

Proviso.

*Provided nevertheless*, that there shall be the same proceedings and doings with respect to all actions and suits commenced or which may be commenced, & all crimes committed or which may be committed, and all assessments made, before the first day of *May* next which would have been had if this Act had not passed.

*And it is further enacted* that the foregoing Act shall be in force from and after the first day of *May* next.

*March 3, 1791.*

### 1790. — Chapter 25.

[January Session, ch. 11.]

AN ACT TO ESTABLISH AN ACADEMY IN THE TOWN OF HALLOWELL BY THE NAME OF HALLOWELL ACADEMY.

Preamble.

*Whereas the encouragement of literature among the rising generation, has ever been considered by the wise & good, as an object worthy of the most serious attention, as the safety and happiness of a free people ultimately depend upon the advantages arising from a pious, virtuous, and liberal education; And Whereas it appears from a petition of a large number of inhabitants in the County of Lincoln, that a sum of money has been generously subscribed by a number of the inhabitants of the town of Hallowell & its vicinity, towards erecting a public building for the purpose of an Academy in said town; and that such an institution, besides encouraging the interests of literature and the sciences and diffusing useful knowledge in that part of the Country, may otherwise essentially promote the interest of the Commonwealth:*

*Be it therefore Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, that there be, and hereby is established in the town of Hallowell in the County of Lincoln, an Academy by the name of Hallowell Academy, for the purpose of promoting true piety and virtue & for the education of youth in the English, Latin, Greek & French languages, together with writing, arithmetic, and the art of speaking; also practical geometry, logic, philosophy & geography, & such other of the liberal arts and sciences, or languages, as opportunity may hereafter permit, and as the Trustees herein after provided, shall direct.*

Hallowell  
Academy.

Trustees.

*And be it further enacted by the authority aforesaid, that the honorable Thomas Rice, the honorable Jonathan*

*Bowman*, the honorable *Nathaniel Thwing*, the honorable *Dummer Sewall*, the honorable *Daniel Cony*, the honorable *Waterman Thomas*, the honorable *William Lithgow* junr Esquires, Revd. *Josiah Winship* Revd. *Alexander M<sup>c</sup> Lean*, *William Brooks* A. M. *Henry Dearborn*, *Charles Vaughan*, *Samuel Dutton*, *Henry Sewall*, *Edmund Bridge*, *William Howard*, *Robert Page* & *Samuel Nichols* Esqrs. *Nathaniel Dummer* & *James Carr* Gentlemen be, and they hereby are nominated & appointed trustees of the said Academy, & they are hereby incorporated into a body politic, by the name of *the Trustees of Hallowell Academy*; and they & their successors shall be, and continue a body politic and corporate, by the same name forever.

*And be it further enacted by the authority aforesaid*, that all the lands and monies heretofore subscribed or which may hereafter be subscribed, which by a legal instrument hereafter made, shall be given, granted & assigned by the subscribers unto the Trustees of *Hallowell Academy*, shall be confirmed to the said Trustees and to their successors in that trust forever, for the uses & purposes, and upon the trust, which in the said instruments shall be expressed: And the Trustees aforesaid, their successors, & the Officers of said Academy are hereby required in conducting the concerns thereof, and in all matters relating thereto, to regulate themselves conformably to the true design & intention of this Institution.

Property to be  
vested in the  
Trustees.

*And be it further Enacted by the authority aforesaid*, that the said Trustees and their successors shall have one common seal which they may make use of in any cause or business that relates to the said office of Trustees of the said Academy & they shall have power and authority to break, change & renew the said seal from time to time, as they shall see fit, and they may sue and be sued in all actions real personal & mixed, and prosecute & defend the same unto final judgment & execution by the name of *the Trustees of Hallowell Academy*.

Seal.

*And be it further enacted by the authority aforesaid*, that the said *Thomas Rice* esqr & others the Trustees aforesaid and their survivors & successors shall from time to time have full power and authority to elect a President, Vice President & Treasurer, a Preceptor, and all such other Officers of the said Academy as they shall judge necessary and convenient, & to make & ordain such laws, orders, and rules for the good government of the

Their powers.

said Academy, as to them the said Trustees and their successors shall from time to time, according to the various occasions and circumstances seem most fit and requisite, all of which shall be observed by the Officers, Schollars and Servants of the said Academy upon the penalties therein contained :

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*Provided nevertheless*, that the said rules, laws and orders be no ways contrary to the laws of this Commonwealth: And *Provided also* that the said rules or orders shall not grant or establish to the said Trustees their heirs or successors any peculiar or exclusive advantages to be enjoyed by them or their assigns from the funds of the said Academy.

Their number.

*And be it further Enacted by the authority aforesaid*, that the number of the Trustees aforesaid and their successors shall not at any one time be more than twenty one nor less than twelve, a major part of whom shall constitute a quorum for transacting business, and a major part of the members present at any legal meeting shall decide all questions that shall come before them, except in the instance herein after mentioned; and that a major part shall consist of men who are not inhabitants of the town where the Seminary is or may be situate.

Vacancies supplied.

And to perpetuate the succession of the said Trustees, *Be it further enacted by the authority aforesaid*, that as often as one or more of the Trustees of the said *Hallowell Academy* shall die or resign or in the judgment of the major part of the other Trustees, be rendered by age or otherwise incapable of, or unfit for discharging the duties of his office, then and so often the Trustees then surviving or remaining, shall elect one or more person or persons to supply the vacancy or vacancies.

Qualified to receive benefits.

*Be it further enacted by the authority aforesaid*, that the Trustees aforesaid and their successors be, & they hereby are rendered capable in law to take and receive by gift, grant, devise, bequest or otherwise any lands tenements or other estate real & personal: *Provided* that the annual income of the said real estate shall not exceed the sum of *five hundred pounds*, and the annual income of the personal estate shall not exceed the sum of *two thousand pounds*, both sums to be valued in silver at the rate of *six shillings and eight pence* the ounce, to have and to hold the same to them the said Trustees & their successors forever :

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*Provided always*, that neither the said Trustees nor their successors shall ever receive any grant or donation, the condition whereof shall require them or any others concerned, to act in any respect counter to the design of this Institution: And all deeds & instruments which the said Trustees may lawfully make, shall, when made in the name of the said Trustees and signed and delivered by the Treasurer & sealed with the common Seal, bind the said Trustees and their successors, and be valid in law. Proviso.

*And be it further enacted by the authority aforesaid*, that if it shall hereafter be judged upon mature & impartial consideration of all circumstances by two thirds of all the Trustees, that for good and substantial reasons which at this time do not exist, the true design of this Institution will be better promoted by removing the Seminary from the place where it is founded, in that case, it shall be in the power of the said Trustees to remove it accordingly and to establish it at such place within the said County of *Lincoln* as they shall judge to be best calculated for carrying into effectual execution the intention and true design of this Institution. — Empowered to remove the seminary in case.

*And be it further enacted that Daniel Cony Esquire* be, and he hereby is authorized & empowered to fix the time and place for holding the first meeting of the said Trustees, and to certify them thereof. Daniel Cony, Esq. empowered. *March 5, 1791.*

### 1790. — Chapter 25A.\*

[January Session.]

AN ACT FOR APPORTIONING & ASSESSING A TAX OF *TWENTY FIVE THOUSAND THREE HUNDRED & SIXTY FIVE POUNDS TWO SHILLINGS & SEVEN PENCE*, TO ANSWER THE EXIGENCIES OF GOVERNMENT; & ALSO *FOUR THOUSAND ONE HUNDRED & ELEVEN POUNDS FOURTEEN SHILLINGS* TO REPLACE THE SAME SUM DRAWN OUT OF THE TREASURY TO PAY THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR ATTENDANCE THE THREE LAST SESSIONS OF THE GENERAL COURT; ALSO FOR ASSESSING A FURTHER SUM OF *ELEVEN POUNDS FOURTEEN SHILLINGS* SET TO THE TOWN OF *BOWDOIN*, & THE SUM OF *THIRTY SIX POUNDS NINETEEN SHILLINGS & EIGHT PENCE*, SET ON LANDS OF THE HEIRS AND ASSIGNS OF THE LATE BRIGADIER *WALDO*.

Whereas it has become, necessary in order to answer the exigencies of Government, that the Treasury of this Com-

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