

## 1802. — Chapter 134.

[January Session, ch. 96.]

AN ACT TO CHANGE THE NAMES OF THOMAS PAINE, JOSEPH POPE, DAVID CHILD, ABIJAH BOND, JOSEPH JOHNSON, HABIJAH SAVAGE JUN., JONATHAN BARNEY, SHUBAEL SOWLE, AND JAMES JEWETT JUNR.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that Thomas Paine, attorney at Law, shall be allowed to take the name of Robert Treat Paine; That Joseph Pope, Merchant, shall be allowed to take the Name of Joseph Henry Pope; that David Child, Merchant, shall be allowed to take the Name of David Weld Child; that Abijah Bond, a minor, shall be allowed to take the Name of William A. Bond; that Joseph Johnson, Merchant, shall be allowed to take the Name of Joseph Joy Johnson; that Abijah Savage, junr. a minor, shall be allowed to take the name of Henry Savage; all of Boston, in the County of Suffolk; that Jonathan Barney, of the town and County of Nantucket, mariner, shall be allowed to take the Name of Jonathan Jenkins Barney; that Shubael Sowle, of Brookfield, in the County of Worcester, shall be allowed to take the Name of Shubael Lyman; and that James Jewett, jun. of Portland, in the County of Cumberland, Gentleman, shall be allowed to take the Name of James Charles Jewett; and each of the persons before named, shall, in future, be respectively known and called by the Names, which they are severally allowed to take as aforesaid; and the same shall be considered as their only proper Names, to all intents and purposes.*

*Approved March 8, 1803.*

## 1802. — Chapter 135.

[January Session, ch. 97.]

AN ACT IN ADDITION TO AND AMENDMENT OF AN ACT, ENTITLED "AN ACT DIRECTING THE METHOD FOR LAYING OUT HIGH WAYS."

SEC. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, that whenever a Jury may be ordered by the Court of General Sessions of the Peace, in any County, to hear & determine the complaint of any*

Method of selecting juries to hear and determine complaints for damages.

person or persons, aggrieved by the doings of a Committee of said Court in locating a highway, or by the doings of the Selectmen of any town in locating any private way, or estimating damages occasioned by such locations in pursuance of said Act, such Jury shall be summoned and attended by the Sheriff of such County or his Deputy; or if he, or either of his Deputies, be a party or interested, by a Coroner of said County; which Jury shall be selected in manner following Vizt. the Officer who shall be duly Authorised by said Court, shall make application to the Selectmen of two or more disinterested towns in said County, who shall draw out of the Jury box of the Supreme Judicial Court of their respective Towns, so many Jurors as such officer shall require, not exceeding nine from any one town; and if, by accident or challenge, there should happen not to be a full Jury, said Officer shall fill the pannel *de talibus circumstantibus*, as in other cases.

The jury to determine certain rights to property, so far as respects assessing damages.

SEC. 2. *And be it further Enacted*, that if the right or interest of any complainant in or to the real Estate alledged to be damaged by the laying out of such way, shall be denied by the town, district or Corporation complained against, the Jury summoned as aforesaid shall have Authority to consider and determine such question of right or interest so far only as respects the damages of said Complainant.

Two persons may join in one complaint.

SEC. 3. *And be it further enacted*, that when two or more persons have occasion to apply to any Court of Sessions, at the same time, for joint or several damages occasioned by the laying of the same highway, they may join in the same complaint, and their respective claims of damages shall, in that Case, be considered & determined by the same Jury, and the Costs shall be taxed jointly or severally as the Court, in their discretion, may determine to be equitable.

Time to be given for removal of wood, &c.

SEC. 4. *Be it further enacted*, that Committees & Jurors, that shall assess damages occasioned by laying out any road, shall give the owner of said land a reasonable time to take off the wood, timber or trees, and if the owner of such land shall neglect to take off said Wood, Timber or trees, within the time set by said Committee or Jury, it shall be forfeited for the benefit of the Road.

Officer's fees.

SEC. 5. *And be it further Enacted*, that the Officer summoning & attending such Jury, shall be entitled to

four cents a Mile for all necessary travel in performing the same, & one dollar & fifty cents a day for each day he shall attend them; and each Juror to one dollar for each day's attendance, and four cents a Mile for travel each way. And said Officer shall make a return of his own travel & attendance, and that of each Juror.

Juror's pay.

SEC. 6TH. *And be it further enacted*, that if any town, or other Corporation, shall find themselves aggrieved by the doings of a Committee of the Court of Sessions in any County, in locating a Way, or in estimating damages, by Virtue of the Act, to which this is an addition, such Town or Corporation, may apply to said Court, and be allowed a Jury or Committee to hear, and finally determine their complaint, in the same manner, and under the same limitations and conditions, as are provided in this Act and that to which it is in addition, in the case of an individual Person.

In case of a town or corporation considering itself aggrieved.

*Approved March 8, 1803.*

**1802. — Chapter 136.**

[January Session, ch. 98.]

AN ACT TO PREVENT THE WILFUL DESTRUCTION AND CASTING AWAY OF SHIPS AND CARGOES.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, that if any Owner of, Captain, Master, Officer or other Mariner, belonging to any Ship or Vessel, shall, within the body of any County of this Commonwealth, wilfully cast away, burn, sink or otherwise destroy, the Ship or Vessel of which he is owner, or to which he belongeth, or in any wise direct or procure the same to be done, with intent or design to prejudice any person or persons that hath or shall underwrite any policy or policies of insurance thereon, or of any Merchant or Merchants that shall load goods thereon, or of any Owner or Owners of such Ship or Vessel, every person, so Offending, being thereof lawfully convicted before the Supreme Judicial Court of this Commonwealth, shall be deemed and adjudged a Felon, and shall be sentenced to imprisonment for life or for a term not less than Five years at the discretion of the Court:— *Provided nevertheless*, that nothing herein contained shall be construed to bar or prevent the party injured from having and maintaining his Action for the damages sustained thereby.

Penalty for wilfully destroying a vessel, or causing it to be done.

An action for damages allowed.