

and place, after fourteen days notice from the date of said advertisement; and the said proprietors, by a vote of a majority of those present, accounting and allowing one vote to each share, (provided no person shall be allowed more than five votes,) shall choose a clerk, who shall be sworn to the faithful discharge of his office; also, may at the same, or any subsequent meeting, choose such other officers as may be found necessary for managing the business of the said corporation, and shall agree on a method of calling future meetings; and at the same or any subsequent meeting, may make and establish such rules and regulations, as shall be deemed convenient or necessary for effecting and completing the said bridge, and for regulating the affairs of the said corporation, and for collecting the toll herein granted; and the same rules and regulations may be caused to be observed and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding thirteen dollars, *provided* the said rules and regulations, be not repugnant to the constitution and laws of this Commonwealth.

Act void in
case of.

SECT. 5. *Be it further enacted*, That if the said corporation shall neglect and refuse, for the space of five years from the passing this act, to build and complete said bridge, then this act shall be void and of no effect: *Provided however*, that the legislature shall have power to regulate the toll established by this act any time within one year after the said bridge shall be completed, any thing in this act to the contrary notwithstanding.

[This act passed March 12, 1808.]

CHAP. CXXXVIII.

An act incorporating the Proprietors of the Norfolk Cotton Manufactory.

reamble.

WHEREAS the promotion of manufactures within this commonwealth, particularly such as are carried on with materials of American production, will increase the welfare and strength of the country, by promoting industry, and rendering us less dependant on foreign countries for articles of necessary consumption; and such manufactures being highly deserving the patronage of this government; and whereas Samuel Lowder, Calvin Whiting, Jonathan Richards, Eliphalet Baker, jun. Reuben Guild, Reuben

ben Richards, William Howe, Pliny Bingham, Calvin Howe, Edward Dowse and Jesse Wheaton, have associated themselves, for the purpose of carrying on the manufacture of Cotton, in its various branches, and other manufactures connected therewith; and have been at considerable expence in taking measures preparatory to the establishment of such manufactures, and have, for those purposes, purchased a mill seat, and privileges connected with and appertaining to it, on Mill Creek, in the town of Dedham, with some land contiguous and near to the same, and have petitioned the legislature to incorporate them, to enable them the more effectually and beneficially to prosecute the business of such manufactory:—*Therefore,*

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 aforementioned Samuel Lowder, Calvin Whiting, Jonathan Richards, Eliphalet Baker, jun. Reuben Guild, Reuben Richards, William Howe, Pliny Bingham, Calvin Howe, Edward Dowse and Jesse Wheaton, and their successors, so long as they shall be proprietors in the said manufactory, together with such others as have associated, or may hereafter associate with them, be, and they are hereby incorporated, by the name of the Proprietors of the Norfolk Cotton Manufactory: *Provided nevertheless,* that any person who now is, or hereafter shall be, by virtue of this act, one of said corporation, upon his ceasing to be a proprietor, shall cease to be a member thereof.

Proprietors in
incorporated.

Provido,

SECT. 2. *Be it further enacted,* That said corporation shall be capable in law of suing and being sued by its aforesaid name, and of pleading and being impleaded, defending and being defended in all courts of record, and other places whatsoever; and may do and suffer all acts, matters and things whatsoever, which bodies politic and corporate may or ought to do and suffer; and may have and use a common seal, and the same may alter at pleasure. And in all proceedings of said corporation, the votes of the proprietors shall be taken according to the real interest, or number of shares which they respectively hold in the actual property of said corporation, allowing in all cases one vote to each share; and absent members may vote and be represented by proxy, authorized in writing, by such absent member.

Entitled to pr
ileges, and subje
to penalties.

SECT. 3. *Be it further enacted,* That the said corporation is hereby made capable of taking, purchasing, possessing and holding to the use of the several members of said corporation, and to their heirs and assigns, in the same proportion

May possess a
hold estate lin
ed.

tion

tion as they are or may be severally interested as proprietors, real estate to the amount of twenty thousand dollars, exclusive of the value of the mills, and other buildings which may be erected by the said corporation; and personal estate to the value of one hundred thousand dollars; and also of selling, aliening or disposing of the same, or any part thereof.

SECT. 4. *Be it further enacted,* That the property in said corporation shall be, and hereby is divided into fifty shares, which shares shall be numbered in progressive order, beginning at number one; and each person, on becoming a proprietor, shall have a certificate or certificates of his share or shares, under the seal of said corporation, and signed by the treasurer and clerk thereof, as evidence of such proprietor's share or shares; and the said shares shall be deemed to be personal estate; and the shares aforesaid shall be transferable by deed or instrument, signed and sealed by the proprietor transferring, and acknowledged before any justice of the peace, and recorded by the clerk of said corporation, in a book to be kept for that purpose.

SECT. 5. *Be it further enacted,* That said corporation, from time to time, at any legal meeting, may assess upon each share, such sum and sums of money as they shall judge necessary for establishing and carrying on said manufactory, and for the purposes connected therewith; and whenever any proprietor shall neglect or refuse to pay any tax or assessment, duly voted and agreed upon by the said corporation, to the treasurer thereof, within ten days after the time set for the payment of such tax or assessment, the treasurer of said corporation is hereby authorized to sell at public vendue, the share or shares of such delinquent proprietor, one or more, as will be sufficient to pay the tax or assessment or assessments due thereon, and necessary incidental charges, after notifying in one newspaper, printed in the county of Norfolk, if any newspaper shall be there printed; and in the newspaper printed in Boston, by the printers of the General Court, the sum or sums due on such share or shares, and the time and place of sale; which notice shall be given and published, at least ten days previous to the time of sale; and such sale shall be a sufficient and valid transfer of the share or shares so sold to the person purchasing and paying for the same; and the treasurer shall give a certificate under his hand, containing the number of the share or shares so sold, and the name of the purchaser, and the amount such share or shares sold for, to the clerk

of

property divided
to shares.

subject to assess-
ment.

delinquent shares
to be sold.

of said corporation ; which certificate shall, by the clerk, be entered on the books of said corporation, kept for recording the transfer of shares ; and the purchaser shall be deemed and considered to all intents and purposes, the proprietor of the share or shares by him purchased and paid for, as aforesaid ; and the treasurer, after deducting the amount of the tax or assessment due on the share or shares of any delinquent proprietor, sold as aforesaid, together with the charges and expenses of the sale, shall pay the overplus or residue, if any shall remain, to the delinquent proprietor, or his written order, upon demand made on the treasurer for that purpose.

SECT. 6. *Be it further enacted*, That said corporation shall have power, from time to time, at any legal meeting, to choose a clerk, who shall be sworn to the faithful performance of his duty ; a treasurer, who shall give bond to said corporation, in such amount and manner as may be agreed upon by said corporation, conditioned for the faithful appropriation of the funds of the corporation, which may come to his hands ; and may also choose and appoint such other officers, agents, factors and directors, as to the said corporation may appear necessary or convenient for the regulation and government of the same, and for the effectuating the purposes of said manufactory ; and may also establish the tenures, duties and compensations of the said clerk, treasurer, officers, agents, factors and directors, and may make such rules and by-laws as may appear necessary, and the same to repeal at pleasure ; and to fix penalties for the breach thereof : *Provided* such penalties shall not exceed ten dollars for any one breach ; and *Provided also*, that the rules and by-laws to be made by said corporation, shall not be repugnant to the constitution and laws of this commonwealth.

Officers to be chosen.

Proviso.

SECT. 7. *Be it further enacted*, That the share or shares of any member of said corporation, shall be liable to attachment on mesne process, and to be taken on execution, as provided by a law of this commonwealth, passed the eighth day of March, Anno Domini, one thousand eight hundred and five, directing the mode of attachment on mesne process, and selling by execution shares of debtors in incorporated companies.

Shares liable to attachment.

SECT. 8. *Be it further enacted*, That this act shall be deemed and considered a public act, so far, that the same may be given in evidence in any court of record, under any general or other issue, without being specially pleaded :

Act may be given in evidence.

Provided

Proviso.

Provided always, that the legislature may from time to time, hereafter, upon due notice to said corporation, make such further provisions and regulations for the management of the business of said corporation, and the government thereof, or wholly to repeal this act, as shall be deemed expedient.

[This act passed *March 12, 1808.*]

CHAP. CXXXIX.

An act regulating the selections, the empannelling, and the services of grand, traverse and petit Jurors, and repealing such laws, or clauses of laws, touching these subjects, so far as they are provided for by this act.

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 selectmen of each town in this Commonwealth, shall provide, and at all times cause to be kept in their respective towns, two jury boxes, and shall before the first day of May next, and once at least in every three years afterwards, prepare a list of such persons, under the age of seventy years, in their respective towns, as they shall judge well qualified to serve as jurors, being persons of good moral character, and qualified as the constitution directs, to vote in the choice of Representatives, excepting the Governor, Lieutenant Governor, Counsellors, Judges, and Clerks of the common law Courts, Secretary and Treasurer of the Commonwealth, Loan Officer, and Revenue Officers, Judges of Probate, Registers of Probate, Registers of Deeds, settled Ministers, Officers of any College, Preceptors of Academies, Sheriffs, and their Deputies, Marshals and their Deputies, Counsellors and Attornies at Law, Justices and Clerks of the Courts of Sessions, Physicians, Surgeons, Criers of the Courts, Constables and constant Ferrymen; and from the persons whose names shall be borne on the abovementioned list, the Selectmen shall prepare another list, to consist of one quarter part of those persons contained in the first, and who shall be the best qualified to serve as grand jurors at the Court of Common Pleas, and grand jurors and jurors for trials at the Supreme Judicial Court, which last set shall be called traverse jurors; and the selectmen shall also make a third list, to consist of one half of the remaining part of the first list, and

Jury boxes to be kept by selectmen.

Persons qualified to serve as jurors.

—except from serving as jurors

Second list.