

thereto, and rendered prior to the time this act shall take effect, shall remain in full force.

When to go  
into effect.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1840.*]

Chap. 80.

An ACT concerning Passenger Carriers.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Penalty upon  
carriers when  
life is lost by  
reason of negli-  
gence, &c.

If the life of any person, being a passenger, shall be lost by reason of the negligence or carelessness of the proprietor or proprietors of any rail-road, steam-boat, stage coach, or of common carriers of passengers, or by the unfitness or gross negligence or carelessness of their servants or agents, in this Commonwealth, such proprietor or proprietors, and common carriers, shall be liable to a fine not exceeding five thousand dollars, nor less than five hundred dollars, to be recovered by indictment, to the use of the executor or administrator of the deceased person, for the benefit of his widow and heirs ; one moiety thereof to go to the widow, and the other to the children of the deceased ; but if there shall be no children, the whole to the widow, and if no widow, to heirs according to the law regulating the distribution of intestate personal estate among heirs. [*Approved by the Governor, March 23, 1840.*]

Chap. 81.

An ACT to change the names of the persons therein mentioned.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Names changed  
in county of  
Suffolk.

Augustus Newman Blake may take the name of Francis Gillman Wheeler Blake ; Thomas F. Grimes may take the name of Thomas F. Graham ; Elizabeth G. Grimes may take the name of Elizabeth G. Graham ; Elisha Allen Upton may take the name of Eugene Allen Upton ; William F. H. Weld may take the name of William Howland Weld ; Elias Keyes may take the name of Edward L. Keyes ; Charles Sutton Mead may take the name of Charles Sutton Brigham ; Edward Colman Wheelock ; Reuben William Gerry may take the name of William Gerry ; Charles J. T. French may take the name of Charles Otis French ; David Child may take the name of David Weld Child ; Joseph Morse may take the name of Joseph Henry Morse ; John Dole may take the name of John State ; Edward Augustus Howard, a minor, may take the name of Abraham Howard ; Huldah Howes Crowell, a minor, may take the name of Caroline Francis Crowell ; Alexander W. Price may take the name of Alexander Pope ; Anne Price may take the name of Anne Pope ; Benjamin Price may take the name of Benjamin Pope ; Mary Price may take the name of Mary Pope ; Alexander Price, jr., may take the name of Alexander Pope, jr. ; Hubert Price may take the name of Hubert Pope ; Edward Courte-

nay Price may take the name of Edward Courtenay Pope ; Abel Barbadoes Howard may take the name of Alfred Gardner Howard ;—all of Boston, in the County of Suffolk. Moses George, 4th, of Haverhill, may take the name of Moses D. George ; Moses Hoyt, jr., of Amesbury, may take the name of Moses B. Hoyt ; Nathaniel M. Grimes, of Haverhill, may take the name of Nathaniel M. Graham ; Charles G. Grimes, of Haverhill, may take the name of Charles G. Graham ; Mary F. Grimes, of Haverhill, may take the name of Mary F. Graham ; Rufus K. Grimes, of Salem, may take the name of Rufus K. Graham ; Sarah A. Grimes, of Salem, may take the name of Sarah A. Graham ; William Knowlton, of Salem, may take the name of William Cummings Knowlton ; Jonathan Ropes, a minor, of Salem, may take the name of John Felt Ropes ; Caroline Olivia Deland, a minor, of Salem, may take the name of Caroline Olivia Quarles ; Sarah Elizabeth Holmes, of Salem, may take the name of Sarah Elizabeth Bruce ; Sarah Herrick Holmes, of Salem, may take the name of Sarah Herrick Bruce ; Dean Babcock, of Manchester, may take the name of Dean Nelson Kimball ; Debby Hooper Broughton, a minor, of Marblehead, may take the name of Mary Hooper Broughton ; George Prime Smith, of Andover, may take the name of George Phillips Smith ; Achsah Dinsmore, of Methuen, may take the name of Achsah Hemphill ; Isaac Standley Crampsey, of Beverly, may take the name of Isaac Standley ; Israel Trask, jr., of Beverly, may take the name of Israel Wallis Trask ; George D. Chapman, of Beverly, may take the name of George Chapman ; Samuel Herrick, of Beverly, may take the name of Samuel Dinsmore Herrick ; Joseph Chapman, of Ipswich, may take the name of Joseph Warren Chapman ; Joseph Knight Noyes, of Ipswich, a minor, may take the name of James William Noyes ; Isaac Crockett, of Newburyport, may take the name of Daniel Wright ; Caroline Elizabeth Thurston, of Newburyport, a minor, may take the name of Caroline Elizabeth Perkins ; Susan Louis Tarbox, of Lynn, may take the name of Susan Louis Peirce ; Sally Anne Tarbox, of Lynn, may take the name of Sarah Anne Peirce ; Samuel Tarbox, of Lynn, may take the name of Charles Elbridge Peirce ; Jonathan Kenrick, of Lynn, may take the name of Charles Gustavus Rodman ; Mary H. Kenrick, of Lynn, may take the name of Mary H. Rodman ; Rufus Newhall, 3d, of Lynn, may take the name of Rufus F. Newhall ; Elijah Thwing, jr. of Lynn, may take the name of Harrison Thwing ; Ira A. Poland, of Lynnfield, may take the name of Ira A. Meriam ; Benaiah Titcomb, of Newburyport, may take the name of Benaiah B. Titcomb ; Caroline Racroft, of Salem, may take the name of Caroline Ann Howard ; William Brophy, of Gloucester, may take the name of William Benton ; Mary Brophy, of Gloucester, may take the name of Mary Benton ; Elijah Merrill, of Haverhill, may take the name of George Merrill ; Abner Libbey, of Danvers, may take the name of Fervin Abner Fenwood ;—all of the county of Essex. Thomas Osborn South- Middlesex.

wick, of Marlborough, may take the name of Ai Roe ; Samuel Robinson Oliver, of Cambridge, may take the name of Andrew Oliver ; John Colburn, of Charlestown, may take the name of John Coburn ; Nathan Harding Praro, of Westford, may take the name of Nathan Harding ; Paulina Grover, of West Cambridge, may take the name of Paulina Carrol ; Amasa Hayes, of Natick, may take the name of George Blake ; Rufus Fisk, of Cambridge, may take the name of Eugene Rufus Fisk ; Francis Blacker, of South Reading, may take the name of Francis Williams ; Louisa Luther Rice, of Marlborough, may take the name of Louisa Malvina Rice ;—all of the county of Middlesex. Levi Flagg Thing, of Worcester, may take the name of Levi Flagg ; Jonathan Lovejoy, of Harvard, may take the name of Jonathan Wyman Lovejoy ; Andros Peirce, of Sutton, may take the name of John Andrew Peirce ; Joseph Wilder, of Lancaster, may take the name of Joseph Masket Wilder ; Amos Waite, of Hubbardston, may take the name of Warren Cutler Waite ; Henry Goodspeed, a minor, of Hubbardston, may take the name of Thomas Henry Goodspeed ; Cyrus Cowl, jr., of Worcester, may take the name of Cyrus Cole ; Josiah Sawyer, 2d, of Berlin, may take the name of Josiah Ellsworth Sawyer ; George Elliot Cutting, a minor, of Boylston, may take the name of George Elliot Fawcett ; Lois C. Rice, of Northborough, may take the name of Louisa C. Rice ; Winthrop Bailey Sawyer, of Berlin, may take the name of Winthrop Bailey ; Thomas Edward Valentine, of Northborough, may take the name of Thomas Weston Valentine ; Stephen Crouch, of Harvard, may take the name of Stephen Gardner ; Harvey Hitchcock, of Sturbridge, may take the name of Harrison Hudson ; Sally Eager, of Northborough, may take the name of Sarah J. Eager ; Eber Cutter, of Warren, may take the name of Ebenezer Cutter ; Franklin Cutter, Adaline Cutter, and Hiram Briggs Cutter, minors, of Warren, may severally take the surname of Cutter ; Abel Wilder, 2d., of Leominster, may take the name of Abel Carter Wilder ; Margaret Stoddard Taft, of Uxbridge, may take the name of Margaret Louisa Taft ; Nancy Pollard, of Lancaster, may take the name of Anna Gertrude Pollard ;—all of the county of Worcester. Benjamin Taylor, of Chesterfield, may take the name of Elisha Benjamin Taylor ; Fanny Smith, a minor, of Middlefield, may take the name of Miranda Smith ; Ansel Abell, of Northampton, may take the name of Ansel George Abell ; Josiah A. Orcutt, of Goshen, may take the name of Josiah Orcutt Armes ;—all of the county of Hampshire. Hezekiah Fisk, of Ludlow, may take the name of William H. Fisk ;—of the county of Hampden. Frederick Parker, of Buckland, may take the name of Franklin Frederick Parker ; Peter Cheney, jr., of Orange, may take the name of Edward P. Cheney ; Ruby Crosby, of Hawley, may take the name of Charlotte Ruby Crosby ; Cephas Gunn, of Montague, may take the name of Cephas Sherwood ; Diadema Mack Gunn, of Montague, may take the name of Diadema Maria Sherwood ; Noadiah Gunn, of

Montague, may take the name of Charles Julius Sherwood ; John Bartlet, of Shutesbury, may take the name of John Henry Bartlet ; Edwin Eaton, of Shutesbury, may take the name of Edwin Mason Eaton ; Daniel Wood, jr., of Shutesbury, may take the name of Daniel Edwin Wood ; Reuel Spear, of Shutesbury, may take the name of James Reuel Spear ;—all of the county of Franklin. Harriet Pierce Shepard, a minor, of  
Norfolk.  
Dorchester, may take the name of Sarah Pope Shepard ; Henry Reed, of Canton, may take the name of Henry Matthews ; Joseph Foster Taft, a minor, of Dedham, may take the name of Josiah Foster Flagg ;—all of the county of Norfolk. Erial Allen  
Plymouth.  
Cobb, of Middleborough, may take the name of Allen Cobb ; Charles Peirce, of Middleborough, may take the name of Charles Frederick Pierce ; Joseph Cushman, 2d, of Kingston, may take the name of Joseph Tilson Cushman ; Jonathan Wilson Cobb, of Middleborough, may take the name of Wilson Cobb ; Francis Dana Bumpus, of Wareham, may take the name of Francis Dana ; Eliza Bumpus, of Wareham, may take the name of Eliza Dana ; Seth S. Loring, of Duxbury, may take the name of Seth L. Sprague ;—all of the county of Plymouth. Joseph  
Barnstable.  
Martin, of Truro, may take the name of Joseph Lee ; Charles Breen, of Barnstable, may take the name of Charles Green ; David Cook, 2d, of Provincetown, may take the name of Winthrop David Cook ;—all of the county of Barnstable. And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to assume as aforesaid, and said names shall hereafter be considered as their only proper and legal names, to all intents and purposes. [*Approved by the Governor, March 23, 1840.*]

An ACT relating to the sale of Indian Meal and Cracked Corn.

Chap. 82.

*BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Whenever any cracked corn, or Indian meal, rye meal, or any other meal, except oat meal, shall be sold by the bushel, it shall, in all cases, consist of not less than fifty pounds to the bushel. The bushel to contain fifty pounds.

SECT. 2. If any person shall sell any cracked corn, or meal of any kind, except oat meal, by the bushel, of a less weight than fifty pounds, he shall forfeit the sum of five dollars for every bushel so sold ; and at the same rate for a greater or less quantity. And the said forfeiture may be recovered to the use of the person who shall prosecute for the same : *provided*, that the prosecution shall be commenced within thirty days after the offence has been committed. [*Approved by the Governor, March 23, 1840.*] Penalty for violation of provisions of this act.