

The by-laws and orders of the town of Boston, passed at several legal town meetings, and duly approved by the Court of Sessions : together with rules and orders passed by the selectmen, the rules and regulations of the Board of Health. Also, sundry laws of the Commonwealth, and other important information relating to the town of Boston / published under the direction of the selectmen.

Contributors

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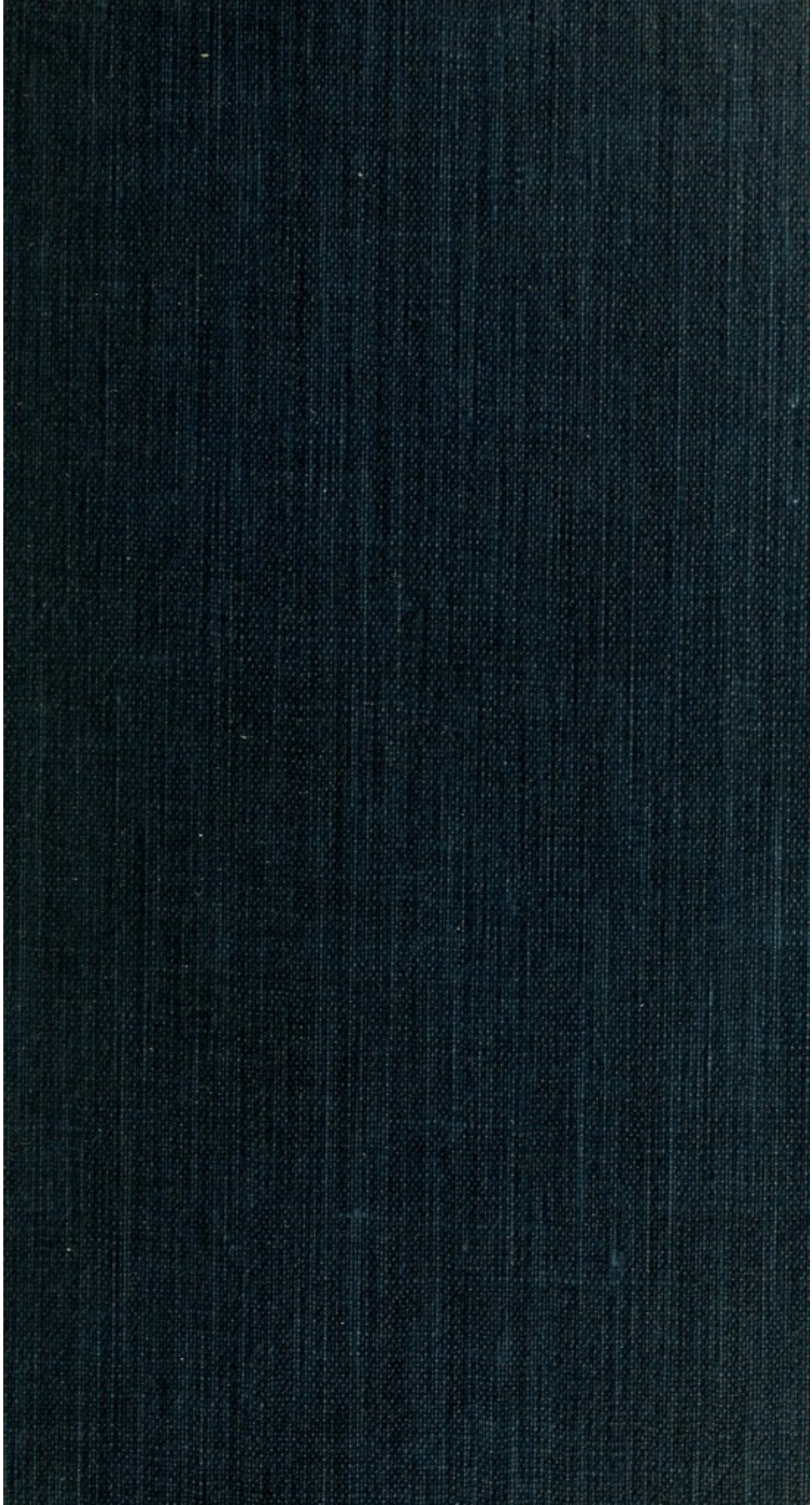
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THE
BY-LAWS AND ORDERS

OF THE
TOWN OF BOSTON,

PASSED AT SEVERAL LEGAL TOWN MEETINGS, AND
DULY APPROVED BY THE COURT OF SESSIONS:

TOGETHER WITH

RULES AND ORDERS

PASSED BY THE SELECTMEN.

THE

RULES AND REGULATIONS

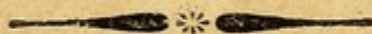
OF THE

BOARD OF HEALTH.

ALSO,

**SUNDRY LAWS OF THE COMMONWEALTH,
AND OTHER IMPORTANT INFORMATION RE-
LATING TO THE TOWN OF BOSTON.**

Published under the direction of the Selectmen.

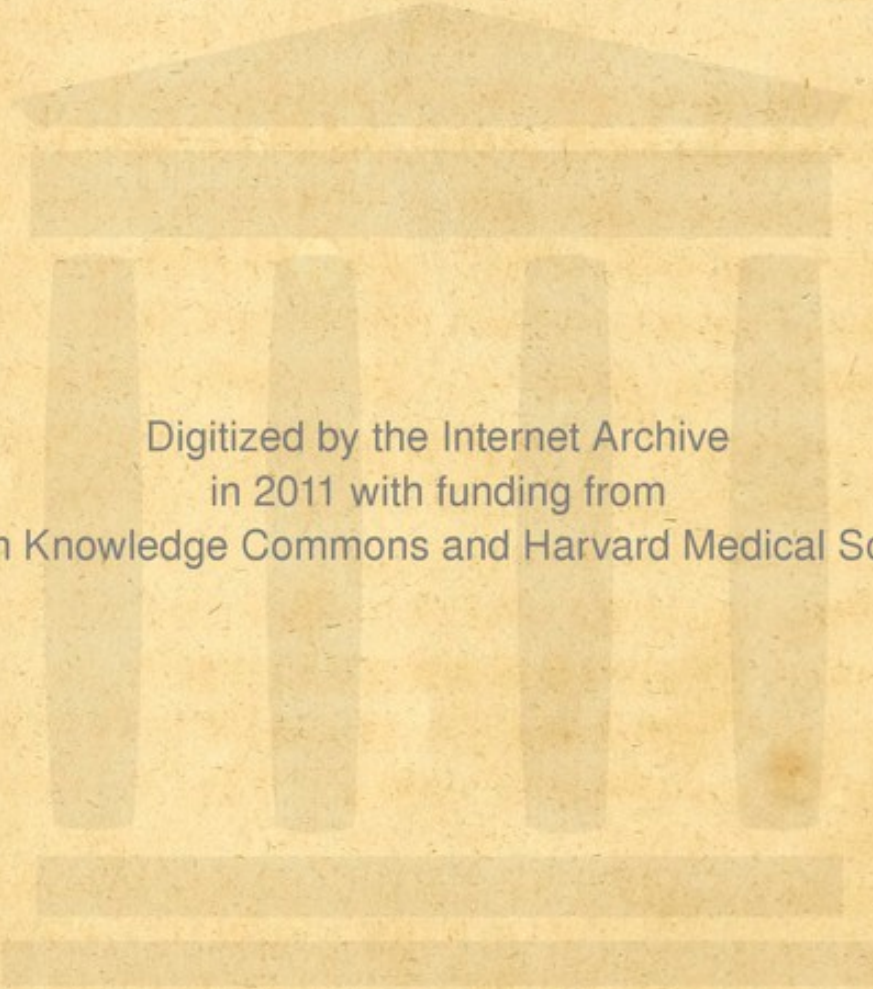


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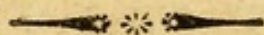
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1818.



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Organization of Town Government.



THE earliest administration of the affairs of the town of Boston, was by the Governour and Assistants of the Colony, as appears by the oldest records. It is difficult to ascertain the exact period when a distinct municipal government was established. The first record on the subject is in 1634, when "Richard Bellingham, Esq. and J. Cogan, merchant, were chosen in the place of Giles Frimin, deceased, and Robert Hardinge, now in Virginia, to make up the number to manage the affairs of the town." This body was twelve in number, and chosen semi annually. They were called Overseers until the year 1645—when they are first denominated Selectmen on the town records.

By a law passed in 1670, among the ancient colony charters and laws, power was given to the inhabitants of towns "to choose yearly, or for a less time, a convenient number of fit men to order the planting and prudential affairs of their town, according to instruction given them in writing; provided the number be not above nine."

Under the powers derived from this law, which were confirmed and rendered permanent by the Legislature in 1786—the inhabitants assemble in town-meeting annually, on the 2d Monday of March, and give their votes for

- TOWN CLERK.
- 9 SELECTMEN.
- 12 OVERSEERS OF THE POOR.

- 12 MEMBERS OF A SCHOOL COMMITTEE.
- 3 AUDITORS OF ACCOUNTS.
- 24 FIREWARDS.
- 20 SURVEYORS OF LUMBER.
- 4 CULLERS OF HOOPS AND STAVES.
- 10 CULLERS OF DRY FISH.
- 4 FENCE VIEWERS.
- 4 HOGREEVES AND HAYWARDS.
- 2 SURVEYORS OF HEMP.
- 2 SURVEYORS OF WHEAT.
- 2 ASSAY MASTERS.
- 3 INSPECTORS OF LIME.

The Selectmen and twelve others chosen on the School Committee, are empowered to carry the system of education adopted by the Town, into operation : and are authorized and empowered conjunctly to manage and regulate the government of the Schools, and to execute all the powers relative to the Schools and School Masters which the Selectmen, or such Committees, are authorized by the laws of this Commonwealth, or by votes of the Town, to exercise.

The Selectmen, Overseers of the Poor, and Board of Health, were constituted by the Town in 1812, a Committee of Finance to superintend the administration of the monied concerns of the Town, by the following vote :

It shall be the duty of this Committee, and they are hereby empowered, by Sub-committees, or otherwise, to consult with the Treasurer on the form and manner in which the books of his office shall be kept ; to attend to the collection of taxes ; and to the discharge of the Collector and his Deputies ; and to advise the Assessors relative to abatements.

And it shall be the duty of said Committee, in conjunction with the Treasurer, to prepare a clear and well defined statement of the Treasury, and of the monied concerns of the town ; to be handed to the Audi-

tors of Accounts for their inspection, and to be at their disposal ; to be laid before the Town at the annual meeting in May.

The Selectmen, Overseers of the Poor, and Board of Health, were empowered by a law of the Commonwealth, in 1813, to assemble annually in Convention, in the month of June or July, to appoint some suitable person or persons as Town Treasurer and Collector or Collectors of Taxes.

By the laws authorising the Town of Boston, to choose a Board of Health, the inhabitants are directed to meet in their respective wards, on the first Wednesday in April, annually, to choose one person in each of the wards, a member of the Board of Health for the year ensuing such choice. At the same time they also elect two persons as Assistant Assessors in each ward, and the board of Assistant Assessors appoint three permanent Assessors for the year.

The Selectmen have the appointment of the following officers.

Superintendent of Police and Assistants.

Constables and Tythingmen.

Clerk of the Market.

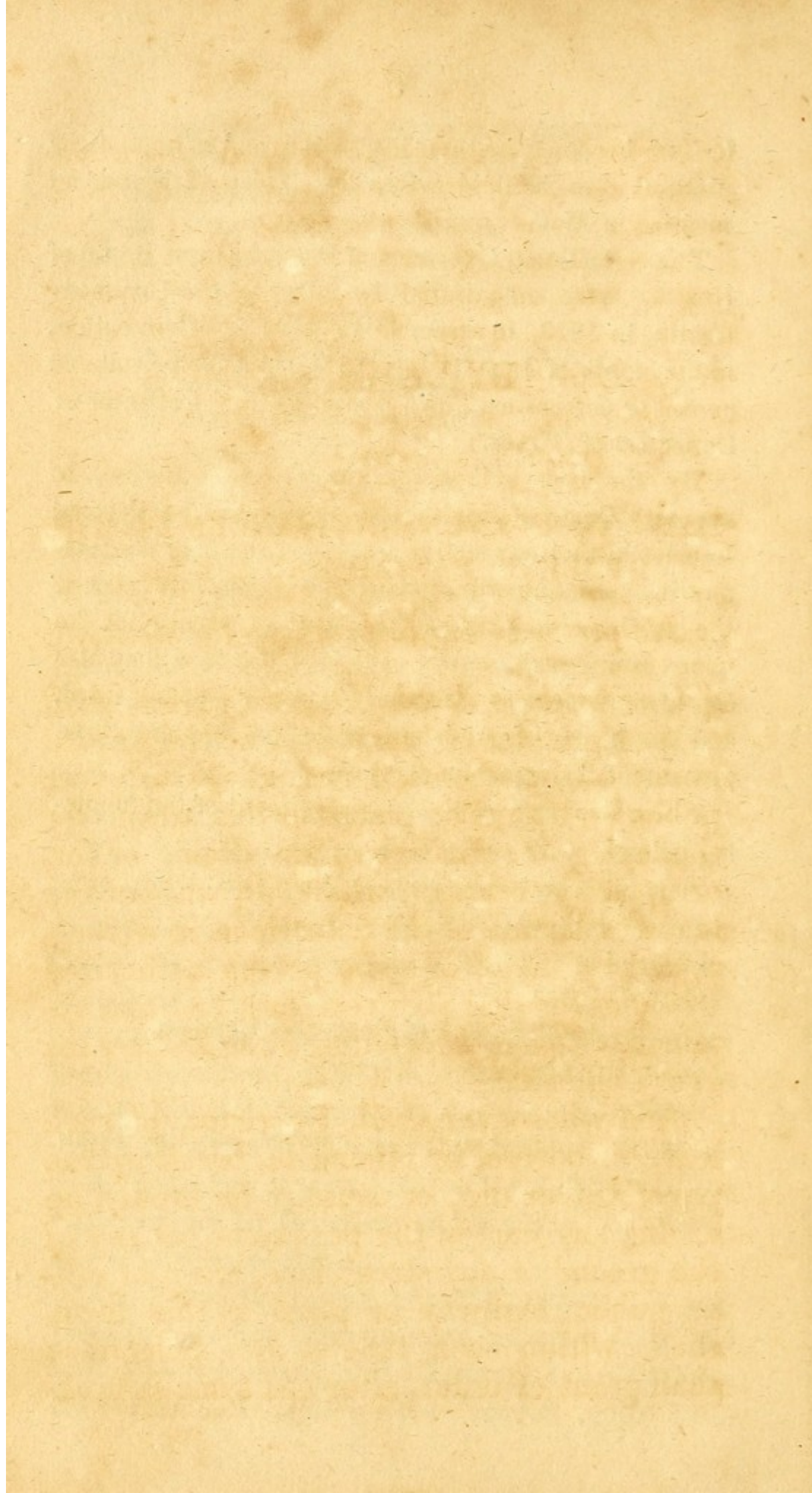
Hay Weigher.

Weighers and Sealers of Boats and Lighters.

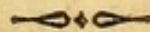
Sealer of Weights and Measures.

Engine Men.

Captain, Constables, and members of the Town Watch.



BY-LAWS, &c.



LAW TO PREVENT NUISANCES IN THE
STREETS, PASSED MAY 22d, 180 .

No person to dig or break up the streets.

IT is hereby ordered, That no person shall break or dig up the stones or the ground in any of the streets, lanes, alleys or other public highways or places in this town, for the laying or repairing of any drain, or for, or upon any occasion whatever, without the leave or license of the Selectmen, in writing, signed by them, or some person authorized by them for that purpose, first had and obtained, on pain of forfeiting *Four Dollars* for every offence.

And whosoever shall, by virtue of such leave or license, or otherwise, break up the pavement, or dig, or cause to be broken up or dug any part of the pavement, or any of the ground or any street, lane, alley, or other public highway or place in this town, shall, within such time as the Selectmen shall grant or order, after the same is brok-

en or dug up, cause the same to be sufficiently repaired and amended to the satisfaction of the Selectmen, on pain of forfeiting the sum of *Four Dollars*, and also the sum of *Four Dollars* for each and every week, until the same, by him, her or them, or by his, her, or their order, and at his, her or their cost and expense, be properly and duly amended and repaired as aforesaid.

Fences to drains and openings in streets required.

And it is further ordered, That when any drain shall be opened or laid, and the dirt or rubbish therefrom shall be laid in any street, lane, alley, or other public highway or place in this town, the person or persons opening or laying the same, shall cause a rail or other sufficient fence to be fixed as to inclose such drain, and the dirt and rubbish thrown into the street as aforesaid; and such fence shall be continued during the whole time such drain shall be open or be laying or cleansing. And a lighted lantern or other good light shall be fixed to some part of such fence, or to a pole, or some other proper elevation over such open drain, and the dirt accruing therefrom, from the dusk in the evening, and shall be continued lighted until midnight, every evening or night during the whole time such drain shall lay open, or be laying or repairing; under the penalty that the person or persons, at whose cost, or by whose direction, the same

shall be opened, laid or repaired, shall forfeit and pay the sum of *Four Dollars* for any and every neglect herein.

Restrictions on persons erecting and repairing buildings.

And it is hereby ordered, That when, and as often as any person or persons shall mean and intend to erect any building upon his, her or their land abutting upon any of the streets, lanes, alleys, or other public highways or places in this town, or mean or intend to repair any building so abutting, the Selectmen, by themselves or by any person empowered by them, may set off or allot, which they are hereby directed and empowered to do, such part or portion of the street or other public highway or place adjoining thereto, as they in their discretion shall think necessary and sufficient for the purpose, observing nevertheless to do the same with as small detriment as possible, and so as to leave in all parts, where it can be done, sufficient room for all carts and carriages to pass notwithstanding. And the part or portion set off or so allotted shall be used for laying all the materials for any such building or repairing, and for receiving the rubbish arising therefrom. And all the rubbish arising therefrom or thereby, shall be fully and entirely removed and carried away, at the expense of the person or persons so building or repairing, and which shall

be done in such convenient time as such Selectmen shall, for that purpose, limit and appoint. And whoever shall offend, either in laying any materials, for the purposes aforesaid, or either of them, in any of the streets, or other of the public highways or places in this town, or in neglecting to remove such rubbish, shall severally and respectively forfeit and pay, for every particular and respective offence, the sum of *Four Dollars* respectively, and also *Four Dollars* weekly for every week any such materials or rubbish shall remain, or be permitted to continue beyond the time by such Selectmen allowed and appointed for removing the same.

And to the intent that all the streets and other highways, and public places in the town may be kept hereafter as clean and free from dirt and filth as possible :

It is hereby ordered, That no person shall hereafter carry, cart or throw, or cause to be carried, carted or thrown, into any of the streets, lanes, alleys or other public places in this town, any dust, dirt, dung, soot, garbage, carrion, shreds, shavings, filth, soil, oyster shells or rubbish (other than in manner directed from time to time by the Selectmen, or the Board of Health) or any offals, or any kind of thing made and accumulated, or being in any of their respective houses, out-houses, barns, stables, shops or yards, or in any of the dependencies there-

of, or appurtenances thereto, any or either of them, upon pain of forfeiting and paying for every offence the sum of *One Dollar*. And in case any person or persons so offending, shall refuse or neglect to remove such matter or thing before enumerated, in twelve hours after notice given to him, her or them so to remove the same, the said person or persons, shall be subject to a new penalty of *Two Dollars* for every such offence.

Snow and Ice not to be heaped in the Streets.

It is hereby ordered, That no person or persons whatever, hereafter shall carry, cart, throw or lay, or cause to be carried, carted, thrown or laid, any large body or bodies of ice, or any pile or heap of snow, in any of the streets, lanes or alleys of this town; but wherever the same is, or shall be carried out from any yard or other place respectively, he, she or they carrying the same, or causing the same to be so carried out, shall break or cause to be broken into small pieces, and evenly spread upon the street, lane or alley, respectively, all such ice; and in like manner shall spread or cause to be spread, all such snow carried out as aforesaid; and every person offending herein, shall forfeit and pay the sum of *Two Dollars* for every offence.

Oystermen regulated.

And it is hereby further ordered, That no oysterman shall hereafter throw, cast or lay any oyster shells in any of the streets, lanes,

alleys or other public places in this town, under the penalty of forfeiting and paying the sum of *Two Dollars* for every breach of this order. But when he shall open any oysters in any street, lane, alley or other public places in this town, every such oysterman shall put the shells into his bag, wheelbarrow or other vehicle, and carry them to such place or places in this town, as the Selectmen shall appoint for laying and piling up oyster-shells, which they are hereby directed to appoint and appropriate for that purpose.

Wood not to be left in the Streets.

It is hereby ordered, That no person or persons shall suffer or permit any cord wood or other fire wood, by him, her or them purchased, contracted for, or ordered, unnecessarily to be, lay or remain in any of the streets, lanes, alleys or other public places or highways in this town, after dark in the evening, under the penalty of *Three Dollars* for each offence. Nor shall any greater quantity than two loads of such wood be permitted on any pretence to lay or continue in any street, lane or other public highway or place in this town after dark, *and then* not without a sufficient light kept or placed over or near the same until twelve o'clock at night, so as to give sufficient notice to all the inhabitants, and thereby prevent injury to all persons passing and repassing, under the penalty that the proprietor or person

to whom such wood shall belong, shall forfeit and pay the sum of *One Dollar* for each load so placed. Nor shall any such person or persons suffer or permit any such wood, at any time, by day or by night, to lay or remain in any street, lane, alley or other public highway or place in this town, so as to shut up or unnecessarily obstruct the same, under the penalty of *Two Dollars* for every offence.

BY-LAW PASSED MAY 24, 1814.

It is hereby ordered, That no person shall hereafter saw any fire wood, or pile the same upon the foot walks of any of the streets or lanes of this town; and that no person shall stand on any such foot walk with wood saw, or horse, to the hindrance or obstruction of any foot passenger, under a penalty of *One Dollar* for each and every of said offences.

And it is hereby ordered, That no person shall throw or cause to be thrown, any snow from the top of any house into the street, after the hour of nine o'clock, in the forenoon; and every person who shall throw or cause to be thrown, any snow from the roof of any building, shall have the same removed from the foot walk on which it may fall, and spread evenly in the street. And every person who shall offend in either of these respects, shall forfeit and pay the sum of *Two Dollars* for each and every offence.

LAW TO REGULATE THE CONDUCT OF
PERSONS IN THE STREETS—PASSED
MAY 22d, 1801.

Foot-ball, throwing of stones and snow-balls forbidden.

IT is hereby ordered, That whosoever shall, at any time hereafter, use the exercise of playing or kicking of foot-ball, or shall be guilty of throwing of stones or snow-balls, within any of the streets, lanes or alleys of this town, shall forfeit and pay the sum of *Fifty Cents* for every offence, to be paid by each offender respectively; which fine or penalty shall be paid, where any offender herein shall happen to be under age, by the parent or guardian of any such offender.

Gaming forbidden.

And it is further ordered, That no person or persons shall presume to game or play, for any money or other thing, at any sort of game, with dice, cards, pawpaws, coppers, cents or half-pence or with any other coin or thing whatever, in any of the streets, lanes, alleys, or in any of the market places, or any of the wharves of this town, on pain of forfeiting for each and every offence the sum of *Fifty Cents*.

Firing of guns forbidden.

It is hereby ordered, That no person shall fire or discharge any gun or pistol from any top of any house, or in any of the streets, wharves, lanes, alleys, yards, pastures, gar-

dens or other inclosures, or from the commons or hills in any part of this town, loaded with ball or shot, or powder only, unless in the just and legal defence of himself, some one or more of his family, or of his or her goods or property, unlawfully attacked, or attempted to be injured, taken away or destroyed, under pain of forfeiting and paying the sum of *Two Dollars* for every offence.

Fire-works forbidden.

It is hereby ordered, That no person or persons shall throw or set on fire any squibs, serpents, rockets, or other fire-works within any of the streets, lanes or alleys of this town, or upon or from any house within the same, or on any wharf, without leave first obtained from the Selectmen; under the penalty of *Four Dollars* for every offence.



BY-LAW AGAINST COASTING ON SLEDS
IN THE STREETS—MARCH, 1813.

IT is hereby ordered, That whosoever shall at any time hereafter exercise the dangerous practice of Coursing, or Coasting on sleds in any of the streets of this town, shall forfeit and pay the sum of *Two Dollars* for every offence, to be paid by each offender respectively; which fine or penalty shall be paid, where any offender herein shall happen to be under age, by the parent or guardian of any such offender.

LAW TO PREVENT BRICK AND LIME-
KILNS, &c.—PASSED MAY 22d, 1801.

IT is hereby ordered, That no person or persons from henceforth shall erect, make or fire, or cause to be erected, made or fired, within any part of this town, any Brick-kiln, or Lime-kiln, or any furnace for the melting of iron or other metals; but in such places as the Firewards shall, by their license, in writing, allow and approve of for such purpose, on pain of forfeiting and paying the sum of *Five Dollars* for each and every week the same shall continue.

And no cooper or coopers in this town, shall fire or burn any cask in any shop, ware-house or other place, than in a sufficient brick or stone chimney, made convenient for that use, on pain of forfeiting and paying the sum of *Two Dollars* for every offence.

Fire not to be made in the open air.

It is hereby ordered, That whosoever shall kindle or make any fire, open or abroad, within two rods of any wooden house, ware-house, wood pile, or any other combustible matter subject to take fire (except in ship-carpenter's building-yards, and set work cooper's works, a careful person standing by to watch the same) shall forfeit and pay the sum of *Two Dollars* for every offence.

Provided also, That this order shall not be understood, or intended, to debar or hinder any tradesman or others, from kindling charcoal in a pot or pan out of doors, nigh

their house or shop, at any time during the day-light only, and provided also that some careful person stand by to watch the same while it shall be continued in the open air.

Fire on board Vessels—Restriction.

It is hereby ordered, That every master of any vessel, lying at or near to any wharf, on board of which fire shall be kept burning after 9 o'clock at night, or be kindled before 5 in the morning, shall forfeit and pay the sum of *One Dollar* for every offence.



LAW TO PREVENT NUISANCES ON THE
COMMON, &c.—PASSED MAY 22d, 1801.

IT is hereby ordered, That no person shall hereafter break, dig up or carry away any of the sward, gravel, sand, turf or earth in or from any part of the Common, or common lands of this town, unless by order of the Selectmen for the purpose of some public use, on pain of forfeiting the sum of *Four Dollars* for every offence.

And no person shall lop, peal, girdle, deface or destroy any of the trees growing, or hereafter to grow, or which hereafter shall be planted in the Common, or common lands, or in any street or public place, by order of the Selectmen, or by their approbation, under penalty of *Five Dollars* for every offence herein.

And no person shall lay, cart or spread any dead carcase, ordure, filth, stones or

rubbish upon any part of the Common, or common lands of this town, unless it be the dust and dirt of the town collected by the Scavengers, or by those whom the Selectmen or Board of Health may or shall contract with for collecting the dust and dirt from the houses, yards and public streets, lanes and alleys of the town, under the penalty of *Three Dollars* for every offence herein.

And no horse, ox, steer, heifer, sheep, goat, calf or swine shall be suffered to go at large or feed upon the Common, or common lands or public places in this town, on any pretence whatever, under the penalty that the owner or owners thereof respectively shall forfeit and pay for each of such creatures the sum of *One Dollar* for every offence herein; nor shall any such be permitted to go at large in any of the streets within the neck of Boston, except such as are under the immediate care of some person, and driving to market; on pain that the owner or owners thereof shall forfeit and pay the sum of *One Dollar* for every horse, ox, steer, heifer, sheep, goat, calf or swine that shall be found going at large or feeding as aforesaid.

LAW FOR THE REGULATION OF CHIMNEYS AND SWEEPERS.

Chimneys defective, to be viewed, &c.

IT is hereby ordered, That the Selectmen, upon complaint made to them, or other-

wise upon their own knowledge of any defective chimney or other fire place within this town, from time to time, shall take effectual care to have the same inspected and examined, and shall order the same to be speedily amended and repaired (if the same can be properly done) or otherwise to be taken down and demolished. But if the owner or owners of such chimney or fire place, after an order from the Selectmen in writing, or a copy of such order for that purpose, duly certified by the Town Clerk, or by any person impowered by the Selectmen, and served upon him, her or them, shall wilfully neglect to amend or take down the same ; then and in such case, the owner or owners of any such chimney or fire place shall forfeit and pay the sum of *Five Dollars*, and the like sum of *Five Dollars* for every after offence of the same kind ; and the Selectmen for the time being shall have full and legal power and authority to order and direct, and they are hereby required to cause, the same chimney or fire place to be taken down and abated as a common nuisance. And the owner or owners of such chimney or fire place in such case shall exonerate, bear, pay and satisfy the whole expense and charge of abating such nuisance, in removing and taking down all and every such chimney and fire place.

Sweepers to be licensed.

It is ordered, and the Selectmen are here-

by directed and impowered, to appoint or license, from time to time, suitable persons to be sweepers of chimneys in this town, who, and whose several apprentices, shall wear proper badges, to be appointed by the Selectmen, and whose wages, for their work and service in chimney sweeping, shall not exceed the rates, from time to time to be fixed and appointed by the Selectmen.

And if any person, who shall not be so appointed or licensed as aforesaid, shall presume, either by himself or herself, or by his or her servant, to undertake the sweeping of any chimney in this town, except such as are under his or her own improvement, every such person shall forfeit and pay the sum of *Three Dollars* for every chimney so improperly and unduly swept.

And if any inhabitant of this town shall employ any person (excepting his or her own servant, living in his or her own house) to sweep any of his, or her chimney or chimneys, in this town, other than one of such chimney sweepers so licensed by the Selectmen as aforesaid, every such inhabitant, so offending, shall forfeit and pay not less than the sum of *Two Dollars*, nor more than *Four Dollars*.

Chimneys to be regularly and seasonably swept.

It is ordered, That if any chimney shall take fire through foulness, for want of being regularly swept, and shall blaze out at

the top, the occupier of the house to which such chimney shall belong, shall forfeit and pay the sum of *Two Dollars*, unless it shall happen within *thirty* days after such chimney shall have been swept ; in which case the person who last swept the same shall forfeit and pay the like sum of *Two Dollars*, provided, such fire shall be occasioned through foulness or any defect in sweeping the same.

And upon complaint made to any of the Selectmen, either by the chimney sweepers or any of them, or by any other of the inhabitants of this town, against any person or persons neglecting to have their chimney or chimneys swept, the same being foul, in every such case the Selectmen, or any person impowered by them, are hereby directed to inspect and view, or order to be inspected and viewed, and to them reported, every such chimney complained of as aforesaid. And if upon such view and inspection and report, they, or the person so impowered by them, shall judge the same to be unsafe or dangerous to make and keep fire therein, by reason that the same is or are foul and want sweeping, and shall signify the same to the person or persons then in possession of the tenement to which such chimney or chimneys belong ; then, and in every such case, the occupier or occupiers of every such house or tenement shall forfeit and pay the sum of *One Dollar* for every day in which fire shall be made or kept thereafter in any such

chimney respectively, until the same shall be sufficiently swept.



LAW TO REGULATE TRUCKS, CARTS
SLEDS, &c —PASSED MAY 22d, 1801.

*I*T is hereby ordered, That every truck, cart or sled belonging to any inhabitant of the town, shall be marked with the initials of the Christian, and the whole of the surname of the owner or owners of the same, strongly and legibly in paint, upon a plate of tin or iron, and also numbered in the same manner; which plate so marked and numbered, shall be secured and fastened to the near shaft of every truck, and to some conspicuous part of every cart and sled; so as to be clearly visible and discernible to the eyes of all passing and repassing the streets during the day light, (such marks and numbers to be regulated by the Selectmen) under the penalty that every owner or owners of any such truck, cart or sled, used or employed in any part of this town, without being so marked and numbered, shall forfeit and pay the sum of *Two Dollars* for every time such truck, cart or sled shall be used or employed in any part of this town.

And the tire of every wheel, of every cart or trucks used in this town, which shall be drawn by more than one horse, shall be of the breadth of four inches, or as near as may be, and the nails of the tire of all such

wheels shall be flat, on pain that the owner of every cart or truck, having wheels whose tire shall be of less breadth, or having the the nails otherwise than as aforesaid, shall forfeit and pay the sum of *Two Dollars* for every week that any such cart or truck, with wheels otherwise tired or nailed, shall be used or worked in this town.

And no more than two horses shall be permitted to be harnessed to or draw any truck, cart, sled, or drag in or through any part or parts of this town, unless for the carriage of any one single article exceeding one ton in weight, and which cannot be divided, under the penalty of forfeiting and paying *Two Dollars* for each and every offence.

Provided nevertheless, That the Selectmen or officer of Police, upon special application, may have liberty to allow of more than two horses to draw any cart or sled.

And the fellies of the wheels of every drag machine used in this town after the 1st day of September next, for carting timber, that shall exceed one ton in weight, shall be eight inches in width at the least, and tired as directed for trucks and carts, and under the like forfeiture and penalty.

**BY-LAW TO REGULATE TRUCKS, CARTS
AND OTHER CARRIAGES—PASSED**

JUNE 5, 1817.

I *T is hereby ordered,* That no truck shall be used within the town of Boston, the length

whereof from the end of the shaft to the extreme end of the side shall be greater than 24 feet and six inches; and that any regulation or by-law now in force, inconsistent with this provision be, and the same is hereby repealed; and that if any truck shall hereafter be used of greater length than twenty-four feet and six inches, the owner shall forfeit and pay the sum of *Five Dollars* for every time such truck is used.

It is hereby ordered, That it shall hereafter be lawful to carry on any truck, cart, or waggon, any load, the weight whereof shall not exceed one ton and an half, excepting in the spring season; and if any load shall be carried within the town of greater weight than the aforesaid weight, on any truck, cart or waggon, the driver thereof, and the owner thereof, shall severally forfeit and pay the sum of *Five Dollars*; excepting those loads which consist of one article which cannot be separated.

It is hereby ordered, That the Selectmen be, and they hereby are authorized and empowered to regulate and order from time to time, in the successive years, the weight of any loads, and of all loads which may be carried within the town in the spring season, while the streets are liable to be injured by the carrying of heavy loads thereon; and that it shall be the duty of the Selectmen to give public notice in each successive year of the day on which the restrictions which they make shall begin and end.

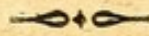
It is hereby ordered, That if there shall be carried a greater weight than the Selectmen may permit to be carried, in the spring season, there shall be forfeited and paid the sum of *Five Dollars* ; to be recovered of the driver of the vehicle whereon the same is carried, or of the owner of such vehicle.

It is hereby ordered, That if any truck or cart shall be so placed in any street, within this town, either to load or unload, as not to leave a sufficient space for the passing of any other truck, cart, or carriage of any description, the owner of any truck or cart so placed and the driver thereof, shall, severally forfeit and pay the sum of *Two Dollars* for every such offence. Provided that it shall be lawful to take a reasonable time for the loading and unloading of heavy articles, not exceeding six minutes.

It is hereby ordered, That if any person who shall be employed in the driving or conducting of any cart, waggon, truck, carriage or other vehicle whatsoever, which is drawn by one horse or more horses than one, shall unnecessarily and unreasonably beat or cruelly use any horse or horses under his care or management within the town of Boston, such person shall forfeit and pay the sum of *Five Dollars* ; and the owner or owners of such cart, waggon, truck or carriage or other vehicle shall forfeit and pay the sum of *Five Dollars* for every such offence.

It is hereby ordered, That all the afore-

going penalties and forfeitures shall be recovered on complaint, and on due proof and evidence, before any Justice of the Peace, together with costs of prosecution, to the use of the town of Boston, and that it shall be the duty of the officers of police to complain of and prosecute all offences herein provided against, which may come to their knowledge.



**LAW TO REGULATE THE STANDS OF
CARTS, TRUCKS, AND SLEDS—PASSED
MAY 22d, 1801.**

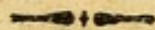
IT is hereby ordered, That the Selectmen be authorised and impowered, from time to time, as occasion may require, to appoint such and so many stands for all kinds of carts, trucks, sleds and wheel-barrows, as to them shall appear requisite; to some one or other of which stands all drivers of such carts, trucks and sleds shall repair with their carriages and horses, when unemployed in the day. And any driver or owner of a cart, truck, sled or wheel-barrow, who shall stand in any other place than such as shall be directed by the Selectmen, shall forfeit and pay for every offence *One Dollar*.

Each and every owner or driver of a cart, truck or sled, shall place his horses and cart or truck lengthways, close to the post or abutting stone of the footwalk of the street

in which he shall stand, under the penalty of *One Dollar* for every neglect.

And no more than one range of carts or trucks shall stand in streets not more than 30 feet wide, and not more than one range on each side in streets which are of a greater width than 30 feet ; and in squares and other large open places they shall be arranged by order, and conform to the directions of the Selectmen or Surveyors of highways ; and every driver neglecting to conform to this law, shall forfeit and pay *One Dollar* for every offence.

If any waggoner, carter, truckman, or other driver of any carriage, sled or sleigh, for pleasure or burden, shall stop or place any such carriage, sled or sleigh in any such manner as to cross the street or foot path, or prevent other carriages or foot passengers from passing in the direction of such street, and shall not, after the request of any passenger, cause the same to be removed, or shall be absent therefrom, so that such request cannot be made, every person so offending shall forfeit and pay for every offence *One Dollar*.



**LAW FOR THE REGULATION OF THE
DRIVERS OF HORSES AND CARRIAGES—
PASSED MAY 22d, 1801.**

IT is hereby ordered, That all and every the driver or drivers of all and every carriage, whether of burthen or pleasure

driving and passing through the streets, lanes and alleys of this town, where there is room sufficient for two to pass, shall keep on that side of the street, lane or alley on his or their right hands respectively in the passing direction.

And if any driver of any such carriage shall drive his said carriage in the middle of the street, or on the side of the carriage way on his left hand, so as to obstruct or prevent another carriage from passing as aforesaid; every driver so offending shall forfeit and pay for every such offence, the sum of *One Dollar*.

Provided always nevertheless, That nothing in this law shall be construed to extend to, or have any operation against, any person or persons crossing with his, her or their carriages from one side of the street to the other side of the same, for the purpose of selling, buying or unloading, or on any other necessary or reasonable occasion.

And it is hereby ordered, That no person whatsoever shall sit or stand in or upon any carriage, or on any beast harnessed thereto, in order to drive the same, unless he shall have strong reins or lines fastened to the bridles of his beast, and held in his hands, sufficient to guide them in manner as aforesaid, and restrain them from running, galloping or going at immoderate rates, through the said streets, lanes or alleys.

And no person whatsoever driving any such carriage or riding upon any horse, mare

or gelding, in or through the said streets, &c. shall suffer the beast or beasts he shall so drive or ride to go in a gallop so as to endanger persons standing or walking in the streets, lanes or alleys.

And all carters and other persons having the care of any waggon, cart, truck, sled or drag passing through or in the streets of said town, shall drive their beast or beasts at a moderate foot pace, and shall not suffer them to go in a gallop or trot; and if any such driver shall not hold reins in his hands to guide and restrain his beasts as in manner aforesaid, he shall walk by the head of the shaft or wheel horse, holding or within reach of the bridle or halter of the said horse, in order to guide and restrain them in manner aforesaid; and every person wilfully or negligently offending in any or either of the cases aforesaid, shall forfeit and pay, for every such offence, a sum not less than *Two Dollars*, nor more than *Five Dollars*.

And no coach, chariot, sleigh, chaise, sled or other carriage belonging to any inhabitant of this town, shall go or be driven through any part of the town, during any time or times that the snow shall be upon or cover the streets, without carrying or having some bell or bells fastened to the horse or horses drawing the same, or to some part of such carriage; that due and timely notice may be given to the inhabitants, of such carriage.

coming on, under the penalty of *Two Dollars* for every offence.

And if any person shall wilfully permit or suffer any horse, mare or gelding, to go at large through the streets, lanes or alleys of this town, or any part thereof; every person so offending shall forfeit and pay for every offence *One Dollar*.

Driving on the Lord's Day.

And whereas great dangers and disturbances arise from chariots, chaises and other carriages on the Lord's Day, as the inhabitants are going to, or returning from, the several houses of public worship in this town, and also while they are assembled in them for public worship, being driven with great rapidity;

Therefore it is ordered, That no chariot, chaise or other carriage, shall at such times be driven at a greater rate than a walk, or moderate foot pace, on penalty of *Two Dollars* for each offence, to be paid by the person driving, or if he be a servant, and unable to pay the same, by the master or mistress of such servant.

And no horse, mare or gelding, shall hereafter be rode, drove, or led into the Common, or to any pond or any part of the sea, or to any other usual public place for washing or watering on the Lord's Day; on pain that the rider, driver or leader thereof shall forfeit and pay the sum of *Two Dollars* for every offence.

LAW TO REGULATE NECESSARIES—PASSED MAY 22d, 1801.

Cellars, Tan-pits, Vaults and Wells to be inclosed or covered.

IT is hereby ordered, That no person or persons shall suffer their yards, orchards, pastures, or other lands to lay open, where there is a well, cellar, tanpit, or vault of a privy or other pit uncovered, on pain of forfeiting the sum of *Two Dollars* for every offence, and *Five Dollars* for every week after notice from the Selectmen, or any person impowered by them, until their fence be sufficiently repaired or amended, or such well, pit, vault, or cellar be fitted up or covered.

Necessaries regulated.

It is hereby ordered, That no person or persons shall hereafter erect or set up, or cause to be erected or set up, any necessary, or privy in this town, (or suffer any such to continue, being already erected, set up or standing) within forty feet of any street, lane, alley or other highway in this town, or within the like distance of the dwelling house, shop, or well of any of his, her or their neighbour or neighbours, unless the same be vaulted six feet deep, and sufficiently inclosed or otherwise well secured, under the penalty that the owner or landlord of every tenement to which the same shall belong, shall forfeit and pay the sum of *Three Dollars*, and also the sum of *Five Dollars*

for every month the same shall continue and so remain.

And no vault of a necessary or privy shall be dug so as to communicate with any common sewer, or with any drain leading to a common sewer, unless the said common sewer shall have been built for the express purpose of receiving the filth from such vaults, and shall not be connected with the cellar of any house. And no vault of a necessary or privy shall hereafter be dug within two feet of the line of any lot, under the penalty that the person or persons offending against either of the above restrictions, shall forfeit and pay *Five Dollars*, and also *Five Dollars* for every month the same shall continue or remain.



LAW TO REGULATE PUMPS AND WELLS.

PASSED MAY 22d, 1801.

Pumps belonging to the Town, for keeping them in repair.

IT is hereby ordered, That every household-er, or others, who are commonly known to make use of any of the pumps, wells or cisterns, standing or being in any of the ground, streets or highways belonging to the town, for their supply of water, for their ordinary occasions, every such person shall allow and pay unto such person whom the Selectmen shall appoint to receive the same, such pro-

portionable sum or sums of money, as the Selectmen for the time being, shall assess him or her to pay, for the keeping such pump, well or cistern in repair, and to be employed to the said use ; on pain that every such person who shall neglect or refuse the payment thereof, for the space of six days after the same is demanded, shall forfeit and pay double the value of said sum.

Pumps belonging to the Inhabitants, for keeping them in repair.

It is hereby ordered, That all the pumps belonging to the inhabitants of this town, shall be kept in constant good order and sufficient repair at all times, ready to deliver water for extinguishing any fire that may happen in this town. And whosoever shall permit the pump or pumps of any of his, her or their house or houses, tenement or tenements, to be out of order, and so to remain for the space of ten days together, shall forfeit and pay the sum of *Four Dollars*. And further, if any such person or persons shall obstinately refuse or neglect to put his, her or their pump or pumps in good order and proper repair, after having so incurred and forfeited such penalty of *Four Dollars* as aforesaid, every such person so refusing or neglecting, shall be deemed to have incurred a fresh offence every week after, and shall as and for a new offence, forfeit and pay *Four Dollars*, for every such week that the same

shall be permitted to continue out of order or repair as aforesaid.

And it is hereby ordered, That the officer or officers of Police shall visit and inspect, or cause to be visited and inspected, all the pumps belonging to the town, or to any inhabitant or inhabitants of the town, four times in the year, once in each quarter of the year. On the first days of March, June, September and December, to the intent that a thorough information may be obtained of the state thereof, and the regular and speedy repair of the same.



LAW TO REGULATE COMMON CRIERS—

PASSED MAY 22, 1801.

IT is hereby ordered, That no person whatever presume to be a common crier, or to cry any sort of goods, wares or merchandize, lost or found, or stolen goods, strays, public sales, &c. within any of the streets, lanes, alleys or market place or places of this town, on penalty of *Two Dollars* for every offence: except only such person or persons as shall be licensed by the Selectmen; and every person so licensed shall keep a true and perfect list of all matters and things by him so cried, and the names of the persons that ordered him to cry the same, which list shall be open and subject to the inspection of the Selectmen whenever they shall demand the same; and if any crier or criers, shall cry any abusive, profane or obscene matter, he

shall forfeit and pay not less than *Two Dollars*, or be discharged from his place or office, according to the aggravation of the offence; and the person that ordered the crying thereof shall pay a fine of *Five Dollars*.



LAW LAYING RESTRICTIONS ON COWS
AND DOGS—PASSED MAY 22d, 1801.

IT is hereby ordered, That if any person shall keep or entertain any dog, cow or bitch, and suffer the same to go at large within this town, and upon complaint made unto the Selectmen, by any of the neighbourhood, that such cow, dog or dogs are offensive to them, doing damage to their gardens, orchards, pastures or otherwise, and the Selectmen, or any person empowered by them, ordering and notifying such owner or keeper of such cow, dog or dogs, to shut up, or otherwise discharge the town of the same, during such time as they shall limit; every such owner, keeper or entertainer of such cows or dogs neglecting to attend the order as aforesaid, shall forfeit and pay the sum of *Two Dollars* for every cow, dog or bitch so kept or entertained by them, contrary to the intent and meaning of this order.

ORDER RESPECTING BULLS AND COWS—
PASSED MAY 18th, 1809.

ORDERED, That the Selectmen shall cause two or more Bulls to be provided and kept in such stable yard, or other enclosed place as they shall judge convenient; and shall appoint some suitable person to have the care, management and maintenance of them; and such person shall receive annually from the owner of each Cow kept in the Town, the sum of *One Dollar*.

LAW TO PROHIBIT FORESTALLING AND
ENGROSSING OF PROVISIONS—PASSED
MAY 22d, 1801.

IT is hereby ordered, That no huckster or other person whatsoever dwelling or residing within this town, shall, by himself or others, buy, contract or bargain for any sort of grain, meal, butter, fowls, mutton, veal, pork, eggs, or any other sort of provision while it is bringing from the entrance of the town, by any avenue, to the market place, unless for his or her own family use or consumption, before two of the clock in the afternoon, on penalty of forfeiting and paying *Five Dollars* for every such offence; and further, that no butcher shall buy or bargain for any dead meat brought, or bringing into this town, or afterwards expose such meat

for sale, on penalty of forfeiting and paying the sum of *Five Dollars* for every offence.

And to the intent to discourage, as far as may be, the injurious practice, too frequent among butchers and others of forestalling the market, by buying up in the country and on the road to the town, poultry and other provisions, in order to sell and utter them again at advanced prices :

It is hereby further ordered, That every person offending herein, and convicted of the same, shall never hereafter be permitted to hire or hold any stand in the market place in this town. And all persons having the least regard to justice and to the poor inhabitants of this town, are requested to give information against every such offender to the Selectmen, that he or she may be brought to condign punishment, and for which offence the Selectmen are hereby directed vigorously to prosecute every offender, at the court or courts proper to try the same.

LAW FURTHER TO REGULATE THE MARKETS, AND TO PREVENT OFFENCES THEREIN—PASSED JUNE 9, 1813.

IT is hereby ordered, That no person, who shall at any time hereafter be convicted of either of the offences of forestalling, regrating, engrossing, or any species of fraudulent dealing in the markets, shall be per-

mitted to use or hire a stall, or have and occupy any stand in either of the public markets of this town, or in any of the streets leading thereto, for the purpose of offering for sale any article of provisions usually sold in market, for the term of one year from and after such conviction : and in case any person shall after such conviction, and within the said term of time, presume to use or occupy any stall or stand in either of the markets, or in any of the streets leading thereto, for the purpose aforesaid, he shall for every such offence, forfeit a sum not exceeding *Five Dollars*, nor less than *Two Dollars*, the one moiety thereof for the use of the complainant, and the other moiety thereof to the use of the town.

It is hereby ordered, That no person, not offering for sale the produce of his own farm, shall be permitted to occupy that part of the ancient market, which is called Dock square. And if any such person shall presume to occupy with his cart, team, or in any other way, the said Dock square, after being ordered to remove therefrom by the Clerk of the market, he shall forfeit a sum not exceeding *Five Dollars*, nor less than *Two Dollars*, for every hour, in which he shall continue to offend in this respect, the one moiety thereof to the use of the complainant, and the other moiety thereof to the use of the town.

BY-LAW FOR THE FURTHER REGULATION OF THE MARKET—PASSED MARCH 10th, 1817.

*I*T is hereby ordered, That no inhabitant of the Town of Boston, or of any town in the vicinity thereof, not offering for sale the produce of his own farm, shall at any season of the year, be permitted to occupy any stand with cart, sleigh or otherwise, for the purpose of vending commodities in Dock square, or in the square lying between Union street and the stalls to the north west of the market, and if any such person shall presume to occupy with cart, sleigh or otherwise any stand in Dock square, or in the square between Union street and the stalls the North West of the Market, after being ordered to remove therefrom by the Clerk of the market, or by any person thereunto authorised by the Selectmen of the Town, he shall forfeit a sum not exceeding *Five Dollars*, nor less than *Two Dollars* for every hour, in which he shall continue to offend in this respect; the one moiety thereof to the use of the complainant, and the other moiety thereof to the use of the town.

LAW TO REGULATE THE DELIVERY AND CARRIAGE OF MANURE—PASSED MAY 22d, 1801.

*I*T is hereby ordered, That no dung or other manure, that shall in future be sold, given, or otherwise disposed of in this town,

shall be delivered from any stable, or other place, in any larger quantities at one time, than in loads of one ton each ; nor shall any greater quantity than one ton of manure be carted through the streets, lanes, or alleys, of this town, in any waggon, cart or sled, unless at times when the streets shall be covered with snow. And any and every inhabitant, who shall deliver any manure contrary to this law, or shall assist in loading any waggon, cart or sled with a greater load than is hereby directed, shall forfeit and pay *One Dollar* for every offence.

LAW, MAKING SEVERAL GENERAL REGULATIONS—PASSED MAY 22d, 1801.

Town Lands, how to be leased.

IT is hereby ordered, That from henceforth the Selectmen for the time being, shall have power and liberty to lease out to rent, any of the town's lands or buildings, that are or shall be to be rented, for any term of years not exceeding seven years, and no longer, without a special vote of the town for a longer time.

And in the leasing of any of the town's lands or estates in future, the Selectmen shall give, or cause full notice to be given, that the same are to the let, by publishing an advertisement for that purpose in two of the Boston weekly newspapers for three weeks successively.

Town Work, how to be engaged for.

It is hereby ordered, That in all work

hereafter to be undertaken or executed for the town, as well as for all materials to be used therein, and where the same may amount to the sum of *Two Hundred Dollars*, for the space of three weeks previous to the actual engaging in any such work, the Selectmen shall cause an advertisement to be successively published in two of the public newspapers printed in this town, informing of the nature and quantity of the materials wanted, and specifying the work wanted to be done, requesting all persons who may be willing to supply such materials and perform such work, to send in their proposal, in writing, sealed up, and directed to the Selectmen, who shall agree with and employ the person or persons offering to supply such materials, and to perform or execute such work, upon the best and most reasonable terms, who shall appear to be fully competent thereto in the opinion of the Selectmen, whereby all pretence to favour or undue influence in these particulars will be moved.

Money Matters.

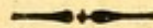
It is hereby ordered, That for the future, no matter relative to the raising, paying or apportioning any money shall be re-considered, in town-meeting, by any less number of voters than were present at the former consideration of the same. And in order to ascertain the numbers rightly,

It is ordered, That when any money mat-

ters shall or may be first considered and voted upon in any town-meeting, the Town-Clerk shall count the numbers of voters, and shall make a proper minute or memorandum thereof; and, as soon after as the same can be done conveniently, shall enter the same truly on the books, that the same may be ready to be referred to, as occasion may require.

Fines Appropriated.

It is hereby ordered, That all and every the fine and fines for any breach or breaches of these town orders or by-laws, upon conviction of the offender or offenders, before any court proper to try the same, shall go, one moiety thereof, to and for the use of the person or persons who shall prosecute for the same, and the other moiety thereof to the use of the town, for the purpose of defraying any incidental charge of the police.



**LAW RESPECTING OFFICERS APPOINTED
BY THE SELECTMEN—PASSED MAY 22d,
1801,**

Clerk of the Market.

IT is hereby ordered, That the Selectmen shall annually, in the month of March, elect and appoint one or more suitable and discreet persons to be clerk or clerks of the markets, whose duty it shall be to preserve order in the market, and to carry into effect

the regulations that may, from time to time, be adopted for the government thereof. And the Selectmen are hereby directed and impowered to allow to such person or persons so chosen by them, a reasonable compensation for their services, to be paid out of the sums that may be received as rent for the stalls.

Hay-Weigher.

It is hereby ordered, That the Selectmen shall annually in the month of March, elect and appoint one suitable and discreet person to have the care and conduct of the hay engine or scales ; whose duty it shall be to weigh all hay brought for sale into the market, and any other articles offered to be weighed ; and for the complete execution of his duty, he shall conform to such rules and regulations as shall from time to time be adopted by the Selectmen, and shall receive such compensation as the Selectmen shall judge and determine to be right and reasonable, to be paid out of the sums that may be received as fees for weighing hay and other articles.

And in case of proof of misbehaviour or incapacity in either of the above officers, the Selectmen are hereby impowered to remove the same, and to fill any vacancy that may happen from death, resignation or removal.

Officers of Police.

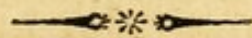
And to the end that the by-laws of the

town, and the laws of the Commonwealth, which especially relate to the good order and government of this town, may be carried into effect with energy and promptness;

It is hereby ordered, That the Selectmen, or the major part of them shall annually in the month of March, elect one suitable person to superintend the police of this town; whose duty it shall be, to pass through the streets, lanes, and other highways of the town, taking such rounds, that in a reasonable time he shall visit all parts of the town, to observe all nuisances, obstructions and impediments therein, in order that they may be removed, and the authors thereof prosecuted; to notice all offences committed against the laws and orders in being, and the names of the offenders, in order that prosecution may be commenced, and obedience enforced thereto; to aid the clerks of the markets in the execution of their duty; to attend daily at some stated hour, in some central and public office, for the purpose of receiving all complaints that may be made, by any of the inhabitants, against any breach of the laws.

And the said officer shall keep a minute of his proceedings, which shall be always ready for the inspection of the Selectmen; he shall also keep an account of all fines which may be received by him, and which, by law, may accrue to the use of the town, to be appropriated as the Selectmen may direct.

And the Selectmen are hereby authorized to appoint, from time to time, such and so many assistants to the superintendant, as the business of the office may be found from experience to require, and shall allow to all and every of these officers, which by this order they are impowered to appoint, such compensation as to them shall appear just and reasonable.



Commonwealth of Massachusetts.

In the year of our Lord one thousand eight hundred and nine.

AN ACT in addition to the several "Acts now in force to regulate the Paving of Streets in the town of Boston, and for removing obstructions in the same."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in paving or repairing the pavement of any street in the town of Boston, in future, no person shall place timber or wood in front of his or her house or lot, to support the foot walk; but the same shall be supported with hammered or cut stone; any thing in the second section of the act to which this is an addition, passed the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-nine, to the contrary notwithstanding.*

SEC. 2. *Be it further enacted, That the Selectmen of the town of Boston shall be, and they hereby are empowered, to appoint suitable places in the streets or squares of*

said Town, in which all Waggon, Carts, Sleds, or other carriages, shall be directed to stand.

SEC. 3. *Be it further enacted*, That the said Selectmen shall have power, from time to time to make and adopt such rules and orders for the due regulation of all such carriages in the streets of the town of Boston, as to them shall appear necessary and expedient, which rules and orders shall be published, at least once a week, in two of the Newspapers printed in the said Town; and any owner or driver of any carriage who shall offend against any such rule or order, so adopted and published, shall forfeit and pay a sum not exceeding *Five Dollars*; to be recovered upon complaint of either one of the Selectmen of said town of Boston before any one of the Justices of the Peace for the county of Suffolk: And all such fines and forfeitures shall be paid for the use of the person prosecuting for the breach of any such rule or order.

In the House of Representatives, June 19, 1809.

This bill having had three several readings, passed to be enacted

TIMOTHY BIGELOW, *Speaker.*

In Senate, June 19, 1809.

This bill having had two several readings, passed to be enacted.

H. G. OTIS, *President.*

June 19, 1809.—Approved, C. GORE.

Secretary's Office, June 26, 1809.

A true copy of the original Act.

Attest,

WM. TUDOR, *Sec'y of the Commonwealth.*

BY THE SELECTMEN, JULY 22d. 1812.

IT is hereby ordered, That from and after Monday, the 3d day of August next, the following Rules and Orders shall be in force, for the due regulation of Carriages in the streets of the Town of Boston, viz. :—

Of Hay.

All waggons, carts and sleds with Hay for sale, shall stand in Charles-street, in one line on the northerly side of said street ; beginning at the easterly end thereof, by the new hay scales, and to extend as far westerly as shall be found necessary to accommodate the numbers.

Of Wood from the Country.

The waggons, carts and sleds with wood for sale, shall stand in Common-street, from the burying ground gate southerly, as far as shall be found necessary to accomodate the numbers ; and shall stand in one line along the westerly side of the street, leaving the entrance to Park-street and the foot passages into the mall, clear and unincumbered.

And one row of such waggons, carts and sleds shall be allowed to stand on the easterly side of Pond-street, leading from Hanover-street to Charles-River-Bridge.

Of Hackney Carriages.

All hackney carriages shall stand in those streets where their stables are situated, and immediately in front of their stables, as near

to the side walk as possible—*Provided*, that not more than two such hackney carriages shall be allowed on any such stand at one time; and that no carriage shall be washed or cleaned in the streets.

Every hackney carriage shall be numbered on each door thereof, in a conspicuous place, on the outside, with figures not less than two inches in length; and such figures shall be painted on the doors or fixed on them in metal plates, and shall not be moveable.

The price and rate of fare to be demanded and received for conveyance of any person or persons within the limits of the town, shall be for a single person, 25 cents; and when more than one person shall be conveyed at one and the same time, 20 cents shall be paid by each and every one of them.

Market Regulations.

All carts or other carriages, with provisions of any kind for sale, which shall stand in Dock Square, Market Square, Union and Ann Streets, shall be under the direction of the Clerk of the Market; all horses shall be taken from such carriages and carried to one of the neighbouring stables, or otherwise removed from the streets by the owners or drivers.

No cart or other carriage shall be suffered to stand in Court Street, Exchange Street, or the passage way between Dock Square and Union Street.

No person shall be allowed to stand with vegetables or fruit for sale in Dock Square, until all the stalls in Market Square shall be occupied; and no carts for sale of articles, shall stand in Cornhill, until Dock Square shall be filled, at the discretion of the Clerk of the Market; and those carriages which, for want of room in Dock Square, shall be obliged to stand in Cornhill, shall be ranged on one side of the street only.

No waggons, carts nor sleds, with hog-heads, barrels, boats, hoop poles, cars, timber, boards, ladders, spouts nor gutters, wooden nor tin ware, chairs nor baskets, shall be suffered to stand in Market nor Dock Squares: in State Street, nor any street contiguous thereto; but shall have a convenient stand on land belonging to the town, about the middle of Pond Street, between the Baptist Meeting-houses.

No carts nor other carriages with provisions for sale, and no chaises nor other riding carriages shall stand in State Street.

All waggons, carts and sleds with cider, shall stand in Water Street, in one line on the north side thereof, and in Adams Street on the east side thereof, and as many in Liberty Square as shall be found convenient for the free passage of carriages through said Square.

Of Trucks, Sleds and Carts.

All Trucks owned by any inhabitant of the town of Boston, shall be registered in a

book to be kept by the Town Clerk for that purpose ; and shall be numbered from No. 1 in succession ; and said numbers shall be distinctly painted on both shafts of said trucks, in black letters and figures, at least three inches in length on a white ground.

After such trucks shall be so registered and numbered, if any owner thereof shall sell, exchange or otherwise dispose of his property therein, the same shall be registered anew in the name of the person purchasing or otherwise owning the same ; and the numbers shall be renewed as often as they shall become defaced or indistinct.

Twenty trucks, with two horses harnessed to each, shall be allowed to stand in State Street ; to extend from Merchants' Row, to Long Wharf on the north side ; and from Kilby Street to Broad Street on the south side, in the following order :

The trucks numbered from 1 to 20, to have the privilege of that stand for one week ; those numbered from 21 to 40, to stand there the second week ; and those numbered from 41 to 60, to stand there the third week in succession—after which they shall begin again the rotation.

Such trucks as have usually stood in the street at the east end of Fanueil Hall, shall be permitted to continue there for the present, under the direction of the officers of police.

All other trucks, not accommodated as above, shall stand in Broad Street, from

Central Street southerly ; to be arranged in one line near the foot walk, on the east side for one week ; and in the same manner on the west side on the second week ; and shall change their stands on the east and west sides of the street weekly.

All sleds drawn by two horses, owned by any inhabitant of this town, shall be registered and numbered ; and shall take their stands, in the season when they shall be in use, under the same regulations as are above pointed out for trucks.

No truck nor sled with one horse, shall be permitted to stand in State Street.

All carts with horses, shall stand in Central Street, in one line, on the north side, for one week, and in the same manner on the south side, on the second week ; and shall change their stands weekly.

The hand carts shall stand on the easterly side of Liberty Square and Battery March Street, and all carts of every description, shall be marked with the owner's name, legibly printed thereon with paint.

Of Boylston Market.

No cart, waggon, nor sled, with beef or mutton for sale, shall be allowed to stand in Orange, Newbury, Boylston, nor Essex Streets.

No carriages containing provisions of any kind, nor any empty carriage shall be allowed to stand in Boylston Street.

Carriages containing provisions, except

beef or mutton, shall be allowed to stand in Orange Street, in front of the Market-house, in one line on the west side of the Street, leaving two spaces for entrances to the Market House, to be designated and limited by the Clerk of the Market.

Of West Boston Market.

No person shall be allowed to stand in Cambridge Street, or either of the Streets branching therefrom, with their waggons, carts, sleds or horses, having meat, vegetables, or other articles of provision for sale; nor shall any person be allowed to place any stall, bench or block in said streets to exhibit any such provisions for sale.

And it is hereby ordered in pursuance of the authority above named, that if any person shall offend against either of the above rules and orders, he shall forfeit and pay the sum of *Five Dollars*, upon conviction of every such breach of said rules and orders.

By order of the Selectmen,

CHARLES BULFINCH, *Chairman.*

ATTEST—

THOMAS CLARK, *Town Clerk.*

LAWS, &c.

RELATING TO

THE BOSTON BOARD OF HEALTH.

AN ACT to empower the Town of Boston to choose a Board of Health, and to prescribe their power and duty.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the town of Boston, qualified to vote for town officers, shall, on the first Wednesday of April annually, meet in their respective Wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town, seven days previous to the time of meeting, and choose one able and discreet person, being a freeholder and resident within the Ward for which he shall be chosen, to be Member of a Board of Health, which Board shall consist of one person from each ward, chosen by a majority of the voters present, and by ballot : And*

the Members of the Board of Health, for the time being, shall preside each in his respective Ward, at such meetings ; and on the neglect of either of them, a Committee chosen by the Ward shall preside until a Clerk for such Ward is chosen by a majority of the voters present ; whose duty it shall be to preside at future meetings of said Ward, for the ensuing year, to call for the votes, receive, count and declare the same in open meeting ; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling house the Clerk shall, on the same day, leave a written notification of his being chosen as aforesaid ; and upon his refusal or non-acceptance within four days, after notice as aforesaid, the Clerk shall summon a new meeting of the inhabitants of his Ward, at a time and place to be specified in two of the newspapers as aforesaid, three days at least previous to the intended meeting. *Provided however,* in case of refusal to serve of any person, at the time of his election in any Ward, the said Ward shall proceed to a new choice ; and in case of the acceptance of any person chosen as aforesaid, the Clerk of the Ward, where such person is chosen, shall notify the President of the Board of Health for the time being, or in case of his death or absence from Boston, the oldest Member of said Board, of such choice, within twenty-four hours after such choice is made ; and in all cases the

said Board of Health for the time being shall continue in power and office until a new Board is chosen and organized agreeable to the provisions of this Act. And the President of the Board of Health, for the time being, or in case of his death or absence from the town of Boston, or incapacity to attend, the oldest Member of said Board present, shall, within five days after the return made to him, by two thirds of the Clerks of the Wards aforesaid, where and when two thirds of said Members of said Board of Health are chosen as aforesaid, notify the new Members chosen and returned as aforesaid to meet at the usual place of the meeting of said Board, and shall at such meeting preside until a President and Secretary shall be elected by the Members of said new Board, for said Board; and he hereby is authorized to administer to such Secretary an oath faithfully to record all the votes, orders, proceedings and regulations of said Board, and faithfully to perform all the duties of his said office, during his continuance therein; which oath shall be entered and subscribed by such Secretary on the records of said Board, and attested by the person administering the same; after which such Secretary shall have the custody of the records, books and papers of said Board; and a certified copy of the votes, orders, proceedings and regulations of said Board, or a certified copy from the records of said Board, by the Secretary thereof, shall be received and admitted as evi-

dence in all cases relating to the proceedings or concerns of said Board.

SEC. 2. *Be it further enacted,* That said Board of Health shall have power, and it is hereby made their duty, to examine into all causes of sickness, nuisances, and sources of filth that may be injurious to the health of the inhabitants of the town of Boston, which do, or may exist within the limits of the town of Boston, or on any island, or in any vessel within the harbour of Boston, or within the limits thereof, and the same to destroy, remove or prevent, as the case may require; and whenever said Board shall think it necessary for the preservation of the lives or health of the inhabitants of Boston to enter forcibly any building, or vessel, having been refused such entry by the owner or occupier thereof, within the limits of the said town of Boston or the harbour thereof, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth, or cause of sickness aforesaid, which said Board have reason to believe is contained in such building or vessel—any Member of said Board, by order of said Board, may apply to any Justice of the Peace, within and for the county of Suffolk, and on oath, complain and state, on behalf of said Board, the facts as far as said Board have reason to believe the same relative to such nuisance, source of filth or cause of sickness aforesaid; and such Justice shall thereupon issue his warrant, directed to the Sheriff of

the county of Suffolk, or either of his Deputies, or any Constable of the town of Boston, therein requiring them or either of them, taking with them sufficient aid and assistance, and also in company with said Board of Health, or some two Members of the same, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of as existing as aforesaid; and there, if found, the same to destroy, remove or prevent, under the directions, and agreeable to the order of said Board of Health, or such Members of the same, as may attend and accompany such officer for such purpose.

Provided however, that no Sheriff or Deputy Sheriff shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made, under colour of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents *ab initio*. And in all cases where such nuisance, source of filth, or cause of sickness shall be removed, destroyed or prevented in manner aforesaid, the cost of so removing, destroying or preventing the same, together with all costs attending the proceedings relative thereto, shall be paid by the person or persons who caused or permitted the same nuisance, source

of filth, or cause of sickness to exist, or in whose possession the same may be found. And in all cases where any contagious and malignant disorder exists, within the limits of the town of Boston, or on board of any vessel, or on any island within the harbor of Boston, and it appearing to said Board of Health, after the same has been examined into by the Physician of said Board, or some other respectable Physician of the town of Boston, that the public safety requires that any person or persons affected with any contagious, malignant disorder, should be removed to the Hospital on Rainsford Island, or to any other place within the limits of said town of Boston, on any island in the harbour of Boston, or should be confined or remain in the place where such person or persons thus affected then are ; in every such case the said Board of Health shall pass an order relative to the same, which order, all persons, dwelling in or occupying such place, building or vessel, notified thereof by said Board, or called on by said Board, shall be obliged to obey ; and any person refusing to obey such order, or resisting any officer or person acting under the authority of said Board, or any Member of said Board, in any of the duties or requirements in this section of this Act, shall severally forfeit and pay for such offence a sum not less than *Five*, and not exceeding *Five Hundred Dollars*, according to the nature and aggravation of the offence.

SEC. 3. *Be it further enacted*, That the

said Board of Health shall have power to make such rules, orders and regulations, from time to time, for the preventing, removing or destroying of all nuisances, sources of filth and causes of sickness within the limits of the town of Boston, or on board any vessel, or on any island in the harbour of Boston, which they may think necessary; which rules, orders and regulations, from and after the same have been published in two newspapers, printed in the said town of Boston, shall continue in force and be obeyed by all persons, until changed, altered or repealed by the same Board who made them, or by some succeeding Board of Health. And any person or persons who disobey or violate any such rules, orders or regulations, so as aforesaid made by such Board, shall severally forfeit and pay for such offence, a sum not less than one, and not more than *Fifty Dollars*, according to the nature and aggravation of such offence.

SEC. 4. *Be it further enacted*, That the said Board of Health shall have power to seize, take and destroy, or to remove to any safe place without the limits of the town of Boston, or cause the same to be done, any unwholesome and putrid or tainted meat, fish, bread, vegetable or other articles of the provision kind, or liquor, which in their opinion, first consulting the Physician of said Board, or some other reputable Physician of the town of Boston, shall not be fit for food and nourishment, and injurious to the

health of those who might use the same : And the cost of such seizing, taking, destroying or removing shall be paid for by the person or persons in whose possession the same unwholesome, putrid, or tainted article shall or may be found.

SEC. 5. *Be it further enacted,* That the said Board of Health shall have power, from time to time, to make and establish all such rules, orders and regulations relating to clothing or any article capable of containing or conveying any infectious disease, or creating any sickness, which may be brought into, or conveyed from the town of Boston, or into or from any vessel, or on or from any island in the harbour of Boston, as they shall think proper for public safety, or to prevent the spreading of any dangerous or contagious disease. And all such rules, orders or regulations, so as aforesaid by said Board made and established, shall be obeyed by all persons from and after the same have been published in two of the newspapers, printed in the town of Boston, and shall continue to be in full force until altered or repealed by the Board who made and established the same, or some other succeeding Board ; and every person who shall disobey or violate any of such rules, orders and regulations, shall forfeit and pay a sum not less than one dollar, and not more than one hundred dollars, according to the nature and aggravation of such offence.

SEC. 6. *Be it further enacted,* That the

said Board of Health shall have power to establish and regulate the quarantine to be performed by all vessels arriving within the harbour of the town of Boston; and for that purpose shall have power, from time to time to establish, make and ordain all such orders, rules and regulations relating to said quarantine, as said Board shall think necessary for the safety of the publick and the security of the health of the inhabitants of the said town of Boston; which said rules, orders and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue to be in force from and after the same shall have been published in two newspapers, printed in the town of Boston, until the same are altered or repealed by the said Board establishing, making and ordaining the same, or by some succeeding Board of Health. And said rules, orders and regulations may extend as well to all persons arriving in such vessels, and to their property and effects aboard such vessels, and to all such persons as may visit, or go on board such vessels, after their arrival in said harbour of Boston, and to the cargo of all such vessels, as to the vessels themselves; as also to every matter and thing relating to, or connected with such vessel, or the cargo of the same, or to any person or persons going on board or returning from the same; and every person who shall knowingly or wilfully violate or disobey any

of such rules, or orders and regulations, so as aforesaid made, established or ordained by said Board of Health, shall severally forfeit and pay a sum not exceeding *Five Hundred Dollars*, according to the nature and aggravation of such offence. And the Board of Health shall have power at all times, to cause any vessel arriving in the harbour of Boston, which is foul and infected, or whose cargo is foul and affected with any malignant and contagious disease, to be removed and placed on quarantine ground, and the same to be thoroughly cleansed and purified at the expense and charge of the owners, consignees or possessors of the same; and also all persons arriving in or going on board such infected vessel, or handling such infected cargo, to be removed to Hospital or Rainsford Island, under the care of said Board, and to the Hospital on the same, there to remain under the orders and regulations of said Board. All expenses incurred on account of any person under the quarantine rules, orders and regulations of said Board of Health, shall be paid by such persons.

SEC. 7. *Be it further enacted*, That said Board of Health shall have power, and it shall be their duty to elect and appoint a principal Physician to said Board, who shall reside in Boston, and an assistant Physician, who shall, during the time of quarantine, reside on Hospital Island, also an Island Keeper, to reside on said Hospital Island, Beat-

men and such other Officers and servants as will be necessary to carry into effect the rules, orders and regulations of said Board of Health, as it respects the quarantine; and shall prescribe to them their duty, and establish their salary and fees, and displace or remove them at pleasure, and elect and appoint others in their places; also said Board shall, from time to time, establish and regulate the fees or expenses attending the said quarantine regulations, shall have the care of said Rainsford or Hospital Island, and of the Hospital on the same, and of all property on said Island and belonging to or connected with the Hospital on the same; and shall annually in the month of January in each year, file in the Secretary's Office of this Commonwealth, an exact and true account of the state of the property in and connected with the Hospital establishment on said Island, and of the property belonging to the Commonwealth on said Island, and of all money expended thereon.

SEC. 8. *Be it further enacted,* That said Board of Health shall have power to elect and appoint Scavengers, Superintendants of burying grounds, Funeral Porters or Undertakers, and such other Officers and Servants, as shall be necessary to carry into effect all the powers and duties in this Act given to, or required of the said Board of Health, and to fix and establish their fees of office or compensation; and all officers elected or appointed by said Board, shall be removeable

from their said offices, at the pleasure of said Board, and others substituted, elected or appointed in their place. And a majority of said Board shall be competent to transact any business which the whole Board, were they all present, might or could transact.

SEC. 9. *Be it further enacted,* That all the powers and duties which are given to, or required of the Selectmen of the town of Boston, by a law of this Commonwealth, passed the twenty second day of June, in the year of our Lord one thousand seven hundred and ninety seven, entitled "An Act to prevent the Spreading of contagious Sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to and made the duty of the Board of Health of the town of Boston, any thing in said laws to the contrary notwithstanding. And for all expenses which may arise in the execution of their duty, the said Board of Health shall be authorised to draw upon the Town Treasurer of the town of Boston; and the accounts of said Board, including all receipts and expenditures of money, shall be examined by the Committee of accounts annually chosen by said town of Boston for that purpose, who shall report a state of them to the said town accordingly, and the same shall be paid by the Treasurer of said town of Boston. And on the death or resignation of any Member of said Board of Health, the said Board may cause such vacancy to be

filled by a new election from the Ward from which said Member was elected, by directing the Clerk of such Ward to call a meeting of the inhabitants of such Ward, qualified to elect a Member of the Board of Health, to meet at such time and place, as shall be notified to him by said Board ; at which meeting such vacancy shall be filled, and such proceedings be had as are directed in the first section of this Act, as to the choice and return and notification of the person elected as a Member of said Board as aforesaid.

SEC. 10. *Be it further enacted,* That whenever any prisoner confined in the gaol in Boston, or within the limits of said prison, shall be attacked with any contagious, malignant disorder, which in the opinion of said Board of Health, first having consulted with the Physician of said Board, or some other respectable Physician, of the town of Boston, endangers the safety and health of the other prisoners in said gaol, or the inhabitants of said town, and that the suffering such prisoners, so attacked as aforesaid, longer to remain in said gaol, or within the limits of said prison, is not consistent with the public safety, or the health of the inhabitants of said town, or the prisoners in said gaol ; in every such case, the said Board of Health shall make application in writing to any two Justices of the Peace, *quorum unus*, therein stating the facts relative to such case ; and the

said Justices to whom such application shall be made, shall examine into such case, and if satisfied that the facts stated are true, shall issue their warrant to said Board of Health, authorizing and directing them to remove said prisoner so attacked with such contagious and malignant disorder, to the Hospital on Rainsford Island, or to some other place of safety, there to remain under the directions of said Board, until such prisoner either recovers or dies; and in case of the recovery, then to be returned by said Board to the place from which he was taken; and such warrant so executed by said Board, or any Member thereof, shall be by them returned, with their doings thereon, into the Clerk's Office of the Court, from which the process for committing such prisoner to gaol, shall have issued; and the place to which such prisoner shall be removed by virtue of such order shall be considered as the gaol of the county of Suffolk; and every prisoner removed as aforesaid, for the causes aforesaid, shall not thereby be considered as having committed any escape, so as to prejudice either himself, his bondsmen or the persons who had the custody of him in his confinement aforesaid.

SEC. 11. *Be it further enacted,* That the said Board of Health of the town of Boston are hereby authorized and empowered, from time to time, to make and establish rules, orders and regulations for the interment of the dead in said town, to establish the police of

the Burying grounds, appoint and locate the places where the dead may be buried in said town, and cause the places for the deposit of the dead in said town, and the burying grounds, to be repaired and properly enclosed. Also to make regulations for funerals and funeral processions, and appoint all necessary Officers and persons to carry the same into effect, and to appoint to them their duties and fees; and shall also have the power to establish such penalties for the violation of any such rules, orders and regulations, as they may think proper: *Provided*, no one penalty for any one violation, shall exceed the sum of *Fifty Dollars*. And all such rules, orders or regulations, so as aforesaid made and established by said Board, shall be obeyed by every person, from and after the same have been published in two of the newspapers printed in Boston, and shall continue in full force, until the same are altered or repealed by the said Board, who made and established them, or by some succeeding Board.

SEC. 12. *Be it further enacted*, That the said Board of Health shall have power to grant permits for the removal of any nuisance, infected article, or sick person, within the town of Boston, when they think it safe and proper so to do; and said Board, whenever they think justice requires it, may stop, discontinue, discharge or compromise any suit, complaint or information, originating under this act. And all fines, forfeit-

ures, penalties, sums to be paid or recovered, arising under any of the provisions of this Act, shall be prosecuted for, by and in the name of "The Board of Health of the town of Boston," by complaint or information by said Board, to be made in writing to some Justice of the Peace within and for the county of Suffolk; which said Justice, upon said complaint or information being made to him as aforesaid, shall receive the same, and thereupon issue his warrant, therein reciting the said complaint or information, directed to the Sheriff of the county of Suffolk, or either of his Deputies, or any Constable of the town of Boston, commanding them or either of them, to summon the party informed against or complained of, to appear before him at a time and place to be named in said warrant, to shew cause, if any they have, why they should not pay the sum demanded of them in such complaint or information: which said warrant, shall by the officer who receives the same, be served on the party informed or complained against as aforesaid, at least seven days before the day in said warrant stated, as the day of trial, by giving such party in hand, a copy of such warrant, reading the same to him, or leaving a copy thereof at the last and usual place of the abode of such party; and if such party shall not appear at the time and place appointed, or appearing shall not show sufficient cause as aforesaid, the said Justice shall proceed to render judgment in every

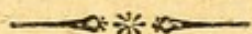
such case, that the said Board of Health shall recover such sum in damages or as fine, as the case may be, as according to the provisions of this Act, they ought by law to recover, with cost, and shall proceed to issue his execution therefor, in the same manner as executions issue from Justices of the Peace in civil cases triable before them; and such executions shall be served and made returnable in the same manner as executions in civil actions are by law served, and made returnable, which issue on judgments rendered in the Supreme Judicial Court of this Commonwealth: *Provided however*, that in all such prosecutions as aforesaid, if the said Board of Health shall discontinue such prosecution or become nonsuit, or the same on the merits should be decided by such Justice trying such prosecution against them, in every such case, the said party informed against and complained of, shall recover his legal costs against said Board, which costs shall be paid by the Treasurer of the town of Boston. And in every prosecution under this Act, before any Justice of the Peace as aforesaid, the party complained against in such prosecution, being dissatisfied with the judgment in the same, given by such Justice, may appeal therefrom to the Boston Court of Common Pleas, next to be holden at Boston, within and for the county of Suffolk, after such judgment is so as aforesaid given, or rendered by said Justice; *provided* such appeal be

entered within twenty-four hours after such judgment is given as aforesaid ; and the same proceedings in all respects relating to such appeal, shall be had as are by law required on appeals from judgments rendered in civil causes by Justices of the Peace in this Commonwealth ; and on the entry of such appeal in said Court, the said Court shall have cognizance and jurisdiction of the same, and shall proceed to hear and determine the same in the same manner, and award execution in the same way and manner as they have cognizance and jurisdiction, proceed to hear and determine and award execution in civil causes, on appeals to them from judgments given by Justices of the Peace in this Commonwealth. And in all cases of such appeals on prosecutions under this Act, the party prevailing in the said Court shall recover his costs to be paid in the manner prescribed in this section of this Act : *Provided however*, that no appeal shall be allowed or granted to said Court in any prosecution under the provisions of this Act, where the amount of the judgment rendered and had before, and by any Justice of the Peace, shall not amount to more than five dollars exclusive of costs. And all fines and forfeitures recovered by said Board of Health, under the provisions of this Act, shall inure to the use of the inhabitants of the town of Boston, and be accounted for by said Board of Health, to and with the Town Treasurer of said town of Boston.

And provided also, that in consequence of said appropriation of said fines and forfeitures, or the appropriation of any other monies by virtue of this Act, no inhabitant of the said town of Boston shall be disqualified as a Justice of the Peace, a witness or juror in any prosecution under this Act, nor shall the said Board of Health or any member of the same, or any officer of the same, be rendered thereby incompetent witnesses in any prosecution under this Act; and the Members of said Board of Health, while they continue in such office, shall be exempted from all militia duty and every other duty and service, which by law the Selectmen of towns in this Commonwealth are exempted from: and all laws heretofore made relating to a Board of Health in the town of Boston, so far as they are inconsistent with or contrary to the provisions of this Act, shall be, and the same are hereby repealed. *Provided however*, that the election of the present Board of Health for the said town of Boston, and all their doings under the said laws are hereby confirmed, and they shall have and exercise all the powers and duties required or permitted by this present Act; *and provided also*, that all prosecutions now pending, shall be proceeded in, in the same way and manner, as though this Act had never been passed. And in all prosecutions under this Act, the persons prosecuted, may plead the general issue, and give any special matter in evidence under the same; and

the complaint, information, pleadings or proceedings in any prosecutions under this Act, may, by leave of Court, before whom the same is, or may be pending, be amended in any state of such prosecution, without the payment of costs by either party.

[Approved by the Governor, June 20, 1816.]



HEALTH OFFICE.

BOSTON, July 30, A. D. 1816.

THE Board of Health of the town of Boston, do make and establish the following Rules, Orders and Regulations, for the Interment of the Dead in said town of Boston, and establish the following Police of the Burying Grounds, and appoint and locate the places where the dead may be buried in said town; and make the following Regulations for Funerals and Funeral Processions, and appoint the Duties and Fees of the several Officers employed to carry the same into effect. Also, said Board of Health do hereby establish the following Penalties for the violation of any of the Rules, Orders and Regulations hereby made and established by said Board—and the same shall be obeyed by every person, and shall continue in full force, until the same are altered or repealed by this Board, or by some succeeding Board, viz :—

ARTICLE I.

Police of the Burying Grounds and Cemeteries.

SEC. 1. To execute the Police of the Burying Grounds and Cemeteries, there shall be one Superintendant elected by ballot, who on acceptance of the trust shall give satisfactory bonds for the faithful performance of the duties required, and whose jurisdiction shall extend to all the Burying Grounds and Cemeteries within the town, and his Office shall be kept in the east corner of Faneuil Hall, Market House. It shall be the duty of the superintendant to keep the fences, walls and gates of the respective Grounds and Cemeteries in complete repair, and properly secured by locks and bolts; to point out the place, depth and width of every grave to be dug therein; to cause the graves to be dug in exact ranges parallel with, and as near to each other as may be; and to see that the graves be so filled and elevated, and the turf replaced, that water may not stagnate thereon:—To cause the tombs opened in the respective Cemeteries, between the 1st of July, and the 30th of September, to be closed and pointed with lime within twenty-four hours after the deposit of the bodies therein; and to direct the Wardens of the several Churches to which Cemeteries belong, to cause at least three bushels of good stone lime to be slacked therein on the 1st and 15th days of July, August and September:—To record in a

book to be kept for that purpose, the name, age and sex of each person interred; the family to which the deceased belonged; the disease or cause of death; and whether citizen or stranger; the time when interred; the number of the grave, and the number of the range where buried, or the tomb where deposited.

SEC. 2. The Superintendant shall permit the family of any person hereafter buried in any grave in the North and South Burial Grounds, to place within 12 months after the burial of such person, a stone of the following dimensions, viz.—length $4\frac{1}{2}$ feet, breadth 1 foot 10 inches, thickness $3\frac{1}{2}$ inches, having the person's name and age, the number of the grave and number of the range cut thereon, placed perpendicular 6 inches from the head of the grave, and settled in the earth 18 inches from a level surface; which, being recorded by the Superintendant, such grave shall be reserved for the use of the same family for 20 years; and graves may be re-opened for members of the same family, provided the top of any coffin put therein be not within three feet of the surface of the ground. The bottom of the first coffin buried in any grave in the North Burying Ground, shall be at least eight feet from the surface of the ground; and the bottom of the first coffin buried in any grave in the South Burying Ground shall be at least six feet six inches from the surface of the ground.

SEC. 3. A new range of graves shall not be

commenced until ~~the~~ preceding range is entirely taken up by the deposit of a body or bodies in each grave.

SEC. 4. A corpse shall not be deposited for a temporary purpose in any of the Public Vaults, without the license of this Board.

SEC. 5. When a corpse shall be deposited in any of the Public Vaults, the same shall be afterwards, removed and interred, agreeably to the regulations of the Board, and in the manner and time expressed in a license of the Board for said deposit. And for a faithful execution of the same, every person concerned in said deposit, removal and interment, shall severally be responsible.

SEC. 6. When a corpse is deposited in a Public Vault, in addition to the Superintendent's fees, there shall be paid to the use of the Town, *One Dollar* for each adult, and *Fifty Cents* for each child, to be collected by the Superintendent.

SEC. 7. The Superintendent shall, on the Monday of each week, make a return to the Health Office of the persons interred in the Grounds and Cemeteries in his care ; which return shall comprise a copy of all the particulars required to be recorded by the first section of these Regulations ; that from such returns this Board from time to time, may publish Bills of Mortality for the town,

ARTICLE II—Funeral Cars.

SEC. 1. The Funeral Cars shall be under the care of the Superintendent, and shall be deposited for safe keeping in places pro-

vided therefor. It shall be the duty of the Superintendent, to keep them clean and in good repair; and only permit Funeral Undertakers, licensed by this Board, to use the same, on the payment of the fee established by these regulations. The Superintendent to account monthly to the Treasurer of this Board for such fees.

ARTICLE III.—Funeral Undertakers.

SEC. 1. A sufficient number of Funeral Undertakers shall be appointed and licensed by this Board, who shall be responsible for the decent, orderly and faithful management of the Funerals undertaken by them; and for a strict compliance with these Regulations. Each undertaker may employ sober and discreet Porters to assist him; and shall be accountable to this Board for their conduct.—Persons not licensed as Undertakers, are forbid the undertaking of any Funeral, under penalty of *Twenty Dollars* for each offence.

ARTICLE IV.—Funerals, &c.

SEC. 1. All Funerals shall be between sunrise and sun-setting, except when otherwise ordered by this Board, in cases of the prevalence of contagious and malignant diseases, and shall pass through or into at least one principal street. There shall be but one bell tolled at any funeral; which bell shall be tolled no longer than one hour, and no oftener than two strokes in a minute; and

the bells of the North Church shall not be chimed more than fifteen minutes for one funeral procession. The corpse of every person over ten years of age, shall be conveyed to the grave or tomb in a Funeral Car, to be drawn by not more than two horses : *Provided however*, That on an extraordinary occasion permission may be obtained of this Board, on regular application, to dispense with any of the rules contained in this article.

SEC. 2. The Superintendant shall designate suitable places in the North and South Burying Grounds, for the burial of people of color, under the direction of this Board.

ARTICLE V.—*Fines, &c.*

SEC. 1 If the Superintendant shall violate any or either of these regulations, he shall, on conviction, forfeit and pay a fine of *Fifty Dollars*. If an Undertaker shall violate any or either of these regulations, he shall, on conviction, forfeit and pay a fine of *Thirty Dollars* ; and if any other person or persons shall violate or transgress them, he or they shall on conviction, forfeit and pay a fine of *Twenty Dollars*.

SEC. 2. The Superintendant, Funeral Undertakers and Porters shall at all times be removeable at the pleasure of this Board.

ARTICLE VI.—*Fees, &c.*

SEC. 1. There shall be collected and paid

for services in the execution of these regulations, the following fees, viz. :

For the Superintendent.—For each grave dug, seventy five cents, except for such persons as are buried at the expense of the town; for each tomb or public vault opened, fifty cents. For the record of each person buried or entombed, twenty five cents. For the use of the car at each funeral, two dollars; and the same with the fees for graves, tombs and public vaults, to be collected from the families of the persons interred. The recording fees to be paid quarterly by the Board of Health.

Fees for Undertakers. For digging a grave 8 feet deep, and covering the same, two dollars and fifty cents; for one 6 feet 6 inches deep, one dollar and fifty cents; for one 5 feet deep, one dollar and twenty five cents, and for 4 feet deep one dollar. For opening and closing a tomb, seventy five cents. For service at the house of a person deceased, in collecting and returning chairs and other attendance, one dollar; for every family notified by request, five cents; for tolling a bell, fifty cents; for placing a corpse in coffin when requested, and removing down stairs, one dollar; for the use of one horse in the car, and leader, one dollar and fifty cents; for two horses, seventy five cents each; for carrying a corpse from the house to the car, and from the car to the grave, tomb or vault, and removal of the same from the Public Vault to the place of interment,

including the assistance of funeral porters, and the leader or leaders of the funeral car, three dollars.

SEC. 2. When a corpse is carried into a church, the Funeral Undertaker may make an additional charge of two dollars; and whenever the ground shall be frozen, the charge of digging graves may be augmented at the discretion of this Board.

SEC. 3. For burial of children under ten years of age, viz.—Digging a grave $3\frac{1}{2}$ feet deep, seventy five cents; for service at the house, one dollar; tolling bell, fifty cents; carrying the corpse to the carriage, and from the carriage to the place of deposit, fifty cents; for the use of a pall, twenty five cents.

SEC. 4. It shall be the duty of the several Undertakers and each of them to settle with, and pay over monthly to the Superintendant, the fees provided for in the first section of this article.

ARTICLE VII.—Burying Grounds.

SEC. 1. The Central, Chapel and Granary Burying Grounds are closed so far, that no graves shall be opened or dug, nor tombs built therein, until the further order of this Board.

SEC. 2. The old part of the North Burying Ground is also closed so far, that no graves shall be opened or dug therein, excepting in the places appropriated for the interment of people of colour, under the direction of this Board. Persons may have leave

to erect tombs in the new part of the North Burying Ground, and the South Burying Ground, under the direction, and on the conditions prescribed by this Board.

By order of the Board of Health,

BENJAMIN WHITMAN, *President.*

Attest—

N. GREENOUGH, *Sec'ry.*

HEALTH OFFICE.

BOSTON, July 30, A. D. 1816.

THE Board of Health of the Town of Boston, do hereby establish and regulate the Quarantine to be performed by all vessels arriving within the harbour of the town of Boston, and do establish, make and ordain the following Orders, Rules and Regulations, relating to said Quarantine, the same in the opinion of said Board, being necessary for the safety of the public, and the security of the health of the Inhabitants of the said town of Boston; and the same are to be obeyed by all persons, and shall continue to be in force, until the same are altered or repealed by this Board, or by some succeeding Board of Health, viz. :

ARTICLE I.

Quarantine of Vessels.

SEC. 1. On and after the twentieth day of

May annually, and until the twentieth day of October, in each year, a Quarantine shall be had of all vessels, their officers, crews, passengers and cargoes, that come within the harbour of Boston, which are from, or have touched at any port or place within the tropics, or from any of the West India Islands, or from any of the British Provinces in North America, having arrived there from any of the places herein mentioned, or any port or place where contagious sickness doth, or hath recently prevailed—of all vessels on board of which any person shall have died of any disease, or been sick during their homeward passage, excepting vessels coming from places beyond the *Cape of Good Hope*, where no contagious or malignant disease was known to be prevalent previous to their departure—or from the Islands of *St. Helena* or *Ascension*.

SEC. 2. The quarantine above directed, shall be had near *Rainsford Island*, under the direction of the Principal or Assistant Physician, and other officers of this Board, and shall continue on every vessel which has had *twenty two* or a less number of days passage, until she shall have made up *twenty five* days from the day she left her last port; and on each vessel which has had *twenty three* or more days passage, *seventy two hours*, in addition to such passage. And on every vessel on board which, during her homeward passage, any person shall have died (excepting from accident or casualty) the quaran-

sine shall be extended to *twenty five* days from the last death. And no vessel shall be considered as having commenced quarantine, until she shall have anchored in her proper station on quarantine ground, as directed by the Principal or Assistant Physician, or other officers of this Board.

SEC. 3. The masters, officers, crews and passengers of all vessels when on quarantine, shall be subject to the Regulations of this Board, and such others may be adopted by the Principal or Assistant Physician: and the master of each vessel shall be accountable for the appearance on board his vessel, at the time she shall be discharged from quarantine, of all and every person who arrived in her, or who may have been landed from her in any port of the United States, or put on board any vessel, during her homeward passage, cases of death excepted.

SEC. 4. In extraordinary cases, the Committee of the week is authorized to direct the above period of quarantine to be prolonged.

SEC. 5. Vessels not otherwise subject to quarantine, having only *Small Pox* on board, may be discharged whenever the Principal or Assistant Physician shall consider them free from infection.

SEC. 6. Every master of a vessel shall, within twenty four hours after being discharged from quarantine, deliver at the Health Office in Faneuil Hall, the certifi.

eates and flags he shall have received from the Principal or Assistant Physician, or Island Keeper, and shall, on paying the sum of ten dollars, receive a counter certificate from the Secretary of this Board, to entitle his vessel to entry at the Custom House.

SEC. 7. When any vessel has been quarantined, examined and attended, and the master is desirous of leaving the ground, with his vessel, for any other port, he shall, previous to his receiving his certificate of discharge, pay to the Principal or Assistant Physician the established fees.

SEC. 8. During the time a vessel shall be on quarantine, on application made to this Board to permit the unloading and conveyance to town of any wine, rum, spirits, salt, sugar, molasses, mahogany, dye-woods, tobacco, preserved or other fruits, and such other articles as shall be declared incapable of receiving or conveying infection, and when permission to unload the same shall have been obtained from the Custom House; it shall be lawful for the Committee for the week to authorize the principal or Assistant Physician of this Board, to permit such articles to be unladen from any vessel on quarantine, and the same to be conveyed to town by Lighermen duly licensed by this Board for that purpose—And the Principal or Assistant Physician shall grant a certificate thereof, to be deposited in the Health Office, for which twenty five cents shall be paid: And the lighters to be employed in

the transportation of such uninfected articles shall, when unemployed, be anchored off the south-east part of *Rainsford Island*; and the lightermen employed therein, shall not be permitted to land in town, without the permission of the Principal or Assistant Physician.

ARTICLE II.

Mediterranean Vessels.

SEC. 1. Every master of a vessel who, on and after the twentieth day of October, in the same year, shall arrive from *Gibraltar*, or at any port or place within the Streights, shall carry and anchor his vessel on quarantine ground, where she shall remain until she be examined by the Principal or Assistant Physician, who, in concurrence with the Committee for the week, may permit her to pass if it appears to them that the public health will not be endangered thereby— And the Master of such vessels shall receive a counter certificate from the Secretary of this Board, to entitle his vessel to entry at the Custom-House on his paying him the sum of five dollars.

ARTICLE III.

Vessels to be Reported.

SEC. 1. The masters of all vessels, which, on and after the twentieth day of May annually, and before the twentieth day of Oc-

ARTICLE II.

Mediterranean Vessels.

Instead of the two first lines, *read*—SEC. 1. Every master of a vessel, who on and after the twentieth day of May annually, and before the twentieth day of October, &c.

tober in the same year, shall arrive from any port or place not subject to quarantine, shall, previous to entry at the Custom-House make report at the Health-Office, in *Faneuil Hall*, of the state and condition of their crews, passengers and cargoes, and of all other circumstances which may concern the public health. If found to be from a port free of contagious disease, the master of each vessel shall receive a certificate to permit the entry of such vessel at the Custom-House for which twenty five cents shall be paid ; if otherwise, the vessel, crew and passengers shall be sent to *Rainsford Island*, on quarantine.

ARTICLE IV.

Vessels from Out-Ports.

SEC. 1. Every vessel which shall arrive, and enter at any out-port from any of the ports or places mentioned in the first article of these Regulations, and shall afterwards come to this port, shall be subject to quarantine, unless the master produces a correct certificate from the Board of Health, or Selectmen, of such out-port, that such vessel has been at least twenty five days from such ports or places ; that during that time no person has died, (excepting by accident or casualty) or been sick on board ; and that such vessel has been duly examined, and thoroughly purified or cleansed.

ARTICLE V.

Infected Vessels.

SEC. 1. All vessels from any port or place whatever, having on their homeward passage had one or more *persons sick* on board, shall, at *all seasons* of the year, be liable to perform quarantine, if, in the opinion of the Principal or Assistant Physician, it shall be necessary

ARTICLE VI.

The Duty and Power of the Principal Physician and Assistant Physician.

SEC. 1. It shall be the duty of the Principal Physician of this Board, (when no assistant Physician resides on *Rainsford Island*) to visit *Rainsford Island* every day when there are three or more vessels on quarantine; and, when less than three, as often as the Committee for the week shall prescribe. He shall direct in what manner vessels are to be cleansed; what articles shall be landed, washed, buried, or destroyed. He shall order the sick to be landed, if necessary; shall attend all the sick at said Island, prescribe according to his best skill and judgment to their relief, and find all medicine. He shall be allowed to charge each sick person for such attendance, provided his charge does not exceed three dollars for common cases; but he may increase the charge for extraordinary cases, deemed such by the Commit-

tee for the week ; and he shall report, at least, once a week, the number of such sick persons under his care at the Island, the length of time they have been confined there ; and when discharged, shall immediately present his account for attendance to the Committee for the week, a record of which shall be entered on the Journal kept by that Committee. He shall direct the Pilots where to anchor vessels ; and they are hereby required to obey his directions. He shall deliver to the master of each vessel arriving on quarantine, a copy of the Quarantine Regulations of this Board. He may establish rules and regulations for the preservation of good order on the Island, to promote the designs of quarantine, such rules and regulations being under the control of this Board. He shall from time to time report to the Committee for the week, the state of vessels on quarantine. He shall grant a certificate of discharge to each vessel having duly performed quarantine ; and generally, it shall be his duty to do and perform all things necessary to carry the Regulations of Quarantine into complete effect. And when an Assistant Physician shall reside on said Rainsford Island, all the duties and powers of the Principal Physician contained in this article shall devolve upon, and may be executed by such Assistant Physician.

*ARTICLE VII.**The Secretary's Quarantine Duty.*

SEC. 1. The Secretary of this Board shall receive the Principal or Assistant Physician's certificates of discharge ; shall give counter certificates to entitle such vessels to entry at the Custom House, receive the fees required for such certificate, and all other fees, and the same pay to the Treasurer. He shall make the necessary inquiries of all masters of vessels, reporting at this office ; shall note the same ; and shall receive and communicate at every meeting of this Board, the reports received from the Island.

*ARTICLE VIII.**The Island Keeper's Duty.*

SEC. 1. The Island Keeper or his Assistants shall attend the purification of all vessels, clothing, bedding, persons, &c. at quarantine, agreeably to the directions of the Principal or Assistant Physician ; shall board and attend the sick, and find nurses ; and shall be allowed five dollars each week for the board and nursing each sick person at the Island ; to be collected as the fees of the Principal or Assistant Physician are by law collected or assumed ; and shall employ two persons to ply the Island boat, during the time a general quarantine is required ; who shall be subject to the orders of the Committee of the Quarantine, and shall communicate to the Health Office information

of the arrival of vessels at the Island, as they occur; and of any event which may require the attendance of the Principal or Assistant Physician at the Island; shall carry supplies to vessels on quarantine, when delivered on board the boat, and shall be held to conform to all the directions of this Board.

SEC. 2. In the absence of the Principal and Assistant Physician, the Island Keeper or his Assistant are charged with the police of the Island, agreeably to the laws and rules thereof.

ARTICLE IX.

No person not on quarantine shall be allowed to visit Rainsford Island during the time of quarantine, without producing a permit from the Secretary of this Board, for which twenty five cents shall be paid for each person; but no certificates shall be valid, unless presented within twenty four hours from the date thereof.

ARTICLE X.

SEC. 1. The Board of Health may dispense with any or all the aforefaid Orders, Rules and Regulations relative to Quarantine, upon such conditions and under such circumstances as said Board or its Committee in any particular case, may think proper, consistent with the public safety.

By order of the Board,

BENJAMIN WHITMAN, *President.*

HEALTH OFFICE.

BOSTON, July 30, 1816.

THE Board of Health of the town of Boston, do make and order that the following Rules, Orders and Regulations, for the preventing, removing or destroying all Nuisances, sources of Filth, and causes of Sickness, within the limits of the town of Boston, or on board any vessels, or on any Island in the harbour of Boston, shall continue in force and be obeyed by all persons, until changed, altered or repealed by this Board, or by some succeeding Board of Health, viz :

House Dirt, &c.

ART. 1. No person or persons shall be allowed to throw or bring into any street, square, lane or alley, any house dirt, filth, or sweepings of any kind, or any decayed vegetables or dead animal substance. But all such house dirt, filth, sweepings, or vegetable or animal substance, shall be deposited in such vessels as will not contain liquids, and kept in some convenient situation for the drivers of the Scavenger's carts to take away. And no person shall be allowed to cast any dead animals, vegetable substances, or sweepings of any vessel, into any of the docks, the millpond, or any other place between the channel and the shore ; nor to land the same, or any foul and infected ballast, or other substance, on any wharf,

or landing place, within the town. And any dead animal thrown into the channel shall have a sufficient weight affixed to it, to prevent its floating to the shore.

Removal of Dirt, &c.

ART. 2. When any quantity of dirt, saw-dust, soot, shavings, straw, hair, animal or vegetable substance, or filth of any kind, shall be found in any cellar, yard, or other premises, or be thrown into any street, square, lane or alley; the owner or occupier of such cellar, yard or other premises, where found; or the owner or occupier of the premises from whence such dirt, saw-dust, &c. had been removed, shall cause the same to be carried away, at his, or her expense, within four hours after notification, in writing from this Board.—And all carts or waggons employed in the carting earth, clay, sand or dirt of any kind, shall have and use good and sufficient fore and hind boards, and other-ways sufficiently tight to prevent the said earth, sand, clay, or dirt from dropping in the streets through which they may pass.

Waste Water.

ART. 3. The owners or occupiers of houses, buildings or lands, shall cause all *Waste Water* from their premises to be conveyed from their cellars, yards, sinks, pumps and vacant lands, through drains under ground to common sewers; or to such reservoirs sunk

under ground to receive the same, as a committee of this Board shall approbate.

Vaults, Privies, &c.

ART. 4. The owners of vaults or privies, and the occupiers of the house or houses, store or buildings, to which they belong or are attached, shall not permit the contents of such vaults or privies, to rise within two feet of the surface of the earth—and every owner, occupier or person who improves any vault or privy, in the town of Boston, shall constantly keep the same vault or privy, boxed or made tight, so that the contents thereof shall not escape from such vault or privy into the cellar or on any land belonging to said town of Boston, or on the land of any other person, or into or on any street, lane or alley in the town of Boston, or any corporation; and no vault or privy shall be emptied without a permit from this Board, and by persons authorized by this Board for that purpose.

Stables and Stable Manure.

ART. 5. The owners or occupiers of livery and other stables, shall not permit more than two cart loads of manure to accumulate and remain in or near their stables, at any one time, between the first day of May and the first day of November, and shall keep their stables and stable yards clean and decent.

Market Stalls.

ART. 6. Persons occupying stalls in Faneuil Hall, Boylston or Parkman's Market Houses, or the Market Place, and Dock-Square, shall daily, in the morning, during the months of June, July, August, September and October, wash or cleanse their respective stalls—They shall not permit any heads, feet or offals of dead animals, or vegetables of any kind to remain in or about their stalls, over night. They shall take up and remove the platforms of their respective stalls, on the first day of June, and shall not replace them until the first day of November ensuing; during which period, meats of any kind shall not be exposed in the markets, or any other place within the town, excepting in the stalls, carts, or other vehicles, which shall be covered from the rays of the sun; nor exposed for sale any mutton or lamb with the feet on the same.

Damaged Grain, Rice and Coffee.

ART. 7. No person shall be allowed to land on any wharf, or put on shore, from any boat or vessel, or bring into town by land, any damaged grain, rice or coffee, without a permit from this Board.

Swine and Goats.

ART. 8. Swine and Goats shall not be kept within the limits of this town by any person,

without a license from this Board, and in such place and manner as the Board shall approve.

Fresh Fish.

ART. 9. All Fish before brought into this town, shall first be gutted, and the fish made clean. Fresh Fish, (excepting such as are named in the succeeding article) shall not be offered for sale between the first day of June, and the first day of October, unless kept in covered stalls, fish boxes, or other houses situated over the salt water.—And Fresh Fish offered for sale in the streets before the first day of June, and after the first day of October, shall be kept clean in covered carts, barrows, &c.

Salmon and Small Fish.

ART. 10. Salmon, Shad, Bass, Mackerel, Tautog, Eels, Flounders, Tomcod, Smelts, and other small Fish, may be sold at all times, in any part of the town, provided they be kept secure from the rays of the sun; but venders thereof will be held responsible for any nuisance created thereby. Provided, however, that Salmon and Bass, brought to town by sea, may be sold, and landed therein, when cleans of their entrails; which entrails are to be kept on board in tight vessels, and removed beyond low water mark, at every time of high water—And that no person take a stand in or near the Faneuil Hall

Market for the sale of such Fish as are allowed by this article, but at the north side of said Market House, at the place provided by the Clerk of said market for that purpose.

And whereas sick persons are much distressed by the practice of blowing horns, trumpets, and other wind instruments, by Fishermen and others, to call the attention of the people to their occupations and business, and the same is injurious to the health of the inhabitants; therefore, *Ordered*, That horns, trumpets, or other wind instruments, shall not be blown or sounded by any Fisherman or other person, to the injury or disturbance of any sick person.

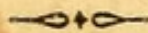
Oysters.

ART. 11. Oysters shall not be offered for sale within the limits of the town, between the 5th day of July and the 1st day of September.

Feathers, Rags, &c.

ART. 12. Feathers, old or new, shall not be landed, or brought within the limits of the town between the 1st day of May and the 1st day of November, without a permit from this office after a previous examination by the person authorized by this Board. And feather and other beds, bedding, clothing, or rags, shall not be landed, or brought into this town from any place, where any

contagious disease doth, or hath recently prevailed, unless by special permission of this Board. Nor shall any clothing or other article, which contains or is affected with any disease, which may communicate any disorder to any person, be landed or brought within the town of Boston, without a special permit from this Board.



These Regulations in addition to those enumerated by the Act empowering the town of Boston to choose a Board of Health, and other laws relating to said Board, being essential to the preservation of the health of the town, it is the determination of the Board of Health most rigidly to enforce their execution, and to prosecute all violators. And, as heavy penalties are by law attached to the breach of any or either of them, the said Board request their constituents to cause these Regulations to be made known to all persons under their direction, and read to their domestics; and also to assist the Board in their due execution. Complaints of any breaches thereof, or any neglect or inattention, in any person employed or licensed by the Board are solicited; and those who complain may rely on all proper secrecy.

BENJAMIN WHITMAN, *President.*

A true copy of Record—

N. GREENOUGH, *Sec'y.*

An Act to protect the Sepulchres of the
Dead.

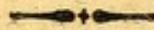
SEC. 1. *BE* it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person, not being authorized by the Board of Health, or the Selectmen of any town in this Commonwealth, shall knowingly and wilfully dig up, remove or carry away, or aid or assist in digging up, removing or carrying away any human body, or the remains thereof, such person or persons so offending, shall, on conviction of such offence, in the Supreme Judicial Court of this Commonwealth, be imprisoned, not more than one year, or fined, not more than *One Thousand Dollars*, according to the nature and aggravation of the offence.

SEC. 2. *Be* it further enacted, That if any person or persons knowingly and wilfully receive, conceal, or dispose of any human body, or the remains thereof, which shall have been dug up, removed, or carried away in the manner described in the first section of this act, he or they shall be subject to the same forfeitures and penalties, as in said section is provided, on conviction thereof in the court aforesaid: *Provided* however, That nothing in this act shall be so construed as to affect the power or authority in the courts of the United States, or of this Commonwealth, or of any person acting under the authority of the same, in removing or dispos-

ing of the bodies of persons executed pursuant to any sentence of such Court.

SEC. 3. *Be it further enacted*, That all fines, accruing under this act, shall enure, one half to the informer, and one half to the town in which the offence is committed.

[*Approved by the Governor, March 2, 1815.*]



An Act for employing and providing for the Poor of the Town of Boston—*Passed 1735, Ratified and confirmed January 10, 1789.*

WHEREAS the town of Boston is grown considerably populous, and the idle and poor much increased among them, and the laws now in force relating to them, not so suitable to the circumstances of the said town, which are different from those of the other towns in the province, Therefor,

Be it enacted by His Excellency the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same, That from henceforth at the anniversary town meeting in March, for the choice of town officers, the town of Boston are, and shall be hereby impowered to choose twelve overseers of the poor, who shall be chosen for twelve several wards respectively, into which the said town is or shall be divided, each overseer to have the more especial care of his particular ward, yet so as

not to exclude the authority of any other overseer as there may be occasion ; which overseers shall visit their respective wards, whensoever they may judge there is occasion, at least once in every month ; and shall also once in every month assemble together to consider and determine of the most proper methods for the discharge of their office.

And whereas the poor of the said town may upon the decay of trade become still more numerous, and want means to employ and set themselves to work in any settled or constant manner, or by ill habits become idle and slothful and very burthensome to the town :

Be it enacted by the authority aforesaid, That in such case, or whenever the said town of Boston shall, at a legal town meeting for that purpose duly warned, judge it necessary or convenient to erect, provide or endow an house for the reception and employment of the idle and poor of the said town, they the said town are, and hereby shall be authorized and empowered so to do ; which house shall be under the regulation of the overseers of the poor, to be annually chosen as aforesaid ; and erected, provided for, continued or discontinued, as the said town shall find or judge their circumstances require ; And the said town are hereby authorized to make purchases and receive donations for endowing the said work-house, to the value of *three thousand pounds* per annum ; and to sue and be sued

in all affairs of said house ; the several donations to be always applied according to the will of the donors.

And be it further enacted, That the overseers of the poor of the town of Boston, for the time being, shall have the inspection, ordering and government of the said house, with power of appointing a master or masters, and one or more assistants for the more immediate care and oversight of the persons received into or employed in said house : which overseers at their monthly meeting shall have power to make orders and by-laws for the better and more decent regulating the said house ; which orders shall be binding till the next town meeting, to which they shall exhibit them, and when approved by the said town at a legal meeting, shall be obligatory, until revoked by the said town.

Be it enacted by the authority aforesaid, That each one of the overseers aforesaid shall have power to send any idle and indigent person or persons to the said house, for entertainment and employment for the space of twenty four hours ; and any two of the said overseers shall have power to continue or send to said house such person or persons, till discharged by the major part of said overseers at a monthly meeting : which person or persons the master or masters and assistants are hereby required to receive and employ accordingly.

And whereas there are sometimes persons rated to the public taxes, who are notwith-

standing unable or negligent to provide necessaries for the subsistence and support of their children :

Be it enacted, That the overseers shall have the same power of binding out into good families, the children of such, as where the parents are rated nothing ; provided such persons are not rated for their personal estate or faculty.

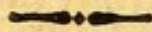
And forasmuch as there is great negligence in sundry persons as to the instructing and educating their children, to the great scandal of the Christian name, and of dangerous consequence to the rising generation :

Be it further enacted, That where persons bring up their children in such gross ignorance, that they do not know, or are not able to distinguish the alphabet or twenty four letters at the age of six years, in such case the overseers of the poor are hereby empowered and directed to put or bind out into good families, such children, for a decent and Christian education, as when parents are indigent and rated nothing to the public taxes : unless the children are judged incapable, through some inevitable infirmity.

And inasmuch as the division of the town of Boston into twelve wards, and assignation of each ward to the more immediate care of a particular overseer, will give the aforesaid overseers opportunity of a more exact knowledge of the town, and all intruders into it :

Be it enacted by the authority aforesaid,

That the aforesaid overseers of the poor in the town of Boston, be and they hereby are impowered to warn any and all intruders, or others, who are not inhabitants, to depart the town ; and in case of refusal or neglect, to proceed in the same manner, and with as full power, as the Selectmen of said town, by law, may or can : And the constables are hereby required to observe and yield ready obedience to the orders and directions of the overseers aforesaid, by virtue and in consequence of this Act.



Extracts of such parts as are now in force, of An Act entitled an Act to Secure the Town of Boston from Damage by Fire.—

SEC. 3. *Be it further enacted*, That every person who shall erect or add to, or cause to be erected or added to, any building in said town of Boston contrary to the true intent and meaning, and against the provisions of this Act, shall forfeit and pay a fine not less than *Fifty Dollars*, nor more than *Five Hundred Dollars*, according to the nature and aggravation of the offence, to be recovered by information in the Supreme Judicial Court, in the county of Suffolk, which it shall be the duty of the Attorney General to file, in all cases which may come to his knowledge, or by indictment before said court.

SEC. 4. *Be it further enacted*, That in addition to the fines above mentioned, there shall be laid and assessed upon every house, or other building, which shall be erected contrary to the provisions of this Act, the sum of *Fifty Dollars* annually, and every year, until a brick or stone wall shall be erected, of the dimensions above provided, and until the same shall be effectually secured against fire, according to the provisions of this Act. And it shall be the duty of the Firewards of the said town of Boston, to return to the Assessors of said town annually, a list of all such houses or other buildings, erected against the provisions of this Act, together with attested copies of the record of the conviction of the person or persons who erected the same, before the said Judicial Court, and thereupon it shall be the duty of the said Assessors, to assess upon the owner or owners of such building or buildings for the time being, the said sum of *Fifty Dollars*, in addition to his, her or their other taxes, which shall be recovered in the same way and manner as other taxes are or shall be collected, and the same remedy is hereby given to the Collector or Collectors of taxes for the recovery thereof. *Provided nevertheless*, That no such building or buildings shall be subjected to such annual tax, until an attested copy of said conviction shall have been duly recorded in the office of the Register of Deeds for the county of Suffolk,

whose duty it shall be to receive and record the same.

SEC. 5. *And be it further enacted,* That every tar kettle which shall be made use of in said town for the purpose of boiling tar, for the use of any rope walk, shall be so fixed as to prevent all communication whatsoever between the tar and the fire, and that the fire place under every such kettle shall be constructed with an arch built over the same, and secured by an iron door, in such manner as to inclose the fire therein.

SEC. 6. *And be it further enacted,* That every person who shall carry any fire through the streets, lanes, or on any wharves, in said town, except in some covered vessel, or shall smoke, or have in his or her possession any lighted pipe or segar, in any street, lane or passage way, or on any wharf in said town, shall forfeit and pay for each and every offence the sum of *Two Dollars*, to be recovered of the person so offending, or his parent, guardian, master or mistress, before any Justice of the Peace of the county of Suffolk, upon complaint made upon oath.

SEC. 7. *And be it further enacted,* That if any person shall have in his or her possession, in any rope walk within said town, any fire, lighted pipe or segar, candle or lamp, he shall forfeit and pay for each offence a sum not exceeding *One Hundred Dollars*, nor less than *Five Dollars*, to be recovered in any court proper to try the same.

SEC. 8. *And be it further enacted,* That it shall be the duty of each and every Fireward in the town of Boston, and they and each of them are hereby required to inquire after, and give information to the Attorney General, of all offences, which may be committed against the true intent and meaning of this Act, cognizable before the Supreme Judicial Court, or the Court of General Sessions of the Peace; and to some Justice of the Peace, for all offences committed against this Act, and cognizable by a Justice of the Peace.

SEC. 9. *And be it further enacted,* That the Act, entitled, "An Act to secure the town of Boston from damage by fire," be and the same is hereby repealed, from and after the said first day of September next, excepting that such parts thereof as may be necessary to recover all fines and penalties incurred upon the Act aforesaid, shall still remain in full force.

SEC. 10. *And be it further enacted,* That all the fines, penalties and assessments, which shall be recovered by force of this Act, shall accrue and enure one half to the use of the poor of the town of Boston, to be paid to the Overseers thereof, and the other half to the Firewards of said town.

Passed June 27, 1798.

An Act, in addition to an Act, entitled
 “An Act to secure the town of Boston
 from Damage by fire,” and repealing cer-
 tain parts thereof.

SEC. 1. *BE it enacted by the Senate and
 House of Representatives, in
 General Court assembled, and by the authority
 of the same, That from and after the pas-
 sing of this Act, no building, of any kind
 whatsoever, which shall be more than ten
 feet high from the ground to the highest point
 in the roof thereof, shall be erected or built
 within the town of Boston, unless all the ex-
 ternal sides and ends thereof shall be built or
 composed of brick or stone except so much
 as may be necessary for doors and windows ;
 and unless the roofs of all such buildings shall
 be entirely covered with slate, tile or some
 incombustible composition, and the gutters
 secured effectually against fire ; and no brick
 or stone wall shall be deemed sufficient with-
 in the meaning of this Act, unless the same
 shall be at least twelve inches thick in the
 lower story, and eight inches thick above the
 lower story, and all double houses shall have
 partition walls, which shall be built of stone
 or brick, and of the thickness last mentioned,
 and shall rise in battlements at least three
 feet above the roof ; and all additions which
 shall be made to buildings already erected,
 and all buildings which shall be erected on
 old foundations, in part or in whole, shall be
 deemed and considered within the restric-*

tions and regulations of this Act ;—*Provided nevertheless*, that upon any wharf, marsh or other place, where no sufficient foundation can be obtained without unreasonable expense, on permission of the Firewards of said town, or the major part of them in writing, wooden buildings, of not more than two stories high may be erected, which shall be covered on all sides with slate, tile or lime-mortar, and filled in with bricks laid in mortar, and the roofs, eaves and gutters shall be secured as before directed.

SEC. 2. *And be it further enacted, by the authority aforesaid*, That no wooden building more than ten feet high shall be removed from any part of the town of Boston, to any other place within the same town, without the permission of the Firewards of said town, or the major part of them, under such restrictions and provisions as they shall prescribe ; nor shall any wooden building, heretofore erected within the said town, and not now used as a dwelling-house, be hereafter occupied as a dwelling-house, or for any other purpose than that to which it is now applied, without the permission of the Firewards as aforesaid.

SEC. 3. *And be it further enacted*, That every person who shall erect or add to, remove or alter, any building within the town of Boston, contrary to the provisions of this Act, and every building so erected, added to, altered or removed, shall be subject to the

penalties, forfeitures, fines and impositions which are provided by the third and fourth sections of the Act to which this is an addition.

SEC. 4. *And be it further enacted*, That every kettle, boiler or copper, for the use of any caulker, graver, ship-carpenter, tallow-chandler, soap-boiler, painter, chemist, druggist, or other like artificer, shall be so fixed in brick or stone laid in mortar as to prevent all communication between the fire and the substance or substances boiled.

SEC. 5. *And be it further enacted*, That the first and second sections of the Act to which this is an addition, be, and the same are hereby repealed, excepting that such parts thereof as may be necessary to recover all fines and penalties incurred upon the Act aforesaid, shall remain in full force ; and all penalties and forfeitures under this Act shall accrue and enure, be prosecuted for and recovered in the way and manner provided by the Act to which this is an addition.

SEC. 6. *And be it further enacted*, That the Firewards of said town, or the major part of them, be, and they are hereby authorised and empowered, by writing under their hands to license any person or persons to erect or build any house or other building, more than fourteen feet high from the ground to the highest point thereof, conformable to the Act to which this is an addition, wherever it shall appear to their satisfaction that any such person or persons had, on or

before the twenty-first day of January last past, actually incurred expense by procuring and fitting or preparing the materials for such building: *Provided nevertheless*, That all such buildings shall be actually erected on or before the first day of June next; otherwise such licences shall be void.

SEC. 7. *And be it further enacted*, That it shall be lawful for the Firewards of said town, to require and compel the assistance of all, or any of the inhabitants of said town, and any other persons who shall be present as spectators of any fire; and in any suit or prosecution therefor, it shall be lawful for them to plead the general issue and give this act in evidence.

Passed Feb. 7, 1803.

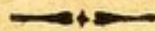
An Act in further addition to an Act, entitled
 “An Act to Secure the town of Boston from Damage by Fire, and repealing certain parts thereof”—Passed Feb. 9, 1803.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That in all cases where one dwelling house, ware house, store, stable or other building above ten feet high, is separated from another dwelling house, or ware house, or store, stable or other building above ten feet high, by a partition; such partition shall be built

of stone or brick, and shall be twelve inches thick in the lower story, and eight inches thick above the lower story, and shall be built up as far as may be necessary in order to cover or cap the same with flat stones above the roof, and such wall shall be entirely covered or capped with flat stones, at least two inches in thickness, above the roof.

SEC. 2. *And be it further enacted,* That so much of the first section of the Act to which this Act is in further addition, as requires that partition walls shall rise in battlements at least three feet above the roof, be, and the same is hereby repealed.

Passed June 14, 1810.



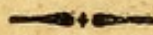
An Act to prevent Damage from Fire being communicated from Chocolate Mills and Machines for roasting Cocoa, in the town of Boston.

WHEREAS chocolate mills and machines for roasting cocoa, have been erected in the town of Boston, near to other buildings, to the great hazard of the lives and property of the inhabitants of the said town :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person, from and after the fifth day of July next, shall, within the said town, roast or cause to be roasted any cocoa, for the pur-

pose of manufacturing the same into chocolate, in any building whatever, excepting such as may or shall be licensed for that purpose by the major part of the Selectmen of the town aforesaid, and two Justices of the Peace for the county of Suffolk, *quorum unus*, he shall forfeit and pay, for every such offence, a sum not exceeding *One Hundred* nor less than *Fifty Pounds*.

Passed June 30, 1785.



Extract from an "Act for the Extinguishment of Fire, and to direct the proceedings thereat."

"*BE it further enacted*, That if any person shall occupy or improve any tenement or building whatever, in any part of any maritime town in this Commonwealth, for the business or employment of a sail maker or rigger, or keeper of a livery stable, except only in such parts of the town as the Selectmen thereof, or a major part of them, shall direct and determine, such sail maker or rigger so offending, shall forfeit and pay for each offence, *Ten Dollars*; and such keeper of a livery stable shall forfeit and pay for each offence *Fifty Dollars*, for every month so occupying the same, and so in proportion for a longer or shorter time."

Passed March 10, 1797.

Extract from an "Act for keeping Watches and Wards in Towns, and for preventing Disorders in Streets and public Places."

"*BE* it further enacted, That if any three or more persons, being any or all of them armed with sticks, clubs, or any kind of weapons, or being in any manner disguised, shall assemble together, having any imagery or pageantry as a public shew, in any of the streets or lanes in any town or district in this Commonwealth, or if any person or persons of or belonging to any company having any kind of imagery or pageantry for a public shew, shall, by menaces or otherwise, exact, require, demand or ask any money, or other thing of value, from any person in the streets, lanes or houses, in any such town or district, every person being of, or assembled with such company, shall, for each offence, forfeit and pay *Eight Dollars*, or be imprisoned not exceeding one month.

"*Be* it further enacted, That if any persons, to the number of three or more, between sun rising and sun setting, being assembled together in any of the streets or lanes in any town or district, shall have any kind of imagery or pageantry for a public shew, although none of the company so assembled shall be armed or disguised, or exact, demand or ask any money or other thing of value, every person being of such company, shall forfeit and pay the sum of *Eight Dol-*

lars, or be imprisoned not exceeding one month.

“*Be it further enacted*, That if any person or persons shall set fire to any pile or combustible stuff, or be any ways concerned in causing or making a bonfire in any street or lane, or any other part of the town or district within this Commonwealth, such bonfire being within ten rods of any house or building, every person so offending, shall, for each offence, forfeit and pay the sum of *Eight Dollars*, or be imprisoned not exceeding one month.”

Passed March 10, 1797.

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An Act to establish a Watch for preserving the Safety and good Order of the Town of Boston.

SEC. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen of the town of Boston be, and they hereby are authorised from time to time, to appoint such a number of their inhabitants, to be Watchmen by night in the town of Boston, as they shall judge expedient, to be paid at the charge of that town; and the said Selectmen are also further authorized and empowered from time to time, to appoint a head Constable to superintend said Watch, as also a Constable for each division thereof, and the several Constables of divisions are required to re-

port every morning an account of their doings, and of the state of the town during the night, to the said head Constable, in order that the same may be communicated to the Chairman of the Selectmen daily.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the head Constable, the several Constables of divisions, and the Watchmen appointed by virtue of this act, shall have the same powers, and shall be held and obliged to perform the same duties as are required of Watchmen by a law of this Commonwealth, passed March the 10th, 1797, entitled "An Act for keeping Watches and Wards in towns, and for preventing disorders in streets and public places."

SEC. 3. *And be it further enacted by the authority aforesaid,* That the expenses that may be incurred, by reason of the establishment of the Watch aforesaid, shall be raised, levied and collected, as other expenses of said town are or may be raised, levied or collected; any law to the contrary notwithstanding.

Passed Jan. 29, 1802.

An Act for Regulating the Manufacture
and sale of Bread.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of April

next, all soft Bread, whether baked in Loaves or Biscuit, which shall be exposed to sale by any Baker, or other person, shall be sold by weight.

SEC. 2. *Be it further enacted, by the authority aforesaid,* That all soft Biscuit, which shall hereafter be offered for sale, shall weigh *Four* or *Eight* Ounces, and be marked with the initial of the Baker's christian name, and his surname at length, and the weight of the Biscuit; and all Loaves of soft Bread shall be of some one of the following weights, viz. *one pound, two, three or four pounds,* and be marked with the weight of the Loaf, and the maker's name; and if any baker, or other person, shall offer or expose to sale, any soft Bread or Biscuit, which shall not severally be marked, and conform to one of the weights before mentioned, every such person, so offending, shall forfeit and pay the sum of *Eight Dollars,* to be recovered by action of debt, before any Justice of the Peace within and for the county where such offence shall happen, by any person who shall sue for the same, together with legal cost; one half of the penalty aforesaid to be for the use of the poor of the town, where such offence may be committed.

SEC. 3. *And be it further enacted,* That all laws heretofore made for regulating the assize of Bread, be, and hereby are repealed, from and after the first day of April next, excepting so far as relates to the recovery of any forfeiture, fine or penalty incurred,

or which may be incurred previous to that time, by a breach of any of said laws.

Passed March 7, 1801.

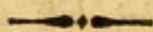
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An Act Regulating the Sale of Indian and
Rye Meal.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, 'That from and after the first day of July next, no person shall sell within this Commonwealth, any Indian Meal, Rye Meal, or any other sort or kind of Meal, except Oat Meal, unless the quantity so sold be first weighed; and instead of the usual method of selling by the bushel, and the aliquot parts of a bushel, every vender, retailer or trader, who shall sell any quantity of Indian Meal, Rye Meal or other sort or kind of Meal, except Oat Meal, within this Commonwealth, shall sell the same by weight, one hundred net pounds shall be the standard for the hundred weight, by which such Meal shall be sold. And any person or persons, who shall, after the said first day of July next vend or sell, within this Commonwealth, any quantity of Indian Meal, Rye Meal, or other Meal, except Oat Meal, unless the same be first weighed, and sold by weight, shall forfeit *Five Dollars* per hundred weight, and after the same rate for any greater or less quantity so sold; such forfeiture to be recovered by an action of the

case by the person, for his sole benefit, who shall first sue therefor, before any Court proper to try the same.

Passed June 16, 1813.

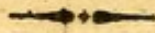


An Act in addition to the several Acts made to prevent Damage by Fire, in the town of Boston—*Passed in 1762—Made perpetual in 1797.*

WHEREAS great damage has arisen from fire, which has begun in bake houses, and spread to the buildings adjacent :

Be it enacted by the Governor, Council and House of Representatives, That from and after the publication of this Act, it shall not be lawful for any person to occupy or improve any tenement or building whatsoever, in any part of the town of Boston, for the business or employment of baking of bread for sale, other than such as are now occupied and improved for that use, unless in such parts of the town as the Justices of the Peace and Selectmen of the said town, or the major part of both, shall determine convenient, such determination to be certified under their hands : And if any person shall offend against this Act, he shall forfeit and pay the sum of *Forty Pounds* for every six months, and so in proportion for a greater or lesser time he shall so occupy or improve any tenement or building, that shall not be licensed or allowed as aforesaid, other than

such as are now occupied for that use, one half thereof to be paid for the use of the poor of the town of Boston, the other half to him or them that shall inform and sue for the same, to be recovered before the Court of General Sessions of the Peace for the county of Suffolk.



An Act for regulating Lamps already set up, or that may hereafter be set up, for enlightening the Streets, Lanes, Alleys, or Passage Ways, in the Town of Boston, and to prevent the Breaking or otherwise Damnifying the same; and also establishing the Method for paying the Expenses that may arise in supporting and maintaining said Lamps.

Passed in 1773—Made perpetual in 1797.

WHEREAS the enlightening of Streets, Lanes, Alleys and Passage Ways in large and populous towns, by Lamps hung up in the night time, is not only ornamental, but very advantageous to all such persons as have occasion to pass in and through the same about their lawful business, and tend greatly for the safety and preservation of the inhabitants, by the discovery and prevention of fires, burglaries, robberies, thefts and other lesser breaches of the Peace :

Be it therefore enacted by the Governor, Council, and House of Representatives, That from and after the publication of this Act, it shall and may be lawful for the Selectmen of the town of Boston, for the time being,

or a major part of them, or such persons as they shall think fit to appoint for that purpose under them, to set up and affix such and so many lamps, and in such streets, lanes, alleys and passage ways in said town, for enlightening the same, as the town, or such persons as they may appoint, shall in their judgment think necessary, and for the common benefit. And the better to preserve and regulate such lamps, said Selectmen are hereby empowered to appoint and contract with any meet person or persons for the lightening, cleaning, snuffing and repairing the same, and give such directions from time to time relative to said lamps, and lighting and regulating the same, as they shall think best.

And whereas many of the inhabitants of the said town of Boston have, by a generous subscription, raised a sum of money sufficient for purchasing such a number of lamps, as will be necessary for illuminating the streets, &c. in that metropolis; and as the destroying or breaking the same will not only be injurious to the encouragers of so laudable a design, but to the public in general:

Be it therefore further enacted, That if at any time after the publication of this Act, any person or persons shall and do wilfully and maliciously break, throw down, or extinguish any lamp, that is or shall be hung or set up to light the streets, lanes, alleys or passage ways within said town of Boston, either by said town, or by any private inhab

stant, or shall wilfully or maliciously damage the post, iron or other furniture thereof, every person so offending therein, and being thereof convicted by the lawful testimony of one or more witness or witnesses, in any of his Majesty's Courts of General Sessions of the Peace, to be thereafter held within and for the county of Suffolk, who are hereby empowered to hear and determine the offence, shall forfeit and pay the sum of *Twenty Pounds*, for each lamp so broken or damaged, and the like sum for each post, or the iron or other furniture so broken or damaged, and costs of prosecution. And if any person or persons shall accidentally or undesignedly break, throw down, or otherwise damage any post, iron or furniture of such lamp, he shall pay so much as, in the judgement of the Selectmen of said town for the time being, shall fully repair the damage done, into the hands of the Selectmen, or to such person as they may appoint to receive the same: And if any such person or persons shall refuse to pay said Selectmen, or the person they shall appoint in manner as aforesaid, the Treasurer of the town of Boston is hereby empowered to prosecute any person or persons for said damages, before any one of his Majesty's Justices of the Peace in said county of Suffolk, who is hereby empowered to hear and determine the same; provided the double damages do not exceed *Forty Shillings*; if more, then to be recovered in any court proper to try the

same; and upon conviction, to give judgment for double damages and for costs of prosecution, and award execution accordingly. And if any person or persons, sentenced to pay the aforesaid fine of *Twenty Pounds* and costs, shall refuse to pay the same, he or they shall be punished for the offence by being imprisoned not exceeding six months, or by whipping not exceeding twenty stripes.

And be it further enacted, That the Selectmen of the town of Boston, for the time being, be, and they are hereby empowered to take down or remove any post or sign thereon in any street, lanes, alleys or passage ways in said town, or that now are or hereafter may be fixed, or that adjoin to any dwelling house or building, in case they shall judge any such post or sign tends to intercept or any ways lessen the light in said lamps; or said Selectmen may direct and order the owner of such posts or signs to take down and remove the same; and if such owner or owners shall refuse so to do for the space of forty-eight hours after such order or notice given, he, she or they shall forfeit and pay the sum of *Six Shillings*, for every twenty four hours the same shall remain standing or fixed to any building:

And be it further enacted, That the fines and forfeitures arising by the breaches of this Act, shall be applied to the uses following, that is to say, one moiety or half part thereof for the purchasing, repairing, sup-

plying and maintaining the lamps, the other moiety to the person who shall inform and prosecute for the same.

Provided always, That the owners of any lamps placed or set up in said town at their own private expense, may at any time take down or remove the same, or extinguish the light thereof, any thing in this Act notwithstanding.

And whereas the freeholders and other inhabitants of the town of Boston, at their legal and regular meeting on the eleventh day of May last, voted that a sufficient number of lamps should be set up and fixed in said town for enlightening the same in manner as aforesaid :

Be it further enacted, That said inhabitants, at any legal town meeting, may make such provision for the supporting and maintaining said lamps and lights, and other necessary charges attending the same, as they shall judge best, by raising such a sum of money, yearly by a tax laid on the inhabitants, as may by them be thought necessary for that purpose.



An Act for regulating Hackney Carriages in the Town of Boston, and to repeal an Act heretofore made for that purpose.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That no person or persons shall be permitted to set up or employ any coach, chariot, coachee or other carriage, in the town of Boston, for the purpose of conveying persons for hire, until the owner thereof shall obtain a license for that purpose, in writing, from the major part of the Selectmen of said town, which license shall be and remain in full force for one year from the date of it, unless sooner revoked or annulled by said Selectmen, or a major part of them; and the said Selectmen are hereby authorized to grant licenses for such number of hackney coaches and carriages, and to make such rules and regulations for the standing of said carriages in the different streets of said town, as they shall judge proper, and the same to change and vary as occasion may require.

SEC. 2. *And be it further enacted*, That the Selectmen of said town be, and they are hereby authorized and directed, to cause all such hackney carriages to be numbered and registered in a book to be kept by the Town Clerk for that purpose, and the number of each carriage shall be affixed upon the same, in such conspicuous place or places as the said Selectmen shall direct; and the fees for each license, to be paid by the person receiving the same, shall be *One Dollar*.

SEC. 3. *And be it further enacted*, That any person who shall set up or use any hackney carriage for the purpose aforesaid, without

having obtained a license from the said Selectmen, or who, having obtained such license, shall continue to keep and use such carriage after the same license shall be revoked, annulled, or become void, according to this Act, shall forfeit and pay for every time such carriage shall be used, a sum not exceeding *Four Dollars*. And every such hackney carriage, that shall be found standing or plying in any street or highway, contrary to the regulations of the said Selectmen, or without its number painted on it as aforesaid, or after the licence therefor, shall have been revoked or annulled by the said Selectmen, or expired by this Act, and before the same shall have been renewed, shall be considered as an unlicensed carriage, and the owner of the same shall be subjected to the like forfeiture as in the case of an unlicensed carriage, for every such offence.

SEC. 4. *And be it further enacted*, That the said Selectmen be, and they hereby are authorized and empowered to revoke and annul any license by them given as aforesaid, at any time they may think proper, for the breach of any rules and regulations by them prescribed, or for any gross misbehaviour of the driver, in driving, in abusive language, or otherwise; complaint having been previously made to them and they having heard the parties, or the owner, after reasonable notice, making default of appearance to answer thereto.

SEC. 5. *And be it further enacted*, That the

person in whose name a license is taken out for a hackney carriage, as aforesaid, shall, for all the purposes of this Act, be considered as the owner of the same, and liable to all forfeitures and penalties herein contained, unless, upon the sale of his carriage, notice be given thereof and the license delivered up to the Selectmen; and the publications of the rules and regulations of said Selectmen, and of the annulling and revoking any license as aforesaid, in the newspaper printed by the printer for the Commonwealth for the time being, shall be deemed and taken, to all intents and purposes, as sufficient notice of the same, to all such owners of carriages as aforesaid.

SEC. 6. *And be it further enacted,* That a major part of the Selectmen be authorized and empowered to make such rules and regulations, establishing the rates and prices to be paid for the carriage and conveyance of persons in said hackney coaches, within the limits of the town of Boston, as they may from time to time judge reasonable, regard being had to the time and distance. And if any owner or driver of a hackney carriage shall demand and extort, from any person or persons, a sum beyond the rates which may thus be established by the said Selectmen, the license of such carriage, upon complaint made to the Selectmen as aforesaid, after a due hearing, may be forfeited and revoked, and the owner shall be further liable to re-

fund the sum thus received and extorted to the party grieved. And all the penalties and forfeitures aforesaid, shall be recovered in an action on the case, before any Justice of the Peace of the county of Suffolk, to the use of the person who shall sue for the same.

SEC. 7. *And be it further enacted,* That an Act for regulating hackney carriages in the town of Boston, made and passed on the twenty third day of February, in the year of our Lord one thousand seven hundred and ninety-six, be, and the same hereby is repealed, excepting so far as the licenses granted under the same Act, shall continue and be in force, but subject to the conditions and limitations of this Act.

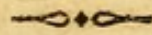
Passed November 25, 1796.

Extract of "An Act providing for the due Observation of the Lord's Day."

AND be it further enacted, That no owner or driver of any hackney carriage belonging to the town of Boston, shall drive said hackney carriage into or from said town on the Lord's day, without first having obtained a certificate of permission from some Justice of the Peace within said town for himself and each and every passenger by him so carried, on the pain and penalty of forfeiting his license for setting up, keeping and driving said hackney carriage, for the

term of three years next after committing such offence."

Passed March 11, 1797.



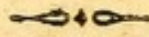
An Act to prevent Livery Stables being erected in certain places in the town of Boston.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, no building shall be erected within the town of Boston, and used and improved as a stable, for the taking in and keeping horses or chaises, or other carriages, upon hire, or to let, commonly called Livery Stables, within one hundred and seventy feet of any church or meeting house, erected for the public worship of God. *Provided however,* that this act shall not be so construed as to prevent the finishing of any stable which has been in part erected, if the completion thereof shall be approved by the Selectmen of the town of Boston.

SEC. 2. *Be it further enacted,* That for any offence against the provision of this act, the owner or owners, keeper or keepers of such building shall forfeit and pay the sum of *One Hundred Dollars* for every calendar month during which the same shall be so used and improved, to be recovered by action of debt, one half thereof to enure to the use of the

poor of the town of Boston, and the other half thereof to him or them who shall sue for the same.

Passed Feb. 28, 1811.



An Act to prevent Fraud in Fire Wood,
Bark or Coal, exposed to sale.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all cord wood exposed to sale, shall be four feet long, including half of the carf; and the cord being well and close laid together, shall measure eight feet in length, four feet in width, and four feet in height.

SEC. 2. *Be it further enacted,* That in each town or district in this Commonwealth, where the inhabitants shall, in town meeting legally assembled, judge and vote the same to be necessary, and wherein fire wood or bark is usually sold, the Selectmen shall annually, or as occasion may require, appoint one or more suitable persons, and conveniently situated in the town or district, to be measurers of wood and bark, there exposed or brought in for sale, and shall give public notice thereof; which measurer or measurers shall be sworn to the faithful and diligent discharge of their office, and shall receive such fees or allowance for their service, as the Selectmen shall appoint, to be paid by the driver of the wood or bark, and repaid

by the buyer, where brought in by land, and by the wharfinger, where brought in by water, and the measurer shall be entitled to his action therefor, accordingly.

SEC. 3. *Be it further enacted*, That if any fire wood or bark, brought by land into any town or district for sale, wherein such measurers shall be appointed, shall be offered for sale before the same shall be measured by such measurer, and a ticket signed by him and delivered to the driver, certifying the quantity of wood the load contains, the name of the driver, and the town in which he resides, such wood or bark shall be forfeited, two thirds to the use of the poor of the town where offered for sale, and the other third part thereof to the measurer, or any other person who shall prosecute for the same: *Provided*, That no person shall be obliged to measure any fire wood or bark, when the quantity shall be agreed on by the buyer and seller.

This proviso repealed, June 22, 1799.

SEC. 4. *Be it further enacted*, That if any wharfinger or carter shall cart or carry any fire wood from any wharf or landing place in any town or district, (except for the use and consumption of such wharfinger or carter) before the same shall have been measured by some measurer appointed as aforesaid, he shall forfeit and pay *One Dollar* for every load of wood so carried off; one moiety thereof to the use of the poor of the town where the offence shall be committed, and

the other moiety to any person, who shall prosecute for the same.

SEC. 5. *Be it further enacted,* That all baskets used in measuring charcoal, brought into any town or district for sale, shall contain two bushels, and be of the following dimensions, to wit: Nineteen inches in breadth, in every part thereof, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom; and that the basket be well heaped, and also be sealed by the sealer of the town or district where the person so using the same shall usually inhabit or reside; and every person who shall measure the charcoal offered for sale in any basket of less dimensions, or not sealed as aforesaid, shall forfeit and pay, for each offence, *Fifty Cents*, to the uses mentioned in the fourth section aforesaid; and such basket shall be destroyed.

SEC. 6. *Be it further enacted,* That the Selectmen of any town where coal is usually sold, shall have power to appoint, as occasion may require, some suitable person to seize and secure all baskets improved for measuring coal, that shall not be of the dimensions aforesaid, and sealed as aforesaid; and to prosecute such person or persons as shall be guilty of a breach of this Act. *Provided,* That no person shall be obliged to measure charcoal, when the quantity shall be agreed on by the buyer and seller.

This proviso repealed, June 22, 1799.

SEC. 7. *Be it further enacted,* That all the forfeitures aforesaid may be recovered, with costs of suit, by action, bill, plaint, or information, before any court proper to try the same.

SEC. 8. *Be it further enacted,* That this Act shall take effect and be in force on and after the first day of December next; and that five Acts relating to the subject matter of this Act, one passed Anno Domini seventeen hundred and five; another, Anno Domini seventeen hundred and ten; another, Anno Domini seventeen hundred and fifty-nine, and continued to the first day of November next; another Act passed Anno Domini seventeen hundred and seventy-two, and another, the eighth day of October, Anno Domini seventeen hundred and seventy-nine, and continued in force, shall, on and after the said first day of December, be repealed and cease to operate; except the two clauses in said Acts, passed Anno Domini seventeen hundred and fifty-nine, and seventeen hundred and seventy-two, which clauses relate only to the town of Boston; and except the said Acts shall remain in force for the recovery of all forfeitures that shall accrue under the same before that time.

Passed March 7, 1797.

An Act, in addition to an Act, entitled, "An Act to prevent Fraud in Fire Wood, Bark or Coal, exposed to Sale," made and passed March seventh, one thousand seven hundred and ninety-seven.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all cord wood brought in by water into any town or district for sale, shall be measured by a measurer duly appointed and sworn, as directed in said Act; and in order thereto, the wood, so brought in, shall be corded and piled by itself upon the wharf or land whereon the same shall be landed, in ranges, making up in height what shall be wanting in length; at which time it shall be so measured, and a ticket given to the purchaser, who shall be obliged to pay the stated fees or allowance for such service, as appointed by the Selectmen.

SEC. 2. *Be it further enacted,* That every wharfinger, carter or driver, who shall cart or carry any fire wood from any wharf or landing place in any town or district, shall be furnished by the owner or seller of such wood, with a ticket, certifying the quantity the load contains, and the name of the driver. And if any fire wood shall be carted or carried as aforesaid, without such ticket accompanying the same, or if any driver shall refuse to produce and shew such ticket on demand, to any measurer duly sworn as afore-

said, or his consent to have the same measured, or if such ticket shall certify a greater quantity of wood than the load contains in the opinion of the measurer aforesaid, after measuring the same, such wood shall be forfeited and seized, two thirds to the use of poor of the town where offered for sale, and the other one third to the measurer, or whoever shall prosecute for the same: to be recovered as the other forfeitures in the said Act are directed to be recovered. *Provided nevertheless,* That nothing herein contained shall be construed to extend to any person or persons who shall transport or cart, or cause to be transported or carted, from any wharf or landing place, to his or their own dwelling houses or stores, any cord wood, which he or they shall have purchased on such wharf or landing place, or shall have landed thereon upon his or their own account.

SEC. 3. *Be it further enacted,* That the proviso in the third section, and the proviso in the sixth section in said Act, be and they hereby are repealed.

Passed June 22, 1799

An Act, regulating the storage, safe keeping, and transportation of Gunpowder, in the town of Boston.

SEC. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no ship or other vessel on board of which Gunpowder shall be laden, shall lay at any wharf in the town of Boston, nor within two hundred yards of any wharf within said town.

SEC. 2. *Be* it further enacted, That when any Gunpowder shall be landed in the town of Boston, from on board any ship or other vessel laying in the harbour of Boston, the same shall be brought to and landed at Tileston's Wharf, so called, in said town, and shall be immediately carried from the place of landing, to the public Powder House, on Pine Island, in the town of Roxbury, either in boats, or in a waggon or waggons, cart or carts, or other carriage closely covered with leather or canvass, and without any iron on any part thereof, and which shall have been approved by the Firewards of the town of Boston, and marked in capital letters, with the words *Approved Powder Carriage*:—and that when any Gunpowder shall be intended to be laden on board any ship or other vessel in the harbour of Boston, the same shall not be brought through any part of the town of Boston by land unless the same be brought in a waggon, cart, or other carriage, made

and approved as aforesaid, nor unless such Gunpowder be brought to Tileston's wharf aforesaid, and be thence carried directly on board the ship or other vessel, on board which the same is to be laden.

SEC. 3. *Be it further enacted,* That no person or persons, not in public service or on military duty, shall keep, have, or possess in any house, warehouse, shop, or other building, nor in any street, lane, alley or passage-way, yard or cellar, nor in any waggon, cart, or other carriage, nor on any wharf, nor on board any ship or other vessel, nor in any place within the town of Boston, Gunpowder in any quantity exceeding five pounds, in any way or manner otherwise, than as by this act is permitted and allowed.

SEC. 4. *Be it further enacted,* That the Firewards of the town of Boston, be, and they hereby are authorized and empowered to make rules and regulations from time to time, in conformity with which, all Gunpowder which is, or which may be within the town of Boston, shall be kept, had or possessed within said town, and no person or persons whomsoever shall have, or keep, or possess within the town of Boston, any Gunpowder in any quantity, manner, form or mode, other than may be prescribed by the rules and regulations aforesaid, nor shall it be lawful for any person or persons to sell any Gunpowder which is within the town of Boston, in any quantity by wholesale or by retail, without having first obtained from the

said Firewards a licence to sell Gunpowder; and every such license shall be written or printed, and duly signed by said Firewards, or by their Secretary, upon a paper whereon shall be printed and duly signed by said Firewards, or by their Secretary, the rules and regulations, which may be by them established as aforesaid.

SEC. 5. *Be it further enacted,* That every license, which the said Firewards may issue as aforesaid, shall be in force for the term of one year from the date thereof, and no longer, and may be at the end of that time renewed by endorsements thereon, by said Firewards or by their Secretary, from year to year; provided always, that the said Firewards may annul any license which they may have issued, if in their opinion the person or persons licensed, has, or have forfeited the right to use the same by infringing any of said rules and regulations.

SEC. 6. *Be it further enacted,* That the said Firewards, or any of them, may enter the store of any person or persons, who may have been licensed to sell Gunpowder, when there shall be any alarm of fire, and may cause the powder there deposited to be removed to a place of safety.

SEC. 7. *Be it further enacted,* That any person or persons, who shall keep, have or possess any Gunpowder within the town of Boston, or shall sell the same contrary to the provisions of this Act, shall forfeit and pay a fine of not less than one hundred dollars, and not exceeding five hundred dollars, for

each and every offence; and if any Gunpowder shall explode in any shop, store or warehouse, or other buildings, or in any place, the occupant, tenant, or owner of which has not been licensed to sell Gunpowder therein, such occupant, tenant, or owner of such building or place, shall forfeit and pay a fine of not less than five hundred dollars, and not exceeding one thousand dollars; one moiety of the sums which may be so forfeited shall accrue to the use of the poor of the town of Boston, and the other moiety to the use of any person or persons who shall prosecute and sue for the same, which forfeitures may be recovered by action of the case in any court proper to try the same.

SEC. 8. *Be it further enacted,* That all Gunpowder which shall be had, kept, or possessed within the town of Boston, contrary to the provisions of this act, may be seized by any one or more of the Firewards, and shall within twenty days next after the seizure thereof, be libelled by filing in the office of the Clerk of the Municipal Court of the town of Boston, a libel stating the time, place and cause of seizure, and a copy of said libel shall be served by the Sheriff of the County of Suffolk, or his deputy, on the person or persons, from whose possession or tenement the said Gunpowder shall have been seized, by delivering a copy thereof to such person, or leaving such copy at his, her or their place of dwelling in Boston, fourteen days at least

before the sitting of the Court, that such person or persons, may appear and show cause why the Gunpowder so seized or taken, should not be adjudged forfeit—and if the Gunpowder so seized shall be adjudged forfeit, the person or persons in whose possession the same was seized, or the occupant or tenant of the place wherein the same was seized, shall pay all cost of prosecution, and execution shall be issued therefore:—*Provided*, that it shall appear to the Court, that the person or persons aforesaid had notice of the prosecution, by service of the libel as aforesaid.

SEC. 9. *Be it further enacted*, That every person who shall suffer injury by the explosion of any Gunpowder, had, possessed, or being within the town of Boston, contrary to the provisions of this act, may have an action of the case in any Court, proper to try the same, against the owner or owners of such Gunpowder, or against any other person or persons who may have had the possession or custody of such Gunpowder at the time of the explosion thereof, to recover reasonable damages for the injury sustained.

SEC. 10. *Be it further enacted*, That it shall and may be lawful, for any two or more of the Firewards of the town of Boston, to enter any building or other place in the town of Boston, to search for Gunpowder, which they may have reason to suppose to be concealed, or kept contrary to the provisions of

this act, first having obtained a search warrant therefore according to law.

SEC. 11. *Be it further enacted*, That every person who shall receive a license, to sell Gunpowder as aforesaid, shall pay for the same, the sum of five dollars; and every person on having a license renewed shall pay therefore the sum of one dollar, which sums shall be paid to the Secretary of the Firewards aforesaid, to and for the use of said Firewards, for the purpose of defraying the expenses of carrying this act into execution.

SEC. 12. *Be it further enacted*, That an act passed on the twelfth day of March, in the year of our Lord one thousand eight hundred and twelve, entitled "An Act in addition to Acts regulating the storage, safe keeping and transportation of Gunpowder within the town of Boston," be, and the same is hereby repealed, and that all acts passed before the said last mentioned act, the provisions whereof come within the purview of this act, be and the same hereby are repealed.

SEC. 13. *Be it further enacted*, That the fines, forfeitures and penalties, not otherwise disposed of by this act, shall accrue and be one moiety thereof to the use of said Firewards, and the other moiety to the use of the poor of the said town, and be paid over to the overseers of the poor accordingly.

SEC. 14. *Be it further enacted*, That this act shall be in force from and after the passing thereof, and that it shall be the duty of the Firewards aforesaid, to cause the same

to be published in two or more of the Boston newspapers, together with such rules and regulations as they may establish by virtue of the power hereby given to them, and to continue the publication thereof, three weeks successively.

Passed June 15, 1816.

An Act, to regulate the Paving of Streets in the Town of Boston, and for removing Obstructions in the same.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all streets shall hereafter be paved in the town of Boston, agreeable to the following regulations, viz.*

The foot path or walk, on each side of every street, shall be of the breadth of one sixth part of the width of the whole street; and shall be laid or paved with bricks or flat stones, and secured with a beam or cut stone along the outside thereof; and the middle or remaining four sixths of every street shall remain as a passage way for carriages of burthen or pleasure, and shall have a gutter on each side thereof, or otherwise, as the Surveyors of Highways in the said town shall determine; and shall be paved with good and sufficient paving stones.

Provided always, That if in any street so to be paved, the sides shall not exactly range,

the gutter or outside of the foot walk shall be laid out, as nearly in a straight line as the street will admit of. And in all squares, and other large open spaces, and in all streets the breadth of which shall not conform to this law, the breadth of the foot walk, and the ascent and descent and the crowning of the pavement in every street shall be regulated by the Surveyors of Highways.

SEC. 2. *And be it further enacted,* That where the cartway in any public street shall be hereafter ordered to be paved, every owner of the lot or lots of ground, upon such street, shall, without delay, at his own cost, cause the foot way in front of his ground to be paved with bricks or flat stones, and supported by timber or hewn stones, and kept in repair, the same to be done under the direction of, and to the approbation of the Surveyors of Highways. And if the owner or owners of such lots shall neglect to pave with bricks or flat stones, and to support the foot way, for the space of twenty days after he or the tenant of such lot, or the attorney of the said owner or owners, shall have been thereto required by any of the Surveyors of Highways; then it shall be lawful for the said Surveyors of Highways, and they are hereby enjoined and required, to pave the said foot ways with brick or flat stones, and to support and to defend the same and to repair the same, and shall recover the whole amount thereof by action of the case to be brought by the Surveyors of Highways,

before any court proper to try the same. *Provided nevertheless,* That in all cases where applications may be made for new paving of streets, any individuals who may be affected thereby, may make their objections to the Selectmen, or Surveyors of Highways, who are directed to take them into consideration, while deliberating on the expediency of said application, and to pave the same at the expense of said town, wherever they shall think it expedient. *Provided also,* That where there are any vacant lots of land in any such streets, the Surveyors of Highways may at their discretion, allow the owner or owners thereof to cover the foot path with planks, which shall be removed, and the brick or flat stone pavement shall be completed whenever it may become necessary in the judgment of said Surveyors.

SEC. 3. *And be it further enacted,* That the Selectmen of the said town of Boston for the time being, whenever, in their opinion, the safety and convenience of the inhabitants of said town shall require it, shall be and they hereby are empowered to lay out or widen any street, lane or alley of said town, and for that purpose to remove any building or buildings of what nature soever; and the owner or owners of such building shall be entitled to receive compensation for the damages, which he or they may sustain by such removal, which damages shall be ascertained, determined and recovered in the way and manner pointed out in the Act of this

Commonwealth, entitled "*An Act directing the method of laying out Highways.*"

SEC. 4. *And be it further enacted,* That no canopy, balcony, platform of cellar door, or step in any street, lane or alley in the town of Boston, shall project into such street more than one tenth part of the width of the street; and in no case more than three feet; and all cellar doors hereafter to be made or repaired, shall be built with upright cheeks, and shall not project from the line of the house more than six inches. And if any proprietor or owner of any such canopy, balcony, platform or cellar door, or steps, shall refuse or neglect to remove or take down the same, within five days after notice and direction given him or them by the Surveyors of Highways, or any person empowered by them to that purpose, such owner or proprietor shall forfeit and pay the sum of *Two Dollars* for each and every day the same shall remain, after the expiration of the said five days.

SEC. 5. *And be it further enacted,* That no post shall be erected or set in any of the streets of the said town of Boston, except at the corners or intersection of two streets, and in such other places as the Surveyors of Highways may authorize and direct, and the said Surveyors may remove the same. And no person shall plant any tree in any street in the said town of Boston, without leave first obtained from the Surveyors of Highways, who shall have power to remove the same. And if any person shall drive any

horse or cart, or any wheel carriage of burthen or pleasure, or wheel any wheel barrow on the foot walk of any street in said town of Boston, such person shall forfeit and pay the sum of *One Dollar* for every such offence, to be recovered by action of debt, in the name of the Surveyors of Highways, before any Justice of the Peace in the county of Suffolk. And no person shall, in future, make, erect, or have any portico or porch, any bow window, or other window which shall project into the streets of the said town of Boston, more than one foot beyond the front of his or her house, or hang any sign, or any goods, wares or merchandize, which shall project into the street more than one foot beyond the front of his or her house or lot. And if any person shall hereafter offend against this provision, every person so offending shall forfeit and pay the sum of *One Dollar* for each and every day such portico or porch, bow window or other window shall be continued, after notice given to him by the Surveyors of Highways, or by any person by them authorized to that purpose.

SEC. 6. *And be it further enacted,* That if any person or persons shall continue to place in the street, contrary to the meaning of this Act, any goods, wares or merchandizes, it shall be lawful for the Surveyors of Highways of the said town of Boston, or any person empowered by them, to remove such goods, wares or merchandizes, and to keep them in safe custody, and the proprietor or

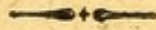
owner of such goods, wares or merchandize shall not have the same goods restored, until he or they shall have paid to the person or persons so removing them, all expenses of removing and storing them, and a reasonable compensation for the time so employed in their removal, as well as the fine aforesaid. And if any person shall place or pile any empty boxes, barrels, hogsheads, or other conveniency, capable of containing goods or merchandize, or that may have contained goods or merchandize, in any part of the streets of the said town of Boston, more than five minutes after notice given to remove the same, such person shall forfeit and pay the sum of *Two Dollars* for each and every such offence, to be recovered by action of debt by the Surveyors of Highways, before any Justice of the Peace in the said county.

SEC. 7. *And be it further enacted,* That if any driver, owner, or person having the ordering or care of any cart, waggon, stage or hackney coach, stage waggon or other carriage, new or old, finished or unfinished, shall suffer the same to be and remain in any street, lane or alley of the said town, more than one hour after the same shall have first been placed there, unless by the permission of the Surveyors of Highways, every such owner, driver, or person having the care or ordering of such carriage, as aforesaid, shall forfeit and pay the sum of *One Dollar* for each and every such offence, to be recover-

ed as above directed. *Provided nevertheless,* That no prosecution shall be commenced against any driver of any cart or waggon coming from the country, unless by the particular direction and order of the Selectmen.

SEC. 8. *And be it further enacted,* That all the forfeitures and fines which may be recovered in pursuance of this Act, shall go and be distributed, one moiety thereof to the poor of the town of Boston, and the other moiety to the Surveyors of Highways.

Passed June 22, 1799.



An Act in addition to an Act, entitled, "An Act to regulate the Paving of streets in the town of Boston, and for removing obstructions in the same."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen of the Town of Boston for the time being, whenever in their opinion the safety or convenience of the Inhabitants of said town shall require it, shall be, and they hereby are empowered to lay out any new street, or to widen any street, lane or alley of said town, and for that purpose to take any land that may be required for the same, and to remove any building or buildings, of what nature soever; and the same street, lane or alley, being recorded in the town's books, shall be thereby established as such; and the owner or owners of the land

or buildings that shall be so taken or removed, shall receive such recompense for the damages which he or they may sustain thereby, as the party interested and the Selectmen shall agree upon, to be paid by the town, or the individual person or persons for whose use such street, lane or alley is laid out or widened, or as shall be ordered by the Justices of the Court of General Sessions of the Peace, upon an enquiry into the same by a Jury to be summoned for that purpose, who shall be drawn out of the Jury Box of the Supreme Judicial Court of the town of Boston, by the Selectmen of said town, upon the application of the Sheriff of the county of Suffolk; and if, by accident or challenge, there should happen not to be a full Jury, said officer shall fill the pannel *de talibus circumstantibus* as in other cases; or by a special committee, if the parties agree thereunto.

Passed March 4, 1805.

Commonwealth of Massachusetts.

In the year of our Lord one thousand eight hundred and sixteen. An Act in further addition to an Act, entitled "An Act to regulate the Paving of Streets in the town of Boston, and for removing Obstructions in the same."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Boston,*

for the time being, whenever in their opinion the safety or convenience of the Inhabitants of said town shall require it, shall be, and they hereby are empowered to discontinue any street, lane or alley of the said town, or to make any alteration in the same in part or whole: Reserving however, in all cases, to individuals who may sustain damage thereby, recompense for the same, to be ascertained and allowed in the same manner as is provided in the act "entitled an Act in addition to an Act, entitled an Act to regulate the paving of streets in the town of Boston, and for removing obstructions in the same."

SEC. 2. *Be it further enacted,* That all orders, votes and determinations of the said Selectmen of the town of Boston, heretofore had and passed for the discontinuance of any street, lane or alley of the said town, or respecting any alteration in the same, in whole or in part, shall be held and considered as good and valid to all intents and purposes, as if the said Act, to which this is an addition, had explicitly vested said authority in the said Selectmen. Reserving always to individuals recompense for damages sustained thereby as is provided in the said act.

SEC. 3. *Be it further enacted,* That the Selectmen of the town of Boston shall keep a record of all the streets, lanes and alleys of the said town, and of all votes and proceedings relative to the same, and that cop-

ies thereof certified by the Town Clerk, shall be valid to all intents and purposes.

SEC. 4. *Be it further enacted,* That from and after the passing of this Act, no person shall raise up from any street, wharf, or place of public resort within the town of Boston, for the purpose of storing the same, any cask, bale of goods or other article of merchandize into the second or any higher story of any house, store or other building, upon or adjoining the same, and on the outside of such buildings, and that no person shall deliver from the second or higher story of any house, store, or other building on the outside of the same which shall adjoin upon any street, wharf or place of public resort within the said town of Boston, any cask, bale of goods, or other article of merchandize except at such times and places, and under such restrictions and limitations, as the Selectmen for the time being shall by writing authorize and direct. And every person who shall offend in manner aforesaid, shall forfeit and pay to the Commonwealth, for each and every offence, a sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered by indictment in the Municipal Court for the town of Boston, with costs of prosecution—*Provided,* that this shall not be construed to extend to the raising any materials or other articles which may be necessary in erecting, repairing or taking down any building within the said town of Boston, or for the convenience thereof, or for

removing any merchandize, or other article, in case of danger by fire, or other inevitable casualty.

In the House of Representatives, December 12, 1816—this bill having had three several readings, passed to be enacted.

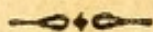
TIMOTHY BIGELOW, *Speaker*.

In Senate, December 13, 1816—this bill having had two several readings passed to be enacted.

JOHN PHILLIPS, *President*.

December 13, 1816. *Approved*, **JOHN BROOKS**,

Secretary's Office, } *A true copy,*
Dec'r 17, 1816. } *Attest*, A. BRADFORD, *Sec'y of Com'ls.*



An Act empowering the Selectmen of such towns in this Commonwealth, as are already, or may hereafter be provided with a Fire Engine or Engines, to nominate and appoint Engine Men.

WHEREAS it is of great importance to the preservation of life and property, that provision be made to extinguish fires; and the method of selecting suitable persons for the purpose of keeping in repair and working fire engines in such towns as are provided therewith, hath been productive of good consequences:

SEC. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of such towns in*

this Commonwealth as are provided with a fire engine, or engines, or who may in future be provided with a fire engine or engines, be and they are hereby empowered, if they shall judge it expedient, to nominate and appoint a number of suitable persons for Engine Men, as soon as may be, after the passing of this Act, and ever after in the month of January, annually, not exceeding eighteen to any one engine, which Engine Men, who may be nominated and appointed in manner aforesaid, be and they are hereby authorized and empowered to meet together sometime in the month of May, annually, for the purpose of choosing a master or director of the said engine, and establishing such rules and regulations for the well ordering of the said company, as the Selectmen of such town shall judge necessary and approve: *Provided* the same be not repugnant to the constitution and laws of this Commonwealth.

SEC. 2. *And be it enacted by the authority aforesaid,* That the respective companies of Engine Men, who may be nominated and appointed in pursuance of this Act, shall be held and obliged to meet together once at least in each month, and oftener, if necessary, for the purpose of examining the state of the engine to which they belong, and the appendages belonging to the same, and seeing that the said engine is in good repair and ready to proceed on any emergency to the relief of any part of the communi-

ty who may be invaded by the calamity of fire; and the said Engine Men, appointed as aforesaid, shall be held and obliged to go forward, either by night or by day, and use their best endeavors to extinguish any fire that may happen in the same town, or the vicinity thereof (under the direction of the Firewards in the same town) as shall come to their knowledge, without delay.

SEC. 3. *Be it enacted by the authority aforesaid,* That the persons who may be nominated and appointed Engine Men, in pursuance of this Act, shall be, and they are hereby excused from all military duty.

SEC. 4. *Be it enacted by the authority aforesaid,* That if any person, who, being nominated and appointed in the manner herein before directed, shall be negligent and remiss in the duties required of him by this Act, except sickness or any other disability shall prevent him therefrom, it shall be the duty of the Selectmen in the same town, upon sufficient evidence thereof, to strike his name from such list, and proceed to appoint another person as an Engine Man, in his room, in the same manner as they are herein before empowered to do in the month of January annually.

Passed March 15, 1785.

An Act to empower the Selectmen of the towns of Boston and Charlestown, to increase the number of Engine Men in said towns, and for other purposes.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Selectmen of the towns of Boston and Charlestown, be and they hereby are respectively authorized and empowered, if they shall judge it expedient, to nominate and appoint, as soon as may be after the passing of this Act, and ever after, in the month of January annually, any number, not exceeding six men to each engine, in addition to the number of men now authorized by law.

SEC. 2. *And be it further enacted,* That all persons legally attached to any engine within this Commonwealth, be and they hereby are excused from being chosen or drawn to serve as Jurors in any court within this Commonwealth, in all cases, where the town, to which such Engine Men belong, shall, at a legal meeting of its inhabitants, by vote, declare the expediency of excusing such persons from serving as Jurors.

Passed March 4, 1801.

An Act empowering the Selectmen of the town of Boston, to nominate and appoint Forty Engine Men, for Engine number fourteen, in said town, called the *Cataract*.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen of the town of Boston be, and they are hereby empowered to nominate and appoint, as soon as may be, after the passing of this Act, and ever after, in the month of January annually, a number of suitable persons, not exceeding forty, for Engine Men, for engine number fourteen, in said town, called the *Cataract*: and the Engine Men, who may be nominated and appointed in manner aforesaid, shall be excused from all military duty; and shall have power to choose a master or director of the said engine, and shall meet once in each month to examine the state of said engine.

SEC. 2. *And be it further enacted, by the authority aforesaid,* That the said Engine Men shall, either by night or by day, use their best endeavors to extinguish any fire that may happen in the same town, or the vicinity thereof, under the direction of the Firewards in the same town; and if any Engine Man shall be negligent and remiss in the duties required of him by this Act, the Selectmen may strike his name from the list, and proceed to appoint another person in his stead.

Passed March 5, 1804.

An Act to empower the several towns in this Commonwealth, to excuse such of their Inhabitants, as are Engine Men from serving as Jurors in any Court within this Commonwealth.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all persons legally attached to any Engine, within this Commonwealth, be, and they hereby are excused from being chosen or drawn, to serve as Jurors in any Court within this Commonwealth, in all cases where the town, to which such Engine Men belong, shall, at a legal meeting of its Inhabitants, by vote, declare the expediency of excusing such persons from serving as Jurors.

Passed November 17, 1808.



An Act more effectually to secure Fire Engines from being injured.

WHEREAS it has sometimes happened, that some people, from a wanton, and others from a malicious disposition, have injured the public Fire Engines, provided for the extinguishment of Fires which may unfortunately happen in the habitations and other buildings of the inhabitants : for prevention whereof in future,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any

person shall wantonly or maliciously spoil, break, injure, damage or render useless, any Engine, or any of the apparatus thereto belonging, prepared by any town, society, person or persons, for the extinguishment of fire, and shall be convicted thereof before the Supreme Judicial Court, he shall be punished by a fine not exceeding *Five Hundred Dollars*, or by imprisonment not exceeding *two years*, at the discretion of the Court; and be further ordered to recognize with sufficient surety or sureties for his good behaviour for such term as the Court shall order.

Passed Feb. 8, 1802.

An Act for regulating Drains and Common Shores.

SEC. 1. *BE* it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person shall dig or break up the ground in any highway, street or lane, in any town, for the laying, altering, repairing, or amending of any drain or common shore, without the consent of the Selectmen of the town, signified in writing under the hand of the Town Clerk, such person shall forfeit and pay *Four Dollars* for each offence, to the use of the poor of the town, to be recovered, with costs of suit, in an action of debt, by the Treasurer thereof, before any

disinterested Justice of the Peace in the county.

SEC. 2. *Be it further enacted,* That all drains and common shores for the draining of cellars, which shall hereafter be made or repaired in any street or highway, shall be substantially done with brick or stone, or with such other materials as the Selectmen of the town shall permit, and in such manner as the said Selectmen shall direct. And when any one or more of the inhabitants of any town shall, by the consent, and under the direction aforesaid, at his or their own charge, make and lay any common shore or main drain, for the benefit of themselves and others, who may think fit to join therein, every person, who afterwards shall enter his or her particular drain into the same, or by any more remote means shall receive any benefit thereby, for the draining of their cellars or lands, shall be held to pay to the owner or owners of such common shore or main drain, a proportionable part of the charge of making or repairing the same, to be ascertained and determined by the Selectmen of the town, or a major part of them, and certified under their hands; saving always to the party aggrieved at any such determination, a right to appeal to the Court of General Sessions of the Peace.

SEC. 3. *Be it further enacted,* That when any common shore or main drain shall be stopped or gone to decay, so that it shall be necessa-

ry to open the same in order to repair it or remove such stoppage, all the persons, who shall be benefited by such repairs or removal of obstructions, shall be held to pay their proportionable parts of the expenses thereof, as well those who do not, as those who do cause such repairs to be made or obstructions removed; to be ascertained and determined by the Selectmen as aforesaid, saving an appeal as aforesaid. And each person so held to pay his or her part shall have notice thereof, of the sum, and to whom to be paid; and if such person shall not pay the same within ten days after such notice, to the person appointed by the Selectmen to receive it, he or she shall be held to pay the person so appointed, double the sum mentioned in such certificate, with all costs arising upon such neglect; and such person is hereby empowered to bring an action or actions for the same accordingly.

Sec. 4. *Provided always,* That the person or persons who shall have occasion to open any common shore or main drain, in order to clear and repair the same, shall, seven days at least before they begin to open the same, notify all persons interested therein, by advertising in such manner as the Selectmen may direct, that they may (if they think proper) object thereto, and lay their objections in person or writing before the Selectmen; and if the Selectmen, or the major part of them, shall judge the objections reasonable, then the person or persons

making the same shall not be held to pay any part of such expenses; but if they do not make their objections as aforesaid to the Selectmen, within three days after being so notified, or if they shall deem the objections not to be sufficient, then they shall, under their hands, give liberty to the persons applying to proceed to open such common shore or main drain, and clean and repair the same; and all interested therein shall pay their proportions as is provided in this Act.

SEC. 5. *Provided also,* That nothing in this Act shall be understood or construed to affect or make void any covenants or agreements already made, or that may hereafter be made, among the proprietors of such drains or common shores.

SEC. 6. *Be it further enacted,* That this Act shall take effect and be in force on and after the first day of July next; and that an Act, passed Anno Domini one thousand seven hundred and nine, for regulating drains and common shores, and another Act, passed Anno Domini one thousand seven hundred and sixty-three, in addition thereto, and continued in force to the first day of *November* next, be repealed on and after the first day of *July*, except as to the enforcing payment of such forfeitures as may before that time accrue by virtue thereof.

Passed Feb. 20, 1797.

An Act for preventing Common Nuisances.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*
 That the Selectmen of Boston, Salem, Newburyport and Charlestown, respectively, and of every other town in this Commonwealth, where the Selectmen thereof, together with any two Justices of the Peace in the same county, shall judge such regulation to be necessary, shall from time to time, as occasion shall be, assign some certain places for the exercising of any of the trades or employments of killing creatures for meat, distilling of spirits, trying of tallow or oil, currying of leather, and making earthen ware, and forbid and restrain the exercise of either of them in other places not so approved and allowed; and all assignments of such houses or places by Selectmen, with the assent of two or more Justices, for the exercise of any of the occupations aforesaid, shall be entered in the town book where such Selectmen respectively belong; and also made known by having notifications thereof posted up in some public places in the same town.

SEC. 2. *And be it further enacted,* That when any house assigned for the exercising of either of the aforesaid trades or employments becomes a nuisance, by reason of offensive and ill stench proceeding from the same, or becomes otherwise hurtful or dangerous to the neighbourhood or travellers, it shall

and may be lawful to and for the Court of General Sessions of the Peace, within the county, to cause inquiry to be made therein to by a jury, and to suppress such nuisance, by prohibiting and restraining the further use thereof for the exercise of either of the aforesaid trades or employments, under a fine not exceeding *Three Pounds* a month, to the use of the poor of the town; or by causing such nuisance to be removed or prevented, as the said Justices in sessions, in their discretion, shall think expedient and necessary.

SEC. 3. *And be it further enacted,* That if any distiller, tallow chandler, manufacturer of oil, currier, butcher or potter, shall make use of any house or place, other than such as are or may be assigned and permitted in consequence of this Act, for the exercise of the employments aforesaid, or any of them, the person so offending shall forfeit and pay a fine of *Five Pounds*, one half thereof for the use of this Commonwealth, and the other half part for the use of him or them that shall prosecute and sue therefore, by action of debt, in the Court of Common Pleas; and if convicted on the presentment of a Grand Jury, in the Court of Sessions or Supreme Judicial Court, the whole penalty shall enure to the use of the Commonwealth; and in either case the offender shall also enter into recognizance, in such sum as the same Court shall order, not to improve such building for eith-

er of the said purposes for the term of three years then next; and in default of entering into such recognizance, to be committed to the common gaol; or such building may be taken down by the order of the same Court, as being a common nuisance, and the materials, or such part of them as may be necessary, sold at public auction, to defray the expenses and charges; and in case the materials shall be insufficient, the residue of the charges to be levied by distress and sale of the offender's goods and chattels.

SEC. 4. *And be it further enacted, by the authority aforesaid,* That all fences or buildings set up and erected on lands now used and improved as public landing places, or such as may be hereafter laid out and appropriated to that use, without lawful permission therefore, shall be esteemed nuisances, and may be abated as such.

Passed June 7, 1785.

An Act in addition to an Act, entitled, "An Act to prevent Common Nuisances."

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That when any house, assigned for the exercising of either of the trades or employments mentioned in the Act aforesaid, becomes a

nuisance, by reason of offensive and ill stenchès proceeding from the same, or becomes otherwise hurtful or dangerous to the neighbourhood or travellers, it shall be lawful for any person or persons, who may be aggrieved thereby, to give notice thereof to the proprietor or occupant of such house, so deemed to be a nuisance; and if the proprietor or occupant shall not forthwith remove the same nuisance, and if, upon trial as herein after provided, the same shall be considered and deemed a nuisance, the owner, proprietor or occupant of such house, shall forfeit and pay the sum of *Twenty Dollars*, for each and every month which the said nuisance shall continue, after such notice as aforesaid, to be recovered by action of the case, by any person who shall first sue for the same; and in such action it shall be lawful for the defendant to tender the general issue, and give any special matter in evidence; and if, upon such trial, it shall appear to the jury who shall try the same cause, that the said house so complained of is not a nuisance, it shall be their duty to acquit the defendant, and he shall be entitled to his costs.

SEC. 2. *Be it further enacted*, That any person or persons who may be injured by any such nuisance, either in his comfort or the enjoyment of his estate, may have and maintain his special action on the case, for the injury and damage which he or they may sustain by reason of such nuisance; in which action it shall and may be lawful for

the defendant to plead the general issue, and give any special matter in evidence.

Passed March 4, 1800.

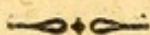
An Act providing for the appointment of a town Treasurer, and Collectors of Taxes, in the town of Boston.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the Selectmen, the Overseers of the Poor, and the Board of Health of the town of Boston, shall annually, in the months of June or July, meet in convention in the town of Boston, and appoint some suitable person as Treasurer of said town, and also one or more suitable person or persons as Collectors of Taxes in said town, who, when appointed as aforesaid, shall have like powers, and be subject to like duties, in the discharge and execution of their said several offices, as other Town Treasurers and Collectors of Taxes have and are subject to, in this Commonwealth. And the said Town Treasurer and Collectors, so as aforesaid appointed, shall continue in office one year, and until others are appointed in manner aforesaid, and qualified to execute their said offices; and a record of the appointment as aforesaid, of said Town Treasurer and Collectors, shall be made by the Town Clerk of the town of Boston, in the records of said town, kept by him.

And the said Town Treasurer and Collectors, to be appointed as aforesaid, shall be sworn to the faithful discharge of their said several trusts, and give such bonds to the said town of Boston, conditioned for the faithful execution of the duties of their said offices, as the said Selectmen, Overseers of the Poor, and Board of Health, met in convention as aforesaid, shall direct, previous to their entering on the duties of their said several offices aforesaid. *Provided however,* That the said Selectmen, Overseers of the Poor, and the said Board of Health, shall never re-appoint any person to said office of Town Treasurer or Collectors of taxes as aforesaid, until such person shall have faithfully and fully completed the execution of his duty in said office, to which he was appointed the year preceding, and a full and complete settlement of the taxes by him to have been received or collected, according to law, shall have been made, or he shall have been excused therefrom by a vote of the said town of Boston. And whenever by death, resignation or otherwise, the said office of Town Treasurer or Collector shall be vacant, the aforesaid Selectmen, Overseers of the Poor and Board of Health, shall be, as aforesaid, authorized to fill such vacancy, by a new appointment in manner aforesaid. And all laws heretofore made respecting either of the aforesaid offices of Town Treasurer and Collector of Taxes in the town of Boston, that are in-

consistent with the provisions of this Act, be, and the same hereby are repealed, from and after the fourth day of July next.

Passed June 16, 1813.



An Act to establish a Municipal Court in the Town of Boston.

WHEREAS from the peculiar situation and circumstances of the town of Boston, as a metropolis and great seaport, the usual mode of enforcing the laws, and administering justice, in criminal cases, is attended with great delays and burthensome expenses.

SEC. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there shall be holden, within and for the town of Boston, on the first Monday of every month, by such learned, able and discreet person as the Governor shall appoint and commission, pursuant to the Constitution, a Court of Justice, by the name of The Municipal Court for the town of Boston. That the same Court shall have power to adjourn from day to day, and shall have cognizance of all crimes and offences committed within the town of Boston, which are now cognizable in the Court of General Sessions of the Peace; and cognizance of all crimes and offences against the by-laws of the said town; of frauds, deceits,

monopolies, forestalling, regrating, thefts and nuisances.

And the said Court shall have power to impose and administer all oaths necessary to the legal conviction and punishment of offenders, and to punish, at the reasonable discretion of the Court, and in like manner as other Courts may lawfully do, all contempts committed against the authority of the same. And the same Court shall have power to appoint and remove its own Clerks; who, when appointed, shall take such oaths as are by law provided to be taken by the Clerks of other Courts. And if it shall so happen that the Judge of said Court shall be unable to attend, from sickness or any other cause, on any day upon which said Court shall be by law to be held, or to which said Court shall stand adjourned, it shall and may be lawful for the Clerk of said Court to adjourn the same to the next stated term, by proclamation.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the Grand Jurors, annually chosen for the town of Boston, to serve in the Court of General Sessions of the Peace, shall be increased to fifteen within said town, and shall be summoned to attend said Municipal Court, with all the powers and authority vested in Grand Jurors by the Constitution and Laws of this Commonwealth, and within the jurisdiction of said Municipal Court; and the Petit Jurors who shall hereafter be appointed in the town of

Boston, and returned to serve in the Court of General Sessions of the Peace, shall not be less than fifteen in number, whose duty it shall be to attend the said Municipal Court, and to serve in all cases where by law trial by Jury is required, and until another Petit Jury is appointed for the Court of Sessions, and the said Petit-Jurors shall be summoned accordingly. And the said Grand Jurors and Petit Jurors shall receive, for their services in said Municipal Court, the like compensation, and in like manner as they by law are entitled to at the Court of Sessions.

SEC. 3. *And be it further enacted,* That the Judge of said Municipal Court shall receive, in full compensation for the discharge of the duties of his office, a stated annual salary, which shall be paid by said town of Boston, and which shall be voted and established at any meeting of the inhabitants legally assembled for that purpose, and which shall not be diminished during his continuance in office. And all fees taxed in said Court for the clerk, witnesses and officers thereof, and for all processes issuing from said Court, and other Court charges, shall be the same as by law are allowed in the Court of General Sessions of the Peace, in similar cases. And the Precepts of said Municipal Court shall be directed to and served by the Sheriff of the County of Suffolk, by his deputies residing within the town of Boston, and by the Constables thereof respectively. And all prisoners who shall be arrested and ordered

to be committed, by any sentence or judgment of said Municipal Court, or who shall be ordered to be committed, either by the Judge of said Court, or by any Justice of the Peace, upon any complaint, to take trial at the said Court; shall and may be committed to the goal of the said county of Suffolk, and there held until discharged by order of said Court, or by order of the Supreme Judicial Court of this Commonwealth; and the keeper of the goal for the said county of Suffolk is hereby directed and required to take the custody of the said prisoners accordingly.

SEC. 4. *And be it further enacted,* That the said town shall be allowed to choose annually some person learned in the law, to appear as an Advocate in the same Court, and to conduct the prosecutions therein; and the said town may allow him such compensation as to them shall appear reasonable, and the said Judge shall tax such fees for said Advocate in the cases that shall be tried by said Court, as the Attorney General for the Commonwealth, or the Attorney for the county is or shall be allowed in the Court of General Sessions of the Peace; the said fees, when received by the Advocate of said Court, shall be accounted for to the town of Boston: *Provided nevertheless,* That all criminal prosecutions in the said Court shall be under the management of the Attorney or Solicitor General, when either of them shall

be present, the appointment of such Advocate by the town notwithstanding.

SEC. 5. *Be it further enacted,* That all cost which may arise in any criminal prosecution in said Municipal Court, the Judge of said Court is hereby authorized and empowered to examine and tax, not exceeding, in any case, the fees stated by law; and such costs so taxed, shall be paid out of the treasury of the county of Suffolk. And the Clerk of said Municipal Court shall attest and deliver to the County Treasurer copies of all bills of cost allowed by the Court, and certificates of all fines and forfeitures imposed and accruing to the county aforesaid, or to the Commonwealth, either before the rising of said Court, or as soon after as may be. And the Clerk of said Municipal Court, and all Sheriffs, Deputy Sheriffs, Coroners and Constables, who may hereafter receive any fines, forfeitures, or bills of costs, in pursuance of the judgment or sentence of said Court, which shall accrue either to the county aforesaid, or the Commonwealth, shall forthwith pay the same to the Treasurer of said county; and upon neglect thereof, for the space of ten days after such receipt, he shall forfeit and pay double the amount of such fine, forfeiture, or bill of cost, to such County Treasurer, who is hereby empowered and directed to sue for the same, to be recovered with costs, by action of debt, in the Court of Common Pleas in the same county; one third of said penalty to the use

of said Treasurer, and the other two thirds to the use of said county of Suffolk.

SEC. 6. *And be it further enacted by the authority aforesaid,* That this Act shall take effect from and after the first day of May next, and the first Municipal Court shall be held on the first Monday of June next ensuing.

SEC. 7. *Be it further enacted,* That an appeal shall be had from all sentences and judgments of the said Municipal Court, to the Supreme Judicial Court, in the same manner that appeals are had from the Court of General Sessions of the Peace.

Passed March 4, 1800.

An Act for altering the terms of the Municipal Court of the town of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Municipal Court, of the town of Boston, shall in future be holden on the first Monday of every month, annually, with power of adjourning as heretofore by law enacted, excepting the two months of April and October; and that the terms now by law established for holding the said Court in those two months, annually, be, and hereby are abolished.

This Act passed June 10, 1803.

An Act to enlarge the Jurisdiction of the Municipal Court in the town of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Municipal Court in the town of Boston, shall have original jurisdiction, concurrent with the Supreme Judicial Court, of all crimes and offences arising or happening within the county of Suffolk, not capital; and the said Municipal Court shall and may exercise such jurisdiction, any law, usage or custom, to the contrary notwithstanding; saving to any party the right of appeal to said Supreme Judicial Court, as is now provided by law in other cases.

Approved by the Governor, Feb. 27, 1813.

An Act establishing a Court of Common Pleas, within and for the county of Suffolk, to be styled the Boston Court of Common Pleas.

WHEREAS, from the peculiar situation and circumstances of the town of Boston, great delays now exist in the administration of Justice therein, to the great injury of the citizens thereof:

SEC. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the 28th day of March next, there shall be a Court of Common Pleas*

holden at Boston, within and for the county of Suffolk, on the first Tuesdays of the months of January, March, May, July, September and November, in every year, to be styled "The Boston Court of Common Pleas;" which Court shall be holden by one substantial and discreet person, learned in the law, who shall be appointed by the Governor and Council, and qualified according to the constitution, and hold his office during good behaviour; which Court, so constituted, shall have jurisdiction of all causes of a civil nature, now cognizable by the Circuit Court of Common Pleas, whether original or appellate; and the Judge of the said Court shall receive the same fees and compensation for his services, as Judge of the said Court, as the three Justices of the Circuit Court of Common Pleas, for the Middle Circuit, now receive for their services within the county of Suffolk, and in the same manner: *Provided* nothing in this Act shall be so construed as to affect the original or appellate jurisdiction given by law to the Supreme Judicial Court, to the Municipal Court for the town of Boston, and to the Court of Sessions, holden within the county of Suffolk.

SEC. 2. *Be it further enacted*, That the person to be appointed as aforesaid, shall also have original and concurrent jurisdiction of all civil actions arising in the county of Suffolk, under the sum of twenty dollars, in the same manner and with like powers as Justices of the Peace within said county of Suffolk

now have jurisdiction, and shall hold a Court, to be styled the Town Court, for the summary trial, without jury, of all such last mentioned actions, on the Wednesday of every week in the year. And any party aggrieved at the judgment of said Town Court, may appeal therefrom to the next regular term of the said Boston Court of Common Pleas; and shall, before his appeal is allowed, recognize with a surety or sureties, to be approved by the Court, in such reasonable sum as the Court shall order, to pay all intervening damages, and to prosecute his appeal with effect; in which case such actions shall be tried in the same manner as if originally commenced there; and no further or other appeal or review shall be had on such actions, except such as by law is now allowed, in similar cases, in the Circuit Court of Common Pleas, in the several counties within this Commonwealth.—But questions of law may be reserved by the said Judge, and the party supposing himself aggrieved by any opinion, decision or judgment, may file his exceptions thereto, and the same proceedings shall be had thereon at the Supreme Judicial Court, which shall be holden next after in the same county, as are provided by law, when the Supreme Judicial Court is holden by one of the Justices thereof.

And the fees, in all actions originally commenced in the said Town Court, shall be the same as by law are now taken and received by Justices of the Peace in the trial of civil

actions; and the original papers, in such actions, shall be used on the appeal, in the same manner as if such actions had been originally brought to the Boston Court of Common Pleas.—And the said Judge shall have power, from time to time, to appoint a Clerk to attend him and record all his proceedings as Judge of the Boston Court of Common Pleas, which Clerk shall be under oath to the faithful performance of the duties of his office, and shall hold his office during the pleasure of the Supreme Judicial Court: *Provided however,* That the present Clerks of the Supreme Judicial Court and the Circuit Court of Common Pleas, within the county of Suffolk, shall be the joint Clerks of the said Boston Court of Common Pleas, during the pleasure of the Judge thereof.

And the said Judge of the said Boston Court of Common Pleas shall have power, from time to time, to appoint a Clerk, being commissioned as a Justice of the Peace for said county, to attend him in the said Town Court, who shall be styled the Recorder of the Town Court, and whose duty it shall be to record all proceedings of said Court; and in case of the death or absence of the said Judge of the said Town Court, it shall be the duty of said Recorder, and he is hereby fully empowered, to hold the said Court, and to transact the business thereof in the same manner as the said Judge of the said Town Court might, could, and ought to do, if he were personally present to hold the same;

which Recorder, of said Town Court, shall be under oath to the faithful performance of the duties of his office, and shall hold his office during the pleasure of said Judge, and for a compensation for his services, as Clerk, as aforesaid, shall receive one third part of the fees now by law taxed by Justices of the Peace in civil actions, and the residue thereof shall be received by the Judge of said Town Court, for his compensation therein. And the said Judge of the said Court, and the Recorder in the absence of the said Judge, shall have power, by proclamation of the Sheriff of the said county of Suffolk, or of his deputy, or of any officer attending on said Court, to adjourn the same, from time to time, as necessity may require.

SEC. 3. *Be it further enacted,* That the Judge of the said Boston Court of Common Pleas shall have power to make any orders for the regular administration of justice in the same, and likewise in the said Town Court, as shall not be inconsistent with the constitution and laws of the Commonwealth; and likewise to adjourn the said Court, from time to time, as may be necessary for the public good: and when it shall so happen that the Judge of the said Boston Court of Common Pleas shall be deceased, or shall be providentially detained from attending at the time and place at which said Court, by law, or by any previous adjournment, was to have been held, the said Court may be adjourned by the Sheriff of the county of Suffolk, or his

deputy, unto a further day, and so, from time to time, until a new Judge shall be appointed, or the said Court be convened, and shall cause publication thereof to be made in writing, in two or more of the most public places in the county of Suffolk, and in one of the public newspapers, printed in the town of Boston. And all writs and processes issuing from said Boston Court of Common Pleas, and the said Town Court, shall be in the name of the Commonwealth of Massachusetts and bear test of the Judge of said Courts, unless he be a party, (in which case the same shall be sued out from the Clerk's Office of the Supreme Judicial Court, and be made returnable to said Court) and be under the seals of said Courts, and signed by the Clerks of said Courts respectively; and all writs and processes from said Boston Court of Common Pleas shall have force, be obeyed and executed in every county within the Commonwealth, and all writs and processes from the said Town Court, shall have force, be obeyed, and executed, throughout the county of Suffolk.

SEC. 4. *Be it further enacted,* That all actions, suits, matters and things whatsoever, which may be pending in the Circuit Court of Common Pleas, within the county of Suffolk, on the twenty-eighth day of March, in the year of our Lord one thousand eight hundred and fourteen, and all writs and processes of every kind whatsoever, returnable to said Circuit Court, and which would have

had day therein, if this Act had not been passed, shall be sustained, returnable to, and have day in, and be fully acted upon by the said Boston Court of Common Pleas, at the first term thereof; and all parties, jurors, witnesses and other persons, in any manner held or bound to appear in the Circuit Court of Common Pleas, which would have been holden, in and for the said county of Suffolk, on the last Tuesday of March, in the year of our Lord eighteen hundred and fourteen, if this Act had not been passed, shall be held and bound, under the same penalties, to appear in the said Boston Court of Common Pleas, at the first term thereof. And the said Boston Court of Common Pleas shall grant execution to carry into effect any judgment heretofore rendered in the Circuit Court of Common Pleas within and for the county of Suffolk, in the same manner as the said Circuit Court of Common Pleas might and ought to have done, if this Act had not been passed.

SEC. 5. *Be it further enacted,* That so much of the Act, entitled an Act establishing Circuit Courts of Common Pleas within this Commonwealth, as relates to their jurisdiction within the county of Suffolk; and all other Acts and parts of Acts, which come within the purview of this Act, be repealed from and after the twenty-eighth day of March, in the year of our Lord eighteen hundred and fourteen: *Provided however,* That nothing herein contained shall prevent

the Governor as aforesaid, from appointing a person to be the Judge of the said Boston Court of Common Pleas, as soon after the passage of this Act as he shall see fit.

Passed Feb. 26, 1814.

An Act in addition to an Act entitled "An Act establishing a Court of Common Pleas within and for the County of Suffolk, to be styled the Boston Court of Common Pleas."

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Town Court in the town of Boston, in the county of Suffolk, shall have original and concurrent jurisdiction of all civil actions arising in the county of Suffolk, wherein the debt or damages do not exceed Twenty Dollars, in the same manner, and with the like powers, as Justices of the Peace have in said county.

SEC. 2. *Be it further enacted,* That all actions, in which the Judge of the Boston Court of Common Pleas shall be a party, shall be originally cognizable by the Supreme Judicial Court, holden within the county of Suffolk, and for the counties of Suffolk and Nantucket; and all writs and precepts, in which said Judge of the Boston Court of Common Pleas shall be a party, shall be returnable into said Supreme Judicial Court, and shall be tested in the same

manner as other writs, returnable into said Court.

SEC. 3. *Be it further enacted,* That whenever the Recorder of the Town Court shall be prevented, by sickness or other necessary or unavoidable cause, from attending said Court, in case of the death or absence of the Judge of the Boston Court of Common Pleas, the said Town Court may be adjourned by proclamation of the Sheriff of the county of Suffolk, or either of his deputies; and all writs, processes, and other matters, pending in said Town Court, shall be continued to the next term thereof.

SEC. 4. *Be it further enacted,* That from and after the passing of this Act, there shall be four terms annually of the Boston Court of Common Pleas, instead of the terms now to be holden by law; the same to commence on the first Tuesdays of July, October, January and April, and all writs and processes made returnable to the same Court, shall be made returnable at the periods aforesaid. And all writs and processes whatever, which are now made returnable to the next September term of said Court, and which would have had day therein, if this Act had not been passed, shall be sustained and have day in the next October term thereof.

Passed June 15, 1815.

An Act regulating the commencement of certain actions, in which the Inhabitants of the Town of Boston, in the County of Suffolk, shall be a party.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all actions to be commenced hereafter, wherein the Inhabitants of the Town of Boston, in the county of Suffolk, in their corporate capacity, shall sue or be sued, and which cannot now be brought in any other county than the county of Suffolk, may and shall be brought in the county of Norfolk, any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That the Sheriff of the county of Suffolk, or his Deputy, be, and hereby he is authorized to serve and execute within the said county of Suffolk, all writs and precepts, to the said Sheriff, or his Deputy, legally directed, wherein the said Inhabitants of the Town of Boston may be a party, notwithstanding the said Sheriff or his Deputy may be an inhabitant of said town.

Passed June 10, 1808.

An Act in addition to an Act entitled "An Act regulating the commencement of certain actions in which the Inhabitants of the Town of Boston, in the County of Suffolk, shall be a party."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all actions to be commenced hereafter, wherein the Inhabitants of the Town of Boston, in the county of Suffolk, in the corporate capacity, shall sue or be sued, may be instituted and prosecuted in either of the counties of Norfolk, Middlesex or Essex, any thing in the law, to which this is in addition, to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That any Coroner of the county of Suffolk, be. and he hereby is authorized to serve and execute all writs and precepts to him directed, wherein the Inhabitants of the town of Boston shall sue or be sued by the Sheriff of said county, or either of his Deputies. notwithstanding said Coroner may be an inhabitant of said town.

SEC. 3. *Be it further enacted,* That whenever an execution, which has been issued on the judgment of any court within this Commonwealth, in which judgment the inhabitants of said town of Boston shall be a party, shall be in the hands of an officer, having authority to serve the same; and said officer shall be directed to extend the said ex-

execution on real estate of the debtor, situated in the said town of Boston, then the said officer shall cause three discreet men, being freeholders in said county of Suffolk, to be chosen and sworn to appraise such real estate in the manner prescribed in the second section of an act of this Commonwealth, passed the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty four, and entitled, "An Act directing the issuing, extending and serving of executions;" and the appraisement, so made, shall be valid, notwithstanding the appraisers, so chosen, or any of them, may be inhabitants of said town.

Passed Feb. 13, 1816.



An Act regulating the Collection of Taxes in the Town of Boston, and providing for the Appointment of Constables in said Town.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Selectmen of the town of Boston be, and they are hereby empowered to appoint annually, such a number of persons as Constables in the said town, as the public service may require; and the said Constables so appointed shall give bonds to the Treasurer of the town of Boston, in such*

sums, and on such conditions, as the Selectmen shall think proper, for the faithful performance of the duties of their office: And the Constables so appointed by the Selectmen, shall have the same powers as are by law vested in Constables chosen by the towns of this Commonwealth.

SEC. 2. *And be it further enacted,* That the inhabitants of the town of Boston shall assemble annually on the first Wednesday in April, in their respective wards, and shall then choose and appoint two persons in each of their respective wards to assist the Assessors in taking a list of the polls, in estimating the value of their personal property, and in appraising the value of all real estates in their own wards; and the twenty four persons thus chosen shall meet and appoint three persons, whom they shall judge best qualified to serve the town in the office of Assessors, the ensuing year, which Assessors shall have the same powers as are vested by law in Assessors chosen by other towns in this Commonwealth: And in case of the death or resignation of any person so chosen, in either of the wards, the Clerk of such ward is empowered and directed to call a new meeting of the ward to choose a suitable person to supply the place of the person so dead or declining to serve.

An Act in addition to the several Laws regulating Elections.

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Assistant Assessors in any town, wherein any such officers are or may by law be chosen, shall, before entering on the duties of their respective offices, be sworn to the faithful discharge thereof; and shall have the same powers, and they are hereby required to perform the same duties, in their several Wards, in collecting and making lists of such Inhabitants as are qualified to vote in any election, and also of all rateable polls, as Assessors are by law required to do and perform.

Passed March 6, 1810.

An Act for regulating the proceedings in suits upon Constables' Bonds in the town Boston.

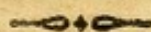
SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the condition of any bond which is now, or may hereafter be given to the Treasurer of the town of Boston by any Constable of said town, for the faithful performance of the duties of his office, shall be broken, to the injury of any person, such person may cause a suit to be instituted upon such*

bond, at his own costs, but in the name of the Treasurer of the town of Boston, and the like endorsements shall be made on the writ, and the like proceedings be had thereon to final judgment and execution, and the like writs of *scire faciās* on such judgment as may be made, and had by a creditor on administration bonds given to any Judge of Probate: *Provided however*, That no such suit shall be instituted by any person for his own use, until such person shall have recovered judgment against the Constable, or his executors or administrators, in an action brought for the malfeasance or misfeasance of the Constable, or for non payment of any monies collected by the said Constable in that capacity, or a decree of a Judge of Probate, allowing a claim for any of the causes aforesaid, and such judgment or decree, or so much thereof as shall be unsatisfied, with the interest due thereon, shall be the proportion of the penalty for which execution shall be awarded: *Provided however*, That this Act shall not be construed to make any surety in any bond given by the Constable, as aforesaid, before the passing of this Act, liable to any suit which could not heretofore be legally prosecuted against him.

SEC. 2. *Be it further enacted*, That it shall be the duty of the Treasurer, aforesaid, to deliver an attested copy of any Constable's bond to any persons applying and paying for the same; and such attested copy shall be received as evidence in any case: *Provided*

nevertheless, That if in any suit the execution of the bond shall be disputed, the Court may order the Treasurer to bring the original bond into Court.

Passed March 1, 1815.



Births of Children to be recorded by the
Town Clerk.

“*BE it enacted, &c.* That it shall be the duty of parents to give notice to the Clerk of the Town in which they dwell, of all the Births of their Children; and it shall be the duty of every householder to give notice of every birth which may happen in his house: And in case any person, whose duty it shall be, by virtue of this Act, to give notice as aforesaid, shall neglect to perform the same for the space of six months after the birth shall happen, the person so neglecting shall pay a fine of *One Dollar*, to be recovered, with costs of suit, on complaint before any Justice of the Peace for the same county, to the use of any inhabitant of the same town who shall prosecute for the same; from which Judgment there shall be no appeal.”

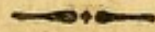
An Act respecting Boats and Lighters employed in transporting stones, gravel or sand, within this Commonwealth.

SEC. 1. *BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That every boat or lighter, employed in transporting stones, gravel, or sand, within this Commonwealth, shall be marked at light water mark; and, at least, at five other places, with figures, four twelve, sixteen, twenty four and thirty, legibly made; on the stem and stern post thereof; which figures shall express the weight such boat or lighter is capable of carrying, when the lower part of the respective numbers shall touch the water in which the said boat or lighter shall float. And every person who shall use or employ any boat or lighter, for the purpose of transporting stones, gravel or sand, as aforesaid, which shall not be marked as in this act is provided, shall forfeit and pay the sum of *Fifty Dollars*, to be recovered by an action of the case, in any court proper to try the same, by any person who will sue therefore. And any person who shall put, or cause to be put, on any boat or lighter as aforesaid, any false marks as aforesaid, shall be subject to the like penalty, to be recovered in like manner.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Selectmen, in any town where boats and lighters are owned,

which may be employed in transporting stones, gravel or sand, as contemplated in this Act, to appoint annually in the months of April or May, some suitable person, to ascertain the capacities of all such boats and lighters, and mark the same, as is prescribed in this Act; who shall be under oath faithfully to perform the duty as herein prescribed.

Passed March 7, 1801.



An Act in addition to an Act, entitled "An Act respecting Boats and Lighters employed in transporting stones, gravel or sand, within this Commonwealth."

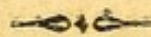
SEC. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the marks, by an Act, entitled "An Act respecting boats and lighters, employed in transporting stones, gravel or sand within this Commonwealth," directed to be made on boats and lighters, expressive of the weights such boats and lighters are capable of carrying, shall hereafter be inspected once every year; and whenever such mark shall be found to be illegible, the same shall be renewed.

SEC. 2. *Be it further enacted,* That whenever the Inspector shall be of opinion, that the burthen or capacity of any such boat or lighter, shall have been diminished or in-

eréased by any repairs made on the same, or otherwise, it shall be his duty forthwith, to ascertain anew the capacities of such boats or lighters, and to mark the same accordingly.

SEC. 3. *And be it further enacted,* That the Selectmen of towns in which boats or lighters used for the aforesaid purposes are owned, be, and they hereby are empowered, and it shall be their duty, to regulate the amount of fees which may be demanded by the Inspector of boats and lighters, of the owners thereof, for the performance of the duties imposed on him by this Act, and that to which this is an addition.

Passed June 15, 1815.



An Act in addition to an Act entitled "An Act for the due regulation of Licensed Houses."

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of April, which will be in the year of our Lord one thousand eight hundred and seventeen, no person shall presume to be a Confectioner within the town of Boston, in the county of Suffolk, except such person be first duly licensed, according to law, by the Justices of the Court of Sessions, of the same county, in Court assembled, on pain of forfeiting the

sum of fifty dollars. And if any person shall at any time presume to be a Confectioner within the town of Boston, without license therefore, duly had and obtained according to law, or if any Confectioner in said town shall presume to sell any spirituous liquors, or any mixed liquors, part of which is spirituous, or shall suffer any person to be drinking spirituous liquors in his or her house, store, or other place of business, or if any Confectioner or Victualler, as herein after described, shall keep open his or her house, store or other place of business, and entertain any person therein after ten of the clock of the evening of any working day, or on any part of the Lord's day or evening, such Confectioner or Victualler, in anywise so offending, shall, on conviction thereof, forfeit and pay for each offence a fine of ten dollars, with costs of prosecution.

SEC. 2. *Be it further enacted,* That it shall be the duty of the Selectmen of the town of Boston, to certify, from time to time, to the said Court of Sessions, what number of Victuallers the said Selectmen judge necessary in the said town of Boston, for the public convenience, who shall not be required to furnish accommodations for horses or cattle, or lodgings for travellers or other persons, and shall make return to the said Court of the names and places of business of all persons who may be so approved by them as Victuallers of the description aforesaid; and the said Court of Sessions may thereupon

license such persons as Victuallers as aforesaid, in the manner and for the term of time as set forth with respect to Innholders and other licensed persons in the Act to which this is in addition.

SEC. 3. *Be it further enacted,* That no person shall presume to exercise the trade or business of a Confectioner, within the said town of Boston, unless he or she shall have been first recommended as a suitable person therefore by the Selectmen of the said town of Boston, to the Court of Sessions, and shall have been licensed by the said Court of Sessions therefore, in like manner and for the same term of time as is provided in the Act to which this is in addition, for Innholders and Retailers. And in all licenses hereafter to be granted to any Victualler, Confectioner, or Retailer of spirituous liquors, within the said town of Boston, the street, lane, alley or other place within the said town, shall be specified where such licensed person shall carry on and exercise his or her respective employment, and such license shall not protect such person for carrying on and exercising his or her said employment in any place which is not therein so specified. And every person, so as aforesaid licensed, shall, before he or she shall commence or carry on and exercise his or her employment, cause a sign to be fixed upon a conspicuous place on the front of his or her house, shop, or other place of business, with his or her name painted, and with the business of Innholder,

Retailer, common Victualler or Confectioner, for which he or she shall have been so licensed, thereon expressed; and no license shall protect any person in the exercise of his or her said employment, until he or she shall have complied with this provision.

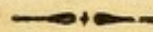
SEC. 4. *Be it further enacted,* That the Selectmen of the town of Boston be, and hereby are authorized and empowered to appoint, from time to time, so many prudent and judicious persons, as Tythingmen of the said town, as in their opinion the public good may require, and for such term of time as they may think fit, and the same to remove from office at their pleasure. And the said Tythingmen, so appointed, shall be sworn to the faithful discharge of the duties of their said office, before they shall enter upon the same; and it shall be the duty of the said Tythingmen, at all times, carefully to inspect all licensed houses, shops or other places within the said town of Boston, and of all offences against this act, and of all disorders or offences which shall at any time come to their knowledge to have been committed therein, duly to inform, so that prosecutions may be thereupon duly commenced; and such Tythingmen are hereby authorized and empowered to enter into any licensed house, shop or other place, and into any rooms or apartments of the same upon the Lord's day, to the end that they may ascertain whether the laws regulating the same are duly ob-

served; and in case any person having a license, or any other person under him or her, or having charge of such licensed house, shop, or other place, shall refuse to admit any such Tythingman into the same, or into any rooms or apartments therein, such licensed person, or other person under him or her, so refusing, shall, upon conviction thereof, forfeit and pay a fine of ten dollars, with costs of prosecution; and the license of such person shall thereupon be forfeited; nor shall a license to such person be renewed, except upon the recommendation of the Selectmen to the Court of Sessions, who may thereupon renew the same if they shall think fit so to do.

SEC. 5. *Be it further enacted,* That all fines and penalties, which are specified in this Act, or forfeitures incurred under the same, or under the Act to which this is in addition, within the town of Boston, shall be prosecuted for and recovered by indictments in the Municipal Court for the town of Boston; and all monies so paid and received, shall be for the use of the county of Suffolk; and the Clerk of the said Court, and likewise of the Supreme Judicial Court, to which any judgment of the said Municipal Court may be carried by appeal, shall certify to the Selectmen of the town of Boston, within ten days after any conviction shall be had in the same against any person for any breach of this Act, or of the Act to which this is in addition, and of final judgment rendered thereon, the names and offences of all persons so convicted, and

in all cases of such convictions as aforesaid, and of judgments rendered thereon, the person so convicted shall, in addition to the fine or penalty incurred thereby, likewise forfeit his or her said license; which however may be renewed upon recommendation of the Selectmen, by the Court of Sessions, in manner as is herein before provided: *Provided however,* That nothing herein contained shall be considered as affecting in any degree the force and validity of any existing license, or the right of persons to receive and accommodate boarders and lodgers, but the law respecting the same is to continue as though this Act had not passed.

Approved by the Governor, Dec. 14, 1816.



Extract from the Law for the due regulation of Weights and Measures.

Passed Feb. 26, 1800.

SEC. 4. **BE** it further enacted, That after this first day of January next, it shall be the duty of the Selectmen of each town and district in this Commonwealth, in the month of March or April annually, to appoint a suitable person to be a Sealer of Weights and Measures within the same.— And it shall also be the duty of the Selectmen in such towns or districts in this Commonwealth, as shall, at any of their annual meetings in March or April, which shall be holden after the first day of January next,

vote to have more than one Sealer of weights and measures within their town or district, to appoint suitable persons therefore. And the Selectmen of the several towns and districts are hereby authorized to remove from office any person or persons by them appointed as Sealers of weights and measures, by virtue of this Act. And it shall be the duty of the Selectmen, upon any vacancy which shall happen in the office of Sealer of weights and measures, either by death, removal, resignation, refusal to accept or otherwise, immediately to appoint some other suitable person to fill the place. And each person who shall be appointed to such office, shall be notified of his appointment, and sworn as other town officers are.



An Act in further addition to an Act, entitled, "An Act for due Regulation of Weights and Measures," and for the more easy recovery of fines and penalties, within the town of Boston, in the county of Suffolk.

SEC. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall be the duty of the Sealer of weights and measures within and for the town of Boston, to be provided with a house or office, and to which all persons using scale beams, steelyards, weights or measures, within the town of Boston, in trade for the purpose

of buying and selling any article, shall be required, after notice thereof shall have been given in two or more of the newspapers published within the said town, to send annually their scale beams, steelyards, weights and measures, for the purpose of having the same tried, proved and sealed, as is provided in and by the Act aforesaid to which this is an addition; and the said Sealer shall be entitled to demand and receive therefore such fees as are allowed in and by the said act.

SEC. 2. *Be it further enacted,* That the said Sealer is hereby authorized and required to go to the houses, stores and shops of all such merchants, innholders, traders, retailers, and of all other persons living or residing within the town of Boston, using beams, steelyards, weights and measures, for the purpose of buying and selling, as shall neglect to bring or send the same to the house or office of the Sealer aforesaid; and there, at the said houses, stores and shops, and having entered the same with the assent of the occupant thereof, to try, prove and seal the same, or to send the same to his said house or office, to be tried, proved and sealed, and shall be entitled to demand and receive therefore, double the fees he would be entitled to demand and receive for the same, if such beams, steelyards, weights and measures had been sent to his said office or house, with all expenses attending the removal and transportation of the same; and if any such person or

persons shall refuse to have his, her, or their beams, steelyards, weights or measures, so tried, proved and sealed, within one year preceding such refusal, he, she, or they, shall forfeit and pay ten dollars for each offence, the one moiety to the use of the said town of Boston, and the other moiety of the same to the Sealer. And if any such person or persons shall use any beam, steelyard, weight, or measure, which shall not conform to the public standard, and the same not having been tried, proved and sealed within one year preceding such use of the same, he, she, or they shall forfeit and pay ten dollars for each offence, the one moiety to the use of the said town of Boston, and the other moiety of the same to the informer. And if any such person or persons shall alter any beam, steelyard, weight, or measure, after the same shall have been tried, proved, and sealed, so as that the same shall by such alteration be made not to conform to the public standard, and shall fraudulently make use of the same, he, she or they shall forfeit and pay fifty dollars, for each offence, the one moiety to the use of the said town of Boston, and the other moiety of the same to the informer.

SEC. 3. *Be it further enacted*, That all fines, forfeitures and penalties accruing within the said town of Boston, under this Act, or for the breach of any by-law of the said town, which is now in force, or which may hereafter be duly enacted or made, may be recov-

ered by indictment, information or complaint, in the name of the Commonwealth, in any court competent to try the same; and all fines so recovered and paid shall be appropriated to the uses for which the same are now by law ordered to be applied; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the next Municipal Court, in the town of Boston, from the judgment and sentence of any Justice of the Peace, in which case the judgment of the said Municipal Court shall be final; and to the next Supreme Judicial Court, to be holden within the county of Suffolk, and for the counties of Suffolk and Nantucket, from the judgment of the Municipal Court, where the indictment or information originated in the same, such party recognizing with sufficient surety or sureties, to the satisfaction of the Court, to enter and prosecute his, her, or their said appeal, and to abide the final judgment thereon.

SEC. 4. *Be it further enacted,* That when any person, who upon a conviction before a Justice of the Peace, for any offence mentioned in this Act, or for the breach of any by-law of the town of Boston, shall be sentenced to pay a fine, and shall not appeal from said judgement, or if upon claiming an appeal, shall fail to recognize as aforesaid, and upon not paying the fines and costs so assessed upon him, shall be committed to prison; there to remain until he or she shall pay such fines and cost, or be otherwise dischar-

ged according to law; such persons shall not be holden in prison for a longer term than ten days; and at the expiration of that term the keeper of the said goal is hereby authorized to release such person from confinement.

SEC. 5. *Be it further enacted,* That all fines and penalties, which shall be hereafter recovered for any offences, which shall hereafter be committed against the Act of this Commonwealth which was made and passed on the fourteenth day of December, in the year of our Lord, one thousand, eight hundred and sixteen, entitled, "An Act in addition to an Act, entitled, an Act for the due regulation of licensed houses," shall be appropriated, the one moiety to the town of Boston, and the other moiety of the same to the informer, any thing to the contrary in that Act notwithstanding.

SEC. 6. *Be it further enacted,* That the seventh section of the Act aforesaid, to which this is in addition, be, and the same is hereby repealed, so far as respects the said town of Boston.

Passed June 17, 1817.

An Act to set off the north east part of the town of Dorchester, and to annex the same to the town of Boston.

SEC. 1. *BE* it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all that part of *Dorchester*, lying north east of the following line, viz. Beginning at a stake and stones at *Old Harbour*, so called, at the south west corner of land formerly belonging to John Champny, running north, thirty seven and one half degrees west, to a large elm tree marked P on the south west side; and B on the north east side; standing on land belonging to the heirs of *Thomas Bird*, deceased; then running the same course to a heap of stones on the south east side of the road, thence across the road, the same course, to a heap of stones on the north west side; thence on the same course to a black oak tree, standing on a small hummock, marked D on the one side and B on the other side, upon land of *Ebenezer Clap*, Junr.; thence the same course until it comes to Boston harbour, with the inhabitants thereon, be, and they hereby are annexed to the town of Boston, in the county of Suffolk; and shall hereafter be considered and deemed to be a part of the town of Boston: *Provided*, That the said tract of land, and the inhabitants thereon, set off as aforesaid, shall be holden to pay all such taxes as are already assessed, or ordered to be assessed by said town of

Dorchester, in the same manner as they would have been if this act had not been passed.

SEC. 2. *Be it further enacted*, That the proprietors of said tract shall assign and set apart, three lots of land on the same for public use, viz. one lot for the purpose of a public market place, one lot for a school house; and one lot for a burial ground, to the satisfaction and acceptance of the Selectmen of the town of Boston; or in case the said Selectmen and proprietors shall not agree upon the said lots, it shall be lawful for the Supreme Judicial Court, at any session thereof in the said county of Suffolk upon application of the said Selectmen, to nominate and appoint three disinterested freeholders within the Commonwealth, and not inhabitants of said town of Boston, to assign and set off the three lots aforesaid by metes and bounds; and the report of the said freeholders, or any two of them, being made and returned to, and accepted by the said Court, at any session thereof in said county, shall be final and binding on all parties; and the lots of land by them assigned and set off as aforesaid shall thenceforth vest in the said town of Boston forever, without any compensation to be made therefore by the town; but if the person or persons whose lands shall be assigned and set apart as aforesaid, shall demand compensation therefore, the same shall be appraised by three freeholders to be appointed as aforesaid, who shall also

assess upon the other proprietors the sum or sums which each shall be holden to pay to the person whose lands may be thus assigned for public use; and the report of said freeholders, or any two of them, being made and returned to, and accepted by said Court, judgment thereon shall be final, and execution awarded, as in cases of reports of referees under a rule of Court.

SEC. 3. *And be it further enacted,* That the Selectmen of the said town shall be, and hereby are authorized to lay out such streets and lanes through the said tract, as in their judgment may be for the common benefit of said proprietors, and of said town of Boston, a reasonable attention being paid to the wishes of the proprietors; and in case of disagreement between the Selectmen and proprietors, or either of them, the same proceedings shall be had as are provided by law in other cases for laying out town ways: *Provided only,* That no damages or compensation shall be allowed to any proprietor for such streets and lanes as may be laid out within twelve months from the passing of this act: *And provided also,* That the town of Boston shall not be obliged to complete the streets laid out by their Selectmen pursuant to this Act, sooner than they may deem it expedient so to do.

Passed March 6, 1804.

*Contract between the Town of Boston and the
Mill Corporation.*

THIS Indenture made and concluded this twenty-fourth day of July, in the year of our Lord, one thousand eight hundred and seven, between the inhabitants of the town of Boston, by *John Davis, William Parsons, William Brown, John Q. Adams, John Joy, Redford Webster* and *Tristram Barnard*, esquires, Commissioners duly appointed for this special purpose, by the Selectmen of Boston, pursuant to a vote of said inhabitants in town meeting assembled, on the eighth day of June last past, on one part; and the Proprietors of the Boston Mill Corporation, by *John Peck*, their Agent for this purpose duly appointed, by a vote of said Corporation on the twenty-seventh day of June last past, on the other part. Whereas the town of Boston, on the thirty first day of July, in the year of our Lord one thousand six hundred and forty three, granted to *Henry Simons* and others all that Cove on the north west side of the causeway leading towards Charlestown, which included what is now called the Mill Pond and flats on either side of the present causeway, on condition they should erect one or more Corn Mills within three years, and maintain the same forever; and for and in consideration of other things to be done on the part of said proprietors, as by reference to the records of the said grant, and of other proceedings of the said town relative to the

premises, by reference thereto in the town's books, will fully appear. And whereas the estate granted to said Simons and others as aforesaid, is now vested in the said Boston Mill Corporation, subject to the said original conditions and obligations, and whereas by a change of circumstances in said town it is conceived by the parties to these presents that it will be for their mutual advantage that the town should wave and release the conditions and obligations annexed to the said original grant, for a just and valuable consideration, and that the premises should be filled up and made fit for building by excluding the water; and the said Proprietors are content in exchange for such release to fill up and convert the premises into solid land, and to grant and confirm to the town of Boston forever an estate in fee simple, in and to one eighth lot so filled up, of every tract or portion of the premises, which shall within twenty years from this date be filled up and converted into solid land within and without the present existing causeway, and one undivided moiety of every lot or portion of the premises, which at the expiration of said term shall not be filled up and converted into solid land, or boxed out in a manner equivalent to filling up. This Indenture witnesseth, that the inhabitants of the town of Boston, in consideration of five dollars, to them in hand paid, by the Proprietors of said Boston Mill Corporation, and of the grants and

covenants herein after declared and made by the said Proprietors, have remised, released and quitclaimed, and do hereby remise, release and quitclaim to the said Proprietors and their successors forever, all conditions, right, title, interest and estate whatsoever, in and to all that tract of land which was originally granted by said inhabitants to said Simons and others, including that tract now called the Mill Pond, and the land and flats on the outside of the present causeway, to the same properly belonging, and to all the creeks, passages, water courses, privileges and appurtenances whatsoever in any way belonging to or included in the said original grant, the same being now in the actual possession of said Proprietors, so that the said Proprietors and their successors may hold and enjoy the same forever, as a good estate in fee simple, free from all claims, demands and incumbrances by the said Inhabitants, or with their consent or procurement to be made or done; subject only to the grants, covenants, and conditions hereinafter contained and expressed. And the said Proprietors for and in consideration of the premises and of five dollars, to them in hand paid, by the said Inhabitants, the receipt whereof they hereby acknowledge, have granted, bargained, and sold and confirmed, and do hereby grant, bargain, sell and confirm to the said Inhabitants, and their successors forever, four undivided eighth parts of the said tract of land, called the

Mill Pond, now covered with water, and the land and flats on both sides of the present causeway, to the same properly belonging, (excepting the Mill Creek and such other canals as may be agreed to be kept open for the passage of boats, and excepting also the mills and other buildings belonging to the said Proprietors.) To have and to hold the same to the said Inhabitants and their successors forever, as tenants in common, with the said Proprietors; but upon the following express condition, viz. That if the said Proprietors or any persons claiming under them shall within twenty years, from the date of these presents, cause the premises or any parts or parcels thereof, lying within or without the present causeway to be filled up and converted into solid land, or boxed out in a manner satisfactory to the Selectmen, as equivalent to filling up, and if the said Proprietors or others claiming under them, shall at their own cost and expense, actually fill up and convert the premises into solid land, or box them out as aforesaid, fit for the erection of buildings, and shall assign all their right and estate to one eighth part so filled up as aforesaid, to the said Inhabitants, to be held by them in severalty forever, by deed duly executed, then and so often as the eighth part of such parcel of land filled up as aforesaid, without expense to said inhabitants shall be assigned to them as aforesaid, then and in every such case this grant, so far as respects three un-

divided eighth parts of every such parcel shall be void, and all the right, title, and estate of the said Inhabitants in and to three undivided eighth parts of every such parcel shall cease and determine; and the said Inhabitants shall thenceforth stand and be seized of the eighth part thus assigned to them in severalty in lieu of all their right, title and estate in every such parcel so filled up or boxed out as aforesaid; and the said Proprietors and those claiming under them shall stand thenceforth seized in severalty of seven eighth parts of every such parcel to the use of themselves and successors forever. And the said inhabitants do hereby covenant and agree with the said Proprietors, their successors and assigns, that whenever and so often as any part or parcel of the premises shall be filled up or boxed out as aforesaid, by said Proprietors, or those claiming under them as aforesaid, one eighth part thereof, equal in situation and value to the same quantity of the residue of such part or parcel, shall be offered to be assigned to said Inhabitants, they shall accept the same in lieu of their interest and estate in the moiety of such part or parcel; and will thereupon, and from time to time make, execute, and deliver to said Proprietors, their successors or assigns, upon request, any deed, instrument or assurance that may reasonably be devised for making partition of the premises agreeably to the true intent and meaning of these presents, and for releasing

and confirming to said Proprietors, their successors and assigns, all the right and estate of said Inhabitants in and to the residue of every such part or parcel, agreeably to the true intent and meaning of these presents: *Provided always*, That in case of any disagreement between the said parties or their assigns, respecting the value or situation of the eighth part of any tract, intended to be assigned to the Inhabitants, it shall be lawful for either party to apply for partition according to law, and the eighth part of every such tract which shall thereupon be divided and allotted to the Inhabitants shall be assigned to said Inhabitants, and the residue thereof remain vested in and be released to said Proprietors, their successors and assigns. And the said Inhabitants further covenant, that they will from time to time appoint and keep constantly appointed one or more Commissioner or Commissioners with full power to superintend their right and estate in the premises, to manage the concerns thereof and to perform in their behalf all covenants, and to make and execute all deeds and conveyances which may be requisite, according to the intent of these presents, and especially to agree with said Proprietors, from time to time, upon the partition of their estates; and the doings of such Commissioner or Commissioners shall be binding on the Inhabitants. And the said Proprietors for and in

consideration of the premises, and of five dollars to them paid, do hereby grant, bargain, sell and release to said Inhabitants, one acre of the land in said Mill Pond, to be taken at or near the centre thereof, filled up by the said Proprietors, and reserved for the use of said Inhabitants, and be disposed of at their pleasure: *Provided however*, That the same shall be taken and marked out on some plan of said Pond, by the town's Commissioners, to be appointed as aforesaid, within twelve months from the date of these presents.

And whereas certain claims and controversies may arise between the said Proprietors and the owners of estates abutting on said Mill Pond; the said Proprietors do hereby covenant, that in all cases wherein the same cannot be adjusted by agreement, they will consent that the same be settled by arbitration, under a rule of the Supreme Judicial Court. And the said Proprietors further covenant and agree that the Mill Creek, so called, shall be continued by them and kept open of its present width to Charles River; subject only to such variation as may be mutually agreed to by the town, and the Proprietors. And the said Proprietors do further covenant, that portions of said Pond shall be appropriated for the accommodation of the several Baptist churches abutting on said Pond, pursuant to articles of agreement now subsisting between them and the Proprietors; the agreement with the First

Baptist Society bearing date the twenty-third day of May last, and the agreement with the Second Baptist Society bearing date the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and four. And the said Proprietors further covenant, that such common sewers shall be laid and carried through said Pond from time to time, as the same shall be filled up, as the Selectmen of Boston, for the time being, shall direct and approve, and that the materials used for filling up said Pond shall be such as the said Selectmen shall approve; and also that all streets shall be laid out conformably to a plan of said Pond already taken by Charles Bulfinch, Esq. one of the Selectmen of Boston, hereunto annexed; subject to such alterations as the Selectmen may direct, provided that the whole quantity of land assigned for streets shall not exceed the quantity appropriated agreeably to said plan, and when made, shall be finished fit for paving, at the expense of said Proprietors, and all necessary bridges over such canals as may be reserved, shall be also at the expense of the Proprietors, and that the town shall be indemnified by said Proprietors from all expense, loss or damage from any of the operations of the Proprietors. And the said Inhabitants covenant and agree, that it shall be lawful for said Proprietors, or any persons claiming under them, from time to time, and at all times, for and during the said term of twenty years, to enter upon all, or any part

of said premises that shall not be assigned to the Inhabitants in severalty in manner aforesaid, for the purpose of filling up, dyking, boxing or improving the same at their pleasure. And the said Proprietors covenant and agree with the said Inhabitants, that the flood gates at the western end of the causeway shall be restored and kept open as formerly accustomed, so long as the Selectmen shall deem expedient. In Witness whereof, we the said Commissioners in behalf of the town of Boston ; and the agent appointed by the said Corporation have set our hands and seals to this Instrument, subject to ratification by the Inhabitants of the town, and the said Corporation ; which ratification shall be entered at the foot hereof, attested by the Town Clerk and the Clerk of the said Corporation.

JOHN PECK, *Agent for the Boston
Mill Corporation.*

**JNO. DAVIS,
WILLIAM PARSONS,
WILLIAM BROWN,
JOHN QUINCY ADAMS,
JOHN JOY,
TRISTRAM BARNARD,
REDFORD WEBSTER.**

*Signed, sealed and delivered - }
ed in presence of us. } S. F. McCLEARY,
JOSEPH MAY,*

AT a Meeting of the Boston Mill Corporation, on the twenty eighth of July, A. D. 1807, by adjournment from Saturday the

twenty seventh of June to this day, VOTED,
That a contract made by John Peck, with
the Commissioners appointed on the twenty
seventh day of June by the Selectmen of the
town of Boston, in behalf of the Inhabitants
of said town, which is dated twenty fourth
day of July, 1807, be, and the same is here-
by ratified and declared to be binding upon
the Corporation, and that the same be enter-
ed on record, and that this vote be enter-
ed on the original instrument and attested
by the Clerk with the seal of said Corpora-
tion affixed.

Attest, WILLIAM SMITH SHAW, *Clerk.*

—•—

AT a Meeting of the Freeholders and oth-
er Inhabitants of the town of Boston, duly
qualified and legally warned, assembled at
Faneuil Hall, on Monday the third day of
August, by adjournments from Thursday the
fourteenth day of May, A. D. 1807, the re-
port of the Commissioners chosen by the Se-
lectmen on the part of the town relative to
the Mill Pond was read; and, after debate,
was Voted to be accepted. Also Voted,
That the Selectmen be, and hereby are au-
thorized and fully empowered to carry the
conditions of the agreement and contract,
which has been ratified by the town into full
effect.

Attest,
WILLIAM COOPER, *Town Clerk.*

SUFFOLK, ss. *Boston, 24th July, 1807.* Personally appeared Hon. John Davis, William Parsons, William Brown, John Quincy Adams, John Joy, Redford Webster, Tristram Barnard, and John Peck, Esq'rs. and acknowledged the foregoing to be their free act and deed, in their several capacities as Commissioners for the town of Boston, and as agent of the Boston Mill Corporation, before me,
 JOS. MAY, *Jus. Pacis.*

THIS Indenture made and concluded this twentieth day of July, in the year of our Lord, 1808, between the Inhabitants of the town of Boston, by their Selectmen, their Commissioners and agents in this behalf duly appointed on one part, and the Proprietors of the Boston Mill Corporation, by JOHN PECK, their agent in this behalf duly appointed on the other part. Whereas, by a certain Indenture made and concluded the twenty fourth day of July, in the year of our Lord, one thousand eight hundred and seven, between the Inhabitants and the said Proprietors, and afterwards on the third day of August, in the year of our Lord one thousand eight hundred and seven, at a public town meeting of said Inhabitants accepted. It was among other things covenanted and agreed between said parties, that all the streets should be laid out conformably to a

plan of the Mill Pond already taken by CHARLES BULFINCH, Esquire, one of the Selectmen of Boston, annexed to said Indenture, subject to such alterations as the Selectmen may direct. And it was also covenanted and agreed between said parties, that the Mill Creek, so called, should be continued by them and kept open of its present width to Charles River; subject only to such variations as may be mutually agreed to, by the Town, and the Proprietors. And whereas it now appears to the said Selectmen, to be for the benefit of the said Inhabitants, that certain alterations should be made in some of the streets laid down on said plan, and also in the width of said Creek, and the said Selectmen and Proprietors have mutually agreed upon said alterations. Now this Indenture witnesseth, that the plan so annexed to the foregoing in part recited Indenture, of the twenty fourth day of July, in the year of our Lord, one thousand eight hundred and seven, shall be so far altered as to conform to a certain plan of the Mill Pond, and of the Streets and Creek or Canal, laid out, or intended to be laid out, through, and over the same, which is subscribed by the parties to these presents, and annexed to the same, and this plan so annexed to this Indenture, shall so far as respects the said Streets and Canal, and the land reserved to the town of Boston, for a public Market, be deemed and taken to be the true plan by which the laying out of said Streets, Canal

and public Market, shall be regulated and the same plan shall be substituted in lieu of the plan annexed to said part recited Indenture, and be considered to have the same legal operation and effect, as if it had been originally annexed to said Indenture and the said plan so originally annexed to said Indenture of the twenty fourth day of July, in the year of our Lord, one thousand eight hundred and seven, shall be deemed, and taken to be so altered as to conform to the plan hereto annexed. And the land marked out on said plan by the Selectmen and designated by the word "Market," shall be, and hereby is agreed to be, the one acre of land which in and by said first recited Indenture was sold to said Inhabitants by said Proprietors, to be taken at, or near the centre of said Pond, filled up by said Proprietors, and reserved for the use of said Inhabitants, and the same is hereby confirmed to said Inhabitants according to the true intent of said recited Indenture. And it is further agreed, that the said Creek or Canal, instead of its present width, shall be forty feet in width from the westerly end thereof, where it may join Charles River, throughout the whole course thereof easterly, till it comes to the westerly side of Market Street, and thence shall be continued to, and through the present Mill Creek only twenty feet in width; and it shall be lawful for said Inhabitants to cover over with timber and planks, or in any other manner which shall be agreeable to

the Selectmen for the time being, that part of said Canal which is hereby reserved and intended to be twenty feet wide: Provided only that no interruption or impediment shall be made or permitted below said covering to boats or rafts passing through or into said Canal, and that no other part of said Canal shall be bridged or covered over by said Inhabitants. This provision however not to be so construed in any way to discharge, annul, or impair the covenants and obligations of the Proprietors of the Boston Mill Corporation to make all necessary bridges over the Canals reserved according to the true intent and meaning of the aforesaid Indenture, of the twenty-fourth day of July, in the year of our Lord one thousand eight hundred and seven. And it is further expressly agreed, between the parties, that all the land between the two divisions of the land reserved for the Town's use as aforesaid, and the bridge or covering which may be made upon, or over said Canal and marked BB on said plan, shall be forever kept open and reserved for a public highway, the same being one hundred and ten feet in width. And the said Proprietors of the Boston Mill Corporation hereby covenant and agree with said Inhabitants and their successors, that they will cause to be inserted in every deed or conveyance of land or lots on each side of said Canal, a condition, that the purchaser and his assigns shall build and keep in re-

pair, without expense to the town, a substantial and sufficient head or abuttment of wood or stone, so that the water of said Canal and the boats and rafts doing business thereon, may pass without interruption; and that the said proprietors of the Mill Corporation will build a sufficient head or abuttment, which abuttment shall be of wood or stone at their pleasure, against the Town's proportion of said Canal, to the satisfaction of the Selectmen; and that no building shall be erected on the wharf on the south side of the Canal upon penalty that if this covenant be broken it shall be lawful for the Selectmen to remove and demolish the same at the expense of the Proprietors of the Boston Mill Corporation, or of the owner of said building.

In witness whereof, the parties before named have hereunto interchangeably put their names and seals, on the day and year first above written.

JOHN PECK, *Agent for the Boston Mill Corporation.*

**CHARLES BULFINCH,
WM. PORTER,
EBEN'R OLIVER,
JON. HUNNEWELL,
JOHN MAY,
FRANCIS WRIGHT,
JON. CHAPMAN,
NATHAN WEBB,
JOSEPH FOSTER.**

Signed, sealed and delivered in presence of us
N. B. The word "been" in the fifteenth line
was interlined before signing, &c.

**WILLIAM COOPER,
JOHN GARDNER.**

SUFFOLK, ss. *Boston, July 20, 1803.* Then John Peck, in his capacity as above mentioned, and Charles Bulfinch, William Porter, Jonathan Hunnewell, John May, Francis Wright, Jonathan Chapman and Nathan Webb in their capacities as above mentioned, acknowledged the above Instrument by them respectively signed and sealed, to be their free act and deed. Before

JOHN GARDNER, *Jus. Peace.*

SUFFOLK, ss. *Boston, Aug. 24, 1803.* Then Ebenezer Oliver and Joseph Foster, in their capacities as above mentioned, acknowledged the above Instrument by them respectively signed and sealed, to be their free act and deed. Before

JOHN GARDNER, *Jus. Peace.*

Report on the petition of Isaac P. Davis and others, for liberty to build a Mill Dam and Turnpike Road from the bottom of Beacon Street, and for other mill improvements.

At a legal Meeting of the Inhabitants of the Town of Boston, on the 11th day of June, A. D. 1813:

ON the petition of Isaac P. Davis and others, for liberty to build a mill dam and turnpike road from the bottom of Beacon street and for other mill improvements:

Voted, To refer the same to a committee consisting of the board of Selectmen, and one gentleman from each ward of the town, to take the subject into consideration, and report at a future meeting, what measures it will be proper for the town to adopt to secure their interest in the premises.

The following gentlemen were nominated and chosen for the wards, viz.

Col. THO'S. BADGER,	No. 1
R. WEBSTER, Esq.	2
Dea. RAINSFORD,	3
Mr. JOSIAH MARSHALL,	4
LYNDE WALTER, Esq.	5
Mr. THOS W. SUMNER,	6
BENJ. AUSTIN, Esq.	7
SAM. M. THAYER, Esq.	8
ISAAC WINSLOW, Esq.	9
SAMUEL COBB, Esq.	10
Col. D. MESSINGER,	11
Dea. R. FAXON,	12

A true Copy from the Records,

Attest,

THOMAS CLARK, *Town Clerk.*

BOSTON, *October 12, 1813.*

The above committee have prepared, and beg leave to offer the following report:

That they have maturely considered the subject committed to them, have viewed plans of the dams and basins proposed to be connected with this town, and the other extensive improvements projected by the petitioners.

They have principally confined themselves to the consideration of that part of the plan, which immediately relates to the interest of the town's land, and the private abutters. The committee publickly invited all persons to appear and state their objections to the proposed project: A memorial was received from a number; but the committee are happy to state, that few material objections have been made, and that they can be in a great measure obviated by suitable provisions to be inserted in the grant from the town, and in the act of incorporation.

The committee have considered, that if, to the commercial advantages of this town, permanent establishments for manufactures of various useful kinds could be added, the interest of the town would be greatly promoted; large amounts of capital, which are now forcing their way in distant and inconvenient situations, would be retained among us; all classes of our citizens would find new sources of employment; and an extensive tract of land, the property of the town, would be rendered valuable, and in a few years be covered with the habitations of useful and industrious citizens, adding strength to the town, and a permanent accumulation of its resources. The design of the petitioners appears to embrace these desirable objects in a more extensive degree, than any which has been hitherto offered for public

consideration; and should the plan be adopted in its full extent, by which it is contemplated to form a communication, by means of the Middlesex Canal, of Charlestown, Cambridge, Watertown, Brighton, Brookline and Roxbury, with the great basin west of the neck, a field for improvement and enterprise would be exhibited on all the shores opposite to the western and southerly sides of the town.

The Committee therefore propose, that the Town should express their approbation of the plan of the petitioners, on the following conditions.

That the Town will cede or grant to the Corporation when organized, the land and flats lying about the shores of the bay west of Boston neck, as they are limited and circumscribed by streets laid down on a plan herewith presented, and which are described as follows.—Beginning at a point 450 ft. west of Beacon street, thence running southerly to a point in the direction of the middle line of South Bridge street, 550 ft. distant from the west side of Orange street; thence south westerly to the westerly line of Suffolk street, as laid down on the plan of Town lands, being 350 feet from Washington street, thence westerly at a right angle on Dedham street 350 feet, thence southerly at a right angle on Middlesex street 500 feet, thence westerly at a right angle on Brookline street 350 feet, thence southerly at a right angle on Worcester street 900 feet, thence westerly

at a right angle on Concord street 350 feet, thence again southerly at a right angle on Hampshire street 1000 ft. and lastly, at a right angle westerly on Northampton street about 1000 ft. to the boundary line between the towns of Boston and Roxbury. The town and individual proprietors to retain all the land flats within said streets.

This grant to be upon the following conditions.

1. That said corporation shall, within five years from the first of January, 1815, cause to be erected, in a direction prescribed by the legislature, and not further north or east than South Boston bridge, a firm solid Dam from Boston to South Boston, faced with stone on the north easterly side at least, well calculated to endure, and effectually to keep out the tide waters from the eastern basin, with gates, sluice ways, &c. proper to let the water out of said basin.

2. That said corporation shall, within the same time, cause to be erected from the end of Beacon street, to some point directed by the General Court, a firm and solid Dam, well calculated to endure, and effectually to retain the tide waters within the basin formed thereby; with gates, sluice ways, &c. proper to admit the tide waters and to retain the same; such Dam, or such part thereof as shall be necessary for a street to Roxbury or Brookline, to be at least 42 feet wide at the top, and of a height sufficient for a good and permanent road thereon, and faced on both sides with substatial stone

walls, except in those places reserved for gates and sluices. Which road over said Dam, shall within the same time, be established and finished, in the manner to be provided by the act of incorporation.

3. That said corporation, or other persons having a right from said corporation, shall, within 5 years from 1st January, 1815, erect and employ Mills, with machinery of sufficient power to turn 14 pair of common sized mill stones, upon sluice ways leading across Washington street; and in case said corporation shall fail to perform either of the above conditions within the time aforesaid, then the grant from the town of Boston shall be wholly void, and the land and flats shall revert to the town.

4. And if at any time, after the first January, 1820, either from the insufficiency of the Dams, want of water, or other cause, there shall fail, for one year, to be kept employed a power sufficient to turn 14 pair of mill stones as aforesaid, then all said land and flats, shall revert to the town. But should, previous to such failure, any of the lands or flats hereby granted under the foregoing conditions have been sold by said corporation, conditioned to erect mills with their necessary buildings and establishments; then, in order to do ample justice to the parties who may be injured by the non-fulfilment of the agreement on the part of the corporation, such lands shall be appraised by commissioners to be appointed for that

purpose, on the joint agreement of the town and the parties, to appraise the value of said lands exclusive of any buildings, and their award shall be binding on such individuals and on the town.

5. That in selecting situations for building mills on the land belonging to the town, the said corporation shall be first restricted to the six most northerly streets, which are laid out from east to west across the town's land on the neck; and shall have liberty to lay sluice ways in the middle of said streets, free of any expense for the land so passed through; provided that sluice ways shall be substantially and well laid with stone in every part, and of a suitable depth to serve as drains and common sewers to the adjacent lots. And the owners of such lots shall have liberty to convey their drains into said sluices free of expence. And all earth dug from the trenches to lay said sluice ways, shall not be carried away, but shall be spread to form the streets and raise the town's lots, and all pavement taken up for this purpose shall be relaid at the expense of the corporation.

6. That all damages or injury of whatever kind which shall arise to any individual within the town of Boston, in consequence of this agreement between the town and said corporation, shall be compensated and paid by said corporation, in the manner to be provided by an act of the General Court.

7. And whenever the town or other owners abutting upon any of the streets which are designated as the boundaries of the town's grant, shall agree to build any of such streets, the expense of building the same, when the corporation shall abut on the other side, shall be borne, one half by said corporation and one half by the abutters. Provided that the town shall not be at any charge in maintaining any of such streets, until they shall have been completed to the approbation of the surveyors of highways.

And it is further agreed by the Inhabitants of the Town of Boston :

8. That if said Corporation should think it expedient, they shall have liberty to cut a Canal in some convenient place between South Boston Bridge and Gibson's wharf, in a direction, and of dimensions, suitable to admit vessels of 120 tons burthen, from the east harbour into the full basin on the west, provided that such canal shall be well faced with stone on both sides ; and that a street shall be made on each side thereof, not less than 30 feet wide : one of which streets shall border immediately upon the canal, and the other shall not be more than 100 feet distance from the other side of said canal. And the land through and over which said canal and street shall pass, shall be purchased by said corporation : and said canal and streets shall be built and finished, at the expense of said corporation ; said canal

to be furnished with suitable gates or locks for the admission of vessels, and also with draw bridges of the most approved construction, where it shall intersect Front Street and Orange Street. Said canal shall be toll free ; but the maintainance of the same, for repairs, for working the gates and raising draws, shall be at the expense of the corporation.

9. And if said corporation should think it expedient, they shall have liberty to dig a canal through the Town's land on the westerly side of the neck, from the full basin to Roxbury, in a line parallel to Washington Street ; and at such a distance therefrom, and of such depth and width as shall be regulated and approved by the trustees for managing the Town's lands on the neck. And the earth taken out to form said canal shall be for the use of said corporation, to build the dam or other purposes.

And the Committee further recommend, That agents be appointed by the Town, to attend the sittings of the Committee of the General Court, to whom the petition is referred ; to have the above recited conditions inserted in the act of incorporation, or made the subject of a special instrument of agreement, between the petitioners and the Town, which shall be referred to and confirmed by the act of the legislature. And that such Committee be directed to have inserted in the act of incorporation, such terms and regulations of subscription for shares as shall

secure a right of subscription for a due proportion of such shares, to all persons who may wish to engage in the undertaking.

By order of the Committee,

CHARLES BULFINCH, *Chairman.*

The above report will be considered at the Town meeting on Wednesday the 20th instant.

October 20.—The within report was accepted, and the following Gentlemen chosen a Committee to carry it into effect.

Hon. THOMAS DAWES,
WILLIAM SULLIVAN,
CHARLES DAVIS,
WILLIAM HAMMATT,
JOSIAH MARSHALL, Esqrs.

An act of incorporation was granted by the Legislature, June 14, 1814—and an additional Act of June 19, 1816.



An Act to establish the Boston and Roxbury Mill Corporation.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Isaac P. Davis, Uriah Cotting and William Brown, their associates, successors and assigns, be, and they are hereby made a body politic and corporate, by the name of the Boston and Roxbury Mill Corporation; and by that name may sue and be sued, prosecute and be prosecuted to final judgment.*

and execution: And said Corporation shall have power to make and use a common seal, and the same to break and alter at pleasure, and may from time to time, make by laws for the regulation of the affairs of the Corporation: *Provided*, The same be not repugnant to the laws of the Commonwealth; may purchase and hold real and personal estate, (not exceeding in value 2,000,000 of dollars,) necessary to promote the objects of the Corporation; and in general, may do and suffer all other acts and things, which bodies corporate may, or ought to do and suffer.

SEC. 2. *Be it further enacted*, That said Corporation shall have power to build a Dam from Charles street, at the westerly end of Beacon street, to the upland at Sewall's Point, so called, in Brookline, and as near as may be to the north side of tide mill creek, which Dam shall not be less than forty-two feet wide on the top, and made so as effectually to exclude the tide water, and to form a reservoir or empty basin of the space between the Dam and Boston Neck; and said Corporation shall have power to build a Dam from Boston to South Boston, not northerly or easterly of South Boston Bridge, with gates, sluiceways and other things necessary to admit and detain the tide water between said Dam and Boston Neck, at the height of common tides; and shall make in said Dam a good and sufficient lock, for the passage of rafts containing not less than ten thousand

feet of timber or boards, of vessels and boats, burthen from ten to one hundred and fifty tons, and boats and barges of any dimensions, loaded with powder, to and from said basin, free of toll: *Provided*, That no vessel of less than fifty tons burthen, shall have a right to pass said lock, at any other time than at or near high water; all vessels however lying in said basin, paying to said Corporation the customary dockage of the town of Boston, excepting where they shall lay at the wharves of any person, who in such case may charge and receive the same to their own account. And the said Corporation may run a Dam from Gravelly Point, in said Roxbury, to the Dam first above described, so as to inclose the tide water within tide mill creek, and may connect the same with the full basin on the east, by a canal, of at least one hundred feet wide, to be cut in some convenient place from said creek to the canal by Davis' works, in said Roxbury, and may raise the banks of said canal and dike, the borders of the marshes on the easterly bank of said creek, so as to prevent the tide from flowing at any time into the empty basin, and boats and other things may pass and repass in said Canal at all times free of toll. And it said Corporation shall fail for the space of three years, from the passing of this Act, to secure the tide waters as aforesaid, within said tide mill creek, and to connect said creek to the said full basin on the east as is above described, then the Legislature may compel the ex-

ecution thereof, upon such terms, and under such penalties and forfeitures, as it may think proper to impose. And the said Corporation may cut any number of convenient race ways, from the full basin to the empty basin aforesaid, may maintain and keep up all their said works forever, and may lease or sell the right of using the water, and upon any terms, and in any manner they may think proper; and no person shall have a right to dispose of said water, without the consent of said Corporation.

SEC. 3. *Be it further enacted,* That the said Corporation shall have power to make and finish the Dam, in this Act first mentioned, and connect the different parts thereof by bridges and causeways, so as to render the same a good and substantial road, suitable for the passing of men, loaded teams, carts, and carriages of all kinds, and shall open a road not more than eighty feet, and not less than forty two feet wide, from some point of said Dam, where it crosses the marshes in Brookline, to the end of the Worcester turnpike, near the Punch Bowl tavern, so called, in said Brookline, which road shall be made in a straight line, as nearly as can be done with convenience; and when the road on said Dam shall be finished, railed at the sides, and furnished with lamps to the satisfaction of the Selectmen of Boston, the said Corporation may receive toll for passing over the same, at the same rate as is now granted to the proprietors of the West Bos-

ton Bridge : *Provided*, That no toll shall be received as aforesaid, until said Dam, and the Dam from Boston to South Boston, with the lock therein shall be completed, in a substantial manner, so as effectually to answer the purposes intended and set forth in the second section of this Act. And if said Corporation or some person under them, shall not, within five years from the passing of this Act, establish mills, employing a power equal to turning twenty pair of common mill stones, the Legislature may suspend, as long as it shall think proper, the right of said Corporation to take any toll as aforesaid. And the proprietors of the marshes in Brookline shall have the privilege of passing free of toll, to and from their marshes, from and to the upland in Brookline, over said road or Dam, and the said Corporation shall make and maintain, at its own expense, a suitable number of sloping bridges, leading from the sides of said road and Dam to the surface of the marsh land, and convenient to carry off the hay.

SEC. 4. *Be it further enacted*, That the said Corporation shall be entitled to all the advantages and benefits of the engagements of the town of Boston with the petitioners of this present Act, as the same are expressed in the doings of said town at its meetings of the eleventh of June, and the twentieth of October last past; but shall have and enjoy the same however, upon the same terms and conditions, and subject to all the restrictions,

expressed in the report of said town committee, and accepted and recorded by the said town, at its meeting last above mentioned.

SEC. 5. *Be it further enacted,* That the Board of Health of the town of Boston, be, and hereby is authorized and empowered to cause the flats, on the westerly side of Boston, within said empty basin, or any portion of them, to be kept constantly covered with water, if in the opinion of said Board it shall be necessary to the health of the inhabitants of said town; and for that purpose, to cause a Dam of suitable height, at their discretion, to be placed and kept at the sluice gate or gates in the principal Dam of said empty basin, in order to retain the water therein, at the sole expense of said Corporation.

SEC. 6. *Be it further enacted,* That any person or corporation, sustaining any damage by the building of said Dams, bridges or causeways, or from cutting said canal or race ways, or from the exercise of any of the rights and powers, herein given to said corporation, may apply (if within one year from the time any such damage may have happened) to the Court of Common Pleas for the county in which the land lies, for a committee to be appointed to estimate the damage, and upon such application, the Court after thirty days notice to said Corporation to appear, and shew cause why such committee should not be appointed, shall, if no good cause be shewn to the contrary, ap

point three or five disinterested freeholders within the same county, at the expense of said Corporation, which committee being first duly sworn before some Justice of the Peace, to be nominated by said Court, and giving due notice to both parties to appear, if they see fit, for a hearing before them, shall proceed to the duties of their appointment; and they shall first inquire, whether any damage has been sustained from the causes aforesaid, and if any, they shall estimate the same, and where the damage is annual, they shall so declare the same in their report, and shall make return of their doings as soon as may be, into the said Court, and upon the acceptance of said report, judgment may be given thereon, with reasonable costs to the party prevailing: *Provided however,* That either party after the return of said report, may claim a trial by jury, and the Court shall thereupon stay judgment on said report; and upon such application for a jury, the Court shall issue a warrant to the Sheriff of the same county, or if the Sheriff shall be interested, then some Coroner, by name, who is not interested, directing him to summon a jury of twelve good and lawful men, which jury shall be sworn, and in all things shall proceed as is above directed, as to said committee, due notice to the parties being first given by the officer, of the time and place of their meeting; and their verdict shall be sealed up, and the officer shall return the same into

Court, and judgment may be entered thereon: and if the party applying for a jury shall not obtain, in case it be the original applicant, an increase of damages, or in case it be the original respondent, a decrease of the damages awarded by the Committee, such party shall pay reasonable costs of such trial by jury, otherwise shall recover reasonable costs; and upon any judgment rendered upon the report of such committee on the verdict of such jury, the Court may issue its execution accordingly, and also from year to year where the damages awarded are annual, on motion of the party entitled thereto, and an action of debt may be maintained on such judgment; and if upon notice to said Corporation as aforesaid, to shew cause why such committee should not be appointed, said Corporation shall appear and deny the applicants title to the land damaged, or claim a title to do what is complained of, without the payment of damages, or for an agreed composition, the Court shall first order a trial of the issue at the bar of said Court, or if there be an issue in law, shall try it themselves, and in either case, either party may appeal to the Supreme Judicial Court, as in other cases; and a certificate of the determination of the Supreme Judicial Court on such appeal in favour of the original applicant, shall be filed in said Court of Common Pleas, before such committee shall be appointed; and where annual damages are awarded by said com-

mittee, or said jury, and judgment had accordingly, each party shall be entitled, after two years, to apply to said Court of Common Pleas, for an increase or decrease of said damages; and thereupon the same proceedings shall be had, as upon the original application.

SEC. 7. *Be it further enacted,* That the stock and property of said Corporation shall be divided into three thousand five hundred shares, certificates of which shall issue under the seal of the said Corporation, and be signed by the President and Treasurer thereof, and said shares shall be deemed and taken to be personal estate, and may be transferred by deed acknowledged before some Justice of the Peace, and recorded by the Clerk of said Corporation in a book to be kept for that purpose; and the original subscription, for at least fifteen hundred shares, shall be public, and continue open at least ten days, or until the whole shall be subscribed for, the time and place for which shall be regulated as hereafter provided.

SEC. 8. *Be it further enacted,* That Isaac P. Davis, Uriah Cotting and William Brown, or the major part of them, may call the first meeting of said Corporation, by giving seasonable notice of the time and place for the same, in the *Columbian Centinel* and *Independent Chronicle*, printed in Boston; and at the said meeting there shall be appointed, by a majority of votes, a Clerk, who shall be duly sworn to record the doings

thereof; and also a committee of five persons, who shall direct the time and place for opening the public subscriptions for at least fifteen hundred shares as above mentioned, and shall appoint some person or persons to superintend the same; and shall also direct the manner in which the other shares may be subscribed for: *Provided*, That no person, in any case, shall subscribe for more than fifty shares; and when two thousand shares shall be subscribed for, the said committee shall notify the subscribers to meet at some convenient time and place for the purpose of more fully organizing and arranging the affairs of said Corporation, at which meeting every person shall be entitled to a number of votes equal to his number of shares; and the powers and duties of the President and other officers and servants of the Corporation, together with the time and manner of choosing, and the number of the same may be regulated by the bye laws of the Corporation.

SEC. 9. *Be it further enacted*, That the said Corporation, or its officers, duly authorized, by its bye laws, may make assessments upon the shares subscribed for, for the purpose of effecting the objects of the Corporation, and for any other necessary purpose; *Provided however*, That the whole amount of the assessments on each share shall not exceed the sum of one hundred dollars, after deducting the amount of any dividends previously declared thereon; and in case the

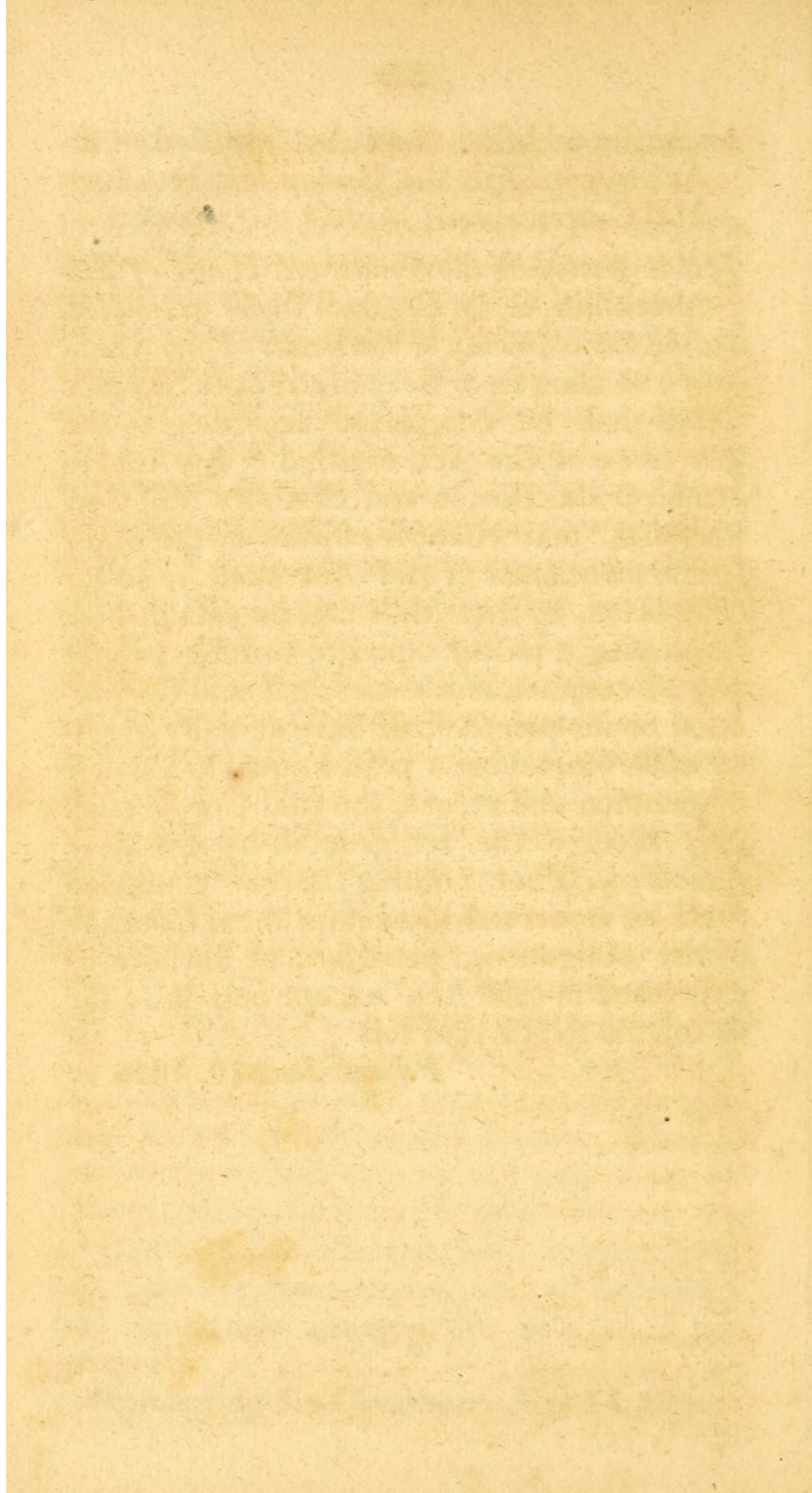
amount of one hundred dollars so assessed upon each share, will not supply the necessary funds, the Corporation or its officers, duly authorized, may raise the funds required by selling any shares not subscribed for, or by creating and selling any number of shares over and above the said three thousand five hundred: And if the proprietor of any share shall neglect or refuse to pay any assessment for the term of thirty days from the time appointed therefore, the share or shares of such proprietors may be sold at public auction, notice of the time and place of such sale being given by the Treasurer of said Corporation, in some public newspaper printed in Boston, three weeks at least previous to the time appointed therefore; and the proceeds of the sale shall be applied to the payment of the assessments due on the share or shares so sold, with incidental charges; and the surplus, if any, shall be paid by said Treasurer to the former owner, or his legal representatives on demand; and such sale shall give a good and complete title to the purchaser of such share or shares, and he shall receive a new certificate therefore: *Provided however,* That if before the actual sale of any such share or shares, the proprietor thereof will pay the assessments due thereon, with interest from the time they became due, and all necessary and reasonable charges, the sale shall not proceed.

Approved by the Governour, June 14, 1814.

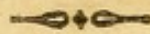
An Act in addition to an Act entitled, "An Act to establish the Boston and Roxbury Mill Corporation."

BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whenever the Dam from Beacon street to Sewall's Point shall be completed according to the provisions of the Act, entitled "An Act to establish the Boston and Roxbury Mill Corporation," and whenever either of the other Dams mentioned in said Act shall be so far completed, as that Mills can be established, employing a power equal to turning twenty pair of common mill stones, and said Corporation or its assigns shall have actually erected mills employing a power equal to ten pair of common mill stones, the said Corporation may receive the toll granted by said Act: Provided, That nothing herein contained shall be construed to exempt them from any of the obligations, penalties, or forfeitures expressed in said Act, except only in so far as relates to the said toll.

Passed June 19, 1816.



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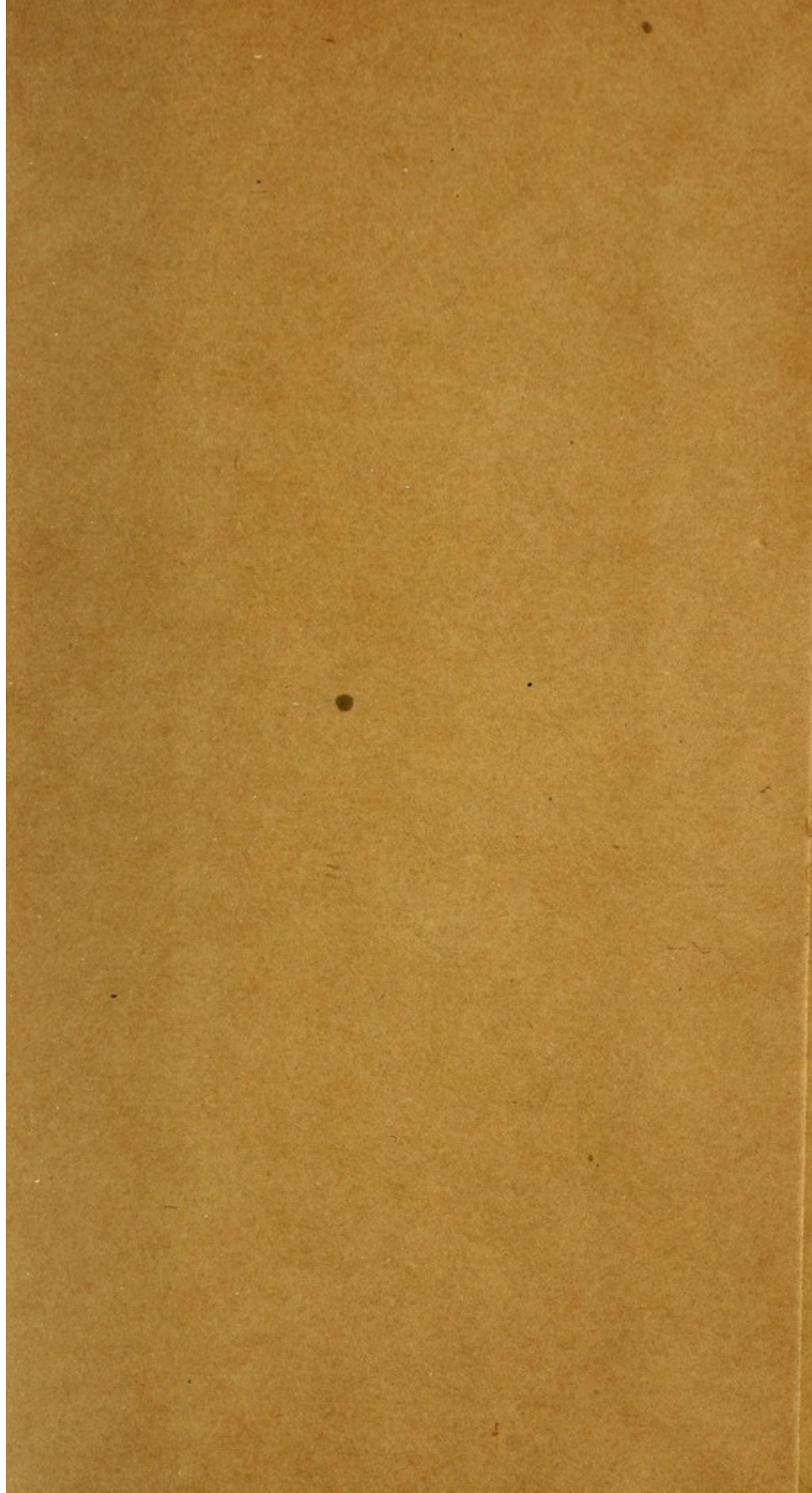


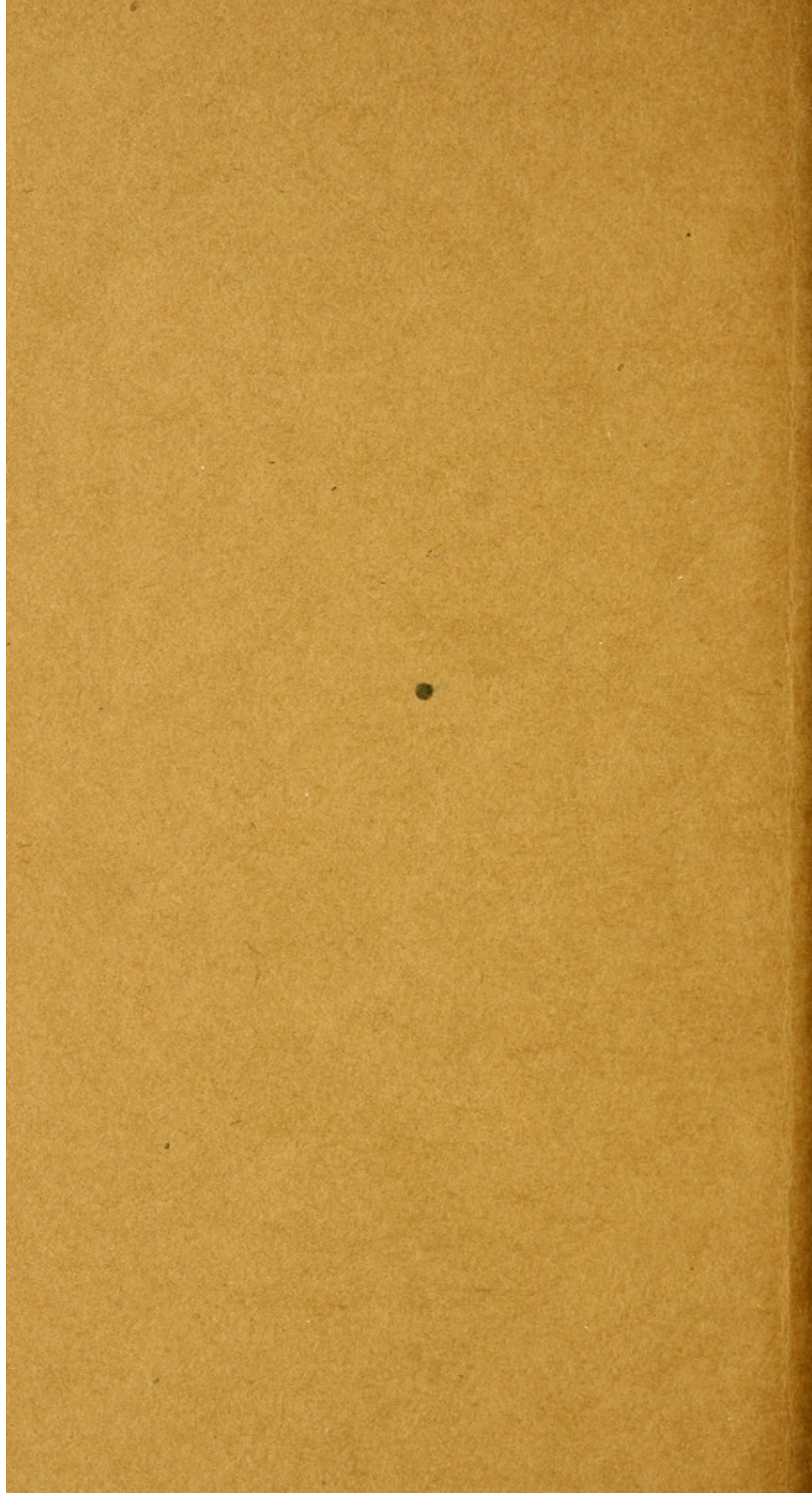
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