

the case may be ; and in case they cannot agree, such person or persons may be appointed by any disinterested justice of the peace, or by the Court of Sessions for the said county of York, whose determination shall be the measure of such damages. And if the said corporation or their agents, or such other person as shall so be found to have done damages to the land of any person or persons adjoining said river, shall not within one month after said determination, pay or tender to the owner or occupant of such land the full amount of such damage so awarded to be paid, it shall and may be lawful for any person to whose land such damage shall be done, to sue for, and by action of the case to recover in any court proper to try the same, of said corporation, or such other person, as the case may be, the sum awarded as aforesaid, with costs of suit : *Provided*, that said proprietors shall not, nor any person employed in said business, take down or remove any bars or fences belonging to the owner or possessor of said lands, without liberty first obtained of the owner or possessor thereof.

Provided

[This act passed March 9, 1808.]

### CHAP. CXX.

An act to incorporate the Proprietors of the Bath Female Academy.

WHEREAS, on the seventh day of June, one thousand eight hundred and five, Captain Christopher Cushing, of Bath, in the county of Lincoln, gave by his deed a certain lot of land for the support of a school, to Peleg Tallman, Caleb Marsh, Laban Loring, Joseph Trott, Joseph Sewall and their associates ; and whereas the said grantees, and others, have associated under said deed, and raised and expended fifteen hundred dollars in erecting suitable buildings on said lot, and have also assessed themselves, and are expending other large sums in supporting schools in said house, and whereas also, said grantees and their associates have petitioned to be incorporated :—*Therefore*,

Preamble.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the above named grantees and their associates, the present proprietors of said house, and their heirs and assigns be incorporated, and they hereby are incorporated, and made a body politic, by the name of the Proprietors

Proprietors incorporated.

tors of the Bath Female Academy ; and in that name may sue, and be sued, and shall be invested with all the powers, privileges and immunities to which other similar corporations in this commonwealth are entitled by law, and shall be capable of purchasing and holding any estate, real or personal ; *Provided*, the clear annual income thereof, shall not at any time exceed the value of two thousand dollars ; that the property in said corporation shall be divided into shares, and said shares shall be considered as personal estate, and be liable to attachment in the same manner, and by the same rules and formalities as turnpike shares are by the laws of this commonwealth, and transfers or sales of shares shall be by deed duly acknowledged, and recorded in the book kept by the clerk of said proprietors.

SECT. 2. *And be it further enacted*, That the proprietors of said academy, be, and they hereby are authorized and empowered to raise by an assessment on the shares in said corporation, such sum or sums of money, for keeping and maintaining a school for the instruction of females, in useful and elegant accomplishments, for purchasing and increasing a library, suitable for such an academy, for supporting and maintaining instructors, repairing and enlarging said building, or erecting others for the purpose aforesaid, and defraying other expenses incident to such an institution, as they shall agree on, at any legal meeting called for that purpose, and the sums so assessed shall be paid by the proprietors of said shares, and if any proprietor shall neglect to pay any assessment which shall be legally made, upon his or her share or shares for the space of thirty days after the same is voted to be paid, the treasurer of said proprietors shall be authorized to sell and convey so many of said delinquent's shares in the corporation as may be necessary to pay the assessments remaining unpaid, at public auction, to the highest bidder, first giving notice thereof fourteen days at least previous to the sale, by posting up notifications thereof, at the post-office, and at one other public place in said Bath, and upon such sale to execute a good and sufficient deed or deeds thereof, and after deducting the amount of said delinquent's assessments, and all incidental charges, the said treasurer shall pay the surplus, if any there be, to such delinquent proprietor.

SECT. 3. *And be it further enacted*, That Denny M'Cobb, Esq. or any other justice of the peace, for the county of Lincoln, be, and he is hereby empowered to issue his warrant to some member of said corporation, requiring him to warn

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Empowered.

Assessment.

Assessments not paid.

Justice to issue his warrant.

the members thereof, to meet at some suitable time and place expressed in said warrant, to choose a moderator and a clerk, who shall be duly sworn, a treasurer, and such other officers and committees, as the proprietors shall judge necessary; at which meeting also, or any other, called in a similar manner, said proprietors may agree on the mode of calling future meetings.

[This act passed March 11, 1808.]

### CHAP. CXXI.

An act to alter the names of certain persons therein named.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, Thomas Harris the third, of Charlestown, in the county of Middlesex, son of Richard Harris, late of Marblehead, deceased, be allowed to take the name of Richard Thomas Harris; that Eliza Loyns Potter, a minor, and son of Job Potter, of Great Barrington, be allowed to take the name of Robert Loyns Potter; that Henry Orne, of Salem, in the county of Essex, and son of William Orne, of said Salem, merchant, be allowed to take the name of Charles Henry Orne; that Richard Derby, of Boston, in the county of Suffolk, son of Elias Hasket Derby, late of Salem, in the county of Essex, deceased, be allowed to take the name of Richard C. Derby; that Prince Tobey, of Augusta, in the county of Kennebeck, son of Stephen Tobey, of the same Augusta, gentleman, be allowed to take the name of Charles Edward Tobey; that Thomas Smith, of Rowley, in the county of Essex, son of Isaac Smith, of the same Rowley, be allowed to take the name of Thomas Hibbert Smith; that Samuel Page, of Salem, in the county of Essex, and son of Samuel Page, of the same Salem, deceased, be allowed to take the name of Samuel Lee Page; that John Gilman, of Winslow, in the county of Kennebeck, be allowed to take the name of John Hancock Gilman; that Andrew Mock, of Boston, in the county of Suffolk, minor, and son of William Mock, late of said Boston, deceased, be allowed to take the name of Andrew Jeremiah Allen; that James King the third, of Salem, in the county of Essex, and son of James King, of said Salem, be allowed to take the name of James Charles King; that James Purinton, late of Topsham, in the county of Lincoln,

Names altered.