

1801. — Chapter 76.

[January Session, ch. 52.]

AN ACT DIVIDING THE COMMONWEALTH INTO SEVENTEEN DISTRICTS, FOR THE CHOICE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES, AND PRESCRIBING THE MODE OF ELECTION.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, & by the authority of the same,* That this Commonwealth be, and it hereby is divided into seventeen Districts as in this act defined and described, for the purpose of choosing Representatives, to represent this Commonwealth in the Congress of the United States, after the present Congress; in each of which Districts one Representative, being an inhabitant of the District for which he shall be elected, shall be chosen in the manner hereinafter prescribed.

SEC. 2D. *Be it further enacted,* That the said seventeen Districts shall be formed & limited in manner following, viz.

17 Districts formed.

Suffolk District.

The Towns in the County of Suffolk, together with the towns of Charlestown, Medford & Malden, in the County of Middlesex, shall constitute one District, to be called Suffolk District.

Essex S. District.

The Towns of Lynn, Lynnfield, Salem, Marblehead, Danvers, Beverly, Manchester, Wenham and Gloucester, in the County of Essex, shall constitute one District, to be called Essex South District.

Essex N. District.

The Towns and Districts in the County of Essex, not included in Essex South District, shall, together with the town of Reading, in the County of Middlesex, constitute one District, to be called Essex North District.

Middlesex District.

The Towns & Districts in the County of Middlesex, excepting the town of Reading, and excepting also those towns which are in this act included in Suffolk and Norfolk Districts, respectively, shall constitute one District, to be called Middlesex District.

Hampshire S. District.

The Towns of Ware, Belchertown, Granby, South Hadley, Hadley, Northampton, West Hampton, Norwich, Worthington and Middlefield, in the County of Hampshire, together with the Towns and Districts in the same County lying southerly of the abovenamed towns, shall constitute one District, to be called Hampshire South District.

- The Towns and Districts in the County of Hampshire, not included in the last named District, shall constitute one District, to be called Hampshire North District. Hampshire N. District.
- The Towns and Districts in the County of Plymouth shall constitute one District to be called Plymouth District. Plymouth District.
- The Towns and Districts in the Countys of Barnstable, Dukes County and Nantucket, together with the town of New Bedford, in the County of Bristol, shall constitute one District, to be called Barnstable District. Barnstable District.
- The Towns and Districts in the County of Bristol, excepting the town of New Bedford, shall constitute one District, to be called Bristol District. Bristol District.
- The Towns of New Braintree, Spencer, Leicester, Worcester, Shrewsbury, Northborough and Southborough, in the County of Worcester, together with the Towns and Districts in the same County, lying southerly of the above named towns, shall constitute one District, to be called Worcester South District. Worcester S. District.
- The Towns and Districts in the County of Worcester, not included in the last named District, shall constitute one District, to be called Worcester North District. Worcester N. District.
- The Towns, Districts & plantations in the County of Berkshire, shall constitute one District, to be called Berkshire District. Berkshire District.
- The Towns and Districts in the County of Norfolk, together with the towns of Newton, Natick, Sherburne, Hopkinton and Holliston, in the County of Middlesex, shall constitute one District, to be called Norfolk District. Norfolk District.
- The Towns, Districts and Plantations in the County of York shall constitute one District, to be called York District. York District.
- The Towns, Districts and Plantations in the County of Cumberland, shall constitute one District, to be called Cumberland District. Cumberland District.
- The Towns, Districts & Plantations in the County of Lincoln, together with the towns of Islesborough, Vinalhaven, Prospect, Northport, Ducktrap, Belfast and Deer Isle, in the County of Hancock, shall constitute one District, to be called Lincoln District. Lincoln District.
- The Towns, Districts and Plantations in the Counties of Kennebeck, Hancock & Washington, excepting those towns in the County of Hancock, included in Lincoln District, shall constitute one District, to be called Kennebeck District. Kennebeck District.

Election to be held in Nov. biennially.

SEC. 3D. *Be it further enacted*, That the Selectmen of the several Towns and Districts within this Commonwealth, shall, in manner as the law directs for calling town-meetings, cause the inhabitants of their respective towns and Districts, duly qualified to vote for Representatives in the General Court of this Commonwealth, to assemble on the first Monday of November, *biennially*, beginning in November next, to give in their votes for their respective Representative, to the Selectmen who shall preside at said meetings; and the Selectmen, or the major part of them, shall, in open town-meeting, sort and count the votes, and shall form a list of the names of the persons voted for, with the number of votes for each person written in *words* at length against his name; and the Town Clerk shall make a record thereof; and the Selectmen shall, in such meeting, make public declaration of the persons voted for, and of the number of votes they respectively have, and shall, in open town meeting, seal up the said list, certified by the Selectmen, and express upon the outside of the said list the District in which the votes were given; and shall transmit the same within fourteen days next after such meeting, to the Secretary of the Commonwealth or to the Sheriff of the County in which such town or District lies, who shall transmit the same to the Secretary of the Commonwealth within forty days next after the time of holding such meeting; and the Secretary shall lay the same before the Governor and Council, and in case of an election for any District by a majority of the votes returned from such District, the Governor shall forthwith transmit to the person so chosen a Certificate of such choice, signed by the Governor, and countersigned by the Secretary. And the Selectmen of such towns and Districts as lie within any County in which there may be no Sheriff, shall return such lists to the Secretary's Office within the same term of time as Sheriffs are required to do.

Time for returning votes.

Gov. to certify the choice.

Case of no choice.

SEC. 4TH. *Be it further enacted*, That in case no person shall be chosen by a majority of all the votes returned from any District, the Governor shall cause Precepts to issue to the Selectmen of the several Towns & Districts within such District, directing and requiring such Selectmen, to cause the inhabitants of their respective Towns and Districts, qualified as aforesaid, to assemble as aforesaid, on a day in such precept to be appointed, to give in

their votes for a Representative in Congress as aforesaid; which precept shall be accompanied with a list of persons voted for in such District, shewing the number of votes for each person, according to the first return; and the same proceedings shall be had thereon in all respects, as before directed in this Act; and the Selectmen shall make return to the Secretary of the Commonwealth, or to the Sheriff, in manner as aforesaid, within fourteen days next after the time of holding such meetings; and the Sheriff shall make return thereof into the Secretary's office, on or before such day as the Governor shall appoint in such Precept; and the Selectmen of such Towns and Districts as lie within any County in which there may be no Sheriff, shall return such lists to the Secretary's Office within the same term of time, as Sheriffs are required to do. And the Secretary shall lay the lists, so returned to his Office, before the Governor and Council; and the Governor shall cause the person or persons who shall be chosen as aforesaid, to be served with a Certificate thereof, as aforesaid; and like proceedings shall be again had, in case any District shall fail of completing the choice of its Representative; and the Governor shall issue his Precept accordingly, to the Selectmen of those Towns and Districts of such Districts, wherein the choice of Representatives shall not have been made; and like proceedings shall be had as often as occasion may require.

List of votes to be submitted to Gov. and Council.

SEC. 5. *Be it further Enacted*, That whenever any vacancies shall happen in the representation of this Commonwealth in the Congress of the United States, the Governor shall cause Precepts to issue to the Selectmen of the several Towns and Districts within any District in which such vacancy may happen, directing and requiring them to cause the Inhabitants of their respective Towns & Districts to assemble on a day in such precept to be appointed, to give in their Votes for a Representative to supply such vacancy; and like proceedings shall, from time to time, in all respects be had as are herein before provided.

Case of vacancies.

SEC. 6. *Be it further Enacted*, That it shall be the duty of the Sheriffs of the several Counties of the Commonwealth, on receiving copies of this Act, or any Precept from the Governor for the purpose herein mentioned, to transmit the same seasonably to the Selectmen of the several Towns & Districts, and to the Assessors of the several Districts & Plantations where there may be no

Sheriffs to distribute precepts; and their fee.

Selectmen within their respective Counties, to whom such Copies or Precepts may be respectively directed. And the several Sheriffs shall, for the said service, be entitled to receive out of the Treasury of this Commonwealth fifty cents for each of the Copies & of the Precepts so by them distributed to the Selectmen of the Towns & Districts & to the Assessors of the Districts & Plantations in their Counties, where there may be no Selectmen; *Provided however*, That no Sheriff, who shall neglect seasonably to transmit all and every of the Copies & precepts, by him received, in manner aforesaid, shall be entitled to any compensation for distributing any of such Copies or precepts. — And for returning the votes as aforesaid each Sheriff shall be entitled to receive twenty Cents per mile, Computing from the place of abode of each Sheriff to the Secretary's Office. And in either case, the Sheriffs shall present their Accounts to the Committee on Accounts for examination & Allowance.

Fee for returning votes.

Penalty for a Sheriff's or Selectman's neglecting his duty herein.

SEC. 7. *Be it further Enacted*, That any Sheriff, who shall neglect to perform the duties which by this Act, he is directed to perform, shall, for each neglect, forfeit & pay the sum of Two thousand dollars, to be recovered by an Action of Debt in the name & to the Use of the Commonwealth. — And for any such neglect of any Sheriff it shall be the duty of the Attorney General and of the Solicitor General to prosecute, within one year thereafter. — And if any Selectmen shall neglect to perform any of the duties which by this Act they are required to perform, each selectman, so neglecting, shall forfeit and pay a sum not exceeding two hundred dollars, nor less than thirty dollars, to be recovered by an Action of Debt or On the Case, one moiety thereof to the prosecutor & the other moiety thereof to the use of the Commonwealth.

Assessors of districts empowered, &c.

SEC. 8. *Be it further Enacted*, That the Assessors of those Districts & plantations where there may be no Selectmen, shall have the same powers and perform the same duties, for the purposes of this Act, as are herein given to or required of Selectmen, and shall incur like penalties in case of neglect.

SEC. 9. *Be it further Enacted*, That this Act shall be construed to extend to those plantations only which shall choose Assessors to assess the public taxes which shall be set to such Plantations in the tax-Act next preceding the several elections.

SEC. 10. *And be it further Enacted*, That this Act, until a new apportionment of Representatives among the several States shall be made; And for the purpose of supplying any vacancy or vacancies which may happen in the Representation of this Commonwealth in the Congress of the United States which shall make such apportionment, shall continue & be in full force.

Duration of this act.

Approved March 10, 1802.

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[January Session, ch. 53.]

AN ACT TO ESTABLISH THE FOURTEENTH MASSACHUSETTS TURNPIKE CORPORATION.

Whereas the highway leading from Greenfield, through Shelburne, Buckland and Charlemont, to the East end of the Second Massachusetts Turnpike Corporation is circuitous and rocky; and the expence of Straitening and repairing the same through the said towns, so as to be conveniently travelled with horses and Carriages, is much greater than can be reasonably required of the said towns.

Preamble.

SECTION 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same*, that Jerom Ripley, Calvin Munn, Caleb Clap, Jonathan Leavitt, Hart Leavitt, Beriah Willard, Daniel Wells, Samuel Wells, Solomon Smead, David Wells, and William Wells, together with such others as may associate with them, & their successors, be, and they are hereby constituted a Corporation by the name of the Fourteenth Massachusetts Turnpike Corporation, and shall by that name sue and be sued, and shall have a common Seal, and enjoy all the powers & privileges, which are by Law incident to Corporations, for the purpose of laying out & making a Turnpike road from the west end of the fifth Turnpike road beginning at the dwelling House of Calvin Munn in Greenfield, and Continue Westward thro' Greenfield Street, to the West end of Samuel Wells' barn, from thence South-Westerly to Green river, (over which there must be a bridge) then in a direct line, to the South side of the Dwelling house of Solomon Smead Esqr., from thence by the most convenient rout, near to the dwelling house of Colonel David Wells in Shelburne, from thence in the most convenient and direct line near to Deacon Boyd's house in Shelburne,

Persons incorporated.

Course of the road.