

& directed, upon information, to prosecute any breach of this Act in such plantation, as fully and amply as though the offence was committed in the town to which the said Committee belong.

And be it further enacted, that all fines and forfeitures incurred by breach of this Act, shall be recovered by bill, plaint, or information, in any of the Courts of record within the said Counties of *Cumberland* or *Lincoln* proper to try the same; and all fines and forfeitures so incurred, by any offence committed against this Act (that is not otherwise particularly appropriated) shall enure, the one moiety thereof to the poor of the town or plantation where the offence shall be committed, and the other moiety to him or them who shall make information of the same.

Fines and forfeitures, how recovered and applied.

Provided nevertheless, that nothing in this Act, shall be so construed as to debar any person of the right to prosecute, and they are hereby authorized and empowered to prosecute & pursue to final judgment & execution any breach of this Act; and no person by reason of his being one of the Committee (chosen & and qualified as aforesaid) shall be thereby disqualified from being a witness in any prosecution for the breach of this Act.

Proviso, respecting prosecutions.

And be it further enacted, that the town Clerk in each town, and also the Clerk or one of the Assessors in each plantation required to choose a Committee aforesaid, is hereby directed to read this Act in a meeting of the town or plantation to which he belongs, in the month of *March* or *April* annually.

Town Clerks directed to read this act annually.

February 16, 1789.

1788. — Chapter 74.

[December Session, ch. 26.]

AN ACT TO ENABLE THE PROPRIETORS OF A MARSH LYING IN THE TOWNS OF *MALDEN* & *CHELSEA*, TO MAKE & MAINTAIN A DAM FOR THE BETTER IMPROVING OF THE SAID MARSH.

Whereas Samuel Danforth, Samuel Watts, Benjamin Blaney *Esquire*, Isaac Smith, Daniel Waters Ezra Sargent *esquire* Nehemiah Oakes, Calvin Chittenden Moses Collins, Jonathan Green, Mary Haugh, Joseph Whittemore & Aaron Dexter *Esquire*, proprietors of a marsh lying on each side of Island River running into the towns of Malden and Chelsea, have requested the General Court to authorize them to make and maintain a dam for the purpose of fenc-

Preamble.

ing out the sea from the said Marsh, and it appearing that great improvements might thereby be made in the said marsh, to the benefit of the said proprietors, as well as the Public;

Proprietors
empowered to
make a dam.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the said Samuel Danforth and others aforesaid, proprietors of the Marsh aforesaid, their heirs & assigns be and hereby are authorized and empowered to make a dam sufficient to keep out the sea from the said Marsh, from the land of Captain Isaac Smith in the town of Malden, across the river called Island River, and from said river across the Marsh aforesaid until it shall reach Captain Jonathan Green's upland in the town of Chelsea, & to maintain and keep the said dam in repair forever.

Empowered to
raise by assess-
ment, such sum
as may be
sufficient.

And be it further enacted by the authority aforesaid, that the said Samuel Danforth and others proprietors aforesaid their heirs and assigns be and hereby are allowed and empowered to raise by an assessment or tax to be made and levied equally on all the lands composing the said Marsh within the dam to be made as aforesaid, such sum or sums for defraying the charges of making and maintaining the said dam, as shall be agreed upon by the said proprietors their heirs or assigns, or the major part of such of them as shall be assembled at any legal meeting to be called for that purpose; the meetings of the said proprietors to be called and conducted in the same manner, as those of proprietors of common lands, prescribed by an Act passed the tenth day of March in the year one thousand seven hundred and eighty four, relating to lands wharves & other real estate undivided and lying in common. And the said proprietors are hereby authorized and empowered to chuse all such Officers as may be necessary for managing the business aforesaid, in the same manner as proprietors of common lands are by law empowered to chuse Officers at their legal meetings.

Meetings, how
called and
conducted.]

In case of a
refusal, or
neglect to pay
the sums as-
sessed, proprie-
tors empowered
to sell delin-
quents parts or
shares.

And be it further enacted by the authority aforesaid, that if any owner of any part of the said Marsh, shall neglect or refuse to pay the sum or sums of money duly assessed on such part, for the space of six months, after such monies shall have been granted, and his assessment shall have been published by advertizing the same in any two of the Boston news papers four weeks successively, then the said proprietors, for the purpose of paying such as-

assessment are hereby fully empowered from time to time at public vendue to sell and convey so much of such delinquent proprietors part of said Marsh, as will be sufficient to pay and satisfy the sum or sums assessed upon his part as aforesaid, and all reasonable charges attending such sale, to any person that will give most for the same; notice of such sale, and of the time & place thereof being given by posting an advertisement thereof in the said towns of *Malden* and *Chelsea*, and by publishing the same in at least two of the news papers aforesaid, five weeks successively, before the time of such sale: And the said proprietors may by their Clerk or a Committee to be chosen for that purpose, execute a good deed or deeds of conveyance of the part of said Marsh so sold unto the purchaser thereof to hold in fee simple.

Notice of such sale to be given.

Provided nevertheless, that the proprietor or proprietors whose part or share shall be so sold shall have liberty to redeem the same at any time within twelve months after such sale, by paying the sum such part or share sold for and charges, together with the further sum of *twelve pounds* for each *hundred pounds* produced by such sale, & so *pro rata*, for any greater or less sum.

Proviso.

And be it further enacted by the authority aforesaid, that the said proprietors hereby are empowered to order & manage all affairs, relative to the making and maintaining of the dam aforesaid, in such way & manner as shall be concluded and agreed on by the major part of those who are therein interested, present at any legal meeting, the votes to be collected and accounted according to the interests.

Proprietors empowered to manage all affairs as may be agreed on.

*February 17, 1789.**

1788. — Chapter 75.

[December Session, ch. 27.]

AN ACT FOR INCORPORATING THE PLANTATION OF *MOUNT DESERT*, SO CALLED, IN THE COUNTY OF *LINCOLN* INTO A TOWN BY THE NAME OF *MOUNT DESERT*.

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the authority of the same, That the plantation called *Mount Desert*, together with the islands called *Cramberry islands*, *Bartlett's island*, *Robertson's island* & *Beech island* together with the inhabitants thereof be & they hereby are incorporated into

Incorporated.

* Approved February 17, 1789.