

March 6, 1810.

Court of Common Pleas authorized to lay out a road.

by authorized on application from said corporation to lay out a private road from the said real estate of said corporation in Lynn, to the Salem Turnpike road, and also from said estate to the county road leading from Danvers and Lynn; and the said corporation shall be holden to pay all damages which may happen to any person by taking his land for such roads where it cannot be obtained by voluntary agreement, to be estimated by a committee appointed by the Court of Common Pleas for the county of Essex, saving to either party a right to trial by jury, according to the law, which makes provision for the recovery of damages happening by laying out publick highways: *Provided however*, that the towns of Lynn, Salem and Danvers, shall not be holden to repair or make said road, and also that said corporation may at any time discontinue either of said roads.

[This act passed March 6, 1810.]

CHAP. CXXII.

An Act in addition to an Act, entitled "An Act for the more speedy and effectual suppression of tumults and insurrections in the Commonwealth."

SEC. I. **B**E it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when any sheriff, or deputy sheriff, shall have any writ or other process, issued by competent authority of this commonwealth, to him directed, to be served and executed, and when any surveyor or other person, shall be ordered or empowered of the Supreme Judicial Court, or any Court of Common Pleas, to survey any land, and such sheriff or deputy sheriff, or surveyor, or other person, shall be obstructed, or interrupted in the performance of the duty or service required or enjoined by such order or precept, or shall apprehend that such order or precept cannot be obeyed or executed without endangering his personal safety, such sheriff, deputy sheriff, surveyor or other person, lawfully acting in obedience to any

Militia to be employed in case, &c.

any such process, or order of the courts aforesaid, may apply to any Justice of the Supreme Judicial Court, or to any two or more Judges of the Court of Common Pleas, in any county, and represent to such Justice or Judges the danger which is apprehended; and if such Justice or Judges shall be of opinion that such representation is well founded, he or they shall require of the commanding officer of any Brigade or Regiment, within the division of militia wherein such danger is apprehended, to detach, at the expense of the commonwealth, a sufficient number of the militia, to be specified in the order of such Justice or Judges, under the command of proper officers, to protect such sheriff, deputy sheriff, surveyor, or other person, in performance of his duty or duties, pursuant to the command contained in any such writ, precept, process, or order of court; and the part of the militia so detached, shall be armed and equipped, for actual service, according to law; and it shall be their duty to protect the aforesaid persons in the proper performance of their duties, as aforesaid; and to repel, by force, any attempt to obstruct the same; and also to seize, take and arrest, any person or persons who shall forcibly resist or oppose any officer, or surveyor, in the discharge of the duties aforesaid, or who shall aid or abet therein; and the persons so arrested, shall be brought before some justice of the Peace, within and for the county in which the offence may be committed, for examination; and it being made to appear to such justice, that the person or persons so brought before him, were concerned or engaged in opposing such officer, or surveyor, or their assistants, or in aiding or abetting those concerned therein, it shall be the duty of such justice, and he is hereby authorized and required to recognize such person or persons, as well as all necessary witnesses, to appear before the justices of the Supreme Judicial Court next to be holden within and for the county in which the offence shall have been committed; and in case of the neglect of such person or persons to find good and sufficient sureties, for their appearance at said court, the said justice shall make out his mittimus and commit them to prison; and on conviction of any person of either of the offences aforesaid, he shall be fined in a sum not exceeding one thousand dollars, be imprisoned for a term not exceeding one year, and find sureties to keep
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the peace and be of good behaviour for a term not exceeding three years, any and all of them at the discretion of the court wherein such offender shall be tried; and the justices of the Supreme Judicial Court, may, and they are hereby authorized, to order such convicts to be confined in the gaol of any county within this commonwealth, any law, custom or usage to the contrary notwithstanding.

Persons disguising themselves liable to indictment and penalty.

SEC. 2. *Be it further enacted*, That if any person or persons shall disguise himself, or themselves in the likeness of Indians, or in any other manner with intention to obstruct the execution of the laws of this Commonwealth, or shall disguise himself, or themselves, with intention to intimidate, or interrupt any sheriff, deputy sheriff, surveyor, or other person, in the legal performance of duties, or exercise of rights, under the constitution or laws of this commonwealth, such person or persons, so disguised, shall be liable to indictment in the Supreme Judicial Court; and every person who shall be convicted of such offence, shall be fined in a sum not less than twenty dollars nor exceeding five hundred dollars; and shall be imprisoned in the common jail of the county in which the trial may be had, for a term of time not exceeding one year, and shall be required to find surety for his or their good behavior, for the term of one year, after the expiration of his or their imprisonment.

SEC. 3. *Be it further enacted*, That if any commanding officer of a brigade or regiment, shall refuse, or wilfully neglect to execute any orders which he may receive as aforesaid, to detach the militia under his command, or if any officer detached, shall refuse to march according to the orders which he may receive, for the support of the civil authority aforesaid, he shall be tried by a court martial, and shall be liable to indictment in the Supreme Judicial Court; and on conviction, shall be fined in a sum not less than three hundred dollars, nor exceeding one thousand dollars.

Soldiers refusing to march liable to indictment.

SEC. 4. *Be it further enacted*, That if any non-commissioned officer or private, shall refuse to march, or perform the duty required of him by his superiour officer or officers, in pursuance of this act, such non-commissioned officer or private, shall be liable to indictment; and shall, on conviction, in the court of Common Pleas, or Supreme

Judicial

Judicial Court, be fined in a sum not exceeding three hundred dollars, nor less than twenty dollars; and if any such person or persons, of the last mentioned description, shall desert from the service, on which he or they may be employed in pursuance of this act, such person or persons shall be fined as aforesaid, on conviction as aforesaid, and in addition to such punishment, shall be imprisoned not exceeding one year, nor less than thirty days.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after the first day of June next. When to take effect.

[This act passed March 6, 1810.]

CHAP. CXXIII.

An act in addition to an act entitled "an act to establish a Corporation by the name of The Union Turnpike Corporation."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That a further time of four years, from and after the second day of March, in the year of our Lord one thousand eight hundred and eight, be, and hereby is allowed to the said Corporation to complete their said Turnpike Road.

[This act passed March 6, 1810.]

CHAP. CXXIV.

An Act in further addition to an act, entitled, "An Act to empower the town of Bolton to choose a Board of Health, and for preventing and removing nuisances."

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Board of Health of the town

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