

PROCEEDINGS

OF THE

ANNUAL TOWN MEETING,

IN CONCORD,

March 9, 10 & 11, 1841.

At a legal Town meeting, duly notified and holden at Concord in the County of Merrimack, on the second Tuesday of March, in the year of our Lord eighteen hundred and forty-one, the following votes were given in

FOR MODERATOR.

Whole number of votes cast	1040
Necessary to a choice	521
Moses Chamberlain had	1
Cyrus Robinson	19
Nathan Stickney	494
Josiah Stevens	526

and Josiah Stevens, Jr. was declared duly elected, and took the oath of office.

FOR GOVERNOR.

John Page had	542 votes.
Enos Stevens	495
Daniel Hoit	24
George L. Bundy	1
Andrew Pierce	1
Moses A. Cartland	1
Peter P. Woodbury	1

FOR COUNSELLOR.

Moses Norris, Jr. had	540 votes
Arthur Branscomb	497
Frederick Sanborn	25
George Brackett	1
John Porter	1
Asa McFarland	1

FOR SENATOR.

Peter Renton had	535 votes.
Simeon B. Little	496
Samuel Forrest	25
Joel Puffer	1
Joseph M. Harper	1
George Kent	1

FOR REGISTER OF DEEDS.

Mitchell Gilmore, Jr. had	541 votes.
Joseph Morrill	500
John T. Norton	22
Evans Anderson	1
Hamilton E. Perkins	1

FOR ROAD COMMISSIONERS.

Bartholomew Smith had	541 votes.
William H. Gage	542
Daniel Batchelder	539
Daniel George	500
Jeremiah Tilton	501
Frederick Sanborn	501
Jonathan Eastman	1
Jonathan Harvey	1
Charles Chase	1
Monly M. Carter	1

FOR COUNTY TREASURER.

Caleb Merrill had	539
Daniel K. Foster	500
Samuel Morrison	23
Benjamin Green	
Thomas Little	1

FOR REPRESENTATIVES TO CONGRESS.

Tristram Shaw had	539 votes.
Ira A. Eastman	538
Charles G. Atherton	539
Edmund Burke	539
John R. Reding	536
Ichabod Goodwin	499
Joel Eastman	502
George Y. Sawyer	497
Levi Chamberlain	498
Joseph Sawyer	497

John Folsom	24
Johnson D. Quimby	22
Moses A. Cartland	25
Jared Perkins	24
Isaac Crosby	25
John Hazeltine	1
David Davis	1
Thomas E. Sawyer	1
Anthony Colby	1
Barton Skinner	1
Joseph Low	1
Joseph Bell	1
Frederick P. Tracy	1
Luther Melendy	1
Joel Parker	1
Edmund Carleton	1

FIRST BALLOT FOR REPRESENTATIVES TO THE GENERAL COURT.

Joseph Robinson had	508 votes.
Moses Shute	532
Abiel C. Carter	533
Jacob Hoit	522
Ira Perley	502
David Allison	497
Henry Rolfe	495
John Eastman	497
ohn Titcomb	20
Joel S. Morrill	20
Samuel A. Kimball	21
Benjamin Damon	20
Nathaniel Abbott	1
Joseph Low	1
Amariah Pierce	1
Enoch H. Dow	2
Isaac Virgin	5
John George	1
Jeremiah S. Noyes	1
Jerry Arlin	1
Warren Puffer	1
William P. Hill	1
Asa Fowler	2
William M. Carter	16
Elijah Mansur	4
Abel Baker	4

John Anderson	1
Luther Roby	1
Whole number cast	4210
Necessary to a choice	526

and Moses Shute and Abiel C. Carter were declared duly elected.

SECOND BALLOT FOR REPRESENTATIVES TO THE GENERAL COURT.

Joseph Robinson had	469 votes.
Jacob Hoit	436
Ira Perley	446
David Allison	372
Henry Rolfe	25
John Eastman	6
William M. Carter	15
Joel S. Morrill	7
Benjamin Damon	7
Asa Fowler	6
Elijah Mansur	2
Moses Norris, Jr.	1
John Page	1
Luther Roby	1
Enoch H. Dow	1
John Titcomb	1
Samual A. Kimball	1
Richard Bradley	1
John P. Gass	1
Charles Hall	1
Whole number cast	1800
Necessary for a choice	451

and Joseph Robinson was declared duly elected.

THIRD BALLOT FOR REPRESENTATIVE TO THE GENERAL COURT.

Jacob Hoit had	335 votes.
Ira Perley	223
David Allison	4
William M. Carter	1
Whole number of votes cast	563
Necessary to a choice	282

and Jacob Hoit was declared duly elected.

Voted to adjourn till nine o'clock to-morrow morning.

Wednesday, March 10, 1841.

Met according to adjournment. And the following votes were cast for Selectmen.

Whole number of votes cast	2977
Necessary to a choice	497
John M'Daniel had	500 votes.
William Pecker	513
Jeremiah Fowler	510
Nathan Stickney	492
Ira Rowell	475
Thomas Potter	474
William Page	8
Asa Fowler	1
George W. Dow	1
John Titcomb	1
Benjamin Damon	1
Cyrus Robinson	1

and John M'Daniel, William Pecker and Jeremiah Fowler were declared duly elected Selectmen of Concord, and took the oath of office.

First Ballot for Town Clerk.

Whole number of votes cast	968
Necessary for a choice	485
James Peverly had	458 votes.
George Porter	453
John P. Johnson	51
Johnson P. Johnson	1
John Johnson	1
Nathaniel B. Baker	1
Robert M. Adams	1
John F. Brown	1
S. P. White	1

and the Moderator declaring that no one had the requisite number of votes, proceeded to the

Second Ballot for Town Clerk.

Whole number of votes cast	915
Necessary for a choice	458
James Peverly had	428
George Porter	440
John P. Johnson	47

and the Moderator declaring that there was no choice,
Voted to adjourn till to-morrow at nine o'clock.

Thursday, March 11, 1841.

Met according to adjournment.

Third Ballot for Town Clerk.

Whole number of votes cast	838
Necessary to a choice	420
Jacob C. Carter	425 votes.
George Porter	401
John P. Johnson	4
James Peverly	6
Charles Hall	1
Nathan Stiekney	1

and Jacob C. Carter having a majority of all the votes, was declared duly elected, and took the oath of office.

Highway Surveyors.

Chose Joseph Graham, Isaac Abbott, Reuben G. Wyman, Aaron Carter, Heman Sanborn, John Locke, Lowell Eastman, Nathan K. Abbott, Samuel Whitney, Amos Sawyer, Samuel Runnels, Charles Smart, John L. Tallent, Henry L. Elliot, James Locke, David Abbott, Jr., who being present, took the oath by law prescribed.

Also, chose John Eastman, Hiram Dow, Josiah Hardy, Jesse Morgan, Charles Hall, James Thompson, George W. Brown, Nathan Chandler, 3d, Nathan Chandler, Horatio G. Belknap, Thomas D. Potter, Robert Hall, Isaac Farnum and Peter H. Abbott.

Fence Viewers.

Chose Moses Shute, who being present took the oath by law prescribed.

Also, chose Jeremiah Pecker and Isaac Farnum.

Cullers of Staves.

Chose Samuel Curtis, William Hayward, Joseph Bradley, Dudley Clifford, John Parker, William E. Blanchard, Benjamin Morrill and Stephen Quimby.

Surveyors of Lumber.

Chose Nathan Call, Nathaniel Rolfe, Hartwell Melvin, Asa Parker, Jr., Charles Graham, Reuben Goodwin, Jr., Leavitt C. Virgin, Shadrach Seavey, Atkinson Webster, Henry L.

Elliot, Reuben D. Mooers, and Philip Sargent, who being present took the oath by law prescribed.

Also, chose Eben F. Elliot, George Wilkins, John Eastman, Philip Watson, John Miller, Josiah Spiller, Jr., Abel Baker, Joseph F. Dow, Sewell Hoit, Jeremiah Fowler, William S. Brown, Henry M. Moore, Daniel Dunlap, David Abbott and Timothy W. Emery.

Corders of Wood.

Chose Charles H. Clough, Seth Eastman, Cyrus Robinson, Orrin Foster, Timothy C. Rolfe, Philip Sargent, John M'Daniel, who being present took the oath by law prescribed.

Also, chose John L. Tallant, James H. Swett, Nathaniel H. Sanborn, Jonathan E. Lang, John George and George G. Virgin.

Sealers of Leather.

Chose Cyrus Robinson and Enos Blake, who being present took the oath by law prescribed.

Also, chose Chase Hill.

Pound Keeper.

Chose Hiram Farnum, who being present took the oath by law prescribed.

Constables.

Chose Abraham Bean, John Pettengill, Giles W. Ordway, Nathaniel Rolfe, Isaac Eastman, Nathaniel W. Moores, Heman Sanborn and Abira Fisk, who being present took the oath by law prescribed.

Also, chose Theodore F. Elliot, Asa H. Morrill, George W. Dow, Harry Houston, Rufus D. Scales, Reuben D. Mooers, John Wallace, 3d, William Abbott, Jr. and Joseph F. Dow.

Auditors of Accounts.

Chose John Whipple, Nathaniel H. Osgood and Jacob A. Potter.

Fire Wards.

Chose Isaac Eastman, Cyrus Robinson, Abel Baker, Hiram Farnum, Mical Tubbs, Cyrus Barton, William Restieaux, Charles H. Clough, Jonathan Sanborn, Joseph Low, Theodore T. Abbott, Shadrach Seavey, Benjamin Parker, Enos

Blake and Asa Parker, who being present took the oath by law prescribed.

Also, chose Seth Eastman, John Abbott, Nathan Call, Samuel Coffin, William M. Carter, Jeremiah Pecker, Jr., Emery Burgess, Nathaniel H. Osgood, Robert E. Pecker, John Whipple, Benjamin Damon, Ephraim Hutchins, Stephen Brown, Zebediah W. Gleason, Charles Hall, James Buswell, Charles Hutchins, Hosea Fessenden and James H. Swett.

Weighers of Hay.

Chose Isaac Eastman, Charles H. Clough, William M. Carter, John Gass, Daniel N. Hoyt, Orrin Foster and John Pet-tengill, who being present took the oath by law prescribed.

Also, chose Nathan Chandler, Jr., George W. Brown, Nathaniel H. Sanborn and James H. Swett.

Sealers of Weights and Measures.

Chose Seth Eastman, who being present took the oath by law prescribed.

Also, chose Ivory Hall.

Hog Constables.

Chose Rufus Virgin, Ebenezer Capen, Samuel Kimball, Charles H. Clough, and Daniel J. Hoyt, who being present took the oath by law prescribed.

Also, chose Timothy Walker, Samuel Coffin, William Marden, Jacob Elliot, Henry C. Sanborn, Nathan Farley, Jr. Willard Williams, Stephen S. Robinson, Ephraim Wentworth, John Tibbetts, William P. Silver, Andrew Austin, Alonzo Bond, Jeremiah Q. Smith, Eben F. Elliot, William B. Hurd, James R. Hill, Gilman W. Holt, George F. Foss, James Tallant, Lyman Dearborn, David Sargent, Charles H. Currier, William P. Foster, George F. Clark, Hall F. Elliot, James Frye, Nathaniel C. Abbott, John Brown, Joseph Wallace, Franklin Evans, Timothy W. Emery, Nathan Chandler, 3d, Hazen K. Farnum, Benjamin M. Locke, Gilman Morrill Alpheus W. Clough, Charles H. Stearns and Gardner P. Lyon.

Voted, To accept the following Report .

AUDITORS REPORT.

The undersigned, Auditors of Accounts for the year past, ask leave to report :—

We have attended to the duty assigned us, and have found the accounts of the Selectmen and acting Treasurer well vouched and correctly cast.

There was in the hands of the Treasurer March 25, 1840,	\$406 38
Taxes assessed and committed to Collector,	6026 65
July 2. Cash hired of Abiel Walker to pay for Engine No. 4,	800 00
“ cash of State Treasurer for Literary fund,	326 25
“ cash of Farnum & Martin for note, joint,	617 98
“ cash of State Treasurer for bounty on foxes,	12 25
Nov. 12. Cash hired of Merrimack County Bank to pay for Engine No. 2,	400 00
“ cash of F. A. Fisk for Engine Co. No. 2,	25 00
“ cash of John Eastman,	8 58
“ cash of showmen for licence,	30 00
“ cash of James Woolson,	6 25
“ cash of conditional exempts,	4 00
“ cash int. on school fund notes,	500 00
“ cash of the County of Merrimack,	23 39

Making in the whole, \$9186 73

Which is accounted for as follows, viz :

Paid State Treasurer,	\$920 00
“ County Treasurer,	610 13
“ School orders,	2343 90
“ Rations for the militia,	212 00
“ Services for militia for 1837, '38 and '39,	30 00
“ do do 1840,	291 00
“ School Committee,	75 00
“ Teacher of Penmanship,	55 00
“ Repairs of roads and bridges,	282 57
“ Support of paupers,	729 92
“ Bounty on foxes,	15 75
“ Expenses on town line,	25 75
“ Committee to find town lands,	34 00

" Damage to sleigh,	2 07
" New Hampshire Ins. Company assessment,	14 40
" Police officers professional services, surveyors, &c.,	127 69
" Town of Boscawen for judgment recovered against the town of Concord,	148 79
" repairing town house and notifying Jurors,	44 32
" Stationary and printing,	45 16
" Ringing and tolling bells and repairing town clock,	85 00
" Assessors' services,	106 87
" Selectmen and town Clerk's services and expenses,	504 90
" Office rent and fuel,	18 75
" Guide boards,	7 00
" Receipts for non-res. highway tax,	78 41
" Abatement of taxes,	48 77
" Commission for collection of taxes,	122 69
" Repairing engine and fire hooks,	30 94
" Two new engines and hose,	1573 95
" Engine house,	123 75
" Ditching on town farm,	40 53
" For pumps,	19 16
" Stove for school district No. 24,	3 75
" Rent of bridewell for three years,	6 00
" Firewards, badges, &c.,	22 00
" Auditors,	6 00
Cash on hand in the Treasury,	380 81
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	\$9186 73

The Selectmen have borrowed on the credit of the town of Abiel Walker,	\$800 00
Borrowed of the Merrimack County Bank,	400 00
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Making in the whole,	1200 00
After deducting the amount which is in the hands of the Treasurer,	380 81
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Leaves a balance due from the town,	\$819 19

The Auditors would further state that the whole expense

of supporting the poor at the farm the past year, amounts to the following sums :

Amount of property on hand March 1, 1840,	\$1068 90
Cash in overseer's hands,	60 36
Interest on cost of the farm,	240 00
Overseer's salary,	200 00
Services of Physician,	18 25
Cash paid for labor and other expenses,	86 85
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	\$1674 36

From which sum should be deducted—

Amount of property on hand, March 1, 1841,	\$1109 03
Cash in overseer's hands and debts, due from individuals,	71 00
Labor of overseer in getting out lumber to repair buildings,	130 00
	<hr/>
	1310 03

Leaving a balance of which is the expense of supporting paupers at the farm,	\$364 03
The expense of supporting paupers not at the farm, amount to, after deducting sums received from other sources,	242 13
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Making the whole expense, \$606 16

The average number of paupers at the farm for the past year, has been eighteen, and makes the expense twenty dollars and twenty-two cents to each pauper.

JNO. WHIPPLE,
NATHL. H. OSGOOD,
JACOB A. POTTER.

Concord, March 4, 1841.

Voted, To accept the following report :

The committee appointed to confer with the proprietors of Federal, Concord, Sewall's Falls and Free Bridges relative to the cost, present value and income of the bridges; and also what the same may be procured for, have to report—

That they have attended to the duty assigned them, and

have not received any definite answer to either of the queries embraced in the Resolve of their appointment.

They therefore have directed me to report the following resolution :

Resolved, That said committee be discharged from any further consideration of the subject.

NATHAN STICKNEY, for the Committee.

Voted, To accept the following Report :

Agreeable to a vote of the town of Concord, passed Nov. 3d, 1840, on the petition of sundry inhabitants of school district No. 5, praying for a division of said district, the subscribers after giving notice to said inhabitants, did meet and examine and hear the parties concerned, and we are of opinion that said district ought not to be divided.

ENOCH H. DOW,	}	Selectmen of Concord.
WILLIAM PECKER,		
NATHAN STICKNEY,		

Concord, Feb. 23d, 1841.

Voted, To accept the following Report of the superintending school committee :

The superintending committee of schools in Concord, having attended to the duty assigned them, respectfully present the following Report :

According to the United States' census, recently taken, the population of the town is 4903 ; of this number 1480, or about 33 per cent. are reported as attending primary and common schools. This return includes all who attend the district schools supported by the town, summer and winter ; and also those belonging to four private schools kept in this village. Although the above number exceeds that reported by your committee, it is unquestionably nearly correct ; and it is highly gratifying to know that so large a portion of our population is composed of children and youth who are laying the foundation of usefulness in schools sustained by citizens of the town.

In the return of the District Marshal, who took the census of the town, 26 persons over 20 years of age are reported as unable to read and write. Of this number, your com-

mittee are sure that very few are native inhabitants. Rather, they are almost exclusively persons of foreign birth. But even such of them as have families, are for the most part glad to give their children an opportunity to acquire the knowledge of which they themselves are destitute; and hence we indulge the hope that not *one* of the rising generation will reach the age of 20, without being able to read and write.

Summer schools were kept by females in nearly all the districts; the terms being on an average about 20 weeks each. Commendable progress was made in the elementary branches. Much praise is due to the instructresses generally for the good order and management of their schools; and for their patience and industry in teaching so many *small children* as are committed to their care.

At the beginning of summer, your committee, with consent of the Selectmen, prepared and published an abstract of the laws of the State, relative to primary schools; a copy of which they gave to each teacher, male and female—with a request that such portions of it might be read to the scholars, as were applicable to them. Your committee also prepared a schedule to be filled out by the teachers, communicating such facts pertaining to the schools, as we deemed it important to know.

The subjoined Table presents a view of the Winter Schools as returned to your Committee :

Districts	Teachers	Spelling Book	Readers in lower classes	Readers in higher classes	Writers	Mental Arithmetic	Written Arithmetic	Grammar	Geography	History	Higher branches	Females } Scholars } Males	Weeks kept	
No. 1.	George W. Burbank,	5	6	3	7	4	2	3	8			7	7	10
2.	Mis Irane Dowlin,	5	12	15		3	12	9	6	2	4	16	15	12
3.	John A. Holmes, } John Jarvis, } 6wks 6wks	7	21	27	33	19	21	8	18	7		33	18	11
4.	Timothy Colby, Jr.	8	14	11	18	17	9	6	6	3		22	11	9
5.	Charles Eastman, } Mr. Knowlton, }	4	16	10							2	18	12	11
6.	Miss Clarrissa Ballard,												10	10
7.	Philip H. Emerson, } Nathan K. Abbott, }	8	8	9	12	5	5	3	8	1		15	10	12½
8.	Nathan K. Abbott,	8	14	9	20	3	11	7	6	3	4	18	13	11
9.	Daniel Foster, } Miss Puffer, }		36	36	67	18	38	22	36	16	7	45	27	14
	Wm. C. Foster,	14	19	14	17				11			21	18	
10.	Miss E. B. Ballard, } Miss H. H. Morse, } Leonard W. Peabody, }		18	47	52	25	36	30	40	7		75		12
	Miss E. B. Ballard,	36	22	40	27	20	7	12	28			45	63	
11.	James Richardson, } Miss Louisa Kelley, }	10	19	18	2	19			16			35	21	
12.	Dea. James Moulton,	4	17	24	25	17	17	16	15	7	2	28	19	11
21.	D. W. Clough, } James Stiles, }	3	8	17	15			9	6				9	12
13.	Moses Chamberlain, Jr.	6	7	29	26	17	16	6	11			25	17	8
14.	Edward B. West,	3	4	7	9	1	4		3			14	7	9
15.	Charles Eastman,	5	23	12	25	10	14	7	18	5		20	20	12
16.	Not reported.													
17.	Not reported.													
18.	Luther McCutchins,	1	7	25	18	8	11	5	9			19	14	12
19.	True Brown,	3	16	25	22	3	19	12	12		2	26	18	11
20.	Not reported.											4	4*	
22.	Mr. Fuller,		8	4	8	2	2					8	4	9
23.	Moses Kelley,		16	23	29	16	18	7	4		2	23	16	8
		130	330	445	490	273	277	193	313	68	30	584	381	222½
														584
														965

* Belonging to Concord.

From this table, it will be seen that in 20 districts, schools have been taught 222 1-2 weeks, or an average of about 11 weeks each ; 964 scholars have attended, of which 584 were males and 381 females ; to which add the probable number of scholars in districts 16, and 17, from which no returns have been received, and the whole number in our winter schools, will be about 1000. Of the number who attended,

130 were in the spelling book, 133 second class reader, 445 first class readers, 490 writers, 550 studied mental or written arithmetic, 193 grammar, 313 geography, 68 history, and 30, higher branches. In school No. 8, two fine specimens of composition were exhibited.

Your committee would further state, that in school districts No. 3, 11 and 21, a change of teachers took place, it being apparent that the schools were not profitable for want of due government and subordination. In No. 11, one scholar was dismissed, and in No. 21, several instances of prophaneness and falsehood were reported.

From schools No. 16, at Garvin's Falls, so called; No. 17, on the line between Concord and Hopkinton, and from No. 20, between Concord and Boscawen, no returns have been received. The children in No. 20, belonging to Concord, have been taught, in a private dwelling by Mr. William Chandler. In No. 5, a private school has been kept in the eastern part of the district.

With the above exceptions, the committee have witnessed with great pleasure the proficiency of the scholars in the several districts, in the various branches of study to which they have attended. The order of the schools have been commendable, the regular attendance and moral conduct of of the scholars well reported. Without designing to disparage other scholars, your committee deem it proper to notice with special commendation, district No. 4, kept by Mr. Timothy Colby, Jr. ; No. 8, kept by Mr. Nathan K. Abbott ; No. 10, kept in the summer and fall by Mr. Moses H. Clough, and in the winter by Mr. Wm. C. Foster ; No. 14, kept by Dea. James Moulton ; No. 14, kept by Mr. Edward B. West ; No. 19, kept by Mr. True Brown, ; No. 23, kept by Mr. Moses Kelley, and No. 18, kept by Mr. Luther McCutchins.

The master's school in district No. 9, though taught by a competent and efficient teacher, suffered from several causes. In the first place, the house is not large enough to convene all the scholars. It is divided by a thin partition, into two apartments in both of which a school is kept ; but each is disturbed by the noise of the other. The room in which the master taught was so crowded, that the air was impure, and in the opinion of your committee, injurious to the comfort and health of the scholars. The district being now one of the three largest in town, requires a house of nearly

double its present dimensions. District No. 3, is also in need of a new or enlarged house, for the accommodation of the scholars. In district No. 10, it has been proved necessary to divide the school into four branches; the first taught in the school house, by a master, nine months; the second by a female, the same length of time; the third, six months, at the town hall, and the fourth, six months, in the basement of the south church.

In conclusion, your committee beg leave to commend all our primary, select and high schools to the patronage and more liberal support of their fellow citizens. While we are free to appropriate money for rail roads and a Hospital for the Insane, let us consider that education, both intellectual and moral, is the basis of social improvement and happiness. Let the rising generation advance to manhood with proper culture of mind and heart, and we have the best security for domestic peace, social order and national prosperity.

All of which is respectfully submitted,

N. BOUTON, in behalf of the Committee.

March, 1841.

Voted, To accept the following Report of the Committee having in charge the parsonage, school and surplus revenue funds :

The committee having in charge the various funds of the town of Concord, ask leave to make the following statement in relation thereto :

PARSONAGE FUND.

The original amount of which was	\$5335 51
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And is now invested as follows, to wit :

13 shares in Concord Bank, cost	\$1326 25
10 shares in Merrimack County Bank, cost	1050 00
4 shares in Mechanick's Bank, cost	400 00
Note, Feb. 16, 1837. Robert E. Pecker, Jonathan E. Lang, Wm. Pecker,	964 77
Note, Feb 22, 1837. Nathan Chandler Jere. Abbott, Eben'r Fisk,	202 26
Note, Dec. 14, 1839. Stephen Brown, with collateral security,	753 39

Note, June 18, 1840. Abraham Prescott, Benja. Eastman, A. J. Prescott,	473 74
Paid on 110 shares Rail Road stock,	165 00
	<hr/> \$5335 51

The income arising from the foregoing fund to Jan. 1, 1841, was as follows, to wit :

Balance of dividend from Concord Bank for 1839,	8 75
Dividend from Merrimack Co. Bank for 1840,	60 00
Dividend from Mechanicks' Bank for 1840,	24 00
Received interest from Robert Davis note,	20 53
Received interest from Stephen Brown note,	47 47
Received interest from Pecker & Lang note,	78 17
Received interest from Abraham Prescott note,	17 21
Received interest from Nathan Chandler note,	16 39
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Amounting to \$272 52

Which sum was apportioned by the Selectmen, and has been paid by the committee to the several religious societies, agreeable to a vote of the town, as follows :

North society,	73 23
South society,	43 62
West society,	33 88
Unitarian society,	40 69
Methodist society,	24 71
Baptist Society,	23 43
Episcopal society,	10 74
Universalist society,	9 56
Christian Baptist society	10 96
Free Will Baptist society,	1 70
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	\$272 52

The present amount of the parsonage fund which may be considered available is \$3844 26

SCHOOL FUND.

The whole amount of this fund, as reported by the committee at the last annual meeting was \$5270 35

The committee arrived, as they supposed, to the correct conclusion, that the above sum was the *actual* amount of this fund, estimating the amount of interest then due, \$624 51, as the correct amount ; but from a subsequent examination, they found this amount too large, which together with the

failure of the Concord Bank, considerably reduced the amount of the school fund.

Since that report, the following sums have been collected as per vote of the town :

June 25, 1840.	Received of Stephen Brown,	\$35 51
Aug. 24, 1840.	Rec'd interest of Stephen Brown,	9 36
“ “	principal “ “	287 44
Oct. 10.	Received interest of Isaac Hill,	160 16
Dec. 10.	“ “ N. H. M. Ins. Co.	35 62
“ “	principal “ “	372 56
Dec. 28.	“ interest of Rich'd H. Ayer,	179 77
March 1.	“ “ Geo. W. Moulton,	18 00

Amounting to \$1098 42

From which sum deduct cash paid the Selectmen, as per vote at the annual meeting in March, 1840, 500 00

Will leave in the hands of the committee, \$598 42

The School Fund now consists of the following investments and securities :

10 shares in Concord Bank, cost	1020 25
3 “ Mechanics “	300 00
Dividends due to Jan. 1, 1841,	18 00
Deposites in Saving's Bank to Jan. 15, 1841,	819 20
Note, Feb. 22, 1837. Richard H. Ayer, Isaac Hill, Amos G. Gale,	711 87
Note, Feb. 22, 1837. Isaac Hill, Richard H. Ayer, Amos G. Gale,	738 51
Interest due on the above notes to March 1, 1841,	36 65
Note, Jan. 9, 1839. Geo. W. Moulton, Jos. Eastman, Jr. A. W. Clough,	300 00
Paid on 90 shares Rail Road Stock,	135 00
Cash in hands of the committee,	598 42

\$4677 90

The present amount of the foregoing fund, which is supposed to be available, will amount to the sum of \$3522 65

SURPLUS REVENUE FUND.

The original amount of this fund was \$14481 00

The amount reported in March last, after adding the interest then due was \$16886 84

Since which time your committee have received the following sums, to wit:

June 9, 1840.	Rec'd of Geo. Hutchins,	principal	750 00
“ 24,	“	“ interest,	161 25
“ 25,	“	Joseph Low, principal,	500 00
July 7,	“	Burgin & Kent, interest,	327 20
“ 24,	“	N. H. M. Fire In. co., prin.	861 16
“	“	“ “ “ interest,	119 54
Sept. 7,	“	Aaron Carter, “	75 90
Dec. 8,	“	Joseph Low, principal,	500 00
“	“	“ interest,	32 08
Feb. 11, 1841.	“	Geo. Hutchins, principal,	750 00
“	“	“ interest,	42 50
March 4,	“	Lewis Downing, int. in part,	282 66
March 6,	“	E. Eaton, for part interest on Downing note,	173 09
			\$4575 38

Which is accounted for as follows :

Note of Abraham Prescott and others delivered Trustees of Asylum,	526 26
Note of Thomas D. Potter and others delivered Trustees of Asylum,	723 74
Note of John Pettengill and others delivered Trustees of Asylum, 1841.	2000 00
Feb. 16. Cash paid Joseph Low for Trustees of Asylum,	90 66
Feb. 27. Cash collector for amount of poll taxes for 1840, as per vote of the town,	1026 24
Balance in the hands of the committee,	208 48
\$4575 38	

That the town may have a more perfect knowledge of the action of the committee the past year, as well as the present

state of this fund, the committee further report—that in accordance with the vote of the town, passed at the meeting in November last, they have assigned and delivered over to the order of the Trustees of the N. H. Asylum for the insane, the following securities, for which they have received, and now hold the receipt of the Treasurer, to wit:

Note of Abraham Prescott and others principal and interest,	542 31
Note of Wm. A. Kent and others, principal and interest,	1648 02
Note of Joseph Low and others, principal and interest,	1429 85
Note of Joseph Low and others, principal and interest,	112 81
Note of Aaron Carter and others, principal and interest,	2371 23
Note of John Pettengill and others, principal and interest,	2049 00
Note of Thomas D. Potter and others, principal and interest,	742 81
5 Shares in Mechanics' Bank	514 17
Note of committee for balance, (since paid)	89 80
	<hr/>
Amounting to	\$9500 00

The residue of the surplus fund is invested as follows:

Note, April 1, 1837. Lewis Downing, Theodore French, Geo. Kent, Josiah Rogers, Josiah Rogers, Jr., and John Brown,	3500 00
Balance of int. due to March 1, 1841,	449 70
	<hr/>
	3949 70
Note, July 10, 1838. Hall Burgin, Wm. Kent, Geo. Kent, Wm. A. Kent,	2000 00
Interest due to March 1, 1841,	120 00
Paid on 600 shares Rail Road stock,	900 00
Dividend due from Mechanics' Bank,	15 00
Cash in hands of committee,	208 48
	<hr/>
Amounting to	\$7193 18

The available amount of the foregoing fund is supposed to be at this time \$6293 18

Recapitulation of present available funds :

Parsonage,	3844 26
School,	3522 65
Surplus Revenue,	6293 18

\$13660 09

In continuation of this Report, the Committee state that, at the particular instance of Messrs. Downing and French, the personal and several parcels of the real estate of George Kent were attached to secure the payment of the note, Lewis Downing and others, and \$454 04 has been received from the sale of personal property, which has been entered in the foregoing statement, and it is confidently believed, that from the sale of the real estate thus attached, at least \$1500, will be realized, which being deducted from their indebtedness, will leave the balance due the town less than \$2500.

The undersigned further report, that they have made every effort in their power to secure the payment of the various demands in their hands ; and although they have a degree of confidence, that all *private* claims are well secured ; yet they regret that their efforts to *recover* or *satisfactorily secure* the "two thousand dollars deposited in Concord Bank" for the town, by Messrs. Dowing and French, has been hitherto unavailing.

Your committee therefore have not deemed it for the interest of the town, to advance any money in their hands for the payment of the assessment on the capital stock in Concord Bank—inasmuch, also as the vote passed at the last November meeting, gave them *no instructions thus to do*.

Which is respectfully submitted by

ROBERT DAVIS, } Committee of the
JOSEPH LOW, } Town Funds.

Voted, That the sum of two thousand dollars be raised for the support of schools the ensuing year.

Voted, That the sum of five hundred and ninety eight dollars and forty-two cents, being the amount in the hands of

the Committee of the School Funds constitute a part of the above sum.

Voted, That the sum of four thousand dollars be raised for building and repairing Highways and Bridges, to be laid out in labor at ten cents per hour.

Voted, That the sum of twenty-five hundred dollars be raised to defray the necessary charges and expenses of the town the current year.

Voted, That the sum of two hundred dollars in addition to the above twenty-five hundred be raised, to be appropriated by the Firewards for sinking wells and reservoirs.

Voted, To adopt the same part of the Police Laws of the town of Portsmouth as was adopted the last year.

Voted, To adopt the same rules and regulations concerning the powers and duties of Firewards as was adopted last year.

Voted, That no horses, cattle, sheep or swine be permitted to go at large in the town of Concord, unless by permission of the Selectmen of the town, to those persons who are poor and unable to defray the expenses of pasturing the same.

Voted, That the 10th Article in the Warrant be indefinitely postponed.

Voted, That the Selectmen be authorized to borrow and appropriate the sum of sixteen hundred dollars for the purchase of two Fire Engines, and for Engine Houses for the same, for the East and West villages.

Voted, That the Selectmen be authorized to enlarge and fence the burying ground on Horse Hill, as they may think proper.

Voted, That the Selectmen be a committee to make such alterations in the School Districts as they may think necessary and proper.

Voted, That the interest of the Parsonage Fund be collected and divided among the several religious societies, the same as last year.

Voted, That that part of the 14th Article, relating to the Surplus revenue Fund, be indefinitely postponed.

Voted, That five hundred dollars of the money, raised for the support of Schools the ensuing year, be divided equally among the several School District in town.

Voted, That the town carry on two hundred shares of the capital stock in the Concord Rail Road Corporation.

Voted, That the committee having charge of the funds of the town, be directed to transfer to the Trustees of the Concord Literary Institution, all the right and title of said town to six hundred shares of the capital stock in the Concord Rail Road Corporation.

Voted, That the ringing of the bells and the winding up of the town clock, be referred to the Selectmen.

Voted, That the Selectmen be authorized and directed to have the proceedings of this meeting printed in a pamphlet form, and furnish each voter with a copy.

Voted, That the Selectmen be authorized to receive proposals for collecting taxes, and to appoint a collector or collectors.

Voted, That the Warrants for town meetings be published in three or more papers published in this town.

Voted, That this meeting be dissolved.

J. C. CARTER, Town Clerk.

The following appointments were made by the Selectmen, March 15, 1841.

Superintending School Committee.

Rev. P. S. Ten Broeck, Rev. Nathaniel Bouton, and Nathaniel B. Baker.

Police Officers.

Luther Roby, John Gass, John Wallace, 3d, Lewis Downing, Isaac Eastman, Joseph Eastman, Jr. and Rufus D. Scales.

Overseer of the Alms House and Keeper of the House of Correction.

Hiram Farnum.

Town Physician.

Ezra Carter.

POLICE LAWS ADOPTED

MARCH 11TH, 1841, AT THE ANNUAL TOWN MEETING IN
CONCORD.

AN ACT to establish a system of Police in the town of Portsmouth, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That it shall be the duty of the selectmen of the town of Portsmouth, every year, within ten days after the annual town meeting for the choice of town officers, to appoint and commission in writing under their hands, or the hands of the major part of them, a suitable number of persons, not exceeding seven, who shall be reputable freeholders and inhabitants of said town of Portsmouth, to be police officers within said town. And said police officers shall be sworn to the faithful discharge of their duty, and shall be, by virtue of said appointment, constables and conservators of the peace; and shall hold their offices for one year, and until their successors shall be appointed and duly qualified; and shall receive such compensation for their services as the said town of Portsmouth shall vote at any legal town meeting.

SEC. 2. *And be it further enacted.* That if any person or persons, shall in any street, lane or alley, or in any public place in the town of Portsmouth, be guilty of any rude, indecent or disorderly conduct, or shall insult or wantonly impede any person or persons passing therein, or shall sing or repeat, or cause to be sung or repeated, any lewd, obscene or profane songs, or shall speak or repeat any lewd, obscene or profane words; or shall within said town of Portsmouth, write or mark in any manner any obscene or profane word, or obscene and lascivious figure or representation on any building, fence, wall, post, or other thing whatsoever, or shall wantonly injure or deface any building, fence, wall, post, signboard or sign; or shall wantonly cut and injure any tree standing in the street or highways of said town; or shall rob any garden or field of fruit or vegetables, or shall wantonly injure any trees, shrubs or bushes growing therein; or shall, without lawful permission, climb on, or over the fences of

any garden or yard ; or shall be found drunk in any street, lane, alley or public place ; or shall within said town use any juggling or unlawful games or plays ; or shall be a common night-walker or prostitute, or shall make any brawls or tumult, or shall wantonly or knowingly raise or repeat any false cry of fire ; that every such person, for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

SEC. 3. *And be it further enacted,* That if any person or persons shall in any public place, or at any wharf in the town of Portsmouth, or within the view of any dwelling-house, or of any public street, road or wharf in said town, in the day time, bathe or swim, without necessity, or expose his person or her person indecently in dressing or undressing for the purpose of bathing or swimming, or otherwise without necessity ; every such person, for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

SEC. 4. *And be it further enacted,* That if any person or persons shall within the compact part of the town of Portsmouth, that is to say, within one mile of the court house, fire or discharge any cannon, gun, pistol or other fire arms, or beat any drum, (except by the command of a military officer, having authority therefor) or fire or discharge any rockets, squibs, crackers, or any preparation of gunpowder (except by the permission of the police officers, or of a major part of them first had in writing) or shall make any bonfire ; or shall in any street, lane, alley, or other public place within the aforesaid limits, throw any stones, bricks, snowballs or dirt, or play at ball or any game in which ball is used, or play at any game whatsoever for money ; or smoke any pipe or cigar ; every such person, for every such act shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

SEC. 5. *And be it further enacted,* That if any person or persons shall place and leave, or cause to be placed and left in any street, lane or alley, or other public place within the compact part of said town for the term of two hours by day,

or for the term of one hour by night, without inevitable necessity, any sled, or wheelbarrow, cart, trucks, chaise or other carriage, or any boxes, crates, casks, tubs or other vessel ; or shall suffer any cord-wood or fuel to remain in any such street, lane, or alley for more than three hours, without inevitable necessity ; or shall place or throw, or cause to be placed or thrown into any such street, lane or alley, any dung, dirt or other matter, that may impede the free passage of said street, and suffer the same to remain therein without inevitable necessity for more than two hours at a time ; or shall without such necessity drive any wheel carriage or sled or wheelbarrow on or over the side pavements or walks of such street, lane or alley ; or ride or lead any horse thereon ; every such person, for every such act, shall be taken and deemed to be an offender against the police of Portsmouth, and shall be liable to the penalties hereinafter expressed.

SEC. 7. *And be it further enacted,* That every person duly convicted of an offence against the police of Portsmouth shall be punished by a fine not exceeding five dollars, nor less than one dollar, and shall pay costs of prosecution, and shall stand committed until the same be paid : and if said person so convicted, be a minor under the age of fourteen years, the parent or guardian of such minor shall be liable to pay the same, and an action of debt therefor may be brought by said police officers in the name of the town of Portsmouth against such parent or guardian ; provided such parent or guardian shall have received due notice of the time and place of trial of such minor for such offence. And all penalties adjudged under this act shall be paid to the magistrate imposing the same, and shall be by him paid over to the town of Portsmouth ; and any justice of the peace in the county of Rockingham, may have cognizance of the offences enumerated in this act ; and it shall be no cause of exception to any such justice that he resides or has property in the town of Portsmouth. And no trial shall be had for any offence mentioned in this act but upon complaint first made on oath, and the form of such complaint and of the warrant issued thereon shall be as follows, to wit :

(Form of Complaint.)

STATE OF NEW-HAMPSHIRE.

ROCKINGHAM, SS.

The information and complaint of A. B. of in the county of (as the case may be) taken and made before me, E. F. esquire, one of the justices of the peace, within and for said county, on this day of in the year of our Lord one thousand eight hundred and who, on his oath saith, that X. Y. of in the county (as the case may be), [*or if his name be not known, say, "a person whose name is not known, but who may be recognized by the following description," (and here set forth as particular a description as possible)*] hath been guilty of an offence against the police of Portsmouth, in this, to wit,—that he the said [here set forth the offence with sufficient certainty of time and place] and therefore the said A. B. prayeth that justice may be done in the premises.

Signed, A. B.

Sworn to before me, E. F.

(Form of Warrant.)

THE STATE OF NEW-HAMPSHIRE.

ROCKINGHAM, SS.

To the sheriff of said county of Rockingham or his deputy, or to either of the constables or police officers of the town of Portsmouth in said county,

GREETING.

You are hereby commanded, upon sight hereof, to take and bring before me, E. F. Esq. a justice of the peace within and for said county, or some other justice of the peace within and for said county, the body of X. Y. of in the county of (as the case may be) [*or if his name be not known, say, "the body of a (man, or woman, or child, as the case may be) whose name is not known, and who may be recognized by the following description," [and here set forth as particular a description as possible]*] to answer all such matters as shall be objected against him, (or her) for an offence against the police of Portsmouth, in this, to wit,—[here set forth the offence, as in the complaint]. Hereof fail not at

your peril, and make due return of your doings herein. Given under my hand and seal at _____ in the year of our Lord
E. F. Justice of the Peace.

And the magistrate before whom such complaint shall be made, may at his discretion so vary the above form as to cause the offender to be summoned before him, at a time and place certain, instead of being arrested; and the mode of summoning each offender shall be by delivering to him (or her) an attested copy of said warrant; and in case any person shall be duly summoned as aforesaid, and shall not appear at the time and place designated in such summons, the magistrate shall proceed to hear such testimony as may be adduced in support of the complaint, and shall convict or acquit the person so summoned in like manner as if he were present at the trial. And in all cases of conviction under this act, the person so convicted shall have a right to appeal to the next superior court of judicature, to be holden within and for the county of Rockingham: *Provided, however,* that such appeal shall be claimed within four hours after conviction, and that the person so appealing (or his parent or guardian, as the case may be) shall give bond with sufficient surties to the town of Portsmouth to prosecute said appeal with effect, and to pay double cost in case he or she shall not be acquitted or discharged at the superior court.

SEC. 8. *And be it further enacted,* That any such police officer, so appointed and commissioned as aforesaid, upon view of any offence committed against the provisions of the second, third and fourth sections of this act, may arrest the person or persons so committing the same, and shall carry him or them forthwith before some justice of the peace to answer for the same; provided said arrest shall be made at any time between sunrise and sunset; but if said arrest shall be made at any time after sunset and before sunrise, such police officer shall have authority to commit the person or persons so arrested to bridewell or the house of correction, or otherwise retain him in safe custody until the following day when such person or persons so arrested shall be taken before some justice of the peace and tried for such offence as is herein before provided; and the oath of any police officer shall be deemed full and sufficient evidence upon the trial of any offence committed against the provisions of this act,

unless in the judgment of the court or justice before whom such trial shall be had, the same shall be invalidated by other evidence that may be adduced; and any police officer of said town, in the execution of the provisions of this act, may command aid in like manner, as by law any sheriff may do in executing the office of sheriff and under like penalties of refusal.

SEC. 10. *And be it further enacted,* That an act passed the eighteenth day of June, in the year of our Lord one thousand eight hundred and seven, entitled an act for the regulation of the police in the town of Portsmouth, as well as such parts and provisions of all other acts as are inconsistent with the provisions of this act, be, and the same are hereby repealed: *Provided, however,* that the same shall be and remain in force for the cognizance, trial and punishment of all such offences therein mentioned, as have been committed before the passing of this act, and all proceedings thereon arising, this repeal notwithstanding.

SEC. 11. *And be it further enacted,* That any town or towns in this State, at their annual meeting, or at any other meeting lawfully called for this purpose, may adopt such of the provisions of the foregoing act as they may deem expedient and necessary; in which case such provisions so adopted shall be considered to extend to such town or towns adopting the same, as fully to all intents and purposes, as to the town of Portsmouth.

Approved, June 28, 1823.

POWERS AND DUTIES OF FIREWARDS,

Adopted March 11th, 1841, by the town of Concord, except that part of the 10th section of the law passed Dec. 16, 1828, which says, "and every such house or building which has eight fire places shall be provided with four such buckets, and every such house or building which has more than eight fire places shall be provided with six such buckets;" *provided,* that every such house or building, which has eight or more fire places, shall be provided with three such buckets, and that the inhabitants of this town living more than a half a mile in any direction from a line, beginning at the old

North Meeting House and running southerly through Maine street to Concord Bridge, and the inhabitants living more than half a mile in any direction from Brown's Tavern in the West village, and the inhabitants living more than three quarters of a mile in any direction from Stephen Ambrose's Store in the East village, be exempt from the whole of the 10th section.

FIRE WARDS.

AN ACT defining the powers and duties of firewards and other persons, in certain cases.

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That the firewards of each town in this state shall, by major vote, choose a chairman and secretary or clerk. And all acts required to be done by such firewards shall be as valid and effectual if done by a majority of them, as if all were present and consenting thereto. And any notice required to be given by such firewards shall be valid and effectual, if signed by their chairman and secretary or clerk. And the said firewards shall have for a badge of office a staff painted red, five feet long, and headed with a bright brass spire. And the said firewards are hereby required, upon the breaking out of fire in any such town, to repair immediately to the place where such fire may be, taking with them their badge of office, and to exert themselves vigorously, and to demand assistance from all persons present, to extinguish and prevent the spreading of such fire and to remove any property endangered thereby and to appoint guards to take care of such property.

SEC. 2. *And be it further enacted,* That the said firewards be, and hereby are empowered to require assistance from all persons present at such fire, to pull down, blow up, or remove any house, buildings, or other thing whatsoever, provided it shall be judged necessary by a majority of said firewards then present, for preventing the spreading of such fire. And said firewards are hereby empowered to suppress with force, if necessary, all tumults and disorders, and to order, direct and control the labor of all persons present at such fire. And if any person present at such fire shall neglect or refuse to obey the commands of said firewards; or any of them, at

such fire, such person shall be liable to a penalty of fifty dollars.

SEC. 3. *And be it further enacted,* That said firewards shall have, at all times, the entire direction and control of all fire-engines, fire-hooks, hoses and other implements designed or used for extinguishing or preventing the spreading of fire in any such town. And the said firewards shall have at all times the general direction and control of all persons chosen or accepted by them to serve in any engine company, axe company, hose company, or other association of persons, whose special duty it shall be to aid in extinguishing or preventing the spreading of fire, in all matters appertaining to the duties of their respective appointments.

SEC. 4. *And be it further enacted,* That it shall be the duty of said firewards to give a warrant, under the hand of their chairman, to be countersigned and recorded by their secretary or clerk, to each person, chosen or accepted by them to serve in any of the companies aforesaid, which warrant shall be valid so long as such person shall continue a member of said company, or until said warrant shall be revoked by order of said firewards, and the revocation thereof recorded by their secretary or clerk. And every man to whom any such warrant shall be granted, not exceeding eighteen men, to each fire engine or hose company, shall be exempted from training in the militia and serving as a juror during the time such warrant shall be in force. *Provided however,* that when in the judgment of the selectmen and firewards of such town a greater number than eighteen men shall be necessary to any such engine, or hose company, additional men, not exceeding twenty two to any such engine or hose company, may be appointed by said selectmen, and firewards, and a warrant signed by said selectmen, and also signed, countersigned and recorded, as aforesaid, shall entitle such additional men to be exempted as aforesaid.

SEC. 5. *And be it further enacted,* That if any person shall assume the office of fireward, not being thereto legally chosen, or shall use the badge aforesaid, he shall be liable to the penalty of fifty dollars.

SEC. 6. *And be it further enacted,* That if any person or persons shall, at such fire, plunder, embezzle, convey away, or conceal any goods or effects, and shall not forthwith de-

liver the same or give information thereof to the owner or owners, if known, otherwise to one of the firewards, such person or persons shall be deemed and taken to be guilty of larceny thereof.

SEC. 7. *And be it further enacted,* That the major part of said firewards present at any such fire are hereby empowered to cause any houses, buildings or other thing whatsoever to be pulled down, blown up or removed that they shall judge necessary to stop the progress of such fire. And if by destroying or injuring any such houses, buildings or other thing as aforesaid the fire shall be stopped, or if the fire shall be stopped before it reach the same, the owner or owners of every such house, building or other thing, shall receive a reasonable compensation for the injury done to the same, to be paid by the town. And the selectmen of such town, for the time being, on application to them for that purpose, are hereby empowered, and directed to appraise the damage done to any house, building or other thing, by order of the firewards as aforesaid and to assess the polls and estates in such town liable by law to be assessed in town taxes, their just and legal proportion of such damage, which shall be collected in the same manner as other town taxes may be by law collected. And if such selectmen shall neglect or refuse to make adequate compensation for any damages sustained as aforesaid, for the space of three months after application to them for that purpose, the party aggrieved may apply by petition to the court of common pleas for the county wherein such town may be for redress. And said court of common pleas, after reasonable notice of said petition to such town, shall ascertain and determine the amount of such damages, and render judgment and issue execution therefor and for costs against such town. *Provided however;* that when any such house, building or other thing, wherein or whereat the fire first began, shall be pulled down, blown up or removed by order of said firewards, the party injured shall not be entitled to compensation for damages as aforesaid. And when any other house, building or thing shall be pulled down, blown up or removed by order of said firewards to stop the progress of fire, and such fire shall not be stopped thereby, and it shall appear that such other house, building or thing must have been burnt if the same had not been pulled down,

blown up or removed, as aforesaid, the party injured shall not be entitled to compensation for damages as aforesaid.

SEC. 8. *And be it further enacted,* That when, in the opinion of the firewards, any building in such town has become dangerous by reason of decay, or want of repairs, or otherwise, it shall be the duty of the firewards to give a written notice thereof to the owner or owners of such building, if residing within the town; or to the occupant of such building, if the owner or owners do not reside within the town; or in case the owner or owners do not reside within the town, and there be no occupant of such building, to post up such notice in at least three public places in said town which notice shall in all cases contain a particular account of the repairs or alterations required to be made; and in case such repairs or alterations be not made within thirty days from the time of giving or posting up said notice as aforesaid, the firewards may cause such repairs or alterations to be made at the expense of the town, and such town may recover the amount thereof against such owner or owners or occupant by an action of debt before any court competent to try the same; and such action may be brought by the firewards in the name and behalf of said town; and in case, in the opinion of the firewards, such building be in a ruinous state and not worth repairing, and the owner or owners do not within sixty days from the time of such notice make the repairs or alterations required therein, the said firewards may cause such building to be demolished at the expense of the town, and shall make out a particular account of such expense, and cause the same to be filed with their secretary or clerk; and in case the owner or owners do not within five days from such filing repay the amount of such expense, the said firewards may sell by public auction the materials of such building; and from the proceeds of such sale shall retain the amount of such expense and charge of sale, and the overplus, if any, shall pay over to the owner or owners of such building when thereto requested. *Provided however,* that when in the opinion of the firewards the public safety may be greatly endangered unless such repairs or alterations be immediately made, they may limit and appoint such time less than thirty days, for making the same and give such notice thereof as they may think the exigency of the case may

require, and such repairs or alterations, not being made by the owner or owners or occupant within such limited time, the subsequent proceedings shall be the same as herein provided in cases where such repairs or alterations are not made within thirty days after notice as aforesaid.

SEC. 9. *And be it further enacted,* That it shall be the duty of such town to advance to the firewards from time to time, when thereto requested, such sums as may be necessary to carry into effect the provisions of this act; and it shall be the duty of the firewards of such town annually, in the month of March, and before the annual town meeting, to transmit to the selectmen an exact account of their receipts and expenditures in said office of firewards, which account the selectmen shall lay before the town at such annual meeting, or at any meeting adjourned therefrom; and all penalties recovered by virtue of any provision in this act shall be accounted for to the selectmen in their annual account as aforesaid.

SEC. 10. *And be it further enacted,* That every house or other building of two or more stories in height, which has four fire places, shall be provided with two leather buckets of such size and form as the firewards of such town shall from time to time prescribe; and every such house or other building which has six fire places, shall be provided with three such buckets; and every such house or building which has eight fire places, shall be provided with four such buckets; and every such house or building which has more than eight fire places, shall be provided with six such buckets; and every such house or building shall have thereon a good and secure ladder or ladders reaching from the ground to the ridge-pole; which buckets and ladders shall be provided and kept in good repair at the charge of the owner or owners of such house or building. And in case the owner or owners of such house or building shall neglect to provide and keep in good repair such buckets and ladders, he or they shall be liable to a penalty of six dollars for every three months neglect therein. And in case of such neglect the firewards may give notice to the owner or owners, or to the occupant, if the owner or owners are unknown, or do not reside within such town, to provide such buckets and ladders, and if the same shall not be provided within thirty days after such notice, it shall be the

duty of said firewards to provide the same at the expense of the town ; and such town may recover the amount thereof of the owner or owners of such house or buildings, or of the occupant in case the owner or owners thereof be unknown or do not reside within such town, by an action of debt before any court competent to try the same, and such action may be brought by the firewards in the name and behalf of such town.

SEC. 11. *And be it further enacted,* That any tenant who shall be obliged to pay any sum of money by virtue of this act which sum his lessor ought to have paid, may retain the same out of the rent of the tenements he holds under such lessor ; or may recover the same against such lessor in an action of debt before any court competent to try the same.

SEC. 12. *And be it further enacted,* That it shall be the duty of said firewards, and they or any of them are hereby empowered to cause any fires on any wharf or in any street or highway in such town to be forthwith extinguished or removed whenever in their opinion the public safety may require the same.

SEC. 13. *And be it further enacted,* That the firewards of any town be and they hereby are empowered, from time to time, to make and ordain such rules and regulations not repugnant to any law of this State respecting the kindling, guarding, and safe keeping of fires, and also for the prevention and extinguishing of fires, or for clearing away shavings, chips, or any combustible matter that may be thought dangerous, from any house or other building or place as they, in their judgment, may think proper, and such rules and regulations signed by the major part of said firewards, shall be recorded in the records of the town, and copies of the record attested by the town clerk shall be posted up in two or more public places in the town at least thirty days before such rules and regulations shall take effect. And the said firewards shall have full power to annex such penalties for the breach of any or all of such rules and regulations as they may deem necessary not exceeding twenty dollars for each offence ; and such rules and regulations shall be in force until altered or annulled by the laws of the state or the firewards of such town.

SEC. 14. *And be it further enacted,* That all penalties in-

curred by the breach of any provision in this act, or by the breach of any rules and regulations made by the firewards of any town in manner provided by this act, may be recovered by action of debt before any court competent to try the same, which action may be instituted by the firewards in the name and behalf of the town where the offence was committed ; and all penalties recovered, shall be appropriated by the firewards to the purchase or repair of engines or instruments proper to be used in case of fire or shall be paid into the treasury of the town. And all actions for the recovery of any penalty within the jurisdiction of a justice of the peace, may be sued and prosecuted before any justice within the county where the offence was committed, and it shall be no cause of exception to any such justice, that he resides or has property within the town where the offence was committed.

SEC. 15. *And be it further enacted*, That this act shall extend to, and be in force only in such towns in this state which shall at their annual or other town meeting called for that purpose, adopt the same. *Provided however*, that such town may adopt the whole, or any part thereof as they may think proper. *Provided also*, that such town may exempt from the operation of the tenth section of this act, such inhabitants of such town as live remote from the compact part thereof.

SEC. 16. *And be it further enacted*, That an act, entitled "an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled among buildings ; to prevent the keeping of fires in unsuitable houses and places ; to prevent goods endangered by such fires, and to remove and demolish buildings judged to be dangerous to the public safety," passed April 6, 1781 ; an act entitled "an act in addition to and altering an act entitled an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled among buildings ; to prevent the keeping of fires in unsuitable houses or places ; to preserve goods endangered by such fires, and to remove or demolish buildings judged to be dangerous to the public safety," passed June 17, 1794 ; an act entitled, "an act in addition to an act to regulate the proceedings for extinguishing fires that may be accidentally or otherwise kindled," passed November 30, 1803 ; an act entitled "an act in addition to

an act to regulate the proceedings for extinguishing fires, that may be accidentally or otherwise kindled," passed June 27, 1818; an act entitled "an act empowering the selectmen and firewards of the town of Portsmouth to appoint additional fire engine men," passed June 30, 1821; an act entitled "an act in addition to, and in amendment of, the several acts now in force regulating the proceedings for extinguishing fires," passed December 20, 1824; an act entitled "an act prescribing the mode of recovering the fines and penalties in an act to regulate the proceedings for extinguishing fires, &c., passed April 6, 1781," passed December 21, 1824; and an act entitled "an act empowering the firewards in the several towns in this state to make rules and regulations respecting fires," passed June 20, 1826, be, and hereby are, repealed. *Provided*, that all rules and regulations made by the firewards of any town now in force shall be and remain in force as if the same had been made under the provisions of this act, and all penalties incurred for any breach of such regulations or of any provisions of the said acts hereby repealed, may be recovered in the same manner as if this act had not been passed.

SEC. 17. *And be it further enacted*, That this act shall not take effect until the first day of February next.

Approved December 16, 1828.

RULES AND REGULATIONS

Made and ordained by the Firewards of Concord, respecting the kindling, guarding and safe keeping of fires, and also, for the prevention and extinguishing of fires, &c., March 12, 1841.

Resolved, That from and after the twelfth day of March, in the year of our Lord, one thousand eight hundred and forty-one, the following rules and regulations for preventing fires, be observed by all persons dwelling or being within those portions of the town of Concord, included within the following limits, to wit: Within the territory bounded on the east by Merrimack river, on the west, by a line running parallel with Main street and one mile west from said street; on the south, by a line running from Merrimack river at a point forty rods south of Concord Bridge, and thence west to the line above mentioned; and on the north, by a line running east and west crossing the highway leading to Boscawen at the causeway over Wood's brook, so called, north of George Arlin's house, and extending from Merrimack river to the line first above mentioned. Also, within the territory lying within one mile of Stephen Ambrose store; and also within the territory lying within three fourths of a mile of Geo. W. Brown's tavern, to wit:

1. All ashes kept in any building shall be deposited in vessels made of iron, tin or other metals, or in apartments made of materials not combustible; and any wooden vessel in which ashes are deposited, shall be placed and kept at least fifteen feet from any building or other combustible matter, provided that nothing in this article shall be construed or taken to prevent depositing ashes in a leach for the purpose of bleaching or making soap, the same being immediately wet.

2. All shavings, or chips of wood, shall be seasonably removed from all buildings and deposited in suitable places, or burned under the direction of the Firewards; and no shavings, or other combustibles, shall be burned in any street or highway, or within ten rods of any building, without permission first obtained of one of the Firewards.

3. No person shall carry or have a lighted cigar or pipe in any barn, shed, or stable, either by day or by night.

4. No person shall carry any lighted torch or fire by night or by day, within forty feet of any building, lumber or other combustible matter, the burning of which would endanger the property of any person or persons, unless the said torch or fire be contained in a covered vessel, made of incombustible materials.

5. It shall be the duty of every person or persons to make such alterations in his or her fire places, hearths, chimneys, stoves and stove pipes or funnels, as any two or more of the Firewards shall direct ; and such alterations shall be made within three days after notice to such person or persons shall be given by said Firewards ; Provided, that any person or persons notified as aforesaid, to make any such alterations as aforesaid, shall be excused from making the same, on his or their procuring within said three days, the consent, in writing, of a majority of all the Firewards of said town.

6. Every person, who shall violate any of the foregoing regulations, shall forfeit and pay for each and every offence, a sum not exceeding ten dollars, nor less than one dollar, to be sued for and recovered according to the provisions of the statute in such case made and provided.

Voted, That Capt. Benjamin Parker, Ephraim Hutchins, and Hosea Fessenden, be a committee to determine on the expediency in case of fire of demolishing buildings;

That the following persons were appointed to direct the operations of the several Engines at fires :

- No. 1, Seth Eastman, Benjamin Damon substitute ;
- No. 2, Samuel Coffin, R. E. Pecker substitute ;
- No. 3, Charles Hutchins, J. H. Swett substitute ;
- No. 4, Wm. Restieaux, Ephraim Hutchins substitute ;
- No. 5. T. T. Abbot, C. Hall substitute ;

That John Whipple, Mical Tubbs and Jonathan Sanborn were appointed a committee to see that the fire hooks are kept in good order and conveyed to fires and returned.

BENJAMIN PARKER, Chairman.
SETH EASTMAN, Clerk.