

CHAP. CXIV.

An Act, in addition to former Acts regulating Pilotage in the port of Salem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Governor, with the advice of the Council, may increase the number of branch pilots for the port of Salem, by granting additional branches on the joint recommendation of the Master of the Marine Society, in Salem, New-England, and of the President of the Salem East India Marine Society, and the said officers are hereby authorized to make, from time to time, regulations for the government of the pilots of said port, and the same to repeal or alter, any thing in the former acts, to the contrary notwithstanding: *Provided, however,* that such regulations Proviso. shall not take effect, until the same shall be approved by the Governor and Council.

[Approved by the Governor, March 5, 1827.]

CHAP. CXV.

An Act to incorporate the Trustees of the Ministerial Fund of the Congregational Union Society, in Amherst.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Oliver Dickinson, Daniel Russell, Junr. Chester Dickinson, Jonathan Smith, Daniel Dickinson, Jonathan Cowles, Henry Weeks, and their succes-

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Persons incorpo-
rated.

May sue, &c.

sors, he, and they hereby are constituted a body politic and corporate, by the name of the Trustees of the Ministerial Fund of the Congregational Union Society, in Amherst, and by that name may sue and be sued, plead and be impleaded, and have a common seal, and shall possess and enjoy all such other powers and privileges, as are incident to Corporations of a like nature.

subscriptions, &c

SEC. 2. *Be it further enacted*, That the said Trustees shall have power to take into their hands and possession, all such subscriptions, donations, grants, bequests, and devises, as may have been heretofore made, or may hereafter be made, for the purpose of constituting a Ministerial Fund, for the use and benefit of said Society, the annual income of which shall not exceed the sum of twelve hundred dollars, and the same to manage and put on interest, and to apply the income and interest thereof annually, for the support of the minister of said society, forever: *Provided*, that such appropriation shall be conformable to the express condition annexed to such subscriptions, donations, grants, bequests, and devises, as already have been or may hereafter be made to said society, for the purpose aforesaid.

Proviso.

Number of Trustees, &c.

SEC. 3. *Be it further enacted*, That the number of Trustees shall never be more than seven, that whenever any vacancy shall occur the same shall be filled by said society, at any regular meeting for that purpose called. That the said trustees shall keep a fair record of all their proceedings, which shall be open at all times to the inspection of the donors and their heirs, and any committee, which may be appointed by said society, to inspect the same.

Clerk and Treasurer.

SEC. 4. *Be it further enacted*, That said trustees shall annually appoint a clerk, and treasurer, that the clerk shall be a member of said society, and shall be sworn to the faithful performance of the duties of said office, shall have the care and custody of all papers and documents belonging to

said trustees, excepting those the care and custody of which are hereinafter given to the treasurer, and shall carefully and fairly record all their votes and proceedings in a book to be kept for that purpose, and shall certify the same when thereunto required, and shall call meetings as directed by vote of said trustees, and do whatever else may be incident to his office; and said clerk shall deliver up to his successor in office, as soon as may be, all the papers, records, and documents in his hands, in good order and condition, and if he shall neglect so to do for thirty days next after such successor shall be duly appointed, he shall forfeit and pay to the use of said society, the sum of fifty dollars, and the further sum of thirty dollars per month, for such neglect afterwards; and the treasurer shall be a member of said society, shall give bond to said trustees and their successors, with sufficient sureties, in such penal sum as they shall require, with condition to do and perform all the duties incumbent on him as treasurer, and he shall be the receiver of all monies and effects due, owing, and coming to them, and may demand, sue for, and recover the same in their name, unless prohibited by them; and he shall have the care and custody of the monies and effects, obligations, and securities for the payment of money, or other things, and evidences of property belonging to said trustees, and be accountable to them therefor, and shall dispose of the same as they shall order and direct, and shall render an account of his doings, and exhibit a fair and regular statement of the property and evidences of property in his hands, and the same shall be kept on the files of the clerk of said trustees, and he shall deliver up to his successor in office, as soon as may be all the books, and papers, property and evidences of property in his hands, in good order and condition, and if he shall fail to deliver the same as aforesaid, for the space of ten days, next after such successor in his said office shall be duly chosen, he shall forfeit and pay to the use of

said society, the sum of fifty dollars, and a further sum of thirty dollars per month, for such failure or neglect thereafter.

Statement of
funds, &c.

Trustees to re-
port, &c.

SEC. 5. *Be it further enacted*, That said trustees shall cause to be recorded and kept in their book of records by their clerk, a correct statement of the funds and estate, in their hands, wherein shall be particularly designated the nature and amount of each original grant, donation, devise, or bequest; the period when made; the design thereof; the name of the grantor, donor, deviser, or testator; and they shall make a report annually, to said society, at their annual meeting to be holden in the month of March or April, of the state and condition of the funds, with a specific estimate of what estate they actually hold, and by what tenure; what money and effects are due to them, and how they are secured, and what receipts, and what disbursements have been by them received, and made by them during the year preceding the time of making such report.

By-laws, &c.

SEC. 6. *Be it further enacted*, That said trustees may make rules, regulations and by-laws, and annex penalties for the breach thereof, not repugnant to the laws of this Commonwealth; may receive real estate by way of gift, devise, or purchase, and alienate the same by good and sufficient deed or deeds.

Mismanagement
of the fund, &c.

SEC. 7. *Be it further enacted*, That in no case, shall the principal of said fund be expended, unless the original terms and conditions of any particular grant, donation, conveyance, devise, or bequest, shall require or allow it, and in case said fund shall be mismanaged, or the income appropriated contrary to this act, or to the original directions of the grantors, donors, devisors or testators, said society, or any of the grantors, donors, devisors or testators, or his or their heirs, or any of them, may have and file a bill in equity, against the said trustees, or any one or more of them, specifying as distinctly as may be such mismanagement, misappropriation

or neglect, before the Supreme Judicial Court, holden for the County of Hampshire, and the said Court is hereby authorized to hear and determine the same, and to exercise jurisdiction thereon according to the rules of proceeding in Chancery, and to decree as equity and good conscience shall require; each of said trustees to be responsible for his own acts and not for one another, and any sum of money awarded or decreed to be paid by any of said trustees, shall be for the benefit of said fund and be paid over accordingly; and a final decree against any one of said trustees for mismanagement in said office, shall *ipso facto* be a disqualification for his acting as trustee and vacate his office.

SEC. 8. *Be it further enacted*, That whenever any of said trustees shall cease to be a member of said society, his office shall thereby become vacant, ^{Vacancies.} and said vacancy shall be filled as herein before provided, and whenever in the judgment of the majority of said board of trustees, any trustee, by reason of age or infirmity, shall become disqualified to perform the duties of his appointment, his office shall be declared vacant, and the vacancy shall be filled as herein before provided; and said trustees, their agents, officers, and attornies, shall never receive any compensation for their services from the proceeds of said sum.

SEC. 9. *Be it further enacted*, That any Justice of the Peace for the County of Hampshire, upon the application of any two or more of said trustees, is hereby authorized and empowered, to issue his warrant directed to one of the trustees named in this act, requiring him to notify the first meeting of ^{First meeting.} the said Corporation to organize the same by the establishment of by-laws, and the appointment of its officers: *Provided, also*, that this act shall be ^{Proviso.} subject to revision, alteration, or repeal, at the pleasure of the Legislature at any time hereafter.

[Approved by the Governor, March 6, 1827.]