

rochial expences, assessed and not paid previous to leaving one society and uniting with another.

SECT. 4. *Be it further enacted,* That any justice of the peace for the county of Cumberland, is hereby authorized to issue his warrant, directed to a member of the said Universalist society, requiring him to notify and warn the first meeting of the members thereof, to be held at such convenient time and place as shall be appointed in said warrant, for the choice of such officers, and for doing such other business as may then appear necessary, and which religious societies are empowered to do, according to the constitution and laws of this commonwealth.

Justice to issue his warrant.

[This act passed March 12, 1808.]

CHAP. CXXXVI.

An act in addition to acts regulating the storage, safe keeping and transportation of Gun powder, within the town of Boston.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no ship or other vessel, on board of which gun powder shall be laden, shall lay at any wharf in the town of Boston, nor within two hundred yards of any wharf within said town.

Vessels with powder to keep at a distance.

SECT. 2. *And be it further enacted,* That when any gun powder shall be landed in the town of Boston from on board any ship or other vessel laying in the harbour of Boston, the same shall be brought to, and landed at Tileston's wharf, and shall be immediately carried from the place of landing, to the public powder house, on Pine Island, in the town of Roxbury, either in boats, or in a waggon or waggons, cart or carts, or other carriage closely covered with leather or canvass, and without any iron on any part thereof, and which shall have been approved by the fire wards of the town of Boston, and marked in capital letters with the words, Approved Powder Carriage. And that when any gun powder shall be intended to be laden on board any ship or other vessel, in the harbour of Boston, the same shall not be brought through any part of the town of Boston by land, unless the same be brought in a waggon, cart, or other carriage, made and approved as aforesaid, nor unless such gun powder be brought to Tileston's wharf aforesaid, and be

Method of securing it with safety.

thence

thence carried directly on board the ship or other vessel, on board which the same is to be laden.

Limited quantity
may be kept.

SECT. 3. *And be it further enacted,* That no person or persons, not in public service, or on military duty, shall keep, have or possess in any house, ware-house, shop or other building, nor in any street, lane, alley or passage-way, yard or cellar, nor in any waggon, cart or other carriage, nor on any wharf, nor on board any ship or other vessel, nor in any place within the town of Boston, gun powder in any quantity exceeding five pounds, in any way or manner, otherwise than as by this act is permitted and allowed.

Any larger quan-
tity seized and
forfeited.

SECT. 4. *And be it further enacted,* That all gun powder, which shall be found within the town of Boston, contrary to the provisions of this act, shall be forfeited, and may be seized by any one or more of the fire wards of said town, and shall be libelled according to the provisions of the act passed on the seventh day of March, one thousand eight hundred and four, entitled "An act in addition to the several acts now in force, which respect the transporting, storing and safe keeping of gun powder, in the town of Boston;" and such gun powder shall be forfeited, one moiety thereof to the use of the commonwealth, and the other moiety thereof, to the use of the fire wards of said town of Boston: *Provided always,* that it shall and may be lawful for any person or persons, to keep in his or their house, ware-house or shop, for sale by retail, any quantity of gun powder not exceeding twenty-five pounds in the whole; *provided,* the same be constantly kept in copper, brass or tin canisters, closely covered with copper, brass or tin, and not otherwise.

Proviso.

SECT. 5. *And be it further enacted,* That if any gun powder shall be found within the town of Boston, contrary to the provisions of this act, the owner or owners of such gun powder, or other person or persons in whose possession the same shall be found, besides the forfeiture of the powder, shall forfeit and pay forty cents for each and every pound of such gun powder, one moiety to the use of the poor of the town of Boston, and the other moiety to the use of any person or persons, who shall prosecute and sue for the same; which forfeiture of forty cents as aforesaid, may be recovered by action of the case, in any court proper to try the same.

Penalty.

SECT. 6. *And be it further enacted,* That when any gun powder shall have been seized and libelled as aforesaid, if the owner or owners, or any person or persons who pos-
sessed

possessed the same at the time of the seizure thereof, shall appear and dispute the forfeiture, and said gun powder shall be finally decreed and adjudged forfeited, such owner or other person who shall so appear and dispute such forfeiture, shall pay all costs of prosecution, which may arise after such appearance shall have been made, and judgment may be therefor rendered, and a writ of execution issued accordingly.

Owners to pay costs.

SECT. 7. *And be it further enacted,* That every person who shall suffer any injury by the explosion of any gun powder, had, possessed, or being within the town of Boston, contrary to the provisions of this act, may have an action of the case, in any court proper to try the same, against the owner or owners of such gun powder, or against any other person or persons who may have had the possession or custody of such gun powder, at the time of the explosion thereof, to recover reasonable damages for the injury sustained.

Persons injured to recover damages.

SECT. 8. *And be it further enacted,* That it shall and may be lawful for any two or more of the fire wards of the town of Boston, to enter any building, or other place in the town of Boston, to search for gun powder, which they may have reason to suppose to be concealed or kept, contrary to the provisions of this act, first having obtained a search warrant therefor according to law.

Fire wards legally authorized to search for—

SECT. 9. *And be it further enacted,* That an act, entitled, “An act in addition to the several acts now in force, which respect the carting and transporting gun powder through the streets of the town of Boston, and the storage thereof in the same town;” passed the twenty-sixth day of June, in the year seventeen hundred and ninety-two, be, and the same hereby is repealed: And also, that the first, third, and fourth sections of an act, entitled, “An act to provide for the storage and safe-keeping of gun powder, in the town of Boston, and to prevent damage from the same;” passed the nineteenth day of June, in the year one thousand eight hundred and one, be, and the said sections hereby are repealed: *Provided however,* that all actions, suits, processes, and forfeitures already commenced or incurred, shall be commenced and prosecuted according to said laws, the said repeals notwithstanding.

Law repealed.

Proviso

SECT. 10. *Be it further enacted,* That this act shall be in force, from and after the passing thereof; and that it shall be the duty of the fire wards aforesaid, to cause the same

same

same to be immediately published, in two or more of the Boston newspapers, and to continue the publication thereof, six weeks successively.

[This act passed March 12, 1808.]

CHAP. CXXXVII.

An act to incorporate certain persons for the purpose of building a Bridge over Sebasticook river, in the town of Winflow.

SECT. 1. **BE** it enacted by the Senate and House of Representatives, in General Court assembled. and by the authority of the same, That Thomas Rice, Nathaniel B. Dingley, John Webster, Lemuel Paine, and Josiah Heyden, jun. together with those who have associated, or hereafter may associate with them, for the same purpose, be, and they are hereby authorized to build a bridge over Sebasticook river, in the said town of Winflow, in the county of Kennebeck, near the mouth of said river, at such place as the selectmen of said town shall locate and establish, in the manner herein after provided; and for the aforesaid purpose, said persons shall be a body politic, by the name of The Proprietors of the Sebasticook Bridge, and by that name, may sue and prosecute, and be sued and prosecuted to final judgment and execution; to keep and use a common seal, and the same to change and renew at their pleasure, and do and suffer all such other acts and things, as like corporate bodies may or ought to do and suffer.

SECT. 2. *Be it further enacted,* That the selectmen of said Winflow, be, and they are hereby authorized and empowered, within three months after the passing of this act, to locate the said bridge across the said Sebasticook river, in the said town of Winflow, at such place as to them may appear most proper for the public interest and convenience, and a return of such location to be signed and certified by said selectmen, into the office of the Register of Deeds in and for said county of Kennebeck, shall be taken and deemed as the valid and legal location of said bridge, in the same way and manner, as if it were specified in this act: *Provided however,* that the said selectmen shall give previous notice to said town of Winflow, and all persons concerned, by causing the time and place, when and where they shall meet for the purpose of establishing said location,

Persons authorized to build a bridge.

—Incorporated.

Selectmen to select a proper place.

Proviso.