

Disposition of  
money.

office before entering thereon, and shall respectively give bond to the Treasurer of this Commonwealth, with sureties to be approved by the Governor, or in case of his absence the Lieutenant Governor or any two members of the Council, with condition for the faithful performance of their said duties for the rendering a true account of all monies by them received, and for paying over as herein provided all monies and securities for money by them received and taken — And the said Commissioners and Surveyor General shall annually adjust and settle their accounts with the said Treasurer or any Committee of the Legislature who may be appointed to examine and adjust the same ; and they shall severally receive out of the Treasury such compensation for their services as the Legislature may hereafter establish and direct.

SEC. 11. *Be it further enacted*, That in every township which shall be surveyed, one fiftieth part thereof of average value shall be reserved as a fund for the purpose of making roads through said township.

Limitation.

SEC. 12. *Be it further enacted*, That this Act shall be in force for three years and until the end of the first session of the next General Court which shall be hereafter, and no longer ; *provided always*, that the faith of the Commonwealth is hereby pledged for the performance and ratification of all contracts legally made before the expiration of said act.

[Approved by the Governor, February 15, 1816.]

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## CHAP. CXXXII.

### An Act to incorporate the Middleborough Canal Company.

Persons incor-  
porated.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Abiel Washburn, Thomas Weston, Levi Peirce and Horatio G. Wood, their associates and successors, shall be, and are hereby incorporated, and made a body politic, by the name of the Middleborough Canal Company, for the purpose of

opening, maintaining and managing a Canal from the northerly part of Assawampset pond to unite with Ne-masket river, between said pond and Vaughn's bridge, so called, in Middleborough, in the county of Plymouth, in such manner and direction, as shall be most convenient for drawing the water from the said pond : and by the name aforesaid may sue and be sued, and shall have a common seal, and enjoy all the privileges and powers, incident to similar Corporations, and for the purposes aforesaid, may take, use, possess and enjoy in fee simple any lands necessary to carry into effect, and compleat the same, paying therefor in manner hereafter prescribed : *Provided, however,* that the petitioners, in opening such Canal, do not cause any additional obstruction or lessen the passage way through which the water now runs from said pond, in a canal opened upon the lands of Samuel Jackson and others ; but if the present Canal shall be made wider, or deeper than it now is, said Corporation may place such obstructions as they please on the increased width, or depth, leaving the present passage way as wide and deep, as the same now is.

May sue and be sued.

Proviso.

SEC. 2. *Be it further enacted,* That in case the owner or owners of any lands which shall be taken for the purposes aforesaid, and the Corporation cannot agree upon the amount of damages thus occasioned, nor upon some person or persons to estimate the sum, in such case some person, or persons shall be appointed by the Circuit Court of Common Pleas for the county of Plymouth, and the determination of the referees so appointed shall be the measure of such damage : *Provided,* nevertheless, that if the other party shall be dissatisfied with the award of the referees aforesaid, and shall, at the next term of said Court, after the report of said referees shall be made, apply for a trial by jury, said Court shall have power to determine the same by jury, in the same manner in which other causes are determined ; and if the verdict of the jury shall not give to the party applying, a larger sum than the referees shall award aforesaid, then the Court shall award cost against the party applying ; but if the last decision shall be more favorable to the party applying than the decision of the referees, then the Court shall award costs to the

Referees to be appointed.

Proviso.

Jury trial.

applicant, and the Court shall render judgment and issue execution accordingly.

SEC. 3. *Be it further enacted,* That if any person or persons, shall wilfully take up, remove, break down, dig under, or in any other manner destroy, or injure the Canal aforesaid, or any dam, lock, gate, or other works erected thereon, or shall divert, or obstruct the water running to, through or from said Canal, or in any other manner interrupt said Corporation in the free and full use of the same, and the waters flowing therein; he or they shall, for every such offence, forfeit and pay to said Corporation, double the value of damage sustained thereby, by said Corporation, to be recovered in an action of trespass, in any Court proper to try the same; and such offender or offenders shall be liable to indictment by the grand jury of said county, and on conviction thereof before the Circuit Court of Common Pleas for the county of Plymouth, or the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than fifty dollars, nor less than five dollars, or be imprisoned, not more than two months, nor less than ten days, at the discretion of the Court before whom such conviction shall be had.

Fines for damages

SEC. 4. *Be it further enacted,* That upon the application of the said proprietors, or any three of them to any Justice of the Peace for the county of Plymouth, such Justice is hereby empowered to issue his warrant directed to one of said proprietors, requiring him to notify and warn his associates to meet at such time and place in said town of Middleborough, as shall be directed in said warrant, who when met may agree upon a method of calling future meetings of said proprietors, and consult and transact such other business of said propriety as shall be expressed in said warrant.

Justice issue warrant.

[Approved by the Governor, February 16, 1816.]