay all prize Tickets according to their Scheme; and shall refund any sum, or sums of money, that may be paid for tickets in any class of said Lottery, in case such lottery shall not be drawn within the term aforesaid. And the said Managers shall give bonds, with sufficient sureties, in the sum of ten thousand Dollars, to the Treasurer of this State, for the faithful discharge of their duty, as Managers of said Lottery, and to pay over to the said Trustees, on demand, the proceeds of each and every Class of said Lottery, as soon as said classes shall be respectively drawn, and their proceeds realized. And the Trustees of said Academy shall, also, give bonds with sufficient sureties, in the sum of ten thousand dollars to the State of New Hampshire, to be lodged with the Treasurer, that they will, immediately, appropriate all monies so received, for the use and benefit of said Institution; and the said Managers and Trustees shall, when required, render to the General Court, an account of all their doings relating to the management of said Lottery, and the appropriation of the monies, which may, therefrom, be received.

### [CHAPTER 35.]

*State of*            }  
*New Hampshire.* }

#### AN ACT GRANTING TO THE TRUSTEES OF THE HAVERHILL ACADEMY, THE PRIVILEGE OF A LOTTERY.—

[Approved June 14, 1868. Original Acts, vol. 19, p. 147; recorded Acts, vol. 17, p. 302. See act of February 12, 1794, Laws of New Hampshire, vol. 6, p. 143.]

Whereas Charles Johnston & others Trustees of the Haverhill Academy have petitioned the Gen<sup>l</sup> Court praying for the grant of a Lottery for the benefit of said Academy,—which appearing reasonable—therefore

Be it enacted by the Senate & House of Representatives in General Court convened, that there be & hereby is granted to the said Charles Johnston and others Trustees of Haverhill Academy & their successors, the privilege of raising by Lottery, exclusive of the expences thereof, the sum of three thousand dollars, to be appropriated by the said Trustees solely for the benefit of said Institution.—And the said Trustees & their Successors are hereby empowered to set up, & carry on such Lottery in as many classes or draughts as they may judge necessary to raise the sum aforesaid, and in the way & manner as is usually practised in the United States,—Provided said Lottery be drawn and finished within four years from the passing of this Act.—

And be it further enacted, that the Governor and Council are hereby authorised to appoint suitable persons to be Managers of said Lottery who shall be duly sworn to the faithful discharge of their trust. They shall duly pay all prize Tickets according to their scheme; & shall refund any sum or sums of money that may have been paid for Tickets in any Class of said Lottery, in case such Lottery shall not be drawn within the term aforesaid. And the said Managers shall give bond to the Treasurer of this State, with sufficient sureties, in the sum of ten thousand dollars, for the faithful discharge of their duty, & to pay over to the said Trustees on demand the proceeds of each & every Class of said Lottery as soon as the same shall be drawn, & the proceeds thereof realized. And the Trustees of said Academy shall also give bond with sufficient sureties to the State of New Hampshire to be lodged with the Treasurer, in the sum of ten thousand dollars, that they will immediately appropriate all monies so received to the use & benefit of said Institution. And the said Managers & Trustees shall when required render to the General Court an account of all their doings relative to the management of said Lottery, & the appropriation of the avails thereof.—

### [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

#### AN ACT—TO INCORPORATE A COMPANY BY THE NAME OF THE WINNIPISOGEE TURNPIKE CORPORATION.

[Approved June 14, 1808. Original Acts, vol. 19, p. 148; recorded Acts, vol. 17, p. 323. Session Laws, June, 1808, p. 18.]

Whereas Samuel Greely and others have petitioned the General Court praying for liberty to make a Turnpike Road from the foot of Currier's Hill, so called, in the Town of Gilmanton, to the Pemigewasset River, so called, at a place nearly opposite the dwelling house of Robert Craig in Bridgewater; which prayer appearing reasonable, Therefore



Be it enacted by the Senate and House of Representatives in General Court convened, that Samuel Greely, Stephen Moody, Thomas Burns, Ebenezer Eastman, William Pingree, John Mooney, James Little, William Webster, John Folsom, John Doe, and Moor Russell, and their associates and successors, be, and they hereby are incorporated and made a body corporate and politic, under the name of The Winnipiseogee Turnpike Corporation, and in that name may sue and prosecute and be sued and prosecuted unto final Judgment and execution; and shall be and hereby are vested with all the powers and privileges which by Law are incident to corporations of a similar nature.

And be it further enacted that the said Stephen Moody and Thomas Burns, or either or them, shall call a meeting of the Proprietors of said Corporation, to be holden at any suitable time and place, by posting notifications, one at least, at some public place in each town, through which said road is contemplated to pass, at least fourteen days before the time of holding said meeting; and the proprietors, by a vote of a majority of those present or represented at said meeting, allowing one vote to each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said Office; and shall agree on a method of calling future meetings; and at the same, or any subsequent meeting may elect such officers, and make and establish such rules and bye laws as to them shall seem necessary and convenient, for the regulation and government of said Corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties herein after established; and the same bye laws may cause to be executed, and annex penalties to the breach thereof, provided the said rules and bye laws are not repugnant to the Constitution and Laws of this State—and all representations at any meeting shall be proved by a writing signed by the person to be represented, which shall be filed by the Clerk; and this Act, and all rules, regulations, and proceedings of said Corporation shall be fairly and truly recorded by the Clerk in a book or books provided and kept for that purpose—

And be it further enacted, that the said Corporation are hereby empowered to survey, lay out, make and keep in repair, a Turnpike Road, four rods wide, in such route or tract, as, in the best of their judgment, will combine shortness of distance with the most practicable ground, from the foot of Currier's hill in the Town of Gilmanton to the Pemigewasset River, nearly opposite the dwelling house of Robert Craig in Bridgewater.

And be it further enacted, that, in case said Proprietors and owners of land through which said road may pass, shall not agree on the compensation to be made for said land, the Justices of the Court of Common Pleas, in the County where such land lies, if not interested, and if interested, the Justices of the Superior Court of Judicature, upon the application of the proprietors, or the owners

of the land, reasonable notice having been given to the adverse party of such application, shall appoint a committee who shall ascertain the same; and said Proprietors shall actually pay or tender the compensation thus ascertained, to the owners of said land before any labor shall be done thereon—

And be it further enacted, That it shall and may be lawful for said Corporation to erect so many gates or turnpikes upon and across said road, as will be necessary and convenient to collect the tolls and duties herein after granted to said Company, from all persons travelling the same with horses Cattle carts or carriages—

And be it further enacted that it shall and may be lawful for said Company to appoint such and so many toll gatherers as they shall think proper, to collect and receive of & from all & every person or persons using said road, the rates and tolls herein after mentioned, and to stop any person riding, leading, or driving any horses, cattle, sheep, swine, sulkey, chair, chaise, phaeton, coach, charriot, cart, waggon, sleigh, sled, or any other carriage of burthen or pleasure, from passing through said gates or turnpikes, untill they shall have respectively paid the same, that is to say, for a mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages (viz) for every ten sheep, or swine, one cent; for every ten cattle or horses, two cents; for every horse and rider or led horse, one cent; for every sulkey, chair, or chaise, with one horse and two wheels, two cents; for every charriot, coach, Stage, phaeton, or chaise with two horses and four wheels, four cents; for every carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart, or other carriage of burthen drawn by one beast, one cent; for each cart, waggon, or other carriage of burthen, drawn by two beasts one cent & an half; if drawn by more than two beasts, one cent for each additional yoke of oxen, or pair of horses; for each sleigh drawn by one horse, one cent; if drawn by two horses, two cents; if by more than two horses, one cent for each additional horse; for each Sled drawn by one beast, one cent; if drawn by two beasts, one & an half; if by more than two beasts, one cent for every additional yoke of oxen or pair of horses—And at all times when the toll gatherer shall not attend his duty, the gate shall be left open—And if any person shall with his carriage, team, cattle or horses turn off from said road, to pass said turnpike gates on ground adjacent thereto, (said ground not being a public highway) with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said corporation to the use thereof, in an action of debt or on the case. Provided, that nothing in this act shall extend to entitle the said Corporation to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or any funeral, or with his horse team or carriage, to or from any mill or on the com-

mon and ordinary business of family concerns, within the town where such person resides; nor of any officer or soldier of the militia under arms, while passing to or from the place of military duty—

And be it further enacted, That said Corporation are hereby empowered to purchase and hold, for the purpose aforesaid, so much land as will be necessary for said Turnpike Road; and the share or shares of any of said proprietors may be transfered by deed duly executed, acknowledged, and recorded by the Clerk of said Corporation, on their records; and the share or shares of any of said proprietors may be sold by said Corporation for non payment of assessments duly made agreeably to the bye laws that may be agreed upon by said Corporation.

And be it further enacted, That said Corporation have liberty to erect and maintain a Bridge over and across Pemigewasset River at or near Robert Craig's before mentioned, in the most convenient place to accommodate Said Turnpike Road, not interfering with any Bridge already erected, or any grant heretofore made—

And be it further enacted, that in addition to the tolls herein before mentioned, said Corporation have liberty to erect and maintain one gate or Turnpike over and across said Bridge; and to collect and receive from all and every person or persons using said Bridge the rates and tolls herein after mentioned, and to stop any person, passing on foot or riding, leading, or driving any horses, cattle, swine, sheep, Sulkey, chair, chaise, phaeton, coach, charriot, cart, waggon, sleigh, sled, or any other carriage of burthen or pleasure from passing through said gate or turnpike, untill they shall have respectively paid the same—that is to say—for every foot passenger, one cent; for each horse and rider three cents; for each and every chaise, chair, or sulkey or other two wheeled carriage, drawn by one horse only, ten cents; for each riding Sleigh drawn by one horse, four cents; for each riding sleigh drawn by two horses six cents; and for each additional horse, two cents; for every coach, charriot, Stage phaeton or other four wheeled carriage for passengers drawn by two horses twenty cents, and for each additional horse two cents—for every carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart, waggon, or other carriage of burthen drawn by two beasts, ten cents; and two cents for each additional beast; for each cart, or carriage of burthen drawn by one beast six cents—for each horse, or neat creature, exclusive of those rode on, or in carriages, one cent and an half; for sheep and swine, one quarter of a cent each; and to each team, one person only shall be allowed to pass free of toll—and at all times when the toll gatherer shall not attend his duty, the gate shall be left open.

And be it further enacted, that no toll shall be taken by said Corporation for any mile of said road, untill six hundred dollars shall have been expended thereon, or a proportionate sum on the

whole number of miles, reckoning from Currier's Hill aforesaid to the place where said road shall terminate; nor until the Justices of the Superior Court of Judicature, shall adjudge the said road sufficiently made to entitle said Corporation to receive said toll—

And be it further enacted, That said Corporation may be indicted for defect in repairing said road or Bridge, after the toll gates are erected; and fined in the same way and manner as towns are by Law finable for suffering roads and bridges to be out of repair; and said fine may be levied on the profits of toll arising or accruing to said Corporation—

And be it further enacted, That at the end of every six years after setting up any toll gate as aforesaid, an account of the expenditures of laying out and making said road and bridge, and of the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature for the time being, under the forfeiture of the privileges of this grant in future; and if the net profits for the said six years shall exceed twelve per centum per annum, the said Court may reduce the future toll so far that it may not exceed that rate—

Provided nevertheless, and be it further enacted, that if the said Turnpike road shall in any part be the same with any highway now used, it shall not be lawful for said Corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a publick Highway, any thing in this act to the contrary notwithstanding—

And be it further enacted, That if in seven years the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void. Provided also, that the State of New Hampshire may, at any time after the expiration of forty years, from the passing of this act, repay the proprietors of said road the amount of the sum expended by them thereon, with twelve per centum per annum, in addition thereto, deducting the toll actually received by the proprietors; and in that case the said road shall, to all intents & purposes, be the property of the State of New Hampshire—any thing in this act to the contrary notwithstanding.

Provided nevertheless, That the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary and expedient, to compel the said proprietors to keep the said Road in repair—



## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT, TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
PROPRIETORS OF OSSISPEE BRIDGE.

[Approved June 14, 1808. Original Acts, vol. 19, p. 149; recorded Acts, vol. 17, p. 353. Repealed by act of June 19, 1840, Session Laws, June, 1840, Chapter 1.]

Be it enacted by the Senate and House of Representatives in General Court convened that Carr Leavitt, Isaac Lord, Joseph Drake, John Leavitt, William Towle, and John Lang and their Associates and Successors be and they hereby are incorporated and made a body corporate and politic by the name of the proprietors of Ossipee Bridge and by that name may sue and be sued, prosecute and be prosecuted, may plead and be impleaded to final judgment and execution, and they hereby are vested with all the powers and privileges which by law are incident to Corporations of a similar nature subject however to the reservations herein after named.

And be it further enacted that said Carr Leavitt and Isaac Lord or either of them may call a meeting of said proprietors to be holden at any suitable time and place within the town of Effingham in the County of Strafford by posting up notifications in said town of Effingham at least thirty days prior to said meeting, and the proprietors by a vote of a majority of those present or represented at said meeting accounting and allowing one vote to each share in all cases shall choose a Clerk who shall be sworn to a faithful discharge of the duties of his office and shall also agree on a method of calling future meetings, may elect such Officers and make and establish such Rules and By-laws as to them shall seem necessary and convenient for the regulation and government of said Corporation for carrying into effect the purposes aforesaid and for collecting the tolls and duties herein after established and the same By-laws may cause to be executed, and annex penalties to the breach thereof provided said Rules and By-laws be not repugnant to the laws and constitution of this State. And all Representations shall be proved by writing signed by the person to be represented which shall be filed with the Clerk and this act and all Rules, Regulations and By-laws and proceedings of said corporation shall be truly and fairly recorded by said Clerk in a book or books to be provided and kept for that purpose.

And be it further enacted that said proprietors be and hereby are authorized and impowered to erect and keep in repair a Bridge over Ossipee River in said Effingham in the direction of the road laid out by a Committee appointed by the Court of Common Pleas in said County of Strafford that said proprietors shall have the

exclusive privilege of erecting and keeping in repair a bridge over said River in the rout aforesaid and are hereby impowered to purchase any lands adjoining said Bridge not exceeding three Acres and to hold the same so long as they shall keep in repair a good and sufficient Bridge at the place aforesaid.—And the share or shares in said bridge may be transferred by Will or Deed duly executed, acknowledged and recorded by the Clerk of said proprietors on their Records, and the share or shares of any of said proprietors may be sold by said Corporation for Nonpayment of assessments duly made agreeably to the By-laws that may be agreed on by said Corporation, and said Corporation may maintain and prosecute to final judgment and execution an Action of debt or on the case against any proprietor or proprietors for the Nonpayment of any assessments duly made agreeably to the By-laws as aforesaid.

And be it further enacted that for the purpose of reimbursing said proprietors the money by them expended in building and supporting said Bridge a toll be and hereby is granted and established for the benefit of said proprietors according to the Rates following namely, for each foot passenger, one Cent; for each horse and Rider or leader, three Cents; for each chaise or other carriage of pleasure with two wheels and one horse, six Cents; for each carriage of pleasure or with passengers with four wheels, twelve Cents; for the like carriage with four horses, seventeen Cents; for each sleigh with one horse, four Cents; for each sleigh with two horses six Cents; and two Cents for each additional horse; for each cart, waggon, sled or other carriage of burden drawn by one beast four Cents; for the like carriages drawn by two beasts six Cents; if by more than two beasts four Cents for each additional pair of horses or yoke of oxen; for sheep and swine quarter of a Cent each; for Cattle and horses half a Cent each; and to each team one person only shall be allowed to pass free of toll, and at all times when the toll gatherer shall not attend his duty the gate shall be left open; and said Corporation are hereby empowered to erect and fix upon and across said bridge a gate and to appoint such and so many toll-gatherers as shall be necessary to collect and receive of and from all persons using said Bridge the rates of toll as above established and to stop all and every person from passing the same until he, she or they shall have respectively paid toll as aforesaid.

And be it further enacted that said Corporation may be indicted for defect of repairs of said Bridge after said toll gate is erected and while the same is kept up and be fined in the same way and manner as towns are by law finable for suffering bridges to be out of repair, and in case any special damage shall happen to any person or persons or to his or their team or teams, cattle or carriage by the means of the insufficiency or want of repair of said bridge at any time when the gate is kept up, the party injured or aggrieved shall recover his or their damages in a action of trespass on the case against said Corporation in any Court of competent jurisdiction

And be it further enacted that all persons going to and from meetings, all Officers and soldiers under arms going to and from military musters, and all persons going to and from funerals, or to and from any mill shall be exempt from paying toll.—

[CHAPTER 38.]

*State of*                    )  
*New Hampshire.*        )

AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE NORTHERN HAVERHILL TURNPIKE CORPORATION.—

[Approved June 14, 1808. Original Acts, vol. 19, p. 150; recorded Acts, vol. 17, p. 368. Session Laws, June, 1808, p. 25.]

Be it enacted by the Senate & House of Representatives in General Court convened, that James Woodward & his associates & Successors be, & they are hereby incorporated & made a body politic under the name of the *Northern Haverhill Turnpike Corporation*, & in that name may sue & prosecute, & be sued & prosecuted to final judgment, & shall be & hereby are vested with all the powers & privileges which by law are incident to Corporations of a similar nature.—

And be it further enacted, that the said James Woodward shall call a meeting of said proprietors by advertisement in the *Coos Courier* printed at Haverhill at least sixty days before the time of said meeting, and the proprietors may, at said meeting, by a vote of the majority of those present or duly represented, allowing one vote to each share, choose a Clerk who shall be sworn to the faithful discharge of the duties of said office, & shall also agree on a method of calling future meetings,—and at the same or any subsequent meeting may elect such officers & establish such bye Laws as to them may seem necessary for carrying into effect the purposes aforesaid, & for collecting the toll & duties herein after established, and the same bye Laws may cause to be executed, & annex penalties to the breach thereof provided the same are not repugnant to the Constitution & laws of this State.—

And be it further enacted, that the said Corporation are hereby empowered to survey, lay out, make & keep in repair a turnpike road four rods wide in such route or tract as in the best of their judgment shall combine shortness of distance with the most practicable ground from a point in the public highway near the dwelling house of Stephen Morse jun<sup>r</sup> in Haverhill, thence north or northeasterly till it shall strike wild Ammonoosuck River so called, at Sargents' saw Mill or within a mile east of it, and from thence to the Bath Turnpike.—

And be it further enacted, that if the said Proprietors and the

owners of land over which said road may run shall disagree on the compensation to be made for said land, & shall not agree in appointing persons to ascertain such compensation the Justices of the Court of Common Pleas in the County in which such land lies, if not interested, & if interested, the Justices of the Sup<sup>r</sup> Court upon the application of the said proprietors, or owners of the land, seasonable notice having been first given to the adverse party, shall appoint a Committee, who shall ascertain the same, in the same way as compensation is made to the owners of land for highways, as usually laid out:—Provided nevertheless, that it shall not be lawful for said Proprietors to make such road untill the damages done to the said owners of land, is ascertained & paid or tender thereof made.—

And be it further enacted that the said Corporation, may erect and fix such & so many gates or Turnpikes upon & across said road, as will be necessary to collect the tolls and duties herein after granted to said Company, from all persons travelling in the same with horses cattle, carts & Carriages.—

And be it further enacted,—that it shall be lawful for said Company to appoint suitable toll gatherers to collect & receive of every person using said road the rates of toll hereafter mentioned, and to stop every person refusing, until they shall have respectively paid the same,—that is to say, for every mile of said road, and so in proportion for a greater or less distance, to wit, for every ten sheep or hogs one half cent, for every ten neat cattle one cent, for every ten horses or mules one cent, for every horse & his rider, or led horse one cent, for every Sulkey, chair or chaise with one horse & two wheels two cents,—for every coach, chariot, stage phaeton or chaise with two horses & four wheels three cents,—for either of the carriages last mentioned with four horses four cents, for every other carriage of pleasure the like sums according to the number of wheels & horses drawing the same;—for each cart waggon or other Carriage of burden drawn by one beast one cent, for the like carriages drawn by two beasts one cent & a half, if by more than two beasts, one cent for each additional yoke of oxen or pair of horses,—for each pleasure sleigh drawn by one horse, one cent & a half, if drawn by two horses two cents, if by more than two horses, one cent for each additional horse,—for each sled or sleigh of burden drawn by one horse three quarters of a cent, if drawn by two horses or a yoke of oxen one cent, if by more than two horses or a yoke of oxen, one cent for each additional pair of horses or yoke of oxen, and at all times when the toll gatherer shall not attend his duty, the gates shall be left open.—And if any person shall with his team, cattle, horses or carriage turn off the said road to pass the said Turnpike gate on ground adjacent thereto, not being a public highway with an intent to avoid the payment of the toll, due by virtue of this act, such person shall forfeit & pay three times so much as the legal toll would have been to be recovered by the treasurer of said



Corporation to the use thereof, in an action of debt or on the case:— Provided that nothing in this act shall extend to entitle said Corporation to demand or receive toll of any person who shall be passing with his horse or carriage to or from public worship, or on a funeral, or with his horse, team, or cattle to or from any Mill or on the common or ordinary business of family concerns, within the same town, nor to any officer or soldier of the Militia under arms, when going to or from the place of military duty.—

And be it further enacted,—that the said Corporation are hereby empowered to purchase & hold in fee simple so much land as will be necessary for said Turnpike, & the share or shares of any proprietor may be transferred by deed duly executed acknowledged & recorded by the Clerk of said Corporation, on their records, and said shares may be sold by said Corporation on non payment of assessments duly made agreeably to the bye Laws of said Corporation.—

And be it further enacted that no toll shall be taken for any mile of said road untill six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles, reckoning from where said road begins, to where the same shall terminate, nor untill the Justices of the Superior Court shall adjudge the said road is sufficiently made to entitle said Corporation to receive said toll.—

And be it further enacted that said Corporation may be indicted for want of repairs of said road, after the toll gates are erected, and fined in the same way & manner as towns are by law finable for suffering highways & bridges to be out of repair, and said fines may be levied on the profits and tolls accruing to said Corporation.—

And be it further enacted that when said Corporation shall make it appear to the Justices of the Superior Court that the said Sum of six hundred dollars has been expended on each mile of said road, or a proportionate sum upon the whole number of miles as aforesaid, & that said road is sufficiently made to entitle said Corporation to receive said toll, then the said Corporation shall have liberty to erect the gates as aforesaid.—Provided, that if the said Turnpike road shall in any part be the same with the highway now used, it shall not be lawful for said Corporation to erect any gate or turnpike upon or across that part of said road which is now used as a public highway, any thing herein to the contrary notwithstanding.—

And be it further enacted, that at the end of every six years after setting up any toll gate on the road aforesaid, an account of the expenditures upon said road, & the profits arising therefrom shall be laid before the Justices of the Superior Court for the time being, under the forfeiture of the privileges of this grant, & if the net profits for the said six years, shall exceed nine per centum per annum, the said Court may reduce the future rate of toll so far, as that it may not exceed nine per centum per annum: and if the said profits shall not amount to six per centum per annum, the said Court

may raise the future toll so that it shall not be less than six, nor more than nine per centum per annum.—

And be it further enacted, that if in seven years from the passing hereof, the said road is not completed, according to the provision in this act, every part & clause thereof shall be null & void.— Provided also, that the State of New Hampshire may at any time after the passing hereof repay the proprietors of said road the amount of the sums expended by them thereon, with nine per centum, per annum in addition thereto, deducting the toll actually received by said Corporation, in that case the said road shall to all intents & purposes become the property of the State of New Hampshire, any thing herein to the contrary notwithstanding.—Provided further—that the Legislature of this state shall have a right to adopt such measures in future, as shall by them be considered necessary or expedient, to compel the said proprietors to keep said road in repair.—

### [CHAPTER 39.]

*State of*                 }  
*New Hampshire.* }

#### AN ACT DIRECTING THE SEVERAL TOWNS IN THIS STATE TO SUPPLY THEMSELVES WITH A COMMON STOCK OF POWDER.

[Approved June 15, 1808. Original Acts, vol. 19, p. 151; recorded Acts, vol. 17, p. 228. Session Laws, June, 1808, p. 28.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the several Towns and plantations in this State be and they hereby are directed to furnish at the expence of said town or plantation a quantity of powder, not less than one half pound for each member of the Training band in said town or plantation; and also a suitable quantity of lead and flints in proportion to said powder, not less than forty balls and four flints to each pound of powder.

Sec. 2. And be it further enacted, That if any town or plantation in this State shall refuse or neglect to supply themselves with a sufficient quantity of powder, lead and flints as above specified within six months from the passage of this act, such town or plantation shall forfeit and pay, three times the value of such article so neglected to be furnished, as aforesaid to any person who will sue for the same.

Sec. 3. And be it further enacted, That it shall be the duty of the Selectmen of the several towns and plantations in this State, after they have provided themselves with powder, lead and flints as aforesaid to provide some safe and convenient place, that the same may be deposited and kept constantly in readiness for the use of the militia in case of emergency

\*[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE  
PASSED DURING THIS SESSION.]

1808, June 7.

Resolved by the Senate and House of Representatives in General Court convened, that His Excellency the Governor be, and he hereby is authorised and requested to furnish the County of Coos, with a Standard of weights and measures, similar to those of the other Counties in this State.—

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1808, June 13.

Resolved, that the location of a township in the County of Coos, made by the Trustees of Dartmouth College in pursuance of an Act of the Legislature of this State made and passed at its last Session at Hopkinton agreeably to the plan made thereof by Jonathan Freeman Jun<sup>r</sup> surveyors, be and the same is hereby confirmed.—

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1808, June 15.

Whereas the General Assembly of the Commonwealth of Virginia by his Excellency the Governor of that State has Presented the Legislature of the State of New Hampshire a Copy of the Map of Virginia, Therefore,—

Resolved by the Senate and House of Representatives in General Court convened, that, the Legislature of New Hampshire are gratified by this recent pledge of friendship The Legislature of Virginia will be pleased to accept an assurance of the wish of New Hampshire, that union and friendly intercourse may long be perpetuated between the two States: and the Governor is here by requested to transmit a Copy of the foregoing resolution to His Excellency the Governor of Virginia.—

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1808, June 15.

Whereas there are several instances where two towns adjoining each other have essentially differed in the course and length of their divisional lines, and after having been notified of those disagreements in the way prescribed by the Legislature, have omitted to correct or explain the same; & whereas the plans of a number of towns which have been sent back to them for amendment are still retained

Therefore be it resolved that the Secretary, after giving proper notice to the Selectmen of said towns, if they still neglect to reconcile those differences & make correct surveys and return to him those plans now retained by them, or send him an account of the desired corrections or amendments, Shall cause such divisional lines to be run & measured, and such surveys to be made on and about the premises, as was the duty of those towns to make—and the Selectmen of that town which appears to have neglected its duty shall pay the expense of said survey to be recovered by him by action in any court proper to try the same with cost of prosecution

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\* The original papers, of which these are copies, are on file in the office of the secretary of state.

[*Second Session, Held at Concord, November 23, 24, 25, 26, 28, 29, 30; December 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 1808.*]

## [CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF JONATHAN WARNER CONNER, TO JONATHAN WARNER.—

[Approved November 26, 1808. Original Acts, vol. 20, p. 1; recorded Acts, vol. 18, p. 6.]

Whereas Jonathan Warner Esquire of Portsmouth hath petitioned the General Court, praying that the name of his Nephew Jonathan Warner Connor a Minor living with him may be changed to the name of Jonathan Warner; the Petitioner having the full consent of the said Minor's father, to such Change, & his concurrence in said Petition appearing, and the reasons therein assigned appearing satisfactory; Therefore be it enacted by the Senate and House of Representatives in General Court convened, that the said Jonathan Warner Connor, be enabled & authorized, and he is hereby authorized to take and be known by the name of Jonathan Warner, and shall hereafter be called and known, by the name of Jonathan Warner, instead of the name of Jonathan Warner Connor, by which he has been heretofore called and known.—

## [CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY ISLE OF HOOKSET FALLS ON MERRIMACK RIVER"—APPROVED FEBRUARY 18TH. 1794.

[Approved December 1, 1808. Original Acts, vol. 20, p. 2; recorded Acts, vol. 17, p. 342. The act referred to is printed in Laws of New Hampshire, vol. 6, p. 149. See also acts of June 21, 1797, *id.*, p. 408, December 22, 1803, *ante*, p. 189, June 17, 1806, *ante*, p. 516, and June 13, 1810, recorded Acts, vol. 18, p. 316.]

Whereas in and by said Act, Robert McGregore, and William Duncan, Esquires, and their associates, were incorporated with the exclusive privilege of cutting a Canal by Isle of Hookset Falls on Merrimack River, and locking the same under certain restrictions and with certain privileges as therein prescribed.



And whereas the term therein limited for compleating the same, as well as the terms allowed them in three subsequent additional Acts, have expired, and the s<sup>d</sup> William Duncan having deceased,—

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that the said Robert McGregore and the legal Representatives of the said William Duncan, deceased, and those who have or may hereafter become associates with them, be allowed a further time untill the last day of November, in the year of our Lord one thousand eight hundred and nine, for the purpose of finishing and compleating said Canal and Locks, under such restrictions and with such privileges as was allowed in the above recited act of Incorporation—

### [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF JACOB BENDER, TO HASTINGS R. BENDER.

[Approved December 1, 1808. Original Acts, vol. 20, p. 3; recorded Acts, vol. 18, p. 77.]

Whereas, Jacob Bender of Hanover in the County of Grafton, hath petitioned the General Court, praying that his name may be altered to the name of Hastings R. Bender—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened that the said Jacob Bender be enabled and authorized and he is hereby authorized to take and be known by the name of Hastings R. Bender, and hereafter be called and known by the name of Hastings R. Bender, instead of the name of Jacob Bender by which he has heretofore been called and known—

### [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT, ENTITLED, "AN ACT TO ANNEX A PART OF THE TOWN OF HEBRON TO THE TOWN OF ORANGE, AND A PART OF ORANGE TO HEBRON," MADE AND PASSED DECEMBER 13, 1804.—

[Approved December 2, 1808. Original Acts, vol. 20, p. 4; recorded Acts, vol. 17, p. 409. Session Laws, November, 1808, p. 5. See act referred to, ante, p. 355.]

Whereas doubts have arisen respecting the lines between the said towns of Hebron and Orange:—

Therefore:—

Be it enacted by the Senate and House of Representatives in General Court, convened that hereafter the dividing line between the said towns of Hebron and Orange, shall be as is herein after described, that is to say, beginning at the place where the south west corner of said Hebron was before the passing of the aforesaid Act, thence running South twenty nine degrees west, Two hundred seventy eight rods, thence South fifty five degrees East Two hundred seventy two rods, thence South thirty seven degrees West, twenty seven rods, thence South fifty three degrees East five hundred and forty rods, to Alexandria line:—anything in the aforesaid Act, to which this is an Addition, to the contrary notwithstanding.—

[CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT TO ESTABLISH THE JURISDICTIONAL LINES BETWEEN THE TOWNS OF NEW GRANTHAM AND CORNISH, AND BETWEEN THE TOWNS OF NEW GRANTHAM AND CROYDON.

[Approved December 3, 1808. Original Acts, vol. 20, p. 5; recorded Acts, vol. 17, p. 412. Session Laws, November, 1808, p. 6.]

Whereas doubts and disputes have arisen respecting the lines between the towns of New Grantham and Cornish, and between the towns of New Grantham and Croydon, and the selectmen of New Grantham and Cornish have by their petition prayed that the same may be defined and established, and committees having been appointed for that purpose.

Therefore—Be it enacted by the Senate and House of Representatives in General Court convened, that the following lines, to wit, beginning at the south-easterly corner of Plainfield, as now understood and established thence running south forty two degrees west about one hundred and forty three rods to the *King line*, so called, in Chase's meadow, thence south sixty one degrees east, on said King line about two hundred and thirty rods, to the easterly line of the seventh range of lots, as laid out by the proprietors of said Cornish, thence the same course, on said King-line, about six miles and ninety rods to a stake and stones, standing in the place where a rock maple tree formerly stood, which is the southeast corner of New Grantham, be, and the same are hereby fixed, established and declared to be the jurisdictional lines between the said towns of New Grantham and Cornish, and between the towns of New Grantham and Croydon; and all the lands lying northerly and easterly of said lines, with the inhabitants thereon which have heretofore been under the jurisdiction of said towns of Croydon and Cornish, shall forever hereafter be deemed, taken and considered as within, and under the jurisdiction of the said towns of New Grantham, any law, usage, or custom to the contrary notwithstanding.

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT TO EXTEND THE LIMITS OF THE PRISON YARD IN THE  
COUNTY OF COOS.—

[Approved December 6, 1808. Original Acts, vol. 20, p. 6; recorded Acts, vol. 17, p. 407. Session Laws, November, 1808, p. 7. Laws, 1815 ed., p. 152. See act of January 3, 1829, recorded Acts, vol. 26, p. 455.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Justices of the Court of Common Pleas, for said County of Coos, are hereby authorised to extend the limits of said prison yard, one hundred rods in every direction from the limits now established by said Court—Provided however, that said limits shall in no wise extend on to the waters of Connecticut River—any law to the contrary notwithstanding.

## [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF SAMUEL CHAPLIN, TO SAMUEL  
DAVISON—

[Approved December 6, 1808. Original Acts, vol. 20, p. 7; recorded Acts, vol. 18, p. 71.]

Whereas, Samuel Chaplin of Peterborough, has petitioned the Legislature, praying that his name may be altered to the name of Davison.

Therefore—Be it enacted by the Senate and House of Representatives in General Court convened, that the name of Samuel Chaplin be, and hereby is changed to the name of Samuel Davison, and that he shall be known and called by the name of Samuel Davison forever hereafter—any thing formerly to the contrary notwithstanding—

## [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING A TAX OF THREE CENTS ON EACH ACRE OF LAND  
IN DANBURY, PUBLIC LANDS EXCEPTED.

[Approved December 6, 1808. Original Acts, vol. 20, p. 8; recorded Acts, vol. 18, p. 72. See acts of June 17, 1796, Laws of New Hampshire, vol. 6, p. 343, December 7, 1798, id., p. 513, and June 16, 1809, recorded Acts, vol. 18, p. 221.]

Be it enacted by the Senate and House of Representatives in General Court convened, That a tax of three cents per acre on all the lands in said Danbury, public lands excepted, be raised and laid out on the roads and bridges in said town, within two years from the passing of this Act—

And be it further enacted, That Jacob Favor, Onesiphorus Page and Amos Taylor be, and they hereby are appointed a committee to assess, collect and appropriate the said sum of three cents per acre as aforesaid to the sole purpose of making and repairing the said roads and bridges therein according to the true intent and meaning of this act; and that they be vested with all the powers which authorise selectmen to assess State taxes, and Collectors to collect the same, so far as is necessary to enable them to discharge the duties prescribed by this act; and said tax shall be collected in the same way and manner as State taxes on non-residents are by law collected.—

And be it further enacted that the said committee or a majority of them, shall in the month of February next give public notice in the New Hampshire Gazette three weeks successively of the assessment and leave granted to the resident and non resident owners of land in said town to work out said tax as is hereinafter provided.

And be it further enacted, That the owners of land in said Danbury shall have the liberty of working out said tax on the road aforesaid under the direction of said committee, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose (for whose faithfulness said committee shall be responsible) at the rate of two thirds of a dollar per day for an able bodied man finding his own tools and diet, and for ox work including chains at the rate of half a dollar per day for each yoke of oxen; provided said labor shall be performed between the first day of May and the first day of October—

And be it further enacted, That if the owners of land so assessed shall neglect to pay the sum so assessed on their lands in money or labor as aforesaid, the said committee shall then proceed to collect of every such delinquent owner the sum so assessed on his lands in the same way and manner as Collectors of State taxes are



directed by law to do, and lay out the same on the said roads and bridges aforesaid—

And be it further enacted, That when any lands are sold by virtue of this act, the said committee, or any two of them, are hereby empowered to give a good and valid deed or deeds of the same, and the same time of redemption and the same mode pursued as is provided by law in cases where lands are sold for nonpayment of State taxes.—

And be it further enacted, That said committee or a majority of them, before they proceed to collect said tax, shall make and deliver their bond to the Clerk of the Court of Common Pleas within and for the County of Grafton in the penal sum of six hundred and fifty dollars, conditioned for the faithful performance of all the duties required of them by this act.—

### [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

#### AN ACT, TO INCORPORATE A COMPANY BY THE NAME OF THE NEW CHESTER AND DANBURY TURNPIKE CORPORATION

[Approved December 6, 1808. Original Acts, vol. 20; p. 9; recorded Acts, vol. 18, p. 121. Session Laws, November, 1808, p. 7.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Whittier Sargent, Onesiphorus Page, Jacob Favour, Isaac Favor, Anthony Taylor, Thomas Favour, John Tolford J<sup>r</sup> and their associates and successors be, and they hereby are incorporated and made a body corporate and politic under the name of the New Chester and Danbury Turnpike Corporation; and in that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, That the said Whittier Sargent and Onesiphorus Page, or either of them, shall call a meeting of the proprietors of said corporation, to be holden at any suitable time and place, by posting notifications one at least at some public place in each town, through which said road is contemplated to pass, at least fourteen days before the time of holding said meeting; and the proprietors by a vote of a majority of those present and represented at said meeting, accounting and allowing one vote for each share in all cases, shall choose a clerk who shall be sworn to the faithful discharge of the duties of said office, and shall also agree on a method of calling future meetings, and at the same or any subsequent meeting may elect such officers, and make and

establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties hereinafter established; and the same by-laws may cause to be executed, and annex penalties to the breach thereof—Provided, the said rules and by laws are not repugnant to the constitution and laws of this State; and all representations at any meeting, shall be proved by a writing, signed by the person to be represented, which shall be filed by the clerk, and this act and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk, in a book or books provided and kept for that purpose.

And be it further enacted, That the said corporation are hereby empowered to survey, lay out, make and keep in repair a Turnpike road four rods wide in such route or track as in the best of their judgment will combine shortness of distance with the most practicable ground from New-Chester Union Bridge (so called,) to Grafton turnpike at or near George Niles' in Danbury.

And be it further enacted, that in case said proprietors and owners of land through which said road may pass, shall not agree on the compensation to be made for said land, the Justices of the Court of Common Pleas, in the County where such land lies, if not interested, and if interested, the Justices of the Superior Court of Judicature upon the application of the proprietors, or the owners of the land, reasonable notice having been given to the adverse party of such application, shall appoint a committee who shall ascertain the same, and the said proprietors shall actually pay or tender the compensation thus ascertained, to the owners of said land, before any labor shall be done thereon.

And be it further enacted, That it shall and may be lawful for said corporation to erect so many gates or turnpikes upon and across said road as will be necessary and convenient to collect the tolls and duties hereinafter granted to said company from all persons traveling in the same with horses, cattle, carts, or carriages.

And be it further enacted, That it shall and may be lawful for said company to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using said road, the rates and tolls herein after mentioned, and to stop any person riding, leading or driving any horses, cattle, sheep, swine, Sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled or any other carriage of burthen or pleasure, from passing through said gates, or turnpikes until they shall have respectively paid the same, that is to say for a mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages, (viz) for every ten sheep or swine, one cent; for every ten cattle or horses, two cents; for every horse and rider or led horse, one cent; for every sulkey, chair or chaise with one horse and two wheels, two

cents; for every chariot, coach, stage, phaeton or chaise with two horses and four wheels, four cents; for every carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burthen drawn by one beast, one cent; for each cart waggon or other carriage of burthen drawn by two beasts, one cent and an half; if drawn by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh drawn by one horse, one cent; if drawn by two horses, two cents; if by more than two horses, one half cent for each additional horse; for each sled drawn by one beast, one cent; if drawn by two beasts, one cent and an half; if by more than two beasts one cent for each additional yoke of oxen or pair of horses. And at all times when the toll-gatherer shall not attend his duty the gate shall be left open. And if any person shall with his carriage, team, cattle or horses turn off from said road to pass said turnpike gates on ground adjacent thereto, said ground not being a public highway, with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof in an action of debt or on the case. Provided, that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with horse or carriage to or from public worship or funeral, or with his horse, team or carriage to or from any mill, or on the common or ordinary business of family concerns, within the town where such person resides, nor of any officer, or soldier of the militia under arms while passing to or from the place of military duty.

And be it further enacted, That said corporation are hereby empowered to purchase and hold for the purpose aforesaid, so much land as will be necessary for said turnpike road; and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for non-payment of assessments duly made, agreeably to the by-laws that may be agreed upon by said corporation.

And be it further enacted. That no toll shall be taken by said corporation for any mile of said road, until eight hundred dollars shall have been expended thereon, or a proportionate sum on the whole number of miles, reckoning from said New Chester Union Bridge to Grafton Turnpike road as aforesaid, nor until the Justices of the Superior Court of Judicature shall adjudge the said road sufficiently made to entitle said corporation to receive said toll.

And be it further enacted, That said corporation may be indicted for defect in repairing said road after the toll gates are erected, and

fined in the same way and manner as towns are by law finable for suffering roads and bridges to be out of repair, and said fine may be levied on the profits of toll arising or accruing to said corporation.

And be it further enacted, That at the end of every six years after setting up of any toll gate as aforesaid, an account of the expenditures of laying out and making said road and of the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature for the time being under the forfeiture of the privileges of this grant in future; and if the net profits for the said six years shall exceed twelve per centum per annum, the said Court may reduce the future toll so far that it may not exceed twelve per centum per annum. Provided nevertheless, and be it further enacted, That if the said Turnpike Road shall in any part be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway—any thing in this act to the contrary notwithstanding.

And be it further enacted, That if in four years the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void. Provided also, that the State of New-Hampshire may at any time after the passing hereof repay the proprietors of said road the amount of the sums expended by them thereon, with nine per centum per annum, in addition thereto, deducting the toll actually received by said corporation; in that case the said road shall to all intents and purposes become the property of the State of New Hampshire, any thing herein to the contrary notwithstanding—Provided further, that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel the said proprietors to keep said road in repair.

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE BARRINGTON SOCIAL LIBRARY

[Approved December 7, 1808. Original Acts, vol. 20, p. 10; recorded Acts, vol. 18, p. 3.]

Be it enacted by the Senate and House of Representatives in General Court convened that the Reverend Benjamin Balch, Samuel Cate, Samuel Hayes and Benjamin Garland and their Associate proprietors of said library and all such as may hereafter become proprietors of the same be and they hereby are incorporated into a



body corporate and made a body politic by the name of the Proprietors of the Barrington Social Library with continuation and succession forever, and in that name may sue and be sued, may plead and be impleaded in all personal Actions, and may prosecute and defend the same to final judgment and execution, and they are hereby vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine not exceeding six dollars for each offence, to be recovered by said Proprietors in an Action of Debt to their use in any Court proper to try the same and they make purchase and receive subscriptions, grants and donations of personal estate not exceeding one thousand dollars for the purpose and use of their association.

And be it further enacted that the said Proprietors be and they hereby are authorized and impowered annually to assemble in said town of Barrington on such a day as a majority of the proprietors may determine to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation who shall continue in office until others are chosen in their room; and that said Proprietors may assemble as often as may be found necessary for the filling up any vacancies which may happen in said Offices, and for transacting all other business, excepting the raising of monies which shall always be done at their annual meeting and at no other time at which annual meeting they may vote all necessary sums of money for defraying the annual expence of preserving said library and for enlarging the same: And said Proprietors shall have power to make such rules and bye-laws for the government of said corporation as may from time to time by them be found necessary, provided the same be not repugnant to the Constitution and laws of this State.

And be it further enacted that Samuel Cate and Samuel Hayes or either of them be and they are hereby authorized and impowered to call the first meeting of said Proprietors by posting a notification for that purpose at the Meeting house in said Barrington at least fifteen days prior to said meeting; and the said Proprietors at said meeting shall have the same power to choose Officers and make bye-laws as they have by this Act at their annual meeting.

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
LONDONDERRY MUSICAL SOCIETY

[Approved December 7, 1808. Original Acts, vol. 20, p. 11; recorded Acts, vol. 18, p. 8.]

Whereas a petition signed by William Morrison George Farrar and others, Inhabitants of Londonderry in said State, praying to be incorporated and made a body corporate and politic by the name of the Londonderry Musical Society, has been presented to the General Court—

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, that William Morrison, George Farrar, Peter Patterson, Isaac Thom, William Anderson and their associates and Successors be and they hereby are incorporated and made a body corporate and politic forever, under the name of the Londonderry Musical Society: and in that name may sue and prosecute, and be sued and prosecuted to final Judgment and execution; and shall be, and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

And be it further enacted, that the said Peter Patterson and William Anderson or either of them shall call a meeting of said Corporation to be holden at any suitable time and place, by posting notifications expressing the time place and design of said meeting, at each of the Meeting-Houses in said Londonderry, at least fourteen days before the time of holding said meeting; and said Corporation by a majority present, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his Office, and shall agree on the method of calling future meetings. And at the same or any subsequent meeting may elect such Officers and make & establish such rules and bye laws as to said Corporation may seem necessary and convenient for the due regulation and government thereof, and for carrying into effect the beneficial purposes of this act: and the same rules and bye laws may cause to be observed, and may annex penalties to the breach thereof—Provided said rules and bye laws are not repugnant to the Constitution and laws of this State—

And be it further enacted, that it shall & may be lawful for said Corporation to solicit, purchase and receive subscriptions, grants, donations and loans, and to erect and establish a fund consisting of personal Estate, not exceeding in amount the sum of One thousand Dollars to be appropriated and laid out in the purchase of such Musical Books and Instruments as may from time to time, be neces-

sary and proper for the use of said Corporation and in defraying the expenses of instruction and tuition in the several Branches of Music in said Londonderry, and each Proprietors share or shares of any property of said Corporation may be transferred by deed duly executed according to the formalities of law and recorded by the Clerk of said Corporation in a book or books provided and kept for that purpose: and said Shares may be sold by said Corporation, on non payment of assessments, duly made agreeable to the Rules and bye laws of said Corporation—

[CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING TO WILLIAM NEILSON JOHN NEILSON AND JAMES NEILSON JUN<sup>R</sup> AND THEIR HEIRS AND ASSIGNS THE PREVILEGE OF BUILDING A DAM ACROSS CONNECTICUT RIVER AT DODGES FALLS IN BATH.

[Approved December 7, 1808. Original Acts, vol. 20, p. 12; recorded Acts, vol. 18, p. 13. See act of July 22, 1881, Session Laws, June, 1881, Chap. 190.]

Whereas William Neilson, John Neilson and James Neilson Jn<sup>r</sup> have petitioned the General Court seting forth that they have erected Mills on Dodges falls so called on the western Shore adjoining Ryegate in the State of Vermont and praying for the previledge of erecting a Dam across the River for the purpose of carrying their work into effect which prayer appearing Reasonable, Therefore

Be it Enacted by the Senate and House of Representatives in General Court Conveaned That the Said William Neilson, John Neilson and James Neilson Jn<sup>r</sup> and their Heirs and Assigns are hereby allowed, and granted the full, and free previledge of Errecting and keeping in Repair a Dam across the River at the said Dodges falls for the purpose aforesaid provided they do not obstruct the passing of Lumber down said River, provided also that Nothing in this act shall be construed to prevent the State from granting to any person or persons the previledge of making a Canal and Locks on or by said falls whenever it may appear necessary

## [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A BAPTIST SOCIETY IN THE TOWN OF  
HINDSDALE.

[Approved December 7, 1808. Original Acts, vol. 20, p. 13; recorded Acts, vol. 18, p. 63.]

Whereas, Emerson Burnham and others, members of the Baptist Society in Hindsdale, have petitioned the General Court for an Act of Incorporation—Which prayer appearing reasonable,—Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that Emerson Burnham, John Banks, Aaron Blanchard, Billy Burnham, Ezra Burnham, Emory Burnham, Daniel Crowninshield, John Crowninshield, David Crowninshield, Stephen Coye, Denis Darling, Jacob Estey, James Gambel, Stafford Horton, Hezekiah Horton, Abner Leonard, James Masters, Josiah Moor, George Petty, Jedediah Smith, Caleb Streeter, Isaiah Streeter, Charles Streeter, John Streeter, Elihu Streeter, Lyman Streeter, Daniel Thomas, with their associates, and such other persons as may hereafter associate with them, be and they hereby are incorporated into a body politic and corporate, to have continuance and succession forever, by the name of the Baptist Society in Hindsdale; and by that name may sue and be sued to final judgment and execution, as other incorporated societies in this State may by Law—And the said Society, at any legal meeting duly warned and holden for the purpose, may choose all such officers as to them may appear necessary, for the purpose of assessing and collecting each person's just proportion of all such taxes as may be voted or raised at any of said meetings; which officers shall have equal power and authority for said purposes, as town and parish officers in this State have by the Laws thereof—

And be it further enacted, that Emerson Burnham and John Banks, or either of them, are hereby authorized and empowered to warn the first meeting of said society, by posting up a notification at some public place in said town, at least fifteen days before said meeting; And the said Emerson Burnham, or John Banks, shall preside therein, untill a moderator shall be chosen.—



## [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE AN ACADEMY IN PLYMOUTH IN THE  
 COUNTY OF GRAFTON IN THIS STATE

[Approved December 7, 1808. Original Acts, vol. 20, p. 14; recorded Acts, vol. 18, p. 85. The name was changed by act of June 27, 1835, Session Laws, June, 1835, Chap. 24.]

Whereas James Little and others have preferred a petition to the General Court setting forth that they have associated for the purpose of erecting and supporting an academy in said Plymouth, that their design has recieved the approbation of a large number of the inhabitants of said Town and the Towns ajacent and that it is their wish that the Reverend Drury Fairbank Noah Worcester Robert Fowle & William Rolfe with the Hon<sup>ble</sup> Arthur Livermore John Rogers and Samuel Holmes Esquires may be constituted a body politic to carry the said design into effect—and whereas the Constitution of this State makes it the duty of the Legislature and majestates at all times “to cherish the interest of literature and the sciences” and this Legislature being fully sensible of the many great advantages accruing to mankind in an enlightened age by means of a due encouragement of schools academies and seminaries of learning and piety, and being disposed as far as in them lies to promote the same—

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that there be and hereby is established at Plymouth in the County of Grafton in this State an academy by the name of the Holmes Plymouth academy—and that the end and design is and shall be to promote religion virtue and literature, and more especially for teaching and instructing youth in the English latin and Greek languages—in writeing music and the art of speaking, in geography, logic, mathematics, history, & agriculture, and such other branches of science as opportunity may permit, and the trustees herein after mentioned shall order and direct

And be it further enacted that the Rev<sup>rd</sup> Drury Fairbanks Noah Worcester Robert Fowle & William Rolfe and the Hon<sup>ble</sup> Arthur Livermore John Rogers and Samuel Holmes be and they are hereby appointed and constituted Trustees and overseers of said academy by the name and stile of the Holmes Plymouth academy—and they are hereby erected and Incorporated into a body politic, and they & their successors in said office shall be and continue a body politic and corporate, and by that name have continuance and duration forever under the provisoos hereafter mentioned—

And Be it further enacted by the authority afforesaid that the said Trustees shall have one common seal for their use, which they may

break change or renew at pleasure—and they may sue and be sued prosecute & defend in all actions real personal and mixed and the same pursue to final Judgement and Execution settlement and full satisfaction as other like corporations may, can, or ought to do—

And Be it further enacted by the authority afforesaid that the said Trustees and the longest livers or survivors of them and their successors elected and chosen as is hereafter provided shall be the true and sole visitors Trustees & Governors of said academy in perpetual succession forever, with full power and authority from time to time and at all times to Elect instructors officers and servants of said academy as to them and their successors may seem most fit and convenient, and in case of the death or resignation or removeal of any or either of the members of said body politic, at any time hereafter, the remaining members thereof may, at any legal meeting, elect and choose by ballot such and so many other respectable person or persons for Trustee or trustees of said academy as to make up and compleat the number of seven persons

And Be it further enacted by the authority afforesaid that said corporation & body politic shall have power and authority at any time to make such rules orders and bye Laws for the good government of said academy as they may find necessary, provided they be not repugnant to the Constitution and Laws of this State, or the United States, all which rules orders and bye Laws shall be observed by the Instructors teachers and other officers of said academy, and the students and servants thereof upon the penalties therein contained, and the said corporation are hereby authorised from time to time and at all times to supercede or remove any member of said corporation or any teacher, Instructor or servant thereof as occasion may require, & appoint others in their room and stead, and a majority of said corporation shall be a quorum for transacting business—

And Be it further enacted by the authority afforesaid that said board of Trustees and their successors in said office be and they hereby are invested with full power and authority in Law to take recieve and hold by gift grant purchase devise or otherwise agreeably to Law any estate real personal or mixed for the use benefit and emolument of said Instructors; and the same to sell dispose of and convey by deed or other legal mode of conveyance, or to lease rent or improve the same, and the income profit proceeds and avails thereof to lay out own and dispose of to the best advantage of said institution—provided that the net anual income of such real estate shall at no time exceed the sum of three hundred Dollars; and the net anual income of estate personal & mixed shall at no time exceed the sum of three thousand dollars—provided nevertheless that the property belonging to said corporation shall be liable to taxation save the value of fifteen hundred dollars of personal property

And Be it further enacted by the authority afforesaid that said corporation shall have the power to constitute and appoint one or

more agents or attorneys to act for them and the same to supersede or remove at pleasure—

And be it further enacted by the authority aforesaid that the said corporation shall have and hold said privileges and immunities to said corporation & their successors and assigns for the use benefit and emolument of said institution and the enfranchisements herein mentioned; and agreeably to such terms conditions limitations intentions and designs of those who may hereafter become benefactors of the same as expressed in any act, will, deed, or other instrument of conveyance to be made for that purpose—

And Be it further enated by the authority aforesaid that the Rev<sup>rd</sup> Drury Fairbanks and John Rogers Esq<sup>r</sup> or either of them be and hereby are appointed and authorised to call the first meeting of said corporation, and to preside therein, at which meeting and at any other meeting the said Trustees and their successors may agree Upon and establish a method of calling meetings and establish modes of proceeding and manner of keeping their records

## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THE 13TH. DAY OF DECEMBER IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FOUR, ENTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY THE FALLS OF CONTOCOOK RIVER IN CONCORD, AND ALSO WHERE SAID RIVER EMPTIES INTO MERRIMAC RIVER."

[Approved December 7, 1808. Original Acts, vol. 20, p. 15; recorded Acts, vol. 18, p. 92. See act referred to, *ante*, p. 357.]

Whereas in and by the aforesaid act, it is provided and enacted that if in five years the said proprietors shall not have completed said Canals, then the said act, and every part thereof shall be null and void; which time having been found insufficient for said purpose; Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the proprietors of said Canal, be, and they hereby are allowed a further time of five years, in addition to what is allowed in said act, to make and complete said Canal; any thing in the aforesaid act, to which this is an addition, to the contrary notwithstanding—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE HINDSDALE MEETING-HOUSE ASSOCIATION.

[Approved December 9, 1808. Original Acts, vol. 20, p. 16; recorded Acts, vol. 17, p. 391.]

Whereas Cyrus Shattuck and others have petitioned the General Court, representing that they have erected a Meeting-House in the town of Hindsdale, and praying for an act of incorporation.

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened, that Cyrus Shattuck, Benjamin Sanger, and Jacob Estey, together with their associates, the proprietors of said Meeting-House, and such others as may hereafter associate with them, be and they hereby are incorporated into a body politic and corporate forever, by the name of the Hindsdale Meeting House Association, and by that name may sue and be sued to final judgment and execution, and shall be and hereby are vested with all powers and privileges, which, by Law, are incident to corporations of a similar nature.

And be it further enacted, that the said Cyrus Shattuck and Benjamin Sanger, or either of them, shall call the first meeting of said proprietors, by posting up a notification at said Meeting house, at least fifteen days before said meeting; And the said proprietors by a majority of those present or represented at said meeting, which representation shall be in writing and signed by the person so represented, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of said office; and shall agree on the method of calling future meetings; and at the same, or any subsequent meeting, may elect such officers, and make and establish such rules and bye-laws, as to them may seem necessary for the regulation and government of said corporation; provided, said rules and bye-laws are not repugnant to the Constitution and Laws of this State: And the aforesaid representation shall be filed with the Clerk; and this act, and all rules and bye laws, regulations and proceedings, of said Corporation, shall be fairly and truly recorded by the Clerk, in a book or books provided and kept for that purpose.

And be it further enacted, that the said Corporation may receive, or purchase and hold in fee simple, real & personal estate, to an amount not exceeding the value of five thousand dollars; and the share or shares of any proprietor, may be transferred by deed duly executed & acknowledged, which deed shall be recorded by the Clerk of the Corporation; And the Treasurer of said Corporation is hereby empowered to sell at auction the share or shares of any



proprietor, who shall neglect to pay any assessment, which has been, or may be made, which sale shall be advertised at least twenty days, by posting the same at the meeting house aforesaid; and a deed duly executed and acknowledged by the Treasurer, and recorded by the Clerk, shall be a valid conveyance of such delinquent's share.

## [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

### AN ACT TO ENCOURAGE THE MANUFACTURING OF COTTON YARN—

[Approved December 9, 1808. Original Acts, vol. 20, p. 17; recorded Acts, vol. 17, p. 408. Session Laws, November, 1808, p. 16.]

Whereas Seth Nason and others have petitioned the General Court, stating that the manufacturing of Cotton Yarn would be of public utility; and it appearing that this business cannot be conducted to advantage without a large capital, which must be unproductive for some years, until the works are extensively in operation—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That all the Buildings and machinery, which have been, or shall be erected, or used at New-Ipswich, by the said Seth Nason and his associates, for manufacturing Cotton Yarn, together with the stock actually employed for that purpose not exceeding the sum of twenty thousand dollars, shall be and they are hereby exempted from all taxes, for and during the term of five years from and after the passing of this Act.—

Provided, that the benefit of this act shall not extend to said works, any longer than they are employed for the purpose above mentioned.—

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PORTSMOUTH ACADEMY

[Approved December 9, 1808. Original Acts, vol. 20, p. 18; recorded Acts, vol. 18, p. 11.]

Section 1. Be it enacted by the Senate and House of Representatives in General court convened that John Peirce, John Haven, John McClintock, Nathaniel Adams, Edward Cutts, Mathew S.

Marsh and Henry S. Langdon and their associates and successors be and they hereby are incorporated and made a body corporate and politic under the name of the Portsmouth Academy, and by that name may sue & prosecute and be sued and prosecuted to final judgment and execution, and shall have and enjoy all the powers and privileges which by law are incident to similar corporations.

Sec. 2. And be it further enacted that the said corporation may establish an Academy in Portsmouth for the instruction and education of youth, and erect and maintain suitable buildings therefor, and may purchase and receive by donation, and hold real and personal estate of any kind not exceeding one hundred thousand dollars in value. Provided that nothing in this act shall be so construed as to exempt more than twenty thousand dollars from taxation.—

Sec. 3. And be it further enacted that the said corporation at any meeting duly holden may make rules, regulations and by laws for the management of the interests and concerns of the said institution, and appoint such and so many officers as they shall think proper and prescribe their powers and duties.—

Sec. 4. And be it further enacted, that the said John Peirce shall by an advertisement in some Newspaper printed at said Portsmouth notify the first meeting of the said corporation, to be holden at a suitable time and place in said town of Portsmouth, when the manner of holding future meetings may be regulated, and any business relating to said corporation transacted.—

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT TO GRANT JOSEPH CLARK A NEW OR FURTHER TRIAL, AND TO RESTORE HIM TO HIS LAW IN A CERTAIN CASE.—

[Approved December 9, 1808. Original Acts, vol. 20, p. 19; recorded Acts, vol. 18, p. 29.]

Whereas Joseph Clark of Sandbornton in the County of Strafford, has petitioned the General Court, setting forth, that Isaac Chickering of Amherst, in the County of Hillsborough, Tanner, commenced an action of Trover against him at the Court of Common Pleas, in the County of Hillsborough, at March term, in the year of our Lord one thousand seven-hundred and ninety nine, in which he alledged the said Joseph Clark had converted to his use, a Colt of the said Isaac's, of the value of One hundred dollars, which action was appealed to the Superior Court of Judicature in said County of Hillsborough, and at May term of said Court, in the year of our Lord one thousand seven hundred and ninety nine, upon a fair trial by the Jury, the said Joseph obtained Judgment

against the said Isaac for his cost, taxed at Fifty one dollars and thirty four cents.

That the said Isaac reviewed said action, and at October term in the year of our Lord one thousand eight hundred, recovered a verdict against him for the sum of Forty dollars damage, and thereupon the former judgment was reversed, and judgment rendered against him the said Joseph for the said sum of Forty dollars—and two hundred and forty nine dollars and eighteen cents cost of suit:—That since the last trial he the said Clark hath discovered new and important evidence, and can now produce such further testimony in his own favor, as will shew that the justice the law intended hath not been done.—That he has petitioned the Superior Court for a new trial, upon a statement of the foregoing facts, that the Chief Justice, having been of council on the trial of the cause, could not sit as Judge upon the hearing of said petition, that the other Judges were divided in opinion, so that he failed to obtain the prayer of his petition, whereby the said Clark is without redress, without the aid of the Legislature:—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Joseph Clark have liberty to enter said action, at the Superior Court of Judicature, to be holden at Hopkinton, on the last Tuesday of April next, in and for the County of Hillsborough. And the said Superior Court of Judicature are hereby authorised and directed to give a new and further hearing of the same, and to hear, try and determine said action in the same way and manner, as if said action had not been reviewed.—

And be it further enacted, that the said Isaac Chickering be served with an attested copy of this Act, at least fourteen days prior to the sitting of the Court, at which, by this Act, a new trial is granted.—

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

### AN ACT, TO INCORPORATE A COMPANY BY THE NAME OF THE CORNISH TURNPIKE CORPORATION.

[Approved December 9, 1808. Original Acts, vol. 20, p. 20; recorded Acts, vol. 18, p. 129. Session Laws, November, 1808, p. 11. See resolution of January 3, 1829, id., 1824-29, p. 460.]

Whereas Harvey Chase and others have petitioned the General Court, praying for liberty to make a Turnpike Road from Cornish Bridge so called in Cornish to intersect the Croydon Turnpike Road in Newport—which prayer appearing Reasonable: Therefore;

Be it enacted by the Senate and House of Representatives in General Court Convened, That Harvey Chase, Ithamer Chase, Amplus Blake, Newton Whittlesey, Leonard Comings, Caleb Chase 2<sup>nd</sup>, Moody Hall, Benjamin Comings, James Ripley, John Vinton, Abel Fairbanks, William Deming Phinehas Chapin, James Corbin, Oliver Jenckes, Jesse Willcox Jun and their Associates and successors be, and hereby are incorporated and made a body corporate and politic under the name of the Cornish Turnpike Corporation; and in that name may sue and prosecute, and be sued and prosecuted to final judgement and execution; and shall be and hereby are vested with all the powers and privileges which by law are incident to Corporations of a similar nature.

And be it further enacted, That the said Harvey Chase and Newton Whittlesey, or either of them, shall call a meeting of said proprietors by an advertizement in a news-paper printed at Windsor in Vermont and posted up in each of the towns of Cornish and Newport in the usual places of Warning town meetings in said towns, to be holden at any suitable time and place at least thirty days from the first publication of said advertizements—; and the proprietors by a vote of a majority of those present and represented at said meeting, accounting and allowing one vote for each share in all cases, shall choose a clerk who shall be sworn to the faithful discharge of the duties of said office, and shall also agree on the method of calling future meetings and at the same or any subsequent meeting may elect such officers, and make and establish such Rules and by laws as to them shall seem necessary and convenient for the Regulation and government of said Corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls hereinafter established; and the same by laws may cause to be executed and anex penalties to the breach thereof—Provided, the said rules and by laws are not repugnant to the constitution and laws of this state; And all representations shall be proved in writing signed by the person to be represented, which shall be filed by the Clerk, and this Act and all rules, regulations and procedings of said corporation shall be fairly and truly recorded by the clerk, in a book or books provided and kept for that purpose.

And be it further enacted, That the said Corporation are empowered to survey, lay out and keep in repair a Turnpike Road four rods wide in such rout or track as in the best of their judgement will combine shortness of distance with the most practicable ground from or near Cornish Bridge so called in Cornish to intersect the Croydon Turnpike Road in Newport.

And be it further enacted, That in case the proprietors and owners of land through which said road may run, shall not agree on the compensation to be made for said land, the superior Court of Judicature holden in and for the County of Cheshire upon the application of said proprietors, or the owner or owners of such land



may appoint a committee to ascertain the compensation which shall be actually paid or tendered by said proprietors before any labour shall be done on said land.

And be it further enacted, That the said Corporation may erect so many gates or turnpikes upon and across said road as will be necessary and convenient to collect the tolls and duties herein after granted to said company from all persons traveling in the same with horses, cattle, carts, and carriages.

And be it further enacted, That it shall and may be lawful for said corporation to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person or persons using said road, the tolls and rates herein after mentioned, and to stop any person riding, leading or driving any hores, cattle, sheep, swine, sulkey, chair, chaise, phaeton, coach, chariott, cart, waggon, sleigh, sled or any other carriage of burthen or pleasure, from passing through said gates or Turnpikes untill they shall have respectively paid the same, that is to say for a mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of Cattle or Carriages, (Viz) for every ten sheep or swine one half cent; for every ten cattle or horses one cent; for every horse and rider or led horse one cent; for every sulkey, chair or chaise with one horse and two wheels, two cents; for every Chariott, coach, stage Phaeton or chaise with two horses and four wheels three cents; for every carriage of pleasure, the like sums according to the number of wheels and horses drawing the same; for each cart or other carriage of burthen drawn by one beast, one cent; for each cart, waggon or other carriage of burthen drawn by two beast one and half cent; if drawn by more than two beasts, one cent for each additional yoke of Oxen or pair of horses; for each sleigh of pleasure drawn by one horse one and half cent; if drawn by two horses two cents; if by more than two horses one cent for each additional horse; for each sleigh or sled of burthen drawn by one beast three quarters of a cent; if drawn by two beasts, one cent if by more than two beasts one cent for each additional yoke of oxen or pair of horses. And at all times when the toll gatherer shall not attend his duty the gate shall be left open and if any person shall with his carriage, team, cattle, horses, sheep or swine turn off from said road, to pass said turnpike gate or gates on ground adjacent thereto, said ground not being a publick highway, with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof in an action of debt or on the case. Provided that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with horse or carriage to or from publick worship or funeral, or with his horse, team or carriage to or from any mill, or on the common or ordinary business of family concerns, within the town where

such person resides, nor of any officer or soldier of the militia under arms while passing to or from the place of military duty.

And be it further enacted, That said corporation are hereby empowered to purchase and hold for the purpose aforesaid, so much land as will be necessary for said Turnpike Road; and the share or shares of any of said proprietors may be transferred by deed duly executed acknowledged and recorded by the Clerk of the said Corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for non-payment of Assessments duly made, agreeably to the by-laws that may be agreed upon by said corporation.

And be it further enacted, That no toll shall be taken by said Corporation for any mile of said road, untill six hundred dollars shall have been expended thereon, or a proportionate sum on the whole number of miles, reconing from or near Cornish Bridge in Cornish to the intersection of the Croydon Turnpike road in Newport nor untill the Justices of the superior court of Judicature shall adjudge the road sufficiently made to entitle said corporation to receive said toll.

Provided nevertheless, and be it further enacted, that if the said Turnpike road shall in any part be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway—any thing in this act to the contrary notwithstanding.

And be it further enacted, That said corporation may be indicted for defect in repairs in said road after the toll gates are erected and fined in the same way and maner as towns are by law fineable for suffering roads to be out of repair, and said fine may be levied on the profits of toll arising or accruing to said corporation

And be it further enacted, That at the end of every six years after seting up of any toll gate as aforesaid, an account of the expenditures of laying out and making said road and of the profits arising therefrom, shall be laid before the Justices of the superior Court of Judicature for the time being, under the forfeiture of the priveleges of this grant in future; and if the net profits for the said six years shall excede nine per centum per annum, the said court may reduce the future rates of toll so far that it may not exceed nine per centum per annum; and if the said toll shall not amount to six per centum per annum the said Court may raise the future rates of toll so far that it shall not be less than six nor more than nine per centum per annum.

And be it further enacted, That if in five years from the passing hereof, the aforesaid road be not completed, agreeable to the provisions in this act, every part and clause thereof shall be null and void and of no effect—Provided also, the State of Newhampshire may at any time after the expiration of forty years from the passing hereof, repay the proprietors of said road the amount of the

sum expended by them thereon, with nine per centum per annum in addition thereto, deducting the toll actually received by the proprietors, in that case the said road shall to all intents and purposes be the property of the state of Newhampshire, any thing in this act contained, to the contrary notwithstanding.

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE FITZWILLIAM VILLAGE TURNPIKE CORPORATION—

[Approved December 9, 1808. Original Acts, vol. 20, p. 21; recorded Acts, vol. 18, p. 137. Session Laws, November, 1808, p. 17. See additional act of June 13, 1811, id., June, 1811, p. 9.]

Whereas, Daniel Farrar and others, have petitioned the General Court, praying for liberty to make a Turnpike Road from Fitzwilliam Village to Massachusetts line, which prayer appearing reasonable: Therefore—

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened that Daniel Farrar, Thomas Goldsmith, Jonas Robeson, Phineas Reed and Benjamin Bemis, and their associates and successors be and they hereby are incorporated and made a body corporate and politic under the name of the *Fitzwilliam Village Turnpike Corporation*; and in that name may sue and prosecute, and be sued and prosecuted to final judgment and execution; and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

Sec. 2. And be it further enacted, that the said Daniel Farrar and Thomas Goldsmith, or either of them, shall call a meeting of the proprietors of said corporation, to be holden at any suitable time and place, by posting notifications in two of the most public places in Fitzwilliam, at least fourteen days before the time of holding said meeting; and the proprietors by a vote of a majority of those present and represented at said meeting, accounting and allowing one vote for each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of said office, and shall also agree on a method of calling future meetings, and at the same or any subsequent meeting may elect such officers, and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties hereinafter established; and the same by-laws may cause to be executed and annex penalties to the breach thereof—Provided, the said rules and by-laws are not

repugnant to the constitution and laws of this State; and all representations at any meeting, shall be proved by a writing, signed by the person to be represented, which shall be filed by the clerk, and this act and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk, in a book or books provided and kept for that purpose.

Sec. 3. And be it further enacted, That the said corporation are hereby empowered to survey, lay out, make and keep in repair a Turnpike road four rods wide, (excepting over meadow lands which said road will pass, which shall not exceed thirty four feet) in such rout or track as in the best of their judgment will combine shortness of distance with the most practicable ground from Fitzwilliam Village to the Worcester Turnpike, on Massachusetts line.

Sec. 4. And be it further enacted, That in case said proprietors and owners of land through which said road may pass, shall not agree on the compensation to be made for said land, the Justices of the Court of Common Pleas, in the county where such land lies, if not interested, and if interested, the Justices of the Superior Court of Judicature upon the application of the proprietors, or the owners of the land, reasonable notice having been given to the adverse party of such application, shall appoint a committee who shall ascertain the same, and said proprietors shall actually pay or tender the compensation thus ascertained, to the owners of said land, before any labour shall be done thereon.

Sec. 5. And be it further enacted, That it shall and may be lawfull for said corporation to erect so many gates or turnpikes upon and across said road as will be necessary and convenient to collect the tolls and duties hereinafter granted to said company from all persons traveling in the same with horses, cattle, carts or carriages.

Sec. 6. And be it further enacted, That it shall and may be lawful for said company to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person or persons using said road, the rates and tolls herein after mentioned, and to stop any person riding, leading or driving any horses, cattle, sheep, swine, sulkey, chair, chaise, phaeton, coach, chariot, cart, waggon, sleigh, sled or any other carriage of burthen or pleasure, from passing through said gates or turnpikes until they shall have respectively paid the same, that is to say for a mile of said road, and so in proportion for a greater or less distance, or for a greater or smaller number of cattle or carriages, viz. for every ten sheep or swine, one half cent for every ten cattle or horses, two cents; for every horse and rider or led horse, one cent; for every sulkey, chair or chaise with one horse and two wheels, two cents; for every chariot, coach, stage, phaeton or chaise with two horses and four wheels, four cents; for every carriage of pleasure, the like sums according to the number of wheels and horses draw-



ing the same; for each cart or other carriage of burthen drawn by one beast, one cent; for each cart waggon or other carriage of burthen drawn by two beasts, one cent and a half; if drawn by more than two beasts, one cent for each additional yoke of oxen or pair of horses; for each sleigh drawn by one horse, one cent; if drawn by two horses, two cents; if more than two horses, one half cent for each additional horse; for each sled drawn by one beast, one cent; if drawn by two beasts, one cent and a half; if more than two beasts, one cent for each additional yoke of oxen or pair of horses. And at all times when the toll gatherer shall not attend his duty the gate shall be left open. And if any person shall with his carriage, team, cattle or horses turn off from said road, to pass said turnpike gates on ground adjacent thereto, said ground not being a public highway, with an intent to avoid the toll due by virtue of this act, such person shall forfeit and pay three times so much as the legal toll would have been, to be recovered by the treasurer of said corporation to the use thereof in an action of debt or on the case, *Provided*, that nothing in this act shall extend to entitle the said corporation to demand toll of any person who shall be passing with hors or carriage to or from public worship or funeral, or with his horse, team or carriage to or from any mill, or on the common or ordinary business of family concerns, within the town where such person resides, nor of any officer or soldier of the militia under arms while passing to or from the place of military duty—

Sec. 7. And be it further enacted, That said corporation are hereby empowered to purchase and hold for the purpose aforesaid, so much land as will be necessary for said turnpike road; and the share or shares of any of said proprietors may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records; and the share or shares of any of said proprietors may be sold by said corporation for non-payment of assessments duly made, agreeable to the by-laws that may be agreed upon by said corporation—

Sec. 8. And be it further enacted, That no toll shall be taken by said corporation for any mile of said road, until six hundred dollars shall have been expended thereon, or a proportionate sum on the whole number of miles, reckoning from Fitzwilliam Village, to the Worcester Turnpike on Massachusetts line, nor until some one of the Justices of the Court of Common Pleas in the County where said road lies, who are not interested, shall adjudge the said road sufficiently made to entitle said corporation to receive said toll.

Sec. 9. And be it further enacted, That said corporation may be indicted for defect in repairing said road, after the toll gates are erected, and fined in the same way and manner as towns are by law finable for suffering roads and bridges to be out of repair, and said fine may be levied on the profits of toll arising or accruing to said corporation.

Sec. 10. And be it further enacted, That at the end of every six years after setting up of any toll gate as aforesaid, an account of the expenditures of laying out and making said road, and of the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature for the time being, under the forfeiture of the privileges of this grant in future; and if the net profits for the said six years shall exceed twelve per centum per annum, the said Court may reduce the future toll so far that it may not exceed twelve per centum per annum.

Provided nevertheless, and be it further enacted, that if the said Turnpike Road shall in any part be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway—anything in this act to the contrary notwithstanding.

Sec. 11.—And be it further enacted, That if in seven years the said road shall not be completed according to the provisions of this act, every part and clause thereof shall be null and void. *Provided also*, that the State of New Hampshire may at any time after the expiration of forty years from the passing of this act, repay the proprietors of said road the amount of the sum expended by them thereon, with twelve per centum per annum, in addition thereto, deducting the toll actually received by the proprietors; and in that case the said road shall, to all intents and purposes, be the property of the State of New Hampshire, any thing in this act to the contrary notwithstanding.

*Provided nevertheless*, that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary and expedient to compell the said proprietors to keep the said road in repair.

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE ANDREW BOWERS & OTHERS BY THE NAME OF THE SALISBURY ACADEMICAL ASSOCIATION.

[Approved December 10, 1808. Original Acts, vol. 20, p. 22; recorded Acts, vol. 18, p. 15.]

Whereas Andrew Bowers, Moses Eastman, Samuel Greenleaf, Joseph Bartlett, Israel W. Kelly, Joel Eastman, Moses Clement, Eleazar Taylor, Thomas Worcester, Amos Bean, Levi Bean, & Nathaniel Noyes have petitioned the General Court setting forth that they have associated for the purpose of supporting a school in the town of Salisbury in the county of Hillsborough, in which youth are instructed in such branches of literature as is customary in

Academies, & praying for an incorporation with such immunities & privileges as is usually granted to similar associations; Therefore,

Be it enacted by the Senate & House of Representatives in General Court convened; That Andrew Bowers, Moses Eastman, Samuel Greenleaf, Joseph Bartlett, Israel W. Kelly, Joel Eastman, Moses Clement, Eleazar Taylor, Thomas Worcester, Amos Bean, Levi Bean, & Nathaniel Noyes with such other persons as may hereafter associate with them for the purpose aforesaid be & they are hereby incorporated & erected into a body politic, & they & their successors shall be and continue a body politic & corporate, & by the name of The Salisbury Academical Association have continuance, and duration forever, under the provisos hereafter mentioned.

And be it further enacted by the authority aforesaid That the said corporation shall have one common seal for their use, which they may break, change or renew at pleasure: and they may sue & be sued, prosecute and defend in all actions real personal and mixed, and the same pursue to final judgment and execution, settlement and full satisfaction, as other like corporations may can or ought to do.

And be it further enacted by the authority aforesaid That said corporation shall have power & authority at any time to make & execute such rules orders & by-laws for the good government of said Academy as they may find necessary & useful, provided they be not repugnant to the constitution & laws of this State or of the United States: and a majority of the members of said corporation shall be a quorum for transacting business.

And be it further enacted by the authority aforesaid That said corporation and their successors be and they are hereby invested with full power & authority in law to take & receive & hold by gift grant purchase devise, or otherwise agreeably to law any estate real personal or mixed, for the use benefit and emolument of said institution: and the same to sell dispose of and convey by deed or other legal mode of conveyance, or to lease rent or improve the same: and the income profits proceeds and avails thereof to lay out and dispose of to the best advantage of said institution

Provided That the net annual income of such real estate shall at no time exceed the sum of Fifteen hundred dollars, & the net annual income of such personal estate shall at no time exceed the sum of Three thousand dollars: Provided nevertheless that the property belonging to said corporation shall be liable to taxation, save the value of Fifteen hundred dollars—

And be it further enacted by the authority aforesaid that said corporation shall have the power to constitute and appoint one or more agents or attorneys to act for them, & the same to supercede & remove at pleasure.

And be it further enacted by the authority aforesaid That Andrew Bowers Esq<sup>r</sup> be & he is hereby appointed & authorised to call the

first meeting of said corporation & to preside therein; at which meeting or at any other meeting the said Trustees & their successors may agree upon & establish a method of calling future meetings, & establish modes of proceeding & the manner of keeping their records.—

[CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A MUSICAL SOCIETY IN PLYMOUTH IN THE  
COUNTY OF GRAFTON IN THIS STATE—

[Approved December 10, 1808. Original Acts, vol. 20, p. 23; recorded Acts, vol. 18, p. 19.]

Whereas Moses Hadley Samuel Wells King George Jonathan Cummings & Samuel Rogers have preferred a petition to the legislature setting forth that for a considerable length of time past there has been a class or society in the Town of Plymouth in the said County of Grafton who have at their own expence suported and made progress in the art of vocal and instrumental music and praying that they and their associates may be incorporated into a body politic for the purpose of more effectually carrying on suporting the same, which prayer appearing reasonable—

Therefore, Be it enacted by the Senate and house of Representatives of the State of New Hampshire in General Court convened that the said Moses Hadley Samuel Wells King George Jonathan Cummings and Samuel Rogers and all others who are or may hereafter be associated with them for the laudable purposes aforesaid be and they are hereby incorporated into a body politic and corporate by the name of the Plymouth Musical society and in that name, may sue and be sued, prosecute and be prosecuted to final Judgement and execution and shall be and hereby are vested with all the powers & privileges which by Law are incident to corporations of a similar nature—

And be it further enacted that the said Moses Hadley and Samuel Wells or either of them be and hereby are authorised to call a meeting of said corporation to be holden at any suitable place in the said Town of Plymouth by posting a notification expressing the time place and design of said meeting at the public meeting-house in said Plymouth at least fifteen days previous to said meeting, one of whom shall preside in s<sup>d</sup> Meeting untill a moderator shall be chosen, and said corporation shall at said meeting choose a Clerk who shall be sworn to a faithfull discharge of the duties of said office, and agree on the method of calling future meetings. And at the same or any future meeting may elect such officers, and make & estab-



lish such rules & bye laws as to said corporation may seem necessary and conducive to their benefit and advantage and for carrying into effect the end and design of the said corporation. and the same rules and bye Laws may cause to be carried into effect and may annex penalties to the breach thereof—Provided the said rules and bye laws are not repugnant to the constitution an Laws of this State—

And Be it further Enacted that it shall and may be Lawfull for said Corporation to take purchase and receive subscriptions grants & donations and loans, and to erect and establish a fund consisting of personal property not exceeding the amount of one thousand Dollars, to be appropriated and Laid out in the purchase of musical Books and instruments as may be found necessary and proper for the use of said society, and in defraying the expence of Instruction and Tuition of the several Branches of music in said Town of Plymouth—and the share of each proprietor of any property in said corporation may be transferred by deed duely executed according to the formalities of Law and recorded by the Clerk of said corporation in a books or books to be provided and kept by him for that purpose, and the said shares may be sold by said corporation for non payment of assessments duely made agreeably to the bye laws of said Corporation—

#### [CHAPTER 24.]

*State of*                    )  
*New Hampshire.*        )

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PORTSMOUTH FEMALE ASYLUM.—

[Approved December 10, 1808. Original Acts, vol. 20, p. 24; recorded Acts, vol. 18, p. 23.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Sarah Sargent Ann Shapley Isabel Tappan Deborah Sparhawk Sarah Davenport Susan Penhallow Elizabeth Adams Margaret Manning Mary Sherburne Ann W Penhallow and Lucy M. Buckminster with their Associates and such as shall in manner hereinafter mentioned become Associates with them and their Successors be and they hereby are made a Corporation by the name of the Portsmouth Female Asylum for the sole purpose of relieving, instructing employing and assisting within the town of Portsmouth female orphan children and others whose parents shall be unable to support them, with power to sue and be sued to make bye laws rules & regulations for the government of said Corporation and the management of its funds & concerns To take by grant devise donation or otherwise and hold real estate free

from taxation not exceeding twenty thousand dollars in value & personal estate not exceeding two thousand dollars in annual income and with all other powers and privileges incident to Corporations of a similar nature—

Sect. 2 And be it further enacted that any woman—either married or sole who shall subscribe to pay and actually pay two dollars annually to said Corporation shall thereby become a member thereof and so continue till she shall neglect or refuse to pay said Sum according to her subscription—

Section 3. And be it further enacted that there shall be a meeting of the members of said Corporation held in the town of Portsmouth in the month of May in each year at which they shall by a majority of votes of those present elect of their own members not less than Six nor more than twelve Managers to continue in Office one year & until others be elected in their stead. And other meetings may be held whenever there shall in the opinion of the managers be occasion therefor—The particular time & place of holding all meetings shall be determined by a majority of the managers for the time being and notified by an advertisement in some newspaper published in the town of Portsmouth.—

Sect. 4 And be it further enacted that the said Managers shall of their own number appoint a first and second Directress, A Secretary & Treasurer and also all such other officers & servants of the said Corporation as they shall think proper and prescribe their several powers and duties and also make bye laws & regulations for said Corporation & all its concerns. And the Managers for the time being shall have the care, direction and disposition of the subscriptions, funds & all the estate of the said Corporation. And the said managers shall have authority to receive into their Asylum & under their direction such female orphan children as they shall judge suitable objects of charity to enjoy the benefits of said institution and may also for the same purpose receive any other indigent female child whose father or (in case such child have no Father living within this State) whose mother shall in writing request the Same. And such children so received shall thereafter be under the sole controul & direction of the said Managers. And the said Managers shall have power to bind to service in virtuous families until the age of eighteen years or marriage any such children so to be received as aforesaid making always suitable provision for the proper education of such children and such children so bound to service shall be held in the same manner as children bound to service by the overseers of the poor are by law held—

Sect. 5 And be it further enacted that a bond with sufficient sureties shall be given to said Corporation that the Treasurer to be annually appointed as aforesaid shall faithfully account for all money and other property belonging to said Corporation which shall come to her hands and that she shall discharge all the duties of her office with fidelity.—

Sect. 6. And be it further enacted that if any married woman being a member of said Corporation shall with the privity & consent of her husband receive any money or other property belonging to said Corporation her said husband shall thereby become accountable therefor in the same manner as if such money or property had been received by him—

Sect 7. And be it further enacted that no contract or agreement shall be binding on said Corporation unless made by & with the consent of a majority of the Managers for the time being. And that deeds of conveyance of any real estate belonging to said Corporation made with the consent of a majority of the Managers under the Seal of said Corporation signed by the first or second Directress & Countersigned by the Secretary or executed by an Attorney duly constituted by a majority of the Managers and not otherwise shall be valid to pass the same.—

Sect 8.—And be it further enacted that the persons named in the first section of this act shall be & continue managers of the said Corporation with all the powers by this act incident thereto until others shall be elected in their stead at the annual meeting of the members in the month of May next.—

## [CHAPTER 25.]

*State of*                    }  
*New Hampshire.*        }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE LANCASTER ACADEMY

[Approved December 10, 1808. Original Acts, vol. 20, p. 25; recorded Acts, vol. 18, p. 33. See acts of December 24, 1828, id., vol. 26, p. 93, July 2, 1831, id., vol. 28, p. 197, June 26, 1835, Session Laws, June, 1835, Chap. 215 and July 3, 1872, id., 1872-76, p. 82.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Abraham Hinds, Stephen Willson, Jonas Baker, Levi Willard and William Lovejoy and their associates and successors be and they hereby are incorporated and made a body politic and corporate under the name of the Lancaster Academy and by that name may sue and prosecute and be sued and prosecuted to final judgment and execution and shall have and enjoy all the powers and privileges which by law are incident to similar corporations.

And be it further enacted that the said corporation may establish an Academy in said town of Lancaster for the instruction and education of youth and may erect and maintain suitable buildings therefor and may purchase or receive by donations and hold real and personal estate of any kind not exceeding ten thousand dollars in value which shall be exempt from taxation.

And be it further enacted that the said corporation at any meeting duly holden may make rules, regulations and by laws for the management of the intrests and concerns of the said institution and appoint such and so many officers as they shall think proper and prescribe their powers and duties

And be it further enacted that the said Abraham Hinds is hereby authorized to call a first meeting of said corporation to be holden at a suitable time and place in said town of Lancaster by posting up notifications in two publick places in said town, fifteen days prior to said meeting, when the manner of holding future meetings may be regulated and any business relating to said corporation may be transacted.

[CHAPTER 26.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING THEODORE HAM AND HIS FAMILY, TO ASSUME  
THE NAME OF LYMAN.—

[Approved December 13, 1808. Original Acts, vol. 20, p. 26; recorded Acts, vol. 18, p. 32.]

Be it enacted by the Senate and House of Representatives, in General Court convened, That Theodore Ham of Milton in the County of Strafford, be, and he hereby is authorized and empowered to assume and bear the name of Theodore C. Lyman, and the children of the said Theodore are hereby authorized and empowered to assume and bear the name of Lyman, instead of that of Ham, and the name of Lyman to annex to each and every of their christian, given or baptismal names, instead of the name of Ham as aforesaid, and by those names respectively, in future, shall be called and known, any law, usage or custom to the contrary notwithstanding.—

Provided, that nothing in this act contained, shall impair any contract or obligation by them or either of them made, or affect any action or suit, now pending in any Court of law, within this State wherein the said Theodore or either of his children is a party.—



## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS HEREIN AFTER NAMED  
INTO A SOCIETY BY THE NAME OF THE SOCIAL LIBRARY COMPANY  
IN GROTON AND HEBRON

[Approved December 13, 1808. Original Acts, vol. 20, p. 27; recorded Acts, vol. 18, p. 36.]

Whereas a general diffusion of useful knowledge in a land of liberty has a happy tendency to preserve Freedom and make better men and better citizens

Be it therefore enacted by the Senate and house of Representatives in general Court convened, That Edmund Shattuck Esq<sup>r</sup> Capt Caleb E Cumings and Capt Thomas Page and others their associates be and they hereby are formed into constituted and made a body politic and corporate by the name of the Social library Company in Groton and Hebron and that they, their successors and Such other persons as may be elected in the manner herein after mentioned, shall be and continue a body politic and corporate by the same name forever—

And be it further enacted, That the members of said society may from time to time elect directors thereof a Clerk a Librarian Treasurer and such other officers as they may deem necessary and expedient, and to determine the respective numbers and the duties of their several officers.—

And be it further enacted That the members of said society shall have full power and authority to make and enact such rules and by laws for the government thereof as may by them be found Necessary; provided the same be not repugnant to the Constitution and laws of this State and to annex reasonable fines and penalties to the breach of them not exceeding the value of the delinquent's share in said library, to be recovered by said society in an action of debt to their use in any Court within this State proper to try the same.—

And be it further enacted That the said society shall forever have the power to establish the time and mode of convening themselves together and the number necessary to constitute such meeting as also the place which to them may appear most convenient

And be it further enacted That the members of said society from time to time admit such persons to become members thereof as they may judge proper and shall have power to suspend expel or disfranchise any member thereof.—

And be it further enacted That the members of said society shall forever be deemed capable in law of taking and holding any donations that may be made them whether the same be in money or books or other personal estate not exceeding one thousand dollars.—

And be it further enacted That the members of said society may sue and be sued in all actions personal and prosecute and defend the same to final judgment and execution by the name of the Social Library Company in Groton and Hebron and that Caleb Eastman Cumings be authorized to call the first meeting

[CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF MOSES SLEEPER OF NEW CHESTER TO MOSES WEST SLEEPER—

[Approved December 13, 1808. Original Acts, vol. 20, p. 28; recorded Acts, vol. 18, p. 39.]

Whereas Moses Sleeper of New Chester in the County of Grafton, in said State, hath petitioned the General Court, praying that he may in future be called and known by the name of Moses West Sleeper; which prayer appearing reasonable;—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Moses Sleeper be and he hereby is allowed to take the name of Moses West Sleeper, and that the said Moses by the name of Moses West Sleeper shall and may in future be called and known.—

[CHAPTER 29.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE RUMNEY LIBRARIAN SOCIETY—

[Approved December 13, 1808. Original Acts, vol. 20, p. 29; recorded Acts, vol. 18, p. 40.]

Sec<sup>t</sup> 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, that Abraham Burnham Jonas Meriam Samuel Emerson Samuel Burnham and there associates, proprietors of said Library, and such as may hereafter become proprietors of the same, be and hereby are incorporated into a body corporate and made a body politick by the name of the Rumney Librarian society, with continuation and succession forever, & in that name may sue and be sued, may plead and be impladed, in all personal action and prosecute and defend the same to final judgment and execution, and they are hereby vested with all the powers and privileges incident to corporations of simular nature, and may

enjoin penalties of Disfranchisement or fine not exceeding six dollars for each offence, to be recovered by said proprietors in an action of debt to there use in any Court proper to try the same, and they may make, purchase, and receive Subscriptions Grants, and donations of personal Estate not Exceeding one thousand dollars for the purpose & Use of there association—

Sect<sup>t</sup> 2<sup>d</sup> And be it further enacted that the said proprietors be and they hereby are authorized and impowered annually to assemble in said Town of Rumney on the first Monday in February, to choose all such officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in there room, and that said proprietors may assemble as often as may be found necessary for the filling up any vacancies which may hapen in said officies, and for transacting all business excepting the raising of monies which shall always be done at there annual meeting, and at no other time, at which annual meeting they may vote all necessary sums for defraying the annual expence of preserving said Library, and for enlarging the same, and said proprietors shall have full power to make such rules & by laws for the Government of said corporation, as may be from time to time found necessary provided, the same be not repugnant to the constitution of this State—

Sect<sup>t</sup> 3<sup>d</sup> And be it further enacted that Abraham Burnham Jonas Meriam Samuel Emerson and Samuel Burnham be and they are hereby authorized, and impowered, to call the first meeting of said proprietors, at such time and place as they may appoint, by posting a notification for that purpose at some public place in said Rumney, at least, fifteen days prior to said meeting and the said proprietors at said Meeting shall have the same power to choose Officers and make bye laws as they have by this act at there annual Meetings—

### [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT, TO PROHIBIT ANY PERSON FROM HAULING OR REMOVING  
SEA-WEED AND ROCK-WEED FROM THE SEA SHORE IN THE TOWNS  
OF HAMPTON AND NORTH HAMPTON.

[Approved December 13, 1808. Original Acts, vol. 20, p. 30; recorded Acts, vol. 18, p. 144. Session Laws, November, 1808, p. 23, Laws, 1815 ed., p. 400; id., 1830 ed., p. 191. See acts of June 12, 1789, Laws of New Hampshire, vol. 5, p. 443, June 18, 1793, id., vol. 6, p. 104, January 15, 1794, id., p. 132, June 14, 1800, id., p. 636, June 21, 1814, Session Laws, June, 1814, p. 19, December 23, 1840, id., November, 1840, Chap. 564, and July 2, 1850, id., June, 1850, Chap. 994. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas inconveniences and disputes often arise between persons who haul sea-weed and rock-weed from the sea shore in the

town of Hampton, and in the town of North Hampton; for remedy whereof

Be it enacted by the Senate and House of Representatives in General Court convened, that any person or persons who shall hereafter be found guilty of raking, collecting, removing or carrying off from the sea shore in the towns of Hampton and North Hampton aforesaid any such sea-weed or rock-weed, or shall aid and assist therein between day light in the evening and day light in the morning; every such offender, for every such trespass, shall, on conviction thereof forfeit and pay a sum not less than six dollars nor more than thirteen dollars, to be recovered in an action of debt before any court proper to try the same, one half of which sum shall be for the use and benefit of the person suing for the same, and the other half for the use and benefit of the town in which such trespass may be committed.

And be it further enacted that any person or persons who shall pile up for the purpose of hauling away any sea-weed or rock-weed below high water mark in said towns shall forfeit and pay a sum not less than six dollars nor more than thirteen dollars to be recovered and disposed of as aforesaid.

### [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT ENTITLED  
"AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE  
PROPRIETORS OF THE THIRD TURNPIKE ROAD IN NEW HAMPSHIRE," PASSED DECEMBER 27<sup>TH</sup> 1799—

[Approved December 13, 1808. Original Acts, vol. 20, p. 31; recorded Acts, vol. 18, p. 145. Session Laws, November, 1808, p. 22. See act referred to, Laws of New Hampshire, vol. 6, p. 613. See acts of June 18, 1806, *ante*, p. 533, and June 15, 1811, Session Laws, June, 1811, p. 11. The road was authorized to be discontinued December 21, 1824, *id.*, November, 1824, Chap. 76.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Proprietors of the said third New Hampshire turnpike corporation be and hereby are empowered to lay out make and keep in repair a turnpike road of four rods wide in Marlborough in the County of Cheshire commencing at or near the house of Paul Newton in said Marlborough and terminating in said turnpike road at or near a Bridge about one hundred Rods south east of Marlborough Meeting House with full Power to erect gates and to demand such tolls as are granted to them in the Act incorporating the said third New Hampshire turnpike road, the said Corporation to be alike liable to indictment for defect of



repairs of this new turnpike as they are by the act on the old turnpike road to which this is an amendment.—

Sect<sup>n</sup> 2<sup>d</sup> And be it further enacted, that Josiah Robbins, Samuel Griffin and Josiah Melvin Esq<sup>r</sup> all of Packersfield in said County of Cheshire be and they hereby are appointed a Committee to apprise the damages which may arise to those Persons through whose land said Turnpike road may pass, which said Committee are also hereby vested with full power and authority to hear and determine any disputes and differences between the Proprietors of said Corporation and the Inhabitants living in that part of the said Turnpike road which will be given up and discontinued and adjacent to the new rout for a turnpike road in said Marlborough herein granted whose report duly signed by them or any two of them shall be final and conclusive between the parties.—

Provided nevertheless that said Corporation shall not brake ground nor enter upon any part of the land through which said contemplated road may run until they shall have actually paid or given satisfactory security to the owners of said land for the damages said road may occasion or shall have tendered the same to them—

And shall also have fulfilled the award of the aforesaid Committee respecting the damages (if any) which may be awarded by them to the persons living upon the old road—

## [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT TO CONTINUE IN FORCE AN ACT MADE AND PASSED DECEMBER 10<sup>TH</sup> 1800 ENTITLED "AN ACT TO VEST IN SOLOMON ROBBINS THE PRIVILEGE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER IN WESTMORELAND."

[Approved December 14, 1808. Original Acts, vol. 20, p. 32; recorded Acts, vol. 17, p. 386. See act of December 10, 1800, Laws of New Hampshire, vol. 6, p. 672. See also additional act of June 24, 1813, recorded Acts, vol. 20, p. 116.]

Whereas in and by the aforesaid Act, the term of three years only, was allowed for building said Bridge, which time having expired and the said Bridge not having been erected:—And whereas the said Solomon Robbins hath petitioned the General Court, praying that he and his associates may have a further time allowed them for building said Bridge:—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that the said Solomon Robbins and his associates be, and they hereby are allowed a further term of three

years from and after the passing of this Act, to build and complete said bridge—And they are hereby vested with all the powers, privileges and immunities, which they were in and by the aforesaid Act, to which this is an addition—

[CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE THE PROPRIETORS OF THE PUMPKIN SEINE.

[Approved December 14, 1808. Original Acts, vol. 20, p. 33; recorded Acts, vol. 18, p. 44. See acts of December 27, 1798, Laws of New Hampshire, vol. 6, p. 544, and June 20, 1811, recorded Acts, vol. 19, p. 87.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph Harvell, Hugh N M<sup>c</sup>Queston Clifton Clagett, Simeon Kendall, Josiah Kendall Jacob Whitmore, Timothy Kendall, Thomas Bixby, Simeon Bixby, William Bixby, Hugh Nahor John Lund, Silas Spaulding, Daniel Stearns, Daniel Weston and Timothy Kendall of Amherst, and their associates and Successors, be and they hereby are incorporated and made a body Corporate and politic under the name of the *Pumpkin Seine*, Corporation, and in that name may sue and be sued, prosecute and be prosecuted to final judgement and execution, and shall be and hereby are vested with all the powers and privileges, which by law are incident to Corporations of a similar nature.

And be it further enacted the said Thomas Bixby, shall call the first meeting of said Proprietors, to be holden at some suitable time and place, by posting up an advertisement, in the Towns of Litchfield and Merrimack, expressing therein the meaning and intent of said meeting, at least fourteen days prior to holding said meeting, and the proprietors by a vote of a majority of those present and represented at said meeting accounting and allowing one vote for each share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said office, and the meeting of said proprietors shall forever hereafter be holden on the third Monday of January annually, and at the same or any subsequent meeting, may elect such Officers and make and establish such rules and by laws, as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid and for collecting the tax or taxes that may be assessed, on each and evry proprietors share or shares, provided said rules and by laws, are not repugnat to the Constitution and laws of the State of Newhampshire

And be it further enacted that the said proprietors, shall pay James Thornton of said Merrimack, his Heirs and assigns every twentieth shad and every twentieth pound salmon caught in said

seine as rent, or the value thereof in money, for the use of the ground on which said seine is or may be drawn, that is during the season of catching shad or Salmon.

And be it further enacted, that if the said proprietors shall for the term of two years, in succession, discontinue to occupy and draw said seine, the whole season for catching said fish, then every part of this act to be nul and void, and the whole right to revert to the said Thornton.

### [CHAPTER 34.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE THE PROPRIETORS OF THE PADDY SEINE.

\* [Approved December 14, 1808. Original Acts, vol. 20, p. 34; recorded Acts, vol. 18, p. 46. See acts of December 27, 1798, Laws of New Hampshire, vol. 6, p. 544, and June 20, 1811, recorded Acts, vol. 19, p. 87.]

Be it enacted by the Senate and House of Representatives in General Court convened, That, Samuel Gibson, Oliver Roby, Samuel Foster, Alexander M<sup>c</sup>Colley Samuel Cotton, James Thornton, Robert Wallace, David Quig, Timothy Kendall, Junior, Jotham Gillis, Robert Parker, Hugh Boys and Henry Hale, and their associates and successors, be and they hereby are incorporated, and made a body corporate and politic under the name of the *Paddy Seine* Corporation, and in that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to Corporations of a similar nature.

And be it further enacted, that the said Samuel Gibson shall call the first meeting of said Proprietors, to be holden at some suitable time and place, by posting up an advertisement in the towns of Merrimack and Litchfield, expressing therein the meaning and intent of said meeting, at least fourteen days prior to holding said meeting, and the proprietors by a vote of a majority of those present and represented at said meeting, accounting and allowing one vote for each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of said office, and the meeting of said proprietors shall forever hereafter be holden on the third Monday of January annually, and at the same or any subsequent meeting may elect such officers and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid and for collecting the tax or taxes that may be assessed on each and every proprietors' share or shares—provided the said rules and by-laws are not repugnant to the Constitution and laws of the State of New Hampshire.

And be it further enacted, that the said proprietors shall pay the said James Thornton, his heirs and assigns, every twentieth shad, and every twentieth pound of salmon caught in said seine as rent, or the value thereof in money, for the use of the ground on which said Seine is or may be drawn, that is during the season of catching shad or salmon.

And be it further enacted that if the said proprietors, shall for the term of two years, in succession discontinue to occupy and draw said Seine, the whole season for catching said fish, then every part of this Act to be null and void, and the whole right to revert to the said Thornton.

[CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING TO SAMUEL MILLEN A CARTAIN GORE OF LAND  
IN BETHETHLEHEM

[Approved December 14, 1808. Original Acts, vol. 20, p. 35; recorded Acts, vol. 18, p. 49.]

Be it enacted by the Senate and house of Representatives in general Court Convened, that there be and here by is granted unto Samuel Millen of Bethlehem, in the County of Grafton, and to his heirs and assigns for ever, (provided the Condition hereinafter mentioned be Performed) a Cartain tract of Land in Bethlehem aforesaid, being a gore of Land, at the westerly end of the Eighth Range of the Long ranges of Lots, in said Town, bounded as follows, on the South by Franconia Line, on the North by Number two, three and four, in the Seventh Range; on the East by Number five in the foresaid eighth range, Containing about one hundred and thirty acres, be the same More or Less, with all the privileges and Appurtenances to the same belonging; provided always, and the grant aforesaid is upon this Condition, that the said Samuel Millen shall by the first day of July Next give good and sufficient security to the Treasurer of this State, for the payment of the sum of fifty Dollars within two years from the passing of this act with intrest



## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORIZE JAMES HOGG, JOHN HOGG, WILLIAM HOGG AND SAMUEL HOGG, AND THEIR CHILDREN TO ASSUME AND BEAR THE SIRNAME OF PRENTISS.

[Approved December 14, 1808. Original Acts, vol. 20, p. 36; recorded Acts, vol. 18, p. 51.]

Be it enacted by the Senate and House of Representatives in General Court convened, that William Hogg and Elizabeth Wife of the said William and Margaret G.—Anna G.—Robert and William, Children of the said William;—and John Hogg and Polly Wife of the said John, and Elizabeth C.—John and Luther, Children of the said John, and Samuel Hogg and Lydia Wife of said Samuel, and Polly C.—Samuel, Ephraim C.—Margaret G.—and Tharon, Children of the said Samuel, all of Acworth in the County of Cheshire; and James Hogg and Gennet Wife of said James, and Betsy, Robert, James, Sally, Cyrus and Samuel M.—Children of said James of Langdon in the above said County, be and hereby are authorized to assume and bear the Sirname of Prentiss and shall by the Sirname of Prentiss forever hereafter be known and called in all matters whatsoever

Provided nevertheless that nothing in this Act shall be construed to effect any action already commenced or any written instrument or any contract now made in which the said James Hogg, John Hogg, William Hogg and Samuel Hogg, or their Children is, or are a party.

## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT, TO AUTHORIZE THE REV<sup>D</sup> JOHN OSBORNE TO JOIN PERSONS IN MARRIAGE IN THE TOWN OF NEWMARKET.

[Approved December 14, 1808. Original Acts, vol. 20, p. 37; recorded Acts, vol. 18, p. 53.]

Whereas the Rev<sup>d</sup> John Osborne was ordained in Lee in the County of Strafford, whose society contains part of the said town of Lee and part of the town of Newmarket in the County of Rockingham, and there being no settled minister in said Newmarket; Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said John Osborne be and he hereby is authorized to join persons in marriage in the said town of Newmarket; which marriage shall be valid in law; any law to the contrary notwithstanding.

[CHAPTER 38.]

*State of*            }  
*New Hampshire.* }

AN ACT TO INCORPORATE SAMUEL HUTCHINGS, AND OTHERS INTO A RELIGIOUS SOCIETY, CALLED AND KNOWN BY THE NAME OF THE FIRST METHODIST EPISCOPAL SOCIETY IN PORTSMOUTH.—

[Approved December 15, 1808. Original Acts, vol. 20, p. 38; recorded Acts, vol. 18, p. 54. See additional act of June 20, 1825, *id.*, vol. 23, p. 26.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Samuel Hutchings, Nath<sup>l</sup> S. Peirce, Joshua Johnson, John Underwood, Caleb Stearns, Benjamin Gardner, Sam<sup>l</sup> Hutchings, jr, Benjamin Hill and Nath<sup>l</sup> Souther, and their associates, with such others as may be admitted members hereafter, be, and they hereby are made and vested into a body corporate and politic, with continuation and succession forever, to be called and known by the name of the First Methodist Episcopal Society in Portsmouth, and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and are hereby vested with all the powers and privileges which by law are incident to corporations of a similar nature.—

And be it further enacted, That said Society be and they hereby are authorized and empowered to raise such sum or sums of money as they shall judge necessary from time to time, for the purpose of building and keeping in repair a house or houses for public worship, and to choose all proper officers for transacting and managing the concerns of said Society, and to make by-laws for regulating the same, Provided, they are not repugnant to the Constitution and Laws of this State.—

And be it further enacted, That all meetings of said Society, for the choice of Officers, or for transacting the business of said Corporation, shall be warned by posting up a notification, (setting forth specially all matters and things to be acted upon at said meeting,) at the Methodist Meeting-House in said town of Portsmouth, fifteen days before the day of holding their meetings—and that two of the members of said Society may have power to warn the same.—

And be it further enacted, That said Society may hold real estate in Portsmouth or elsewhere; and receive Subscriptions, grants and donations of personal estate;—Provided no more than the sum of six thousand dollars be exempted from taxation at any one time.—

## [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE  
BETHLEHAM LIBRARIAN SOCIETY—

[Approved December 16, 1808. Original Acts, vol. 20, p. 39; recorded Acts, vol. 18, p. 57.]

Sec<sup>t</sup> 1<sup>st</sup> Be it enacted by the Senate, and House of Representatives in General Court convened, that Lot Woodbury Edward Oakes Willis Wilder Stephen Houghton Joel Winch John Wilder and their associates proprietors in said Library, and such as may hereafter become proprietors of the same be & they are hereby incorporated into a body corporate and politic, by the name of the Bethlehem Librarian Society, with continuation and succession forever, and in that name may sue and be sued, pled and be impleaded, in all personal actions and prosecute and defend the same to final judgment and execution, and they are hereby vested with all the powers and privileges incident to corporations of a simular nature,—and may enjoin penalties of Disfranchisement or fine not exceeding six dollars for each offence, to be recovered by said proprietors in an action of debt to there use in any Court proper to try the same, and they may make, purchase, and receive, subscriptions grants, & donations, of personal Estate, not exceeding one thousand dollars, for the purpose and use of their association

Sec<sup>t</sup> 2<sup>d</sup> And be it further enacted, that the said proprietors be and they hereby are authorized & impowered, annually, to assemble in said Town of Bethlehem, on the first Monday of February next, to choose all Officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office till others are chosen in their room, and that said proprietors may assemble as often as may be found necessary for the filling up any vacancy, which may hapen in said Offices, and for transacting all other business except the raiseing of money which shall always be done at their annual meeting, & at no other time, at which annual meeting they may vote all necessary sums for defraying the annuel expences of preserving said Library, and for enlarging the same, and said proprietors shall have power to make such rules and bye laws for the Government of said corporation as may be from time to time found necessary, provided, the same be not repugnant to the constitution of this State.

Sec<sup>t</sup> 3<sup>rd</sup> And be it further enacted that Lot Woodbury & Willis Wilder Edward Oakes or either of them be and they hereby are authorized to call the first meeting of said proprietors, at such time and place as they may appoint, by posting a notification for that

purpose at some public place in said Bethlehem, at least, fifteen days prior to said meeting, and shall have the same power to choose Officers, and make bye laws, that they have by this act at their annual Meeting—

[CHAPTER 40.]

*State of* }  
*New Hampshire.* }

AN ACT INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF  
BUILDING A BRIDGE ACROSS SACO RIVER AT ODELLS FALLS IN  
CONWAY—

[Approved December 16, 1808. Original Acts, vol. 20, p. 40; recorded Acts, vol. 18, p. 107. See act of June 29, 1821, Session Laws, June, 1821, Chap. 37.]

Whereas Richard Odell, Silas Meserve and Others have petitioned the General Court praying for an Act of Incorporation, for the Purpose of building a Bridge over Saco River, at Odells Falls in Conway, the prayer of which Petition appearing reasonable—

Therefore—

Sect. 1st. Be it enacted by the Senate and House of Representatives in General Court convened, that Richard Odell, Silas Meserve, Thomas F. Odell and Jonathan A. Merrill, with those who have or may hereafter associate together for that Purpose, shall be a Corporation and Body Politic, by the Name and Stile of the Proprietors of the central Bridge in Conway, and by that Name may sue and be sued, plead and be impleaded, prosecute and be prosecuted to final Judgment and Execution and do and Suffer each and all other Acts and things which Other Corporate Bodies ought to do and Suffer, And that said Corporation shall have power to make have and use a common Seal, and the same at Pleasure to break alter and renew—

Sec 2<sup>d</sup> And be it further enacted, that Any two of the Proprietors named in this Act, may by Advertisement, printed in the New Hampshire Gazette or posted up at two public places in the Town of Conway, by them signed, call and warn a Meeting of said Proprietors, to be holden at said Conway at any suitable time and Place, after thirty days from the publication or posting of such Advertisement and a Majority of the Proprietors present, allowing one vote to each Share, may choose a Clerk, who shall be Sworn to the faithful discharge of his duty; and also at the same or any Subsequent Meeting, may choose such other Officers as shall be necessary and convenient for managing the Business of said Corporation, and agree on the Method of calling future Meetings, and also may establish such, Rules, Regulations and bye Laws, as shall be thought



necessary for regulating and governing said Corporation, and for effectually compleating and executing each and all the Purposes of this Act of incorporation; provided said Rules and Regulations be not repugnant to the Laws and Constitution of New-Hampshire

Sec. 3<sup>d</sup> And be it further enacted, that said Corporation may purchase and hold Lands or Real Estate sufficient to build, near said Bridge, a toll House and other buildings as shall by said Corporation be considered to be necessary for the conveniency of said Corporation—

Sect 4th. And be it further enacted, that the mode of conveyance of Shares or Interest in said Corporation shall be by Deed duly executed, acknowledged and recorded in the Books of said Corporation, and the fees to be allowed the Clerk of said Corporation for recording the same—shall be the same as those allowed to the County Registers in this State

Sec 5. And be it further enacted, that all representations at any meeting of said Corporation shall be proved in writing signed by the person to be represented which shall be filed by the Clerk, and this Act, and all Rules regulations and bye Laws and proceedings of said Corporation shall be fairly & truly recorded by the Clerk in a Book or Books, provided and kept for that purpose—

Sec 6th.—And be it further enacted, that for the purpose of reimbursing said Proprietors, for the Money expended by them in building and supporting said Bridge, a Toll is hereby granted and established for the Benefit of said Proprietors, according to the Rates following viz. for each foot passenger two Cents; for each Horse and Rider Six Cents—for each Horse and Shaise, Chair, Sulky or other Carriage in which Persons ride, drawn by one Horse only, twelve Cents—for each Sleigh drawn by one Horse six Cents,—for each Sleigh drawn by more than one Horse twelve Cents—for each Coach, Charriot, Phaeton or four wheel Carriage for Passengers, drawn by more than one Horse, twenty Cents—for each Carriage of Burthen drawn by two Beasts other than those before enumerated twelve Cents—And three Cents for every additional Beast—for each Horse or neat Creature, exclusive of those rode on, or in Carriages, two Cents—for Sheep or Swine one half Cent each—And to each Team one Person and no more shall be allowed as a Driver to pass free of Toll.—

Sec 7—And be it further enacted that if any Tax or assessments made by said Corporation for carrying any of the foregoing Purposes into execution the Share of the delinquent may be sold at public Auction, as the Proprietors may agree and determine; And if any overplus remain, after paying the Tax or Assessments and Charges, it shall be lodged with the Treasurer or Clerk of said Corporation to be delivered to the Proprietor, whose Shares may have been so sold, when called for by him or his Order—

Sec 8th. And be it further enacted that said Corporation shall

be, and forever hereafter is a Corporation by the Name and Stile aforesaid, and have and enjoy the Privilege of building and keeping in Repair a toll Bridge one and a half Miles, either way from the Place mentioned in this Act—

Sec 9th. And be it further enacted, that at the end of three Years from and after the compleating of said Bridge, the Select Men of Conway, then in Office, shall have power to regulate the Toll of said Bridge so that the Proprietors shall not receive more than twelve percentum after deducting repairs and the Expences of Collecting the Same with incidental Costs—

Sec 10. And be it further enacted, that said Corporation Shall be entitled to have and enjoy all the Powers and Privileges Simelar to those granted to other Corporate Bodies—provided nevertheless that if said Bridge is not compleated in three Years, from and after the passing of this Act, then this Act and every Clause of the Same shall be null and void—

#### [CHAPTER 41.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE BLAZING STAR LODGE.

[Approved December 17, 1808. Original Acts, vol. 20, p. 41; recorded Acts, vol. 18, p. 1. See act of July 26, 1878, Session Laws, June, 1878, Chap. 153.]

Sect. 1. Be it enacted by the Senate & House of Representatives in General Court convened, that Peter C. Farnum, Joshua Darling, Stephen Blanchard, Timothy Chandler, John Harris, Dyer Abbot, Josiah Morse, Sherburn Wiggim, & Abel Hutchins, and their associates & successors, be, and they hereby are, incorporated, and made a body politic & corporate forever, by the name of The Blazing Star Lodge; and by that name may sue & be sued, plead & be impleaded; and shall be, and hereby are, vested with all the powers & privileges, which are, by law, incident to corporations of a similar nature.

Sect. 2. And be it further enacted, that the said Corporation be, and they hereby are, authorized & impowered to purchase, take, & hold, in fee simple or otherwise, so much real estate, in the town of Concord, as shall be necessary and convenient for a building in which they may hold their meetings; and may collect and establish funds, not exceeding two thousand dollars, for promoting the charitable and benevolent designs of their institution.

Sect. 3. And be it further enacted, that the said Peter C. Farnum & Joshua Darling, or either of them, be, and they hereby are,

authorized & empowered to call the first meeting of said Corporation, by giving three weeks notice of the time & place thereof in some public newspaper printed at Concord. And the said corporation may at that, or at any subsequent meeting, agree upon the times & places of holding future meetings, and the method of calling the same; and may also elect such officers, and make & establish such rules & by-laws, as they may think necessary & proper for their regulation and government; Provided, the said rules & bylaws be not repugnant to the constitution and laws of the State of New-hampshire.

[CHAPTER 42.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF  
BUILDING A BRIDGE OVER MERRIMAC RIVER BY THE NAME OF  
GOFFS FERRY BRIDGE BETWEEN THE TOWNS OF BEDFORD AND  
DERRYFIELD

[Approved December 20, 1808. Original Acts, vol. 20, p. 42; recorded Acts, vol. 17, p. 380.]

Whereas the erecting a Bridge over Merrimac River between the Towns of Bedford and Derryfield in Said State near Moors Ferry known by the name of Goffs Ferry will be of Great public convenience, and whereas Capt Joseph Moor and others have presented a petition to the General Court praying that they and such as may associate with them may be Incorporated for the purpose of Building said Bridge with power to Collect reasonable Toll for their Compensation, which prayer appearing Reasonable,

Therefore, Be it enacted by the Senate and House of Representatives in General Court convened that the said Joseph Moor Isaac Riddle, William Riddle and Samuel Chandler, and such other persons as may associate with them for that purpose, their Heirs and assigns, be, and they hereby are made and Constituted a Corporation and body Politic for the purpose aforesaid, by the name and Title of the Proprietors of Goffs Ferry Bridge, and by that name may sue and be sued to final Judgement and Execution, and Also to have all the Corporate powers and Authorities necessary for carrying the proposed design into effect; and said Corporation may and shall have and use a Common Seal and the same may alter Break and Renew at pleasure.

And be it further enacted that the said proprietors aforesaid be, and they hereby are permitted and allowed the exclusive right and privilege of erecting a Bridge over Merrimac River at the aforesaid place, Provided however, That said Bridge shall be so constructed as not to impede or obstruct the free Navigation of said

River by persons employed in Boating or rafting down or up said River.

And be it further enacted that Isaac Riddle one of the before named proprietors of said Bridge, be, and he hereby is authorised and Impowered to call a meeting of said proprietors, giving Thirty Days notice by advertisement in the Newspaper printed nearest to the place proposed for building said Bridge, and the said Proprietors by a Majority of those present or duely represented at said meeting allowing and counting one Vote for each single share in all cases (provided however that no one proprietor shall be allowed more than Ten Votes) may and shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of his said office, and shall also agree on a method of calling future meetings, and at the same, or any subsequent meeting may elect such Officer or Officers and make and establish such rules and Bye-Laws from time to time as they shall deem necessary or convenient for the regulation or government of the said Corporation for carrying into effect the purpose aforesaid, and for collecting the Toll herein after granted and established; and the same Rules and Bye-Laws may cause to be enforced and executed, and may annex Penalties to the breach of any such Rules or Bye-Laws, not exceeding Ten Dollars with cost of suit for each offence, to be recovered as in cases of Debt before any Court of Competent Jurisdiction, on complaint of the Clerk of the Corporation for the time being; Provided the said Rules and Bye-Laws be not repugnant to the Constitution and Laws of this State, and all representations at any meeting of the Said Corporation shall be filed by the Clerk, and this act and all Rules and Bye-Laws, regulations and proceedings shall be fairly and truely Recorded by the said Clerk in a Book or Books to be provided and Kept for that purpose

And be it further enacted that for the purpose of reimbursing the said proprietors the money by them to be expended in building and supporting said Bridge, a Toll be and hereby is granted and established for the sole benefit of the said proprietors according to the rates following, that is to say, for each foot pasenger one cent, for each Horse and rider five cents, for each Horse and Chaise Chair or Sulkey drawn by one Horse, Twelve and one half cents, and four cents for each additional Horse, for Each Coach, Charriot, Phaeton or other four wheel Carriage for passengers, Twenty five cents, for each Riding Sleigh drawn by one Horse Six cents, and four cents for each additional Horse, for each Cart or other Carriage of Burthen drawn by one Horse Eight cents, and four cents, for Each additional Horse for each Cart, Wagon or other Carriage of Burthen drawn by one pair of Oxen Twelve and one half Cents, and six cents for each additional pair of Oxen, and four cents for each Horse, for each Sled or Sledge drawn by one beast six cents, drawn by Two beasts Ten cents, and Six cents for each additional pair of oxen, or four cents for each additional Horse, for each Horse



or neat Creature exclusive of those rode on or in Carriages Two cents, and for Sheep and Swine one Half cent each, and to each Team one person and no more shall be allowed to pass as a driver free of Toll, And at all times when the Toll gatherer shall not attend to his duty the gates shall be left open.

And be it further enacted, that if any Tax or assessment made by said Corporation for building or repairing said Bridge on the several shares, shall be unpaid at the time limited for the payment thereof, they may proceed to sell the delinquents Share or Shares, at public auction as the proprietors or a Majority of them shall agree and determine, after giving a reasonable notice by advertisement, to be posted up in some public place in the Towns of Bedford and Derryfield, and if any overplus remains after paying such Tax or assessment and incidental charges, the same shall be returned to the delinquent Proprietor.

And be it further enacted that if the said Proprietors after having built said Bridge shall at any time neglect to keep the same in repair, they shall be liable in the same way as Towns are for repair of Highways and Bridges.

And be it further enacted, that if the said Proprietors neglect or fail to Build and Complete said Bridge within the Term of Seven years from and after the passing of this Act, then this Act and every clause of it shall be null and Void.

#### [CHAPTER 43.]

*State of*                    )  
*New Hampshire.*    {

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE MORE SPEEDY RECOVERY OF SMALL DEBTS, AND TO SAVE THE COST USUALLY ATTENDING THE RECOVERY THEREOF IN THE PRESENT COURSE OF THE LAW."

[Approved December 20, 1808. Original Acts, vol. 20, p. 43; recorded Acts, vol. 17, p. 387. Session Laws, November, 1808, p. 24. Laws, 1815 ed., p. 90. The act referred to is dated June 28, 1787, Laws of New Hampshire, vol. 5, p. 265. See acts of January 3, 1784, id., vol. 4, p. 544, November 9, 1785, id., vol. 5, p. 101, June 28, 1787, id., pp. 265, 268, and December 16, 1796, id., vol. 6, p. 380. Repealed by act of December 25, 1828, Laws, 1830 ed., p. 57.]

Be it enacted by the Senate and House of Representatives in General Court convened, that any person or persons who shall voluntarily appear before any Justice of the Peace in the County where he, she or they live and confess that he, she or they do justly owe and stand indebted to any other person, or persons, in any sum not exceeding two hundred Dollars; and that such person or persons consent that a record thereof be made, and execution issued accord-

ingly, or be stayed for such time as may be agreed by the parties; the Justice is hereby authorised and directed to make a fair record of such confession and agreement and to order the person or persons so confessing; and likewise the creditor or his agent to sign the same: and he shall enter up judgment thereon, and issue execution according to such judgment. And such Justice shall enter on the evidence of the demand, the sum for which judgment was confessed, together with the time and place of doing the same in a proper file.

And be it further enacted, that such execution may be served, within the same County, in the same manner as executions issued on judgments rendered at the Court of Common Pleas, or by Justices of the Peace may by law be served.

[CHAPTER 44.]

*State of* }  
*New Hampshire.* }

AN ACT, DIRECTING THE APPOINTMENT AND CHOICE OF GRAND JURORS.

[Approved December 20, 1808. Original Acts, vol. 20, p. 44; recorded Acts, vol. 17, p. 389. Laws, 1815 ed., p. 121. See acts of December 6, 1800, Laws of New Hampshire, vol. 6, p. 655, December 10, 1800, id., p. 677, and November 5, 1813, Laws, 1815 ed., p. 125. Repealed July 4, 1827, id., 1830 ed., p. 464.]

Be it enacted by the Senate and House of Representatives in General Court convened, that in future the number of Grand Jurors required from any town, parish or place within this State to serve at any term of the Superior Court of Judicature, shall be drawn from the box containing the names of those persons suitable to serve as Petit Jurors at the Superior Court of Judicature in the same manner as Petit Jurors are by law drawn and appointed; any law, usage or custom to the contrary notwithstanding: provided that no person shall be obliged to serve as a Grand or petit Juror, although his name may be drawn as aforesaid, oftener than once in three years.

## [CHAPTER 45.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITULED, AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER PEMIGEWASSET BRANCH AT EMERSONS FALLS SO CALLED, BETWEEN THE TOWNS OF NEW-CHESTER AND SANDBORNTON, AND FOR SUPPORTING THE SAME. PASSED THE TWELVETH DAY OF JUNE IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND ONE—

[Approved December 20, 1808. Original Acts, vol. 20, p. 45; recorded Acts, vol. 17, p. 396. See act referred to, *ante*, p. 17. See also acts of December 15, 1803, *ante*, p. 171, December 21, 1805, *ante*, p. 437; June 17, 1813, recorded Acts, vol. 20, p. 53, December 18, 1824, *id.*, vol. 22, p. 562, and December 20, 1842, *id.*, vol. 35, p. 156.]

Whereas the proprietors of the New Chester Union Bridge have petitioned the General Court, stating that the rates of toll now established by Law to be received at said Bridge are lower than other bridges of equal magnitude; and quite insufficient to indemnify them for their exertions in building and keeping the same in repair and praying that the said rates of toll might be so far Augmented as that the revenue arising therefrom may in a greater degree equal a reasonable Interest for their Capital.—Which prayer appearing, reasonable.

Therefore.—

Be it enacted by the Senate and house of Representatives in General Court convened.—That from and after the first day of January next, insted of the tolls now authorized by Law to be received for passing said Bridge, it shall and may be Lawful for the said proprietors to demand and receive the rates following— Viz<sup>t</sup>

For each foot passenger one Cent, for each horse and rider four cents, and each additional rider one cent, for each Chaise, chair, Sulky or other pleasure Carriage on wheels, drawn by one horse only, twelve and one half cents, for each riding Sley drawn by one horse, six and one quarter cents, for each riding Sley for passengers drawn by two beasts, ten cents; and for each additional beast three cents.—for each charriot, phaeton coach or other four wheeled carriage for passengers drawn by two horses only, twenty cents, and for each additional horse, three cents—for each curricule, Twelve and one half cents, for each Cart, Waggon, Sleigh, Sled or other carriage of burthen drawn by two beasts, ten Cents, and three Cents for each additional beast.—for each Cart, Sleigh or Sled, or other Carriage of burthen drawn by one horse only, six and one quarter Cents, for each horse, or neat creature, exclusive of those rode on or in carriages, two Cents; for Sheep and Swine, one half Cent each, and to each team one person only shall be allowed as a driver to pass free of toll—

## [CHAPTER 46.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE JOHN SMITH & OTHERS BY THE NAME OF  
 THE PETERBOROUGH COTTON MANUFACTORY CORPORATION.

[Approved December 20, 1808. Original Acts, vol. 20, p. 46; recorded Acts, vol. 18, p. 113.]

Sec<sup>t</sup> 1. Be it enacted by the Senate & House of Representatives in General Court convened That the said John Smith John Steele John Scott Jon<sup>a</sup> Smith Daniel Robbe Sam<sup>l</sup> Smith & C<sup>y</sup> Asa Evans Sam<sup>l</sup> Evans Edmund Snow William Pettis W<sup>m</sup> Wilson Nathan Scott Geo Duncan Jun<sup>r</sup> Hugh Miller Nath<sup>l</sup> Morrison James Ferguson Sam<sup>l</sup> Alld Nath<sup>l</sup> Holmes Matthew Templeton—

And their associates, successors & assigns, shall be & they hereby are Created a Corporation & Body Politic by the name & stile of the Peterborough Cotton Manufactory Corporation & by that name may sue & be sued, plead or be impleaded, answer or be answered unto, defend & be defended, to final Judgement & execution & also may make have & use a Common seal & the same at pleasure break alter & renew.—

Sec<sup>t</sup> 2 And be it further enacted, that the said Corporation shall have power & hereby is Authorised to carry on the Manufactory at Peterborough of Cotton & the business necessarily connected therewith, & may erect any dam Mill or Mills, work or buildings necessary for the carrying on this usefull Manufacture & the business connected therewith.—

Sec<sup>t</sup> 3. Be it further enacted, that the said Corporation, may be lawfully seized & possessed of such real & personal estate as may be necessary & convenient for establishing & carrying on said Manufactory & the business therewith connected & the same may sell bargain & dispose of at pleasure, Provided that such real estate shall not exceed in value the sum of Ten Thousand Dollars & such personal estate shall not exceed in value the sum of Forty Thousand Dollars.—

Sec<sup>t</sup> 4. And be it further enacted that the persons above named or any three of them, may by an Advertisement in any public News Paper Printed in the County of Hillsborough, call a meeting of said Corporation, to be holden in Peterborough at any suitable time & place after Twenty days from the Publication of said advertisement, & the members of said Corporation by the vote of the majority of those present or represented at said meeting (in all cases accounting & allowing a vote to each single share) shall choose a Clerk who shall be sworn by a Justice of the Peace for the County of Hillsborough to the faithfull performance of his duty a Treasurer & such other Officers as may appear necessary for the management



of the business & concern of said Corporation & shall agree on the manner of Calling future meetings; & at the same or any subsequent meeting may make & establish any rules & regulations for regulating the said Corporation, & the same rules & regulations may cause to be kept & executed, or for the breach thereof may order & enjoin fines & penalties, not exceeding Thirteen Dollars & Thirty Three cents for any breach thereof Provided such rules & regulations are not Repugnant to the Laws & Constitution of this State & all agents or proxies at any meeting shall be authorised in writing signed by the persons by whom they are appointed, which shall be filed & recorded by the Clerk, provided that no member of the Corporation shall be allowed more than eight votes.—

Sec<sup>t</sup> 5. And be it further enacted that the property of said Corporation, shall be & hereby is divided into One Hundred shares & shall be numbered in progressive Order begining at number one & every original number thereof shall have a Certificate under the seal of said Corporation & signed by the Treasurer Certifying his property in such shares as shall be expressed in said Certificate.

Sec<sup>t</sup> 6. And be it further enacted, that any share may be alienated by the Proprietor thereof his executors & administrators by a Deed under the hand & seal of him & them acknowledged before some Justice of the Peace & recorded by the Clerk in a book to be kept for that purpose and any purchaser named in such Deed so recorded shall on producing the same to the Treasurer & delivering up to him the former certificate be entitled to a new certificate executed in form aforesaid, Certifying the property in such share to be in such purchaser

Sec<sup>t</sup> 7 And be it further enacted that whereever any member of said Corporation shall neglect or refuse to pay any tax or assessment duly voted & agreed upon by the said Corporation to their Treasurer within thirty days after the time sat for the payment thereof the Treasurer of said Corporation is hereby authorised to sell at public vendue, the share or Shares of such delinquent member, one or more as shall be necessary & sufficient to pay such taxes & necessary incidental charges after duly notifying in one or more public newspaper printed in the county of Hillsborough & in such other way as the Corporation may direct, the sum due on such shares & the time & place of sale at least Thirty days previous to the time of sale & such sale shall be a sufficient Transfer of such share or shares so sold to the person purchasing the same, & on produceing a certificate of such sale from the Treasurer to the clerk of said Corporation the name of such purchaser with the number of shares sold shall be by the Clerk entered on the books of said Corporation & such person shall be considered to all intents & purposes the Proprietor thereof, & the overpluss if any there be shall be paid on demand by the Treasurer to the person whose share or shares were sold.—

Sec<sup>t</sup> 8. And be it further enacted that when Execution shall issue on any Judgement recovered against said Corporation & the

same shall be returned not satisfied, the Original Plaintiff in the action wherein the s<sup>d</sup> execution was awarded & issued, may sue out a Writ of Sirefacias, from the Court wherein the Judgement was entered on which the same Execution was awarded & issued, against such person or persons as are or were Proprietors & members of said corporation at the time such Judgement was rendered & may have Execution against their Goods & estate or against the Goods or estate of any such deceased member of said Corporation in the hands of his or their Executors or Administrators, with additional costs & damages—

Sec<sup>t</sup> 9. And be it further enacted that this act shall be deemed & taken to be a public act & as such may be declared upon & given in evidence in any court of Law without specially pleading the same—Provided always that the Legislature may from time to time hereafter upon due notice to said Corporation make such further provisions & regulations for the management of the business of said Corporation, & the Government thereof or wholly to repeal this act, as shall be deemed expedient.—

Sec<sup>t</sup> 10<sup>th</sup> And be it further enacted that the capital stock actually employed in said factory shall be exempt from taxation for the term of five years

#### [CHAPTER 47.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR TAXING THE  
LANDS & BUILDINGS OF NON-RESIDENTS, MADE & PASSED DEC.  
10, 1796

[Approved December 21, 1808. Original Acts, vol. 20, p. 47; recorded Acts, vol. 17, p. 379. Session Laws, November, 1808, p. 25, Laws, 1815 ed., p. 268. See note under act of December 30, 1803, *ante*, p. 248. See additional act of December 23, 1808, Laws, 1815 ed., p. 269. Repealed June 29, 1828, Session Laws, 1828, Chap. 25.]

Be it enacted by the Senate & House of Representatives in General Court convened That no town or place which has been authorised or shall hereafter be authorised by a special act to tax the lands of nonresidents for the support of public highways, shall hereafter tax the unimproved lands of non residents for that purpose within two years from the passing of such special act, any law usage or custom to the contrary notwithstanding.

## [CHAPTER 48.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND IN EXPLANATION OF AN ACT ENTITLED AN ACT MORE EFFECTUALLY TO DEFINE AND IMPROVE THE CHARITABLE ESTABLISHMENT, KNOWN BY THE NAME OF THE PRESIDENT OF MOOR'S CHARITY SCHOOL, AND THE POWERS AND DUTIES OF THE PRESIDENT THEREOF, AND TO CONSTITUTE A BOARD TO ASSIST IN DIRECTING THE EXPENDITURES OF THE FUNDS OF SAID SCHOOL.

[Approved December 21, 1808. Original Acts, vol. 20, p. 48; recorded Acts, vol. 17, p. 394. The act referred to is dated June 10, 1807, *ante*, p. 556.]

Whereas doubts have arisen with respect to the powers in and by said act entrusted to the Board of Trustees, constituted by said act; and also with respect to the powers retained by the President of Moor's Charity School; for the removing whereof, and in conformity to the desire of the said President, Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, That the President of Moors Charity School, and the Trustees of said School shall each have a negative on the other, in the management and disposition of the funds which have been or may hereafter be given to the said school; and in the management of all other concerns of said School; excepting only the funds in Scotland.

And be it further enacted That the board of Trustees of said School may sit on their own adjournments, and may from time to time be convened by the President, he causing to be left at the place of abode of each member a notification thereof in writing, twenty days previous to the time for meeting; And that the board of Trustees of Dartmouth College may, at any time when in session, resolve themselves into a Board of Trustees of Moor's Charity School.

## [CHAPTER 49.]

*State of* }  
*New Hampshire.* }

AN ACT TO DETERMIN WHO SHALL BE LEGAL VOTERS IN TOWN MEETINGS, AND TO SECURE TO THE INHABITANTS OF THIS STATE THEIR RIGHTS OF SUFFRAGE.

[Approved December 21, 1808. Original Acts, vol. 20, p. 49; recorded Acts, vol. 17, p. 398. Session Laws, November, 1808, p. 31. Repealed by act of June 28, 1809, id., June, 1809, p. 25.]

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened. That every male inhabitant of each town and parish with town privileges, and places unincorporated in this State, (being a natural born or naturalized citizen of the United States) of twenty-one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual and other meetings of the inhabitants of said towns and parishes, to vote in the town or parish wherein he dwells and hath his home;—*provided however*, That no person shall be considered an inhabitant in any town or parish in this State for the purpose of voting, unless he has resided in such place six months, or has become a free-holder.

Sec. 2. And be it further enacted, That no person, not being a citizen of this State or of the United States, shall be entitled to vote at any town meeting for the choice of State, County or town officers, unless he shall have resided within this State two years and shall have made oath before some Justice of the Peace, or other person authorized to administer oaths—That he will bear faith and true allegiance to the State of New Hampshire, and to the United States, and will support the Constitutions thereof. *Provided however*, That no person, not a citizen of this State or of the United States, shall be considered qualified to fill any County or State office.

Sec. 3. And be it further enacted, That if any person shall threaten another with harm, thereby to induce him to vote according to the wishes of such person so threatening, or shall either by himself or any other person, purchase a vote, by paying any person for voting; such offender shall be liable, on complaint and conviction before any Justice of the Peace, to pay for each offence a fine not exceeding ten dollars and costs of prosecution.

Sec. 4. And be it further enacted, That no vote shall be received and counted, on the back of which is written or otherwise marked any character or sign, whereby to distinguish the vote or voter.

Sec. 5. And be it further enacted, That during the day on which a town meeting shall be held, no inhabitant of any town or parish in this State, who is entitled to vote therein, shall be liable to any arrest on any civil process.



Sec. 6. And be it further enacted, That it shall be the duty of the town Clerk in each town to provide a suitable box, for the purpose of receiving ballots, which box shall have a hole cut in the lid thereof through which the votes shall be passed by the voters, and no ballot shall on any occasion be received or counted unless put into said box in such manner as to make it evident to the Moderator and Selectmen, that there is but one ballot put in at a time. *Provided however*, That nothing in this act shall be construed to authorise or allow any Moderator or Selectman so to examine any ballot as to discover or expose the name or names of any person or persons voted for on said ballot.

Sec. 7. And be it further enacted, That it shall be the duty of the moderator in all meetings for the choice of State and County officers to declare, in public, at the close of the poll, the state of the vote or votes: and no vote shall be received or counted after the state of the vote or votes hath been declared as aforesaid.

Sec. 8. And be it further enacted, That the return of votes for any County or State officer, shall be made out and be signed by the Selectmen attending, and by the Town-Clerk, and shall be in the form following:—

At a town meeting legally notified and holden in the town of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ the following votes were given in—(then fill up the blank by an accurate statement of the votes) \_\_\_\_\_ which votes have been declared in open town meeting, and we now certify the foregoing to be a correct return.

## [CHAPTER 50.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE MONADNOCK SOCIAL LIBRARY—

[Approved December 21, 1808. Original Acts, vol. 20, p. 50; recorded Acts, vol. 17, p. 402.]

Whereas Jeremiah Eames Joseph Loomis William Farrer Daniel Harvey and others have petitioned The General Court, to be incorporated into a company by the name of the Monadnock social Library, and the prayer thereof appearing reasonable Therefore—

Sec<sup>t</sup> 1<sup>st</sup> Be it enacted by the Senate, and House of Representatives in General Court convened, that Jeremiah Eames, Joseph Loomis, William Farrer, Daniel Harvey, and their associates, proprietors of said Library, and such as may hereafter become Proprietors of the same, be and they are hereby incorporated, into a

body corporate and made a body politic, by the name of the Monadnock social Library with continuation and succession forever, and in that name may sue and be sued, may plead and be impleaded in all personal actions, and may prosecute and defend the same to final Judgment & execution, and they hereby are vested with all the powers and privileges incident to corporations of a similar nature, and may enjoin penalties of disfranchisement or fine, not exceeding six dollars for each offence, to be recovered by said proprietors in an action of debt, to their use, in any Court proper to try the same, and they may make purchase and receive subscriptions, grants, and donations, of personal Estate not exceeding one thousand dollars, for the purpose and use of their association.

Sect, 2<sup>nd</sup> And be it further enacted, that the said proprietors be and they hereby are authorized and impowered, annually to assemble in the Town of Colebrook on the first monday—in March, to choose all such Officers as may be found necessary for the orderly conducting the affairs of said corporation, who shall continue in office until others are chosen in their room, and that said proprietors may assemble as often as may be found necessary, for the filling up any vacancies, which may happen in said offices, and for transacting all other business, excepting the raising of monies which shall always be done at their annual meeting and at no other time, at which annual meeting they may vote all necessary sums for defraying the annual expence of preserving said library, and for enlarging the same. and said proprietors shall have power to make such rules and bye laws for the government of said corporation, as may from time to time by them be found necessary. provided the same be not repugnant to the constitution of this State.

Sect 3<sup>d</sup> And be it further enacted, that Jeremiah Eames Joseph Loomis William Farrer & Daniel Harvey, be and they are hereby authorized, and impowered, to call the first meeting of said proprietors, at such time & place, as they may appoint, by posting a notification for that purpose, at some public place in said Colebrook—at least fifteen days prior to said meeting and the said proprietors at said meeting shall have the same power to choose officers, and make bye laws as they have by this act at their annual meeting

## [CHAPTER 51.]

*State of* {  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS FOR THE PURPOSE OF  
CONVEYING WATER BY SUBTERRANEAN PIPES INTO THE TOWN  
OF EXETER

[Approved December 21, 1808. Original Acts, vol. 20, p. 51; recorded Acts, vol. 18, p. 102.]

Be it enacted by the Senate and House of Representatives in General Court convened That Edmund Pearson and Joseph Smith with such other persons as are or hereafter may be associated with them, be and they and their Successors hereby are constituted a body corporate and politic forever, by the name of The Proprietors of the Exeter Aqueduct, Number Two; for the purpose of bringing water by Subterranean pipes into the Town of Exeter—And the said proprietors may by their name aforesaid Sue and be Sued to final Judgment and Execution, and do and suffer all matters, acts and things which bodies corporate can or ought to do & suffer

And the said corporation shall have and use a common Seal and the same may break renew and alter at pleasure—

And be it further enacted that Either of the before named persons may call the first meeting of said proprietors, by causing a Notification to be posted at the Meeting-Houses in said Town two weeks successively, appointing some suitable time and place therefor; at which meeting said proprietors shall choose a Clerk, who shall be sworn to the faithful discharge of his duty; and shall also agree on a Method of calling meetings in future; And at said meeting or any meetings Subsequent, may elect such officers and make and establish such regulations and by-laws as to them shall seem necessary and convenient for carrying into effect the design of said Corporation, not repugnant to the Constitution and Laws of this State; And may cause said regulations and by-laws to be executed and annex penalties to the breach thereof, not exceeding ten dollars for any one offence—And the Clerk shall record this Act and all the by-laws regulations & proceedings of said Corporation in a Book or Books provided and kept for that purpose—And the share or shares of any of said proprietors may be transferred by Deed, duly executed, acknowledged, and recorded by the Clerk of said Proprietors on their records—

And be it further enacted, That the said Proprietors are hereby empowered to purchase and hold any real estate necessary for the purpose of this Institution in fee simple, not exceeding in value the sum of Four hundred Dollars—And in all cases where the said proprietors have obtained or shall obtain liberty of the owner or owners, by written agreement, to pass through and lay said Aque-

duct in land to them belonging, the said proprietors shall ever after enter on said land for the purpose of repairing the same notwithstanding any conveyance thereof—provided that they shall be liable to pay to the owner or owners of said land reasonable damages therefor.

And be it further enacted that the said proprietors may from time to time assess such Sum or Sums of money on each share as they may Judge necessary for compleating and repairing said Aqueduct and for the extending the same, and may sell at public Auction the share or shares of any delinquent who may refuse or neglect to pay his proportion of said tax or assessment, after advertizing the Sale of such share or shares fourteen days previous thereto—the overplus, if any there be, after the payment of such tax and charges of sale, to be paid to the delinquent—

And be it further enacted that if any person shall maliciously or wantonly injure said aqueduct or any of the Branches thereof or the Springs from which it leads & shall be convicted thereof upon Indictment before the Superior Court of Judicature he shall be punished by fine not exceeding fifty Dollars and shall be liable to pay Damages to said proprietors to be recovered by Action of the Case

## [CHAPTER 52.]

*State of* }  
*New Hampshire.* }

AN ACT FOR MAKING AND ESTABLISHING A NEW PROPORTION FOR THE ASSESSMENT OF PUBLIC TAXES AMONG THE SEVERAL TOWNS AND PLACES WITHIN THIS STATE, AND TO AUTHORIZE THE TREASURER TO ISSUE HIS WARRANTS ANNUALLY FOR LEVYING THE SAME.

[Approved December 21, 1808. Original Acts, vol. 20, p. 52; recorded Acts, vol. 18, p. 147. Session Laws, November, 1808, p. 25.]

Be it enacted by the Senate and House of Representatives in General Court convened, That of every thousand dollars of public taxes hereafter to be raised, the proportion which each town and place within this State shall pay, and for which the Treasurer of this State is hereby authorized and directed to issue his warrants, shall be as follows, to wit:—

### COUNTY OF ROCKINGHAM.

Allenstown, one dollar and thirty three cents,	1 33
Atkinson, three dollars and fifty four cents	3 54
Bow, three dollars and one cent	3 01
Brentwood, five dollars and twenty eight cents	5 28
Candia, five dollars and eighty five cents	5 85



Canterbury, seven dollars and ninety cents	7 90
Chester, nine dollars and seventy two cents	9 72
Chichester, three dollars and four cents	3 04
Concord, twelve dollars and thirty five cents	12 35
Deerfield, nine dollars and forty four cents	9 44
East-Kingston, two dollars and eighty eight cents	2 88
Epping, eight dollars and eighteen cents	8 18
Epsom, five dollars and sixty cents	5 60
Exeter, ten dollars and eleven cents	10 11
Greenland, three dollars and ninety five cents	3 95
Hampstead, four dollars and sixty two cents	4 62
Hampton six dollars and three cents	6 03
Hampton-Falls, four dollars and seventy four cents	4 74
Hawk, two dollars and twenty six cents	2 26
Kensington, five dollars and twelve cents	5 12
Kingston, three dollars and ninety six cents	3 96
Londonderry, fourteen dollars and two cents	14 02
Loudon, seven dollars and fifty nine cents	7 59
New-castle, one dollar and eight cents	1 08
Newington, two dollars and seventy five cents	2 75
Newmarket, four dollars and seventy six cents	4 76
Newtown, two dollars and thirteen cents	2 13
Northfield, five dollars and ten cents	5 10
North-Hampton, four dollars and eleven cents	4 11
Northwood, five dollars and ninety six cents	5 96
Nottingham, five dollars and thirty nine cents	5 39
Pelham, five dollars and twenty six cents	5 26
Pembroke, six dollars and twenty seven cents	6 27
Pittsfield, four dollars and seventy four cents	4 74
Plastow, two dollars and seventy three cents	2 73
Poplin, two dollars and thirty six cents	2 36
Portsmouth, thirty five dollars and seven cents	35 07
Raymond, four dollars and twenty four cents	4 24
Rye, four dollars and ninety five cents	4 95
Salem, five dollars and sixty nine cents	5 69
Sandown, three dollars and fourteen cents	3 14
Seabrook, two dollars and ninety two cents	2 92
South-Hampton, three dollars and fifteen cents	3 15
Stratham, four dollars and eighty eight cents	4 88
Windham, three dollars and sixty four cents	3 64

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\$260 70.

#### COUNTY OF STRAFFORD.

Alton, four dollars and eighteen cents	4 18
Barnstead, five dollars and twenty four cents	5 24
Barrington, fourteen dollars and fifty six cents	14 56

Brookfield, two dollars and seventy seven cents	2 77
Burton, ninety five cents	95
Center-Harbour, one dollar and thirty seven cents	1 37
Conway, four dollars and twenty seven cents	4 27
Dover, twelve dollars and thirty eight cents	12 38
Durham, seven dollars and sixteen cents	7 16
Eaton, two dollars and forty four cents	2 44
Effingham three dollars and thirty eight cents	3 38
Farmington, five dollars and twenty two cents	5 22
Gilmanton, nineteen dollars and twenty cents	19 20
Lee, five dollars and eight cents	5 08
Madbury, three dollars and fifty two cents	3 52
Meredith, eight dollars and sixty eight cents	8 68
Middleton, one dollar and sixty two cents	1 62
Moultonborough, four dollars and twenty nine cents	4 29
Milton, three dollars and eight six cents	3 86
New-Durham, three dollars and forty one cents	3 41
New-Hampton, five dollars and twenty four cents	5 24
Rochester, eight dollars and thirty nine cents	8 39
Ossipee, four dollars and one cent	4 01
Sandbornton, thirteen dollars and eighty three cents	13 83
Somersworth, three dollars and fifty nine cents	3 59
Sandwich, eight dollars and forty three cents	8 43
Tamworth, three dollars and ninety one cents	3 91
Tuftonborough, three dollars and twenty nine cents	3 29
Wakefield, four dollars and seventy cents	4 70
Wolfborough, four dollars and forty nine cents	4 49
Hale's Location,	
Ossipee-Gore, eighty four cents	84
	<hr/>
	\$174 50

## COUNTY OF HILLSBOROUGH.

Amherst, five dollars and thirty seven cents	5 37
Andover, five dollars and thirty five cents	5 35
Antrim, four dollars and ninety three cents	4 93
Bedford, five dollars and seventy three cents	5 73
Boscawen, eight dollars and forty eight cents	8 48
Brookline, two dollars and nine cents	2 09
Bradford, four dollars and eight cents	4 08
Deering, five dollars and eighty cents	5 80
Derryfield, one dollar and eighty four cents	1 84
Dunbarton, five dollars and thirty cents	5 30
Dunstable, three dollars and eighty cents	3 80
Fishersfield, two dollars and forty cents	2 40
Francetown, seven dollars and thirty four cents	7 34
Goffstown, six dollars and ninety seven cents	6 97

Greenfield, three dollars and forty four cents	3 44
Hancock, four dollars and sixty cents	4 60
Henniker, eight dollars and thirty nine cents	8 39
Hillsborough, seven dollars and thirty cents	7 30
Hollis, five dollars and sixty two cents	5 62
Hopkinton, twelve dollars and eight cents	12 08
Lyndborough, four dollars and sixty six cents	4 66
Litchfield, two dollars and fourteen cents	2 14
Kearsarge-Gore, forty seven cents	47
Mason, four dollars and thirty cents	4 30
Merrimack, four dollars and twenty cents	4 20
Milford, three dollars and ninety cents	3 90
Mount-Vernon, three dollars and thirty three cents	3 33
New-Boston, seven dollars and thirty eight cents	7 38
New-Ipswich, five dollars and twelve cents	5 12
New-London, three dollars and seventeen cents	3 17
Nottingham-West, five dollars and four cents	5 04
Peterborough, six dollars and thirty one cents	6 31
Salisbury, eleven dollars and forty cents	11 40
Sharon, one dollar and sixty four cents	1 64
Society-Land, sixty two cents	62
Sutton, four dollars and fifty six cents	4 56
Temple, three dollars and thirty three cents	3 33
Warner, seven dollars and twenty cents	7 20
Weare, twelve dollars and twenty two cents	12 22
Wilton, four dollars and ninety cents	4 90
Windsor, one dollar	1
Wilmot, one dollar and nineteen cents	1 19
	<hr/>
	\$209 08

## COUNTY OF CHESHIRE.

Acworth, seven dollars and fifty seven cents	7 57
Alstead, eight dollars	8 00
Charlestown, nine dollars and sixty five cents	9 65
Chesterfield, eight dollars and thirty four cents	8 34
Claremont, eleven dollars and thirty eight cents	11 38
Cornish, eight dollars and seventeen cents	8 17
Croydon, four dollars fifty four cents	4 54
Dublin, five dollars and fifty seven cents	5 57
Fitzwilliam, five dollars and eighty one cents	5 81
Gilsum, two dollars and seven cents	2 07
Goshen, two dollars and forty seven cents	2 47
Hinsdale, two dollars and eighty one cents	2 81
Jaffrey, six dollars and thirty five cents	6 35
Keene, eleven dollars	11 00
Langdon, three dollars and eight cents	3 08

Lempster, four dollars and sixty one cents	4 61
Marlborough, four dollars and ninety four cents	4 94
Marlow, three dollars and fourteen cents	3 14
New-Grantham three dollars and fifty eight cents	3 58
Newport, six dollars and eighty three cents	6 83
Packersfield, four dollars and seventy eight cents	4 78
Plainfield, seven dollars and eighty eight cents	7 88
Richmond, six dollars and thirty one cents	6 31
Rindge, five dollars and fifty four cents	5 54
Springfield three dollars and nine cents	3 09
Stoddard, four dollars and seventy two cents	4 72
Surry, two dollars and seventy four cents	2 74
Sullivan, two dollars and fifty cents	2 50
Swanzy, six dollars and eighty six cents	6 86
Uity, five dollars and fifteen cents	5 15
Walpole, eleven dollars and sixty eight cents	11 68
Washington, three dollars and fifty three cents	3 53
Wendell, two dollars and sixteen cents	2 16
Westmoreland, nine dollars and fifteen cents	9 15
Winchester, seven dollars and eighty cents	7 80

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## COUNTY OF GRAFTON,—

Alexandria, two dollars and five cents	2 05
Bath, five dollars and forty nine cents	5 49
Bethlehem, one dollar and sixty three cents	1 63
Bridgewater, four dollars and twenty three cents	4 23
Campton, four dollars	4
Canaan, five dollars and nine cents	5 09
Concord, four dollars and fifty nine cents	4 59
Coventry, ninety two cents	92
Danbury, one dollar and forty one cents	1 41
Dorchester, two dollars and seventy four cents	2 74
Ellsworth, forty seven cents	47
Enfield, six dollars and fifty six cents	6 56
Franconia, one dollar and twenty one cents	1 21
Grafton, three dollars and forty seven cents	3 47
Groton, two dollars and forty eight cents	2 48
Hanover, nine dollars and thirty seven cents	9 37
Haverhill, six dollars and forty nine cents	6 49
Hebron, two dollars and two cents	2 02
Holderness, three dollars and twenty three cents	3 23
Landaff, three dollars and twenty two cents	3 22
Lebanon, eight dollars and forty eight cents	8 48
Lime, seven dollars and eleven cents	7 11
Lincoln, fifty eight cents	58



Littleton, three dollars and sixty four cents	3 64
Lyman, three dollars and fifty two cents	3 52
New-Chester, three dollars and forty cents	3 40
Orange, ninety three cents	93
Orford, six dollars and ten cents	6 10
Peeling, ninety three cents	93
Peirmont, four dollars and fourteen cents	4 14
Plymouth, four dollars and thirty cents	4 30
Rumney, three dollars and six cents	3 06
Thornton, two dollars and sixty four cents	2 64
Warren, two dollars and thirty seven cents	2 37
Wentworth, two dollars and ninety eight cents	2 98

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\$124 85

## COUNTY OF COOS.

Adams, ninety seven cents	97
Bartlett, one dollar and thirty nine cents	1 39
Britton-Woods, thirty four cents	34
Cambridge, forty cents	40
Chatham, one dollar and twenty two cents	1 22
Cockburne, one dollar twenty cents	1 20
Dalton, one dollar and fourteen cents	1 14
Dummer, fifty cents	50
Errol, seventy five cents	75
Jefferson, one dollar and fifty three cents	1 53
Kilkenney forty cents	40
Lancaster, three dollars and fifty one cents	3 51
Millsfield, sixty three cents	63
Northumberland, one dollar seventy & seven cents	1 77
Percy, eighty three cents	83
Stratford, one dollar and forty eight cents	1 48
Colebrook, one dollar & seventy eight cents	1 78
Shelburn & addition, one dollar and twenty seven cents	1 27
Stuarttown, one dollar and two cents	1 02
Success, fifty cents	50
Whitefield, sixty three cents	63
Durand, seventy one cents	71
Maynesboroug, twenty five cents	25
Paulsburgh, fifty cents	50
Erwins Location ten cents	10
Barkers Location ten cents	10
Nash & Sawyer's Location, sixteen cents	16
Samuel Sherburne and alias Location, five cents	05
Rindge & Peirce's Location, five cents	05
Warner's Location, nine cents	09
Winslows Location, five cents	05

George Wentworths Location, five cents	05
Hale's Location, five cents	05
Furnis Location two cents	02
Chadburne's Location five cents	05
Atkinson, Hale & other's, Land three cents	03
Dixville, fifty cents	50
	<hr/>
	\$26 03

And be it further enacted, That the same shall be the proportion for the assessment of all public taxes, until a new proportion shall be made and established; and that the Treasurers for the time being, issue his warrants accordingly.

[CHAPTER 53.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A MILITARY COMPANY IN CONCORD BY THE  
NAME OF THE NEW HAMPSHIRE INDEPENDENT VOLUNTEERS.

[Approved December 22, 1808. Original Acts, vol. 20, p. 53; recorded Acts, vol. 18, p. 60. See act of June 23, 1809, Session Laws, June, 1809, p. 12.]

Whereas, Abel Hutchins and others have associated for the purpose of forming a Military Company in the Town of Concord, of persons, who are by Law, exempt from military duty.—

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that Abel Hutchins, Sherburn Wiggin, and Stephen Ambrose, with their associates, and those who may hereafter associate with them, all of whom shall be persons not liable to do military duty in any Company whatsoever, together with the members of the Concord Engine Company, No. 1. for the time being, Be, and they hereby are, incorporated into a Company, by the name of the "New Hampshire Independent Volunteers."

And be it further enacted that Abel Hutchins & Sherburn Wiggin, or either of them, shall call the first meeting of said Company, by advertisement in one of the News-papers in Concord, at least fifteen days before said meeting. And at said meeting, said Company shall choose a Clerk, and such other officers as they may think proper; and may then, or at any subsequent meeting duly notified, by a majority of those present, make and establish such rules and bye laws, and annex such penalties to the breach thereof, as to them may seem necessary;—provided such rules and bye-laws, are not repugnant to the Constitution and Laws of this State.

And be it further enacted, that said Company shall meet, on the monday following the first wednesday of June, annually; and shall then elect, by ballot, all such officers as may be necessary for their order, regulation, and discipline; and all who are thus elected shall continue in office for the term of one year, and no longer. And such election, certified by the Clerk of said Company, shall be deemed a sufficient recommendation, for his Excellency the Governor, to commission said officers.

And be it further enacted, that so long as any person, being a member of the "Concord Engine Company, No. 1." shall actually equip and do military duty in this Company, he shall not be liable to train, or do military duty in any other Company whatsoever; Any law, usage, or custom to the contrary notwithstanding.

And be it further enacted, That the said Company shall be under the command of the Brigadier General of the Third Brigade, and shall turn out on the last Wednesday of June annually for Inspection, and shall be inspected by the Adjutant of the Eleventh Regiment in said Brigade—

#### [CHAPTER 54.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO FORM A COMPANY OF GRENADIERS IN THE TOWN OF DUBLIN.

[Approved December 22, 1808. Original Acts, vol. 20, p. 54; recorded Acts, vol. 18, p. 66.]

Whereas Samuel Hamilton hath petitioned the General Court setting forth that he with John Crombie, Samuel Mason Jun<sup>r</sup>, Samuel Fisk, Joseph Gowing, William Greenwood and Others have formed themselves into a Company of Grenadiers in Dublin and attached to the twelfth Regiment of Militia and praying that those who have enlisted, and those who may hereafter enlist into said Company be incorporated into a Company by the name of the Dublin Grenadier Company and to hold the Rank of first Company in said Regiment; which petition appearing reasonable:

Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Samuel Hamilton, John Crombie, Samuel Mason Jun<sup>r</sup>, Samuel Fisk, Joseph Gowing, William Greenwood and Others who have already enlisted or may hereafter enlist be and they hereby are formed into a Company by the name of the Dublin Grenadier Company; which Company shall be annexed to the twelfth Regiment of Militia in this State and subject to the command of the Field Officers of the same, and hold the

Rank which the Light Infantry Company in Dublin formerly held in said Regiment: Provided nevertheless that the said Company shall not consist of more than forty eight rank and file in number.

And be it further enacted that the said Company shall be and they hereby are authorized and impowered to make and establish such rules and by-laws for their regulation as they may deem necessary and expedient, provided the same be not repugnant to the Constitution and laws of this State.

[CHAPTER 55.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORIZE THE HEIRS OF THE LATE SAMUEL BLODGET, ESQUIRE, TO SET UP A LOTTERY FOR THE PURPOSE OF COMPLEATING THE LOCKS AND CANAL AT AMOSKEAG FALLS.—

[Approved December 22, 1808. Original Acts, vol. 20, p. 55; recorded Acts, vol. 18, p. 81. See acts of June 18, 1802, *ante*, p. 101, and December 30, 1803, *ante*, p. 247. See additional act of June 24, 1809, recorded Acts, vol. 18, p. 266.]

Whereas, a late Act of the General Court of said State, authorized and empowered Samuel Blodget, his heirs and assigns, to set up and carry into effect a Lottery, for the purpose of raising a sum, not exceeding Ten Thousand Dollars, exclusive of the necessary charges attending the same, for finishing his Canal at Amoskeag Falls in Derryfield;—which Lottery from unforeseen impediments, he was unable to draw.—Therefore,—

Be it Enacted by the Senate and House of Representatives in General Court convened, that the heirs of the said Samuel Blodget, their Administrators and Assigns, be, and they hereby are, Authorized and empowered to set up and carry into effect, a Lottery for the purpose of raising a sum, not exceeding Ten Thousand Dollars, exclusive of the necessary charges attending the same, provided that the said Lottery be drawn and finished, within the term of three years from the passing of this Act; Which sum shall be applied to the finishing said Blodget's Canal, Locks, Dams, & Pools, at Amoskeag Falls, aforesaid.

And be it further Enacted by the authority aforesaid, that His Excellency the Governor, and the Honorable Council, be, and they hereby are, empowered, to appoint Three respectable and suitable persons to be Managers of said Lottery, for the purpose of numbering the Blanks & Prizes, putting them into the Barrels, and drawing the same;—Who shall be compensated for their services, by the said Heirs, and shall be under Oath, to be administered by a Justice of the Peace, for the faithful discharge of said trust and be amenable to said Heirs for their doings therein.



And be it further Enacted, that all Tickets issuing from said Lottery, shall be signed by the Managers, who shall pay all prize Tickets according to their tenor, from the Proceeds of said Lottery, and shall render an account to the Agent appointed by said heirs, and pay over to him the proceeds of each Class within ninety days after the drawing of the same; and all sums which may be received for Tickets in said Lottery, shall be refunded, in case the same shall not be drawn and finished within the term of three years; and shall also give Bond with sufficient Sureties, in the sum of Twenty Thousand Dollars, to the Treasurer of the State of New Hampshire, for the faithful performance of the same; and the said heirs shall appoint a suitable person their Agent, to apply the money, who shall give sufficient Bond to the Proprietors of said Canal, for the faithful performance of his duty in appropriating the monies so received, for the purpose aforesaid; and shall render account to said Proprietors for the Same.

[CHAPTER 56.]

*State of*            }  
*New Hampshire.* }

AN ACT TO INCORPORATE A MANUFACTURING COMPANY IN THE  
TOWN OF EXETER—

[Approved December 22, 1808. Original Acts, vol. 20, p. 56; recorded Acts, vol. 18, p. 94. See act of June 26, 1827, id., vol. 24, p. 37.]

Sec. 1—Be it enacted by the Senate and House of Representatives in General Court convened, That Thomas Folsom, Simeon Folsom and their associates and those who may hereafter become associates in said Corporation, be and they hereby are incorporated and made a body corporate and politic forever by the name of the Exeter Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended to final judgment and execution, and also may make have and use a common seal, and the same at pleasure may break alter and renew.—

Sec. 2<sup>d</sup> And be it further enacted, That the said Corporation shall have power and is hereby authorised to carry on the Manufacturing at Exeter of Cotton & Wollen cloth, hosiery and Glass and the business necessarily connected therewith, and may erect any dams or mills, or buildings necessary for the carrying on this useful manufactory and the business connected therewith.—

Sec. 3<sup>d</sup> And be it further enacted, that the said Corporation may be lawfully seised and possessed of such real and personal estate as may be necessary and convenient, for establishing and carrying on said Manufactory and the business therewith connected, and the same may sell bargain and dispose of at pleasure:—

Provided that such real estate shall not exceed in value the sum of twenty thousand dollars—And such personal estate shall not exceed in value the sum of eighty thousand dollars.—

Sec 4<sup>th</sup> And be it further enacted, that the persons before named with one other or any three of their assosiation may by an advertisement in any public news-paper printed in the County of Rockingham call a meeting of said Corporation to be holden in Exeter, at any suitable time and place after twenty days from the publication thereof, and the members of said Corporation by the vote of the majority of them present or represented at said meeting in all cases accounting and allowing one vote to each single share, shall choose a Clerk who shall be sworn, by a Justice of the Peace for the County of Rockingham to the faithful performance of his duty, a Treasurer and such other Officers as may appear necessary for the management of said business, and concern of said Corporation, and shall agree on the manner of calling future meetings, and at the same or at any subsequent meeting, may make and establish any rules and regulations for regulating the said Corporation, and the same rules and regulations may cause to be kept and executed or for the breach thereof may order and enjoin fines and penalties, not exceeding thirteen dollars for any breach thereof, provided such rules and regulations are not repugnant to the laws and Constitution of this State, and all agents or proxies at any meeting shall be authorised in writing signed by the persons by whom they are appointed which shall be filed—and recorded by the Clerk, Provided that no Member of the Corporation shall be allowed more than twenty votes.

Sec. 5<sup>th</sup> And be it further enacted that the property of said Corporation shall be and hereby is divided into one thousand shares, and shall be numbered in progressive order, beginning at number one and every original number thereof shall have a Certificate under the seal of said Corporation and signed by the Treasurer certifying his property in such shares as shall be expressed in said Certificate.—

Sec. 6<sup>th</sup> And be it further enacted, that any share may be alienated by the Proprietor thereof his executors & administrators by a Deed under the hand and seal of him & them acknowledged before some Justice of the Peace & recorded by the Clerk in a book or books to be kept for that purpose, and any purchaser named, in such Deed, so recorded, shall on producing the same to the Treasurer & delivering up to him the former Certificate be entitled to a new certificate executed in form aforesaid, Certifying the property in such share to be in such purchaser.—

Sec. 7<sup>th</sup> And be it further enacted, that where-ever any member of said Corporation shall neglect or refuse to pay any tax or assessment duly voted & agreed upon by the said Corporation to their Treasurer within thirty days after the time sat for the payment thereof the Treasurer of said Corporation is hereby authorised to

sell at public vendue, the share or shares of such delinquent member, one or more as shall be necessary & sufficient to pay such taxes & necessary incidental charges after duly notifying in one or more public Newspapers printed in the County of Rockingham & in such other way as the Corporation may direct, the sum due on such shares & the time & place of sale at least thirty days previous to the time of sale and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same, & on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation the name of such purchaser with the number of shares sold shall be by the Clerk entered on the books of said Corporation & such person shall be considered to all intents & purposes the Proprietor thereof, & the overpluss if any there be shall be paid on demand by the Treasurer to the person whose share or shares were sold—

Sec. 8<sup>th</sup> And be it further enacted that when Execution shall issue on any Judgment recovered against said Corporation and the same shall be returned not satisfied, the original Plaintiff in the action wherein the said execution was awarded & issued, may sue out a writ of Sirefacias, from the Court wherein the judgment was entered on which the same Execution was awarded & issued, against such person or persons as are or were proprietors & members of said Corporation at the time such Judgment was rendered, and may have execution against their goods & estate or against the goods & estate of any such deceased member of said Corporation in the hands of his or their Executors or administrators, with additional costs & damages.—

Sec 9<sup>th</sup> And be it further enacted that this act shall be deemed & taken to be a public act & as such may be declared upon & given in evidence in any court of Law without specially pleading the same— Provided always that the Legislature may from time to time hereafter upon due notice to said Corporation make such further provision, & regulation for the management of the business of said Corporation, & the Government thereof or wholly to repeal this Act, as shall be deemed expedient—

Sec 10<sup>th</sup> And be it further enacted, that the capital stock actually employed in said Manufactory shall be exempted from taxation for the term of five years—

## [CHAPTER 57.]

*State of* }  
*New Hampshire.* }

AN ACT FOR ARRANGING, FORMING AND REGULATING THE MILITIA  
 WITHIN THIS STATE, AND FOR REPEALING ALL LAWS HERETOFORE  
 MADE FOR THAT PURPOSE.

[Approved December 22, 1808. Original Acts, vol. 20, p. 57; recorded Acts, vol. 18, p. 157. Session Laws, November, 1808, p. 53. Laws, 1815 ed., p. 287. By the acts of June 26, 1809, recorded Acts, vol. 18, p. 282, June 27, 1809, Laws, 1815 ed., p. 306, June 15, 1810, recorded Acts, vol. 18, p. 317, June 23, 1813, Laws, 1815 ed., p. 309, November 5, 1813, id., p. 310, June 28, 1815, id., 1824 ed., p. 18, and June 29, 1815, id., p. 20, parts of this act are repealed. See also acts of June 28, 1809, id., 1815 ed., p. 306, June 28, 1816, id., 1824 ed., p. 64, June 27, 1818, id., p. 154, and June 30, 1818, id., p. 167. Repealed by act of July 1, 1819, id., p. 171.]

Whereas the laws for arranging forming and regulating the Militia of this state, have become too complicated for practical use, by reason of the several alterations which have from time to time been made therein.—Therefore,

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the several laws heretofore made for arranging, forming and regulating the Militia be and are hereby repealed, provided nevertheless that all Officers actually in commission agreeably to the laws which are hereby repealed, shall continue in commission, in the same manner and in the same authority they would in case the said laws were still in force; and all proceedings done and transacted by virtue of said laws, shall be good and valid in the same manner as if said laws were not repealed.

Sect. 2. And be it further enacted,

1. That the companies in the town of Portsmouth be divided into battalions as they now are and constitute the first regiment.

2. That the companies in the towns of Dover, and Somersworth shall form a first battalion; and the companies in the towns of Rochester, Farmington, and Milton shall form a second battalion; which shall constitute the second regiment.

3. That the companies in the towns of North-Hampton, Hampton, and Hampton-Falls shall form a first battalion; and the companies in the towns of Seabrook, Kensington, and South-Hampton, shall form a second battalion; which shall constitute the third regiment.

4. That the companies in the towns of Exeter, and New-Market, shall form a first battalion; and the companies in the towns of Brentwood, Poplin and Epping, shall form a second battalion; which shall constitute the fourth regiment.

5. That the companies in the towns of Amherst, Merrimac,



Lyitchfield, Mount-Vernon, and Milford, shall form a first battalion; and the companies in the towns of Dunstable, Hollis, Nottingham-West, and Brookline, shall form a second battalion; which shall constitute the fifth regiment.

6. That the companies in the towns of Winchester, Richmond, and Swansey, shall form a first battalion; and the companies in the towns of Chesterfield, and Hinsdale, shall form a second battalion; which shall constitute the sixth regiment.

7. That the companies in the towns of Kingston, East-Kingston, Hawke, and Newtown, shall form a first battalion; and the companies in the towns of Atkinson, Plaistow, Hampstead, and Sandown, shall form a second battalion; which shall constitute the seventh regiment.

8. That the companies in the town of Londonderry shall form a first battalion; and the companies in the towns of Salem, Pelham, and Windham, shall form a second Battalion; which shall constitute the eighth regiment.

9. That the companies in the towns of Derryfield, Goffstown, Dunbarton, and Bedford, shall form a first battalion; and the companies in the towns of New-Boston, and Weare, shall form a second battalion; which shall constitute the ninth regiment.

10. That the companies in the town of Gilmantown, (except the first company) shall form a first battalion; and the first company in Gilmantown, and the companies in Barnstead, shall form a second battalion; which shall constitute the tenth regiment.

11. That the companies in the towns of Concord, Pembroke, and Bow, shall form a first battalion; and the companies in the towns of Loudon, Canterbury, and Northfield, shall form a second battalion; which shall constitute the eleventh regiment.

12. That the companies in the towns of Rindge, Jaffrey, and Fitzwilliam, shall form a first battalion; and the companies in the towns of Dublin, Marlborough, and Packersfield, shall form a second battalion; which shall constitute the twelfth regiment.—

13. That the companies in the towns of Haverhill, Piermont, and Orford, shall form a first battalion; and the companies in the towns of Wentworth, Warren, and Coventry, shall form a second battalion; which shall constitute the thirteenth regiment.

14. That the companies in the towns of Plymouth, New-Holderness, and Rumney, shall form a first battalion; and the companies in the towns of Campton, Thornton, Ellsworth, and Peeling, the inhabitants of Lincoln on the east side of the mountain, and the inhabitants of the Gore (so called) being annexed to Peeling for Military duty, shall form a second battalion; which shall constitute the fourteenth regiment.

15. That the companies in the town of Plainfield, and the north company, and the light-infantry company, in the town of Cornish, and the west company, in the town of New-Grantham, shall form a first battalion; and the other company in Cornish, and the com-

panies in Claremont, shall form a second battalion; which shall constitute the fifteenth regiment.

16. That the companies in the towns of Charleston, and Langdon, shall form a first battalion; and the companies, in the towns of Acworth, and Unity, shall form a second battalion; which shall constitute the sixteenth regiment.

17. That the companies in the town of Chester, shall form a first battalion; and the companies in the towns of Candia, Raymond, and Allenstown, shall form a second battalion; which shall constitute the seventeenth regiment.

18. That the companies in the towns of Nottingham, and Deerfield, shall form a first battalion; and the companies in the towns of Epsom, Northwood, Pittsfield, and Chichester, shall form a second battalion; which shall constitute the eighteenth regiment.

19. That the companies in the towns of Moultonborough, Center-Harbour, and the first company in Sandwich, shall form a first battalion; and the companies in Tamworth, and the second company in Sandwich shall form a second battalion which shall constitute the nineteenth regiment.

20. That the companies in the towns of Walpole, and Westmoreland, shall form a first battalion; and the companies in the towns of Keene, Surrey, Gilsum, and Sullivan, shall form a second battalion; which shall constitute the twentieth regiment.

21. That the companies in the towns of Boscawen, and Hopkinton, shall form a first battalion; and the companies in the towns of Salisbury, and Andover, shall form a second battalion; which shall constitute the twenty first regiment.

22. That the companies in the towns of New-Ipswich, Sharon, and Mason, shall form a first battalion; and the companies in the towns of Peterborough, Temple, Lyndeborough and Wilton shall form a second battalion; which shall constitute the twenty-second regiment.

23. That the companies in the town of Lebanon, and the south company in Hanover, shall form a first battalion; and the companies in the town of Lime, and the north company in Hanover, shall form a second battalion; which shall constitute the twenty third regiment.

24. That the companies in the towns of Lancaster, Jefferson, Dalton, Northumberland, Whitefield, Brton-Woods, Kilkenney, Durand, and Nash & Sawyers Location, shall form a first battalion; and the companies in the towns of Piercy, Stratford, Wales' Gore, Cockburn, Colebrook, Stewartstown, and Errol, shall form a second battalion; which shall constitute the twenty fourth regiment.

25. That the companies in the towns of Durham, Lee, and Madbury, shall form a first battalion; and the companies in the town of Barrington shall form a second battalion; which shall constitute the twenty fifth regiment.

26. That the companies in the towns of Antrim, Dearing, Heniker, Hillsborough, and Windsor, shall form a first battalion; and the companies in the towns of Hancock, Francestown, Greenfield, and Society, shall form a second battalion; which shall constitute the twenty sixth regiment.

27. That the companies in the towns of Wolfsborough, and Tuftonborough, shall form a first battalion; and the companies in the towns of Ossipee, Effingham, Ossipee-Gore, and the north company in Wakefield, shall form a second battalion; which shall constitute the twenty seventh regiment.

28. That the companies in the towns of Alstead, Marlow, and Lemster, shall form a first battalion; and the companies in the towns of Stoddard, and Washington, shall form a second battalion; which shall constitute the twenty eighth regiment.

29. That the companies in the town of Sandborntorn, shall form a first battalion; and the companies in the towns of Meredith, and New-Hampton, shall form a second battalion; which shall constitute the twenty ninth regiment.

30. That the companies in the towns of Warner, Bradford, and Kearsarge-Gore, shall form a first battalion; and the companies in the towns of New-London, Fishersfield, Wilmot, and Sutton, shall form a second battalion; which shall constitute the thirtieth regiment.

31. That the companies in the towns of Newport, Wendell, and Goshen, shall form a first battalion; and the companies in the towns of Croydon, Springfield, and the east company in New-Grantham, shall form a second battalion; which shall constitute the thirty first regiment.

32. That the companies in the towns of Bath, Lyman, and Landaff, shall form a first battalion; and the companies in the towns of Concord, (in the County of Grafton) Littleton, Bethlehem, that part of Lincoln on the west side of the mountain, and Franconia, shall form a second battalion; which shall constitute the thirty second regiment.

33. That the companies in the towns of New-Durham, and Alton, shall form a first battalion; and the companies in the towns of Middleton, Brookfield, and the southerly company in Wakefield shall form a second battalion; which shall constitute the thirty third regiment.

34. That the companies in the towns of New-Chester, and Bridgewater, shall form a first battalion; and the companies in the towns of Alexandria, Groton, Hebron, and Danbury, shall form a second battalion; which shall constitute the thirty fourth regiment.

35. That the companies in the towns of New-Castle, Rye, and Greenland shall form a first battalion; and the companies in the towns of Newington, and Stratham shall form a second battalion; which shall constitute the thirty fifth regiment.

36. That the companies in the towns of Eaton, and Burton, and the first company in Conway shall form a first battalion; and the companies in the towns of Bartlett, Adams, Chatham, and the second company in Conway, shall form a second battalion; which shall constitute the thirty sixth regiment.

37. That the companies in the towns of Canaan, Dames-Gore, Dorchester, and Orange, shall form a first battalion; and the companies in the towns of Enfield, and Grafton, shall form a second Battalion which shall constitute the thirty seventh regiment.—

Sect. 3. And be it further enacted, That the first, third, fourth, seventh, and thirty fifth regiments, shall compose the first brigade.

2. That the second, tenth, nineteenth, twenty fifth, twenty seventh, twenty ninth, thirty third, and thirty sixth regiments, shall compose the second brigade.

3. That the eighth, eleventh, seventeenth and eighteenth regiments, shall compose the third brigade.

4. That the fifth, ninth, twenty first, twenty second, twenty sixth, and thirtieth regiments, shall compose the fourth brigade.

5. That the sixth, twelfth, fifteenth, sixteenth, twentieth, twenty eighth, and thirty first regiments, shall compose the fifth brigade.

6. That the thirteenth, fourteenth, twenty third, twenty fourth, thirty second, thirty fourth, and thirty seventh regiments, shall compose the sixth brigade.—

And that the first and third brigades shall form the first division.

That the second and sixth brigades shall form the second division.

That the fourth and fifth brigades shall form the third division.

Sect. 4. And be it further enacted, That each and every free able-bodied white male citizen of this State, resident therein, who is or shall be of the age of sixteen years, and under the age of forty years, (except such as are herein after excused) shall severally and respectively be enrolled in the Militia, by the Captain or commanding officer of the company within whose bounds such citizen shall reside, and it shall at all times be the duty of such Captain, or commanding officer of the company, to inroll every such citizen as aforesaid; and also those who shall, from time to time, arrive to the age of sixteen years, or being of the age of sixteen years, and under the age of forty years, shall come to reside within his bounds, shall be enrolled as soon as may be after such citizen shall come to reside within the limits of such company. And any legal notice, or warning, to the citizens so enrolled, to attend a company, battalion, or regimental muster, or training, shall be deemed a legal notice of his enrollment.

Sect. 5. And be it further enacted, That the Vice-President of the United States; all the officers, Judicial and Executive, of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers, with their clerks; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post office of



the United States, and of this State; all ferrymen, employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners, actually employed in the sea-service of any citizen or merchant within the United States; Secretary and Deputy-secretary of this State; State and County Treasurers; Records of deeds; all civil officers, actually in commission; all officers, and students of Colleges; ministers of the Gospel; people denominated Quakers, and Shakers; preceptors of any Academy; all who have, under the commission of this State, or the United States, or any particular State, held the office of Subaltern, or higher rank, for the term of four years; all regular bred physicians and surgeons who have received medical degrees, or who may produce certificates from the New-Hampshire Medical Society; that they are such and are in actual practice; be, and are hereby, excused from military duty.

Sect. 6. And be it further enacted, That each division within this State shall be commanded by one Major-General, who shall have two Aids-de-camp, with the rank of Major. Each brigade by one Brigadier-General, who shall have one Brigade-Inspector, who is also to perform the duty of Brigade-Major. To each regiment, one Lieutenant-Colonel Commandant; and to each battalion, one Major, who shall reside within their respective Districts.

That out of the Militia enrolled, there shall be formed for each battalion, at least one company of grenadiers, or light infantry.

The regimental staff shall consist of one Adjutant, one Quarter-Master, and one Pay-Master, to rank as Lieutenants; one Surgeon, one Surgeon's-Mate, one Sergeant Major, one Quarter-Master Sergeant, one drum-major, and one fife major.

That each company of infantry shall consist of one Captain, one Lieutenant, one Ensign, four sergeants, four corporals, one drummer, one fifer, and sixty-four rank and file; the corporals to be included in the rank and file.

That each non-commissioned officer and soldier, belonging to the infantry, shall furnish himself with a good firelock, with a steel or iron ramrod, priming-wire and brush, bayonet scabbard and belt, a cartridge box that will contain sixteen cartridges, two good flints, a knapsack, and canteen.

That the commissioned officers shall be severally armed with a sword or hanger, and an esponton; and that all officers whose duty it is to be mounted on horse-back, shall be armed with a sword and pair of pistols.

That all companies of cavalry, artillery, light-infantry or grenadiers, that may hereafter be raised, shall consist of the following number:—

To each company of cavalry, one Captain, two Lieutenants, one Cornet, four serjeants, four corporals, one trumpeter, one farrier, one saddler, and fifty privates; the commissioned officers to furnish themselves with good horses, of at least fourteen hands and one half high, and to be armed with a sword, and pair of pistols, the hol-

sters of which to be covered with bearskin caps; each dragoon to furnish himself with a serviceable horse, of at least fourteen hands and one half high, a good saddle, bridle, mailpillion and valise, holsters, the caps of which to be covered with bear-skin, a pair of pistols, a hanger, and a cartridge-box to contain twelve cartridges for pistols, a pair of boots, and spurs.

To each company of artillery, one Captain, two Lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, one fifer, and sixteen privates; the noncommissioned officers and privates to be armed with swords.

To each company of light-infantry, or grenadiers, one Captain, one Lieutenant, one Ensign, four serjeants, four corporals, one drummer, one fifer; and forty eight privates; and to be equipped in the same manner as the commissioned and non-commissioned officers and soldiers in the infantry.

Sect. 7. And be it further enacted, That each company of artillery now formed, or that may hereafter be formed, when organized, be furnished, at the expence of this State, with one piece of ordnance, with carriage-harness and apparatus compleat, twenty round shot suitable to the piece and one standard: That to each piece of ordnance be annually allowed fourteen dollars, for the purpose of furnishing said piece with powder, and port-fire.

Sect 8. And be it further enacted, That each company of artillery and cavalry, be formed of volunteers from the regiment in which they reside, at the discretion of the Commander in Chief, not exceeding one company of each to a regiment, and to be under the command of the field officers of such regiment.

Sect. 9. And be it further enacted, That the Captain of each company of cavalry now formed, (who has not received his music money) and the Captain of each company hereafter formed, shall be entitled to receive out of the treasury twenty-five dollars for the purpose of furnishing such company with instruments of music; and the Governor, it being certified by the commanding officer of the regiment, that a company of cavalry belonging to the same is organized agreeably to law, shall give the Captain of such company an order on the Treasurer for the aforesaid sum.

That the Captain of each company of infantry, artillery, light-infantry, or grenadiers, who has not received his music money, shall be entitled to receive out of the Treasury the sum of eight dollars, for the purpose of furnishing his company with instruments of music, who is to observe the same rules and regulations in obtaining the same, as is pointed out for the cavalry.

Sect 10. And be it further enacted, That there be provided, at the expence of this State, for each regiment, one standard, and for each battalion, one colour. And when any regimental standard, or battalion colours, or colours belonging to the cavalry, or artillery, shall become useless, the Adjutant General, or Quarter-Master-General, shall furnish new ones for such regiment, battalion, or com-

pany, at the expence of the State, upon a certificate being produced from the Brigadier General, commanding the brigade, that such standards, or colours are needed.

Sect. 11. And be it further enacted, That each company of militia, or military company, shall turn out for inspection of arms, and military exercise on the last wednesday of June annually; and also sometime in the months of August, or September annually; and at such other times as the commanding officers of the companies may direct, not exceeding four times: And each regiment shall be called out in the months of September or October, annually, except in such cases when by permission from the Brigadier General of their brigade, they are allowed to muster by battalions.—

Sect. 12. And be it further enacted, That the Select-Men of the several towns and unincorporated places within this State, shall furnish suitable meats and drinks for the refreshment of all non-commissioned officers and soldiers, within their several towns and places, or thirty four cents in lieu thereof for each man, or regimental and battalion musters, which may be in the months of September and October; and also one quarter of a pound of powder to each non-commissioned officer and soldier; at the expence of said towns and places; And it shall be the duty of each soldier to consume said powder when directed by his commanding officer; the meats and drinks to be furnished on the parade where such regimental or battalion musters are; the number of men ascertained by a roll, certified by the commanding officer of the company to which they belong. And if the selectmen of any town or place, after proper notice of such muster, shall neglect or refuse to furnish the supplies aforesaid, they shall forfeit and pay the sum of fifty cents for each noncommissioned officer or soldier, whom they shall neglect to furnish, to be recovered by the commanding officer of the company which shall be so neglected, in any court proper to try the same, to be appropriated towards defraying the expences of said company.

Sect. 14. And be it further enacted, That any person who has already enlisted, or may hereafter enlist, from any company of infantry, into any company of artillery, Cavalry, light-infantry, or grenadiers, shall not be exempted or excused from doing duty in the company from which he enlisted, until he is uniformed and equipped to do duty in the company into which he enlists.

Sect. 15. And be it further enacted, That in forming the cavalry, artillery, light-infantry, and grenadiers, not more than one eleventh part shall enlist out of any one company of infantry into such corps; unless by permission of the field officers of the regiment to which such company belongs.

Sect. 16. And be it further enacted, That every citizen, enrolled as directed in this act, and provided with arms and accoutrements, shall hold the same exempt from all suits, distresses, executions, or sales for debt, or for the payment of taxes; and shall also, while

under the age of twenty-one years, be exempt from a poll tax. And that no officer, noncommissioned officer, Musician, or private soldier, while on duty, or while going to or from training, shall be liable to be arrested on civil process.

Sect. 17. And be it further enacted, That no noncommissioned officer, or private soldier, shall, upon any muster day, or the evening of the same day, discharge and fire off a musquet or gun, in any public road, or near thereto, or in or near to any house, or on or near the place of parade, unless leave therefor be first had from a commissioned officer, on penalty for each offence so committed, the sum of one dollar, to be recovered by action before any Justice of the peace within the county where such offence shall be committed, by any person who shall sue therefor, with cost of prosecution.

Sect. 18. And be it further enacted, That where there are, or hereafter may be, any company or companies of militia unorganized, and where suitable characters cannot be found within the limits of said companies necessary for the organization of the same, the field officers, within whose limits such company or companies are, may annex such persons, as are liable to do duty in the train band, to any organized company or companies contiguous thereto, as may be most convenient; and the persons so annexed shall be liable to do duty, and subjected to penalties, in the same manner as though they were officered by persons living within the particular town in which they reside.

Sect. 19. And be it further enacted, That the Captain of each company of artillery, organized according to law, (who has not received his money for building a gun-house) be entitled to receive out of the treasury the sum of fifty dollars, for the purpose of erecting a gun-house, for the safe keeping of the ordnance, carriage, harness, and apparatus, belonging to his company; and the Governor, being certified by the commanding officer of a regiment, that a company of artillery is organized within the same as aforesaid, shall give the Captain of such company an order on the Treasurer for the aforesaid sum; and if after the erection and completion of said gun-house, any part of said sum shall remain unexpended, the sum so remaining shall be appropriated for the purpose of instructing the military musicians in the regiment in which said company of artillery may be formed: That in case any Captain shall neglect or omit to appropriate the money by him received, by virtue of this act, for the purposes herein expressed, within one year from the time of his receiving the same, he shall forfeit and pay the sum of one hundred dollars, to be recovered by any person who may first sue for the same, before any court in this State, of competent jurisdiction; the one half to the use of the regiment in which such company of artillery may be formed, to be appropriated for musical instruments and instructing the military musicians in said regiment, and the other half to the use of the person suing for the same: And that the field officers of the respective regiments



shall locate the place where each gun-house shall be erected; and that a deed, conveying the fee of the land on which the same shall be erected, shall be executed to the State of New-Hampshire, and lodged in the Secretary's office before the buildings are compleated: Provided that the field officers of the regiment to which any gun-house may belong shall have power to remove the same whenever in their opinion the companies in such regiment shall be more accomodated thereby; they first causing the title to the land to which such gun-house may be removed to be vested in this State; and shall have power to dispose of the land from which such gun-house may be removed.

Sect. 20. And be it further enacted, That in case the Captain of any company of infantry, artillery, cavalry, light-infantry, or grenadiers, shall neglect or omit to appropriate the money by him received for the purpose expressed in this act, within six months from the time of receiving the same, he shall forfeit and pay the sum of thirty dollars, to be recovered by any person who may sue for the same, before any court in this State, of competent jurisdiction; the one half to the use of the company to which said money was to have been appropriated, and the other half to the use of the person suing for the same.

Sect. 21. And be it further enacted, That the Captain-General be, and hereby is, authorized to appoint such number of Aids-de-camp as he shall think necessary, to be commissioned by the Governor, with the rank of Lieutenant-Colonel Commandant.

Sect. 22. And be it further enacted, That there shall be an Adjutant General, whose duty it shall be to distribute all orders, from the Commander in Chief of this State, to the several corps; to attend all public reviews, when the Commander in Chief of this State shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of different returns that may be required; and to explain the principles on which they shall be made; to receive, from the several officers of the different corps, throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline. And compensation shall be made to the Adjutant General, for his services, from time to time, by the Legislature, as they shall think just.

Sect. 23. And be it further enacted, That the rules of discipline approved and established by Congress, in their resolution of the twenty ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia of this State.

Sect. 24. And be it further enacted, That all commissioned officers shall take rank according to the date of their commissions; and

when two of the same grade bear equal date, and whose prior pretensions to seniority cannot be ascertained, then the rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment. And when it shall so happen, that officers of different corps shall be on duty together, the first officer in rank shall command, whether of the infantry, cavalry, artillery, light-infantry, or grenadiers.

Sect. 25. And be it further enacted, That at all musters of the militia, when more than one company shall be on the parade at the same time, the officers shall be posted with their several companies, and the companies shall take rank according to seniority; and that all commissioned officers, belonging to any company of infantry, shall reside within the limits of such company. And in case more than one company of cavalry or light infantry shall be formed in the same regiment; the company formed in the first battalion shall take rank as the senior company.

Sect. 26. And be it further enacted, That non-commissioned officers be reduced to the ranks for any misdemeanor which, in the opinion of all the commissioned officers of the company and the commanding officer of the regiment, shall deserve such punishment.

Sect. 27. And be it further enacted, That it shall be the duty of the several adjutants, to inspect the arms, and accoutrements, of the several regiments, to which they belong; and make return of the same to the brigade-Major, within thirty days; for which duty each adjutant shall receive two dollars out of the treasury of this State.

Sect. 28. And be it further enacted, That it shall be the duty of each Brigade-Major, to inspect the arms, and accoutrements, of their several brigades, when met under arms; for which duty, they shall severally receive four dollars, out of the treasury of this State; and shall make all returns of said brigade, to the Adjutant General; and they shall receive for each return one dollar, which return shall be made within thirty days, from his inspecting or receiving said returns

Sect. 29. And be it further enacted, That the field officers of each and every regiment shall form and arrange the companies in their several regiments from time to time as they shall think the public good may require.

Sect. 30. And be it further enacted, That the colour and fashion of the uniform of the cavalry, artillery, light-infantry, and grenadiers, shall be determined by the field officers of the regiment in which such corps may reside; and the colour of the uniform of the infantry be determined on by the Commander in Chief.

Sect. 31. And be it further enacted, That the several commanding officers of companies shall cause accurate returns to be made of their companies, to the commanding officer of the regiment to which they belong, before the first day of August annually: that the commanding officer of each regiment shall cause to be made to the Brigade-Major, a proper return of his regiment, before the first

day of September annually: and the respective Brigade-Majors shall make out to the Adjutant-General, returns of their respective brigades, before the first day of October annually: from all which, the Adjutant-General shall make out a return of the militia of this State, and lodge the same with the Commander in Chief, before the first day of December annually; and transmit a copy of the same to the President of the United States before the first day of January annually.

Sect. 32. And be it further enacted, That it shall be accounted sufficient notice to any non-commissioned officer or private, for appearance on muster days, to be notified of such muster by a non-commissioned officer in person, or by any other person or persons duly authorized by the commanding officer of said company, or by a writing by him signed, to be left at his usual place of abode, four days prior to such day of muster; and if any noncommissioned officer or private, after such notification, shall unnecessarily neglect to appear, he shall pay a fine of three dollars for regimental or battalion musters, and two dollars for each and every other training.

Sect. 33. And be it further enacted enacted, That each noncommissioned officer or private, who shall appear on the parade not completely equipped agreeably to law, shall, for each article with which he shall neglect to appear, pay the following sums, as fines for the equipments, with which he shall not be provided, viz:—for a gun, eighty cents; steel or iron ramrod, twenty cents; bayonet, scabbard & belt, twenty-five cents; two flints, ten cents; priming-wire and brush, ten cents; cartridge-box, twenty five cents; knapsack, twenty cents; and canteen, ten cents; which sums shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of the Captain or commanding officer of said company, to be directed to the first sergeant of the company, who is to levy the same by the same rules and regulations as the laws have pointed out for collecting rates and taxes, (excepting he shall not be obliged to give the fourteen days notice after receiving the warrant) and shall have one quarter part thereof for his trouble, and the same fees that are allowed to sheriffs for the levying of executions; and if no goods and chattels of the delinquent are to be found, then to levy the same on the body of such delinquent: Provided nevertheless, That no such warrant shall be issued until fifteen days after said muster days, that the delinquent may have time to make his excuse (if any he has) for his non-appearance or non-equipment, which is to be made to the commanding officer of the company. And in case the said first serjeant be liable to a fine as afforesaid, then the warrant to be directed to any other serjeant in said company.

Sect. 34. And be it further enacted, That such of the infantry as are under the care of parents, masters, or guardians, shall be furnished by them with arms and accoutrements, and such as are unable to furnish themselves shall make application to the select-

men, who shall certify to the Captain or commanding officer, that they are unable to equip themselves; and the said select-men shall at the expence of the town, provide for, and furnish such persons with, arms and equipments; and provided the select men shall refuse or neglect to furnish the arms, and accoutrements as before mentioned, it shall be the duty of the commanding officer of the companies respectively in which such poor persons shall be enrolled, to furnish such arms and accoutrements at the expence of the town; and the town shall be liable to pay the same, which arms and accoutrements shall be the property of the town at whose expence they were provided; and if any person so furnished, shall embezzle damage or wilfully destroy the same, he shall be punished by any court proper to try the same, upon complaint made by the selectmen of the town, by fine, or imprisonment, or both; but in no case shall the fine exceed double the value of the arms and accoutrements so lost or destroyed, nor shall the imprisonment exceed sixty days; And all fines recovered for embezzling or destroying of arms and accoutrements, as provided in this act, shall be paid into the hands of the selectmen, to be appropriated in purchasing arms and accoutrements for such soldiers as are unable to purchase for themselves.

Sect. 35. And be it further enacted, That parents, masters, and guardians, shall be liable for the non-appearance and neglect of such persons as are under their care, (and are liable by law to train) and are to be proceeded against, for the penalty, in the same manner as by this act is provided against other delinquents; and the warrant of distress that may be issued against such persons, may be varied from the common form, as circumstances may require.

Sect. 36. And be it further enacted, That when any non-commissioned officer shall refuse or neglect to notify or warn any of the non-commissioned officers or private soldiers of the company to which he belongs, (being thereto ordered by his superior officer) he shall pay a fine of two dollars for each non-commissioned officer and soldier he shall neglect to warn, to be recovered in the same way and manner as is before provided.

Sect. 37. And be it further enacted, That all fines recovered of any non-commissioned officer or soldier by virtue of this act, (excepting that part that accrues to the serjeant who collects the same) shall be paid into the hands of the commanding officer of the company to which such non-commissioned officer or soldier may belong, to be expended in defraying the necessary expences of such company, as the commissioned officers of the same may direct.

Sect. 38. And be it further enacted, That the Captain or commanding officer, at the head of his company, may direct his non-commissioned officers and soldiers to meet, at any future time within thirty days then next ensuing; which shall be a legal notice to such as are present.

Sect. 39. And be it further enacted, That if any non-commissioned officer or soldier shall prove refractory, or disobedient, on



muster day, or shall insult or abuse his officers, or either of them, or treat them with disrespect or contempt, the commanding officer present may order the offender to be immediately tried by five commissioned officers, if so many should be present; and if not so many present, as many as there are in the field; who are empowered to punish the offender, by ordering him to pay a fine not exceeding ten dollars, at the discretion of the officers.

Sect. 40. And be it further enacted, That on all muster days, every officer shall yield due obedience to his superior officer, and every non-commissioned officer and soldier shall yield entire and due obedience to the commands of their superior officers; and if any officer shall, on such days, (or at any other time) refuse or neglect to obey the orders he may receive from his superior officers respecting any matter relating to the government of the militia, he shall be tried by a court martial, and if convicted thereof, shall be cashiered, or reprimanded in orders by the officer appointing the court martial, as the members of said court shall determine: And the superior officer may immediately put such offender in arrest, and report him and his offence to the officer commanding the brigade, (if the offender is under the rank of a field officer) and the commanding officer of the brigade is hereby empowered to appoint a court martial for such trial, and to approve or disapprove the sentence, as he may think just; and in case the offender is of the rank of a field officer, or of higher rank, his offence shall be reported to the Major-General, or officer commanding the division, who is hereby empowered to appoint a court martial for the trial of such offender, to approve or disapprove the sentence as aforesaid. The Commander in Chief shall, at all times, have the right of appointing courts-martial whenever he shall think it necessary.

All courts-martial, when appointed by the Comander in Chief, shall consist of thirteen members, the president of which shall be of the rank of Major-General.

All courts-martial, when appointed by a Major-General, shall consist of thirteen members, and the president shall be a Lieutenant-Colonel, or officer of higher rank.

All courts-martial appointed by a Brigadier, shall consist of thirteen members, the president of which shall at least be of the rank of a field officer.

The members of the courts-martial are to be sworn by the president, or judge-advocate; and the president shall be sworn by the judge advocate, or the next highest in rank of the members composing the same; and the president, or judge advocate, of every court-martial, shall have power to administer the oath to every witness.

In order to the trial of offenders, the oath of the president and members, shall be in the words following, viz. "You swear, that you will well and truly try, and impartially determine, the charge

against the person now to be tried, according to the rules for regulating the militia of this State.

So help you God."

The oath to be administered to witnesses in courts-martial, shall be in the form following, viz.

"You swear, the evidence you shall give relative to the charge now in hearing, shall be the truth, the whole truth, and nothing but the truth.

So help you God."

Sect. 41. And be it further enacted, That all military officers shall be amenable to a court-martial for any un-officer or un-gentlemanlike conduct or behaviour, while on duty, and at all other times; and to be tried and sentence approved, in the same way and manner as before provided for disobedience of orders.

Sect. 42. And be it further enacted, That all persons called by summons from the president of any court martial, to give evidence, who shall unreasonably refuse or neglect to appear, or appearing shall refuse to give evidence, shall be committed to the common-gaol of the county where such court is sitting, there to remain three months, unless sooner discharged therefrom by the justices of the Superior Court. And the president of the court is to lodge the accusation against him with the prison-keeper. And every witness when summoned by the president of any court-martial who shall attend for the purpose of giving testimony shall be allowed the same compensation for travel and attendance as witnesses are in civil causes.

Sect. 43. And be it further enacted, That every person appointing a court-martial, shall appoint some suitable person to act as judge-advocate, who shall make a fair record of the whole proceedings, and deliver them to the officer appointing said court-martial, who shall cause the same, or a copy thereof, to be lodged in the Secretary's office, within three months after such trial.

Sect. 44. And be it further enacted, That the Commander in Chief, the officers commanding divisions, brigades or regiments, may appoint military watches or guards when an invasion of the State is apprehended, in such place or places and under such regulations as they may judge necessary: and all officers and soldiers under their command are to yield strict obedience to their orders and directions.

Sect. 45. And be it further enacted, That the signals for an alarm are to be fixed by the Captain General, and may by him be altered, from time to time, and proper notice thereof is to be by him given to the several officers; and if any non-commissioned officer or soldier, shall upon the alarm being given unnecessarily neglect to appear properly armed and equipped at such time and place as the commanding officer shall appoint, he shall pay a fine of ten dollars; and all persons serving on any military guards, or watches, shall be punishable for misconduct while in such service by a court-martial

to be appointed by the commanding officer of such guard or watch, provided he be a field officer, and in case he is not, then by the commanding officer of the regiment to which the offender belongs.

Sect. 46. And be it further enacted, That when any non-commissioned officer or soldier shall think himself unable to perform military duty, and shall procure a certificate, certifying his disability, from the Surgeon or Surgeon's Mate of the regiment to which he belongs, to the commanding officer of the company, then said non-commissioned officer or soldier, shall be considered as excused from military duty, until it shall be thought by the commanding officer of said company, and the Surgeon or Surgeons Mate, for the time being, that such disability is removed.

Sect. 47. And be it further enacted, That in all towns where there may be fire-engines, eighteen persons for each engine shall be excused from doing duty on training days, excepting the annual training in the month of June, upon certificate from the selectmen to the commanding officer of the company to which they belong: Provided nevertheless, They shall be constantly armed and equipped according to law, and shall be liable to do duty in the militia at all times when they do not belong to said engines.

Sect. 48. And be it further enacted, That the warrant of distress, to be issued in case of unnecessary neglect to appear equipped on muster days, shall be in the following form, the blanks therein to be filled up as the circumstances of the case may require.—

State of New-Hampshire.

(L.S.) To sergeant of company, in the regiment of militia of said State, Greeting.

Whereas of in the county of a private soldier, enrolled according to law, and liable to do duty in said company, was duly notified, and ordered to appear on the parade near to in on the day of Anno-Domini, one thousand eight hundred and at the hour of of the clock in the noon, equipped with arms, ammunition, and accoutrements, according to law, for inspection and military exercises, and there to attend until further orders, being the time and place for mustering said company; but the said did unnecessarily neglect to attend equipped as aforesaid, agreeably to said orders and notice; And whereas more than fifteen days have elapsed from said day of muster, and the said hath neglected to make excuse to the commanding officer of said company for non-appearance as aforesaid; whereby the said hath incurred the penalty and become liable by law, to pay a fine of to be disposed of according to the law in said case made and provided. You are, therefore, in the name of the State of New-Hampshire, hereby required, by distress and sale of the goods and chattels of the said to levy and collect the aforesaid sum of together with forty cents for

this precept; and thereof also to satisfy yourself for your own fees; And for want of such goods and chattels, whereon to make distress, you are hereby commanded to take the body of the said and him commit unto the gaol in                      in said county; and the keeper of said gaol is accordingly commanded to receive the said                      and him detain in his custody, within said goal, until he pay the aforesaid sums, with all lawful fees; or otherwise be discharged by due course of law. And you are in all respects to observe and follow the rules and directions of the laws respecting the premises. And you are hereby directed to make return of this precept, with your doings thereon, unto me the undersigned, or the commanding officer of said company for the time being, within forty days from the date hereof.

Given under my hand and seal, at                      in said county,  
this                      day of                      Anno Domini, one thousand eight  
hundred and

} Commanding officer  
} of said company.

Sect. 49. And be it further enacted, That every town and plantation in this State shall be constantly provided with thirty-two pounds of good gunpowder, sixty four pounds of musquet-balls, one hundred and twenty-eight flints, and three iron or tin camp-kettles to every sixty-four soldiers enrolled in the militia in every such town or plantation, and the same proportion for a greater or less number.

Sect. 50. And be it further enacted, That if any town or plantation within this State, shall neglect or refuse to supply themselves with said articles, within six months from the passing of this act, such town or plantation shall forfeit and pay three times the value of each and every article so neglected to be furnished as aforesaid, to be recovered before any court competent to try the same, the one half to the prosecutor, and the other half to the State; and it shall be the duty of the Quarter-master of each regiment, in the month of December annually, to inspect the magazines of each town and plantation within the regiment to which he belongs, and shall prosecute each and every town and plantation which shall be found deficient of having any of the aforesaid articles.

Sect. 51. And be it further enacted, That it shall be the duty of the selectmen of the several towns and plantations within this State, to provide some suitable place that the same may be deposited, and kept constantly in readiness for the use of the militia in case of emergency.

Sect. 52. And be it further enacted, That no person shall be deemed or taken to be a Quaker, or Shaker, within the meaning of this act, unless he shall annually, in the month of May, deliver to the captain or clerk of the company wherein he resides, a certificate, signed by two of the overseers, and countersigned by the clerk of



the meeting, or society with which he meets for worship, in substance as follows, viz.

We the subscribers, overseers of the meeting or society of in the town of in the county of do hereby certify, that frequently and usually attends with said Society for public worship, and is a regular member thereof, and we believe is conscientiously scrupulous of bearing arms.

Which certificate, so signed and delivered as aforesaid, shall exempt the person therein named from doing military duty for the term of one year.

Sect. 53. And be it further enacted, That there shall be a Quarter-Master-General to this State, who shall have the rank of Brigadier General; that to each Brigade there shall be one Quarter-Master of brigade, who shall be appointed by the Brigadier General, with the rank of Major; and one Chaplain to each regiment, to be appointed by the field officers.—And the Commander in Chief is hereby authorized to commission them accordingly.

Sect. 54. And be it further enacted, That every fine arising by any breach of this act, for which no special mode of recovery has been pointed out, may be recovered by action, bill, plaint, or information, in any court proper to try the same.

## [CHAPTER 58.]

*State of* }  
*New Hampshire.* }

### AN ACT FOR THE ENCOURAGEMENT OF SUNDRY MANUFACTURES.

[Approved December 22, 1808. Original Acts, vol. 20, p. 58; recorded Acts, vol. 18, p. 189. Session Laws, November, 1808, p. 36. See act of June 26, 1816, id., June, 1816, Chap. 29. Repealed June 22, 1814, id., June, 1814, p. 20.]

Whereas, the manufacture of articles necessary for the comfort and convenience of life, by the citizens of this State, would be productive of advantages to the State in rendering us more independant of other countries, and in enlarging the market for our surpluss agricultural products.

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That all the manufactories which shall be established in this State for the manufacturing of cotton yarn and cotton, cloth, of woollen yarn and woollen cloth, of salt & glass, shall be exempted from taxation for their capital stock employed in each and every of said manufactories. Provided such capital stock amount to the sum of four thousand dollars, and do not exceed the sum of twenty thousand dollars, for and during the term of five years from and after the establishment of such manufactories.

## [CHAPTER 59.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT SUBJECTING LANDS AND TENEMENTS TO THE PAYMENT OF DEBTS AND DIRECTING THE MODE OF LEVYING EXECUTIONS ON REAL AND PERSONAL ESTATE," PASSED FEBRUARY 15<sup>TH</sup> 1791.

[Approved December 22, 1808. Original Acts, vol. 20, p. 59; recorded Acts, vol. 18, p. 190. Session Laws, November, 1808, p. 39. Laws, 1815 ed., p. 184. The act referred to is printed in Laws of New Hampshire, vol. 5, p. 701. See additional acts of June 25, 1816, Session Laws, June, 1816, Chap. 21, and July 1, 1825, id., June, 1825, Chap. 52. Repealed by act of July 4, 1829, Laws, 1830 ed., p. 101.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That the last paragraph of the act aforesaid, to which this is an addition, which said paragraph provides, that no application shall be made by any creditor, for the purpose of obtaining an alias execution against a debtor in the case, and in the manner by said act prescribed shall be sustained after the expiration of three years from the time of extending and levying execution on estates which did not at the time of such levying belong to such debtor, as by said act is mentioned, be and the same is hereby repealed.

Sec. 2. And be it further enacted, that an application by any such creditor for the purpose of obtaining an alias execution as aforesaid, shall be sustained, if made at any time within twenty years from the time of extending and levying execution on estate not the property of the debtor aforesaid.

## . [CHAPTER 60.]

*State of* }  
*New Hampshire.* }

AN ACT FOR THE BETTER REGULATION OF SCHOOLS, AND FOR REPEALING CERTAIN LAWS NOW IN FORCE RESPECTING THE SAME.

[Approved December 22, 1808. Original Acts, vol. 20, p. 60; recorded Acts, vol. 18, p. 191. Session Laws, November, 1808, p. 33. Laws, 1815 ed., p. 368. See act of December 28, 1805, *ante*, p. 467; additional act of June 27, 1818, Laws, 1815-24 ed., p. 34; and act of July 7, 1826, id., 1830 ed., p. 437. Partly repealed by the acts of July 6, 1827, id., pp. 427, 432.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the Selectmen of the several towns and parishes and places within this State be and they are hereby empowered and required to assess, annually the inhabitants of their

respective towns, parishes and places, according to their polls and rateable estates together with the improved and unimproved lands and buildings of nonresidents, in a sum to be computed at the rate of seventy dollars for every one dollar of their proportion for public taxes for the time being, and so for a greater or less sum, which sums, when collected, shall be appropriated to the sole purpose of keeping an English school, or schools within the towns, parishes and places, for which the same shall be assessed for teaching the various sounds and powers of the letters in the English Language, reading, writing English grammar, arithmetic, geography, and such other branches of education, as it may be necessary to teach in an English School.

And be it further enacted, that no person shall be deemed qualified to teach any such school, unless he or she procure a certificate from some able and reputable English grammar school master and learned minister of the gospel, or preceptor of some academy, or president, professor or tutor of some college, that he or she is well qualified to teach such school; and likewise, a certificate from the selectmen, or minister of the town or parish, to which he or she belongs, that he or she sustains a good moral character, and the said certificates be presented to the selectmen, or committee for inspecting schools in the town, or parish where such school is to be kept, previous to the commencement of such school: Provided nevertheless, that the literary qualifications of school-mistresses be required to extend no further, than that they are able to teach the various sounds and powers of the letters in the English language,—reading, writing and English Grammar, granting them the liberty, always, of teaching such other branches of female education as may be deemed necessary to be taught in schools under their tuition.

And be it further enacted, that each town in this State, shall at their annual meeting, appoint three, or more suitable persons, whose duty it shall be to visit and inspect the schools, annually, in their respective towns and parishes, at such times as may be most convenient for the parties concerned, and in a manner, which they may judge most conducive to the progress of literature, morality and religion; and in case any town neglect to appoint such persons, the duty of inspecting schools shall then devolve upon the Selectmen of such town

And be it further enacted, that if the Selectmen of any town, parish or place neglect to raise and appropriate for the aforesaid purposes the money required by this Act to be by them assessed, collected and appropriated, such Selectmen shall forfeit and pay the full sum which they shall be found delinquent in assessing, seasonably collecting and duly appropriating; which sum shall be recovered by bill, plaint or information in any Court proper to try the same, and when recovered, shall be appropriated for keeping a school or schools in the town or parish, where such delinquency shall happen; and it shall be the duty of the town clerk for the

time being, excepting in cases where the town clerk is also one of the Selectmen, then the first constable of the respective towns or parishes, to see that such sums are collected out of the goods and estates of such delinquent Selectmen, and that the money so collected be appropriated according to the true intent and meaning of this Act

And be it further enacted that the several school districts in this State be and they hereby are authorized and empowered to purchase and hold in fee simple so much land as may be necessary for erecting a school house and such other buildings, and also for such yard as may be necessary for the accommodation of said shools and the inhabitants of the said several school districts within State are hereby authorized and empowered at any legal meeting duly warned and holden for that purpose to raise any sum or sums of money for the purpose of purchasing the land aforesaid; provided it do not exceed in quantity one fourth part of an Acre, and may maintain any action of ejectment or trespass against any person or persons who may trespass upon or do damage to said land or buildings and the same pursue to final judgment and execution.

And be it further enacted that all laws now in force respecting the regulation of schools, except an Act passed December twenty eighth one thousand eight hundred and five, entitled "An Act empowering school districts to build and repair school houses, and regulating schools" be and they hereby are repealed; provided nevertheless that this Act do not take effect until the first day of February next.

## [CHAPTER 61.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT TO ESTABLISH THE RATES AT WHICH POLLS AND RATEABLE ESTATES SHALL BE VALUED IN MAKING AND ASSESSING DIRECT TAXES, PASSED DECEMBER 19<sup>TH</sup> 1803—

[Approved December 22, 1808. Original Acts, vol. 20, p. 61; recorded Acts, vol. 18, p. 194. Session Laws, November, 1808, p. 40. Laws, 1815 ed., p. 551. See act referred to, *ante*, p. 187. See additional act of June 27, 1809, Laws, 1815 ed., p. 552. Repealed December 16, 1812, id., p. 263.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that hereafter, all the Bank shares owned in this State, shall be rated and taxed, in all direct taxes, at three fourths of one per cent. any clause or thing in the aforesaid act, or any Law, usage, or custom, to the contrary notwithstanding



## [CHAPTER 62.]

*State of* }  
*New Hampshire.* }

## AN ACT REGULATING PROPRIETARY MATTERS—

[Approved December 22, 1808. Original Acts, vol. 20, p. 62; recorded Acts, vol. 18, p. 195. Session Laws, November, 1808, p. 36. Laws, 1815 ed., p. 237; id., 1830 ed., p. 117. See acts of June 17, 1796, Laws of New Hampshire, vol. 6, p. 335, December 24, 1798, id., p. 528, July 6, 1826, Session Laws, June, 1826, Chap. 50, July 3, 1827, id., June, 1827, Chap. 38, and July 3, 1839, id., June, 1839, Chap. 436. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Section 1<sup>st</sup> Be it enacted by the Senate & House of Representatives in General Court convened, That in every case of a Proprietary of common & undivided land in a Town where there shall be fifty families, the Proprietors-Clerk shall live in the Town:—

Section 2<sup>d</sup> Be it further enacted, that every Clerk of Proprietors of common & undivided land shall be obligd to furnish such certified copies of the Proprietary Records, as are requested of him by any person, on penalty of forfeiting the sum of one Hundred dollars to such person—& s<sup>d</sup> Clerk shall also be liable to such person requesting Copies as aforesaid, on refusing to furnish the same, for all damage which he may sustain in consequence of s<sup>d</sup> refusal—

Section 3<sup>d</sup> Be it further enacted, that in every Town having fifty families or more, where there is or shall be, no Proprietors Clerk living in such Town, it shall be the duty of the Town Clerk to call on the person having possession of the Proprietors Records, who shall be obligd under the penalty of Five Hundred dollars (to be forfeited to any person who will sue for the same) to deliver to s<sup>d</sup> Town Clerk, s<sup>d</sup> Proprietary Records—and it shall be the duty of such Town-Clerk when he shall have so received said Records, to furnish certified copies of s<sup>d</sup> Records, to every person who may • apply for the same, on penalty of the sum of One Hundred dollars, to the use of any person who will sue for the same,—& shall also be liable to the person so requesting Copies, for all damages by him sustained in consequence of s<sup>d</sup> refusal—

Section 4<sup>th</sup> Be it further enacted, that any person who shall intentionally destroy any Proprietary Records, or shall aid or assist in carrying the same out of this State, shall be liable to any person injured thereby for all damages & shall also be considered guilty of a misdemeanor & may be indicted therefor—

Section 5<sup>th</sup> Be it further enacted, that no Proprietors of common & undivided land shall have power to tax any lands holden in severalty, any law to the contrary notwithstanding—

Section 6<sup>th</sup> Be it further enacted, that s<sup>d</sup> Town Clerk & s<sup>d</sup> Proprietors Clerk, shall be entitled to receive for Copies, the same rate

of fees, as is by law allowed to Clerks of the Court of Common Pleas for Copies—

Section 7<sup>th</sup> Be it further enacted, that the several penalties mentioned in this Act, may be recovered by action of debt in any Court or Courts proper to try the same—

### [CHAPTER 63.]

*State of* }  
*New Hampshire.* }

### AN ACT MAKING FURTHER PROVISION FOR THE ADMINISTRATION OF JUSTICE.

[Approved December 22, 1808. Original Acts, vol. 20, p. 63; recorded Acts, vol. 18, p. 211. Session Laws, November, 1808, p. 38. Laws, 1815 ed., p. 82; id., 1830 ed., p. 54. This act repeals the act of December 11, 1804, *ante*, p. 336. See additional act of June 21, 1811, Laws, 1815 ed., p. 83. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas petitions are often preferred to the General Court, praying for restoration to a course of law, which mode of relief is not only burdensome to the Legislature, and the State, but also extremely expensive to individuals, who often live at a great distance from the place of holding said Court.

For remedy whereof—

Section 1<sup>st</sup>—Be it enacted by the Senate and House of Representatives in General Court convened, That the Justices of the Superior Court of Judicature be, and they are hereby vested with the power of hearing, and deciding, and granting one review or new trial, upon judgments rendered, or which may hereafter be rendered in the Superior Court of Judicature, in the Court of Common Pleas, or before any Justice of the Peace, and, also in all cases where actions have been brought to the said Superior Court, or Court of Common Pleas, or before a Justice of the Peace. And the same through mistake, accident, or misfortune, fail to be prosecuted to final judgment. If it shall appear to them that Justice hath not been attained, and that a further hearing of the cause would (all circumstances considered) be just and equitable, and like remedy shall be granted to any person materially interested who hath not been a party to the suit, on which such judgment may be rendered, and process on said review, or new trial shall be by writ of review, as in other cases, provided, application by petition in writing, setting forth the reasons for said review, or new trial be made to said Superior Court, of which application, due notice shall be given to the adverse party, if living within this State, otherwise to his agent or attorney, who appeared for him in the cause, and all proceedings by virtue of this act, shall be under such rules and regulations, not inconsistent with the fundamental rules and principles of

law, as to the said Justices may seem reasonable, and best calculated for the attaining complete justice—Provided that application be made for a review or new trial as aforesaid, in any of the cases aforesaid, within the term of three years from the rendition of the original judgment or the discontinuance or failure of the original suit.

Sec 2<sup>d</sup>. And be it further enacted, that all applications, new trials, and other proceedings, to be had by virtue of this act, shall be in the County where the original cause was tried, and in all cases, where such application for a review or new trial does not prevail, costs shall be taxed for the petitionee. And where such application for a review or new trial does prevail the said Justices may tax costs upon said petition in favor of the petitioner, in full or in part, if they shall, (all circumstances considered, deem it just and equitable so to do; or said Justices may grant such review, or new trial upon condition, of the payment of the costs upon said petition, as well upon the payment of preceding costs, in whole or in part, or upon such limitations and restrictions, both as to the past, as well as to any future costs of the applicant, as may be consistent with justice and equity.

Sec. 3d. And be it further enacted, that actions tried in the Superior Court of Judicature, when the cause originated before a Justice of the Peace, may be reviewed in the same manner, as actions originating in the Court of Common Pleas, may be reviewed.

Sec. 4th. And be it further enacted, that, an act made and passed December eleventh in the year of our Lord one thousand eight hundred and four, entitled "an act making further provision for the administration of Justice" together with the several acts therein mentioned, be and they hereby are respectively repealed.

## [CHAPTER 64.]

*State of* }  
*New Hampshire.* }

### AN ACT RESTORING SAMUEL SAWYER TO CITIZENSHIP.

[Approved December 23, 1808. Original Acts, vol. 20, p. 64; recorded Acts, vol. 18, p. 68.]

Whereas Samuel Sawyer of Surrey in the County of Cheshire in this State hath petitioned the General Court setting forth that, at the Superior Court holden at Charlestown within and for said County of Cheshire on y<sup>e</sup> 3<sup>d</sup> Tuesday of May Anno Domini 1804 he was indicted, tried and convicted on a charge of aiding and assisting in uttering and passing Counterfeit Bank Bills, knowing the same to be counterfeited; and was by said Court sentenced to pay a fine and suffer six months imprisonment for said offence,

which sentence has been performed; and that in consequence of said conviction, he is debarred from the rights and privileges enjoyed by his fellow citizens, and is disqualified to be admitted as a witness in Courts of law;—and praying that the disqualifications by law accruing to him upon said conviction might be removed, and that he might be restored to all those rights of citizenship which he has by said conviction been deprived of.—

And Whereas, it appears that the said Samuel Sawyer since said conviction, has conducted in such a manner, that there is reason to believe that he now is and may continue to be a correct and useful citizen; and that the public safety and prosperity will not be affected or impaired by granting the prayer of said petitioner—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, That all the legal disqualifications which have accrued to the said Samuel Sawyer by the said conviction, be and the same are hereby removed. And that the said Samuel Sawyer be and he hereby is restored to, and vested with, all the rights, immunities and privileges of citizenship which he possessed and enjoyed before the conviction aforesaid—

## [CHAPTER 65.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE WILLIAM WEBSTER, NOAH ROBINSON AND ABRAHAM BURNHAM, ESQ<sup>RS</sup>, TO ESTABLISH THE JURISDICTIONAL LINES BETWEEN THE TOWNS OF SANDWICH, TAMWORTH, EATON & BURTON.—

[Approved December 23, 1808. Original Acts, vol. 20, p. 65; recorded Acts, vol. 18, p. 78.]

Be it enacted by the Senate & House of Representatives in General Court convened, that the said William Webster, Noah Robinson and Abraham Burnham, Esq<sup>RS</sup>, be, and hereby are authorised and empowered as a Committee to run and establish by just course & careful admeasurement the jurisdictional lines between the towns of Sandwich, Tamworth Eaton & Burton, or as many of those lines as they may find necessary to obtain proper information, and establish said jurisdictional lines in such manner as justice, the convenience & welfare of said towns may require—

And be it further enacted that the said Committee shall agree on the time when they will attend to said survey, and give Thirty days notice thereof to the Selectmen of the aforesaid towns and also cause the same to be published in the New Hampshire Gazette three weeks successively the last publication to be six weeks before the time of taking said survey.



And be it further enacted that if it shall appear to said Committee that the towns of Sandwich & Tamworth have more than their just measure by careful admeasurement, then the Selectmen of the said Sandwich & Tamworth shall pay the expences of the survey & costs of sitting, the accounts to be adjusted by said Committee & recovered by the Selectmen of Eaton & Burton; but if the aforesaid Committee should see no cause of alteration in the lines of those towns, then the Selectmen of Eaton & Burton shall pay the expences of the survey & costs of sitting, the accounts to be adjusted as before, & recovered by the Selectmen of Sandwich & Tamworth—

And be it further enacted that the said Committee shall make a report of their proceedings, with the courses & distances of all the lines by them run to the Legislature of this state, and if accepted by said Legislature, shall be binding & conclusive on said towns respectively

[CHAPTER 66.]

*State of* }  
*New Hampshire.* }

AN ACT FOR THE PRESERVATION OF FISH IN NEW FOUND LAKE IN  
THE COUNTY OF GRAFTON—

[Approved December 23, 1808. Original Acts, vol. 20, p. 66; recorded Acts, vol. 18, p. 197. Session Laws, November, 1808, p. 41. Laws, 1815 ed., p. 447; id., 1830 ed., p. 250. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Be it enacted by the Senate and House of Representatives in general Court convened, that after the passing of this act, if any person shall between the 10<sup>th</sup> day of october, and the 10<sup>th</sup> day of November in any year, use any seine Spear or Stab, for the purpose of catching any fish in said Lake within the limits aforesaid, such person shall for Every fish so caught forfeit and pay the sum of two Dollars, to be recovered with cost of suit, in an action of debt by any person who shall sue for the same, before any Justice within the County where such offence shall be committed, one half of said sum for the use of the person who shall sue for the same, and the other half for the use of the said County—

## [CHAPTER 67.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE HAMPTON CAUSEWAY TURNPIKE CORPORATION

[Approved December 23, 1808. Original Acts, vol. 20, p. 67; recorded Acts, vol. 18, p. 198. Session Laws, November, 1808, p. 45. The act of June 18, 1807, *ante*, p. 610, is repealed by this act. See resolution of June 25, 1821, Session Laws, June, 1821, Chap. 12. Authorized to surrender road June 19, 1826, *id.*, June, 1826, Chap. 2.]

Be it enacted by the Senate and House of Representatives in General Court convened, That Benjamin Shaw, James Leavitt, John Dearborn, Jonathan Marston Jun<sup>r</sup>, Thomas Ward, Joseph Towle Junior, and Edmund Toppan and their associates and successors be, and they hereby are incorporated and made a body corporate and politic forever, under the name of the Hampton Causeway Turnpike Corporation; and in that name may sue and prosecute, be sued and prosecuted to final judgment and execution; and shall be & hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature.

And be it further enacted, that the said Benjamin Shaw and Edmund Toppan, or either of them, shall call a meeting of said corporation, to be holden at any suitable time and place, by posting notifications in two public places in Hampton, fourteen days at least before the time of holding said meeting, expressing the time, place, and design of said meeting and by publishing similar notifications in the Gazette and Oracle printed at Portsmouth, two weeks successively previous to the time of holding said meeting: And the proprietors, by a majority present, or represented at said meeting, accounting, and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office and shall agree on a method of calling future meetings; and at the same or any subsequent meeting may elect such officers, and make and establish such rules and by laws as to them shall seem necessary and convenient for the regulation and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties hereinafter established; and the same by laws may cause to be executed; and annex penalties to the breach thereof: Provided the said rules and by laws are not repugnant to the constitution and laws of this State:—And all representations at any meeting shall be proved by writing, signed by the person to be represented, which shall be filed by the clerk; And this act and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk in a book or books, provided and kept for that purpose.

And be it further enacted, That said corporation be, and hereby

is authorized and empowered to repair and keep in repair the road from Sanborn's hill so called in Hampton Falls to the causeway in Hampton, and from said causeway to the turn or corner of the road near the house of James Leavitt in Hampton; and to repair, raise, and widen, the causeway, now called Hampton causeway, and to build a bridge over Hampton river.

And be it further enacted, That the said causeway so to be made and built shall be raised five feet above the surface of the causeway as it now stands shall be thirty two feet, at least, in width, and with the bridge aforesaid shall be railed on both sides, for the security of travellers who may pass thereon, and a dike sufficiently wide and deep to take off the water from the marsh westerly of said causeway shall be made, and kept open and in repair, and necessary sluices shall be made and kept open to give passage to the water.

And be it further enacted. That if the said proprietors and the owners of land, necessary, in the opinion of said proprietors, for the making of said causeway, dikes and sluices in the manner aforesaid, shall disagree on the compensation to be made for said land, and shall not agree in appointing persons to ascertain such compensation; the Justices of the Court of Common Pleas in the County of Rockingham, if not interested, and if interested, the Justices of the Superior Court, upon the application of the proprietors, or the owners of the land, reasonable notice of such application having been first given to the adverse party, shall appoint a committee, who shall ascertain the same, in the same way as compensation is made to the owners of land for highways as usually laid out. Provided nevertheless that it shall not be lawful for said proprietors to make such causeway or dike, until the damages done the owner or owners of land through which it passes, are ascertained and paid, or tender thereof made, or security given for the payment of the same to the owner or owners thereof to his or their satisfaction.

And be it further enacted, That the said corporation may erect and fix a gate upon said road or causeway in order to collect the tolls and duties hereinafter granted to said company from all persons, travelling the same with horses cattle, carts, or carriages, not herein after exempted from paying toll.

And be it further enacted, That it shall and may be lawful for said company to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person or persons, using said road the rates and tolls hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, carts and carriages from passing through said gate, until they shall have respectively paid the same; that is to say, for every horse and his rider six cents; for every sulkey, chair and chaise with one horse twelve and one half cents; for every coach, chariot, stage, phaeton or chaise with two horses twenty cents; for every stage or carriage of pleasure with four horses twenty five cents; for every cart with one yoke of oxen ten cents, and two and

one half cents for every additional yoke of oxen; for every cart with one horse eight cents, and for every additional horse two & one half cents; for every waggon with two horses ten cents and for every additional horse two & one half cents; for every sled with one yoke of oxen six cents and two cents for every additional yoke of oxen; for every sleigh with one horse six cents, for every additional horse two cents; for cattle one cent per head; for swine and sheep one cent for every three.— Provided that nothing in this act shall extend to authorize said corporation to demand or receive toll of any person who may be employed about the marshes; nor of any officer or soldier of the militia under arms, going to or from the place of military duty; nor of any person going to or from any funeral that may have occasion to pass said gate; nor from any person going to or from public worship on the sabbath in the town of Hampton; nor from any inhabitant of the town of Hampton going to or returning from Dodge's mills so called.

And be it further enacted, That at all times when the tollgatherer does not attend his duty, the gate shall be left open.

And be it further enacted, That the said corporation shall take no toll until said road & causeway shall have been viewed by the Justices of the Superior Court or a major part of them, and shall have been approved of by them, and their certificate thereof shall have been recorded by the clerk of said corporation.

And be it further enacted, that the said corporation are hereby empowered to purchase and hold in fee simple, so much land as will be necessary for said turnpike, and the share or shares of any proprietor may be transfered by deed duly executed, acknowledged, and recorded by the clerk of said corporation on their records; and said share may be sold by said corporation on non payment of assessments duly made agreeably to the by laws of said corporation

And be it further enacted, That said corporation may be indicted for want of repairs of said causeway and road, after the toll gate is erected, and fined in the same way and manner as towns are by law finable for suffering highways and bridges to be out of repair; and such fines may be levied on the profits and tolls accruing to said corporation.

And be it further enacted, That at the end of every three years after the setting up of the tollgate upon said turnpike an account of the expenditures upon said turnpike, and the profits arising therefrom, shall be laid before the Justices of the Superior Court for the time being; under the forfeiture of the privileges of this grant in future, and if the neat profits for the said three years shall exceed nine per centum per annum, the said court may reduce the future rate of toll, so far as it may not exceed nine per centum per annum; and if the said profits shall not amount to six per centum per annum, the said court may raise the future tolls so that it shall not be less than six, nor more than nine per centum per annum.

And be it further enacted, That if in three years from the passing



of this act said turnpike shall not, in every part, be completed, agreeably to the provisions of this act, every part and clause thereof shall be null and void.

And be it further enacted, That the State of New Hampshire may at any time after the passing of this act, repay said proprietors the amount of the sums expended by them on said turnpike, with nine per centum per annum in addition thereto, deducting the toll actually received by said corporation; and in that case said road shall, to all intents and purposes, be the property of the State of New Hampshire. Provided also, that the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary or expedient to compel said proprietors to keep said road in repair.

And be it further enacted, that the act, passed June one thousand eight hundred and seven, to authorize the town of Hampton to raise and turnpike the causeway aforesaid be and hereby is repealed.

#### [CHAPTER 68.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE EBENEZER EASTMAN, AND OTHERS BY THE NAME OF THE PROPRIETORS OF THE UNION LOCKS AND CANAL.

[Approved December 23, 1808. Original Acts, vol. 20, p. 68; recorded Acts, vol. 18, p. 205. Session Laws, November, 1808, p. 43. See additional act of June 23, 1809, recorded Acts, vol. 18, p. 253. See also acts of June 19, 1813, id., vol. 20, p. 43, June 20, 1815, id., p. 305, December 13, 1820, id., vol. 21, p. 511, and July 15, 1854, id., vol. 46, p. 199.]

Whereas the extension of inland Navigation is of great public utility, and whereas the same in Merrimac-river between Reeds' Ferry so called, and Amoskeag-Falls, is obstructed by numerous falls so as to render the same impassable with boats; And whereas Isaac Chandler and others have petitioned the General Court to be incorporated for the purpose of clearing the same, Therefore

Be it enacted, by the Senate and House of Representatives in General Court convened that Ebenezer Eastman, Isaac Chandler Winthrop Fifield and Jonathan Eastman, their associates and successors be and hereby are incorporated and made a body Corporate and politic forever by, and under the name of the proprietors of the Union Locks and Canal, and by that name may sue and prosecute and be sued prosecuted to final Judgment and Execution, and shall and hereby are vested with all the priviledges, and powers which are by Law incident to Corporations of a similar nature.—

And be it further enacted, That the said Ebenezer Eastman or Isaac Chandler shall call a meeting of said proprietors by advertiz-

ment in one of the Newspapers printed at Concord, to be holden at any suitable time and place after fourteen days from the first publication of advertizement and the proprietors by a vote of a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases shall choose a Clerk who shall be sworn to the faithful discharge of said office, and shall agree on a method of calling future meetings, and at the said first meeting or any subsequent meetings may elect such officers and make and establish such rules and bye-laws as to them shall appear necessary or convenient for the regulation and government of said Corporation, and for carrying into effect the purpose aforesaid, and for collecting the tolls hereinafter established: and the same bye-laws may cause to be executed, and anex penalties to the breach thereof not exceeding ten dollars, provided the said rules and bye-laws be not repugnant to the Constitution and Laws of this State; and all representations at any meeting of said corporation shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, and this Act and all rules bye-laws, regulations, and proceedings of said Corporation shall be fairly and truly recorded in a book or books provided and kept for that purpose.—

And be it further enacted, that the said proprietors be and hereby are authorised to purchase and hold in fee simple all such lands adjoining to said River, as to them may appear necessary for carrying into effect the object of this Act, provided that the same exceed not six acres, and provided allso that said proprietors prior to making use of such land shall agree with and satisfy the owners therefor.—

And be it further enacted, that the said proprietors, may and shall divide the property belonging to them as a corporation into shares and into such number of Shares as they shall think proper, which shares shall be transfered by deed duly executed acknowledged and recorded by the Clerk of said proprietors, and which shall forever hereafter be deemed and held as personal estate, and the share or shares of any proprietor may be sold by said Corporation on non payment of assessments duly made, or the sums due from any delinquent proprietor or proprietors, on account of any assessments duly made may be recovered by the said proprietors, of such delinquent proprietor, or proprietors by action or suit at Law in any Courts proper to try the same.

And be it further enacted, That said proprietors be and they hereby are authorised and empowered to clear said river from Reeds' ferry so called to Amoskeag falls, and construct and maintain such locks and dams as shall be necessary for rendering the same navigable for boats; provided nevertheless that no dam or lock shall be erected which shall obstruct the free passage of rafts, or any kind of lumber, or fish and if complaints of that kind arise, the Superior Court of Judicature upon application may appoint a committee of three suitable persons to view such dams or locks

erected by said proprietors, and the report of said Committee, made to such Superior Court and by said Court accepted shall be the rule to which the said proprietors shall conform and modify their dams and locks.

And be it further enacted, That for the purpose of compensating the said proprietors for the money by them expended, or to be expended in affecting said object, a toll be and hereby is granted and established for the term of forty years for the benefit of the said proprietors, not exceeding the rates following, viz, for each and every loaded boat three cents per ton for each and every mile said boat may pass within said limits, and at the expiration of four years, said rates of toll shall be regulated by the Justices of the Superior Court of Judicature in such manner as that the amount of said toll shall not exceed twelve per cent per annum upon the amount of the monies expended for effecting the aforesaid purpose, nor be less than six per cent per annum under the forfeiture of the privileges of this Act in future.—

And be it further enacted, That if said river be not cleared so as to admit the convenient passage of boats within five years from and after the passing of this Act then every part and clause thereof shall be null and void.—

#### [CHAPTER 69.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT ENTITLED “AN ACT FOR TAXING THE LANDS AND BUILDINGS OF NON-RESIDENTS, APPROVED DECEMBER, 10, 1796.”—

[Approved December 23, 1808. Original Acts, vol. 20, p. 69; recorded Acts, vol. 18, p. 208. Session Laws, November, 1808, p. 42. Laws, 1815 ed., p. 269. See note under act of December 30, 1803, *ante*, p. 248. See act of December 21, 1808, *ante*, p. 735. Repealed June 29, 1828, Session Laws, 1828, Chap. 25.]

Be it enacted by the Senate and House of Representatives in General Court convened, That whenever any lands or building of non-residents shall be sold at vendue by any collector of taxes agreeable to the provision of the act to which this is an amendment, it shall be the duty of said collector to lodge with the town clerk of such town, within ten days after the vendue and sale aforesaid, the news-papers containing the advertisements of such sale and the notification which was posted up in said town with a certificate accompanying the same under oath, that said notification was posted up according to law, which notification and certificate shall be recorded by said town clerk, and a certified copy of said record shall

be deemed sufficient evidence in any court of law, of those facts; and the said news-papers shall be kept on file by said town clerk.

And be it further enacted, That it shall be the duty of every collector of non-resident taxes to lodge with the town clerk of said town, within ten days after the time of redemption from any sale by him made by virtue of said act, a correct list of all lands and buildings which have been redeemed from said sale, to be recorded by said town clerk.

And be it further enacted, That each town clerk within this State shall receive the same fees for recording, copying and certifying as aforesaid, as clerks of the Courts of Common Pleas are by law entitled to receive for recording and certifying papers.

## [CHAPTER 70.]

*State of* }  
*New Hampshire.* }

### AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR THE EASE AND RELIEF OF PERSONS IMPRISONED FOR DEBT—

[Approved December 23, 1808. Original Acts, vol. 20, p. 70; recorded Acts, vol. 18, p. 210. Session Laws, November, 1808, p. 41. Laws, 1815 ed., p. 159. The act referred to is dated February 15, 1791, Laws of New Hampshire, vol. 5, p. 704. See acts of June 13, 1796, id., vol. 6, p. 321, November 30, 1803, *ante*, p. 167, June 26, 1816, Laws, 1824 ed., p. 21, and June 25, 1818, id., p. 22.]

Be it enacted by the Senate and House of Representatives in General Court convened—that when any person arrested upon Mesne process be committed to any prison within this State and remain in said prison for the term of thirty days after the rendition of Judgment, if the Creditor shall neglect or refuse to levy his Execution on the body of the Debtor thus imprisoned within the term aforesaid—then and in every such case the body of the Debtor shall not be liable to be arrested upon any action of Debt on said Judgment at any time within one year from the rendition thereof—any law, usage or custom to the contrary notwithstanding



\*[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE  
PASSED DURING THIS SESSION.]

1808, December 9.

Whereas the Constitution provides, that "no person shall hold the office of Judge of any Court, or Judge of Probate, or Sheriff of any County, after he have attained the age of seventy years"—

Therefore,

Resolved by the Senate and House of Representatives in General Court convened, that in future, it shall be the duty of His Excellency the Governor, with the advice of the Council, on satisfactory evidence being produced, that any Judge or Sheriff holds his office, who is disqualified on account of age by the Constitution, to notify said Judge or Sheriff accordingly, and to fill the vacancy so occasioned by a new appointment

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1808, December 15.

Resolved, by the Senate and House of Representatives in General Court convened, That the Town of Fishersfield, in the County of Hillsborough shall be entitled to, and have the privilege of, sending a Representative to the General Court, in future.—

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1808, December 15.

Resolved, by the Senate and House of Representatives in General Court convened, That the Commissary General be, and he hereby is authorized and empowered to sell, at public auction, all the military stores belonging to this State, which, in the opinion of his Excellency the Governor, may be deemed unfit for service.

And be it further resolved, That the aforesaid sale shall be under the direction of his Excellency the Governor, and the Commissary General shall be accountable to the State for the proceeds thereof."—

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1808, December 21.

On reading and considering the petition of the Selectmen of Bethlehem and Whitefield and the report of a Committee thereon, voted, that the prayer thereof be so far granted, that the town of Bethlehem, Dalton and Whitefield have the privilege to elect and send one representative to the General Court, in future; and that they be classed together for that purpose.—

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1808, December 23.

Resolved, That the Towns of New London and Wilmot be classed together, for the purpose of sending a Representative to the General Court in future.—

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\* The original papers, of which these are copies, are on file in the office of the secretary of state.

## [EIGHTEENTH GENERAL COURT.]

[*Held at Concord, One Session, June 7, 1809, to June 28, 1809.*]

## [OFFICERS OF THE GOVERNMENT.]

JEREMIAH SMITH, GOVERNOR.

NATHANIEL PARKER, SECRETARY.

MOSES H. BRADLEY, DEPUTY SECRETARY.

THOMAS W. THOMPSON, TREASURER.

MOSES P. PAYSON, PRESIDENT OF THE SENATE.

GEORGE B. UPHAM, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Elijah Hall,	Portsmouth.
Richard Dame,	Rochester.
Samuel Bell,	Amherst.
Caleb Ellis,	Claremont.
Benjamin J. Gilbert,	Hanover.

## [MEMBERS OF THE SENATE.]

Josiah Bartlett,	Stratham.
Henry Butler,	Nottingham.
William Adams,	Londonderry.
William A. Kent,	Concord.
Beard Plummer,	Milton.
Samuel Shepard,	Gilmanton.
Jedediah K. Smith,	Amherst.
Joshua Darling,	Henniker.
Lockhart Willard,	Keene.
Roger Vose,	Walpole.
John Fairfield,	Lyme.
Moses P. Payson,	Bath.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and	}	Samuel Clement.
Bow,		
Atkinson and	}	John Bassett.
Plaistow,		
Brentwood,		Thomas S. Ranney.
Candia,		Moses Fitts.
Canterbury,		Jonathan Ayers.
Chester,		John Folsom.

Chichester,  
 Concord,  
 Deerfield,  
 Epping,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampstead,  
 Hampton,  
 Hampton Falls and }  
 Seabrook, }  
 Hawke and }  
 Sandown, }  
 Kensington,  
 Kingston,  
 Londonderry,

Loudon,  
 Newcastle,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin, }  
 Rye,  
 Salem,  
 South Hampton and }  
 East Kingston, }  
 Stratham,  
 Windham,

Abraham True.  
 Stephen Ambrose.  
 Isaac Shepard.  
 Joseph Shepard.  
 Thomas D. Merrill.  
 Nathaniel Parker.  
 James Whidden.  
 Jonathan Little.  
 Edmund Toppan.  
 Joseph Perkins.

Thomas Page.  
 Joseph Brown.  
 Jacob Webster.  
 John Dickey.  
 John Moore.  
 Joseph Clough.  
 Henry Prescott.  
 Richard D. Hart.  
 David Chapman, Jr.  
 Eliphalet Bartlett.  
 Jeremiah Smith.  
 Cotton W. Marston.  
 Solomon Buzzel.  
 Joseph Tuttle.  
 Josiah Butler.  
 Isaac Morrison.  
 Bracket Leavitt.  
 John F. Parrott.  
 William Ham.  
 Charles Cutts.  
 Richard Evans.

Jonathan Brown.  
 John W. Parsons.  
 David Allen.  
 Edward Greeley.  
 Daniel Jewell.  
 Samuel Armour.

## STRAFFORD COUNTY.

Alton,  
 Barnstead,  
 Barrington,

James McDuffee.  
 Charles Hodgdon, Jr.  
 Isaac Waldron.  
 Thomas W. Hale.

Brookfield and }	Thomas Chamberlain.
Middleton, }	
Conway,	Richard Odell.
Dover,	Amos Cogswell.
Durham,	Valentine Smith.
Eaton and }	
Burton, }	Jeremiah Gilman.
Effingham and }	
Ossipee Gore, }	Joseph Drake.
Farmington,	Levi Leighton.
Gilmanton,	Samuel Greeley.
	John Smith.
Lee,	Joseph Durell.
Madbury,	Jacob Joy.
Meredith,	John A. Harper.
Milton,	John Fish.
Moultonborough,	Ezekiel Hoit.
New Durham,	James Jewett.
New Hampton and }	
Center Harbor, }	Daniel Smith.
Ossipee,	Samuel Quarles.
Rochester,	Nathaniel Upham.
Sanbornton,	Bradstreet Moody.
	Samuel Gerrish.
Sandwich,	Asa Crosby.
Somersworth,	Andrew Wentworth.
Tamworth,	Benjamin Gilman.
Tuftonboro,	Jonathan Burbank.
Wakefield,	William Sawyer.
Wolfeboro,	Jacob Haynes.

## HILLSBOROUGH COUNTY.

Amherst,	William Fisk.
Andover,	Jonathan Weare.
Antrim and }	
Windsor, }	Jacob Tuttle.
Bedford,	Samuel Chandler.
Boscawen,	Enoch Gerrish.
Bradford,	Ebenezer Creeseey.
Brookline,	Samuel T. Boynton.
Deering,	Benjamin Rolfe.
Dunbarton,	John Mills.
Dunstable,	Thomas French.
Fishersfield,	Samuel Gunnison.
Francestown,	Peter Woodbury.
Goffstown,	David L. Morrell.
Greenfield and }	
Society Land, }	Amos Whittemore.



Hancock,  
 Henniker,  
 Hillsborough,  
 Hollis,  
 Hopkinton,  
 Litchfield and }  
 Derryfield, }  
 Lyndeborough,  
 Mason,  
 Merrimack,  
 Milford,  
 Mont Vernon,  
 New Boston,  
 New Ipswich,  
 New London and }  
 Wilmot, }  
 Nottingham West,  
 Peterborough,  
 Salisbury,  
 Sutton,  
 Temple,  
 Warner,  
 Weare,  
 Wilton,

Reed Paige.  
 John Smith.  
 Elijah Beard.  
 Daniel Emerson.  
 Benjamin B. Darling.  
 Joseph Moore.  
 Daniel Putnam.  
 James Wood.  
 James Thornton.  
 Josiah Osgood.  
 John Batchelder.  
 Ephraim Jones.  
 Noah Bartlett.  
 Joseph Colby.  
 Robert Patterson.  
 Jonathan Smith.  
 Andrew Bowers.  
 Thomas Wadleigh.  
 Ebenezer Edwards.  
 Richard Bartlett.  
 Jonathan Atwood.  
 Abiel Wilson.

## CHESHIRE COUNTY.

Acworth,  
 Alstead,  
 Charlestown,  
 Chesterfield,  
 Claremont,  
 Cornish,  
 Croydon,  
 Dublin,  
 Fitzwilliam,  
 Goshen and }  
 Wendell, }  
 Hinsdale,  
 Jaffrey,  
 Keene,  
 Langdon,  
 Lempster,  
 Marlborough,  
 Marlow,  
 New Grantham,  
 Newport,

Thomas Slader.  
 Moses Hale.  
 Benjamin Labaree.  
 Levi Jackson.  
 George B. Upham.  
 James Ripley.  
 Peter Stow.  
 John Morse.  
 Thomas Stratton.  
 Allen Willey.  
 Uriel Evans.  
 Benjamin Prescott.  
 Albe Cady.  
 Abner Kneeland.  
 Jacob Smith.  
 Phinehas Farrar.  
 Silas Mack.  
 James Smith.  
 Jesse Wilcox, Jr.

Packersfield,	Josiah Robbins.
Plainfield,	Daniel Kimball.
Richmond,	Joseph Weeks.
Rindge,	Josiah Wilder.
Springfield,	Daniel Noyes.
Stoddard,	Gardner Towne.
Sullivan,	Samuel Seward.
Surry and }	
Gilsum, }	Robert L. Hurd.
Swanzey,	Aquila Ramsdell.
Unity,	Jabez Perkins.
Walpole,	Thomas C. Drew.
Washington,	David Heald.
Westmoreland,	Job F. Brooks.
Winchester,	William Humphreys.

## GRAFTON COUNTY.

Alexandria and }	John Page.
Danbury, }	
Bath,	Roger Sargent.
Bridgewater,	Moses Lewis.
Canaan,	Moses Dole.
Concord (Lisbon),	Timothy Taylor.
Dalton, }	
Bethlehem and }	Willis Wilder.
Whitefield, }	
Dorchester, }	
Orange and }	Joseph Burleigh.
Dame's Gore }	
Enfield,	Edward Evans.
Franconia, }	
Landaff and }	Nathaniel Rix.
Lincoln, }	
Grafton,	Solomon Sayles.
Groton and }	Josiah Hobart.
Hebron, }	
Hanover,	Mills Olcott.
Haverhill,	Stephen P. Webster.
Holderness and }	
Campton, }	Robert Fowle.
Lebanon,	David Hough.
Littleton,	David Goodall.
Lyman,	Joshua Thornton.
Lyme,	Jonathan Franklin.
New Chester,	William W. Sargent.
Orford,	Jeduthun Wilcox.

Piermont,	Asa Boynton.
Plymouth,	William Webster.
Rumney and }	David Gibson.
Wentworth, }	
Thornton, }	
Peeling and }	Enoch Colby.
Ellsworth, }	
Warren and }	Abel Merrill.
Coventry, }	

## COOS COUNTY.

Bartlett, }	Silas Meserve.
Adams, }	
Chatham and }	
Locations, }	
Cockburne, }	
Colebrook, }	Jeremiah Eames.
Shelburne, }	
Stewartstown and }	
Errol, }	
Lancaster, }	William Lovejoy.
Jefferson and }	
Bretton Woods, }	
Northumberland, }	J. M. Tillotson.
Stratford and }	
Piercy, }	

[*First Session, Held at Concord, June 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 1809.*]

## [CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF DANIEL FARRER THE FOURTH OF FITZWILLIAM IN THIS STATE TO THE NAME OF DANIEL WARREN FARRER

[Approved June 15, 1809. Original Acts, vol. 20, p. 71; recorded Acts, vol. 18, p. 214.]

Whereas their being in the Town of Fitzwilliam four persons by the name of Daniel Farrer which renders it very inconvenient, and often mistakes arise in direction of letters and transacting other business, Therefore—

Be it Enacted by the Senate and house of Representatives in General Court convened that from, and after the passing of this act it shall, and may be lawfull for the said Daniel Farrer the fourth to take upon himself, and use the name of Daniel Warren Farrer, provided nevertheless that this act shall not effect any contracts Suits or actions wherein the said Daniel Farrer is a party, or any Contracts by him heretofore made

## [CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT TO AUTHORISE AND IMPOWER JESSE STUART OF PETERBOROUGH IN THE COUNTY OF HILLSBOROUGH TO ASSUME AND BEAR THE NAME OF CHARLES JESSE STUART.

[Approved June 15, 1809. Original Acts, vol. 20, p. 72; recorded Acts, vol. 18, p. 215.]

Be it enacted by the Senate and House of Representatives in General Court convened that the said Jesse be and hereby is authorised and empowered to assume and bear the name of Charles Jesse Stuart and shall by the name of Charles Jesse Stuart forever hereafter be known and called in all matters whatsoever: provided nevertheless that nothing in this Act shall be construed to effect any action or suit already commenced, or any written instrument or contract now made in which the said Jesse is a party.



## [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF JAFFREY TO DEMAND, RECOVER AND RECEIVE OF ELEAZER SPOFFORD, EXECUTOR OF THE LAST WILL & TESTAMENT OF AMOS FORTUNE, LATE OF SAID JAFFREY FARMER, DECEASED, A CERTAIN LEGACY BEQUEATHED BY SAID FORTUNE TOWARDS THE SUPPORT OF THE SCHOOL, IN DISTRICT N<sup>o</sup> EIGHT, IN SAID JAFFREY, AND TO APPLY THE SAME ACCORDINGLY.—

[Approved June 15, 1809. Original Acts, vol. 20, p. 73; recorded Acts, vol. 18, p. 216.]

Whereas Amos Fortune, late of Jaffrey, in the County of Cheshire, in said State, farmer, deceased, in and by his last will and testament, bearing date December, 3<sup>d</sup> 1801, did, among other legacies and bequests to sundry persons therein named, give and bequeath the remainder of his property, if any there should be, for the support of the school in district N<sup>o</sup> Eight, in said town; and, that, on a settlement of said Executor, with the Judge of probate of wills &c for said County, there remained in his, the said Executor's hands, three hundred seventy dollars & four cents of the Estate of said testator. That by a decree of said Judge made on the 22<sup>d</sup> day of May AD. 1805, said Executor was ordered to pay out of said sum, one hundred and twenty dollars, to persons named in said decree, and the remainder to put to interest for the use and benefit of those persons who should have their children taught in district N<sup>o</sup> eight in said town, having first, out of said remainder, procured two decent pair of Grave stones, for the deceased and his wife. And whereas no person or persons are named in said instrument, by whom the interest, accruing in virtue of said decree and will, can be demanded and recovered, nor any person or persons who can discharge said Executor, upon receipt thereof; whereby the intentions of the testator cannot be carried into effect, nor said school receive the benefit of said legacy.

Therefore to remedy the same—

Be it enacted by the Senate and House of Representatives in General Court convened, That the Selectmen of the town of Jaffrey, for the time being, be, and they are hereby authorized and empowered to demand, recover and receive of and from the said Eleazer Spofford, Executor of the last will and testament of said Amos Fortune, deceased, the amount of the property and estate of said Testator, which does or shall remain in the hands of said Executor, agreeably to the meaning and intent of said Testator, and a good & valid discharge to make and execute therefor.—

And be it further enacted, That it shall be the duty of such Selectmen, on receipt of the money or other property of said testator, remaining in the hands of said Executor, as aforesaid, at the expiration of the year for which they may have been chosen, to appropriate and apply the interest or profits arising therefrom, to the use and benefit of said school, & shall pay over the amount of the principal to their immediate successors in office, in said town; and in like manner the interest or profits for the same, shall be annually applied for the benefit of said school, and the capital paid or delivered over by the Selectmen of said town to their successors forever.

Provided nevertheless, That the inhabitants of said town of Jaffrey, living in district N<sup>o</sup> eight, at any time, on refusal or neglect of the Selectmen of said town, for any year, to apply the interest or profits from any such sum or property arising, for the purpose aforesaid, or, to pay over the capital to their successors, agreeably to this act, shall have power by such committee or agent as they may appoint for that purpose, to demand, have and recover the full amount of the same, from such Selectmen, to be, by such committee or agent applied to the uses and for the purposes aforesaid.—

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE  
 A COMPANY BY THE NAME OF THE PROPRIETORS OF THE DOVER  
 TURNPIKE ROAD IN NEW HAMPSHIRE.

[Approved June 16, 1809. Original Acts, vol. 20, p. 74; recorded Acts, vol. 18, p. 219. Session Laws, June, 1809, p. 5. See acts of December 23, 1803, *ante*, p. 194, December 1, 1804, *ante*, p. 318, and June 9, 1810, recorded Acts, vol. 18, p. 312.]

Be it enacted by the Senate and house of Representatives in General Court convened that the proprietors of the Dover Turnpike Road after the passing of this Act are authorised and impowered to receive a higher rate of toll for some part of the travel over said Turnpike road than said proprietors are authorised to receive by the Act to which this is an additional Act— to wit— the aforesaid proprietors of said turnpike road are intitled in future in lieu of the rates of toll by the aforesaid Act established to receive for every Sulkey Chair or Chaise passing over said turnpike Road drawn by one horse twelve Cents, for every Charriot, Coach, Stage-Waggon, Chaise or Phaeton having four wheels, and drawn by two horses, eighteen Cents, for either of the Carriages last mentioned drawn by four horses, twenty five Cents, for every other Carriage of pleasure a like sum in proportion to the number of wheels and horses, for each

Sleigh drawn by two horses twelve Cents, for every additional horse six Cents, for every horse and his rider or led horse six Cents—

And be it further enacted, that said proprietors shall at the Session of the Superior Court of Judicature which may be holden in the County of Strafford next after the expiration of every three years from the passing of this Act, exhibit to the Justices of said Court a Statement of the net profits of said Turnpike and also a Statement of all expenditures in making the same and purchasing the land and if it shall appear to said Justices that such profits for the terms aforesaid shall have exceeded six per Cent per Annum on such expenditures then said Justices shall reduce the rates of toll so that the same shall not exceed six per Cent per Annum on such expenditures, and if it shall appear to said Justices that such profits for the terms aforesaid shall not have amounted to four per Cent per annum, upon such expenditures, then said Justices may increase the toll to such rates as to them may seem reasonable, provided nevertheless, that such Justices shall not so increase such rates as to give said proprietors more than six per Cent per Annum on the expenditures aforesaid any thing in the aforesaid Act to which this is an additional Act to the contrary notwithstanding.

#### [CHAPTER 5.]

*State of*                    }  
*New Hampshire.*        }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT GRANTING A TAX OF THREE CENTS ON EACH ACRE OF LAND IN DANBURY PUBLIC LANDS EXCEPTED"

[Approved June 16, 1809. Original Acts, vol. 20, p. 75; recorded Acts, vol. 18, p. 221. The act referred to is dated December 6, 1808, *ante*, p. 685. See acts of June 17, 1796, Laws of New Hampshire, vol. 6, p. 343, and December 7, 1798, *id.*, p. 513.]

Whereas the notice required by the third section of the said act, by accident has failed to be given— Therefore

Be it enacted by the Senate and house of Representatives in General Court convened— That the committee named in said act, or a majority of them shall, in the month of July next give public notice in the New Hampshire Gazette three week successively of the assessments and leave granted to the resident and nonresident owners of land in said town to work out said tax as is provided in said act— which notice shall be sufficient for the purposes in said act—Anything in said act to the contrary notwithstanding—

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE A BAPTIST SOCIETY IN LANCASTER.

[Approved June 19, 1809. Original Acts, vol. 20, p. 76; recorded Acts, vol. 18, p. 222.]

Whereas Samuel Philbrook and others, have preferred a petition to the Legislature of this State, setting forth that they have formed themselves, into a Baptist Society in Lancaster; and that they labour under many difficulties and inconveniences for want of a regular incorporation, and praying that they and those that may hereafter associate with them may be incorporated, by the name of the Baptist Society of the Calvinistic order, in Lancaster, the prayer of said petition, appearing reasonable— Therefore

Be it Enacted by the Senate and House of Representatives in general Court convened, that Samuel Philbrook, John McIntire, Isaac Darby Liberty Stockwell, Samuel Stockwell, Samuel Churchill, Robert Gotham Emmons Stockwell, David Stockwell John Stockwell, Amasa Page, Caleb Page, Samuel Hunnux, Ephraim Stockwell, Emmons Stockwell J<sup>r</sup>, John Spear, Joseph Hinman, Ezra Otis, Elijah Laton, Joseph Farnham, David Page J<sup>r</sup>, Samuel Springer J<sup>r</sup>, Joseph Balch, David Page, and Benjamin Twombly J<sup>r</sup> and all those who may hereafter associate with them, be and they are hereby erected, and made a body politic and corporate with continuance and succession forever by the name of the Baptist Society of the Calvinistic order in Lancaster, and by that name may sue and be sued may prosecute and be prosecuted to final Judgment and Execution and the said Society in their corporate Capacity shall be entitled to all the privileges, rights and immunities, incident to such corporations—

And be it further enacted, that Samuel Philbrook and Samuel Springer J<sup>r</sup> or either of them, be and they are hereby authorised to call a first meeting of said Incorporation for the choice of all necessary and customary officers, to govern and regulate the affairs of said Corporation, giving fourteen days notice of the time and place and also the design of such meeting, and the officers so chosen shall be vested with similar powers with the officers, chosen in any Parish in this State.

And it shall be lawful for said corporation at their first meeting or at any subsequent meeting, to make such bye laws, and establish such rules and regulations, for the well ordering, and governing of said Corporation as they shall think proper, provided such bye laws rules and regulations be not repugnant to the Constitution and laws of the State of New Hampshire



And be it further enacted, that there shall be an annual meeting of said Corporation holden on the first Tuesday of March annually and other meetings at such times as occasion may require— and said Corporation may at their annual meeting, raise such sum or sums of Money as they may think proper for the support of such teachers of Piety, Morality & Religion as they shall from time to time choose and employ

## [CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT TO UNITE THE FIRST PARISH IN LONDONDERRY & THE CONGREGATIONAL SOCIETY IN LONDONDERRY, & INCORPORATE THE SAME BY THE NAME OF THE FIRST PARISH IN LONDONDERRY.

[Approved June 20, 1809. Original Acts, vol. 20, p. 77; recorded Acts, vol. 18, p. 224. See act incorporating the Congregational society in Londonderry, December 9, 1797, Laws of New Hampshire, vol. 6, p. 427. See also act of June 17, 1845, Session Laws, 1842-47, Chap. 258.]

Whereas application hath been made to the Legislature in behalf of The First Parish in Londonderry, and The Congregational Society in Londonderry, praying that they may be constituted one corporation, & incorporated by the name of The First Parish in Londonderry, which application appearing reasonable, Therefore,

Be it enacted by the Senate & House of Representatives in General Court convened That the members of the First Parish so called in Londonderry, and the members of the Congregational Society in Londonderry with their Successors be and they are hereby created, erected, and constituted a corporation and body politic by the name of The First Parish in Londonderry, with all the powers and privileges which by law are incident to corporations of a similar nature; and in conformity and subject to the articles of agreement lately made and adopted by said societies respectively, and upon which the said application was granted; and by the name of the First Parish in Londonderry may sue and be sued, prosecute and be prosecuted to final judgment and execution.

And be it further enacted That the Parish lines of the Parish incorporated by this act shall be & remain the same as they have been for the last ten years known, acknowledged, and approved by the First Parish so called & by the West Parish in Londonderry, and shall comprehend the same farms & lands with the owners thereof & their personal estates which have for the ten years last past been comprehended in said First Parish so called, together with the polls and estates of the members of the Congregational Society.

And be it further enacted That the said First Parish in London-

derry may, and it is hereby impowered to purchase and hold real estate not exceeding two thousand dollars in value.

And be it further enacted that John Dinsmore & John Burnham both of Londonderry Esquires, or either of them, be authorised to call a meeting of The First Parish in Londonderry, incorporated by this act, by a written notification which shall be posted up at the Meeting House within the limits of said First Parish three successive Sabbath or public days prior to said meeting, and at said meeting the said corporation may elect such officers, & make and establish such rules and by-laws as to them shall appear necessary and convenient, & annex penalties to the breach thereof, and cause the same to be executed, provided said rules & by laws be not repugnant to the laws & constitution of the State; and at said meeting or any other meeting of said Parish they may agree upon a method of calling future meetings for the choice of officers and any other purposes contemplated by this act.

And be it further enacted That the old or First Parish so called heretofore, and the Congregational Society in Londonderry shall hereafter cease to exist as separte and distinct societies or bodies politic as to any other purposes than those of collecting the taxes heretofore by them respectively voted or assessed, and not yet collected, of recovering the debts due to them respectively, & of being subject to the payment of the debts due from them respectively.

## [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT, IMPOWERING THE SELECTMEN OF ELLSWORTH TO ASSESS A TAX OF TWO CENTS ON EACH ACRE OF LAND IN SAID ELLSWORTH, (PUBLICK RIGHTS EXCEPTED,) FOR TWO YEARS, FOR THE PURPOSE OF MAKING & REPAIRING ROADS & BRIDGES IN SAID TOWN—

[Approved June 20, 1809. Original Acts, vol. 20, p. 78; recorded Acts, vol. 18, p. 228.]

Be it enacted by the Senate & House of Representatives in General Court convened, that the Selectmen of the Town of Ellsworth be, and they are hereby impowered to assess a Tax of two cents on each acre of Land, publick rights excepted, in the said Town of Ellsworth, for the years one thousand eight hundred & nine—and one thousand eight hundred & ten—& to assess the Tax hereby granted for the year one thousand eight hundred & nine, in the month of July; and to collect the same to be appropriated by them to the sole use & purpose of making & repairing roads & Bridges

within said Town of Ellsworth. And the said Tax shall be collected in the same way & manner as State taxes assessed on Non-resident proprietors, are collected—

And be it further enacted that said Selectmen shall in the month of August in said year one thousand eight hundred & nine, when said tax is assessed, give publick notice in the Newhampshire Gazette three weeks successively of the assessment of said Tax, and of the leave granted to the non resident owners to work out said tax as is hereafter provided—

And be it further enacted, that the owners of Land in said Town of Ellsworth, whether residents or non-residents, shall have the liberty of working the said Tax assessed, for the year one thousand eight hundred & nine on the said roads & bridges, so to be laid out & built under the direction of said Selectmen—and it shall be the duty of the said Selectmen to superintend the same or to appoint some suitable person for that purpose. And there shall be allowed for the labor which may be so done at the rate of eight cents per hour for every able bodied man, finding his own tools & diet, & for ox work six cents per hour for a yoke of oxen, provided that said work be offered at any time between the first day of September and the last day of October in the said year one thousand eight hundred & nine—

And be it further enacted, that the said Selectmen are hereby impowered in the month of April in the year one thousand eight hundred & ten to assess another Tax of two cents on each acre of land in said Ellsworth, publick rights excepted, to collect & appropriate the same in the same way & manner, as the Tax for the year one thousand eight hundred & nine is by this act directed to be done—and that the said Selectmen shall in the month of May when said Tax for the year one thousand eight hundred & ten is assessed, give publick notice in the Newhampshire Gazette, three weeks successively of the assessment of said Tax and of the leave granted to the non resident owners to work out said tax as is hereafter provided—

And be it further enacted, that the owners of land in said Town of Ellsworth, whether residents or non residents shall have the liberty of working out said last mentioned tax for the year one thousand eight hundred & ten, as is allowed to be done with respect to the Tax for the year one thousand eight hundred and nine—under the direction & superintendence of said Selectmen, as is by the third section of this act, provided—

provided, that said work be offered at any time between the first day of June and the last day of September in the said year one thousand eight hundred & ten—

And be it further enacted, that if the owners, resident or non resident, of land in said Ellsworth, shall neglect to pay the Taxes assessed in the year one thousand eight hundred & nine & in the year one thousand eight hundred & ten, or either of them by virtue

of this act—the said Selectmen are hereby empowered to proceed & collect the same, in the same way & manner, as Collectors of State Taxes are by Law directed to do—

And be it further enacted, that when any Lands are sold at publick auction by virtue of this act, the Selectmen afores<sup>d</sup> are empowered hereby, to give a good & valid deed of the same—and the same time shall be allowed for redemption—& the same mode pursued in redeeming, as in case of lands sold for the non payment of State taxes, provided that no deed shall be executed until one year after the sale—

[CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING EPHRAIM TWOMBLY AND HIS FAMILY TO  
ASSUME THE NAME OF SWAN

[Approved June 20, 1809. Original Acts, vol. 20, p. 79; recorded Acts, vol. 18, p. 231.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that Ephraim Twombly of Lancaster in the County of Coos, be and he hereby is authorized and empowered to assume and bear the name of Ephraim Swan, and the Children of the said Ephraim, are hereby authorized and empowered to assume and bear the name of Swan, instead of that of Twombly, and the name of Swan to annex to each and every of their Children, given or baptismal names instead of the name of Twombly as aforesaid and by those names respectively, in future shall be called and known, any law usage or custom to the contrary notwithstanding—

Provided, that nothing in this act contained shall impair any contract, or obligation by them or either of them made, or effect any action or suit now pending in any Court of law, within this State, wherein the said Ephraim or either of his Children is a party.



## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

## AN ACT DIRECTING HOW JOINT TENANCIES SHALL BE CREATED.

[Approved June 21, 1809. Original Acts, vol. 20, p. 80; recorded Acts, vol. 18, p. 232. Session Laws, June, 1809, p. 7. Laws, 1815 ed., p. 194; id., 1830 ed., p. 110. See act of July 5, 1834, Session Laws, 1830-36, p. 150. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Whereas it often happens that joint tenancies are created against the intentions of the parties to gifts, grants and other conveyances, and also of testators, through ignorance of the proper terms to create estates in common.

Therefore

Be it enacted by the Senate and House of Representatives in General Court convened, That all gifts, grants, feoffments, devises and other conveyances of any lands, tenements, and hereditaments, which have been or shall be made to two or more persons, whether for years, for life, in tail or in fee, shall be taken, deemed, and adjudged to be estates in common and not in joint tenancy, unless it has been, or shall be therein said, that the grantees, feoffees or devisees shall have or hold the same lands, tenements or hereditaments jointly, or as joint tenants, or in joint tenancy, or to them and the survivor or survivors of them, or unless other words be therein used, clearly and manifestly shewing it to be the intention of the parties to such gifts, grants, feoffments, devises or other conveyances, that such lands, tenements and hereditaments should vest, and be held as joint estates, and not as estates in common.

Provided nevertheless, Where any estate has already vested in the survivor or survivors upon the principle of joint tenancy, it shall be held in like manner, as it would have been held, had this act never passed, any thing herein to the contrary notwithstanding.

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE SAMUEL MORRISON AND OTHERS BY THE NAME OF THE "PETERBOROUGH SECOND COTTON MANUFACTORY CORPORATION."—

[Approved June 22, 1809. Original Acts, vol. 20, p. 81; recorded Acts, vol. 18, p. 234.]

SECT. 1<sup>st</sup> Be it enacted, by the Senate and House of Representatives in General Court convened, That the said Samuel Morrison, Nathaniel Holmes, Nathaniel Morrison, Benjamin Chamberlain,

William Smith, Jonas Loring, Jonathan Smith and their associates, successors & assigns, shall be and they hereby are erected a Corporation & body politic by the name and stile of the "Peterborough Second Cotton Manufactory Corporation" and by that name may sue and be sued, plead or be impleaded, answer and be answered unto, defend and be defended to final judgment & execution and also may make have and use a common seal and the same at pleasure may break alter and renew.—

Sect. 2<sup>d</sup>—And be it further enacted, that the said Corporation shall have power and hereby is authorised to carry on the manufactory at Peterborough of cotton and the business necessarily connected therewith, & may erect any dam, mill or mills, work or buildings necessary for the carrying on this useful manufactory and the business connected therewith.—

Sect. 3<sup>d</sup>—And be it further enacted, that the said Corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for establishing and carrying on said Manufactory and the business therewith connected and the same may sell, bargain and dispose of at pleasure.— Provided, that such real estate shall not exceed in value the sum of ten thousand Dollars and such personal estate shall not exceed in value the sum of forty thousand Dollars.—

Sect. 4.—And be it further enacted, that the persons above named or any three of them may by an advertisement in any public Newspaper printed in the County of Hillsborough, (if any such there be,) call a meeting of said Corporation to be holden in Peterborough at any suitable time and place after twenty days from the publication of said advertisement, and the members of said Corporation by the vote of the majority of those present or represented at said meeting (in all cases accounting and allowing one vote to each single share) shall choose a Clerk, who shall be sworn by a Justice of the peace for the County of Hillsborough to the faithful performance of his duty, a Treasurer and such other officers as may appear necessary for the management of the business and concern of said Corporation and shall agree on the manner of calling future meetings and at the same or any subsequent meeting may make and establish any rules and regulations for regulating the said Corporation, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding thirteen dollars and thirty three cents for any breach thereof—Provided such rules and regulations are not repugnant to the laws and Constitution of this State and all agents or proxies at any meeting shall be authorised in writing signed by the person by whom they are appointed, which shall be filed & recorded by the Clerk, Provided that no member of the Corporation shall be allowed more than eight votes.—

Sect. 5<sup>th</sup>— And be it further enacted, that the property of said Corporation, shall be and hereby is divided into one hundred shares

and shall be numbered in progressive order beginning at number one and every original number thereof shall have a Certificate under the seal of said Corporation and signed by the Treasurer certifying his property in such shares as shall be expressed in said Certificate.—

Sect. 6<sup>th</sup> And be it further enacted, that any shares may be alienated by the Proprietor thereof his executors and administrators by a deed under the hand and seal of him & them acknowledged before some Justice of the peace and recorded by the Clerk in a book to be kept for that purpose, and any purchaser named in such deed so recorded shall on producing the same to the Treasurer and delivering up to him the former certificate be entitled to a new certificate executed in form aforesaid, certifying the property in such share to be in such purchaser.

Sect. 7.—And be it further enacted, that whenever any member of said Corporation shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation to their Treasurer within thirty days after the time set for the payment thereof, the treasurer of said Corporation is hereby authorised to sell at public vendue the share or shares of such delinquent member, one or more as shall be necessary and sufficient to pay such taxes and necessary incidental charges, after duly notifying in one or more public newspapers printed in the County of Hillsborough (if any such there be) and in such other way as the Corporation may direct, the sum due on such shares and the time and place of sale at least thirty days previous to the time of sale, and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser with the number of shares sold shall be by the Clerk entered on the books of said Corporation, and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose share or shares were sold.—

SEC. 8.—And be it further enacted, that where execution shall issue on any Judgment recovered against said Corporation and the same shall be returned not satisfied, the original plaintiff in the action, wherein the said Execution was awarded and issued or his executor or administrator, may sue out a writ of Scirefacias from the Court against such person or persons as are or were proprietors and members of said Corporation at the time such Judgment was rendered and may have execution against the body goods or estate of any individual member, or against the goods & estate of any deceased member of said Corporation in the hands of his or their executors or administrators with additional costs and damages—

Sect. 9. And be it further enacted, that this act shall be deemed and taken to be a public act, and as such may be declared upon and given in evidence in any court of law without specially pleading the same.—

Provided always, that the Legislature may from time to time hereafter upon due notice to said Corporation, make such further provision and regulation for the management of the business of said Corporation, and the Government thereof or wholly to repeal this act, as shall be deemed expedient.—

Sec. 10. And be it further enacted, that the capital stock actually employed in said factory shall be exempt from taxation for the term of five years.— Provided the sum so exempted from taxation shall not exceed twenty thousand Dollars—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

AN ACT— AUTHORIZING THE SELECTMEN OF PEELING TO ASSESS A TAX OF THREE CENTS ON EACH ACRE OF LAND IN SAID TOWN, PUBLICK RIGHTS EXCEPTED—

[Approved June 22, 1809. Original Acts, vol. 20, p. 82; recorded Acts, vol. 18, p. 239.]

1<sup>st</sup> Be it enacted by the Senate and house of Representatives in General Court convened, that the said Selectmen be, & they are hereby impowered to assess a Tax of three cents upon each acre of Land in the said Town of Peeling, public Rights excepted, & to collect the same— One cent of which Tax to be appropriated by them to the sole use of making & repairing roads & bridges within the said Town of Peeling for the accommodation of the Inhabitants thereof—as the said Selectmen shall direct. The other two cents of said Tax shall be paid over to Enoch Colby, Isaac Waldron, & Benjamin Baker a Committee who are hereby authorized to appropriate the same to the sole use of repairing Wells River road, so called from John Gray's to Landaff line— and the said Tax shall be collected in the same way & manner as State taxes assessed on non-resident proprietors are collected—

2<sup>d</sup> And be it further enacted, that said Selectmen shall in the month of August in the year one thousand eight hundred & nine, when said Tax is assessed, give public notice in the Newhampshire Gazette, three weeks successively of the assessment of said Tax & of the leave granted to the Non-resident owners to work out said Tax as is hereafter provided—

3<sup>d</sup> And be it further enacted that the owners of land in said Town, residents or non residents, shall have the liberty of working out the said taxes on the said roads & bridges, in said Town of Peeling—under the direction of the said Selectmen— and of the afore-named Committee as by the first section of this act is provided—



4<sup>th</sup> And be it further enacted, that it shall be the duty of the said Selectmen to give Bonds in the sum of one thousand dollars to pay over to the said Committee, the amount of two cents of said Tax on each acre of land in said Town on or before the first day of October in the year one thousand eight hundred & ten; which bond shall be given before they proceed to collect said Tax— and the said Committee are hereby authorized to appropriate & expend the said sum of two cents on each acre of Land in said Town, in repairing widening & straitening said Wells river road, as they may think most for the benefit of the Publick.

5<sup>th</sup> And be it further enacted, that when any Lands are sold at Public Auction by virtue of this act, the said Selectmen are hereby empowered to give & execute a good & valid deed of the same— and the same time shall be allowed for redemption & the same mode pursued in redeeming such land, as in the case of lands sold for the non payment of State taxes, provided that no deed shall be executed until the expiration of one year after such Sale. Provided nevertheless, that the said Selectmen shall not hereby be authorized to sell any land in said Town of Peeling until the first day of September in the year one thousand eight hundred & ten— any thing in this Act to the contrary notwithstanding—

### [CHAPTER 13.]

*State of* )  
*New Hampshire.* }

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT, ENTITLED, "AN ACT TO INCORPORATE A COMPANY BY THE NAME OF ASHUELET TURNPIKE CORPORATION;" AND TO REPEAL A CERTAIN PROVISIO THEREIN CONTAINED.—

[Approved June 22. 1809. Original Acts, vol. 20, p. 83; recorded Acts, vol. 18, p. 241. Session Laws, June, 1809, p. 9. The act referred to is dated June 18, 1807, *ante*, p. 614. See act of June 29, 1826, Session Laws, June, 1826, Chap. 29.]

Whereas in and by said act, the Corporation aforesaid are inhibited from demanding or receiving toll from any person who is an inhabitant of any town, where any gate may be erected, nor any officer or soldier of the militia under arms, going to or from the place of military duty, nor to any funeral that may have occasion to pass said Gate; and whereas the directors of said Turnpike Corporation have petitioned the General Court, praying that said act of incorporation may be so altered as to correspond, in that particular, with other acts of incorporation of a similar nature; which prayer appearing reasonable—

Therefore

Be it enacted by the Senate and House of Representatives in

General Court convened, that so much of said act of incorporation as is contained in the proviso following, viz<sup>t</sup>—"Provided always, that nothing herein contained shall entitle said Corporation to demand or receive toll of any person who is an inhabitant of any town where any gate may be erected, nor any officer or soldier of the militia under arms, going to or from the place of military duty, nor to any funeral that may have occasion to pass said Gate"—be, and the same is hereby repealed—

And be it further enacted, that nothing contained in said act of incorporation shall entitle said Corporation to demand or receive toll of any person who shall be passing with his horse or Carriage to or from public worship, or a funeral, or with his horse, team or cattle, to or from any mill, or on the common and ordinary business of family concerns, within the town where such person belongs; nor of any officer or soldier of the militia, while passing under arms to or from the place of military duty, on muster days.—

#### [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE GREAT SUNAPEE TURNPIKE CORPORATION.

[Approved June 23, 1809. Original Acts, vol. 20, p. 84; recorded Acts, vol. 18, p. 243. Session Laws, June, 1809, p. 27.]

Whereas, Joseph Bartlett and others have petitioned the General Court, praying for liberty to make a Turnpike Road from the Croydon Turnpike in Newport, to Bean's mills in Warner, which prayer appearing reasonable.

Therefore.

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Joseph Bartlett, Daniel Bean, Henry B. Chase, Enoch Hoyt, John Raymond, Edward Cresey, Joseph Chandler, Samuel Gunnison, Richard Cresey, Junior, Joshua Currier, Joseph Chase, Samuel Rogers, Uriah Wilcox, Samuel Church and Moses P. Durkee, and their associates and successors be and they hereby are incorporated and made a body corporate and politic for ever, under the name of the Great Sunapee Turnpike Corporation; and in that name may sue and prosecute, be sued and prosecuted to final judgment and execution, and shall and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature.

Sec. 2. And be it further enacted, That Joseph Bartlet and Daniel Bean or either of them, shall call a meeting of said corporation, to be holden at any suitable time and place, by posting notifications, one at least in some public place in each town through

which said road is contemplated to pass, at least fourteen days before the time of holding said meeting, expressing the time, place and design of said meeting; and the proprietors by a majority present or represented at said meeting, accounting and allowing one vote to each share in all cases, shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall agree on a method of calling future meetings. And at the same or any subsequent meeting may elect such officers and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulations and government of said corporation, for carrying into effect the purposes aforesaid, and for collecting the tolls and duties herein after established; and the same by-laws cause to be executed, and annex penalties to the breach thereof, not exceeding six dollars for each offence, provided, the said rules and by-laws are not repugnant to the constitution and laws of this State. And all representations of any meeting shall be proved by writing signed by the person to be represented, which shall be filed with the clerk. And this act and all rules, regulations and proceedings of said corporation shall be fairly and truly recorded by the clerk in a book or books provided and kept for that purpose.

Sec. 3. And be it further enacted, That, the said corporation are hereby empowered to lay out make and keep in repair a Turnpike road of four rods wide, in such rout or track, as in the best of their judgment shall combine shortness of distance with the most practicable ground from the Croydon Turnpike road in Newport, southeasterly through Wendell, Fishersfield, Bradford and Sutton to Beans Mills in Warner.

Sec. 4. And be it further enacted, That if the said proprietors and owners of land over which said road may run, shall not agree on the compensation to be made for such land, and shall not agree in appointing persons to ascertain such compensation, the Justices of the Court of Common Pleas, in the County where such land lies, if not interested, and if interested, the Justices of the Superior Court, upon the application of the proprietors or the owners of the land reasonable notice of such application having been first given to the adverse party, shall appoint a Committee, who shall ascertain the same, in the same way as compensation is made to the owners of land for highways as usually laid out:—Provided nevertheless, that it shall not be lawful for said proprietors to break into any inclosure to make such road, until the damages done the owner or owners thereof be ascertained & paid or tender thereof made or security given for the payment of the same to the said owner thereof, to his or their satisfaction.

Sec. 5. And be it further enacted That the said corporation may erect and fix such, and so many gates or turnpikes upon and across said road as will be necessary and sufficient to collect the tolls and duties herein after granted to said company from all persons travelling in the same with horses, cattle, carts or carriages.

Sec. 6. And be it further enacted, That it shall and may be lawful for said company to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using said road, the rates and tolls herein after mentioned; and to stop any person riding, leading or driving any horses, cattle, carts or carriages from passing through said gates or turnpikes, until they shall have respectively paid the same, that is to say, for every mile of said road, and so in proportion for a greater or less distance, or greater or smaller number of horses cattle or carriages (to wit) for every ten sheep or swine, one half cent, for every ten neat cattle one cent, for every ten horses or mules one cent, for every horse and his rider or led horse one cent, for every sulkey, chair or chaise, with one horse and two wheels, two cents, for every coach, chariot, stage, phaeton or chaise, with two horses and four wheels, three cents, for either of the carriages last mentioned with four horses four cents, for every other carriage of pleasure, the like sums, according to the number of wheels and horses drawing the same; for each cart, waggon or other carriage of burthen, drawn by one beast one cent, for the like carriages drawn by two beasts one cent and an half, if by more than two beasts one cent for each additional yoke of oxen or pair of horses, for each pleasure sleigh drawn by one horse one cent and a half, if drawn by two horses, two cents, if drawn by more than two horses, one cent for each additional horse, for each sled or sleigh of burthen drawn by one horse three quarters of a cent, if drawn by two horses or a yoke of oxen one cent, if more than two horses or yoke of oxen, one cent for each additional yoke of oxen or pair of horses; and at all times when the toll-gatherer does not attend his duty, the gates shall be left open. And if any person shall with his carriage, team, cattle or horses, turn off the said road to pass the said turnpike gate on ground adjacent thereto not being a public highway, with an intent to avoid the payment of the toll due by virtue of this act, such person shall forfeit and pay three times as much as the legal toll would have been. Provided, That nothing in this act shall entitle said corporation to demand or receive toll, at any gates of any inhabitants of the town where such gate may be erected, while about his common and ordinary business in said town, nor of any officer or soldier of the militia under arms, going to or from the place of military duty, nor of any person while going to or from public worship or a funeral.

Sec. 7. And be it further enacted, That the said corporation are hereby empowered to purchase and hold in fee-simple, so much land as will be necessary for said Turnpike road, and the share or shares of any proprietor may be transferred by deed duly executed, acknowledged and recorded by the clerk of said corporation on their records and said shares may be sold by said corporation on non-payment of assessments, duly made, agreeable to the by-laws of said corporation, and the shares of the several proprietors shall be liable,



as personal estate to attachment and execution for the debts of such proprietors or of the corporation

Sec. 8. And be it further enacted, That the said corporation shall take no toll for any mile of said road, until six hundred dollars shall have been expended thereon, or a proportionate sum on the whole number of miles, reckoning from the Croydon Turnpike in Newport, near Newport Meeting house, to Bean's Mills in Warner; nor until the Justices of the Superior Court of Judicature shall adjudge the road sufficiently made to entitle said corporation to receive said toll.

Sec. 9. Provided nevertheless, and be it further enacted That, if the said Turnpike road shall, in any part be the same with any highway now used, it shall not be lawful for said corporation to erect any gate or turnpike on or across said part of the road that is used and occupied as a public highway; any thing in this act to the contrary notwithstanding.

Sec. 10. And be it further enacted, That said corporation may be indicted for defect of repairs in said road, after the toll-gates are erected, and fined in the same way and manner as towns are by law finable for suffering roads to be out of repair; and said fine may be levied on the profits of toll arising or accruing to said corporation.

Sec. 11. And be it further enacted. That at the end of every six years after setting up any toll-gate as aforesaid, an account of the expenditures of laying out and making said road, and of the profits arising therefrom, shall be laid before the Justices of the Superior Court of Judicature, for the time being under the forfeiture of the privileges of this grant in future; and if the net profits for the said six years shall exceed nine per centum per annum, the said Court may reduce the future rates of toll so far that it may not exceed nine per centum per annum; and if the said toll shall not amount to six per centum per annum, the said Court may raise the future rates of toll so far that it shall not be less than six nor more than nine per centum per annum.

Sec. 12. And be it further enacted. That if in six years from the passing of this act, the aforesaid road be not completed agreeable to the provisions hereof every part and clause thereof shall be null and void, and of no effect; Provided also, The State of New Hampshire may, at any time repay the proprietors of said road the amount of the sum expended by them thereon, with nine per centum per annum in addition thereto deducting the toll actually received by the proprietors; in that case the said road shall, to all intents and purposes be the property of the State of New Hampshire; any thing in this act to the contrary notwithstanding.

Sec. 13. Provided nevertheless, That the Legislature of this State shall have a right to adopt such measures in future as shall by them be considered necessary and expedient, to compel the said proprietors to keep the said road in repair.

## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT PASSED DEC 21, 1805, ENTITLED  
 “AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE  
 CHESTERFIELD MANUFACTORY”—

[Approved June 23, 1809. Original Acts, vol. 20, p. 85; recorded Acts, vol. 18, p. 251. See act referred to, *ante*, p. 446. See act of June 22, 1831, recorded Acts, vol. 28, p. 26.]

Be it enacted, by the Senate and House of Representatives in General Court convened, that the Proprietors of the Chesterfield Manufactory, be, and they are, hereby, authorised and empowered to raise the sum of fifty thousand Dollars Capital, to be employed in the manner, which they may judge best calculated to accomplish the useful purposes contemplated in the Act, to which this is an addition, twenty thousand Dollars of said sum to be exempt from taxation for the term of five years.

And the Proprietors may divide their Capital Stock into as many shares, as they may think proper, to be holden as personal estate, and transferable in the same manner as Bank Shares are usually transfered, notwithstanding any thing to the contrary in the Act, to which this is an Addition.—

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT, TO INCORPORATE A MILITARY COMPANY IN CONCORD BY THE NAME OF THE NEW-HAMPSHIRE INDEPENDENT VOLUNTEERS, PASSED DECEMBER 22<sup>d</sup> 1808—

[Approved June 23, 1809. Original Acts, vol. 20, p. 86; recorded Acts, vol. 18, p. 252. Session Laws, June, 1809, p. 12. See act referred to, *ante*, p. 747.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the said Company shall be under the Controul of the Commander in Chief of the State for the time being, and shall do Military Duty on all Occasions, whenever the Exigences of our Country in his Opinion shall require the calling out of the Militia generally— and said Company shall be under the same Inspection which the Commander in Chief may then consider necessary to pass on Companies of Militia when called into actual Service—

And be it further enacted, that the last Section of the aforesaid Act passed the 22<sup>d</sup> Day of December 1808, in the following words,

"And be it further enacted, that the said Company shall be under the Command of the Brigadier General of the third Brigade and shall turn out on the last Wednesday of June annually for Inspection, and shall be inspected by the Adjutant of the Eleventh Regiment in said Brigade," be and is hereby repealed—

[CHAPTER 17.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO INCORPORATE EBENEZER EASTMAN, AND OTHERS, BY THE NAME OF THE PROPRIETORS OF THE UNION LOCKS AND CANAL"; APPROVED DEC<sup>R</sup> 23<sup>D</sup> 1808, AND FOR REPEALING CERTAIN CLAUSES THEREIN.—

[Approved June 23, 1809. Original Acts, vol. 20, p. 87; recorded Acts, vol. 18, p. 253. See act referred to, *ante*, p. 782. See also acts of June 10, 1813, recorded Acts, vol. 20, p. 43, June 20, 1815, *id.*, p. 305, December 13, 1820, *id.*, vol. 21, p. 511, and July 15, 1854, *id.*, vol. 46, p. 199.]

Whereas in and by said act, Ebenezer Eastman and others named in said act, their associates and successors were incorporated for the purpose of clearing Merrimac River, from Reed's ferry, so called, to Amoskeag falls, and to construct and maintain such locks and canals as shall be necessary for rendering the same navigable for boats under certain restrictions, and with certain privileges as therein prescribed; and whereas the proprietors have petitioned the Legislature for certain alterations in said act of incorporation; which appearing reasonable—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that Ebenezer Eastman and others, proprietors of the Union Locks and Canal, be allowed, as compensation for the monies by them expended, or to be expended in and about the object of said Corporation, a toll, forever hereafter, not exceeding the rates following (to wit) for each and every loaded boat, seven and an half cents per ton, for each and every mile such boat may pass, within said limits; and at the expiration of five years, from the completion of said locks and canal, said rate of toll shall be regulated by the Justices of the Superior Court of Judicature, in such manner, as that the amount of said toll shall not exceed twelve per cent per annum, upon the amount of the monies expended, for effecting the aforesaid purpose, under the forfeiture of the privileges of said act in future.—

And be it further enacted, that said proprietors be, and hereby are authorized to purchase and hold in fee simple all such lands, adjoining to said river, as to them may appear necessary, for carrying into effect the object of said corporation, provided that the same

do not exceed twenty five acres; and in case the proprietors & owners of such land, shall not agree on the compensation to be made for the same, the Justices of the Superior Court of Judicature, holden within and for the County, where such land lies, upon the application of said proprietors, or the owners of such land, may appoint a Committee to ascertain the Compensation, and issue Execution therefor against said proprietors, in case of non payment; provided that payment of the value of the land, so ascertained, or a tender thereof to the owner or owners of said land, be made, previous to the proprietors entering on the same—

And be it further enacted, that said Corporation may agree with and purchase of the owner or owners of land, within the limits aforesaid, over and above the aforesaid quantity of twenty five acres, a quantity of land not exceeding Seventy five acres, which shall and may be holden by said Corporation for the purposes before mentioned—

And be it further enacted, that so much of said act of incorporation, as is contained within the third and sixth Sections thereof be and the same is hereby repealed.—

## [CHAPTER 18.]

*State of* }  
*New Hampshire.* }

AN ACT APPROPRIATING THREE THOUSAND FOUR HUNDRED AND FIFTY DOLLARS, FOR CERTAIN PURPOSES THEREIN MENTIONED.—

[Approved June 23, 1809. Original Acts, vol. 20, p. 88; recorded Acts, vol. 18, p. 256. Session Laws, June, 1809, p. 10.]

Whereas Nathan Smith Professor of Medicine at Dartmouth College, hath represented to the Legislature, that a building for the use of the Medical school is much wanted, and hath offered gratuitously to convey and assign to the State a suitable lot of land whereon to erect a building for that purpose, together with such parts of the anatomical museum, and chemical apparatus as are his private property; and whereas it behoves an enlightened Community to foster and encourage those institutions which are devoted to the promotion of scientific and useful knowledge—

Therefore

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the sum of Three Thousand, four hundred and fifty dollars, be, and the same is hereby appropriated, for the purpose of erecting a building of brick or stone, for a medical School, sixty five feet in length, thirty two feet in width, and two stories in height

Provided the said Nathan Smith before the said money, or any part thereof be paid, out of the Treasury, convey to the State of



New Hampshire, by a good and valid title, one half acre of Land, contiguous to Dartmouth College, whereon to erect said building; and provided the said Nathan assigns to the State aforesaid, such parts of the anatomical museum, and chemical apparatus, as are his private property—

Sec. 2. And be it further enacted, that David Hough Esq<sup>r</sup> of Lebanon, Daniel Kimball Esq<sup>r</sup> of Plainfield, and Mills Olcott Esquire of Hanover, or either two of them, be a Committee to erect said building; and the Treasurer of this State, for the time being, is hereby authorized and directed to pay to said Committee the sum of three thousand, four Hundred and fifty dollars, herein appropriated by instalments, in the manner following, to wit,—Eleven hundred and thirty three dollars, on the first day of January one thousand Eight Hundred and Eleven; Eleven hundred and thirty three dollars, on the first day of January, one thousand eight hundred and twelve; and Eleven Hundred and Eighty four dollars, on the first day of January, one thousand Eight Hundred and thirteen—Provided the said Committee give Bonds, with good and sufficient sureties, to the satisfaction of the said Treasurer for the faithful performance of the duties confided to them by this act: and that for the discharge of said duties, no expense shall be incurred by the State.—

Sec. 3. And be it further enacted, that the said Nathan Smith shall have the occupancy and use of the said building and apparatus, while he continues a teacher of said Medical School, and no longer.—

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT MADE AND PASSED JUNE 18<sup>TH</sup> 1807—ENTITLED “AN ACT TO VEST IN SILVESTER PULSIFER AND LEONARD PULSIFER THE PRIVILEGE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER IN PLAINFIELD”—

[Approved June 24, 1809. Original Acts, vol. 20, p. 89; recorded Acts, vol. 18, p. 259. See act referred to, *ante*, p. 608.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Proprietors of said Bridge be, and they hereby are allowed a further term of two years from and after the passing of this Act, to build and complete said Bridge, anything in the aforesaid Act to the contrary notwithstanding.—

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

AN ACT FOR DISANNEXING CERTAIN PERSONS WITH THEIR ESTATES FROM THE TOWN OF CROYDON, AND ANNEXING THEM TO THE TOWN OF CORNISH.—

[Approved June 24, 1809. Original Acts, vol. 20, p. 90; recorded Acts, vol. 18, p. 260. Session Laws, June, 1809, p. 25.]

Whereas a petition has been presented to the General Court, signed by sundry persons, inhabitants of the Town of Croydon, representing the numerous disadvantages arising to them, on account of their local situation as inhabitants of said Croydon, and praying to be annexed to Cornish; which prayer appearing reasonable—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that the tract of land contained within the following boundaries (to wit) beginning at the South west corner of New Grantham line, thence South fifteen degrees West on Cornish line five hundred and ten rods, thence South seventy five degrees East one hundred rods, thence North fifteen degrees East seventy two rods, thence south sixty one degrees East one hundred and fifty five rods, thence North thirty three degrees East seventy two rods, thence South Sixty one degrees East, one hundred and Sixty rods, thence North thirty three degrees East three hundred and Seventy two rods to the South line of New Grantham, thence North sixty one degrees West five hundred and fifty rods on the said line of New Grantham, to the first mentioned bound, together with the inhabitants living within said limits, be, and they hereby are disannexed and separated from the town of Croydon, and are annexed to and made a part of said town of Cornish, as fully and amply to all intents, as tho' they had been contained in, and comprehended by the original grant, charter or incorporation of said Cornish; and the inhabitants and estates therein contained shall be considered liable in all future assessments, for all legal taxes, as fully and amply, and in the same way and manner, as tho' they had been comprehended and contained within such original grant or incorporation; any usage or custom to the contrary notwithstanding—

Provided nevertheless, that no part or parcel of this act shall have force and be of effect, until the first day of February, one thousand eight hundred and ten.—

## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE GIDEON LAMSON AND OTHERS, BY THE  
NAME OF THE EXETER COTTON MANUFACTORY.—

[Approved June 24, 1809. Original Acts, vol. 20, p. 91; recorded Acts, vol. 18, p. 262. See additional act of June 28, 1809, id., vol. 18, p. 304.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Gideon Lampson, Ebenezer Adams, Jacob Cram, George Sullivan, Benjamin Hoit, Joseph Smith and John Rogers, and their associates, successors and assigns, shall be and they hereby are created a corporation and body politic, by the name and stile of The Exeter Cotton Manufactory, and by that name may sue and be sued, plead or be impleaded, answer or be answered unto, defend and be defended to final judgment and Execution, and also may make, have and use a common seal, and the same, at pleasure, break alter and renew.—

Sec. 2. And be it further enacted, that the said Corporation shall have power, and hereby is authorized, to carry on the manufactory, at Exeter, of Cotton, and the business necessarily connected therewith, and may erect any dam, mill or mills, work or buildings necessary for the carrying on of said manufacture and the business connected therewith.

Sec 3. And be it further enacted, that said corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for establishing and carrying on said Manufactory, and the business therewith connected, and the same may sell, bargain and dispose of at pleasure. Provided that such real estate shall not exceed in value the Sum of Seven thousand dollars, and such personal estate shall not exceed in value thirty thousand dollars.—

Sec 4. And be it further enacted, that the persons above named, or any two of them, may by an advertisement to be inserted three weeks successively, in any public Newspaper, printed in the County of Rockingham, call a meeting of said Corporation, to be holden at Exeter, at any suitable time and place, after fifteen days from the last publication of said advertisement; and the members of said Corporation, by a vote of a majority of those present or represented at said meeting, in all cases accounting and allowing one vote to each share, provided, however, that no member of the corporation be allowed, in any case, more than Eight votes, shall choose a Clerk, who shall be sworn, by a Justice of the peace, for the County of Rockingham, to the faithful performance of his duty, a treasurer and such other officers as may appear necessary for the management of the business and concern of said Corporation, and

shall agree on the manner of calling future meetings; and at the same or any subsequent meeting may make and establish any rules and regulations, for governing the said Corporation, and the same rules and regulations may cause to be kept and executed, and for the breach thereof may annex penalties, and order and enjoin fines, not exceeding thirteen dollars and thirty three cents, for any breach thereof. Provided such rules and regulations are not repugnant to the laws and constitution of this State, and all agents and proxies, at any meeting, shall be authorized in writing signed by the persons by whom they are appointed, which shall be filed and recorded by the Clerk.—

Sec<sup>t</sup> 5.—And be it further enacted, that the property of said Corporation be, and it is hereby divided into one Hundred shares, and shall be numbered in progressive order, beginning at number one, and every original number thereof shall have a certificate, under the seal of said Corporation, and signed by the Treasurer, certifying his property in such shares as shall be expressed in said certificate.—

Sec 6. And be it further enacted, that any share may be alienated, by the proprietor thereof, his executors and administrators, by a deed under the hand and seal of him and them, acknowledged before some justice of the peace, or recorded by the Clerk in a book to be kept for that purpose; and any purchaser named in such deed so recorded, shall, on producing the same to the treasurer, and delivering up to him the former certificate be entitled to a new Certificate executed in form aforesaid, certifying the property in such share to be in such purchaser.—

Sec 7. And be it further enacted, that whenever any member of said Corporation shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said Corporation, to their Treasurer, within thirty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorised to sell at public vendue, the share or shares of such delinquent member, one or more as shall be necessary and sufficient to pay such taxes, and necessary incidental charges, after notifying in one or more public newspapers printed in the County of Rockingham, and in such other way as the corporation may direct, the sum due on each share and the time and place of sale, at least thirty days previous to the time of sale, and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said corporation, the name of such purchaser with the number of shares sold, shall be, by the Clerk, entered on the books of said corporation, and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose share or shares were sold.—

Sec. 8. And be it further enacted that where Execution shall issue on any judgment recovered against said corporation, and the



same shall be returned not satisfied, the original plaintiff in the action wherein the said Execution was awarded and issued, his executor or administrator, may sue out a writ of Scire facias from the Court against such person or persons as are or were proprietors and members of said Corporation, at the time such judgment was rendered, and may have execution against the body, goods or Estate of any individual member, or against the goods or estate of any deceased member of said corporation, in the hands of his or their executors, or administrators, with additional Costs & damages—

Sec 9. And be it further enacted, that this act shall be deemed and taken to be a public act, and as such may be declared upon and given in evidence in any Court of law, without specially pleading the same. Provided always that the legislature may from time to time hereafter upon due notice to said corporation, make such further provisions and regulations for the management of the business of said Corporation, and the Government thereof or wholly to repeal this act, as shall be deemed expedient—

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT, IN ADDITION TO AN ACT ENTITULED AN ACT, TO AUTHORIZE THE HEIRS OF THE LATE SAM<sup>L</sup> BLODGET ESQUIRE TO SET UP A LOTTERY FOR THE PURPOSE OF COMPLEATING THE LOCKS, AND CANAL, AT AMOSKEAG FALLS.—APPROVED DEC<sup>R</sup> 22<sup>D</sup> 1808.

[Approved June 24, 1809. Original Acts, vol. 20, p. 92; recorded Acts, vol. 18, p. 266. See act referred to, *ante*, p. 749.]

Whereas it is provided by the last section of said Act that an Agent be appointed by said Heirs who shall give Bonds to the Proprietors of said Canal for the faithful performance of his duty in appropriating the monies raised by said Lottery for the purposes expressed in said Act.

Therefore Be it enacted by the Senate, and House of Representatives in General Court convened, that so much of said section as provides that the said agent give bonds to the Proprietors of said Canal, be and the same hereby is repealed.

Be it further enacted that the said agent give Bond in the sum of Twenty Thousand Dollars to the Treasurer of the State of New Hampshire for appropriating the Moneys by him received of the Managers of s<sup>d</sup> Lottery for the purposes expressed in said Act.

## [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT—TO INCORPORATE PAUL CRAGIN AND OTHERS BY THE NAME OF “THE HILLSBOROUGH COTTON AND WOOLEN MANUFACTORY COMPANY”—

[Approved June 24, 1809. Original Acts, vol. 20, p. 93; recorded Acts, vol. 18, p. 267. See act of December 22, 1820, id., vol. 22, p. 634.]

Section 1<sup>st</sup>—Be it enacted, by the Senate and House of Representatives in General Court convened, That the said Paul Cragin, Amos Whittemore Jun<sup>r</sup>, Azariah Walton, Peter Sanderson, and their associates, successors and assigns, shall be and they hereby are erected a Corporation and body politic by the name and stile of “The Hillsborough Cotton and Woolen Manufactory Company” and by that name may sue and be sued, plead or be impleaded, answer and be answered unto, defend and be defended to final Judgment and execution and also may make have and use a common seal and the same at pleasure may break alter and renew.—

Sec. 2.—And be it further enacted, that the said Corporation shall have power and hereby is authorised to carry on the Manufactory at Hancock of Cotton and Woolen Cloth and the business necessarily connected therewith, and may erect any dam, mill or mills, work or buildings necessary for the carrying on this useful manufactory and the business connected therewith.—

Sec. 3<sup>d</sup> And be it further enacted, that the said Corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for establishing and carrying on said manufactory and the business therewith connected and the same may sell bargain and dispose of at pleasure.—Provided, that such real estate shall not exceed in value the sum of ten thousand Dollars and such personal estate shall not exceed in value the sum of forty thousand dollars.—

Sec. 4.—And be it further enacted, that the person first named or any three of them may by an advertisement in any public newspaper printed in the County of Hillsborough (if any such there be) call a meeting of said Corporation to be holden in Hancock at any suitable time and place after twenty days from the publication of said advertisement, and the members of said Corporation by the vote of the majority of those present or represented at said meeting (in all cases accounting and allowing one vote to each single share) shall choose a Clerk, who shall be sworn by a Justice of the peace for the County of Hillsborough, to the faithful performance of his duty; a Treasurer and such other officers as may appear necessary for the management of the business and concern of said Corporation and shall agree on the manner of calling future meetings and at the

same or any subsequent meeting may make and establish any rules and regulations for regulating the said Corporation & the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding thirteen dollars and thirty three cents for any breach thereof;—Provided, such rules and regulations are not repugnant to the laws and Constitution of this State and all agents and proxies at any meeting shall be authorised in writing, signed by the person by whom they are appointed, which shall be filed and recorded by the Clerk—Provided, that no member of the Corporation shall be allowed more than eight votes.—

Sect. 5<sup>th</sup>—And be it further enacted, that the property of said Corporation, shall be and hereby is divided into one hundred shares and shall be numbered in progressive order beginning at number one and every original proprietor thereof shall have a Certificate under the seal of said Corporation and signed by the Treasurer certifying his property in such shares as shall be expressed in said Certificate.—

Sec. 6. And be it further enacted that any shares may be alienated by the proprietor thereof his executors or administrators by a deed under the hand and seal of him or them acknowledged before some Justice of the peace & recorded by the Clerk in a book to be kept for that purpose, and any purchaser named in such deed so recorded shall on producing the same to the Treasurer and delivering up to him the former certificate, be entitled to a new certificate executed in form aforesaid certifying the property in such share to be in such purchaser.—

Sect. 7—And be it further enacted, that where-ever any member of said Corporation shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation, to their Treasurer within thirty days after the time set for the payment thereof the Treasurer of said Corporation is hereby authorised to sell at public vendue the share or shares of such delinquent member, one or more as shall be necessary and sufficient to pay such taxes and necessary incidental charges after duly notifying in one or more public newspapers, printed in the County of Hillsborough, (if any such there be) and in such other way as the Corporation may direct, the sum due on such shares and the time and place of sale at least thirty days previous to the time of sale, and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares sold shall be by the Clerk entered on the books of said Corporation and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus if any there be shall be paid on demand by the Treasurer to the person whose share or shares were sold.—

Sect. 8. And be it further enacted, that when execution shall issue on any Judgment recovered against said Corporation and the

same shall be returned not satisfied, the original plaintiff in the action wherein the said execution was awarded and issued, may sue out a writ of Sirefacias, from the Court wherein the Judgment was entered on which the same Execution was awarded against such person or persons as are or were proprietors and members of said corporation at the time such Judgment was rendered and may have execution against the body, goods and estate of any such Member or against the goods or estate of any deceased member of said Corporation in the hands of his or their Executors or administrators, with additional costs and damages.—

Sec. 9—And be it further enacted, that this act shall be deemed and taken to be a public act and as such may be declared upon and given in evidence in any court of law, without specially pleading the same.—Provided always, that the Legislature may from time to time hereafter upon due notice to said Corporation make such further provision and regulation for the management of the business of said Corporation, and the government thereof or wholly to repeal this act as shall be deemed expedient.—

Sec. 10<sup>th</sup> And be it further enacted, that the capital stock actually employed in said factory, shall be exempt from taxation for the term of five years.—

#### [CHAPTER 24.]

*State of* }  
*New Hampshire.* }

AN ACT TO EXTEND THE TIME FOR THE PURPOSE OF BUILDING A BRIDGE OVER THE WATERS OF THE WINNEPISSEOKEE AT A PLACE CALLED BAGLEY'S POINT, BETWEEN THE TOWNS OF GILMANTON AND SANDBORNTON.

[Approved June 24, 1809. Original Acts, vol. 20, p. 94; recorded Acts, vol. 18, p. 272. The act referred to is dated June 13, 1806, *ante*, p. 501.]

Be it enacted by the Senate and House of Representatives in General Court convened, That a further term of Three years from the passing of this act is granted the proprietors of said bridge for the completing the same, anything in the original grant to the contrary notwithstanding



## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE A COMPANY BY THE NAME AND STILE OF  
 THE PROPRIETORS OF THE LIME BRIDGE COMPANY

[Approved June 24, 1809. Original Acts, vol. 20, p. 95, recorded Acts, vol. 18, p. 273. See additional acts of June 11, 1814, id., vol. 20, p. 178, and June 12, 1818, id., vol. 21, p. 81.]

Section 1 Be it enacted by the senate and House of Representatives in General Court convened that John Fairfield and Jonathan Franklin Esquires and their Associates be and they hereby are incorporated into a body politic by the name of the proprietors of the Lime bridge company, and they are hereby invested with all the powers and privileges incident to corporations of a similar nature—

2<sup>nd</sup> And be it further enacted that the proprietors aforesaid are hereby authorised to erect a Bridge over Connecticut River at any place between the Town of Lime in this State and The Town of Thetford in the State of Vermont; and said proprietors are hereby empowered to purchase land for the accomodation of and adjoining said bridge, not exceeding ten acres and to hold the same in fee simple; and said proprietors and their associates and successors shall have the exclusive right of erecting a bridge over said river between the said Towns of Lime and Thetford, Provided however that if said proprietors shall see fit to erect said bridge within the limits of the charter of any ferry they shall first agree with the owner of such ferry, but in case said proprietors cannot agree with the owner or owners of such Ferry—the compensation to be made to the owner may be ascertained by a committee to be mutually agreed on by the said parties; but in case the said parties cannot agree on such committee, the Justices of the Court of common pleas for the County of Grafton (if they are not interested) are hereby authorised to appoint a committee not exceeding three disinterested reputable freeholders to award such sum as they may find to be Just and equitable for the owner of such ferry to recieve of said proprietors, but if the Justices of said Court of Common pleas should be interested, then the Justices of the superiour Court are hereby authorised on the application of either party to appoint a Committee as is above provided and the sum awarded by said committee shall be paid, or secured, or tender thereof made to the owner of said ferry before said proprietors shall proceed to build said bridge within the limits of such ferry—

3. And be it further enacted that said proprietors are authorised to take and recieve the following rates of toll of all persons passing

over said Bridge; to wit, for each foot passenger one cent, for each horse and rider six cents, horse and chaise or sulkey twelve and a half cents, for each sleigh drawn by one horse six cents, two horses twelve and a half cents, by three horses eighteen cents, by four horses twenty five cents, and three cents for every additional horse; for each sled drawn by one horse six cents, for each sled drawn by two beasts twelve and one half cents; for each sled drawn by three beasts eighteen cents; for each sled drawn by four beasts twenty five cents; and for all beasts over and above four three cents each, for each coach Chariot phaeton or other four wheeled carriage for passengers twenty five cents, for each curricule fifteen cents, for each cart of other carriage of burden drawn by one beast six cents, by two beasts twelve and a half cents, by three beasts eighteen cents, by four beasts twenty five cents, and for all over and above four, three cents each; for each horse Jack, mule or neat beast exclusive of those rode on, or in carriages, two cents each, and to each team one person only shall be allowed to pass free of toll, for sheep and swine half a cent each;—and at all times when the toll gatherer shall not attend his duty the gate shall be left open—

4 And be it further enacted that John Fairfield or Jonathan Franklin are hereby authorised to call the first meeting of said Company by advertisement in the Dartmouth Gazette printed in Hanover the last advertisement to be fifteen days before said meeting, and the proprietors by a majority of those present or represented at said meeting, which representation shall always be in writing and signed by the person so represented allowing one vote to each share in all cases provided that no one proprietor shall be allowed more than ten votes, shall choose a Clerk who shall be sworn to the faithful discharge of his duty; and shall also agree on the method of calling future meetings, and at the same or any subsequent Meeting may elect such officers and make and establish such rules and by-laws as to them shall seem necessary and convenient for the regulation and Government of said corporation, and the same by-laws may cause to be executed and annex penalties to the breach thereof not exceeding twelve dollars for any one breach, Provided said rules and by laws are not repugnant to the Constitution and Laws of this State, and this act and all rules bylaws and proceedings of said corporation shall be recorded by the Clerk in a book or books provided and kept for that purpose

5 And be it further enacted that said corporation may be Indicted and fined for defect of repairs of said bridge in the same way and manner as towns are fineable for suffering bridges to be out of repair, and any person suffering any special damage for want of repairs as afforesaid may have remedy against said proprietors by an action on the case—

6. And be it further enacted that the shares in said Bridge may be transferred by deed duely acknowledged and recorded by the Clerk of said corporation and the shares in said bridge may be

attached on mesne process and an attested copy of such process shall be left with the Clerk of said corporation at the time of such attachment otherwise the same shall be void, and such shares may be sold on execution as personal estate and the officer who makes such sale leaving a copy of such execution with a proper return thereon with the Clerk of said corporation within fourteen days after such sale shall be a sufficient transfer of such share or shares in said bridge

7. And be it further enacted that if said Bridge shall not be compleated in five years from the passing this act then this act shall be null and void—

## [CHAPTER 26.]

*State of*                    }  
*New Hampshire.*        }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF THE OXBOW AND HORSE MEADOW BRIDGE.

[Approved June 26, 1809. Original Acts, vol. 20, p. 96; recorded Acts, vol. 18, p. 278.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Asa Tenney, Thomas Johnson, John Johnson, Moses Johnson, David Johnson, Zachariah Bacon, Benjamin Morse James Porter, Amos Kimball, Samuel Minot, Joshua Howard, Isaac Smith, Stephen Bartlett, Edmund Brown Jun<sup>r</sup> Moses Abbott, John Sanborn, James J. Swan, Jesse Frye, David Mitchel, Christopher Leton, Andrew L. Crocker, W. B. Banister, Phinehas Elkins, and Edward Dean, and their associates and successors be, and they hereby are incorporated and made a body corporate and politic by the name of the Proprietors of the Oxbow and Horse Meadow Bridge, and by that name may sue and be sued, prosecute and be prosecuted to final judgment and execution, and they hereby are invested with all the powers and privileges which by law are incident to corporations of a similar nature subject however to the restrictions hereinafter named.

And be it further enacted that said Asa Tenney and Thomas Johnson or either of them may call a meeting of said proprietors to be holden at any suitable time and place within the town of Haverhill in said State by posting up notifications in said Haverhill and in the town of Newbury in the State of Vermont, at least thirty days prior to said meeting, and said Proprietors, by a majority of those present or represented at said meeting, accounting and allowing one vote to each share in all cases shall choose a clerk who shall be sworn to the faithful discharge of the duties of his office; and the said Proprietors shall also agree on a method of calling future meetings, & may elect such officers and make and establish such

bye laws and rules as to them shall seem necessary and convenient for the regulation and government of said corporation for carrying into effect the purposes aforesaid and for collecting the toll and duties hereinafter established; and the same bye laws may cause to be executed and annex penalties to the breach thereof; Provided said rules and by laws are not repugnant to the laws and constitution of this State; and all representations shall be proved by writing signed by the person to be represented, which shall be filed with the Clerk, and this act and all rules, regulations, bye laws and proceedings of said Corporation shall be truly and fairly recorded, by said Clerk, in a book or books to be provided and kept for that purpose.

And be it further enacted, that said proprietors be and hereby are authorized to erect and keep in repair a bridge or bridges over Connecticut River, from Haverhill in this State to Newbury in Vermont, and shall have the exclusive privilege of erecting and keeping in repair the same, over and across said river between said towns, at any place or places, at or within half a mile above or below Col<sup>d</sup> Porter's ferry, so called; and are hereby empowered to purchase any lands adjoining said bridge or bridges not exceeding twenty acres, and to hold the same so long as they shall keep in repair a good and sufficient Bridge or Bridges, at the place or within the distance aforesaid, and the shares in said Bridge or Bridges may be transferred by will or deed, duly executed, acknowledged and recorded, by the Clerk of said Proprietors, on their records; and the share or shares of any of said proprietors may be sold for non payment of assessments duly made, agreeably to the bye laws which may be agreed on as aforesaid.

And be it further enacted, that for the purpose of reimbursing said proprietors the money by them expended in building and supporting said bridge or bridges a toll be and hereby is granted and established for the benefit of said proprietors, according to the rates following (*viz*<sup>t</sup>) for each foot passenger one cent; for each horse and his rider or leader five cents; for each chaise or other carriage of pleasure with two wheels and one horse, twelve and an half cents; for every coach, chariot, phaeton, or other four wheeled carriage of pleasure, twenty five cents; for each sleigh or sled drawn by one horse five cents; for each sleigh or sled drawn by two horses, ten cents; and three cents for each additional horse; for each cart or waggon or other carriage of burden drawn by one beast, six cents; for the like carriage drawn by two beasts, twelve cents; if by three beasts fifteen cents, if by four beasts twenty cents, and three cents for each additional beast; for sheep and swine half a cent each; for cattle and horses other than those rode on or in carriages two cents each; and to each team one person only shall be allowed to pass free of toll; and at all times when the toll gatherer shall not attend his duty, the gate shall be left open; & said proprietors are hereby empowered to erect and fix upon and across said bridge or bridges a



gate or gates and to appoint so many and such toll gatherers as shall be necessary to collect and receive of and from all persons using said bridge and bridges the rates of toll as above established; and to stop all and every person from passing the same, until he, she or they shall have respectively paid toll as aforesaid.

And be it further enacted, that said proprietors may be indicted for defect of repairs of said Bridge or Bridges, after such toll gate or gates are erected and while the same are kept up, and be fined in the same way and manner as towns are by law finable for suffering Bridges to be out of repair; and in case any special damage shall happen to any person or persons, or to his or their team or teams, cattle or carriages by means of the insufficiency or want of repair of said Bridge or Bridges, at any time when the gate is kept up, the party injured or aggrieved shall recover his or their damages in an action of trespass on the case, against said proprietors in any court of competent jurisdiction.

And be it further enacted, that if in six years from the passing of this act, the said bridge or bridges shall not be completed, or if it or they shall be destroyed and not rebuilt and kept in repair for the space of three years, according to the provisions herein contained, this act and every part and clause thereof shall be null and void; Provided nevertheless that said proprietors shall make a true statement of the toll received, and of the sums expended once in every six years, and lay the same before the Justices of the Court of Common pleas for the County of Grafton, and if, in the opinion of said justices it does not amount to six per cent on the sum expended, it shall be in the power of said Justices to alter the toll, so that the interest shall not be less than six nor more than twelve per cent per annum, upon the sums actually expended—Provided also, and this grant is upon condition, that the road leading from the eastern end of said Bridge, shall be as near the Bank of Connecticut River as proper and suitable ground for said road will admit, till it joins the road near Col<sup>o</sup> Asa Porter's ferry-house, which leads from said Porter's ferry to the main road; and that said Proprietors before they proceed to open said road shall compensate said Porter for all damage he may sustain in consequence of said road, and also for the interruption of the right of said ferry together with all his expenditures for the purpose of accommodating said ferry, which sum in damages shall be determined by the Justices of the Superior Court of Judicature, upon application of either of said parties if they cannot agree thereon; the adverse party being duly notified thereof—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT TO POSTPONE THE OPERATION OF THE FORTY EIGHTH, FORTY NINTH AND FIFTIETH SECTIONS OF THE ACT, MADE AND PASSED DECEMBER 22<sup>d</sup> 1808, ENTITLED "AN ACT FOR ARRANGING FORMING AND REGULATING THE MILITIA WITHIN THIS STATE, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE"—

[Approved June 26, 1809. Original Acts, vol. 20, p. 97; recorded Acts, vol. 18, p. 282. Session Laws, June, 1809, p. 13. See the act referred to, *ante*, p. 753.]

Be it enacted by the Senate and House of Representatives in General Court convened that the operation of the forty eighth section of said Act, which section is in the following words, "And be it further enacted that every town and plantation in this State shall be constantly provided with thirty two pounds of good gun powder, sixty four pounds of musquet balls, one hundred and twenty eight flints, and three iron or tin camp kettles, to every sixty four Soldiers enrolled in the Militia in every such town or plantation, and the same proportion for a greater or less number—And the operation of the forty ninth section of said Act, which section is in the following words, "And be it further enacted that if any town or plantation within this State shall neglect or refuse to supply themselves with said articles, within six months from the passing of this Act, such town or plantation shall forfeit and pay three times the value of each and every article so neglected to be furnished as aforesaid, to be recovered before any Court competent to try the same, the one half to the prosecutor, and the other half to the State; and it shall be the duty of the Quarter-Master of each Regiment, annually in the month of December, to inspect the magazines of each town and plantation within the Regiment to which he belongs, and shall prosecute each and every town and plantation which shall be found deficient of having any of the aforesaid articles—

And also the operation of the fiftieth section of said Act which section last mentioned is in the following words, and be it further enacted that it shall be the duty of the Selectmen of the several towns and plantations within this State, to provide some suitable place that the same may be deposited, and kept constantly in readiness for the use of the Militia in case of emergency" shall be and the same hereby are postponed for and during the term of one year from and after the first day of July next, and no longer, anything in the act to which this is a supplement to the contrary notwithstanding—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE AND ESTABLISH A COMPANY BY THE NAME OF THE PEMISSEWASSETT MIDDLE BRANCH TURNPIKE CORPORATION.—

[Approved June 26, 1809. Original Acts, vol. 20, p. 98; recorded Acts, vol. 18, p. 284. Session Laws, June, 1809, p. 34.]

Be it enacted by the Senate and House of Representatives in General Court convened, that James Little, Enoch Colby, Benjamin Barron, David Smith, John Brown, William Webster, Moses Lewis, James M. Greenleaf, Nathaniel Rix, Bradstreet Moody, Daniel Smith and their associates and successors, be, and they hereby are incorporated and made a body politic forever, under the name of the Pemissewasset Middle Branch Turnpike Corporation, and in that name may sue and prosecute and be sued and prosecuted, to final judgment and execution, and shall be and hereby are vested with all the powers and privileges which by law are incident to corporations of a similar nature.

Sec. 2. And be it further enacted that David Smith and James M. Greenleaf, or either of them shall call the first meeting of said Corporation by advertisement in the Concord Gazette, printed at Concord in said State, to be holden at any suitable time and place after thirty days from the first publication of said advertisement; and the proprietors by a majority of those present, or represented, at said meeting, accounting & allowing one vote to each share, in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duties of said office; and shall also agree on a method of calling future meetings, and at the same time, or at any subsequent meeting, may elect such officers, and make and establish such rules and bye laws as to them shall seem necessary & convenient for the regulation and government of said corporation, in carrying into effect the purposes aforesaid, and for collecting the tolls hereafter mentioned, and the same by laws may cause to be executed and annex penalties to the breach thereof, provided the same rules and bye laws are not repugnant to the constitution and laws of this State, and all representations at any meeting of said Corporation shall be proved in writing signed by the person to be represented, which shall be filed with the Clerk. And this act and all rules bye laws and regulations and proceedings of said Corporation, shall be fairly and truly recorded in a Book or Books, provided and kept for that purpose—

3. And be it further enacted, that the said Corporation are hereby empowered to survey, lay out, make and keep in repair a

turnpike road or highway, four rods wide, beginning at the Northern line of Thornton and running thence thro' Peeling, Lincoln, and Franconia along the passage in Franconia mountain near the Iron works, and on the most direct rout to Lancaster in such rout or track, as shall, in their opinion and judgment combine shortness of distance with the most practicable ground, through said Rout.—

Sec. 4—And be it further enacted, that said proprietors before they commence said road, shall agree with and purchase of the owners of land, through which the same may run, so much as shall be sufficient for the purposes aforesaid—

Sec. 5—And be it further enacted, that the said corporation may erect and fix such and so many gates and turnpikes on and across said road, as will be necessary and sufficient to collect the tolls hereinafter granted to said Corporation, from all persons travelling in the same with horses, cattle, teams or carriages: Provided nevertheless, that if the said turnpike road shall be the same with any public highway, now used, it shall not be lawful for said Corporation to erect any Gate or turnpike on or across said part of the road, now used and occupied as a public highway.

Sec. 6. And be it further enacted, that it shall and may be lawful for said corporation to appoint such, and so many, toll gatherers, as they shall think proper, to collect and receive of and from every person travelling said road, the rates of toll herein after mentioned, and to stop all and every person or persons riding, leading or driving any horses, cattle, teams and carriages from passing through said Gates or turnpikes, until they shall have respectively paid the same, that is to say, for every mile of said road, and so in proportion for a greater or less distance, or for a greater or less number of horses or cattle, teams or carriages, viz<sup>t</sup> for every ten sheep or swine half a cent; for every ten cattle or horses one cent; for every horse and rider or led horse one cent; for every carriage of pleasure, with one horse and two wheels, one cent & an half; for the like carriage with two horses and four wheels Three cents; and for each additional horse one cent; for each cart or carriage of burden drawn by one beast one cent; if drawn by two beasts one cent & an half; if drawn by more than two beasts one cent for each additional yoke of oxen or pair of horses; for each sleigh of pleasure drawn by one horse one cent & a quarter if drawn by two horses two cents; and if by more than two horses one cent for each additional horse; for each sled or sleigh of burden, drawn by one beast one cent, if drawn by two beasts one cent & an half; if by more than two one cent for each additional yoke of oxen or pair of horses. And at all times when the toll gatherer shall not attend his duty, the gate shall be left open—Provided always, that nothing herein contained shall entitle said corporation to demand, or receive, toll of any person who shall be passing with his horse or carriage to or from public worship, or a funeral, or with his horse, team or cattle to or from any mill, or on the common and ordinary business of family concerns, within



the town where such person belongs; nor of any officer or soldier of the militia while passing under arms to or from the place of military duty, on muster days.—

Sec. 7.—And be it further enacted, that the said proprietors are hereby empowered to purchase and hold in fee simple so much land as shall be necessary for said road, and that the share or shares of said proprietors may be transferred by deed, duly executed, acknowledged & recorded, by the Clerk of said corporation, on their book of records; and the share or shares of any proprietor may be sold by said corporation, on non payment of assessments duly made.—

Sec. 8.—And be it further enacted, that no toll shall be taken by said Corporation, for any mile of said road, until six hundred dollars shall have been expended thereon, or a proportionate sum upon the whole number of miles, reckoning from the place where said road begins, to the place where the same shall terminate.—

Sec. 9.—And be it further enacted, that said corporation may be indicted for defect of repairs of said road, after toll gates shall be erected, and fined as towns are by law finable, for suffering roads to be out of repair; and said fines may be levied on the profits arising or accruing to said Corporation.—

Sec. 10.—And be it further enacted, that at the end of every six years, after the setting up of any toll gate, as aforesaid, an account of the expenditures upon said road, and of the profits arising therefrom, shall be laid before the Justices of the Superior Court, for the time being, under forfeiture of the privileges of this act in future; and if the net profits of the said ten years shall exceed nine per cent, per annum, the Court may reduce the toll so that it shall not be less than six per cent per annum, nor more than nine per cent per annum.

Sec. 11.—And be it further enacted, that if in six years from the passing hereof, the said road shall not be completed, according to the provisions of this act, every part & section thereof shall be null and void. Provided also that the State of New Hampshire may, at any time, after the passing of this act, repay the Proprietors of said road the amount of the sums expended thereon by them, with nine per cent per annum, in addition thereto, deducting the amount of toll actually received by the Proprietors, and in that case, the said road shall, to all intents and purposes, become the property of said State, any thing in this act to the contrary notwithstanding.—

Sec. 12.—And be it further enacted, that the Clerk shall, at all times, exhibit the book or books, by him kept, & certificates and certified copies give, of all records and proceedings of said corporation, to any person who shall apply for the same; and the Clerk shall be allowed the same fees for searching, copying and certifying the records, that by law are allowed to Registers of deeds, and if the Clerk shall neglect or refuse to comply in exhibiting and certify-

ing, as aforesaid, he shall forfeit and pay the sum of twenty dollars for each and every neglect or refusal, to be recovered in an action of debt, before any court of competent jurisdiction, with costs, for the use of the person suing for the same.—

Provided nevertheless, that whenever the proprietors aforesaid shall have completed Ten miles of said Turnpike, agreeably to the intent and meaning of this act, beginning at the North line of said Peeling and running into Franconia, on the aforesaid direction, they shall have the liberty of erecting a toll Gate thereon, and may take and receive toll for said ten miles, agreeably to the rates aforesaid of and from all persons contemplated by this act. Any thing herein to the contrary notwithstanding.—

### [CHAPTER 29.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING JOSEPH FROST, ADMINISTRATOR OF THE GOODS & ESTATE WHICH WERE OF JOSEPH FROST, ESQUIRE, DECEASED, AND AGENT TO OTHERS HEIRS OF SAID JOSEPH FROST, TO PETITION THE JUSTICES OF THE SUPERIOR COURT FOR RESTORATION TO LAW, IN A CERTAIN CASE.—

[Approved June 27, 1809. Original Acts, vol. 20, p. 99; recorded Acts, vol. 18, p. 291.]

Whereas the said Joseph Frost administrator, for himself, and agent of others, heirs of Joseph Frost, deceased, has petitioned the General Court, setting forth, that they as heirs of said Joseph, after his death, mutually agreed to transact business together, under the firm of "Margaret Frost and others," altho' for the sole benefit of said heirs; that a short time previous to the effect of the statute of limitations (*viz*<sup>t</sup>) for August Term, Court of Common pleas, 1800, in the County of Rockingham, an action on the case, was commenced in the name of said Margaret, by the name of Margaret Rollins, against one Edward Sargent, upon demands amounting to about Seventeen Hundred dollars; which demands the said Sargent avoided, pending said suit, by procuring of the said Margaret Rollins, unjustly, a release and full discharge of the same action; by force of which, the Jury, at the Superior Court of Judicature, holden in and for the County of Rockingham aforesaid, February Term, 1801, found a verdict in favor of the defendant; that said heirs were utterly defeated in prosecuting said suit, the said Margaret being the only plaintiff on record, and the heirs aforesaid the only persons really interested in said suit; that there was a mistake of several hundred dollars, which ought to have been included in said suit; and that said Joseph, the petitioner, as administrator to the estate of said Joseph, deceased, holds a demand of very considerable amount

against said Edward Sargent, which ought also to have been included in said demand; the said Joseph therefore in his capacities of administrator and agent, prayed relief in the premises—Which prayer appearing reasonable.—Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that said Joseph Frost administrator of the goods and Estate which were of Joseph Frost Esquire, deceased, and agent to others, heirs of said Joseph, be, and he is hereby authorized and empowered, in said capacities, to prefer a petition to the Justices of the Superior Court of Judicature to be holden, in and for the County of Rockingham, on the third Tuesday of September next, praying for a restoration to law in the premises; and the said Justices are hereby authorized and empowered to sustain said petition, and to grant him the said Joseph, in his said capacities, relief in the premises, in the same way and manner as they are vested with the power of hearing, deciding and granting a review, or new trial after judgment in the Superior Court, court of Common Pleas, or before a Justice, by an act, entitled, "An act making further provision for the administration of Justice"; passed Dec<sup>r</sup> 22, 1808, any law, usage or custom to the contrary notwithstanding.—

### [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

#### AN ACT FOR THE PRESERVATION OF BASS IN PISCATAQUA RIVER AND REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE—

[Approved June 27, 1809. Original Acts, vol. 20, p. 100; recorded Acts, vol. 18, p. 293. Session Laws, June, 1809, p. 16. This act repeals that part of the act of January 20, 1789, Laws of New Hampshire, vol. 5, p. 340, which relates to catching bass, but as it was limited to five years it expired June 27, 1814. Therefore the act of January 20, 1789, is now in full force. See Laws, 1815 ed., p. 443.]

Be it enacted by the senate and House of Representatives in General Court Convened that after the Passing of this act if any person shall between the first day of December and the first day of April in any year catch kill or destroy any bass in Piscataqua River or its branches where the tide ebbs and flows with any seine net setting line or other machine at any other time than between the rising of the sun on monday morning and the rising of the sun on Tuesday morning in the same week such person shall for every such offence forfeit the sum of ten dollars to be recovered with cost of suit in an action of debt by any person who shall sue for the same before any Justice of the peace within the County where such offence shall be committed one half of said sum to the use of any person who shall sue therefor and the other half to the use of said County.

Section 2<sup>nd</sup> And be it further enacted that if any person or persons shall within the time inhibited by this act set use or continue in or upon any of the waters aforesaid any seine net or other implement used for catching or destroying said fish such sein net or implement shall be forfeited to the use of any person who may sue for the same. And it shall and may be lawfull for any person to take remove or carry away any sein net or other implement so found upon the waters aforesaid and convert the same to his own use

Sect 3<sup>rd</sup> And be it further enacted that the Towns of Exeter Newmarket & Stratham shall at their annual meetings choose three or more suitable persons as fish wardens whose duty it shall be to see that the laws for the preservation of said fish on said waters are duly observed and if any person legally chosen by any of said Towns shall neglect or refuse after being Lawfully notified of his appointment to take the usual oath of said office or to execute the office he shall forfeit and pay three dollars & thirty four Cents to any person who will sue for the same with Cost as aforesaid. Provided, nevertheless that no person shall be obliged to serve in the aforesaid office oftener than once in three years.

Sect 4<sup>th</sup> And be it further enacted that all prosecutions for any offence against this act shall be Commenced within three months after the offence shall have been committed and not afterwards—

Sect. 5<sup>th</sup> And be it further enacted that so much of the act passed January 20<sup>th</sup> 1789 entitled an act to preserve the fish in Piscataqua river and the Branches thereof as Relates to the catching of Bass be and the same is hereby repealed—

Sect 6<sup>th</sup> And be it further enacted that this act shall Continue in force five Years from and after the passing the same and no Longer

### [CHAPTER 31.]

*State of*                    }  
*New Hampshire.*        }

#### AN ACT TO EXEMPT CERTAIN PROPERTY BELONGING TO THE WHITE RIVER FALLS COMPANY FROM TAXATION FOR THE TIME THEREIN SPECIFIED—

[Approved June 27, 1809. Original Acts, vol. 20, p. 101; recorded Acts, vol. 18, p. 293. See acts of June 20, 1792, Laws of New Hampshire, vol. 6, p. 18, January 21, 1794, id., p. 133, and December 8, 1796, id., p. 352.]

Sect 1<sup>st</sup> Be it enacted by the Senate & House of Representatives in general Court convened, that the works heretofore built, or which may hereafter be built by the White River Falls Company, on the Falls in Connecticut River in Lebanon, shall be exempt from Taxation for the Term of Ten years from the passing of this Act—



## [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF JAMES TINKER, TO JAMES FOSTER.

[Approved June 27, 1809. Original Acts, vol. 20, p. 102; recorded Acts, vol. 18, p. 296.]

Whereas, James Tinker of Bedford, has petitioned the General Court, praying that his name may be altered, from James Tinker, to that of James Foster, and the reasons therein assigned appearing satisfactory,—Therefore,

Be it enacted, by the Senate and House of Representatives in General Court convened, that the said James Tinker be enabled and authorized to take, and be known by the name of James Foster, and shall hereafter be called and known, by the name of James Foster, instead of the name of James Tinker, by which he has been heretofore called and known:—

Provided, however, that nothing in this Act shall be so construed as to impair any bond, note, accompt or other contract, which the said James Tinker has heretofore made, but every thing of that kind shall remain the same, as though this Act had not been passed, any thing herein to the contrary notwithstanding.—

## [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, MADE AND PASSED DECEMBER 22, 1808, ENTITLED “AN ACT FOR ARRANGING, FORMING AND REGULATING THE MILITIA WITHIN THIS STATE, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE”—

[Approved June 27, 1809. Original Acts, vol. 20, p. 103; recorded Acts, vol. 18, p. 297. Session Laws, June, 1809, p. 15. Laws, 1815 ed., p. 306. See act referred to, *ante*, p. 753. See act of June 15, 1810, Laws, 1815 ed., p. 306.]

Sec. 1.—Be it enacted by the Senate and House of Representatives in General Court convened, that the twenty sixth Section of said Act, which section is in the following words, “And be it further enacted that it shall be the duty of the several Adjutants to inspect the arms and accoutrements of the several Regiments to which they belong, and make return of the same to the Brigade Major within thirty days; for which duty each Adjutant shall receive two dollars out of the Treasury of this State,” be and the same hereby is repealed—

Sec. 2. And be it further enacted that it shall be the duty of each Brigade-Inspector, to attend the Regimental and Battalion meetings of the Militia composing their several Brigades, during the time of their being under arms; to inspect their arms, ammunition and accoutrements;—And the several Brigade-Inspectors shall be allowed for their services as follows, viz, for inspecting each Regiment or battalion separately, excepting the Regiment in which he resides and has his home, two dollars—and for each mile of actual and necessary travel to do said duty, eight cents, and for making out to the Adjutant-General the return of the Brigade by him inspected, one dollar.—

[CHAPTER 34.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT, INTITLED AN ACT, TO ESTABLISH THE RATES AT WHICH POLLS AND RATEABLE ESTATES SHALL BE VALUED IN MAKEING AND ASSESSING DIRECT TAXES.

[Approved June 27, 1809. Original Acts, vol. 20, p. 104; recorded Acts, vol. 18, p. 298. Session Laws, June, 1809, p. 16. Laws, 1815 ed., p. 552. The act referred to is dated December 19, 1803, *ante*, p. 187. See act of June 20, 1811, Laws, 1815 ed., p. 552. Repealed by act of December 16, 1812, *id.*, p. 263.]

Be it enacted by the Senate and House of Representatives in General Court convened, That hereafter all publick taxes shall be assessed on all Jacks, Mules and Carding-Machines in the maner following, namely each Jack that has been wintered three winters, to be valued at two dollars and fifty cents; Mules that have been wintered four winters, at seventy cents each, other mules that have been wintered three winters only, at fifty cents each; other mules that have been wintered two winters only at thirty cents each; rekoning the winter to begin the first day of December, and to end the last day of March;—Carding-Machines to be estimated at one twelfth part of their net yearly income after deducting repairs.

## [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

## AN ACT ALLOWING A CERTAIN PREMIUM FOR KILLING WILD CATS

[Approved June 27, 1809. Original Acts, vol. 20, p. 105; recorded Acts, vol. 18, p. 299. Session Laws, June, 1809, p. 22. Laws, 1815 ed., p. 417. See acts of June 22, 1810, id., p. 418, June 22, 1832, Session Laws, 1830-36, Chap. 76, and July 5, 1834, id., Chap. 189. Repealed by act of July 4, 1829, Laws, 1830 ed., p. 211.]

Be it enacted by the Senate and House of Representatives in Genral Court convened That if any Person shall kill any wild Cat of that Species of cats which are naturally wild, within this State and shall bring the Head of such wild Cat to the Selectmen of the Town or Place in which the same was killed and if there be no Selectmen in the Town or place where the Same was killed Then the Selectmen of the Town or place next to the Town or Place where the Same was killed and shall prove to the Satisfaction of said Selectmen that the wild Cat, The Head of which he hath Brought to them as aforesaid, was killed by him or by his Means or by any other Person whose Agent he is the Said Selectmen shall cut off the ears from the Head so brought to them as aforesaid or otherwise disfigure it so that it may never be produced for the Like purpose again and the Said selectmen Shall give the person so producing the Head as aforesaid a Receipt for the same and the Person receiving the same Receipt on producing it to the Treasurer of this state, shall receive out of the Treasury of this state the Sum of Three Dollars for every wild Cat killed and certified as aforesaid—

## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO, AND AMENDMENT OF, AN ACT, ENTITLED  
 “AN ACT FOR THE PUNISHMENT OF IDLE AND DISORDERLY PERSONS, FOR THE SUPPORT AND MAINTENANCE OF THE POOR, AND FOR DESIGNATING THE DUTIES AND DEFINING THE POWERS OF OVERSEERS OF THE POOR.”

[Approved June 27, 1809. Original Acts, vol. 20, p. 106; recorded Acts, vol. 18, p. 300. Session Laws, June, 1809, p. 18. Laws, 1815 ed., p. 230. The act referred to is dated February 15, 1791, Laws of New Hampshire, vol. 5, p. 691. See acts of December 24, 1805, *ante*, p. 447, June 21, 1810, Laws, 1815 ed., p. 230, and June 14, 1820, id., 1830 ed., p. 298. Repealed by act of December 16, 1828, id., p. 302.]

Be it enacted by the Senate and house of Representatives in General Court convened, That when any person not an Inhabitant of any town or place in this State, nor by the laws thereof the proper

charge of any town or place in the same, shall stand in need of relief, the Selectmen or overseers of the poor of the town or place, where such poor person may be, shall relieve and maintain such person, and shall, within one year from the time of the relief so afforded, or within six months after the termination of any suit which may have been commenced within the said term of one year against any town or person for the recovery of the claim for the relief so afforded, lay the account thereof before the Justices of the Court of Common Pleas within and for the County in which such town or place lies; and said Justices shall examine and adjust the same, and shall draw an order on the Treasurer of said County, for such sum as they shall think proper to allow, to be paid out of the treasury of said County.

And be it further enacted, That when any person, in any town or place in this State, shall be poor and unable to maintain him or herself, such person shall be relieved and maintained by the overseers of the poor of such town or place where such person shall happen to be; and in case such town or place is not by law chargeable with the maintenance of such poor person, they may, by action in any Court proper to try the same, recover of the town or person chargeable by law with the maintenance of such poor person, all such sums as they shall have expended about the maintenance of such person: Provided that in all cases, notice in writing, signed by a majority of said Selectmen or overseers, and stating the sums expended by them for the relief of such poor person, shall be given, in the manner herein after mentioned, to the town place, or person chargeable by law with the maintenance of such poor person, within ninety days from the time the first relief shall have been so afforded;—and such notice shall be served, on the town that may be chargeable, by the Sheriff of the County in which such town lies or his Deputy by leaving an attested copy of such notice with his return thereon with one at least of the Selectmen or overseers of the poor & with the Clerk of such town or place; and upon any person who may be chargeable as aforesaid by giving him an attested copy of the notice with his return thereon or by leaving an attested copy thereof at his or her last and usual place of abode; and the Sheriff or Deputy serving the same shall within twenty days from the time of the service thereof make a return of the original notice with his doings therein to the Clerk of the Court of Common Pleas for said County, and shall receive the same fees for his travel and service as by law are allowed for serving writs. And no action shall be sustained against any town or person for any sums expended as aforesaid unless such notice has been given in the manner aforesaid. Provided also that no action shall be sustained unless commenced within three years from the time when said sums were expended for the relief of such poor person.

And such Selectmen or overseers may keep such poor persons in the work house, or may maintain them in any other way they or the



town shall judge best, until they shall be removed by the town or person chargeable with their maintenance.

And be it further enacted, That from and after the passing of this Act, if any person or persons shall bring and leave, or bring with an intent to leave, any pauper, poor and indigent person or persons having no visible means of support, into any County in this State, from any other County in which such pauper or poor person may have been supported and maintained, or have resided, such pauper or poor person not having a legal settlement in any town or place, nor any relation to whom such pauper or poor person may be chargeable for his or her maintenance, within the County into which such pauper or poor person may be brought, knowing him, her or them to be such; the person or persons so offending may be indicted for such offence, and on conviction thereof shall be fined in a sum not exceeding two hundred dollars nor less than thirty dollars, for the use of the County in which such offence was committed or imprisoned not exceeding six months at the discretion of the Court: and such pauper or poor person shall be removed by order of the Court into the County from which he or she was brought.

And be it further enacted, That the third and fourth sections and also the two last sections in an Act entitled "an Act for the punishment of idle and disorderly persons, for the support and maintenance of the poor, and for designating the duties and defining the powers of overseers of the poor," passed Feb. 15<sup>th</sup> 1791, be and they are hereby repealed. Provided nevertheless that any claim which has already accrued against any town or person, under said Act, may be prosecuted to final judgment and execution in the same manner as if this act had not passed: and that this act shall not be in force until the first day of October next.

## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE GIDEON LAMSON AND OTHERS BY THE NAME OF THE COTTON MANUFACTORY PASSED JUNE 23<sup>d</sup> 1809—

[Approved June 28, 1809. Original Acts, vol. 20, p. 107; recorded Acts, vol. 18, p. 304. See act referred to, *ante*, p. 816.]

Whereas in and by said Act it is provided "That said Corporation shall have power to carry on the Manufactory at Exeter of Cotton."—

And Whereas the place where said factory is to be erected is on, or near the dividing line between the said Town of Exeter and the

town of Brintwood; and it being uncertain on which side of said line the most eligible place on which to erect said factory will be found—

Therefore—

Be it enacted by the Senate and House of Representatives in General Court convened, that said Corporation be and hereby is empowered to carry on the Manufactory aforesaid in either or both of the said towns of Exeter and Brintwood, any thing in the aforesaid Act to the contrary notwithstanding—

[CHAPTER 38.]

*State of*                    }  
*New Hampshire.*       }

AN ACT FOR ESTABLISHING SALARIES OF THE JUSTICES OF THE SUPERIOR COURT OF JUDICATURE.

[Approved June 28, 1809. Original Acts, vol. 20, p. 108; recorded Acts, vol. 18, p. 305. Session Laws, June, 1809, p. 24. This act repeals the act of June 18, 1802, *ante*, p. 117. Repealed by act of June 25, 1818, Session Laws, June, 1818, Chap. 47.]

Be it enacted by the Senate & House of Representatives in General Court convened, That the chief Justice of the Superior Court of judicature have and receive, out of the treasury of this State, the sum of twelve hundred dollars annually, as a salary for his services as chief justice; and that each of the other justices of said court have and receive, out of the treasury of this State, the sum of one thousand dollars annually, as their respective salaries for their services as Justices of the superior court of judicature; which salaries shall be paid in quarterly payments as the same become due, by orders drawn on the Treasurer and signed by the Governor. And that all acts and resolves heretofore made and passed for allowing salaries to the justices of said court be and hereby are, repealed: And that the fees which said justices may receive in the course of their office, shall be severally accounted for, and deducted from their salaries; and it shall be the duty of the clerk of said court to certify to the Secretary the fees paid said Justices at the close of every circuit.—

## [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

## AN ACT FOR THE RELIEF OF JOSEPH TOWNE IN A CERTAIN CASE—

[Approved June 28, 1809. Original Acts, vol. 20, p. 109; recorded Acts, vol. 18, p. 306.]

Whereas Joseph Towne has petitioned the General Court stating that heretofore he commenced an action of ejectment against one Gideon Huntington, wherein Judgement was rendered in favor of the said Huntington against him in the Superior Court of Judicature without a trial by agreement, that the same should be subject to review as in ordinary cases; and that afterwards within the time limited by law he commenced his action of review; but that upon a plea in abatement for a defect of service in his writ of review, the same was abated, after the time established by law for reviewing said action had expired, so that Justice has not been attained, and praying for relief; and whereas upon a full hearing of the Parties the said Joseph Towne has Proved the facts alledged in his Petition; Therefore Be it enacted by the Senate and House of Representatives in General Court convened that the said Joseph Towne be and he hereby is fully authorized and impowered to commence a review of said Action by writ of review as in ordinary cases returnable to the Superior Court of Judicature to be holden at Amherst within and for the County of Hillsborough on the second tuesday following the fourth tuesday of October next, & by causing the said Gideon Huntington to be served with such writ of Review together with a copy of this Act, thirty days before the sitting of said Court by leaving the same at his last and usual place of abode.

And be it further enacted that the Superiour Court be and they hereby are vested with full power and authority to enter said action of review, to sustain, hear, and decide the same, and to render Judgement and issue Execution thereon as in ordinary cases of review: any law, usage, or custom to the contrary notwithstanding.—

Provided, however, If said Joseph Towne shall ultimately prevail upon said review, the Justices of the Superior Court are hereby authorized to tax the Costs in whole or in part as they shall think just and equitable.

## [CHAPTER 40.]

*State of* }  
*New Hampshire.* }

AN ACT TO REPEAL AN ACT MADE AND PASSED ON THE TWENTY FIRST DAY OF DECEMBER ONE THOUSAND EIGHT HUNDRED AND EIGHT, ENTITLED "AN ACT TO DETERMINE WHO SHALL BE LEGAL VOTERS IN TOWN MEETINGS, AND TO SECURE TO THE INHABITANTS OF THIS STATE THEIR RIGHTS OF SUFFRAGE."

[Approved June 28, 1809. Original Acts vol. 20, p. 110; recorded Acts, vol. 18, p. 307. Session Laws, June, 1809, p. 25. See act referred to, *ante*, p. 737.]

Be it enacted by the Senate and House of Representatives in General Court convened, That the aforesaid act and every part thereof be, and the same hereby is repealed—

## [CHAPTER 41.]

*State of* }  
*New Hampshire.* }

AN ACT, TO EXEMPT MEMBERS OF FIRE ENGINE COMPANIES FROM DOING MILITARY DUTY IN THE MONTH OF JUNE ANNUALLY.

[Approved June 28, 1809. Original Acts, vol. 20, p. 111; recorded Acts, vol. 18, p. 308. Session Laws, June, 1809, p. 23. Laws, 1815 ed., p. 306. See Section 47, act of December 22, 1808, *ante*, p. 753.]

Be it enacted by the Senate and House of Representatives in General Court convened, that, from and after the passing of this Act, all persons belonging to any Fire Engine Company in this State, shall be, and they are hereby excused from doing military duty on the annual training in the month of June, so long as they shall continue Members of such Company.—



\*[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE PASSED  
DURING THIS SESSION.]

1809, June 22.

Resolved, that the Town of Campton be disannexed from the Town of New Holderness as relates to representation and that the said Town of Campton have leave to send a Representative to the General Court in future

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1809, June 24.

Whereas Timothy Dix, Junior, Esquire, hath made application to the General Court to purchase a Gore of land situated in the County of Coos being a part of Townships numbered three and four,

Therefore, Resolved, That, that part of Townships numbered three and four which lies southerly of a line to be drawn from the Southerly side of the old Grant made to Dartmouth College, to the tract lately Granted to said College; said line to be a continuation of the southerly line of the old Grant until it strike the westerly line of said new Grant, which line is to be the Northerly line of said Gore; bounded easterly by the said New Grant, southerly by George Wentworth's Grant and westerly by Township Numbered Two, Be sold and conveyed to the said Dix, his heirs and assigns, for the sum which the said land may be appraised at by a committee to be appointed by the Governor and Council of this State, who are hereby Authorised to appoint such Committee; which Committee shall view and appraise the same at the expence of the said Dix; And the Treasurer of this State is hereby Authorized and directed to receive security, which shall be to his acceptance for the payment of such sum, which payment shall be made in three equal annual instalments; the first instalment to be made payable in two years from the date of said securities; the whole to carry interest at six per centum per annum from the date thereof. And the said Treasurer on receiving such securities shall be and he hereby is authorized and directed to convey to said Dix, his heirs and assigns, all the right, title and interest the state have in and unto said Gore of land; Provided, however that the said Dix shall make such security within Ninety days from the time of said appraisement; which appraisement shall be made within Six months from the passing of this Resolve; Provided, also, that the said Dix, relinquish any and all claims he may have against the State for cutting any road or roads—

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1809, June 28.

Resolved that the town of New London be restored to their former privilege of electing and sending by themselves, a Representative to the General Court in future

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\* The original papers, of which these are copies, are on file in the office of the secretary of state.

1809, June 28.

Whereas, there are now deposited in the Secretary's Office several plans of Turnpike roads, sales of the States land, together with many other surveys which have been made within this State; which are deemed in some measure necessary for completing the map of this State.—Therefore—

Resolved, that Philip Carrigain and Phinehas Merrill, be allowed the use of the same together with the Maps of New York, Massachusetts and the District of Maine and Holland's Map of New Hampshire, provided they give to the Secretary their receipt for the same, to be returned to the Secretary's Office at the next session of the Legislature.—

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1809, June 28.

Resolved, that the Town of Wilmot and Kearsarge Gore be hereafter classed for the purpose of sending a Representative to the General Court of this State, until such time as the Legislature shall otherwise order

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1809, June 28.

Resolved by the Senate and House of Representatives in General Court convened, that all that Gore or Tract of land not heretofore granted in the township numbered three in the County of Coos in this State, which Gore or Tract of land is bounded as follows, namely, Northerly on the forty fifth degree of North latitude, Westerly by the Easterly side line of the old College Grant, so called, Southerly by land lately granted to Timothy Dix Jun<sup>r</sup>, and by the late College Grant, and Easterly by the Easterly line of said township numbered three, containing by estimation about thirteen thousand acres be the same more or less, be, and the same hereby is granted to Atkinson Academy and Gilmanton Academy in this State, to be equally divided between said Academies, according to quantity and quality, for the use and benefit of the same forever; and to be by the Trustees of said Academies appropriated accordingly.—

## [NINETEENTH GENERAL COURT.]

[*Held at Concord, One Session, June 6, 1810, to June 27, 1810.*]

## [OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, GOVERNOR.

SAMUEL SPARHAWK, SECRETARY.

WILLIAM PICKERING, DEPUTY SECRETARY.

NATHANIEL GILMAN, TREASURER.

WILLIAM PLUMER, PRESIDENT OF THE SENATE.

CHARLES CUTTS, SPEAKER OF THE HOUSE.

## [MEMBERS OF THE COUNCIL.]

Elijah Hall,	Portsmouth.
Richard Dame,	Rochester.
Jedediah K. Smith,	Amherst.
Caleb Ellis,	Claremont.
Benjamin J. Gilbert,	Hanover.

## [MEMBERS OF THE SENATE.]

Josiah Bartlett,	Stratham.
William Plumer,	Epping.
William Adams,	Londonderry.
Josiah Sanborn,	Epsom.
Beard Plumer,	Milton.
Samuel Quarles,	Ossipee.
William Fisk,	Amherst.
Joshua Darling,	Henniker.
Lockhart Willard,	Keene.
Roger Vose,	Walpole.
John Fairfield,	Lyme.
Moor Russell,	Plymouth.

## [MEMBERS OF THE HOUSE.]

## ROCKINGHAM COUNTY.

Allenstown and } Bow, }	Hall Burgin.
Atkinson and } Plaistow, }	James Noyes.
Brentwood,	Jonathan Veazey.
Candia,	Moses Fitts.
Canterbury,	Leavitt Clough.
Chester,	John Folsom.

Chichester,  
 Concord,  
 Deerfield,  
 Epping,  
 Epsom,  
 Exeter,  
 Greenland,  
 Hampstead,  
 Hampton,  
 Hampton Falls and }  
 Seabrook, }  
 Hawke and }  
 Sandown, }  
 Kensington,  
 Kingston,  
 Londonderry,

Loudon,  
 Newcastle,  
 Newington,  
 Newmarket,  
 Newton,  
 Northfield,  
 North Hampton,  
 Northwood,  
 Nottingham,  
 Pelham,  
 Pembroke,  
 Pittsfield,  
 Portsmouth,

Raymond and }  
 Poplin, }  
 Rye,  
 Salem,  
 South Hampton and }  
 East Kingston, }  
 Stratham,  
 Windham,

Abraham True.  
 Stephen Ambrose.  
 Isaac Shepard.  
 Nathan Batchelor.  
 John McClary.  
 John T. Gilman.  
 Ebenezer Johnson.  
 Isaac Noyes.  
 Edmund Toppan.  
 Elias Hall.

Josiah Hoyt.

Samuel Dearborn.  
 Amos Gale, Jr.  
 John Dickey.  
 John Moore.  
 Joseph Clough.  
 Henry Prescott.  
 Thomas Pickering.  
 David Chapman.  
 Matthias Bartlett.  
 Jeremiah Smith.  
 Cotton W. Marston.  
 Solomon Buzzel.  
 Jacob Cilley.  
 James Gibson.  
 Isaac Morrison.  
 Bracket Leavitt.  
 William Ham, Jr.  
 Charles Cutts.  
 John F. Parrott.  
 Joseph Clark.

Sherburne Blake.

John W. Parsons.  
 Silas Betton.

Richard White.

Daniel Jewell.  
 Samuel Armor.

#### STRAFFORD COUNTY.

Alton,  
 Barnstead,  
 Barrington,

James McDuffee.  
 Charles Hodgdon.  
 Isaac Waldron.  
 Eliphalet Cloutman.



Brookfield and	}	Daniel Wingate.
Middleton,	}	Richard Odell.
Conway,		Amos Cogswell.
Dover,		Valentine Smith.
Durham,		Nicholas Blasdell.
Eaton and	}	
Burton,	}	
Effingham and	}	Joseph Drake.
Ossipee Gore,	}	
Farmington,		Levi Leighton.
Gilmanton,		William Badger.
		Ezekiel Hoit.
Lee,		Joseph Durell.
Madbury,		Jacob Joy.
Meredith,		John A. Harper.
Milton,		John Fish.
Moultonborough,		Ezekiel Hoit.
New Durham,		Thomas Tash, Jr.
New Hampton and	}	Daniel Smith.
Center Harbor,	}	
Rochester,		John McDuffee.
Sanbornton,		Bradstreet Moody.
		Andrew Lovejoy.
Sandwich,		Daniel Hoit.
Somersworth,		James Carr.
Tamworth,		Benjamin Gilman.
Tuftonboro,		Jonathan Burbank.
Wakefield,		Jonathan Copp.
Wolfeboro,		Jonathan Blake.

## HILLSBOROUGH COUNTY.

Amherst,		William Low.
Andover,		James Tucker.
Antrim and	}	Jacob Tuttle.
Windsor,	}	
Bedford,		Samuel Chandler.
Boscawen,		Enoch Gerrish.
Brookline,		James Parker.
Bradford,		John Smith.
Deering,		Benjamin Rolfe.
Dunbarton,		Richard H. Ayer.
Dunstable,		Daniel Abbot.
Fishersfield,		Samuel Gunnison.
Francetown,		Peter Woodbury.
Goffstown,		David L. Morrill.
Greenfield and	}	Amos Whittemore.
Society Land,	}	

Hancock,  
 Henniker,  
 Hillsborough,  
 Hollis,  
 Hopkinton,  
 Litchfield and }  
 Derryfield, }  
 Lyndeborough,  
 Mason,  
 Merrimack,  
 Milford,  
 Mont Vernon,  
 New Boston,  
 New Ipswich,  
 New London,  
 Nottingham West,  
 Peterborough,  
 Salisbury,  
 Sutton,  
 Temple,  
 Warner,  
 Weare,

Wilmot and }  
 Kearsarge Gore, }  
 Wilton,

Reed Paige.  
 John Smith.  
 Elijah Beard.  
 Daniel Emerson.  
 Benjamin B. Darling.

Simeon Kendall.

Daniel Putnam.  
 Roger Weston.  
 James Thornton.  
 Josiah Osgood.  
 John Batchelder.  
 Ephraim Jones.  
 Isaiah Kidder.  
 Joseph Colby.  
 Robert Patterson.  
 John Steele.  
 Jabez Smith.  
 Thomas Wadleigh.  
 Ebenezer Edwards.  
 Richard Bartlett.  
 Jonathan Atwood.  
 Daniel Moor.

Eliphalet Gay.

Abiel Wilson.

#### CHESHIRE COUNTY.

Acworth,  
 Alstead,  
 Charlestown,  
 Chesterfield,  
 Claremont,  
 Cornish,  
 Croydon,  
 Dublin,  
 Fitzwilliam,  
 Hinsdale,  
 Goshen and }  
 Wendell, }  
 Jaffrey,  
 Keene,  
 Langdon,  
 Lempster,  
 Marlborough,  
 Marlow,  
 New Grantham,

Gawin Gilmore.  
 Moses Hale.  
 Horace Hall.  
 Levi Jackson.  
 George B. Upham.  
 James Ripley.  
 James Breck.  
 Samuel Hamilton.  
 Thomas Stratton.  
 Uriel Evans.

Samuel Rogers.

Benjamin Prescott.  
 Elijah Dunbar.  
 Abner Kneeland.  
 Jacob Smith.  
 Phinehas Farrar.  
 Wells Way.  
 James Smith.

Newport,	Jesse Wilcox, Jr.
Packersfield,	Josiah Robbins.
Plainfield,	John Harris.
Richmond,	Nathaniel Aldrich.
Rindge,	Josiah Wilder.
Springfield,	Daniel Noyes.
Stoddard,	Aaron Matson.
Sullivan,	Samuel Seward.
Surry and }	Samuel Hill.
Gilsum, }	
Swanzy,	Aquila Ramsdell.
Unity,	Jabez Perkins.
Walpole,	Josiah Bellows.
Washington,	David Heald.
Westmoreland,	Broughton White.
Winchester,	Benjamin Flint.

## GRAFTON COUNTY.

Alexandria and }	William Pattee.
Danbury, }	
Bath,	Roger Sargent.
Bridgewater,	Moses Lewis.
Campton,	Samuel Holmes.
Canaan,	John Currier.
Concord (Lisbon),	Simon Oakes.
Dalton,	
Bethlehem and }	Lot Woodbury.
Whitefield, }	
Dorchester,	
Orange and }	Joseph Burleigh.
Dame's Gore, }	
Enfield,	Edward Evans.
Franconia, }	
Landaff and }	Nathaniel Rix.
Lincoln, }	
Grafton,	Samuel Williams.
Groton and }	Eleazar Ball.
Hebron, }	
Hanover,	Augustus Storrs.
Haverhill,	Stephen P. Webster.
Holderness,	Robert Fowle.
Lebanon,	Thomas Waterman.
Littleton,	Peter Bonney.
Lyman,	Caleb Emery.
Lyme,	Jonathan Franklin.
New Chester,	William W. Sargent.
Orford,	Jeduthun Wilcox.

Piermont,	Lemuel Wellman.
Plymouth,	William Webster.
Rumney and } Wentworth, }	Samuel Burns.
Thornton, } Peeling and }	Enoch Colby.
Ellsworth, }	
Warren and } Coventry, }	Daniel Davis.

## COOS COUNTY.

Bartlett, } Adams, }	Silas Meserve.
Chatham and } Locations, }	
Cockburne, } Colebrook, }	
Shelburne, } Stewartstown, }	Jeremiah Eames.
Dixville, } Dummer and }	
Errol, }	
Lancaster, } Jefferson and }	William Lovejoy.
Bretton Woods, }	
Northumberland, } Piercy and }	James Lucas.
Stratford, }	



[*First Session, Held at Concord, June 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 1810.*]

[CHAPTER 1.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING JONATHAN CRAM, THE THIRD, TO ASSUME THE NAME OF JONATHAN W. CRAM.—

[Approved June 9, 1810. Original Acts, vol. 20, p. 112; recorded Acts, vol. 18, p. 310.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Jonathan Cram, *the third*, of Meredith, in the County of Strafford, Joiner, be and he hereby is authorised and impowered to assume the name of Jonathan W. Cram, and shall by that name be called and known hereafter, in all legal proceedings Whatsoever.—

Provided nevertheless, that nothing in this Act shall be construed to affect any action or suit, heretofore commenced, or any written instrument or contract, in, or to which, the said Jonathan is a party.—

[CHAPTER 2.]

*State of* }  
*New Hampshire.* }

AN ACT EMPOWERING AND AUTHORIZING ROBERT MORDOUGH, JAMES MORDOUGH AND JOHN MORDOUGH TO ASSUME AND BEAR THE NAMES OF ROBERT NEWELL, JAMES NEWELL & JOHN NEWELL.

[Approved June 9, 1810. Original Acts, vol. 20, p. 113; recorded Acts, vol. 18, p. 311.]

Be it enacted by the Senate and House of Representatives in General Court convened, that Robert Mordough of Wolfborough, in the County of Strafford, in said State, and James Mordough and John Mordough children of the said Robert, be, and they hereby are respectively authorized to assume and bear the name of Robert Newell, James Newell and John Newell, and by those names in future shall be called and known in all legal proceedings, any law, usage or custom to the contrary notwithstanding.

Provided that nothing in this act contained shall be construed to impair or invalidate any contract or obligation by the said Robert or his said children already made, or affect any action or suit now pending in any Court of law wherein the said Robert, or his said children, is, or are a party—

## [CHAPTER 3.]

*State of* }  
*New Hampshire.* }

AN ACT FOR CALLING A MEETING OF THE PROPRIETORS OF THE  
DOVER TURNPIKE ROAD IN NEWHAMPSHIRE

[Approved June 9, 1810. Original Acts, vol. 20, p. 114; recorded Acts, vol. 18, p. 312. See acts of December 23, 1803, *ante*, p. 194, December 1, 1804, *ante*, p. 318, and June 16, 1809, *ante*, p. 795.]

Whereas the proprietors of the Dover turnpike road in New Hampshire, by reason of the failure of notice being given in the Newspapers agreeably to the rules and bye laws of said Corporation have been precluded from holding their annual meeting for the present year

Therefore,

Be it enacted, by the Senate and House of Representatives in General Court convened, that Doctor John Wheeler, be and he is hereby authorised and empowered to call a meeting of said proprietors, by advertising the same three weeks successively in the New Hampshire Gazette, to be holden at any suitable time and place after fifteen days from the first publication of said advertisement, and the said proprietors by a majority of those present or represented at said meeting may choose a Clerk, five Directors, two Auditors of accounts and a treasurer—agree upon a method of calling future meetings and transact their other necessary business—And the said Officers which shall be chosen at said meeting shall be, and they hereby are invested with the same powers and privileges as though they had been legally chosen by the said proprietors at their annual meeting for the present year in pursuance of the rules and bye laws of the Corporation

## [CHAPTER 4.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORISING STEPHEN MORSE THE THIRD TO ASSUME AND  
BEAR THE NAME OF STEPHEN B. MORSE.—

[Approved June 12, 1810. Original Acts, vol. 20, p. 115; recorded Acts, vol. 18, p. 313.]

Be it enacted by the Senate and House of Representatives, in General Court convened, that Stephen Morse the third of Haverhill in said State, be, and he hereby is, authorized to assume and bear the name of Stephen B. Morse, and by that name forever hereafter to be called and known, in all matters whatsoever.

## [CHAPTER 5.]

*State of* }  
*New Hampshire.* }

AN ACT TO ALTER THE NAME OF THE TOWN OF DERRYFIELD IN THE COUNTY OF HILLSBOROUGH IN SAID STATE TO THE NAME OF MANCHESTER.

[Approved June 13, 1810. Original Acts, vol. 20, p. 116; recorded Acts, vol. 18, p. 314. Session Laws, June, 1810, p. 5. See acts of July 9, 1766, Laws of New Hampshire, vol. 3, p. 401, and December 4, 1795, *id.*, vol. 6, p. 267.]

Whereas the Inhabitants of the Town of Derryfield in the County of Hillsborough have petitioned this Legislature to have the name of said Town altered to that of Manchester.—

Therefore Be it Enacted by the Senate and House of Representatives in General Court convened, That the said Town of Derryfield shall forever hereafter be called and known by the name of Manchester any Law, usage, or custom, to the contrary notwithstanding.—

## [CHAPTER 6.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THE 11<sup>TH</sup> DAY OF DECEMBER IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FOUR, ENTITLED “AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE JEFFERSON TURNPIKE INCORPORATION”

[Approved June 13, 1810. Original Acts, vol. 20, p. 117; recorded Acts, vol. 18, p. 315. Session Laws, June, 1810, p. 7. See the act referred to, *ante*, p. 330.]

Whereas in and by the aforesaid Act it is provided and enacted “That if in six years the said road shall not be completed according to the provisions of this Act every part and clause thereof shall be null and void” which time having been found insufficient for that purpose, Therefore Be it enacted by the Senate and House of Representatives in General Court convened, that the Proprietors of the said Jefferson Turnpike incorporation be and they hereby are allowed a further time of six years from the first day of November next, in addition to the time limited in said act, to complete said turnpike road, any thing in the aforesaid act to which this is an addition to the contrary notwithstanding.—And be it further enacted

that whenever seven miles of said turnpike road shall be completed, to the acceptance of the Justices of the Court of Common Pleas within and for the County of Coos, the Proprietors of said road shall have liberty to erect a gate upon or across said road, and to receive from all persons using said road the same proportion of toll for the said seven miles of turnpike road, as by the aforesaid act they were empowered to receive whenever the whole of said road should be completed—

[CHAPTER 7.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED “AN ACT TO INCORPORATE CERTAIN PERSONS, FOR THE PURPOSE OF CUTTING A CANAL BY ISLE OF HOOKSETT FALLS ON MERRIMAC RIVER” APPROVED FEBRUARY 18<sup>TH</sup> 1794

[Approved June 13, 1810. Original Acts, vol. 20, p. 118; recorded Acts, vol. 18, p. 316. See the act referred to, Laws of New Hampshire, vol. 6, p. 149. See also acts of June 21, 1797, *id.*, p. 408, December 22, 1803, *ante*, p. 189, June 17, 1806, *ante*, p. 516, and December 1, 1808, *ante*, p. 681.]

Whereas in and by said Act, Robert M<sup>c</sup>Gregore and William Duncan Esquires, and their associates, were incorporated with the exclusive privilege of Cutting a Canal by Isle of Hooksett falls on Merrimac River, and locking the same, under certain restrictions, and with certain privileges as therein prescribed. And whereas the term therein limited for compleating the same, as well as the terms allowed them in four subsequent additional acts, have expired: And whereas associates are now obtained, the Company organized, and two of the Locks nearly compleated—

Therefore, be it enacted by the Senate, and House of Representatives in General Court convened, that the proprietors of Isle of Hooksett Canal, be allowed a further time, untill the first day of September in the year of our Lord one thousand eight hundred and eleven, for the purpose of finishing and compleating said Canal and Locks, under such restrictions, and with such privileges, as were allowed in the above recited act of incorporation—



## [CHAPTER 8.]

*State of* }  
*New Hampshire.* }

AN ACT TO REPEAL THE FORTY EIGHTH, FORTY NINTH, AND FIFTIETH SECTIONS OF THE ACT, MADE AND PASSED DECEMBER 22, 1808, ENTITLED "AN ACT FOR ARRANGING, FORMING AND REGULATING THE MILITIA WITHIN THIS STATE, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE"—

[Approved June 15, 1810. Original Acts, vol. 20, p. 119; recorded Acts, vol. 18, p. 317. Session Laws, June, 1810, p. 5. The act referred to is printed, *ante*. p. 753.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the forty-eighth section of said Act, which section is in the following words, "And be it further enacted, that every town and plantation in this State shall be constantly provided with thirty-two pounds of good gunpowder, sixty four pounds of musket balls, one hundred and twenty eight flints, and three iron or tin camp-kettles, to every sixty four soldiers enrolled in the militia in every such town or plantation, and the same proportion for a greater or less number;" and the forty ninth section of said Act, which section is in the following words, "And be it further enacted, that if any town or plantation within this State shall neglect or refuse to supply themselves with said articles within six months from the passing of this Act, such town or plantation shall forfeit and pay three times the value of each and every article so neglected to be furnished as aforesaid, to be recovered before any Court competent to try the same, the one half to the prosecutor, and the other half to the State; and it shall be the duty of the Quarter-Master of each Regiment, annually, in the month of December, to inspect the Magazines of each town and plantation within the Regiment to which he belongs, and shall prosecute each and every town and plantation which shall be found deficient of having any of the aforesaid articles;"—And also the fiftieth section of said act, which section last mentioned, is in the following words, "And be it further enacted, that it shall be the duty of the Selectmen of the several towns and plantations within this State, to provide some suitable place, that the same may be deposited and kept constantly in readiness for the use of the Militia in case of emergency," be and the same hereby are respectively repealed—

## [CHAPTER 9.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING GEORGE HAM TO ASSUME AND BEAR THE NAME OF GEORGE WASHINGTON HAM.

[Approved June 15, 1810. Original Acts, vol. 20, p. 120; recorded Acts, vol. 18, p. 318.]

Be it enacted by the Senate and House of Representatives, in General Court convened, That George Ham of Dover in the County of Strafford in said State, be, & he hereby is authorized to assume and bear the name of George Washington Ham, and by that name forever hereafter to be called and known, in all matters whatsoever.—

## [CHAPTER 10.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF SANDWICH SOCIAL LIBRARY.

[Approved June 15, 1810. Original Acts, vol. 20, p. 121; recorded Acts, vol. 18, p. 319.]

Be it enacted by the Senate and house of Representatives in General Court convened that Ezekiel French and Asa Crosby, Esquires, Lott Cooke, Nehemiah Cram Jun<sup>r</sup> and Lewis Burley and their associates Proprietors of said Library and all such as may hereafter become Proprietors of the same be and they hereby are incorporated into a body politic by the name of the Proprietors of Sandwich Social Library with continuation and succession forever and in that name may sue and be sued in all personal actions and prosecute and defend the same to final judgement and execution.— And they hereby are vested with all privileges incident to corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said Proprietors in an action of debt to their use in any Court in this State proper to try the same and they may purchase and receive subscriptions, grants and donations of personal estate not exceeding the sum of one thousand dollars including the Books in said Library for the purpose of this corporation.—

And be it further enacted that said Proprietors be and they are hereby authorised to assemble in Sandwich aforesaid on the first Monday in February annually to choose such Officers as may be found necessary for the orderly conducting the affairs of said cor-

poration who shall continue in Office until others are chosen in their room and are sworn and said corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices and transacting all such business as may be found necessary for the benefit of said corporation and shall have power to vote such sums of money as may be found necessary for the annual and other expences and for enlarging and preserving said Library and may make and enact such rules and Bye Laws for the Government of said corporation as may from time to time be found necessary provided the same be not repugnant to the constitution and Laws of this State—And the notice for any meeting of said proprietors shall be by posting up a notification in some public place in said town at least fourteen days before the day of meeting expressing the time place and design of the same.—

And be it further enacted that Ezekiel French, Esquire and Lott Cook or either of them are hereby authorised and empowered to call the first meeting of said Proprietors at such time and place as they may appoint by posting up a notification as aforesaid and the Proprietors may agree at said meeting on the manner of calling future meetings and shall have all the powers to make rules and Bye Laws and choose all such Officers as they may or can do at their annual meetings

## [CHAPTER 11.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE  
SUNDRY PERSONS FOR THE PURPOSE OF CUTTING A CANAL BY  
GARVEN'S FALLS AND TURKEY-RIVER FALLS SO CALLED IN THE  
TOWN OF BOW.

[Approved June 15, 1810. Original Acts, vol. 20, p. 122; recorded Acts, vol. 18, p. 321. See act of June 11, 1808, *ante*, p. 654.]

Be it enacted by the Senate and House of Representatives in General Court convened That so much of said Act as makes it the duty of the Justices of the Superior Court of Judicature to regulate the toll of said Canal every six years, and so much thereof as limits the grant of toll to the term of six years after said Canal shall be completed be and the same is hereby repealed.

And be it further enacted That the toll granted and established in and by said Act be and the same is hereby granted and established for the term of thirty years after the said Canal shall be completed: at which time, and at the expiration of every ten years afterwards, the Justices of the Superior Court of Judicature shall have the power to reduce the rates of said toll, provided the proprietors have received more than after the rate of twelve per centum per

annum on all actual expenditures; but the toll shall never be reduced so low but that the said proprietors shall receive twelve per centum per annum in future upon said expenditures.—

And be it further enacted, That the Act aforesaid shall be so construed as to vest in the Proprietors of Bow Canal the sole and exclusive privilege of locking, canalling, and rendering navigable said Garvin's falls and Turkey river falls so called.—

## [CHAPTER 12.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF MOULTONBOROUGH SOCIAL LIBRARY

[Approved June 15, 1810. Original Acts, vol. 20, p. 123; recorded Acts, vol. 18, p. 323.]

Be it enacted by the Senate and house of Representatives in General Court convened that the Rev<sup>d</sup> Jeremiah Shaw the Honorable Nathan Hoit & the Honorable Nathaniel Shannon Esq<sup>rs</sup> Edward B. Moulton Ezekiel Hoit Caleb Morse and James Otis Freeman and their Associates Proprietors of said Library and all such as may hereafter become Proprietors of the same be and they hereby are incorporated into a body politic by the name of The Proprietors of Moultonborough Social Library—with continuation and succession forever—and in that name may sue and be sued in all personal actions and prosecute and defend the same to final judgment and execution.—And they are hereby vested—with all the powers and privileges incident to corporations of a similar nature and may enjoin penalties of disfranchisement or fine not exceeding four dollars for each offence to be recovered by said Proprietors in an action of debt to their use in any Court in this State proper to try the same—and they may purchase & receive subscriptions, grants and donations of personal estate not exceeding the sum of One thousand dollars—including the books in said Library—for the purpose of this association.

And be it further enacted that said Proprietors be and they are hereby authorised to assemble in Moultonborough aforesaid on the first Monday in December annually to choose such Officers as may be found necessary for the orderly conducting the affairs of said Corporation who shall continue in Office until others are chosen in their room—and are sworn—and said Corporation may assemble as often as may be found necessary for filling up any vacancies which may happen in said Offices and transacting all such business as may be found necessary for the benefit of said Corporation and shall have power to vote such sums of money as may be found necessary for the annual and other expences & for enlarging and



preserving said Library—and may make and enact such rules and Bye-Laws for the Government of said Corporation as may from time to time by them be found necessary provided the same be not repugnant to the Constitution and Laws of this State—And the notice for any meeting of said Proprietors shall be by posting up a notification in some publick place in said town at least fourteen days before the day of meeting expressing the time place and design of the same—

And be it further enacted that the aforesaid Jeremiah Shaw—Nathaniel Shannon & Edward B. Moulton or either of them are hereby authorised and impowered to call the first meeting of said Proprietors at such time and place as they may appoint by posting up a notification as aforesaid—and the Proprietors may agree at said meeting on the manner of calling future meetings and shall have all the power to make rules and Bye-Laws and choose all Officers as they may or can do at their Annual or other meetings

### [CHAPTER 13.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE JON<sup>A</sup> SHEPARD THOMAS MEANS AND OTHERS BY THE NAME OF THE MILFORD COTTON & WOOLEN MANUFACTORY CORPORATION—

[Approved June 15, 1810. Original Acts, vol. 20, p. 124; recorded Acts, vol. 18, p. 325. By the act of June 19, 1852, Session Laws, 1848-52, p. 1199, the name was changed to the Milford Manufacturing Company.]

Sect 1<sup>st</sup> Be it enacted, by the Senate & House of Representatives in General Court convened, That the said Jon<sup>A</sup> Shepard Thomas Means Rob<sup>t</sup> Clark Rob<sup>t</sup> Means James Wallace William Lovejoy and their associates, successors and assigns, shall be and they hereby are erected a Corporation & body politic by the name & stile of the Milford Cotton and Woolen Manufactory Corporation” and by that name may sue & be sued, plead or be impleaded, answer & be answered unto, defend & be defended to final judgement and execution, and also may make have and use a common seal and the same at pleasure may break alter and renew—

Sect 2<sup>nd</sup> And be it further enacted, that the said Corporation shall have power and hereby is authorised to carry on the manufactory at Milford of Cotton and Wool and the business necessarily connected therewith, and may erect any dam, Mill or Mills, work or buildings necessary for the carrying on these useful Manufactories and the business connected therewith—

Sect 3<sup>rd</sup> And be it further enacted that said Corporation may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient for establishing and carrying on

s<sup>d</sup> Manufactory's and the business therewith connected and the same may sell, bargain and dispose of at pleasure—

Provided, that such real Estate shall not exceed in value the sum of ten thousand Dollars and such personal estate shall not exceed in value the sum of forty thousand Dollars

Sect 4<sup>th</sup> And be it further enacted that the persons above named, or any three of them, may by an advertisement in any public Newspaper printed in the County of Hillsborough (if any such there be,) call a meeting of said Corporation to be holden in Milford at any suitable time and place after twenty five days from the publication of said advertisement, and the members of s<sup>d</sup> corporation by the Vote of the majority of those present or represented at said meeting (in all cases accounting and allowing one Vote to each single share) shall choose a Clerk, who shall be sworn by a Justice of the peace for the County of Hillsborough, to the faithful performance of his duty, a Treasurer and such other officers as may appear necessary for the management of the business, and concern of said Corporation, and shall agree on the manner of calling future meetings and at the same or any subsequent meeting may make and establish any rules and regulations for regulating the said Corporation, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines & penalties not exceeding Twelve Dollars for any breach thereof—Provided such rules and regulations are not repugnant to the Laws & Constitution of this State and all agents or proxies at any meeting shall be authorised in writing signed by the person by whom they are appointed, which shall be filed and recorded by the Clerk, Provided that no member of the Corporation shall be allowed more than six votes—

Sect 5<sup>th</sup> And be it further enacted—that the property of said Corporation, shall be divided into One hundred Shares and shall be numbered in progressive order beginning at number one, and every original number thereof shall have a certificate under the seal of s<sup>d</sup> Corporation and sign'd by the Treasurer, certifying his property in such Shares as shall be expressed in said Certificate—

Sect 6<sup>th</sup> And be it further enacted—that any Shares may be alienated by the Proprietor thereof, his executors and administrators by a deed under the hand and Seal of him and them acknowledged before some Justice of the peace and recorded by the Clerk in a Book to be Kept for that purpose, and any purchaser named in such deed so recorded shall on producing the same to the Treasurer and delivering up to him the former certificate be entitled to a new certificate executed in form aforesaid, certifying the property in such share to be in such purchaser—

Sect 7<sup>th</sup> And be it further enacted that whenever any member of said corporation shall neglect or refuse to pay any tax or assessment duly voted and agree'd upon by the s<sup>d</sup> Corporation to their Treasurer within thirty days after the time set for the payment thereof,

the Treasurer of s<sup>d</sup> Corporation is hereby authorised to sell at Public Vendue the Share or Shares of such delinquent member, one or more as shall be necessary and sufficient to pay such taxes and necessary incidental charges, after duly notifying in one or more public Newspapers printed in the County of Hillsborough (if any such there be) and in such other way as the Corporation may direct, the sum due on such Shares and the time and place of sale at least thirty days previous to the time of sale, and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser with the number of shares sold shall be by the Clerk entered on the books of s<sup>d</sup> Corporation, and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus, (if any there be) shall be paid on demand by the Treasurer to the person whose Share or Shares were sold—

Sect 8<sup>th</sup> And be it further enacted, that where execution shall issue on any Judgement recovered against said Corporation and the same shall be return'd not satisfied the original plaintiff in the Action, wherein the said execution was awarded and issued or his executor or administrator, may sue out a Writ of Scirefacias from the Court against such person or persons as are or were proprietors and Members of said Corporation at the time such Judgement was rendered and may have execution against the body goods or estate of any individual member, Or against the goods & estate of any deceased member of said Corporation in the hands of his or their executors or administrators, with additional costs and damages—

Sect 9<sup>th</sup> And be it further enacted that this Act shall be deemed and taken to be a Public Act, and as such may be declared upon and given in evidence in any Court of Law without specially pleading the same.—

Provided always, that the Legislature may from time to time hereafter upon due notice to s<sup>d</sup> Corporation, make such further provision & regulations for the management of the business of s<sup>d</sup> Corporation, and the government thereof or wholly to repeal this act, as shall be deemed expedient—

Sect 10<sup>th</sup> And be it further enacted that the Capital stock actually employed in s<sup>d</sup> factories shall be exempt from taxation for the term of five years from the commencement of their operation—

Provided the Sum so exempted from taxation shall not exceed Twenty five thousand Dollars—

## [CHAPTER 14.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE JAMES PARKER & OTHERS, BY THE NAME OF THE AMOSKEAG COTTON AND WOOLLEN MANUFACTURING COMPANY.

[Approved June 15, 1810. Original Acts, vol. 20, p. 125; recorded Acts, vol. 18, p. 329.]

SECT. I. Be it enacted by the Senate and House of Representatives in General Court convened, That James Parker, Jotham Gillis, William Wallace, William Parker, Elnathan Whitney, John Stark Jun<sup>r</sup> and their associates and successors, be, and they hereby are, incorporated and made a body politic forever, by the name of the Amoskeag Cotton and Woollen manufacturing Company; and in that name may sue and be sued, prosecute and be prosecuted, defend and be defended, to final judgment and Execution; and shall be, and hereby are, vested with all the privileges and powers which by Law are incident to Corporations of a similar nature. And also may have and use a common seal, which they may break, alter and renew, at pleasure—

SECT. II. And be it further enacted, that the said Company shall have power and hereby is authorised, to carry on the manufacturing of Cotton and Woollen yarn, & Cotton and Woollen Cloth, at Amoskeag Falls in Goffstown, and the business necessarily connected therewith; and may erect any dam, mill or mills, building or buildings, necessary for the carrying on of this useful manufactory, and the business connected therewith.

SECT. III. And be it further enacted, That the said Company, may be lawfully seized and possessed of such real and personal estate as may be necessary and convenient, for establishing and carrying on said Manufactory, & the business therewith connected, and the same may sell and dispose of at pleasure; Provided, that such real estate shall not exceed in value the sum of Ten Thousand Dollars, and such personal estate shall not exceed in value, the sum of Forty Thousand Dollars.—

SECT. IV. And be it further enacted, That the persons above named, or any three of them, may by an Advertisement in any News-Paper printed in the County of Hillsborough, call a meeting of said Company, to be holden in Goffstown, at any suitable time and place after twenty days from the first publication of said Advertisement, and the members of said Company by vote of the majority, of those present, or represented, at said meeting, in all cases counting and allowing one vote to one share, two votes to four shares, three votes to seven shares, four votes to eleven shares, six votes to twenty two shares, seven votes to twenty nine shares, &



eight votes to forty shares, shall choose a Clerk, who shall be sworn by a Justice of the Peace, to the faithful performance of his duty, a Treasurer, a President & such other officers as may appear necessary, for the management of the business & concerns of said Company; and shall agree on the manner of calling future meetings; and at the same or any subsequent meeting make & establish any rules & regulations for regulating said Company, & the same rules & regulations may cause to be kept & executed, or for the breach thereof may order & enjoin fines & penalties not exceeding twelve Dollars for any one breach thereof: Provided such rules & regulations are not repugnant to the Constitution & Laws of this State And all agents and proxies at any meeting shall be authorized in writing, signed by the persons by whom they are appointed, which shall be filed & recorded by the Clerk, provided no member of the Company shall be allowed more than eight votes—

Sect. V And be it further enacted, That the property of said Company, shall be, and hereby is divided into one hundred shares, and shall be numbered in progressive order, beginning at number one, and every original member thereof shall have a certificate under the seal of said Company and signed by the Treasurer, certifying his property in such share, as shall be expressed in said certificate.—

Sect. VI. And be it further enacted, That any share or shares may be alienated by the Proprietor thereof, his executors or administrators by a Deed under the hand and seal of him or them, acknowledged before some Justice of Peace and recorded by the Clerk in a Book kept for that purpose, and any purchaser named in such Deed, so recorded, shall, on producing the same to the Treasurer and delivering up to him the former certificate be entitled to a new certificate, executed in the form aforesaid, certifying the property in such share or shares to be in such Purchaser—

Sect. VII And be it further enacted, That wherever any member of said Company shall neglect or refuse to pay any tax or assessment duly voted by said Company, to their Treasurer, within thirty days after the time limited for the payment thereof, the Treasurer of said Company is hereby authorized to sell at public vendue, the share or shares of such delinquent member, one or more as shall be necessary & sufficient to pay such taxes & necessary incidental charges, after duly notifying in one or more public News Paper printed in the County of Hillsborough, & in such other way as the Company may direct, the sum due on such shares & the time & place of sale, at least thirty days previous to the time of sale, & such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said Company, the name of such purchaser with the number of shares sold, shall be by the Clerk entered on the books of said Company and such person shall be considered to all intents & purposes the Proprietor

thereof, & the overplus, if any there be, shall be paid on demand by the Treasurer, to the person whose share or shares were thus sold.—

Sect. VIII And be it further enacted, That when Execution shall issue on any judgement recovered against said Company, and the same shall be returned not satisfied, the original Plaintiff in the action wherein the execution was awarded and issued, may sue out a writ of Scirefacias from the Court wherein the judgment was entered, on which the same execution was awarded and issued, against such person or persons as are, or were proprietors and members of said Company at the time such judgment was rendered, and may have execution against their goods and estate, or against the goods or estate of any such deceased member of said Company, in the hands of his or their Executors or administors, with additional costs and damages—

Sect. IX And be it further enacted, That this act shall be deemed and taken to be a public act, & as such may be declared upon, & given in evidence, in any Court of Law, without specially pleading the same: Provided always that the Legislature may from time to time, hereafter, upon due notice to said Company, make such further provision and regulation for the management of the business of said Company, and the government thereof as they may think proper.

Sect. X And be it further enacted, That the capital stock actually employed in said manufactory, shall be exempt from taxation, for the term of five years, after the same shall go into operation; provided it do not exceed twenty Thousand Dollars.

## [CHAPTER 15.]

*State of* }  
*New Hampshire.* }

### AN ACT FOR CALLING A MEETING OF THE PROPRIETORS OF THE LYMAN SOCIAL LIBRARY.

[Approved June 15, 1810. Original Acts, vol. 20, p. 126; recorded Acts, vol. 18, p. 334. See act of June 15, 1805, *ante*, p. 382.]

Be it enacted by the Senate and House of Representatives in General Court convened that Martin Griswold, Stephen Eastman and Joshua Thornton or either two of them be and they are hereby authorised and empowered to call a meeting of said proprietors at such time and place in said Lyman as they may appoint giving fifteen days notice, in writing, prior to holding said meeting and all proceedings at said meeting shall be valid as though the same was holden agreeably to the Act of incorporation.

## [CHAPTER 16.]

*State of* }  
*New Hampshire.* }

## AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETORS OF SWANZEY FACTORY.—

[Approved June 16, 1810. Original Acts, vol. 20, p. 127; recorded Acts, vol. 18, p. 335. See act of December 22, 1820, id., vol. 21, p. 620.]

Sect. 1<sup>st</sup> Be it enacted by the Senate & House of Representatives in General Court convened, that Samuel Dinsmore, Aquilla Ramsdell, Josiah Woodward, William Belding, John Thompson, and their associates and successors be, and they hereby are incorporated into a body politic forever, by the name of the Proprietors of the SwanzeY Factory; and in that name, may sue & be sued, prosecute & be prosecuted to final judgment and execution, and do & suffer all other acts incident to corporations of a similar nature.—

Sect. 2 And be it further enacted, that Samuel Dinsmore and Aquilla Ramsdell, or either of them, be, and they, hereby, are, empowered to call the first Meeting, by posting up notifications for that purpose, in two public places in Keene and SwanzeY, at least fourteen days previous to said meeting, at which meeting, or any future meeting, legally warned, they may elect all officers necessary for the corporation to be sworn to the faithful discharge of the duties of their respective offices, and make such by-laws and regulations, as may be deemed expedient for the due government of said corporation, and may cause the same to be executed, and annex penalties for the breach thereof; provided such laws & regulations be not repugnant to the Constitution and Laws of this State.

Sect. 3. And be it further enacted, that all future meetings may be notified in such manner, as the proprietors may appoint; and at any legally notified meeting, each proprietor present, or represented, shall be entitled to as many votes as he owns shares, provided, that no proprietor be allowed more than one third of the whole number of votes.

Sect. 4. And be it further enacted, that the proprietors are, hereby, empowered to raise a capital stock of forty thousand Dollars, ten thousand Dollars of which may be laid out in purchasing real estate, and erecting buildings for the use of the corporation, and the vendue may be employed as the proprietors think proper, for purchasing raw materials, building machinery and putting the same into operation for spinning cotton and woollen yarn, or weaving the same into cloth; and twenty thousand Dollars of the whole capital so employed, shall be exempt from taxation, five years from the time the machinery for spinning is first put into operation.

Sect. 5. And be it further enacted, that the proprietors may divide their capital stock into as many shares, as they may think

proper, to be holden as personal estate, and transferable in the same manner as Bank-shares are usually transferred.

Sect. 6. And be it further enacted, that the clerk shall, at all times, keep an accurate account of all the proceedings of the corporation in a book, or books kept by him for that purpose; and shall exhibit the same, and give certified copies of all the records and proceedings of the corporation to any person applying for the same, and shall be allowed, by the person so applying, the same fees, as are, by law, allowed the Register of Deeds, and should the clerk unreasonably delay, or refuse to comply with this article, he shall forfeit and pay the sum of twenty Dollars for every such offence, to any person suing for the same, in any court of competent Jurisdiction.

### [CHAPTER 17.]

*State of* }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE CONGREGATIONAL SOCIETY IN SWANZEY.

[Approved June 16, 1810. Original Acts, vol. 20, p. 128; recorded Acts, vol. 18, p. 338. See act of July 2, 1867, Session Laws, June, 1867, Chap. 106.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That Nehemiah Cumings, James Brewer, Farnum Fish, Elijah Belding, Aaron Parsons, Joseph Dickinson, Elkanah Lane jun<sup>r</sup> and Ebenezer Hills, and their Associates, and such others as may be admitted as members of the same, be and they are hereby incorporated into a body politic and corporate, by the name of The Congregational Society in Swanzevy, with continuation and succession forever; and in that name may sue and be sued, in all actions personal or otherwise, may prosecute and be prosecuted, plead and be impleaded, and may defend the same to final judgment and execution; and they are hereby vested with all the powers and privileges incident to Corporations of a similar nature; and may enjoin penalties of disfranchisement, and may make purchase and receive subscriptions, grants and donations of real or personal estate, not exceeding one thousand dollars, for the purpose of their Association; may assess and collect taxes for the support of a gospel minister and other necessary expences of said society.

"2. And be it further enacted that said corporation be, and they hereby are authorised to assemble at Swanzevy aforesaid on the first Monday of April annually, to choose all such officers as may be found necessary in orderly conducting the affairs of said corporation, who shall continue in said office until others are chosen and



sworn in their room; and that said corporation may assemble as often as may be found necessary for filling up any vacancies that may happen in said offices; and for transacting any other business excepting the raising of money, which shall not be done except at their annual meeting, at which they shall vote all necessary sums for the support of the gospel ministry and other contingent expences of said corporation.

And said Corporation shall have power to make such rules and bye Laws for the government of said corporation as may from time to time be found necessary, provided the same be not repugnant to the Constitution and Laws of this state.

"3. And be it further enacted, that no person shall be considered as joining said society unless he or she shall sign his or her name in the book of records belonging to said Society; and any member of said society shall be discharged from said society by his or her giving notice thereof in writing to the Clerk of said society and likewise to the Clerk of the said town of Swanzey.

Provided, that all persons who shall be discharged from said society shall be holden to pay their just proportion of all debts said society shall owe, in their corporate capacity, at the time of their leaving the same.

"4. And be it further enacted, that Nehemiah Cumings and James Brewer, or either of them are hereby Authorized to call the first meeting of said corporation and to preside thereat until a Moderator shall be chosen, at such time and place in said Swanzey as they may appoint, by posting a notification for that purpose at the oldest meeting house in said Swanzey at least fourteen days prior to said meeting: And the said society shall have the same power to choose officers and make bye Laws as they have, by this act, at their annual meeting.

## [CHAPTER 18.]

*State of*                    }  
*New Hampshire.*        }

### AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE PROPRIETARY SCHOOL IN HAMPTON—

[Approved June 16, 1810. Original Acts, vol. 20, p. 129; recorded Acts, vol. 18, p. 341.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, that Edmund Toppan, Joseph Towle Jun<sup>r</sup>, John Fogg, Thomas Ward, Ebenezer Lawrence, Samuel F Leavitt and Richard Greenleaf and their associates and successors be and they hereby are incorporated and made a body corporate and politic under the name of the Proprietary School in Hampton, and by that name may sue and prosecute and be sued and prosecuted

to final Judgement and Execution, and shall have and enjoy all the powers and privileges which by law are incident to similar corporations—

Section 2<sup>d</sup> And be it further enacted that the said corporation may establish a school in Hampton for the instruction and education of Youth, and erect and maintain suitable buildings therefor, and may purchase and receive by donation and hold real and personal estate of any kind not exceeding twenty thousand dollars in value. Provided that nothing in this act shall be construed to exempt more than ten thousand dollars from taxation—

Section 3<sup>d</sup> And be it further enacted that the said corporation at any meeting duly holden may make rules, regulations and by laws, for the management of the interests and concerns of the said institution, and appoint such and so many Officers as they shall think Proper and Prescribe their Powers and duties—

Section 4<sup>th</sup> And be it further enacted that the said Edmund Toppan and Joseph Towle Junior or either of them shall notify the first meeting of the said corporation to be holden at any suitable time and place in said Hampton by posting up a notification at the meeting house in said Hampton three Sundays successively at which meeting, the manner of holding future meetings may be regulated, and any business relating to said Corporation transacted—

## [CHAPTER 19.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR ARRANGING, FORMING AND REGULATING THE MILITIA WITHIN THIS STATE, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE

[Approved June 16, 1810. Original Acts, vol. 20, p. 130; recorded Acts, vol. 18, p. 342. Session Laws, June, 1810, p. 9. The act referred to is dated December 22, 1808, *ante*, p. 753.]

Whereas there has been great improvement made in manœuvring of the Artillery by the Europeans—

Therefore,—

Be it enacted by the Senate and House of Representatives in General Court convened, That the artillery Company in the twenty-fifth Regiment of Militia be authorized to equip themselves in the form of a Company of Horse Artillery and be entitled to all the privileges of such an institution—

And be it further enacted that said Company shall consist of a first and second Captain a first and second Lieutenant, one Standard bearer, one Trumpeter six Serjeants, forty eight Mattrosses, one sadler; one farrier, and six postillions—The Commissioned Officers

to furnish themselves with good Horses of at least fourteen and a half hands high; and to be Armed with a broad sword and a pair of pistols, the holsters of which to be covered with Leopard skin caps; each Mattros to be armed with a broad sword and furnish himself with a servicable Horse of at least fourteen hands and a half high, a good Saddle and bridle; and uniformed as the Field Officers shall direct.—

And be it further enacted that the said Company when formed and organized, be furnished at the expence of the State, with one peace of ordnance, with carriage harness and apparatus complete, twenty round shot suitable to the peace and twenty-five dollars to purchase musical instruments and one standard; that to the peace of Ordnance be annually allowed fourteen dollars for the purpose of purchasing, and furnishing said peace with powder and port fire—

And be it further enacted that said Company shall in all respects be subject, and amenable to the laws of this State in the same way and manner as other military companies are; and entitled to all the priviledges that other Military Companies are entitled to, by the laws of this State—

## [CHAPTER 20.]

*State of* }  
*New Hampshire.* }

### AN ACT IN ADDITION TO AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE NEW HAMPSHIRE IRON FACTORY COM- PANY—

[Approved June 18, 1810. Original Acts, vol. 20, p. 131; recorded Acts, vol. 18, p. 344. The act referred to is dated December 21, 1805, *ante*, p. 440.]

Whereas in and by the said act of incorporation it is provided that the said New Hampshire Iron Factory Company may purchase and hold in fee simple any real Estate for the purpose of erecting furnaces, machinery and other buildings, and for effecting the objects of their incorporation, not exceeding the sum of Eight thousand dollars in addition to their capital stock, and it has been found by experience that such amount of real Estate is insufficient to effect the laudable objects of said Incorporation, and it is of great public utility to encourage domestic manufactures.—

Section 1. Be it enacted by the Senate and House of Representatives in General Court convened, that the said New Hampshire Iron Factory Company shall be, and they hereby are further authorized and empowered to purchase and hold in fee simple, any other lands for the purpose of erecting furnaces, machinery and other buildings, and for coaling lands, and for effecting the objects of

their incorporation, not exceeding the Sum of sixty thousand dollars, in the same manner as by the said act they may now purchase and hold real estate to the amount of the sum of eight thousand dollars, and in addition to that sum.

Sect. 2. And be it further enacted, that the said corporation shall be and they hereby are further authorized to increase their capital stock, which they are authorized to raise & hold by the act aforesaid, to a sum not exceeding two hundred thousand dollars in addition thereto;—and the forges furnaces, machinery, lands and tenements which now are, or hereafter may be, owned by said corporation, together with the capital stock of said company to the amounts aforesaid, be, and the same hereby are exempt from taxation for and during the term of ten years from and after the passing of this act, anything in the act to which this is an addition to the contrary notwithstanding. Provided nevertheless that the lands which said Corporation hold or may hold by virtue of their act of incorporation, and this act in addition thereto, shall be liable to all taxes made for the support of schools and the repairs of highways and bridges.—

Sect. 3. And be it further enacted, that the shares in the capital stock and other property and estate of said corporation shall be deemed personal estate to all intents and purposes, and shall be transferrable in manner as by the act aforesaid is provided.

Sect. 4. And be it further enacted, that the Clerk of said Corporation shall at all times exhibit the book or books by him kept, and shall, at all times give certificates and certified copies of all records and proceedings of said corporation, to any committee appointed by the Legislature for the purpose of examining the doings of the said corporation, and also to any officer who shall require such books to be exhibited, or such certificates or certified copies to be given to him for the purpose of enabling him to execute any process in the law touching any proprietor or proprietors of said Corporation; And the said Clerk shall be allowed the same fees for searching, copying and certifying that by law are allowed to Registers of deeds; and if the Clerk shall neglect or refuse to comply in exhibiting and certifying as aforesaid, he shall forfeit and pay the sum of twenty dollars for each and every neglect or refusal, to be recovered in an action of debt before any Court of competent jurisdiction, for the use of the person suing for the same.

Sect. 5. And be it further enacted, that the last section of the act aforesaid be, and the same hereby is repealed.—



## [CHAPTER 21.]

*State of* }  
*New Hampshire.* }

AN ACT FOR CALLING A MEETING OF THE PROPRIETORS OF TUFTONBOROUGH SOCIAL LIBRARY

[Approved June 18, 1810. Original Acts, vol. 20, p. 132; recorded Acts, vol. 18, p. 347. See act of June 7, 1808, *ante*, p. 635.]

Be it enacted by the Senate and House of Representatives in General Court convened that John Drake, John Hall and Benjamin Bean or either two of them be and they hereby are authorised and impowered to call a meeting of said proprietors by posting up a notification for the same at Joseph Peavy's at Tuftonborough Corner, so called, fifteen days prior to the day of holding said meeting and the said John Drake, John Hall and Benjamin Bean or either two of them shall preside in said meeting until a moderator be chosen and all matters transacted at said meeting shall be valid as though the same were transacted under the original Act of their incorporation

And be it further enacted that the annual meeting of said proprietors shall be holden on the first Monday of September any thing in the act of their incorporation to the contrary notwithstanding.

## [CHAPTER 22.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING TO JONAS WARREN NATHAN PIKE, AND OTHERS THEIR ASSOCIATES LEAVE TO BUILD A DAM, AND ERECT MILLS ON CONNECTICUT RIVER BETWEEN LITTLETON IN THIS STATE AND WATERFORD IN THE STATE OF VERMONT

[Approved June 18, 1810. Original Acts, vol. 20, p. 133; recorded Acts, vol. 18, p. 348.]

Whereas Jonas Warren, Nathan Pike Simson Bell, Simon Blake Nath<sup>l</sup> Cooke Jn<sup>r</sup> and Nathan Blake Jn<sup>r</sup> have petitioned this Court praying for liberty to build a dam across Connecticut River within the limits of Littleton bridge Charter for the purpose of erecting mills and machinery on Said River which prayer appearing reasonable Therefore—

Be it Enacted by the Senate and house of Representatives in General Court conveyed That Jonas Warren, Nathan Pike, Simson Bell Simon Blake, Nath<sup>l</sup> Cooke Jn<sup>r</sup>, Nathan Blake Jn<sup>r</sup> and others their associates may and Shall have the exclusive previledge of building a Dam across said Connecticut River within the grant of

the Littleton Bridge Company for the purpose of erecting mills and machinery thereon provided they obtain the leave and consent of the said Littleton Bridge Corporation Company, Provided also that nothing in this act shall be construed to debar the State from the privilege of granting to any persons hereafter who may apply, the Right of Locking and Canaling said river at the aforesaid place

Provided likewise, that the dam shall not be so constructed as to obstruct the passage of Lumber in said River, nor flow any lands to the damage of the owners thereof without paying a reasonable compensation therefor

### [CHAPTER 23.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE CHARLES CUTTS, JOSEPH WHIPPLE, NATHANIEL FOLSOM AND PETER PEARSE JUNIOR AND OTHERS INTO A COMPANY, BY THE NAME OF THE PORTSMOUTH INSURANCE COMPANY.

[Approved June 19, 1810. Original Acts, vol. 20, p. 134; recorded Acts, vol. 18, p. 350. See act of June 14, 1822, id., vol. 22, p. 97.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened that Charles Cutts, Joseph Whipple, Nathaniel Folsom, and Peter Pearse Junior, and such persons as shall become stock holders in said Company, being Citizens of the United States be, and hereby are incorporated into a Company and body politic by the name of the Portsmouth Insurance Company, for and during the time of twenty years after the passing of this act, & by that name may sue and be sued, plead or be impleaded, appear, prosecute and defend to final judgment and execution; and have a common seal, which they may alter at pleasure, and may purchase, hold and convey any estate real or personal, for the use of said Company subject to the restrictions hereinafter mentioned.

Sect. 2. And be it further enacted, that the capital stock of said Company shall not exceed two hundred thousand dollars, exclusive of premium notes or profits arising from the business of said Company, and shall be divided into one thousand shares. And all real Estate belonging to said Company shall be subject to taxation.

Sect. 3. And be it further enacted, that the stock, property, affairs and concerns of the said Company shall be managed and conducted by six Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until a new choice be made, and no longer, which Directors shall at the time of their election be stockholders, and shall be elected on the first Monday in June, in each and every year (at such times of the day, and

in such place in the town of Portsmouth, as the Directors for the time being shall appoint) by a majority of the votes of the stockholders present, allowing one vote to each share;—of which election public notice shall be given in some Newspaper printed in the town of Portsmouth. And the stockholders not present may vote by proxy, under such regulations as the Company shall prescribe; and if by reason of any unavoidable accident the said Directors shall not be appointed on the first Monday in June, as aforesaid, it shall be lawful to chuse them on another day in manner herein prescribed.

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

Sect. 5. And be it further enacted, that the President and three of the Directors, or four in the absence of the President, shall be a board competent for the transaction of business; and all questions before them shall be decided by majority of votes, and they shall have power to make and prescribe such by laws, rules and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of said Company, and the transfer of shares, and touching the duties and conduct of the several officers, Clerks and Servants employed, and the election of Directors, and all such matters as appertain to the business of Insurance; and shall also have the power to appoint a Secretary, and so many clerks and servants for carrying on the said business, and with such salaries and allowances to them and to the President, as to said board shall seem meet—Provided that such by laws, rules and regulations be not repugnant to the constitution or laws of this State.

Sect. 6. And be it further enacted, that there shall be a stated meeting of the Directors, at least once in every month, and as often within each month as the President and board of Directors shall deem proper; and the President and Committee of two Directors to be by him appointed in rotation shall assemble daily, if need be, for the dispatch of business, and the said board of directors and the committee aforesaid, at and during the pleasure of said Board, shall have power and authority, on behalf of the Company, to make Insurance upon Vessels, Goods, Effects and Freight, and against Fire upon Houses, stores, Goods, Wares and Merchandize and against captivity of Persons and on the life of any person or persons, and in case of money lent on Bottomry and Respondentia, and to fix the premiums & terms of payment; and all policies of Insurance

by them made shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the directors, and countersigned by the Secretary—, and shall be binding and obligatory upon the said Company, and have the like effect and force, as if under the seal of said Company; and the assured may thereupon maintain an action upon the case against the said Company, and all losses duly arising under any policy, so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company—

Sect 7. And be it further enacted, that it shall be the duty of the Directors on the second Monday of June and December, in every year, to make dividends of so much of the interest arising from the Capital stock, and the profits of said Company, as to them shall appear advisable, but the monies received, and the notes taken for premium on risques, which shall be undetermined and outstanding at the time of making such dividends shall not be considered as part of the profits of the company;—and in case of any loss or losses, whereby the Capital stock of said Company shall be lessened, the Directors shall make an equal assessment on the shares sufficient to make up and supply such deficiency; and if such assessment after due notice shall not be paid, on any share or shares, the Directors may cause such share or shares to be sold at public auction, and out of the proceeds of the sale pay such assessment with the expence of sale, and the residue shall be paid to the owner or owners of such share. And after such loss no dividend shall be made until a sum equal to such diminution shall have been added to the Capital stock; and that once in every three years, and oftener, if required, by a majority of the votes of the Stockholders the Directors shall lay before the Stockholders, at a general meeting, an exact and particular statement of the profits, if any there be, after deducting losses and dividends.—

Sect 8. And be it further enacted, that the said Company shall be empowered, and hereby are empowered, to vest the said capital stock of said Company, after being collected at each installment, either in funded debt of the United States, or in Bank stock, loan it on promissory Notes or Bills of Exchange, and Mortgages on real estate, in either or all of them, and in such proportions as may be most for the interest of said Company, at the direction of the President and Directors of said Company, or of such other person or persons as said Stockholders shall, for such purpose, at every meeting appoint.

Sect. 9. And be it further enacted, that the capital stock shall be raised by assessment on the shares, to be made by the President and Directors and paid by instalments, at such times as they shall prescribe; and for neglect of payment of any such assessment the delinquent share or shares may be sold for payment thereof, and the residue of the proceeds of such sale shall be paid to the owner of such share or shares.



Sect. 10. And be it further enacted, that the said Company may commence business, and make insurance as soon as a sum equal to twenty dollars on a share shall be assessed, and actually paid, and not before.

Sect. 11. And be it further enacted by the authority aforesaid, that the property of any member of said Company vested in the stock of said Company, shall be liable to attachment and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors in manner following, viz<sup>t</sup> in addition to the summons by law prescribed to be left with the Defendant, a like summons shall be left with the Secretary of said Company, and the debtor's share in the said Company's funds, together with the interest and profits due or growing due thereon, or as much thereof as shall be sufficient, shall thereby be held to respond to judgment which may be recovered in said suit according to law, and all transfers of the debtors shares not noted on the books of the Company, previous to the delivery of such summons shall be barred thereby; and execution may be levied on the property of any stockholder in said Company, and his share or shares therein exposed to sale, in the same manner as is by law prescribed where personal estate is taken in Execution, and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Secretary of said company, and the purchaser shall thereupon be entitled to the said debtor's share or shares in said stock, and the receptions of all dividends and profits which the debtor was previously entitled to; and upon any attachments being made or executions levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the Books of the Company to the officer, and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said company, and the amount of the dividends thereupon due.

Sect. 12. And be it further enacted, that in case any loss or losses shall take place, which shall be equal to the amount of the Capital stock of said Company, and the President and Directors after knowing such loss or losses, shall subscribe to any Policy of Insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.—

Sect 13. And be it further enacted, that the President and directors of said Company, shall previous to their subscribing any policy, and once in every year afterwards publish in some Newspaper or newspapers printed in the town of Portsmouth, the amount of their stock, against what risques they mean to insure, and the largest sum they mean to take on any one risque.

Sect. 14. And be it further enacted, that the President and directors of said Company, shall, when and as often as required by the Legislature of this State, lay before them a statement of the

affairs of said Company, and submit to an examination concerning the same under oath.

Sect. 15. And be it further enacted, that subscriptions for shares in the stock of said Company shall be made under the direction of the said Charles Cutts, and as soon as subscriptions shall be made for eight hundred shares, he the said Charles Cutts, or any one or more of the persons who shall have subscribed, may notify a meeting of the subscribers, at some place in Portsmouth by advertising the same two weeks successively in some newspaper printed in said Portsmouth. At which meeting the said subscribers may by ballot, having reference to the number of shares by each respectively subscribed for, elect their first Board of directors, who shall continue in office until the first Monday of June next, after such meeting, and until others shall be chosen in their stead.—

### [CHAPTER 24.]

*State of*            }  
*New Hampshire.* }

#### AN ACT TO INCORPORATE A COMPANY BY THE NAME OF THE CORNISH MANUFACTURING CORPORATION—

[Approved June 19, 1810. Original Acts, vol. 20, p. 135; recorded Acts, vol. 18, p. 358.]

Sect<sup>t</sup> 1. Be it enacted by the Senate and House of Representatives in General Court convened That Samuel Comings, Leonard Comings, Eben Comings, Ebenezer Fletcher Junior, Samuel Hildreth, Ithamar Chase, Bela Chase, Sherman Comings, Moody Hall, Lemuel Tracy and Abel Jackson and their Associates successors and assigns shall be and they hereby are created a corporation and body politic by the name and stile of the Cornish Manufacturing Corporation and by that name may sue and be sued, plead and be impleaded, answer or be answered unto, defend and be defended, to final Judgement and execution and also may make have and use a common seal and the same at pleasure break alter and renew—

Sect<sup>t</sup> 2. And be it further enacted, that the said corporation shall have power and hereby are Authorized to carry on the manufacturing at Cornish of Cotton Woolen and Linen and the business necessarily connected therewith, and may erect any dam mill or mills, works or buildings necessary for the carrying on this useful manufacture and the business connected therewith.

Sect<sup>t</sup> 3. And be it further enacted, that the said Corporation, may be lawfully Seized and possessed of such real and personal estate as may be necessary and convenient for establishing and carrying on said manufactory and the business therewith connected and the same may sell bargain and dispose of at pleasure, Provided that such real estate shall not exceed in value the sum of ten thou-

sand dollars and such personal estate shall not exceed in value the sum of forty thousand dollars—

Sec<sup>t</sup> 4. And be it further enacted, that the persons above named or any two of them, may by an advertisement in any public news paper printed in the County of Cheshire call a meeting of said Corporation, to be holden in Cornish at any suitable time and place after twenty days from the first publication of said advertisement, and the members of said Corporation by the vote of the majority of those present or represented at said meeting (in all cases accounting and allowing a vote to each single share, provided no member of said corporation be allowed more than eight votes) shall choose a clerk who shall be sworn by a Justice of the peace for the County of Cheshire to the faithful performance of his duty, a Treasurer and such other officers as may appear necessary for the management of the business and concerns of said Corporation and shall agree on the manner of Calling future meetings; and at the same or any subsequent meeting may make and establish any rules and regulations for regulating the said Corporation, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceedeing twelve dollars for any breach thereof, Provided such rules and regulations are not repugnant to the Laws and constitution of this State, and all agents or proxies at any meeting shall be authorized in writing signed by the persons by whom they are appointed, which shall be filed and recorded by the Clerk—

Sec<sup>t</sup> 5. And be it further enacted, that the property of said Corporation, shall be and hereby is divided into one hundred shares and shall be numbered in progressive order begining at number one, and every Original number shall have a certificate under the seal of said Corporation and signed by the Treasurer Certifying his property in such share as shall be expressed in said Certificate—

Sec<sup>t</sup> 6. And be it further enacted, that any share may be alienated by the proprietor thereof his executors or administrators by a deed under the hand and seal of him or them acknowledged before some Justice of the Peace and recorded by the Clerk in a book to be kept for that purpose and any purchaser named in such deed so recorded shall on producing the same to the Treasurer and delivering up to him the former Certificate be entitled to a new certificate executed in form aforesaid, Certifying the property in such share to be in such purchaser—

Sec<sup>t</sup> 7. And be it further enacted, that whenever any member of said Corporation shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the said Corporation to their Treasurer within thirty days after the time sat for the payment thereof the Treasurer of said Corporation is hereby Authorised to sell at public vendue, the Share or shares of such delinquent member, one or more as shall be necessary and sufficient to pay such taxes and necessary incidental Charges after duly notifying in one

or more public news papers printed in the County of Cheshire and in such other way as the Corporation may direct, the sum due on such shares and the time and place of sale at least thirty days previous to the time of sale and such sale shall be a sufficient transfer of such share or shares so sold to the person purchasing the same, and on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation the name of such purchaser with the number of shares sold shall be by the Clerk entered on the books of said Corporation and such person shall be considered to all intents and purposes the proprietor thereof, and the overplus if any there be shall be paid on demand by the Treasurer to the person whose share or shares were sold—

Sec<sup>t</sup> 8. And be it further enacted, that when execution shall issue on any judgment recovered against said corporation and the same shall be returned not satisfied, the Original plaintiff in the action wherein the said execution was awarded and issued, may sue out a writ of *sirefacias* from the court wherein the Judgment was entered on which the same execution was awarded and issued against such person or persons as are or were proprietors and members of said Corporation at the time such Judgment was rendered and may have execution against such person or persons or against the goods and estate of any deceased member of said corporation in the hands of his or their executors or administrators, with additional costs and damages—

Sec<sup>t</sup> 9. And be it further enacted, that this act shall be deemed and taken to be a public act and as such may be declared upon and given in evidence in any court of Law without specially pleading the same Provided always that the Legislature may from time to time hereafter upon due notice to said Corporation make such further provisions and regulations for the management of the business of such Corporation and the government thereof as they may Judge proper and expedient—

Sec<sup>t</sup> 10. And be it further enacted, that the capital stock actually employed in said factory, shall be exempt from taxation for the term of five years, next after the time said factory shall be commenced and put in actual operation provided it does not exceed in value the sum of twenty thousand dollars—



## [CHAPTER 25.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING A TAX OF TWO CENTS ON EACH ACRE OF LAND  
IN COVENTRY.

[Approved June 19, 1810. Original Acts, vol. 20, p. 136; recorded Acts, vol. 18, p. 364. Session Laws, June, 1810, p. 7.]

Be it enacted by the Senate and house of Representatives in General Court convened, that a tax of two cents per acre on all the Lands in Coventry, in the County of Grafton, be raised and laid out on the roads and bridges in said town, within one year from the passing of this act.

And be it further enacted, that William Coolidge Esquire, Samuel Jackson Junior and Daniel Davis be, and they hereby are appointed a committee to assess and appropriate the said sum of two cents per acre as aforesaid to the sole purpose of making & repairing the said roads and bridges therein according to the true intent and meaning of this act; and that they be vested with all the powers which authorize Selectmen to assess State taxes and collectors to collect the same, as far as is necessary to enable them to discharge the duties prescribed by this act; and said tax shall be collected in the same way and manner as State taxes on non residents are by law collected.—

And be it further enacted, that the said Committee, or a majority of them shall give public notice in the New Hampshire Gazette three weeks successively commencing on or before the first day of August next, of the assessments and leave granted to the resident and non resident owners of land in said town to work out said tax as is hereinafter provided.—

And be it further enacted, that the owners of land in said Coventry shall have the liberty of working out said tax on the roads aforesaid, under the direction of said Committee, whose duty it shall be to superintend the same, or appoint some suitable person for that purpose, for whose faithfulness therein said Committee shall be responsible, at the rate of eight cents per hour for an able bodied man finding his own tools and diet, and for ox work including chains, at the rate of eight cents per hour for each yoke of oxen, provided said labor shall be performed between the first day of September and the first day of November next.—

And be it further enacted, that if the owners of land so assessed shall neglect to pay the sum so assessed on their lands, in money and labor as aforesaid, the said Committee shall then proceed to collect of every such delinquent owner the sum so assessed on his lands, in the same way and manner as collectors of State taxes are

directed by law to do, and lay out the same on the said roads and bridges.

And be it further enacted that said Committee, or a majority of them, before they proceed to collect said tax, shall make and deliver their bond to the Clerk of the Court of Common pleas within and for the County of Grafton in the penal sum of eight hundred dollars, conditioned to the faithful performance of all the duties required of them by this act.

And be it further enacted that said Committee shall, within one year from the time of filing their bond, with the Clerk of the Court of Common pleas, as aforesaid, lay before the Justices of said Court a statement of their doings in the premises, and it shall be the duty of said Justices to require of said Committee evidence to show that the sums by them collected, in virtue of this act have been duly appropriated according to the true intent thereof.—

## [CHAPTER 26.]

*State of*                    }  
*New Hampshire.*        }

AN ACT AUTHORISING ISAAC SMITH TO REVIEW A CERTAIN ACTION OF TRESPASS, AT THE SUPERIOR COURT OF JUDICATURE TO BE HOLDEN AT EXETER IN & FOR THE COUNTY OF ROCKINGHAM, ON THE THIRD TUESDAY OF SEPTEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND, EIGHT HUNDRED & TEN—

[Approved June 19, 1810. Original Acts, vol. 20, p. 137; recorded Acts, vol. 18, p. 367. The act of December 11, 1804, *ante*, p. 336, is referred to in this act.]

Whereas Isaac Smith of Loudon in said County of Rockingham, hath petitioned the General Court, setting forth, that he commenced an action of Trespass before Michael M<sup>c</sup>Clary Esquire, against Samuel Piper, Eliphalet Wood & John Kenny, which action was tried by said M<sup>c</sup>Clary, at Epsom in said County, on the thirteenth day of May one thousand eight hundred & three, & appealed to the Superior Court of Judicature holden at Exeter in said County, on the third tuesday of September then next, and was then & there entered at said Court, & continued from Term to Term until February Term one thousand eight hundred & five, when the same was committed to a Jury who brought in their Verdict, that said Piper Wood & Kenny were not guilty, & Judgment was accordingly rendered against him for ninety four dollars & seventy cents cost of Courts, & afterwards, upon the discovery of further evidence in his behalf, & by the authority of an Act of the Legislature of said State, passed December the eleventh one thousand eight hundred & four entitled, “An Act making further provision for the administration of Justice” he reviewed said action & entered the same at the Supe-

rior Court of Judicature holden at Portsmouth in said County on the first tuesday of February one thousand eight hundred & eight & the same was continued from Term to Term 'till February Term one thousand eight hundred & nine, when said action was, by order of said Court dismissed, by reason, that the Legislature of said State, had, at their Session in November one thousand eight hundred & eight, repealed said Act authorising Reviews in such cases, without any saving clause enabling those who had Reviews pending by virtue of said Act, to prosecute the same to final Judgment & praying for relief in the premises

Therefore

Be it enacted by the Senate & House of Representatives in General Court convened, that the said Isaac Smith have liberty to enter anew at the Superior Court of Judicature to be holden at Exeter in & for the County of Rockingham aforesaid, on the third tuesday of September next, his said action of Review & prosecute the same to final Judgment & Execution & the said Superior Court, are hereby authorised, empowered & directed, to take cognizance of said action of Review, & to hear, try, & determine the same, in the same way & manner, as though said Act, authorising Reviews in such cases, had not been repealed—

And be it further enacted; that in the Review granted by this Act, the prevailing Party, shall be allowed all his legal costs in the former Review, mentioned in the Preamble to this Act, in the same manner as tho' said action of Review had not been dismissed as aforesaid—

And be it further enacted that said Piper, Wood & Kenny, be, each of them served with an attested copy of this Act, thirty days at least, before the third tuesday of September next, by leaving the same at their last & usual places of abode respectively—

## [CHAPTER 27.]

*State of* }  
*New Hampshire.* }

AN ACT GRANTING A TAX OF ONE AND AN HALF CENT ON EACH ACRE OF UNIMPROVED LAND IN THE TOWN OF BURTON.

[Approved June 19, 1810. Original Acts, vol. 20, p. 138; recorded Acts, vol. 18, p. 369. Session Laws, June, 1810, p. 10.]

Whereas Austin George and other Inhabitants of the Town of Burton, have petitioned the General Court, praying for a tax on all the unimproved lands in the Town of Burton, public lands excepted, for the purpose of building a Bridge across Swift River, so called, in said Burton, and opening a road to the Northwest part of said town, the prayer of which petition appearing reasonable;

Therefore,

Be it enacted by the Senate and House of Representatives in

General Court convened, that the Selectmen of the town of Burton for the time being be, and they hereby are empowered and authorized to assess a tax of one and an half cent on each and every acre of land in the town of Burton, public lands excepted, and to collect the same in the same way and manner as State and County taxes are now collected in this State.

And be it further enacted, that when said tax shall be collected, so much thereof as shall be necessary shall be applied in the building a Bridge across said Swift River, and opening a road to the Northwest part of the town of Burton aforesaid, and the residue, if any there be, shall be laid out in repairing the other roads in said Town of Burton, under the direction of Richard Odell Esquire.

And be it further enacted, that the Selectmen of said Burton shall make a list of the tax herein granted, and commit the same to the collector of said town of Burton by the first day of September next, and the said Collector of Burton shall lodge a copy of his said list of taxes in the office of the Deputy Secretary of this State, on or before the first day of October next, which copy of said list of taxes shall remain in said office until the first day of September, in the year of our Lord, one thousand eight hundred and Eleven. And public notice shall be given of this act, and of the said copy of said list of taxes being lodged in said office as aforesaid, by publishing this act, and notice of said copy being left, as above directed, in the New Hampshire Gazette, three weeks successively, next following the first day of October next.—

## [CHAPTER 28.]

*State of* }  
*New Hampshire.* }

### AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE "PORTSMOUTH LIVERY COMPANY."

[Approved June 19, 1810. Original Acts, vol. 20, p. 139; recorded Acts, vol. 18, p. 372. See additional act of June 17, 1820, id., vol. 21, p. 436.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, that Stephen Pearse, Daniel Brown, John P. Lord and John B. Sewall, together with all others who shall become members thereof, be, and they hereby are made and erected into a body corporate and politic, by the name of the "Portsmouth Livery Company," and shall so continue for the space of ten years, from the passing of this act; and by that name shall sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any Court of record, or other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at pleasure: and also to ordain,



establish and put in execution, such bye laws, rules and regulations as to them shall appear necessary and convenient for the prudent management of their affairs. Provided such bye laws, rules and regulations shall in no wise be contrary to the laws and constitution of this State.

Section 2. And be it further enacted that the said corporation is hereby made capable of having, purchasing and holding in fee simple, or any less estate by gift, grant, devise or otherwise, any lands, tenements, or other real estate, and also to sell and dispose of the same. Provided such real estate shall at no time exceed the sum of twelve thousand dollars.—

Section 3. And be it further enacted, that Stephen Pearse, Daniel Brown, John B. Sewall, and John P. Lord, or any two of them, be, and hereby are authorized to fix the time and place at which the first meeting of said society shall be holden, by publishing the same in one of the Portsmouth papers three weeks successively—

### [CHAPTER 29.]

*State of*            )  
*New Hampshire.*  )

#### AN ACT TO INCORPORATE ISRAEL ALDRICH AND OTHERS BY THE NAME OF THE PEMBROKE COTTON FACTORY—

[Approved June 19, 1810. Original Acts, vol. 20, p. 140; recorded Acts, vol. 18, p. 373. See act of June 29, 1821, id., vol. 22, p. 83.]

Section 1<sup>st</sup> Be it enacted by the Senate and House of Representatives in General Court convened, that Israel Aldrich, Asa Robinson, Samuel Cofran, Willis A Thompson, Christopher Osgood, Edward Fuller and their associates and successors be and they hereby are incorporated and made a body politic forever by the name of the Pembroke Cotton Factory, and in that name may sue and be sued, prosecute and be prosecuted, defend and be defended to final Judgement and execution; and shall be and hereby are vested with all the privileges and powers which by law are incident to corporations of a similar nature; and also may have and use a common seal, which they may break, alter and renew at Pleasure

Section 2<sup>d</sup> And be it further enacted, that the said Company shall have power and hereby is authorised to carry on the manufacturing of Cotton and woolen Yarn and cotton and woolen cloth in Pembroke and the business necessarily connected therewith; and may erect any dam, mill or mills, building or buildings necessary for the carrying on this usefull manufactory, and the business necessarily connected therewith—

Section 3<sup>d</sup> And be it further enacted that the said Company may be lawfully seized and possessed of such real and personal estate as

may be necessary and convenient for establishing and carrying on said manufactory and the business therewith connected, and the same may sell and dispose of at Pleasure; Provided such real estate shall not exceed in value the sum of fifteen thousand dollars, and such Personal estate shall not exceed in value the sum of forty thousand dollars—

Section 4<sup>th</sup> And be it further enacted that the said Israel Aldrich and Asa Robinson or either of them may call the first meeting of said Company to be holden at any suitable time and Place in said Pembroke by advertising the same in the New Hampshire Patriot twenty days previous to said meeting, and the members of said Company by a vote of the majority of those present or represented at said meeting in all cases counting and allowing one vote to one share, two votes to two shares, two votes to three shares, three votes to four shares, four votes to five shares, six votes to seven shares and eight votes to ten shares, shall choose a Clerk who shall be sworn by a Justice of the Peace to the faithfull Performance of his duty, a treasurer, a President and such other Officers as may appear necessary for the management of the business and concerns of said company; and shall agree on the manner of calling future meetings, and at the same or any subsequent meeting make and establish any rules and regulations for regulating said Company, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties not exceeding twelve dollars for any one breach thereof, Provided such rules and regulations are not repugnant to the Constitution and laws of this State: And all agents and Proxies at any meeting shall be authorised in writing, signed by the Persons by whom they are appointed, which shall be filed and recorded by the Clerk, Provided no member of the Company shall be allowed more than eight votes—

Section 5<sup>th</sup> And be it further enacted, that the property of said Company shall be, and hereby is divided into Forty shares and shall be numbered in progressive order beginning at number one, and every original number thereof shall have a certificate under the seal of said Company and signed by the Treasurer, certifying his Property in such share as shall be expressed in said certificate—

Section 6<sup>th</sup> And be it further enacted, that any share or shares may be alienated by the Proprietor thereof, his Executor or administrator by a deed under the hand and seal of him or them acknowledged before some Justice of Peace and recorded by the Clerk in a book kept for that Purpose, and any Purchaser named in such deed so recorded shall on producing the same to the Treasurer and delivering up to him the former certificate be entitled to a new certificate, executed in the form aforesaid, certifying the Property in such share or shares to be in such Purchaser—

Section 7<sup>th</sup> And be it further enacted that whenever any member of said Company shall neglect or refuse to pay any tax or assess-

ment duly voted by said Company to their Treasurer within thirty days after the time limited for the Payment thereof the Treasurer of said Company is hereby authorized to sell at Public Auction the share or shares of such delinquent Member, One or More as shall be necessary and sufficient to pay such taxes and necessary incidental charges, after duly notifying in one of the Newspapers printed in Concord in the County of Rockingham and in such other way as the Company may direct, the sum due on such shares, and the time and place of sale, at least thirty days Previous to the time of sale, and such sale shall be a sufficient transfer of such share or shares so sold to the Person Purchasing the same, and on Producing a certificate of such sale from the Treasurer to the Clerk of said Company, the name of such purchaser with the number of shares sold, shall be by the Clerk entered on the Books of said Company, and such person shall be considered to all intents and Purposes the Proprietor thereof, and the overplus if any there be shall be paid on demand, by the Treasurer to the Person whose share or shares were thus sold—

Section 8<sup>th</sup> And be it further enacted, that when Execution shall issue on any Judgement recovered against said Company, and shall be returned not satisfied the original Plaintiff in the action wherein the Execution was awarded and issued, may sue out a writ of scire-facias from the Court wherein the Judgement was entered, on which the same execution was awarded and issued against such person or Persons as are or were Proprietors and Members of said Company at the time such Judgement was rendered, and may have Execution against his or their goods and estate, or against the goods and estate of any such deceased Member of said Company, in the hands of his or their Executors or administrators with additional costs and damages.—

Section 9<sup>th</sup> And be it further enacted that this act shall be deemed and taken to be a public Act, and as such may be declared upon and given in evidence in any Court of law without specially pleading the same: Provided always that the Legislature may from time to time hereafter, upon due notice to said Company make such further Provision and regulation for the Management of the business of said Company and the government thereof as they may think Proper—

Section 10<sup>th</sup> And be it further enacted, that the Capital stock actually employed in said manufactory shall be exempt from taxation for the term of five years after the same shall go into operation; Provided it doth not exceed twenty thousand dollars—

## [CHAPTER 30.]

*State of* }  
*New Hampshire.* }

AN ACT. GRANTING TO ARTHUR LIVERMORE, HIS HEIRS AND ASSIGNS FOREVER THE EXCLUSIVE RIGHT TO BUILD AND KEEP A TOLL BRIDGE OVER THE RIVER BETWEEN THE TOWNS OF PLYMOUTH AND NEW HOLDERNESS IN THE COUNTY OF GRAFTON—

[Approved June 20, 1810. Original Acts, vol. 20, p. 141; recorded Acts, vol. 18, p. 379.]

Sect. 1.—Be it enacted by the Senate and House of Representatives in General Court convened, that there be granted to Arthur Livermore of New-Holdernss in the County of Grafton, his heirs and assigns forever the sole and exclusive right to build and keep a toll bridge over the river between the towns of Plymouth and New Holderness in the County of Grafton, above the mouth of spring brook, and below the south line of Campton; Provided the same be built within the term of three years—And Provided in case of its destruction at any time, it be rebuilt within two years after the time of its being destroyed, if not so rebuilt this act shall be null and void.

Sect. 2. And be it further enacted, that to compensate the owner or owners, of the bridge for building and keeping it in repair, he and they shall have a right to demand and receive of persons using the same the tolls herein after mentioned and to detain those who attempt to pass the bridge until they pay the same, that is to say, for each foot passenger one cent, for each horse and rider, three cents, for each chaise or sulkey, twelve and an half cents, for each carriage of pleasure or for passengers drawn by two horses, twenty five cents, and if drawn by more than two horses forty cents, for each sled or sleigh or carriage of burthen drawn by one beast, five cents if drawn by two beasts, six cents, if drawn by four beasts twelve cents and an half, and if drawn by more than four beasts, twenty five cents, for sheep and swine half a cent each, for other beasts not ridden or used in carriages one cent each, and a list of the tolls shall be kept in view near the toll gate.

Sect. 3.— And be it further enacted, that the proprietor or proprietors of said bridge shall keep an account of the income and expenditures of the same, and shall once in every five years hereafter exhibit such account to the Justices of the Court of Common Pleas for the County of Grafton, who may diminish the toll as they deem reasonable, Provided the net annual income shall exceed twelve per cent.

Sect. 4.—And be it further enacted, that the bridge with one half of an acre of land adjoining on each side of the river shall not be subject to taxation



## [CHAPTER 31.]

*State of* }  
*New Hampshire.* }

## AN ACT TO RESTORE AMOS SHEPARD ESQUIRE TO HIS LAW.

[Approved June 20, 1810. Original Acts, vol. 20, p. 142; recorded Acts, vol. 18, p. 381.]

Be it Enacted by the Senate and House of Representatives in General Court convened that the Judge of the Probate of wills & within and for the County of Cheshire, for the time being, Be, and he is hereby authorized and empowered (having first caused all persons concerned to be duly notified thereof) to reexamine the guardianship account of Samuel Mead, who was formerly guardian of John Crafts and Esther Crafts, Minors, children and heirs of John Crafts late of Walpole in said County of Cheshire deceased, and to hear the said Amos Shepard thereon, with his objections thereto in the same way and manner as if no decree had ever been made on the same; and upon such reexamination to make and pass such a decree relative to the adjustment, allowance & settlement of said account as Law and Justice shall require, granting to any person who may be aggrieved by such decree the liberty of claiming & prosecuting his appeal in the manner pointed out by the Statute in such case provided.

## [CHAPTER 32.]

*State of* }  
*New Hampshire.* }

## AN ACT ESTABLISHING THE TIMES AND PLACES FOR HOLDING THE SUPERIOR COURTS OF JUDICATURE AND COURTS OF COMMON PLEAS.

[Approved June 20, 1810. Original Acts, vol. 20, p. 143; recorded Acts, vol. 18, p. 382. Session Laws, June, 1810, p. 21. Repealed June 24, 1813, Laws, 1815 ed., p. 73.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Superior Court of Judicature for the County of Strafford shall be holden at Dover on the first Tuesdays of February, and September annually.—And the Superior Court of Judicature for the County of Rockingham shall be holden at Portsmouth on the third Tuesday of February, and at Exeter the third Tuesday of September annually. And the Superior Court of Judicature for the County of Hillsborough shall be holden at Hopkinton on the third Tuesday of April and at Amherst on the first Tuesday of October annually.—And the Superior Court of Judica-

ture for the County of Cheshire, shall be holden at Charlestown on the first tuesday of May, and at Keene on the third Tuesday of October annually.—And the Superior Court of Judicature for the County of Grafton shall be holden at Haverhill on the third Tuesday of May, and at Plymouth on the first Tuesday of November annually.—And the Superior Court of Judicature for the County of Coos shall be holden at Lancaster on the fourth Tuesday of May annually.—And the Court of Common Pleas for the County of Stafford shall be holden at Rochester on the first Tuesday of January, and at Gilmanton on the third Tuesday of August annually.—And the Court of Common Pleas for the County of Rockingham shall be holden at Pourtsmouth on the second Tuesday of January, and at Exeter on the second Tuesday of August annually.—And the Court of Common Pleas for the County of Hillsborough shall be holden at Amherst on the second Tuesday of February, and at Hopkinton on the first Tuesday of September annually.—And the Court of Common Pleas for the County of Cheshire shall be holden at Keene on the third Tuesday of March, and at Charleston on the second Tuesday of September annually.—And the Court of Common Pleas for the County of Grafton shall be holden at Haverhill on the last Tuesday of February and at Plymouth on the second Tuesday of September annually.—And the Court of Common Pleas for the County of Coos shall be holden at Lancaster on the first Tuesdays of January and July annually—

And be it further enacted, that all actions, pleas, indictments, informations, complaints, appeals, Petitions, libels, writs, venires, inquests, recognizances, verdicts and processes of what name or nature soever, now pending in said Courts respectively, or returnable to or sustainable by the same, shall be returned to, sustained by, tried, adjudged and finally determined in said several Courts respectively, to which they rightfully and properly appertain, at the times and places by this Act fixed for holding said Courts, it being the true intent and meaning of this Act not in any way to defeat any of the Processes commenced or pending as aforesaid—

And be it further enacted, that all laws now in force, for establishing the times and places for holding the Superior Courts of Judicature and Courts of Common Pleas, so far as respects the times and Places of holding the same, be and they hereby are repealed—

Provided that this Act shall not take effect until the first day of December next—

## [CHAPTER 33.]

*State of* }  
*New Hampshire.* }

AN ACT TO DISANNEX PHINEHAS DINSMORE, ISRAEL HULL AND JESSE HILL OF UNITY IN THE COUNTY OF CHESHIRE IN SAID STATE AND THEIR ESTATES FROM SAID UNITY AND TO ANNEX THE SAID PERSONS AND ESTATES TO THE TOWN OF CHARLESTOWN IN SAID COUNTY.—

[Approved June 20, 1810. Original Acts, vol. 20, p. 144; recorded Acts, vol. 18, p. 385. Session Laws, June, 1810, p. 26.]

Whereas the aforesaid Phinehas Dinsmore, Israel Hull and Jesse Hill have petitioned the General Court representing that their local situation is such that they are prevented enjoying the common, useful and important privileges of attending public Worship and public Schools— that they cannot go to the middle or any other part of said Unity without going into the town of Charlestown or the town of Acworth to the place of worship or to schools in said Unity, and praying that they may be disannexed from said town of Unity and annexed to the town of Charlestown which appearing resonable. Therefore,

Be it enacted by the Senate and House of Representatives in General Court convened that the said Phinehas Dinsmore, Israel Hull and Jesse Hill and the following described land be disannexed from the said town of Unity and annexed to the town of Charlestown which land is bounded as follows namely

Beginning at the Southwest corner of Unity and running East on the South line of said Unity two hundred and eighty rods, thence North thirty two degrees West one hundred and eighty rods, thence North one hundred and fourteen rods, thence North seventeen degrees West ninety two rods, then South eighty seven degrees West thirty eight rods, then North twelve degrees West one hundred and thirty six rods, then North eleven degrees East eighty rods, then North ten degrees West one hundred and twenty rods to maple tree on the South bank of Little Sugar-river, thence down on the South bank of said river till it strikes Charlestown line, then Southerly on Charlestown line to the bound began at said lines include the land lying West of Perry's mountain.

And be it further enacted that the inhabitants who now reside or shall here after reside within the aforesaid bounds shall hereafter be considered as belonging to the said town of Charlestown as fully as though the same were comprehended in the original Charter of Charlestown aforesaid

Provided always that nothing in this act contained shall in any way or manner release the inhabitants living on the aforesaid land

from paying their proportion of all debts now due from said town of Unity or any taxes now assessed on them as inhabitants of said Unity; but the same may be recovered levied and collected as if this Act had not been passed.

[CHAPTER 34.]

*State of*                    }  
*New Hampshire.*        }

AN ACT FOR THE DIVISION OF THE TOWN OF CHARLESTOWN INTO PARISHES—

[Approved June 20, 1810. Original Acts, vol. 20, p. 145; recorded Acts, vol. 18, p. 387.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the town of Charlestown in the County of Cheshire, be, and the said town hereby is, divided by a direct line running from the Northwest corner of the town of Acworth to Connecticut river, at the North side of Cheshire Bridge, as it now stands, into two Parishes for the purposes hereinafter mentioned,—

And be it further enacted that the inhabitants who now do or shall hereafter reside in said Charlestown, and South of said divisional line, be, and they hereby are incorporated into, and made a body politic and corporate by the name of “the South Parish in Charlestown,” and the inhabitants who now do or shall hereafter reside in said Charlestown, and north of said divisional line, be, and they hereby are incorporated into and made a body politic and corporate by the name of “the North Parish in Charlestown”; that each of said parishes by its name aforesaid, may, in any court, sue and be sued, plead & be impleaded, have a common seal and break or alter the same at pleasure, and be vested with all the powers privileges and immunities incident to corporations of a similar nature.

And be it further enacted, that each of said parishes by a major vote, the qualifications of voters being at all times regulated by the Constitution of this State may from time to time raise such sum or sums of money as they shall judge necessary and proper for the purpose of establishing and supporting the preaching of the gospel, and for building and repairing an House of public worship in such parish, and cause each inhabitant of such parish, excepting such persons as may be exempted therefrom by the provisions of the Constitution of this State, to be assessed with and to pay his or her equal proportion of each and every sum so raised according to his or her poll and rateable estate.—

And be it further enacted, that each of said parishes by its name



aforesaid shall be and the same hereby is made capable in law to purchase take, receive and hold, for the purposes aforesaid, and none other, any estate real or personal, not exceeding in value eight thousand dollars.—

And be it further enacted, that, any person residing within the limits of either of said parishes shall have, and hereby has full liberty to become a member of, and to pay his or her parochial and ministerial tax or taxes, to the other parish, by making application for that purpose, in writing, to the Clerk of the parish to which he or she shall wish to belong, and by causing such application to be recorded by said Clerk in the records of said parish, and by causing a copy of such record to be also recorded by the Clerk, in the records of the parish, in which he or she may reside; and in case there should be no parish Clerk, within the parish in which any person or persons may wish to pay their parochial, or ministerial taxes, such persons shall have the liberty of becoming members of said parish, by lodging their application with the town Clerk of the said town of Charlestown, and causing the same to be recorded upon the book of records of said town, which proceedings shall have effect on and from the last Tuesday of March next, after the time when the same shall be completed in manner aforesaid and not before; and the persons so making application, shall be entitled to the same privileges and be subject to the payment of taxes, in the same way and manner, as tho' they actually resided within the limits of the parish of which they shall have become members.

And be it further enacted, that Timothy Holden and Nathan Allen or either of them, both of the North Parish in Charlestown, and Abel Walker and Timothy West, or either of them, both of the South parish in said Charlestown be, and are hereby authorized to call meetings of the "North Parish in Charlestown" and the "South Parish in Charlestown" incorporated by this act, by notifications to be signed by both or either of the persons before named in said North Parish, and in said South Parish, one of which said notifications shall be posted up at each of the respective meeting houses in said north parish, and said South parish, three successive sabbath or public days prior to said meeting; and at the said meetings the said Corporations may elect such officers, and make and establish such rules and by laws as to them shall appear necessary and convenient and annex penalties to the breach thereof and cause the same to be executed; provided said rules and by laws be not repugnant to the laws and constitution of the State; and at said meeting or any other meetings of said Parishes, they may agree upon methods of calling future meetings for the choice of officers, and any other purposes contemplated by this act.—

## [CHAPTER 35.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT RESPECTING IDLE  
 PERSONS PASSED DECEMBER 24, 1805

[Approved June 21, 1810. Original Acts, vol. 20, p. 146; recorded Acts, vol. 18, p. 391. Session Laws, June, 1810, p. 15. Laws, 1815 ed., p. 230. See act referred to, *ante*, p. 447. See also acts of February 9, 1791, Laws of New Hampshire, vol. 5, p. 633, February 15, 1791, *id.*, p. 691, and June 27, 1809, *ante*, p. 836. Repealed by act of July 2, 1822, Laws, 1824, ed., p. 171.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the Justices of the Superior Court of Judicature of this State, be, and they hereby are authorized to empower the guardian or guardians of any person or persons, appointed under and by virtue of the act to which this is an addition, to sell and convey the real estate of his or their ward or wards for the same purposes, and in the same way and manner as the Justices of said court may now empower guardians to sell and convey the real estate of their wards by virtue of an act entitled "An act to authorize the Superior Court to empower guardians to sell the real estate of their wards passed December 24, 1795.

And be it further enacted that in all cases where guardians shall dispose of the real estate of their wards by virtue of a licence from the Justices of the Superior Court by virtue of this act the same shall be sold at public auction, giving such public notice of the time and place of said sale as the Justices of said Court shall direct.

## [CHAPTER 36.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT "TO INCORPORATE SAMUEL BLODGET ESQ<sup>R</sup> AND OTHERS HIS ASSOCIATES WITH THE EXCLUSIVE RIGHT AND PRIVILEGE, OF CUTTING A CANAL BY AMOSKEIG FALLS ON MERRIMACK RIVER AND LOCKING THE SAME—PASSED DEC<sup>R</sup> 20<sup>TH</sup> 1798—

[Approved June 21, 1810. Original Acts, vol. 20, p. 147; recorded Acts, vol. 18, p. 393. The act referred to is printed in Laws of New Hampshire, vol. 6, p. 524.]

Whereas the proprietors of Blodgets Canal, have in their petition, set forth, that heavy expenditures become necessary to put the Canal, Locks, and Dams, in a state of repair; and to render the works more permanently & completely useful to the public—

Be it enacted, that so much of the said act of incorporation as contains a provision, that the rates of toll, shall be subject to the direction of the Legislature, after thirty years from the date thereof, be & hereby is repealed.

Be it further enacted, that at the expiration of thirty years, from the date of this act, and afterwards at the expiration of every ten years, the Justices of the Superior Court, of Judicature shall have authority, to regulate the rates of toll on said Canal, in such manner as that the proprietors shall receive dividends of not more than twelve nor less than nine Per Cent Per Annum on their expenditures:

Be it further enacted that in order to preserve the said Canal, open at all times, for the passage of boats & rafts of all descriptions, the said proprietors shall have power, to make such regulations & bye Laws as may be necessary to this end, provided the same be not repugnant to the Constitution & Laws of this State and may sue for breach thereof, impose & recover a fine or forfeiture, of five dollars before any Court proper to try the same—

## [CHAPTER 37.]

*State of* }  
*New Hampshire.* }

AN ACT FOR ESTABLISHING A PUBLIC ROAD OR HIGHWAY FROM CONNECTICUT RIVER, THROUGH COLEBROOKE, TOWNSHIP NUMBERED TWO, MILLSFIELD, ERROL AND CAMBRIDGE TO THE EASTERLY LINE OF THE STATE, AND FOR ASSESSING A TAX ON A PART OF SAID TOWNSHIPS FOR THE PURPOSE OF MAKING AND REPAIRING SAID ROAD.—

[Approved June 21, 1810. Original Acts, vol. 20, p. 148; recorded Acts, vol. 18, p. 395. Session Laws, June, 1810, p. 11. See act of June 15, 1811, recorded Acts, vol. 19, p. 20.]

Whereas a road was opened in the year 1804 to pass as aforesaid, and connect with a road in the District of Maine, in order to facilitate the travel to the eastern markets, and whereas Samuel Holkins Joseph Loomis and others have petitioned the General Court to lay a tax on the Townships of Colebrooke, Millsfield, Errol and Cambridge for the purpose of making said road passable for Carriages; and whereas it appears that said road hath not been legally established, Therefore,

Sec. 1<sup>st</sup> Be it enacted, by the Senate and House of Representatives in General Court convened, that Jeremiah Eames J<sup>r</sup> James Hugh and David Swett, be a Committee, authorised and empowered to survey said road, make any such alterations in the present rout thereof, as they Judge necessary, award such damages to the proprietors of the lands through which the same shall pass as they may Judge reasonable, and fix and establish the same as a public high-

way Provided, that the said petition's or some other person or persons, shall first make to said Committee sufficient provisions for indemnifying them for their services, and for paying all damages that shall be so awarded to the said proprietors of said lands.—

Sec. 2<sup>nd</sup> And be it further enacted, that said Committee be and they hereby are authorised and empowered to assess a tax of three cents on each Acre of land in Colebrooke; one half cent on each acre of land in Millsfield; and two cents on each acre of land in Errol (public rights in each case excepted) to be by them collected, laid out and expended in making and repairing said road as the same shall be by them so established; said road at Connecticut river is forked, or hath two branches, the one commences near James Hugh's the other near Judge Loomis' and intersect near the Hill-settlements (so called) in Colebrooke, each of said branches shall receive its Just proportion of said tax on Colebrooke, and the whole shall be collected in the same way and manner as State taxes assessed on Nonresident proprietors by law are collected.

Sec. 3<sup>rd</sup> And be it further enacted, that it shall be the duty of the said Committee immediately after the assessment of said taxes, (which shall not be until said road is established as aforesaid) to transmit to the office of the Deputy Secretary a list of said taxes, and the said Deputy Secretary is hereby authorized to receive the whole or any part thereof from any person or persons who will pay the same, and the said Deputy secretary shall give a receipt to any person or persons so paying which shall be a discharge for so much of said taxes; and said Deputy Secretary shall pay over all such monies by him received to the said Committee or their order; And said Committee shall (after having established said road, assessed said taxes, and transmitted a copy as aforesaid) give public notice of the assessment of said taxes, of their being so left with said Deputy secretary, and of the leave hereinafter granted to the resident and nonresident owners to work out said taxes which notice shall be by publication three weeks successively in the New Hampshire Gazette and Newspaper printed in Hanover, and said list shall remain with the said Deputy Secretary three months from the first publication of said notice.—

Sec. 4<sup>th</sup> And be it further enacted, that the said owners of land in the said Townships of Colebrooke, Millsfield and Errol whether residents or Nonresidents shall have the liberty of working out the said taxes on the said road, as the said committee shall direct; and it shall be the duty of the said Committee to superintend the same or appoint some suitable person or persons for that purpose; and there shall be allowed for the labour so done at the rate of eight cents p<sup>r</sup> hour for every able bodied man finding his own diet and tools, and for Ox work, at the same price per yoke; provided that said labor be offered at any time between the first day of September and the first day of November A Domini 1810. and if the said taxes are not duly paid, or worked out as aforesaid by the said first



day of November 1810, then the said Committee shall proceed in collecting the same in the same way and manner as Collectors of State and County taxes are by Law directed to do.—

Sec. 5<sup>th</sup> And be it further enacted, that when any lands are sold at public auction by virtue of this act, the aforesaid Committee are hereby empowered to give a good and valid deed of the same, and the same time shall be allowed for redeeming as in the case of lands sold for the Nonpayment of State taxes: provided, that no deed shall be executed until one year after the sale.

Sec. 6<sup>th</sup> And be it further enacted, that said Committee shall give bonds to the Clerk of the Court of Common pleas for the County of Coos, in the penalty of Three Thousand dollars, conditioned for their faithfully appropriating all monies by them so collected, and for rendering to the Justices of said Court of Common pleas an account of all their doings and of all charges by them made and allowed, within two years from the time of their first advertizing as aforesaid; And it shall be the duty of the said Judges to require of said committee, evidence that said monies have been faithfully appropriated, according to the true intentions of this act; and said Bonds may be sued and recovered in any Court, competent to try the same; and it shall be the duty of the said Clerk (in case the conditions of said Bond are not comply'd with and fullfill'd) to prosecute the same, and all monies so recovered (except a reasonable sum for his cost and trouble, to be adjudged by said Justices) shall be applyed on said road in repairing the same, by an agent or agents to be appointed by said Justices, who shall also be accountable to said Justices for all their doings—

Sec. 7<sup>th</sup> And be it further enacted, that the taxes assessed and collected by virtue of this act shall be appropriated in the several towns wherein the same be assessed and collected respectively.

## [CHAPTER 38.]

*State of*                    }  
*New Hampshire.*        }

### AN ACT TO PREVENT PERSONS FROM DIGGING UP THE BODIES OF DEAD PEOPLE.—

[Approved June 22, 1810. Original Acts, vol. 20, p. 149; recorded Acts, vol. 18, p. 400. Session Laws, June, 1810, p. 16. Laws, 1815 ed., p. 339; id., 1830 ed., p. 161. This act repeals the act of June 16, 1796, Laws of New Hampshire, vol. 6, p. 334. See acts of July 2, 1825, Laws, 1830 ed., p. 162, and July 5, 1834, Session Laws, 1830-36, p. 168. Repealed by act of December 23, 1842. See Revised Statutes (1842), Chap. 230.]

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that if any person or persons shall enter any church yard, or any public or private burying place, or any place where persons are buried in this State, and there dig up, or

attempt to dig up or carry away any human body, or the remains thereof, or shall directly or indirectly be aiding or assisting therein, shall, for every such offence, on conviction thereof before the justices of the Superior Court, be fined a sum not exceeding two thousand dollars, be publicly whipped not exceeding thirty nine stripes, or be imprisoned not exceeding two years, one or all the foregoing punishments as the Court before whom the conviction may be, considering the nature and aggravation of the offence may order.

Sect. 2. And be it further enacted, That if the body of any deceased person, which may hereafter be dug up or carried away from any church yard or any other public or private burying place whatever, in this State, or which may hereafter be dug up, or carried away from any church yard, or public or private burying place in any other State of the United States, which may have laws in force prohibiting the digging up and carrying away of human bodies from such church yards, or burying places, shall be found deposited in any house, out house, or in any room or apartment of any building erected, or which may hereafter be erected in this State, either for public or private use, the person or persons occupying or using such dwelling house, out house, room or apartment of such building, where such body may be found deposited, knowing such body to be there deposited, shall, on conviction thereof, before the Court aforesaid be fined a sum not exceeding two thousand dollars, be publicly whipped not exceeding thirty nine stripes, or be imprisoned not exceeding two years, as the said Court may in their discretion order.

Provided nevertheless, that this act shall not extend to any person or persons who may have a licence from any justice of the peace in the County where such person is buried, authorizing him or them to dig up such dead body, when complaints are made, and suspicions are entertained, that the deceased came to his or her death by some unlawful mean; or to any relation or friend of the deceased wishing to remove the said body to some other ground, or to any person or persons taking up the body of any criminal, or having the body of a criminal in the dwelling house, outhouse, room or apartment of any building erected or which may be erected either for public or private use, by him or them occupied or used, he or they having purchased the said body of said criminal for the purpose of dissection having a certificate therefor from a Justice of the peace in such County;—nor shall this act be construed to extend to prohibit any town or place in this State from removing the dead from one burying ground or place to another where provision therefor is made by vote of said town or place.—

Sect. 3. And be it further enacted that all fines arising by this act shall belong one moiety thereof to the use and benefit of the prosecutor, and the other moiety thereof to the use of the County wherein such prosecution may be had.

Sect. 4. And be it further enacted, that an act entitled "An act to prevent persons from digging up the bodies of dead people," passed by the Legislature of this State and approved June 16. 1796, be, and the same is hereby repealed. Provided nevertheless that no prosecution or indictment commenced or pending under and by virtue of said act, shall be affected by the repeal thereof.

## [CHAPTER 39.]

*State of* }  
*New Hampshire.* }

AN ACT AUTHORIZING AND EMPOWERING JUSTICES OF THE PEACE TO HEAR, TRY & DETERMINE CIVIL CAUSES AND TO REPEAL CERTAIN ACTS AND CERTAIN CLAUSES OF AN ACT THEREIN MENTIONED.—

[Approved June 22, 1810. Original Acts, vol. 20, p. 150; recorded Acts, vol. 18, p. 403. Session Laws, June, 1810, p. 18. Laws, 1815 ed., p. 65.]

Be it enacted by the Senate and House of Representatives in General Court convened, that every Justice of the peace within his County, be, and hereby is authorized and empowered to hear, try and determine all pleas and actions (except such wherein the title of real estate may be drawn in question) when the sum demanded in damages does not exceed thirteen dollars and thirty three cents, notwithstanding the note, account or other contract might originally have exceeded that sum, and to give judgment therein. And either party aggrieved, at the judgment given by any justice of the peace in any civil cause may appeal therefrom to the next court of Common pleas to be holden in the same County provided the appeal be claimed within two hours after judgment is rendered and entered.—

And be it further enacted, that when an action of trespass shall be brought before any justice of the peace, and the defendant shall plead the general issue he shall not be allowed to offer any evidence that may bring the title of real estate in question. And when in any such action the defendant shall plead a special plea, whereby the title of real estate shall be drawn in question, the justice shall record such plea, and no further proceedings shall be had thereon before the justice, and the plaintiff may carry an attested copy of the writ, declaration, plea and all other papers filed in the same cause, to the next Court of Common pleas to be holden in the same County; and is hereby authorized and empowered to enter in said Court his said action, and prosecute the same to final judgment, as in cases originally commenced at said Court of Common pleas; and the Justices of said Court are hereby empowered to take cognizance of said action, and the defendant shall be holden by his said plea, and the proceedings subsequent thereto shall be the same as tho' the action had been commenced and prosecuted so far, at said Court. And in case the plaintiff shall not enter said action at said Court,

upon complaint made by the defendant, the Justices of said Court shall allow him his full costs, both before the justice and at said Court. Provided that in case the Plaintiff shall immediately, on the defendant's plea being filed before the justice, as aforesaid, pray leave to become non suit, that liberty shall be granted him by the said justice, and costs shall be taxed for the defendant.

And be it further enacted, that all writs issuing from justices of the peace shall be served fourteen days before the time of trial, and before they are served, be indorsed by the plaintiff or his attorney, if living within this State, otherwise by some responsible person living therein, and the indorser shall, in case the defendant recover cost, be holden and liable for said Cost in the same way and manner as indorsers of writs returnable to the courts of Common pleas by law now are. And any justices of the peace may upon application issue scire facias in due form of law against such indorser for said cost.

And be it further enacted, that no action shall be commenced at any court of common pleas in this State, except where title of real estate is in question, wherein the sum demanded in damages shall not exceed the Sum of thirteen dollars and thirty three cents.

And be it further enacted, that the defendant in any cause triable before a justice of the peace, may give any special matter in evidence under the general issue excepting such as may bring the title of real estate in question.—

And be it further enacted, that the same mode with respect to bail on mesne process, and taking bond upon execution for the liberty of the prison yard shall be observed upon writs and executions issuing from Justices of the peace, as the laws now in force point out with respect to bail on mesne process returnable to, and taking bond on Execution issuing from the Courts of Common pleas. Provided that nothing in this act contained shall be construed to affect an act of this State, entitled "An Act in addition to an act regulating bail in civil causes," made and passed December 15. 1797.

And be it further enacted that any constable to whom any writ or other legal precept may be directed by virtue of this act, be, and hereby is, fully empowered and directed to serve and return the same according to law.

And be it further enacted, that the first and second sections of an act, entitled "an act for establishing Courts of law for the administration of justice within this State, and designating their powers, and regulating their proceedings in certain cases" also an act entitled "An act to enlarge the civil Jurisdiction of Justices of the peace within this State, and directing constables in certain cases to serve writs and other legal precepts" also an act entitled "An act in addition to and also to make perpetual, an act to enlarge the jurisdiction of Justices of the peace within this State, and directing



constables to serve writs, and other lawful precepts passed February 21, 1794; also an act, entitled, "an act to make special pleading in causes triable before Justices of the Peace unnecessary," be, and the same are hereby repealed, provided that no action now pending shall be affected hereby.

And be it further enacted, that this act shall not take effect until the first day of January next.—

## [CHAPTER 40.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO, AND AMENDMENT OF AN ACT ENTITLED AN ACT, ALLOWING A CERTAIN PREMIUM FOR KILLING WILD-CATS MADE AND PASSED JUNE 27<sup>TH</sup> 1809—

[Approved June 22, 1810. Original Acts, vol. 20, p. 151; recorded Acts, vol. 18, p. 408. Session Laws, June, 1810, p. 18. Laws, 1815 ed., p. 418. See the act referred to, *ante*, p. 836. Repealed by the act of July 4, 1829, Laws, 1830 ed., p. 211.]

Be it enacted by the Senate and House of Representatives in General Court convened that after the passing of this act no bounty shall be paid to any person for killing any Wild Cat excepting it be of that species of wild cats designated and known by the name of the Siberian Lynx, or great grey wild cat—

## [CHAPTER 41.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO INCORPORATE THE PROPRIETORS OF FIFTH NEW HAMPSHIRE TURNPIKE CORPORATION.

[Approved June 25, 1810. Original Acts, vol. 21, p. 1; recorded Acts, vol. 18, p. 409. Session Laws, June, 1810, p. 14. See acts of June 17, 1802, *ante*, p. 83, and June 17, 1806, *ante*, p. 514.]

Whereas the proprietors of the Fifth New Hampshire Turnpike Corporation, by their Agent, have petitioned the General Court representing that they have laid out a road from Piscataqua bridge to Meredith bridge, a distance of about forty miles,—that they have cut and cleared out the road through several towns,—that they have expended large sums of money thereon,—and that the time in which the said proprietors were allowed to make said road has nearly expired—and praying that they may be allowed a further time of five years from the first day of December next to make and complete said road;—and also that when ten miles of said road shall

be made and compleated they may be authorized to erect a gate and collect and receive toll.

Therefore,—Be it enacted by the Senate and House of Representatives in General Court convened, that the proprietors of the said Fifth New Hampshire Turnpike Corporation, be, and they hereby are allowed a further time of five years from and after the first day of December next, in addition to the time limited in the Act of their incorporation, to complete said Turnpike road, anything in the aforesaid Act to which this is an addition to the contrary notwithstanding.

And be it further enacted that when ten miles of said Turnpike road shall be compleated, to the acceptance of the Justices of the Court of Common Pleas within and for the County of Strafford, the proprietors of said road shall have liberty to erect a gate upon or across said road, and to receive from all persons using said road the same proportion of toll for the said ten miles of said turnpike road, as by the aforesaid act of incorporation they were empowered to receive whenever the whole of said road should be completed

#### [CHAPTER 42.]

*State of*            }  
*New Hampshire.* }

AN ACT AUTHORIZING JOHN TIBBETS TO ASSUME AND BEAR THE NAME OF JOHN GERRISH TIBBETS

[Approved June 25, 1810. Original Acts, vol. 21, p. 2; recorded Acts, vol. 18, p. 413.]

Be it enacted by the Senate and House of Representatives in General Court convened, That John Tibbets of Dover, in the County of Strafford in said State, be, and he hereby is authorized to assume and bear the name of John Gerrish Tibbets, and by that name forever hereafter to be called and known, in all matters whatsoever.

#### [CHAPTER 43.]

*State of*            }  
*New Hampshire.* }

AN ACT TO ALTER THE TIME OF HOLDING THE ANNUAL MEETING OF THE PROPRIETORS OF DUNBARTON SOCIAL LIBRARY—

[Approved June 26, 1810. Original Acts, vol. 21, p. 3; recorded Acts, vol. 18, p. 319. See act of December 7, 1798, Laws of New Hampshire, vol. 6, p. 512.]

Be it enacted by the Senate and House of Representatives in General Court convened, that the annual meeting of the Proprietors

of Dunbarton Social Library shall in future be holden on the second tuesday in April instead of the first tuesday of April any law to the contrary notwithstanding—

[CHAPTER 44.]

*State of* }  
*New Hampshire.* }

AN ACT FOR RAISING THIRTY THOUSAND DOLLARS FOR THE USE OF THIS STATE—

[Approved June 26, 1810. Original Acts, vol. 21, p. 4; recorded Acts, vol. 18, p. 411. Session Laws, June, 1810, p. 27.]

Be it enacted by the Senate and House of Representatives in General Court convened that there be raised, in the Year one thousand eight hundred and eleven, for the use of this State, the sum of thirty thousand Dollars; which Sum shall be assessed, collected, and paid into the Treasury on or before the thirtieth Day of December, one thousand eight hundred & eleven, which sum is appropriated for discharging the Debts due from this State and for the support of Government—

And be it further enacted that the Treasurer be, and he hereby is directed seasonably to issue his Warrants to the Select Men or Assessors of the several Towns Parishes and Districts within this State, agreeably to the last Proportion Act, for assessing and collecting the aforesaid sum of thirty thousand Dollars; and the Selectmen and Assessors, of the several Towns, Parishes & Districts afore said are hereby respectively required to assess and levy the same according to Law and cause the same to be paid into the Treasury of this State, on or before the thirty first Day of December, one thousand eight hundred and eleven—and the treasurer shall issue extents for all Taxes which shall then remain unpaid—

[CHAPTER 45.]

*State of* }  
*New Hampshire.* }

AN ACT IN ADDITION TO “AN ACT FOR THE MORE EASY PARTITION OF LANDS AND OTHER REAL ESTATE.”

[Approved June 26, 1810. Original Acts, vol. 21, p. 5; recorded Acts, vol. 18, p. 414. Session Laws, June, 1810, p. 22. Laws, 1815 ed., p. 223. The act referred to is dated February 4, 1789, Laws of New Hampshire, vol. 5, p. 392. Repealed by act of July 3, 1829, Laws, 1830 ed., p. 459.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, That any person or persons interested with others in any peice, lot or tract of land, may make

application by themselves, their agents, attornies or guardians, to the Justices of the Superior Court of Judicature, at any term of said Court, in the County in which such, piece, lot or tract of land lies; and the Justices of said Court are hereby authorized and empowered upon application made as is hereinafter directed, to cause partition to be made of such peice, lot or tract of land, and the share or shares of the person, or persons making such application, to be divided and set off, from the rest by a Committee of five disinterested freeholders resident in the County in which the land is situated, to be appointed by the Justices of said Court; which division and partition being made and returned to said Court under the hands of said Committee, or a majority of them, upon oath to their fidelity and impartiality therein, and approved and allowed by the Justices of said Court, and in said Court recorded and also recorded in the Registry of deeds in the County where such piece, lot or tract of land lies shall be valid and effectual to all intents and purposes.

Sect 2. And be it further enacted, that all applications which shall be made as aforesaid, and for the purposes above mentioned, shall be by petition in writing in which shall be particularly described the peice lot or tract of land for the partition of which as aforesaid application may be made, and the share or shares of the person or persons applying, in such piece, lot or tract of land. And if the persons interested in the piece, lot or tract of land with the person or persons applying for the partition thereof shall be known to the petitioner or petitioners, he or they shall name them in his or their petition, but if unknown to the petitioner or petitioners, he or they shall particularly describe the peice, lot or tract of land to be divided, in such manner as the law requires in the case of unimproved lands of nonresident proprietors and specify the share or shares he or they claim in the same, in his or their petition, and also state therein that he or they hold the same share or shares together with other persons to him or them unknown.

Sect 3. And be it further enacted that the Justices of said Court shall not proceed to order partition of any peice, lot or tract of land as aforesaid, until it shall appear to them that the several persons named in any petition for partition, except the person or persons applying, have been duly notified of such petition, by being personally served with a copy, thereof, or a copy left at their dwelling house, or last & usual place of abode twenty days before the sitting of the Court to which such petition may be preferred. And if, on the application of any person or persons for such partition of any peice, lot or tract of land, it shall appear to the Justices of said Court, by the allegation or allegations in the petition that the person or persons applying, claim a share or shares of the same with other persons to them unknown, the Justices of said Court shall not order partition of such real estate until they shall have ordered



the petition to be continued to the term of the Court next after such application made, and shall have ordered that the petitioner or petitioners give notice to all persons interested, by causing the petition to be published in the New Hampshire Gazette, six weeks successively, the last publication whereof to be six weeks before the term of said Court to which the petition shall have been continued, nor until it shall have been made to appear to them, that their order for such notice shall have been fully complied with.

Sect. 4. And be it further enacted, That if the fact alledged in any petition for partition, to be preferred as in this act is provided, shall be controverted by any person or persons interested, either as joint tenant, or joint tenants, tenant or tenants in common, copar-tiener or coparieners, or in any other way or manner whatever, in the piece, lot or tract of land, mentioned and described in any such petition for partition the answer or objection to the petition, shall be made in writing, in the form of a plea, to which the petitioner or petitioners may reply or demur, so that the matter in dispute may be reduced to an issue in law or fact, and receive a determination by the Court or Jury in the same manner other issues are determined; and if the issue be determined in favor of the petitioner or petitioners, judgment shall be entered up by the Court that partition be made by disinterested freeholders as aforesaid, and the Court shall appoint the same accordingly, and shall award the petitioner or petitioners costs of trial, to be recovered of the adverse party and may issue execution for the same in form prescribed by law, in other cases; but if on such pleadings it shall be determined that the petitioner or petitioners have no right or share in the real estate described in his or their petition, or that he or they hold a less share than he or they have in his or their petition specified and alledged, the adverse party shall recover against the petitioner or petitioners his reasonable costs, notwithstanding judgment may be rendered in favor of the petitioner or petitioners to have an assignment of such part of the real estate in severalty, as he or they in fact hold undivided.—

Sect. 5. And be it further enacted, That no Committee to make partition shall be appointed until the next term of said Court in the County where the land lies, after judgment shall be rendered, except in cases of review. And any party aggrieved, at the judgment rendered may have a review thereof by serving the adverse party or parties with a copy of the original petition, and notice of the review, certified by the Clerk of said Court, or leaving the same at his or their last and usual place of abode, twenty days at least before the next term of said Court, and the Justices of said Court are empowered to sustain the same, and proceed thereon as in the case of an original petition, and if the party reviewing neglect to enter the same the adverse party may enter a complaint and shall recover thereon reasonable costs; and the Justices of said Court

shall appoint a Committee to make partition according to the Judgment rendered on the original petition, or issue execution, or both as justice may require.

Sect 6. And be it further enacted, that before partition of any real estate shall be made on any application in pursuance of this act, if any infants, persons non compos mentis, or otherwise incapacitated to take care of their estates, shall be named in any petition for partition, guardians shall be appointed for them according to law. And where any person named in any such petition shall be absent from his home at the time a copy of the petition shall be left at his last and usual place of abode, and shall not have returned before the sitting of the Court to which the petition shall be preferred, and no one shall appear for him, the Justices of said Court shall order the petition to be continued to the next term of said Court, and order such further notice to be given, as they, all circumstances considered, shall think proper, & shall not proceed to render judgment till satisfactory evidence be produced that personal notice has been given.

Sect 7. And be it further enacted, that every committee appointed as aforesaid, shall, before they proceed to make any partition, cause a notification in writing, in which shall be mentioned, the time when they shall proceed to make partition, to be given to, or left at the last and usual place of abode of each person named in any petition fifteen days before the time by them appointed to make the same. And when it shall appear by any petition for partition, that the persons interested are unknown to the petitioner or petitioners, the Committee appointed to make partition on such petition, shall cause notice to be given in some public paper or papers printed in this State mentioning the time when they shall attend to make partition three weeks successively next before the time by them appointed to make the same, so that all concerned may be present, if they see cause, at the time partition shall be made.—

Sect. 8.— And be it further enacted, that when partition shall be made or applied for as aforesaid, the persons applying shall each and all of them be holden to pay the charges which may necessarily attend such partition or application, and where on the application of more persons than one for partition any one person applying, shall be compelled to pay all the charges attending the partition or application, he shall have his remedy against the other or others by action to recover of him or them his or their just proportion of the same.—

## [CHAPTER 46.]

*State of* }  
*New Hampshire.* }

AN ACT TO INCORPORATE ELIJAH CHAMBERLAIN AND OTHERS INTO  
A SOCIETY FOR THE PURPOSE OF BUILDING AND KEEPING IN REPAIR  
A MEETING-HOUSE IN THE TOWN OF DUNSTABLE.—

[Approved June 27, 1810. Original Acts, vol. 21, p. 6; recorded Acts, vol. 18, p. 421.]

Sect. 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Elijah Chamberlain, Thomas French, John Lund, Willard Marshall, Cummings Pollard, Samuel Pollard & William F. Boynton, and others their associates and such as shall hereafter become owners and proprietors therein, their successors and assigns, shall be, and hereby are made a body corporate and politic by the name of the Proprietors of the Congregational Meeting house in Dunstable, and shall so ever hereafter continue, and by that name may sue and be sued, prosecute and defend in any Court whatever. And also may make, have and use a common seal, and the same may break, alter or renew at pleasure, and may ordain and put in Execution such by laws and ordinances as to them shall appear necessary and convenient for the government of said Corporation,

Provided such by laws and ordinances are not repugnant to the laws and Constitution of this State.—

Sect. 2. And be it further enacted, that said Corporation be, and they hereby are authorized and empowered to erect, finish and keep in repair a meeting house in said Dunstable for the purposes aforesaid, and may hold and possess real estate for the accommodation of said House and the owners of the same, to the amount of One Thousand dollars, and may have and use personal property to any amount necessary for the purposes of building, finishing and keeping in repair the Meeting house aforesaid, and for maintaining an Instructor of piety and morality in the same.

Sect. 3. And be it further enacted, that the first meeting of said Corporation shall be holden in said Dunstable on the third Tuesday of September next, at one of the clock P.M. and notice thereof shall be given by a notification to be posted up at two public places in said town, under the hands of any three of the grantees aforesaid, at least fifteen days prior to said meeting;—at which meeting the proprietors of said meeting house may pass such votes as may be necessary for assessing and collecting all monies proper to enable them to carry the pious designs of said Corporation into effect, and for fixing their future meetings. which shall be regulated and holden according as the majority of said Corporation may direct.

Sect. 4.—And be it further enacted, that the property of said Corporation shall be divided into one hundred shares, and each proprietor aforesaid shall have a right to vote in said meetings in proportion to the number of shares he shall have and own in said Corporation, provided no one proprietor shall have more than Five votes. Provided nevertheless that this act shall have no effect, unless the inhabitants of the town of Dunstable aforesaid, shall, in town meeting, approve of this act, and grant leave for the purposes therein mentioned.—

[ORDERS, RESOLVES AND VOTES OF A LEGISLATIVE NATURE  
PASSED DURING THIS SESSION.]

1810, June 12.

Resolved, that Treasurer's Office, in future, be kept in the Town of Exeter, in the County of Rockingham, until the Legislature shall order otherwise; any resolve or custom to the contrary notwithstanding.—

[House Journal, 1810-11, p. 51. Senate Journal, 1810-12, p. 38.]

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1810, June 12.

Resolved that the Secretary's office shall be kept in the Town of Concord, in the County of Rockingham, until the General Court shall otherwise order.

[House Journal, 1810-11, p. 53. Senate Journal, 1810-12, p. 39.]

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1810, June 16.

Resolved, That the Treasurer of this State for the time being be, and he hereby is authorized to sell and convey, by his deed duly executed, to Thomas Cutts, Esquire, of Saco, in the District of Maine, the Lands in the County of Coos, in this State, hereafter described to wit—Beginning where dry River (so called) enters Hart's Location, and extending to the outlet of the pond, on White Hills, and to include the lands on both sides of said Dry River, to the tops of the nearest mountains, on each side of said Dry River, as the same shall be surveyed and bounded by the Committee, to be appointed as hereafter mentioned. Upon condition that the said Thomas Cutts pay to the said Treasurer, for the use of the State, the sum at which said Lands shall be appraised by said Committee, within Six months after said appraisal shall be made, and lodged with said Treasurer.—

And be it further resolved, That his Excellency the Governor, with advice of Council, be, and he hereby is requested to appoint three suitable persons a Committee to survey and appraise said Lands, at the expense of said Cutts, who are directed to make return of their proceedings, under their hands, into the Treasurer's office, as soon as may be.

[House Journal, 1810-11, p. 120. Senate Journal, 1810-12, p. 71.]



1810, June 16.

Resolved, That the Treasurer of this State be, and hereby is authorized and empowered to borrow a sum of money not exceeding four thousand dollars for the use of this State, provided the same or any part thereof may be needed to meet the demands on the Treasury, and provided also that the same can be obtained at an interest not exceeding six per centum per annum.

And be it further resolved, that said Treasurer be directed to repay the same out of the monies now due and owing to the State, as soon as the same may be collected.—

[House Journal, 1810-11, p. 124. Senate Journal, 1810-12, p. 69.]

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1810, June 16.

Resolved, That the Treasurer of this State be, and he hereby is, authorized to convey by deed of quit claim, duly executed to James Carr of Somersworth in the County of Strafford, and State aforesaid Esquire, a gore of land, on the Easterly side of Bethlehem, adjoining Bretton-woods, in the County of Grafton, containing about four or five hundred acres, to begin at the northeast corner of said Bethlehem, thence Southerly on the East line of said Bethlehem to the eighth Range; which gore of land is to be in full satisfaction of the claim of the said James Carr, on account of certain supposed lots of land, conveyed to said James Carr, by deed of Edwards Bucknam, John Mc'Duffee & Andrew Mc'Millan, as a Committee of said State, bearing date the 22<sup>d</sup> day of January Anno Domini, 1794, duly executed and recorded in said County of Grafton, June 22<sup>d</sup> Anno Domini, 1794.—

[House Journal, 1810-11, p. 133. Senate Journal, 1810-12, p. 72.]

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1810, June 19.

Resolved, That the Secretary be directed to procure to be printed, and bound in Boards, four hundred and fifty copies of the public acts of this State, including the Acts of the present session, and which are not included in the last printed edition of the laws of this State, to be distributed in the following manner (viz.) One copy to each incorporated town in this State, one to his Excellency the Governor, and each member of the Honorable Council; one to each Judge and Clerk of the several Courts in this State; one to the Sheriff of each County; one to the adjutant General; one to the Treasurer; one to the Secretary, and one to each member of the present Legislature and their Clerks.—

[House Journal, 1810-11, p. 114. Senate Journal, 1810-12, p. 62.]

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1810, June 20.

Whereas William H. Sumner & Tim<sup>o</sup> Dix Jun. owners of township No. 2. in the County of Coos, which was sold to the said Timothy by a resolve of this State, dated Dec<sup>r</sup> 26, 1805, conditioned that the settlements should be effected in said Township, in five years from the passing of said Resolve;—

and whereas the said Sumner and Dix have represented to this Court that owing to various embarrassing circumstances, without their controul, said settlements are not yet made, and cannot be effected by the expiration of said five years, and have asked to have the time of effecting said settlements and complying with the conditions of said resolve extended—

Therefore, Resolved, That the said Timothy Dix, and William H. Sumner, be, and they hereby are, allowed the further time of Three years for making and completing said settlements.—

[House Journal, 1810-11, p. 146. Senate Journal, 1810-12, p. 78.]

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1810, June 21.

Resolved, That the Town of Poplin have leave to send a Representative to the General Court, of this State, until the Legislature shall otherwise order.

[House Journal, 1810-11, p. 161. Senate Journal, 1810-12, p. 92.]

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1810, June 21.

Resolved, That his Excellency the Governor be, and he is hereby authorized and empowered, by and with the advice of Council, to draw orders on the Treasury for the payment of all accounts, which may be due to any town, for the support and maintenance of State paupers, prior to the first day of October last; any thing in the laws of this State to the contrary notwithstanding.—

[House Journal, 1810-11, p. 167. Senate Journal, 1810-12, p. 88.]

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1810, June 26.

Resolved, That Philip Carrigain, Esquire, be allowed the further time of two years, from the first Wednesday of June, 1810, to complete the map of this State; and that the further time of two years be given said Carrigain to pay his note due to said State, his surety or sureties thereon certifying to the Treasurer of this State that he or they consent thereto, or that said Carrigain give a note with Sureties to the acceptance of the Treasurer, payable in two years, with Interest for the principal and Interest of his note, now due as aforesaid. Provided the said Carrigain shall before the first Wednesday in June next, deposit a correct copy of said map with the Treasurer.

[House Journal, 1810-11, p. 211. Senate Journal, 1810-12, p. 105.]

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1810, June 27.

Resolved, That the sum of eight thousand dollars be and hereby is appropriated to the erection of a State prison of stone, in the Town of Concord, in the County of Rockingham, and that the Treasurer of the State be, & he is hereby authorized to borrow for said purpose said sum of Eight Thousand dollars, on the credit of the State, at an interest

not exceeding six per cent. per annum, for a term of two years; and that the sum of Eight thousand dollars, part of the thirty thousand dollar tax, voted at this session, be pledged for the repayment of said sum, borrowed as aforesaid.—

Resolved, That Benjamin B. Darling of Hopkinton, William A. Kent and Jeremiah Pecker of Concord, Esquires, be agents of the State to erect said prison, they giving Bond, with sufficient sureties, to the Treasurer of the State, in the sum of forty thousand dollars, for the faithful discharge of their duty, as agents as aforesaid.—

Resolved, That the Governor, with advice of Council, draw upon the State Treasury in favor of said Darling, Kent and Pecker, not exceeding the sum of eight thousand dollars, when thereto requested by said Darling, Kent and Pecker: Provided that Bonds to the satisfaction of the Treasurer of the State, be delivered to him, conditioned that two acres of land near the Court house in Concord aforesaid, and in the judgment of said agents, suitable for the site of said prison, be given to the State; that stone in the quarry, not more than one mile and a half distant from the site of said prison, sufficient and suitable for completing one wing of said prison, the prison yard wall and superintendent's house, be also given to the State, and that three thousand Tons of said Stone shall be drawn to the site of said prison, at such times as said agents shall direct, and necessary roads to said road to said Prison be made and fenced out, without any expense to the State.—

Resolved, That said prison consist of two wings; each wing shall be of the following dimensions, viz—Eighty feet in length, and thirty six feet in width, three stories high, and contain thirty six rooms each; the rooms in the first story shall be eight feet high; in the second story eight feet high, and in the third story eight feet high; attached to the prison shall be the Superintendent's house, fifty feet in length and twenty two feet in width, and three stories high. That the said prison be inclosed by a stone wall fourteen feet high, three feet and an half in width at the bottom, and one foot and an half at the top; that within said inclosure, and in the rear of the prison shall be a work shop of wood, one hundred feet in length and twenty five feet in width, consisting of two stories.—

Resolved, That one wing of the said prison, the superintendent's house, the prison yard wall & work-shop be erected in conformity to the preceeding resolve, and a plan of the same filed in the Secretary's office, and that the erection of said prison commence in April next.—

Resolved, That the said Darling, Kent & Pecker be, and they are hereby authorized, if they judge it expedient, to contract, in behalf of the State, with any person or persons to build said wing of said prison, superintendent's house, prison yard wall and workshop, within the period of four years; Provided the sum contracted to be paid therefor, do not exceed the sum of Thirty five thousand dollars.—

Resolved, That in case of the death, resignation or removal from the State of the said agents, or either of them, the Governor, with advice of Council, be, and he is hereby authorized and requested, forthwith, to supply the vacancy or vacancies created as aforesaid, with some suitable person or persons, who shall give bond, with sufficient sureties for the faithful discharge of their duty.—

[House Journal, 1810-11, p. 214. Senate Journal, 1810-12, p. 108.]

## APPENDIX.

*State of* }  
*New Hampshire.* }

\*AN ACT FOR TAXING THE LANDS AND BUILDINGS OF NONRESIDENTS—

[Approved December 10, 1796. Original Acts, vol. 15, p. 55; recorded Acts, vol. 10, p. 169. Laws, 1797 ed., p. 451; id., 1805 ed., p. 219; id., 1815 ed., p. 264. See acts of December 15, 1796, id., 1797 ed., p. 456, December 30, 1803, id., 1805 ed., p. 224, December 21, 1808, id., 1815 ed., p. 268, December 23, 1808, id., p. 269, June 25, 1816, id., 1824 ed., p. 20, June 29, 1818, id., p. 21, and July 4, 1829, id., 1830 ed., p. 563. Repealed by act of June 19, 1828, Session Laws, June, 1828, Chap. 25. See Richardson's "Town Officer," 1829, p. 268.]

Be it Enacted by the Senate and House of Representatives in General Court convened That the improved lands & buildings of Nonresident owners shall hereafter be taxed in the respective Towns and places where such lands are situated, their equal proportion with Residents in all assessments made for the support of the public Highways and Schools and in all Town taxes, except for the support of the Gospel, and the building of houses of public worship, and repairs thereof, to be collected in the same manner as the Law now points out for the collection of State and County taxes—

And Be it further enacted, that the unimproved lands of Non-residents, public lands excepted, shall hereafter be taxed in the respective Towns and places their equal proportion of all State and County taxes and assessments made for the support of public highways, Provided always that the Tax on the unimproved lands of Nonresidents for the support of public Highways shall not in any one year exceed the sum of fifty Cents on every hundred Dollars of the appraised value of said Lands which appraisement shall be made by the Selectmen and be in the same manner and proportion as the Law now points out for appraising the unimproved Lands of the Residents to be assessed and collected in manner following to wit, The Selectmen or Assessors in their respective Towns & places shall make out in writing under their hands and deliver the same to the several Collectors on or before the thirtieth day of May annually a list of all such assessments and insert therein the name of the owner, if known, otherwise the name of the original Proprietor, and the number of acres taxed, and the number of the lot and Range; and the proportion of each Assessment to each lot or tract of Land taxed shall be set against said lot or tract of Land in the list aforesaid. And if any building of a Nonresident shall be taxed, the number of the lot, or other description of the land whereon it

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\*[This act was printed in an imperfect form in Laws of New Hampshire, vol. 6, p. 366. The paragraphs which are in brackets were copied from Laws, 1797 ed., p. 451, as they are missing from the original.]



stands shall be mentioned, in said list—And if the name of the owner and the original Proprietor of any land be unknown, the quantity of Land, the number of the Range and Lot, if lotted, otherwise such description of the land taxed, as it is usually known by, being inserted in said List shall be a sufficient description of said land—

And Be it further enacted that each Nonresident taxed as aforesaid in any Town or place in this State shall at any time from the making of said Highway-tax to the first day of September in the same year have liberty to pay said Tax in labour at the rate of six Cents per hour for an able-bodied Man finding his own tools and diet; which labour shall be done under the direction of either of the Selectmen of the Town where said labour is to be done, whenever the said Nonresident shall tender the same to the said Selectman within the time limited for that purpose—

And Be it further Enacted that every Collector of said Taxes shall on or before the eighth day of the next Session of the General Court after the assessments of such taxes, deliver to the Deputy Secretary, for the time being a copy of his list of all such Taxes made out as aforesaid, signed by the Selectmen of the town or place for which he is collector—And the said Deputy Secretary shall for the inspection of all persons concerned keep said list during the remainder of said Session at the place where said Court shall be holden, and afterwards until the first day of September next following the said Session, in the town where he shall reside, And it shall be the duty of the said Deputy Secretary whilst said Lists shall be in his hands to receive of any Non-resident his proportion of said taxes, & give his receipt in discharge of the same to the said Non-resident who shall pay to the said Deputy Secretary for his trouble at the rate of ten per Cent, on the sum paid by the said Nonresident to the said Deputy Secretary for taxes—And the said Deputy Secretary shall at any time after the said first day of September on application made to him by a Collector of any of the taxes aforesaid, or by his order, return to said Collector a Copy of his List aforesaid, and the money which he shall have received thereon, taking said Collector's receipt for the same—And after the said first day of September, any of said Collectors who may have received copies of their lists from said Deputy Secretary shall publish a notification in the New-hampshire Gazette, and also in some Newspaper published in the County where the land is situated, if any such paper be printed in said County, otherwise in some adjacent County, and a similar Advertisement posted up in some public place in the Town or place where the lands lie, three weeks successively commencing eight weeks prior to the day of Sale that so much of such delinquent owner's estate will be sold at public Vendue as will be sufficient to pay his said Taxes with incidental charges, unless prevented by previous payment—And the said No-

tification shall contain the same description of the land taxed as this Act required should be made in the Lists aforesaid; also the time and place of sale—And if any of said owners shall neglect to pay their proportion of said Taxes with incidental charges until the time of Sale the said Collector shall then sell at public Auction to the highest bidder, so much of each delinquent's estate as will pay said Taxes with incidental charges: Provided that every sale by virtue of this Act shall be made in the Town or place where the property sold shall be situated; and between the hours of ten of the Clock in the forenoon and Six of the Clock in the afternoon of the same day, and if necessary, the sale may be adjourned from day to day not exceeding three days, by public proclamation made within the hours aforesaid at the place of sale—And no person shall be holden to pay any part of the Cost which shall accrue at said Auction after the tender of the payment of his own taxes with his proportion of the cost which shall have accrued before such tender—

And Be it further Enacted that if any more than one person shall be interested in any lot or tract of land, each one may pay his proportion of taxes according to his Interest in said land, & the share of the delinquent only shall be sold—

And Be it further Enacted that each Nonresident his heirs or Assigns shall have the liberty of redeeming his land sold as aforesaid at any time within one year from the sale thereof by paying or tendering to the Collector his Executor or Administrator, or in their absence, by tendering at the usual place of abode of said Collector, his Executor or Administrator a sum of money equal to that for which said land was sold with Interest for the same until the time of payment or tender as aforesaid—And it shall be the duty of said Collector to deliver to the Clerk of the Town where the land lies an attested Copy of the Sale of lands by him sold in virtue of this Act with the charges of sale within ten days after the sale thereof to be by him kept on file—And in case of absence of said Collector his Executor or Administrator on tender being made at his usual place of abode as aforesaid, said Nonresident shall give information thereof to said Town Clerk before the time of Redemption expires, who shall without delay record the same in his Office, and said Nonresident shall leave the money so tendered with said Town Clerk, for the use of said Collector, at the time of giving such information—And it shall be the duty of said Collector, his Executor, or Administrator on payment or tender as aforesaid, or of the Town Clerk on the money being left with him to give said Nonresident a full discharge therefor by receipt under his hand—And in case of the money being received by the Town Clerk as aforesaid, he shall be paid therefor by said Nonresident ten per Cent on the amount of the money so received—

An Be it further Enacted that when two or more persons are interested in any lot or tract of land which shall be hereafter Sold

for the payment of Taxes made by virtue of this Act, every Individual may redeem his own part thereof, by paying or tendering his proportion of the Taxes and Cost for which the said Land was sold, in the same manner that all the owners of such land may redeem their land sold as aforesaid by Jointly paying the whole sum necessary to be paid for the redemption of the same, and the said proportion shall be made according to the number of Acres in the lot or tract of Land sold—

And Be it further Enacted, that when any estate of Nonresidents [shall be sold by virtue of this act, and the money requisite for the redemption thereof shall not have been paid or tendered within one year from the sale of the same, the collector who shall have sold said estate, if living, otherwise his executor or administrator, shall then execute a good and sufficient deed of such estate to the purchaser of the same, if he shall be then living, otherwise to his heirs, executors or administrators; which deed shall be in the form following to wit:

Know all men by these presents, That I \_\_\_\_\_ collector of taxes for the town of \_\_\_\_\_, in the county of \_\_\_\_\_, in the State of New-Hampshire, for the year \_\_\_\_\_, do, by virtue of the authority in me vested by the laws of this State respecting the property of non-residents, and in consideration of \_\_\_\_\_, to me in hand, before the delivery hereof, paid by \_\_\_\_\_, of \_\_\_\_\_, in the county of \_\_\_\_\_, in the State of \_\_\_\_\_, hereby sell and convey to him the said \_\_\_\_\_, his heirs and assigns, (here describe the property sold)

To have and to hold the said granted premises, with the appurtenances thereof, free of all incumbrances to him the said \_\_\_\_\_, his heirs and assigns forever. And I the said \_\_\_\_\_, do hereby covenant with the said \_\_\_\_\_, that I have, in my said capacity, good right to sell and convey the same in manner aforesaid: And that I will warrant and defend the same to him the said \_\_\_\_\_, his heirs and assigns, against the lawful claims and demands of all persons whomsoever.

In witness whereof, I have hereunto set my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, Anno Domini,  
Signed, sealed and delivered  
in the presence of us,

And be it further enacted, That no town or place which has been authorized by a special act to tax the lands of non-residents for the support of public highways, shall be enabled hereby to tax the unimproved lands of non-residents for that purpose, within two years from the passing of such special act.

And be it further enacted, That the inhabitants of any town, at their annual meeting, if an article be inserted in the warrant for that purpose, may exempt the unimproved lands of non-residents from all or any part of the taxes aforesaid.

And be it further enacted, That such parts of all acts heretofore passed, as] relate to assessments made by any Town or place on the unimproved land of Nonresidents, for the payment of State & County taxes, be & they hereby are repealed.—

Provided nevertheless, that nothing herein shall affect the Collection of any taxes heretofore made by virtue of any Acts hereby repealed. Provided also, that it shall be the duty of the Deputy Secretary, the Town Clerks and Collectors, to receive from any person, when tendered in behalf of himself or any other person whomsoever, in the manner & at the times before pointed out in this Act, the taxes assessed by virtue thereof, & Interest and Cost thereon, if any; any thing in this Act to the contrary notwithstanding.—

And Be it further Enacted, that it shall be the duty of the Selectmen or Assessors of the several Towns and places in this State, to see that all monies arising by virtue of this Act, for the support of Public highways, be duly & seasonably appropriated agreeably to the true intent and meaning thereof.—





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