

any of the said Courts of Common Pleas, to the Supreme Judicial Court as in other causes; and the Justices of the Supreme Judicial Court, are hereby empowered to receive, hear, adjudge, finally determine and award execution on all appeals in such causes now depending, or that hereafter may be brought before them.

*And be it further enacted by the authority aforesaid that if any person shall claim any goods, chattels or merchandize, seized and libelled for any of the causes aforesaid, and shall not support his claim, he shall be liable to pay the costs arising on such prosecution.*

*January 5, 1789.\**

### 1788. — Chapter 30.

[Printed with Perpetual Laws.]

AN ACT FOR ERECTING WORK HOUSES, FOR THE RECEPTION AND EMPLOYMENT OF THE IDLE AND INDIGENT.

Preamble.

*Whereas erecting Houses for the employment of idle persons, who neglect and refuse to exercise any lawfull calling or business to support themselves and families, and for the poor and indigent, that want means to employ themselves, may be useful to the public, and especially to such towns as shall be concerned in such an undertaking:*

Any one town may erect or provide a work-house.

*Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same; That when any town in this Commonwealth, shall see meet to erect or provide a house, for the purpose before named, such town shall be, and hereby is fully authorized and empowered thus to do; and the towns aforesaid, as well as those who have already erected such houses, are hereby empowered at their annual meeting for the choice of town officers, to choose three, five, seven, or more Overseers of the said House, who shall have the inspection and government thereof, with full power of appointing a master, and needful assistants, for the more immediate care and oversight of the persons received into, or employed in the said house: Which Overseers once in every month, and at other times as occasion shall require, shall assemble together for the purpose of determining the most eligible method of discharging the duties of their Office, and at their stated monthly meetings, shall have power to make needfull*

Empowered to choose overseers.

\* Approved January 9, 1789.

orders and regulations for such house ; which orders shall be binding untill the next public meeting of the inhabitants of such town to whom such orders shall be presented for approbation ; & when by them approved, shall be obligatory, untill revoked by the town.

Overseers to make needful orders and regulations.

*And be it further Enacted by the authority aforesaid;* that when any number of towns shall agree (at their joint charge, and for their common benefit) to erect or provide a Work-house for the employment of persons residing in such towns, that are indigent or idle, or to purchase land whereon to erect such house, or for the accommodation thereof, they shall be, and hereby are, vested with power and authority thus to do ; and the ordering and governing the same, making the necessary repairs thereof, appointing a Master and other assistants, and the power of removing him or them from their respective Offices or trusts, for irregular behavior, incapacity, or for other sufficient cause, shall be vested in Overseers, to be from year to year specially chosen by the several towns, at their annual meeting for the choice of town Officers, each town to choose three, unless all the towns engaged in the undertaking, shall agree upon a different number : And in case of the death of an Overseer, or his removal from the town for which he was appointed, the vacancy made thereby, may be supplied by such town, at any other public meeting : And if any town concerned, shall neglect to choose such Overseers, in such case the person or persons chosen in the other towns, may proceed in all affairs of the said House, any such neglect notwithstanding.

Any number of towns that shall agree to erect or provide a work-house, are vested with power thus to do.

Overseers to be annually appointed.

*And be it further enacted by the authority aforesaid,* that there shall be stated quarterly meetings of all the Overseers, on the first *Tuesday* of the months of *January, April, July* and *October*, annually, to be held at the Work House, in order to inspect the management, and for directing the business thereof ; and besides those stated meetings, intermediate ones, to be held at the Work House, may be called by the Overseers of any town concerned ; due notice of the time and occasion thereof being given to the rest, in such way and manner, as shall be agreed upon by the Overseers, at any general stated meeting : And the said Overseers when duly assembled, may choose a moderator, and at their first general meeting annually, after their appointment, they shall likewise choose a Clerk, to enter and record all votes and orders, that shall

Times & places for holding stated quarterly meetings of the overseers.

Overseers empowered, when assembled, to choose a moderator, etc.

be made and passed by the Overseers; who shall be sworn to the faithfull discharge of his trust.

Empowered to make all reasonable orders, and by-laws.

*And be it further enacted by the authority aforesaid,* that the Overseers for the time being, at a general quarterly meeting; provided one half at the least of the whole number chosen are present, shall have full power and authority to make all reasonable orders and By-laws, not repugnant to the laws of this Commonwealth, for the ordering and regulating the said house, and the affairs thereof; which orders and By-laws shall continue and be in force untill altered, annulled or reversed by them or their successors in Office, and may likewise agree with the Master or other assistants, and order meet allowance for their care and service; and all other matters of less importance, relating to the said House, may be transacted at any other meeting duly notified, when only one third part of the overseers are present, subject nevertheless to be altered or reversed, at any general stated meeting.

To make allowance to the master or assistants, etc.

Yearly stipend to the master and assistants, how paid.

*And be it further enacted by the authority aforesaid,* that the yearly stipend or allowance to the master and assistants, over and above what is provided for by this Act, for their care and trouble, together with the charge of keeping the house in repair, shall be paid by the several towns concerned; in proportion as they are taxed to the Government, at the time the expence is incurred, or in such other proportion, as all the towns concerned shall agree upon: And if any town or towns, shall refuse or neglect to advance, or reimburse their respective proportions of such allowance, or other charges before mentioned, after they shall have been stated and adjusted by the Overseers, the same may be recovered of such delinquent town or towns, in any Court proper to try the same, by action to be brought by such person or persons, as the overseers shall in writing appoint for that purpose.

Overseers empowered to commit to the work-house such persons as are by this act declared liable.

*And be it further enacted by the authority aforesaid,* That any two or more of the Overseers, in any town already provided with such House, and any two or more of the Overseers, in any Town that, either by themselves or in conjunction with other Towns, shall hereafter erect a Work-house, be, and they are hereby authorized, empowered and directed, to commit to such House, by writing under the hands of the said Overseers; to be employed and governed according to the rules and orders of the House, any person or persons, residing in such town, that

are in this act declared liable to be sent thither: *Provided* Proviso. that no greater number of persons belonging to any town, be received into the House, than such Town's proportion of the said House to be allotted them, can accomodate, when the receiving them will exclude or incommode such as belong to other towns; and an order of commitment from two or more Overseers, directed to a Constable of the same town, shall by such Constable be obeyed and executed.

*And be it further enacted by the authority aforesaid,* that the persons who shall be liable to be sent unto, employed and governed in any work-house erected, or to be erected, by one or more towns, in pursuance of this Act, are, — Description of persons liable to be sent or employed in any work-house. all poor and indigent persons that are maintained by, or receive alms from the town; also all persons able of body to work, and not having estate or means otherwise to maintain themselves, who refuse or neglect so to do, live a dissolute vagrant life, and exercise no ordinary calling or lawful business, sufficient to gain an honest livelihood, and all such as having some rateable estate, but not sufficient to qualify them to vote in town affairs, do neglect the due care and improvement thereof, and such as spend their time and property in public Houses, to the neglect of their proper business; or by otherwise mispending what they earn, to the impoverishment of themselves and their families, are likely to become chargeable to the town, or to the Commonwealth.

*And be it further enacted by the authority aforesaid,* that if any town shall refuse or neglect to provide its proportion of the needfull furniture for such House, or the materials, impliments, or other necessary apparatus for carrying on the work there to be performed, according to their agreement, or as shall be directed by the Overseers, such town shall be deprived of the priviledge of sending any person thither, untill they shall comply with such agreement or direction. Towns that neglect to provide materials, &c., shall be deprived of their priviledge.

*And be it further enacted by the authority aforesaid,* that besides the aforesaid proportion of materials and other things to be found by the towns concerned, each town may likewise provide such other materials and tools for work, as the Overseers for such town shall determine, any person by them committed to the said House, can be employed about, more advantageously: And the master of the House shall receive such materials and tools, & keep Towns to provide such other materials, &c., as the overseers shall determine. Master of such house shall receive such

materials and be accountable.

them separate and apart from those sent from any other Town, and shall be accountable to the Overseers of each town concerned, as well for the prime cost, as for all profits and earnings, that shall be made by the labour of those, belonging to such town, under his care, and shall keep a Register of the names of the persons committed to such Work-house, and of the towns to which they respectively belong, with the time of their being received into, and discharged therefrom, & of their earnings, that the same may appear to any of the Overseers, whenever they shall incline to inspect them: And all controversies between the Master or Keeper of such House, and the Overseers of any town touching his accounts or other his affairs whatever, respecting the Work-house, may be determined by the Overseers of the House, at a general or quarterly meeting.

Controversies between the master of such house, and the overseers, how determined.

No town shall be chargeable for the support of any person, not sent by the overseers.

*And be it further enacted by the authority aforesaid*, that no Town shall be chargeable for the relief or support of any person committed to the said House, who was not sent thither by the Overseers belonging to such town, nor shall any person orderly committed to the said House, be discharged therefrom, but by the Overseers that made the commitment, or by the Overseers at a general or quarterly meeting, or otherwise by the Court of Common pleas in the same County, upon application to them made for that purpose: And every person thus committed, if fit and able to work, shall be kept diligently employed in labour, during his or her continuance there: And in case the person so committed, shall be idle, and not perform such reasonable task or stint, as shall be assigned; or shall be stubborn and disorderly, they shall be punished according to the orders that shall be made for ruling, governing and punishing the persons there committed, not repugnant to the laws of the Government.

Persons committed to be kept diligently employed.

Punishment for being disorderly.

*And whereas it sometimes happens*, that such idle or indigent persons are foreigners, and have not gained a legal inhabitancy in any particular town, but are the proper charge of the Commonwealth:

Clause respecting idle or indigent persons who are foreigners, and not legal inhabitants of any town.

*Be it further Enacted by the authority aforesaid*, that when any foreigner or other person, not a legal inhabitant of any town within this Commonwealth, shall become idle or indigent, it shall be the duty of the Overseers of the town in which such person resides, or any two of them, to commit such idle or indigent person to the Work-house

belonging to the same town, or in which such town is interested, and the person or persons so committed, shall be under the care of the Keeper of such House, and be employed, if capable of labour, in the same way and manner, as is herein before directed, and shall be subject to the same rules and regulations as others committed to said House; and such Overseers shall keep a fair account of the charge of supporting such idle or indigent person from time to time, and shall exhibit the same once in every year at the least, to the *General Court*, for allowance and payment, deducting therefrom, the amount of such persons earnings.

*And be it further enacted by the authority aforesaid*, that one third part of the profits or earnings of the work done by the persons detained in such House, shall be to the master, for, and towards his support, over & above such further annual stipend as the Overseers may allow him: And the prime stock, together with the other two thirds of the profits, shall be disposed of by the Overseers of the respective towns to whom it belongs, either to the master towards his services, or for the support of the families of the persons there detained, if any such they have, or otherwise for the use of such town, as occasion shall require.

Profits or earnings of the work, how applied, etc.

*And be it further enacted by the authority aforesaid*, that any Work-house erected or provided as aforesaid, may be discontinued or applied to any other use, whenever the town or towns concerned, shall find their circumstances require it, and shall agree thus to do.

Any work-house may be discontinued.

*Provided nevertheless*, that nothing herein contained shall be understood to abridge the town of *Boston*, or the Overseers of the poor thereof, of any privilege or power respecting a Work-house, granted unto them, by a law passed in the year One thousand seven hundred and thirty five; but the same law entitled, “An Act for employing and providing for the poor of the Town of *Boston*,” and every clause thereof, is hereby established, ratified and confirmed:

Proviso, respecting the town of Boston.

*Provided also*, that nothing herein contained shall be so construed, as to abridge the town of *Salem*, or the Overseers of the poor thereof, of any privilege or power granted unto them, by an Act passed the twenty sixth day of *January*, One thousand seven hundred and seventy three, entitled, “an Act for employing and providing for

Proviso, respecting the town of Salem.

the poor of the Town of *Salem*, and for the better regulating the Work-house in said town; but the same and all other Acts relative to Work-houses heretofore erected in any particular town, and every clause of such Acts, are hereby established, ratified and confirmed.

*January 10, 1789.\**

### 1788. — Chapter 31.

[December Session, ch. 3.]

AN ACT FOR INCORPORATING THE TOWNSHIP NUMBER FOUR, ON THE EAST SIDE OF *PENOBSCOT RIVER*, COMMONLY CALLED *NASKEEG*, IN THE COUNTY OF *LINCOLN*, INTO A TOWN BY THE NAME OF *SEDGWICK*.

Boundaries.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the tract of land, described and bounded as followeth, viz. beginning at the head of Eggimoggin reach, so called, on the dividing line between number three and number four, and from thence running north-easterly, on the easterly line of number three, until it meets the southwesterly corner of number five; thence by the southwesterly line of number five, to Blue hill bay; thence by said bay and Eggimoggin reach, to the first mentioned bounds, together with the inhabitants thereon, be, & they hereby are incorporated into a town, by the name of Sedgwick; and the inhabitants of the said town, are hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth, do, or may by law enjoy.*

*Gabriel Johonnot, Esq., to call a meeting.*

*And be it further enacted, That Gabriel Johonnot, Esquire is hereby empowered to issue his warrant, directed to some suitable inhabitant of the said town of Sedgwick, directing him to notify the inhabitants of said town, to meet at such time and place, as he shall appoint, to choose such Officers, as other towns are empowered to choose, at their annual meeting in the month of March or April, annually.*

*January 12, 1789.†*

\* Approved January 21, 1789.

† Approved January 14, 1789.