

CHAP. XXV.

Act act to incorporate sundry persons by the name of *The Truro Pond Harbor Corporation.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Jason Ayres, Caleb U. Grozer, and others their associates, together with their successors and assigns, be, and they are hereby created a body politic and corporate, by the name of *The Truro Pond Harbor Corporation*, and by that name may sue and be sued, plead and be impleaded, pursue and be pursued to final judgment and execution in any court of record proper to try any matter which may be in controversy, and may have a common seal, and may exercise and enjoy all the rights and powers which are by law incident to similar corporations, for the purpose of opening a passage from the sea into a certain pond and quagmire, lying on the western side of said town, near the sea, and of clearing out said pond and quagmire so as to make the same a competent and convenient harbor, for the admission and security of vessels, with the right to hold the same pond and quagmire, together with all the lands surrounding the same to the distance of four rods therefrom, to them and their successors forever. And the said Corporation shall have power to make and put in execution, such bye-laws and regulations as to them shall seem fit for the government of said Corporation and the prudent management of their affairs; *provided* the said bye-laws be not repugnant to the constitution and laws of this Commonwealth: And said Corporation shall always be subject to the rules and regulations herein prescribed.

Persons incor-
porated.

Their powers.

Proviso.

SECT. 2. *Be it further enacted,* That the said Corporation may purchase and hold any other lands or flats which may impede the prosecution of said undertaking, and shall be under obligation to pay to the owners or proprietors of said pond or quagmire, and to any other person or persons whose lands or flats may be taken as aforesaid, or whose right may be impaired by the privileges and rights hereby granted to said Corporation, such damages as may be sustained by the taking of said pond, quagmire, lands and flats, to be estimated as in cases of turnpike roads, where the same cannot be done by voluntary agreement.

May take
property, making
compensation.

SECT. 3. *Be it further enacted,* That it shall be at all times the duty of said Corporation to keep the said Pond Harbor

Duties obligated

Harbor in a sufficient state of repair for the reception and safe lodgment of vessels; and to construct on the shores thereof, and keep in sufficient repair, convenient wharves for the loading and delivery of cargoes to and from said vessels. And when said harbor and wharves shall be prepared and constructed as aforesaid, the said Corporation shall be entitled to demand and receive from each vessel entering said Pond Harbor, the following rates of toll, viz:

For every vessel under twenty tons burthen, lying at a wharf in said harbor, *thirty cents* per day, otherwise *twenty cents*, per week; for every vessel of twenty tons burthen, and more, and not exceeding fifty tons, lying at a wharf, *fifty cents* per day, otherwise, *thirty cents* per week; for every vessel of fifty tons burthen, and upwards, lying at a wharf, *one dollar* per day, otherwise *fifty cents* per week; for every boat entering said harbor, *eight cents*; besides the same rates for all articles received or landed by such boat, as is established for wharfage of articles received or discharged by other vessels. And said Corporation shall be entitled to demand and receive the following rates of wharfage: For every bag of coffee, pimento, or sugar, *two cents*; for every bale of cotton, and every bag of hops, *ten cents*; for every chest, crate, case, trunk, box and package, *twelve and a half cents*; for every barrel *four cents*; for every cask of nails, *four cents*; for every thousand of boards, staves or hoops, *twenty-five cents*; for every box of sugar, *seven cents*; for every box of chocalate, candles, soap or glass, *two cents*; for every thousand of brick, *twenty-five cents*; for every thousand of clapboards, *twenty cents*; for every quintal of green salt fish *one cent*; for every quintal of dry salt fish *two cents*; for every bushel of grain, *one cent*; for every half barrel and firkin, *two cents*; for every keg, *one cent*; for every bundle of hay, *ten cents*; for every hoghead or pipe, *ten cents*; for every ton of iron, cordage or timber, *thirty cents*; for every thousand of laths, *six and one quarter cents*; for every ton of stones, *twenty cents*; for every hundred feet of timber, *ten cents*; for every bolt of duck, *one cent*; for every hoghead of salt, *six and a quarter cents*; for every thousand of shingles, *six and one quarter cents*; for every tierce, *seven cents*; for every cord of wood or bark, *twelve and a half cents*; for every hundred of posts or rails, *twelve and a half cents*; for every hundred weight of beef, pork or cheese, *two cents*; for every bushel of apples, turnips or potatoes, *one cent*; for every empty cask, half the rates before-mentioned; for all other articles not herein enumerated, such reasonable rates

of wharfage, (not exceeding one per cent. on the value of the property) as said Corporation may agree upon; saving that the said Corporation shall at no time have a right to demand any wharfage for green unsalted fish. And the wharfage of all goods landed from said harbor, shall be paid by the person landing the same, except the wharfage of wood and lumber, which shall be paid by the purchaser thereof; and the wharfage of all articles taken on board any vessel in said harbor, shall be paid by such vessels, or the person shipping the same.

SECT. 4. *Be it further enacted,* That no shark, dog-fish, or offal of other fish, shall be left or thrown into said harbor, or near to the mouth thereof, so as to be floated there-into by the tide, on penalty for each offence of not more than thirty dollars, nor less than three dollars, according to the aggravation of the offence; to be recovered before any court proper to try the same, by the treasurer of said Corporation, in an action of the case; one half of which penalty shall be to the use of said Corporation, and the other half to the poor of said town: And no person shall throw any ballast, or other matter or thing, into the said harbor, or the entrance thereof, on pain of forfeiting *ten dollars* for each ton of ballast, or other matter or thing, thrown in as aforesaid; to be recovered to the use of the said Corporation, by the treasurer thereof, in an action of the case before any court proper to try the same.

Harbor to be kept clear.

SECT. 5. *Be it further enacted,* That if said Corporation, or any person in their employ, shall unreasonably delay, or refuse to receive, any boat or vessel into said harbor; or shall demand and receive more toll or dockage than is by this act allowed, the said Corporation shall forfeit and pay to the party aggrieved a sum not exceeding five hundred dollars, nor less than ten dollars, to be recovered by action of the case in any court proper to try the same. And in all cases, the leaving of an attested copy of a writ against said Corporation, with the clerk or treasurer thereof, shall be deemed a proper service of such writ, and said clerk or treasurer, or any member of said Corporation shall be allowed to defend any suit instituted against the same without any special authority therefrom.

Corporation subjected to penalties in cases.

SECT. 6. *Be it further enacted,* That the stock or property of said Corporation, shall be held by the proprietors thereof, in shares not exceeding one hundred and fifty, and shall be numbered in progressive order, beginning at number one. And every original holder of any such share, shall receive

Manner of holding stock.

receive a certificate under the seal of said Corporation, signed by the treasurer and clerk thereof, certifying his property in the share in such certificate mentioned.

Meetings to be
appointed for
regulating their
concerns.

SECT. 7. *Be it further enacted,* That Jason Ayres be, and he is hereby authorized, to call the first meeting of said proprietors, by posting a notification thereof at the front door of the north meeting-house in said town, seven days, at least, before the time appointed for holding said meeting: At which meeting said proprietors may choose a President, Directors, Clerk, Treasurer, and Dockmaster, and such other officers as they may think proper for regulating their concerns; and in such meeting may also agree upon a method of calling future meetings. And said elections, and all others made by said Corporation, and all other questions which may at any time come before them, shall be determined by a majority of votes, reckoning one vote to each share; provided that no one person shall be entitled to more than ten votes. And shares in said Corporation shall be taken, deemed and considered personal property, to all intents and purposes whatever; and shall and may be transferable, and the mode of transferring the same shall be by deed, acknowledged before any justice of the peace, and recorded by the clerk of said Corporation in a book to be kept for that purpose; and the said shares shall be liable to attachment and execution.

SECT. 8. *Be it further enacted,* That if said Corporation shall neglect, for the space of five years, to complete the said Pond Harbor, and provide wharves therein as aforesaid, this act shall then become null and void.

[This act passed June 24, 1806.]

{END OF JUNE SESSION, 1806.}