

CHAP. XLVII.

An act to ascertain and establish the line between the towns of Chesterfield, Goshen, and Williamsburgh, in the county of Hampshire.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the line of jurisdiction between the towns of Chesterfield, Goshen, and Williamsburgh, shall hereafter be as follows, viz. Beginning at a beech tree, marked H. F. and G. F. standing about fifteen rods south of the house where Samuel Mott formerly lived, in said Goshen, running southerly in a line, called and known by the name of the Hubbard line, to a beech staddle, standing in the north line of Northampton, marked N. H. H. E. C. E. with a number of other letters.

[This act passed Feb. 16, 1810.]

CHAP. XLVIII.

An Act to authorize the sale of Parsonage Lands in the South Parish in the town of Andover, in the county of Essex, to raise a fund for the support of the Gospel Ministry, in said Parish, and to appoint Trustees for the management thereof.

WHEREAS the inhabitants of the fourth Preamble. parish in the town of Andover, have petitioned this court for liberty to sell their parsonage or ministerial lands, for the purpose of raising a fund for the support of the ministry :

SEC. I. *BE* it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Farrar, Joshua Chandler, Benjamin Jenkins, Daniel Cummings, Jacob Osgood, David Abbot, and Simeon Furbush, be, and they hereby are appointed trustees to manage such funds as shall Trustees. be

Made a corporate body.

Powers and privileges.

Clerk and Treasurer.

Certain property vested in the Trustees.

Proviso.

be raised and appropriated to the use aforesaid, in and for the said parish ; and for that purpose they are hereby constituted a body politick and corporate, by the name of The Trustees of the Ministerial Fund in the South Parish in Andover ; and they and their successors, to be chosen and appointed in the manner hereinafter prescribed, shall be and continue a body politick and corporate, by that name forever ; and shall have a common seal, and may sue and be sued in all actions real, personal, and mixed, and prosecute and defend the same to final judgment and execution. And the said trustees and their successors, may and shall, annually, elect a clerk, who shall be sworn to the faithful performance of the duties of his office ; and a treasurer, who shall give bond in such sum as the said trustees shall deem adequate, with sufficient surety or sureties, faithfully to account for the monies, and all other property he may receive by virtue of this act.

SEC. 2. *Be it further enacted,* That the real estate belonging to said parish appropriated for the support of the ministry thereof, and the proceeds of the sale of any bark or timber, and money now in the hands of the treasurer of said parish, received as damages awarded by the Court of Sessions, on account of a publick road passing through said lands, be, and hereby are vested in said trustees and their successors ; and the said trustees be, and hereby are authorized to sell and convey the whole or any part of said real estate, and to make, execute, and acknowledge a good and sufficient deed or deeds thereof ; which deed or deeds, subscribed by their treasurer, by direction of said trustees, with their seal thereto affixed, and by him duly acknowledged, shall be good and effectual in law, to pass and convey all the right of said parish in and to said real estate, to the purchaser thereof, to all intents and purposes whatsoever : *Provided however,* That in any sale as aforesaid, the approbation of the said parish shall be first expressed at a legal meeting, duly convened for that purpose, or by a committee for that purpose, by the said parish appointed.

SEC. 3. *Be it further enacted,* That the number of trustees shall not at any time, be more than seven nor less than five, a major part of whom shall constitute a quorum

rum for transacting business ; and the inhabitants of said parish may, at any lawful meeting, duly warned and called for that purpose, remove any of said trustees from their said office ; and whenever any vacancy shall happen in said board of trustees, either by death, resignation or removal, the said parish, at any parish meeting legally warned for that purpose, shall fill said vacancy within one year after it shall happen ; and if the said parish neglect to do, within that time, then the said trustees, by a major vote, shall have power to fill such vacancy ; and the said trustees shall annually hold a meeting in March or April, and as much oftener as necessary, to transact their business.

Trustees may
be removed.

Manner of fill-
ing vacancies.

SEC. 4. *Be it further enacted*, That any gift, grant, bequest, or devise, hereafter made to the said trustees, shall be valid and effectual to all intents and purposes whatsoever, and they and their successors as aforesaid, are hereby empowered to take, have, hold, purchase, and exchange, use and improve any estate, real or personal, the annual income whereof shall not exceed the sum of two thousand dollars, in trust, for the support and maintenance of the gospel ministry in said parish ; and one sixth part of the net yearly income or interest of said fund and estate, shall by said trustees be annually added to the principal fund to increase the same forever : *Provided*, It shall not increase beyond the limits above prescribed ; and and the remaining five sixths of the said interest or annual income shall be annually paid to the regularly settled and ordained minister or ministers of said parish, in such manner as said parish may direct ; unless the said parish, at a legal meeting for that purpose, duly assembled, shall direct the whole of said income, or any part thereof, more than one sixth, to be put at interest for the increase of the fund ; and such proceeds of said fund, whenever the same shall be so paid to said minister or ministers, shall be deemed to be in satisfaction of his or their salary, for the time being, so far as the same will apply to the discharge thereof ; and during any vacancy in the said parish of a regularly ordained and settled minister, such part of the said income or interest, as would by the provisions of this act be applied to his use, shall be appropriated to the increase of the principal fund, any thing herein to the contrary notwithstanding.

Gifts, &c. made
valid.

Proviso.

Fund, how ap-
propriated.

SEC. 5. *Be it further enacted*, That the said fund shall always be holden and claimed to be unalienable, and shall never be used or applied to any other purpose than the support of a settled minister or ministers in said parish, and the principal thereof shall never in any part be expended, but always kept entire, and one sixth of the income shall be annually added to the principal in manner aforesaid; and the said trustees or their officers, agents, or attornies, for the services they may perform, shall be entitled to no compensation out of any monies arising from the funds aforesaid; but, if entitled to any, shall have and receive the same of said parish, as may be annually agreed upon.

SEC. 6. *Be it further enacted*, That the said trustees shall cause to be recorded and kept in their book of record, by their clerk or treasurer, a statement of the funds and estate in their hands, wherein shall be particularly designated the amount arising from the sales of the parsonage lands, the nature and amount of every grant or donation, the period when made, the design thereof, and the donor's or grantor's name and place of abode at large, with such other circumstances, as they may think useful, and proper to distinguish the same, and perpetuate the remembrance thereof; and they shall make report of such statements to the inhabitants of said parish at their meeting in the month of March or April annually, where the same shall be publickly read; or to a select committee, if said parish shall choose one for that purpose, together with a specifick estimate of what estate they actually hold, and by what tenure; what money and effects are due to them, and how the same are secured; what receipts have been obtained, and what payments made by them the preceeding year.

And enlarged.

SEC. 7. *Be it further enacted*, That the said trustees shall always loan upon interest, all the money belonging to said fund, in sums of not less than two hundred dollars each, except from necessity when they have not so large a sum at their disposal, and for the term of one year, upon the bond or note of the borrower, with a mortgage of real estate, situated either in the county of Essex, Suffolk, or Middlesex, of three times the value of the sum loaned, as collateral security for the repayment of the principal sum, with interest annually till paid: *Provided how-*
ever,

Proviso.

ever, That where any of the aforesaid parsonage land shall be sold upon a credit, and with the expectation that improvements will be immediately made upon it, it shall be sufficient to have a mortgage of the estate sold, with an approved surety with the principal ; and if any debtor to said corporation shall fail to pay the interest due on his bond or note for the space of thirty days after the same shall become due, it shall be the duty of said treasurer to cause such bond or note and mortgage to be put in suit, and prosecuted until it shall be obtained.

SEC. 8. *Be it further enacted*, That it shall be the duty of said trustees to use and improve such fund or estate, as shall be vested in them by virtue of this act, with care and vigilance, so as best to promote the design thereof ; and they shall be amenable to the inhabitants of said parish for negligence or misconduct in the management or disposition thereof, whereby the same shall be impaired or suffer loss, waste, or diminution ; and the inhabitants of said parish may have and maintain a special action of the case against the proper persons of said trustees, and their goods and estate, for such negligence or misconduct, and recover adequate damages therefor ; and any sum, so recovered shall be for the benefit of said fund, and shall be paid accordingly.

SEC. 9. *Be it further enacted*, That Joshua Chandler, Esq. be and he is hereby authorized to appoint the time and place of the first meeting of said trustees, and to notify them accordingly ; and said meetings, after the first, shall be called in such a way and manner, as the said trustees shall direct.

[This act passed Feb. 16, 1810.]