

greatest number of votes so returned for the persons to be voted for at such third trial, shall be duly elected to represent the said District in Congress; and the Governor shall cause the person so elected to be served with a certificate thereof, signed by the Governor & countersigned by the Secretary. And the same proceedings as are herein above directed, shall be had, in case no choice by a majority of all the votes returned, shall be made at the first trial to supply vacancies in the representation of this Commonwealth in Congress, according to the directions in the fifth section of the said Act to which this is an amendment.

SEC. 2D. *And be it further enacted*, That if either of the persons to be voted for upon the third trial should die, or decline being elected, or be otherwise disqualified, then the Governor shall cause precepts to issue as directed in the third section of the Act to which this is an amendment, in cases of a new election; and if no person shall be chosen by a majority of all the votes returned, the same proceedings shall be had as are herein before directed.

In case of death of a candidate or declination or disqualification.

SEC. 3D. *And be it further enacted*, That if, upon the returns of the third trial as aforesaid, the persons returned, or the two highest of them, shall have an equal number of votes, the Governor shall again cause like precepts to issue, and the proceedings herein before directed shall be repeated untill one of the said persons to be voted for at the third trial, shall have a majority of the votes so returned.

Further provision in case of an equal number of votes for two candidates.

SEC. 4. *And be it further enacted*, That so much of the fourth and fifth sections of the said Act to which this is an amendment, as is herein differently provided for, shall be, and is hereby repealed.

Parts of a former act repealed.

*Approved June 18, 1802.*

**1802. — Chapter 6.**

[May Session, ch. 6.]

AN ACT AUTHORIZING THE ERECTION OF A DAM FOR CERTAIN PURPOSES, AND TO REGULATE THE TAKING OF SHAD AND ALEWIVES IN THE TOWN OF MIDDLETON.

*Whereas the waters running from the great pond in the town of Middleton, in the County of Essex, to Ipswich river, become so low, during the summer season, that Shad*

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& Alewives cannot pass down to said river, but are detained in said pond, and great numbers of them perish during the winter season, to the great loss and damage of the inhabitants of said town:

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same;* That the inhabitants of the town of Middleton aforesaid, may erect and keep in repair a dam, sluice and gateway, in the brook, at the beginning thereof, near the pond leading from said pond to said river, for the purpose of keeping so much water in said pond as may be sufficient to fill the said brook, so that the young shad and alewives may pass down from said pond into said river; *provided*, that the water shall not be kept in said pond by means of said dam, after the twentieth day of October in every year; and *provided also*, that the gate in the sluice hereby authorized to be erected, shall not be shut down before the twentieth day of April in every year.

A dam, &c.  
allowed.

Fish committees to be chosen.

SEC 2D. *Be it further enacted;* that the inhabitants of the said town of Middleton be hereby empowered to choose, at any legal meeting of the inhabitants of said town, Committees for the purpose of regulating, as they may think proper, the taking of Shad and Alewives in the waters of the said pond, and the waters running into and from the same, and preventing obstructions to the said fish passing down said brook, with fines and penalties not exceeding three Dollars for each offence, to be recovered in any Court proper to try the same; one moiety to the person who may recover the same, and the other moiety to the use of the said town. *Approved June 18, 1802.*

## 1802. — Chapter 7.

[May Session, ch. 7.]

AN ACT REGULATING THE COLLECTION OF TAXES IN THE TOWN OF BOSTON, AND PROVIDING FOR THE APPOINTMENT OF CONSTABLES IN THE SAID TOWN.

SECTION 1. *Be it Enacted by the Senate & House of Representatives, in General Court assembled, and by the Authority of the same,* that the Selectmen of the town of Boston, be and they are hereby empowered, to appoint annually, such a number of persons as Constables, in the said town as the public Service may require, and the said Constables so appointed shall give bonds to the Treasurer

Selectmen to appoint Constables.