



COUNSEL TO THE HOUSE OF  
REPRESENTATIVES  
STATE HOUSE  
BOSTON















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ACTS AND RESOLVES  
OF  
MASSACHUSETTS.

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1782-83.

[REPRINTED UNDER CHAPTER 104 OF THE RESOLVES OF 1889.]

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ACTS

AND

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L A W S

OF THE

COMMONWEALTH

OF

MASSACHUSETTS.

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BOSTON:

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# ACTS AND LAWS,

PASSED BY THE GREAT AND GENERAL COURT OR ASSEMBLY OF THE COMMONWEALTH OF MASSACHUSETTS: BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY THE TWENTY-NINTH DAY OF MAY, 1782.

## 1782. — Chapter 1.

[May Session, ch. 2.]

AN ACT FOR DIVIDING THE TOWN OF WILBRAHAM INTO TWO SEPARATE PARISHES.

Chap. 1

*Whereas for the greater Convenience of attending the public Worship of GOD, it is found necessary to divide the Town of Wilbraham into two separate Parishes:*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the said Town of Wilbraham be, and the same is hereby divided into two separate Parishes, by the Names of the North Parish, and the South Parish by a Line coinciding with the South Line of the Lot whereon Nathaniel Bliss deceased, lately lived; from the West Bounds of said Town to Monson Line; and that the Parishes abovementioned and each of them be, and hereby are severally invested with all the Powers, Rights and Privileges which Parishes in this Commonwealth are by Law invested with.*

Town of Wilbraham divided into two Parishes.

Boundaries.

*And be it further enacted by the Authority aforesaid, That Mr. Thomas Merrick, with his Lands and Estate be, and he hereby is annexed to the North Parish above mentioned, and David Wood; Jesse Carpenter, and Jonah Bubee, with their Lands and other Estate be, and they hereby are annexed to the South Parish in the said Town; any Thing in this Act to the contrary notwithstanding.*

Lands annexed to the N. and South Parishes.

Each Parish to enjoy in equal Shares the Land heretofore sequestered.

*And be it further enacted,* That each of the Parishes aforesaid shall have and enjoy in equal Shares the Lands heretofore sequestered, devised, or given for the Use or Support of the Ministry and the Monies or Securities for Money that may be in the Treasury, and as well the Proceeds of the Sale of Lands as any other Monies or Securities for Money that have been given to the Inhabitants of the said Town for the Support of the Gospel.

Inhabitants of the N. Parish to improve the Meeting-House.

*And be it further enacted,* That the Inhabitants of the North Parish aforesaid, shall have a Right to improve the Meeting-House now standing in the same Parish for the Purposes of Public Worship so long as they shall think proper so to improve it.

John Bliss, Esq; to call a Meeting of the Parishes.

*And be it further enacted,* That *John Bliss*, Esq; be, and hereby is empowered to issue his Warrants to some principal Inhabitant of each of the said Parishes, requiring them to warn the Inhabitants of the Parishes to which they respectively belong, to meet at such Time and Place in each of the said Parishes as by such Warrants shall be duly specified, and then choose such Officers as may be necessary to manage the Affairs of the said Parishes. And the Inhabitants qualified by Law to vote being so assembled, shall be, and hereby are empowered to choose such Officers in their respective Parishes accordingly.

June 20, 1782.

## 1782. — Chapter 2.

[May Session, ch. 3.]

### Chap. 2 AN ACT TO SUSPEND THE PRIVILEGE OF THE WRIT OF HABEAS CORPUS FOR SIX MONTHS.

Preamble.

*Whereas it is necessary for the public Safety, that the Writ of Habeas Corpus, under certain Circumstances, should be suspended for a limited Time:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That his Excellency the Governor with the Advice of Council be, and he hereby is authorised and empowered to apprehend and secure in any Goal in this Commonwealth without Bail or Mainprize, any Person or Persons whose being at large may be judged by His Excellency and the Council, to be Dangerous to the Peace and Well-being of this or any of the United States;

Governor & Council authorised to apprehend all Persons whose Enlargement may be dangerous to the United States.

any Law, Usage or Custom to the contrary notwithstanding.

This Act to continue in Force for the Space of Six Limitation.  
Months, and no longer. *June 27, 1782.*

### 1782. — Chapter 3.

[May Session, ch. 4.]

AN ACT FOR INCORPORATING CERTAIN INTERVAL LANDS Chap. 3  
BELONGING TO CERTAIN INHABITANTS OF *SPRINGFIELD*,  
AND *WEST-SPRINGFIELD*, LYING ON THE WEST SIDE OF  
*CONNECTICUT* RIVER, AND ON BOTH SIDES *AGAWAM* RIVER,  
INTO A COMMON FIELD.

*Whereas Mr. Thomas Williston, Representative for the* Preamble.  
*Town of Springfield, hath Petitioned this Court for him-  
self and in behalf of the Persons hereafter named, viz.  
Captain Samuel Burt, Captain Thomas Stebbins, Jona-  
than Dwight, John Burt, John Ashley, Gad Bliss, Daniel  
Bliss, Joseph Lombard, Nathan Bliss, Jacob Cooley,  
Zenas Bliss, Moses Bliss, Esquire, Thomas Dwight,  
Samuel Palmer, John Worthington, Esquire, Thomas  
Bates, Capt. Joseph Ferry, Widow Mary Ferry, John  
Ferry, Solomon Ferry, Joseph Clough, Chauncey Brewer,  
Esquire, Josiah Hitchcock, Samuel Leonard, Elijah Day,  
David Mason, Benjamin Day, Esquire, Benjamin Leon-  
ard, junior, Enoch Cooper, Daniel Harris, Abner Leonard,  
Moses Leonard, Reuben Leonard, Benjamin Leonard,  
Stephen Bodurtha, David White, Samuel Phelps, John  
Lanckton, Jonathan Allen, Hezekiah Warriner, James  
Phillips, Solomon Miller, Captain Abel Cooley, Justin  
Ely, Esquire, Joseph Stebbins, Joseph Merrick, Rev. Rob-  
ert Breck, Eleanor Coleman, Capt. Israel Chapin, Capt.  
Timothy Bliss, Andrew Colton, Gerald Warner, John  
Warner, junior, Samuel Bliss, Aaron Warriner, Capt.  
George Pyncheon, Jedediah Bliss, and Horace White,  
representing that by Reason of the Annual Floods in the  
aforesaid Rivers, the said Lands have always hitherto been  
fenced and improved in a Common Field, and that the  
most of them cannot be fenced in severalty; and that by  
the Dissolution of the ancient Field in which they were  
formerly included, the Proprietors are deprived of the  
Benefit and Aid of the Laws respecting the Inclosing and  
due Regulation of General Fields, for want of a legal  
Establishment, by Means whereof the Profits of their*

*Improvements of those Lands are greatly diminished, and praying that the said Lands may be erected into one common and general Field, as they are included within the following Lines, viz. Beginning at the West Side of Connecticut River, at the South East Corner of the Lot, lately the Homelot of John Miller, deceased, and extending Westerly in the South Line of said Lot to the West End thereof, to the Town Way there; thence turning Northerly, between said Lot and said Way, a few Rods to the County Road from the Ferry to the Bridge; thence running on the South Side said County Road, or Highway, towards said Bridge, to the North-East Corner of Samuel Leonard's Pasture, near the said Bridge; thence turning and running Southerly in the East Line of said Pasture to the South-East Corner thereof; thence on the highest Grounds a few Rods to the Side of Agawam River; thence continuing on the Bank of said River and down the same, to a Place directly opposite to the East Fence of Moses Leonard's Pasture, under the Hill in Agawam Meadow; and thence across said Agawam River to said Moses's Fence aforesaid; and so continuing Southerly, coinciding with the same Fence, and with the Fence of the East Side of the next Pasture, Southerly of said Moses's aforesaid; and so on in the same Course to James Phillips's Land, and in the Fence of said James Phillips until it comes to the Brow of the Hill in his Land, and continuing on the Brow of the Hill to his Mansion House, late Rice's, now in Occupation of his Son Thompson Phillips; and thence in the same Line that the Fence of the Old Field runs, to the Mouth of Agawam River; and from thence by the West Side of Connecticut River to the first Bound: Wherefore,*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Lands aforesaid, being all the Lands included within the Lines aforesaid, be, and hereby are incorporated into one common and General Field; and the Proprietors and Owners of the said Lands are hereby invested with all the Powers and Privileges that the Proprietors of Lands in General Fields by Law are invested withal.*

Certain Land on the West Side of Connecticut River incorporated into a common Field.

Proviso.

*Provided nevertheless, and whereas several Persons Proprietors of Lands within the limits aforesaid, viz. Deacon Jonathan White, Timothy Day, Ebenezer Day,*



Caleb Parsons, Caleb Bliss, Aaron Day, *Dr.* John Vanhorn, Samuel Ely, Jonathan Smith, and Benjamin Stebins, *jun.* have not joined in the Application made for the Incorporation thereof, but have declined their Consent thereto: Therefore,

*Be it enacted,* That none of the beforementioned Proprietors who have declined their Consent as aforesaid, shall be obliged as Members of the said Corporation or Propriety, to contribute to the general Fence, or be subjected to the Votes of the other Proprietors in Regard to his or their Lands they now own there, whenever and so long as he or they shall inclose and improve the same in severalty, or shall not improve and enjoy the same under the Protection and Security of the same common Fence with the rest of the Proprietors in general; any Thing in the foregoing Paragraph to the contrary notwithstanding.

Declining Proprietors not to be subject to this Act.

*And be it further enacted,* That each and every of the petitioning Proprietors aforesaid, may be at full Liberty at any and all Times hereafter, to inclose and improve by themselves, any of their Lands lying within the Limits aforesaid, as if such Act of Incorporation had not been made; they maintaining their respective Proportions of the general Fence around the same. *June 27, 1782.*

Proprietors may inclose and improve any of their Lands.

## 1782. — Chapter 4.

[May Session, ch. 5.]

### AN ACT FOR NATURALIZING MICHAEL CUNNINGHAM AND JOHN PRESCOTT.

Chap. 4

*Whereas* Michael Cunningham and John Prescott, late of the Town of Halifax, in Nova Scotia, have produced substantial Evidence that they have, during the present War, particularly exerted themselves for the Relief of American Prisoners who have been carried into said Halifax; and that they have in many Instances, opposed the British tyranny, and espoused the Cause of America, and have now fled to this Country to pay Obedience to and receive Protection from its Laws. And whereas it is just to reward such Persons who have thus voluntarily taken a Part in our Defence, and expedient to encourage such well disposed Foreigners to join themselves to us:

Preamble.

*Michael  
Cunningham  
and John  
Prescott  
Naturalized.*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That upon taking and subscribing the Oaths of Allegiance, Abjuration, and other Oaths required by the Laws of this Commonwealth, by the said Michael Cunningham and John Prescott respectively, they the said Michael Cunningham and John Prescott, shall, from the Time of taking and subscribing said Oaths before any two Justices of the Peace of this Commonwealth, be deemed, adjudged and taken to be natural Subjects of this Commonwealth, to all Intents, Constructions and Purposes, as if they, the said Michael Cunningham and John Prescott had been respectively born within this Commonwealth, and had continued and dwelt therein from the Time of their respective Births, and been here abiding on the Fourth Day of July, in the Year of our Lord Seventeen Hundred and Seventy-six, and had each of them at that Time and ever since, taken a Part with and been aiding the Inhabitants of this Commonwealth in Defence of their Liberties.*

*Their Oaths to  
be returned to  
the Secretary.*

*And be it further enacted by the Authority aforesaid, That if the said Michael Cunningham and John Prescott, shall take and subscribe the Oaths aforesaid, in Manner aforesaid; the Persons before whom they shall take and subscribe said Oaths, shall make Return thereof to the Secretary, who shall record the same in a Book, to be kept among the public Records of this Commonwealth for the Purpose of recording the Names of such Foreigners as shall be hereafter naturalized by Acts of this Commonwealth.*

*June 27, 1782.*

## 1782.—Chapter 5.

[May Session, ch. 6.]

*Chap. 5* AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS AND OTHER PERSONS HEREAFTER MENTIONED.

*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 One Thousand Seven Hundred and Eighty-two, the Fees of the several Officers and other Persons hereafter mentioned, shall be as follows, viz.*

*Justices Fees.*

For every blank Writ of Attachment and Summons Justices Fees. thereon, or original Summons, *one shilling.*

Subpena for one or more Witnesses, *six pence.*

Entering an Action, or filing a Complaint in civil Causes, *one shilling and four pence.*

Filing Papers, *one penny half penny* each Paper.

Writ of Execution, *one shilling and four pence.*

Examining, allowing, and taxing a Bill of Cost, *three pence*

Entering up Judgment in civil or criminal Causes, and recording the same, *one shilling and four pence.*

Copy of every Evidence, original Paper or Record, if under a Page, *six pence*; if of one Page and upwards, at the Rate of *nine pence* per Page.

A Recognizance or Bond of Appeal, including Principal and Sureties, *one shilling.*

Taking Affidavits out of Courts in order for the Trial of any Cause, *one shilling and six pence*; and for the Justice's Travel every Ten Miles, *three shillings*; the same for returning, and so in Proportion; the Travel to be certified by the Justice to the Court before whom the Cause is to be tried; and for writing Deposition, Caption and Notification, at the Rate of *one shilling* a Page.

Taking Affidavits in *Perpetuam Rei Memoriam* to each Justice, *one shilling*; and Writing the same and Travel as before mentioned.

For administring an Oath to one or more Witnesses at the same Time before Referees or Arbitrators, *one shilling.*

To Travel for that Purpose, the same as in taking Affidavits.

To administring an Oath to Persons appointed to appraise Estates, or to appraise and divide Real Estates, together with Certificates of the same, *one shilling and six pence.*

Taking the Acknowledgment of a Deed with one or more Seals, provided it be at one and the same Time, and certifying the same, *one shilling.*

Receiving a Complaint, and issuing Warrant in criminal Cases, *two shillings.*

For granting a Warrant, swearing Appraisers relating to Strays, and entering the same, *two shillings.*

For administring Oaths in all other Cases, with Cer-

tificates, except Oaths to Town, District, or Parish Officers, *one shilling*.

For Trial of an Issue, *two shillings*.

#### *Coroners Fees.*

Coroners Fees.

For serving a Writ, Summons, or Execution; and for Travel in returning the same, or for returning an Inquisition, the same as by this Act is allowed to Sheriffs.

Bail Bonds, *one shilling and six pence*.

Every Trial where the Sheriff is concerned, *one shilling and six pence*.

For attending the Jury, *one shilling*.

For granting a Warrant, and taking an Inquisition on a dead Body, *four shillings*; if more than one at the same Time, and who came to their Death by the same Means, *two shillings* for every other after the first.

For Travel and Expences for taking an Inquisition, *four shillings per Day*.

The Foreman of the Jury at the Rate of *three shillings and six pence* a Day, for Time and Expence; and to every other Juror at the Rate of *three shillings per Day*, exclusive of Travel; for which, if above four Miles, he shall have *two pence per Mile* out and Home.

The Constable, for his Attendance and Expences in summoning a Jury, *four shillings a Day*.

And all Charges of the Inquisition shall be paid out of the County Treasurer, except such as are taken upon Bodies of Strangers not belonging to this Commonwealth; and in such Case the Expence shall be paid out of the Treasury of this Commonwealth, such Account of Expence being first examined and allowed by the Court of General Sessions of the Peace in the County in which such Inquisition shall be taken.

#### *Judge of Probate's Fees.*

Judge of Probate's Fees.

For granting Administration, *three shillings*.

For appointing or allowing Guardians to Minors, *two shillings*; and if for more than one Minor to the same Guardian, then *three pence* each for all above the first.

For a Decree respecting the Probate of a Will or Codicil, *three shillings and six pence*.

For examining and allowing an Inventory, and swearing the Executor or Executors, Administrator or Administrators, *one shilling*.

For swearing the Appraisers, *nine pence*.

For examining and allowing Accounts, *three shillings*.

A Decree for settling Intestates Estates, *three shillings*.

A Citation, *nine pence*, Summons for Witnesses, *four pence*.

A Quietus, *one shilling*, a Warrant to appraise or divide Estates, *one shilling and six pence*.

For issuing Commission, recording and examining Creditors Claims when Estates are represented Insolvent, *one shilling*.

For an Order of Distribution, *one shilling and six pence*.

Granting an Appeal to the Governor and Council, *one shilling*.

#### *Register of Probate's Fees.*

For Writing Bond and Letter of Administration, *two shillings and six pence*. Register of Probates Fees.

For Writing Bond and Letter of Guardianship, and making Record thereof, *three shillings*, for one Minor; and if for more than one Minor to the same Guardian, then *three pence* each for every additional one after the first.

For drawing a Decree respecting the Probate of a Will or Codicil, *two shillings and six pence*.

For Writing Bond for the Executor, *one shilling and three pence*.

For Writing a Warrant to appraise the Estates of Persons deceased, *one shilling*.

For a Warrant to divide an Intestate Estate among the Heirs, *one shilling and six Pence*.

For Writing a Warrant to set off a Widow's Dower only, or a Warrant to examine the Claims on an Insolvent Estate, *one shilling*.

For entering on an Inventory the Oath of the Executor or Administrator, *eight pence*.

For entering on the Account of an Executor, or Administrator, or Guardian, an Allowance thereof, *eight pence*.

Drawing up a Decree on the Settlement or Partition of Estates, *one shilling*.

Drawing an Order of Distribution, *one shilling*.

A Quietus, *one shilling*; a Citation, *nine pence*; a Summons for a Witness or Witnesses, *six pence*.

For Proportioning an Insolvent Estate among the

Creditors, at the Rate of *three shillings* for every twelve Creditors, every Creditor's Proportion being severally distinguished.

Recording a Will, Inventory, Account or other Matters, for every Page, *eight pence*.

Copy of a Will, Inventory or other Paper, for each Page, *eight pence*.

Bond of Appeal, *one shilling*.

*And be it further enacted*, That whenever any Fees shall be paid into the Probate Office, a particular Account of such Fees, and for what they accrued, shall before Payment (if demanded) be by the Judge or Register set down in Writing, and given to the Party, paying the same, and any Fees received without being thus ascertained in Writing, when demanded as aforesaid, shall be deemed illegal Fees, and the Person or Persons receiving the same, shall forfeit and suffer treble the Sum by him so received, and be liable to an Action of Debt, to be brought by him who shall so pay the same in any Court proper to try the same.

#### IN THE COURT OF COMMON PLEAS.

##### *Justices Fees.*

Justices Fees.

For the Entry of every Action, *three shillings*; and for every Action where an issue in Law or Fact is joined, *six shillings*, in Addition to the Fee for entry.

Taxing a Bill of Cost, *six pence*.

Granting an Appeal and taking a Recognizance of the Principal and Surety or Sureties, *one shilling*.

Proving a Deed, *one shilling*.

Surrender of the Principal in Court by his Surety or Sureties, *one shilling*.

Granting a Writ of Protection, *one shilling*.

Entering a Petition and making an Order thereon for the Sale of Real Estate, *four shillings*.

##### *Clerk of the Common Pleas.*

Clerk of the  
Common Pleas  
Fees.

Every Action entered, *one shilling and four pence*.

Entering and recording a Verdict or Report of Referees, *eight pence*.

Every Action withdrawn, or Nonsuit, *eight pence*.

Confessing Judgment, or Default, or Joinder in Demurrer, *eight pence*.

Entering up Judgment, and recording the same at large, *one shilling*.

Acknowledging Satisfaction of a Judgment on Record, *eight pence*.

For entering an Appeal, and recognizing Principal and Sureties, *one shilling*.

Examining and casting each Bill of Cost, *eight pence*.

Filing each Paper, *one penny and a half penny*.

Continuing each Cause to the next Term, *eight pence*.

Entering the Surrender of a Principal in Court, and making a Record thereof, *one shilling*.

Entering a Rule of Court upon the Parties submitting a Cause to Referees, *eight pence*.

Every blank Writ and Summons, *eight pence*.

A blank *Scire Facias*, *nine pence*.

A blank Original Summons, *eight pence*.

An Original or alias Execution in Personal Matters, and filing the same when returned, *one shilling and four pence*.

Every Writ of Possession in real Actions, *three shillings*.

A Writ of Protection, or Habeas Corpus ad Testificandum, *one shilling*.

Each Venire Facias for Jurymen, to be paid out of the County Treasury, *three pence*.

#### IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

To each Justice for every Day's constant Attendance in Court, *four shillings*. Of the General Sessions.

Travel for such Justices, as are ten Miles and upwards distant from the Court-House or Place where the Court sits, *four shillings* for every twenty Miles, computing out and Home. The Travel and Attendance to be paid out of the County Treasury.

The Clerk to keep an Account of their Attendance as aforesaid; and all Fines and Forfeitures assessed by the same Court, and not otherwise appropriated by Law, to be paid into the County Treasury, for the Use of the County.

#### *Clerk of the Sessions Fees.*

Entering an Indictment, Complaint, Presentment, or Information, *one shilling and four pence*. Clerk of the Sessions Fees.

Recording the Judgment of the Court thereon, *one shilling*.

Discharging a Recognizance, *eight pence*.

Each Warrant for Criminals, *one shilling*.

Each Summons or Subpena for Witness or Witnesses, *six pence*.

Each Recognizance for Innholders or Retailers, including Principal and Sureties, and for transmitting the Name of the licenced Person to the Selectmen, and recording the Licence, *one shilling and three pence*.

A Warrant for County Tax, *one shilling*.

Warrant to lay out or alter a Road, *one shilling and six pence*.

Examining and casting the Grand-Jury's Account Yearly, and Order thereon, *one shilling and six pence*.

Examining any other Account, *six pence* each.

Recording the Reports of High Ways and other Matters by Order of Sessions, *eight pence* per Page.

Copies of all Records or original Papers, *eight pence* per Page.

For Filing such Papers, *a penny half-penny* each.

Entering an Appeal and recognizing the Principal and Sureties, *one shilling*.

#### IN THE SUPREME JUDICIAL COURT.

##### *Justices Fees.*

Justices Fees.

Entering an Action or Complaint, *five shillings and four pence*.

Taking special Bail, *two shillings*.

Allowing a Writ of Error or granting a Certiorari, Habeas Corpus or other Writ on Motion, *two shillings*.

Granting a Writ of Protection, *one shilling and six pence*.

Proving a Deed, *one shilling*.

Entering a Petition and making Order thereon for the Sale or Partition of Real Estates, *six shillings*; accepting Partition of Real Estates, *two shillings*.

Taxing a Bill of Cost, *one shilling*.

The foregoing Fees to be paid to the Clerk of said Court, who shall some Time in the Month of *December* annually, certify to the Governor and Council, the Sums by him so taken and received, and paid over to the said Justices, that the same be deducted from the last Quarter of the said Justices Yearly Salary; and the Governor and Council are hereby empowered to deduct the same accordingly.



*Clerks Fees in the Supreme Judicial Court.*

Entering each Action for Trial, *five shillings and four pence*. Clerks Fees.

Entering each Complaint, *two shillings and eight pence*.

Receiving and recording a Verdict, *one shilling and four pence*.

A Writ of Review, *four shillings*.

A Writ of Scire Facias, *two shillings and eight pence*.

A Writ of Execution, *two shillings*.

A Writ of Facias Habere Possessionem, *three shillings and four pence*.

A Writ of Habeas Corpus, *two shillings and eight pence*.

Copies of all Records, each Page, *twelve pence*, less than a Page, *eight pence*.

Entering a Rule of Court, *twelve pence*.

Confessing Judgment, or Default, *one shilling and four pence*.

Every Action withdrawn, or Nonsuit, *one shilling and four pence*.

Entering an Appearance, *eight pence*.

Acknowledging Satisfaction of a Judgment on Record, *ten pence*.

Examining each Bill of Cost, *ten pence*.

Continuing each Cause, and entering the same next Term, *one shilling and four pence*.

Fileing each Paper in each Cause, *two pence*.

Proving a Deed in Court, and certifying the same, *one shilling and four pence*.

Entering up Judgment and recording the same at large, *two shillings and eight pence*.

For each Venire to be paid out of the County Treasuries respectively on the Justices Certificate, *four pence*.

Every Writ and Seal other than before mentioned, *two shillings and eight pence*.

For every Subpena for one or more Witnesses, *eight pence*.

Each Recognizance, including Principal and Sureties, *one shilling and four pence*.

A Writ of Protection, *one shilling and four pence*.

Entering a Discharge of a Recognizance by Proclamation, *one shilling*.

*Attornies Fees, and Allowance to Parties and Witnesses.*

Attorney's  
Fees and  
Allowance to  
Parties and  
Witnesses.

To Parties recovering Cost for an Attorney or Counsellors Fee, when Counsel is employed where an issue in Law or Fact is joined in the Supreme Judicial Court, *twelve shillings*, and for all other Causes in said Court and all Causes in the Court of Common Pleas, and Court of General Sessions of the Peace, where an issue in Law or Fact is joined, *six shillings*.

And for all other Causes in said Court, *six shillings*.

For Parties recovering Costs whether in the Supreme Judicial Court, Court of Common Pleas, General Sessions of the Peace, or before a Justice, *one shilling and six pence* for each Day's Attendance and Travel; ten Miles Travel to be accounted as one Day. No Allowance to be made for Travel to or from the Clerk's Office in order to take out a Writ or Summons or carry the same to an Officer. And no Plaintiff shall be allowed more than three Days Attendance when the Defendant is defaulted, unless the Defendant appears in Court and makes Answer to the Plaintiff's Suit.

In Criminal Causes where one or more Defendants are tried by the Jury at the same Time in the Supreme Court, *twenty shillings*: and if no Trial by Jury (unless the Cause is determined by an issue in Law) *six shillings*; and in the Court of General Sessions of the Peace the same Allowance for Counsel as in the Common Pleas.

For drawing an Indictment in the Sessions, *three shillings*.

For drawing an Indictment in the Supreme Judicial Court, *six shillings*.

For Witnesses in Civil or Criminal Causes, whether in the Supreme Judicial Court, Court of Common Pleas, Court of General Sessions of the Peace, or before a Justice of the Peace, *three shillings* a Day, and *two pence* for each Mile's Travel going out and returning Home.

For the Declaration in a Writ triable before a Justice, *two shillings*.

*Sheriffs or Constables Fees.*

Sheriffs or  
Constables  
Fees.

For the Service of an original Summons or Scire Facias on one Defendant for trial, either by reading the same or by Copy, *one shilling and four pence*; if served on more

than one Defendant, then for each other Defendant so served, *one shilling and four pence*; for Service of a Capias or Attachment on one Defendant with or without Summons, *one shilling and four pence*; if served in like Manner on more than one Defendant, then for each other so served, *one shilling and four pence*. *Provided always*, Where the Officer is by Law directed to leave a Copy in order to compleat the Service he may Charge at the Rate of *eight pence* a Page for so much as the same Process shall exceed two Pages over and above the *one shilling and four pence*.

For a Bail Bond and Writing the same, including Principal and Sureties, to be paid by the Persons admitted to Bail, *one shilling*.

For serving a Writ of Possession, exclusive of the Poundage on the Cost of Court, *six shillings*; if on more than one Piece of Land, *four shillings and six pence* each.

For the Cost on a Writ of Possession the same Poundage as in Personal Actions.

For Serving a Warrant, *one shilling and four pence*.

For the Sheriffs Aid in Criminal Cases, to each Person *four shillings*, including Expences for every Twelve Hours, and so in Proportion for a less Time, and *two pence* for each Mile's Travel, going out and returning Home.

For Summoning Witnesses in Criminal Cases, *six pence* for each Witness, and Travel as in Civil Causes, unless in Special Cases, when the Court may increase the Fee to what they shall judge reasonable.

For leying Executions in Personal Actions, viz. For the first *Twenty pounds* or under, *nine pence* a pound; above that, not exceeding *forty pounds*, *four pence* a pound; above that, not exceeding *one hundred pounds*, *two pence* a pound; for all above *one hundred pounds*, *one penny* a pound. *Provided nevertheless*, That the Sheriff or other Officer who may serve any Execution issued by the Treasurer of this Commonwealth, or by any County Treasurer, or Town Treasurer, against any Constable or Collector of Public, County or Town Taxes, shall not be intitled to demand or receive more than Half the Poundage which is allowed in other Cases.

For Travel for the Service of such Execution, or mean Process, or Warrant to him directed, *two pence* a Mile;

Sheriffs or  
Constables  
Fees.

the Travel to be computed from the Place of Service to the Court where the Writ or Execution shall be returned, by the Way that is most commonly used, but one Travel be allowed to one Writ or Execution, and if the same be served on more Persons than one, the Travel to be computed from that Place of Service that is the most remote from the Place of Return, with all further necessary Travel in serving such Writ or Execution, or the other Travelling Fees and Fees of Service to be endorsed by the Sheriff or his Deputy on each mean Process or Execution, otherwise not to be allowed.

For serving an Execution upon Judgment of Court or Partition of Real Estate, or for assigning Dower, *five shillings* a Day, and *two pence* a Mile out from the Place of his Abode.

Every Trial, *eight pence*; every Default, *four pence*.

For returning the Certificate of Votes of the several Towns for a Governor &c. to the Secretary's Office, *four pence*, per Mile, computing from his Abode to the Secretary's Office, to be paid out of the County Treasury, and but one Travel to be allowed for the Whole.

To the Officer attending the Grand Jury each Day, *two shillings and six pence*; to the Officer attending the Jury for Trial, *one shilling*; every Cause to be paid with the Jury's Fees.

For dispersing Venires for Jurymen from the Clerk of the Supreme Judicial Court, Treasurer's Warrants, and Proclamations of all Kinds, *four pence* each.

To each Appraiser of Real Estates for extending Executions or assigning Dower, *four shillings* a Day, and so for a longer or shorter Time.

For every Constable who shall attend the Supreme Judicial Court, or Court of General Sessions of the Peace or Common Pleas by their Order, *three shillings* a Day, to be paid out of the County Treasury, and for Encouragement unto the Sheriff to take and use all possible Care and Diligence for the safe keeping the Prisoners that shall be committed to his Custody, he shall have such Salary allowed him for the same as the Justices of the Court of General Sessions of the Peace within the same County shall think fit to order, not exceeding *ten pounds* a Year for the County of *Suffolk*, and not exceeding *five pounds* each for the other Counties within the Government, at the Discretion of the Court

of Sessions to be paid out of the Treasury of such County.

*And be it enacted by the Authority aforesaid,* That any Constable in any Town in this Commonwealth be, and he is hereby fully authorised and empowered to serve upon any Person or Persons in his respective Town, any original Writ, Summons, or Writ of Execution in any Personal Action where the Damages sued for, or recovered, do not exceed *twenty pounds*, and Return thereof to make to any Court proper to try the same.

#### *Criers Fees.*

Calling a Jury, *four pence*, to be paid with the Jury Fees. Criers Fees.

A Default, or Nonsuit, a Judgment assign'd, or Complaint, a Verdict, or Demurrer, *eight pence* each.

Discharging a Recognizance by Proclamation, *four pence*; said Fees to be paid to the Clerks of the respective Courts for the Use of the Crier.

#### *Goalers Fees.*

For turning the Key on each Prisoner committed, *three shillings*, to wit, *one shilling and six pence* in, and *one shilling and six pence* out. Goalers Fees.

For Dieting each Person, such Sum Weekly as the Court of Sessions shall judge reasonable.

#### *Grand Jurors Fees.*

Foreman *four shillings* per Day.

Each other Juror *three shillings and six pence* per Day, and *two pence* for each Mile he shall travel, going out and returning home, and but one Travel at each Court. Grand Jurors Fees.

#### *Jurors for Trial, their Fees.*

To the Foreman in every Cause at the Supreme Judicial Court, the Court of Common Pleas, and Court of General Sessions of the Peace, *three shillings and six pence*. Jurors for Trial, their Fees.

To every other Juror, *three shillings*; their Allowance for Travel to be the same as the Grand Jurymen, and to be paid out of the County Treasury.

#### *For Marriages, &c.*

To the Town Clerk for publishing the Banns of Matrimony, making a Record thereof, *one shilling*; and For Marriages, &c.

recording the Marriage when the Certificate is returned by the Minister or Justice officiating, *six pence*. And to the Clerk of the Sessions to be paid by the respective Town Clerks, *two pence*.

Every Certificate of a Publishment, *six pence*.

Recording Births and Deaths, *two pence*.

For each Marriage to the Minister or Justice officiating and for certifying the same to the Town Clerk, *six shillings*.

To the Town Clerk for a Certificate of the Births or Deaths of every Person, *four pence*.

#### *Naval Officers Fees.*

Naval Officers  
Fees.

For entering every Ship or Vessel from any Part of this Government, or from the State of *New-Hampshire*, *three shillings*.

For clearing every Ship and Vessel to any Part of this Government, or to the State of *New-Hampshire*, *three shillings*.

For entering any Ship or Vessel from any other of the United States of *America*, *six shillings*.

For clearing every Ship and Vessel to any other of the United States, *six shillings*.

For entering any Ship or Vessel from a Foreign Voyage, *fifteen shillings*.

For clearing every Ship or Vessel for a Foreign Voyage, *fifteen shillings*.

For every Register and recording the same, *six shillings*.

For indorsing every Register and recording the same, *two shillings and four pence*.

For every Bond, *two shillings*.

For a Certificate to cancel a Bond, *one shilling and four pence*.

For a Bill of Health, *three shillings*.

For every Permit to unlade, *one shilling and six pence*.

For every Permit to load, *one shilling and six pence*.

For every Cocket, *one shilling and six pence*.

*Provided nevertheless*, That the Fees to be demanded for entering and clearing out Vessels employed as Coasters for the Purpose of transporting Articles being the Produce of this Commonwealth, or of the State of *New-Hampshire*, from Port to Port within this Commonwealth, or from any

Port in *New-Hampshire* to any Port in this Commonwealth, shall not exceed *one shilling* for entering, and *one shilling* for clearing out; and no Fee for a Permit to load or unload, Bond, Cocket or Certificate shall be demanded for the Vessels last mentioned; any Thing in this Act foregoing to the contrary notwithstanding.

For entering a Prize, *six shillings*.

*Fees in the Secretary's Office.*

For each Register (exclusive of Naval Officers Fees) Secretary's Fees.  
*three shillings*.

For a Certificate under the Seal of the Commonwealth, for the Benefit of particular Persons, *three shillings*.

Every Order of Notice from the General Court upon Petition, *two shillings*.

Every other Order of the General Court for the Benefit of particular Persons, *one shilling*.

For a Commission, or Letter of Marque and Reprisal, and for the other Papers accompanying the same, *eighteen shillings*.

For all Copies for the Benefit of particular Persons, at the Rate of *nine pence* a Page; and a Page in this Act is meant Twenty-eight Lines of Eight Words a Line, or Two Hundred and Twenty-four Words.

The Secretary shall keep an Account of all Fees by him taken as Secretary or Register of the Supreme Probate, by Virtue of this Act, that the General Court may, once a Year, know the Amount thereof, and take the same into Consideration at the Time of making a Grant to him for his Services.

*To the Captain of Castle-William.*

For a Pass by the Castle, for each Vessel *two shillings*; Fees for the Captain of the Castle. except for Wood Sloops and other Coasting Vessels, for which Passes have not been usually taken out.

*Messenger of the General Court.*

Serving every Warrant which the said General Court, or either House may Grant for arresting, imprisoning, or taking into Custody any Person, *two shillings*. For Travel each Mile out, and the same in returning, *three pence*. For keeping and providing Food for such Person, Messenger of the General Court.

*two shillings and six pence* per Day. For his Discharge or Dismission, *two shillings*.

*County Register's Fees.*

County Register's Fees.

For entering and recording a Deed, Partition, or other Paper, of the Length of one Page or under, *ten pence*; and for certifying on the Original the Time when the Book and Page where the same is recorded, *four pence*. If the Instrument recorded exceeds a Page, *eight pence* a Page for as many Pages as it contains; the Fees to be paid at the offering the Instrument.

For all Copies, at the Rate of *eight pence* a Page.

For entering in the Margin the Discharge of a Mortgage, to be signed by the Person discharging the same, *one shilling*.

*And be it further enacted*, That the Clerks of the several Courts, and other Persons keeping Public Offices, shall constantly have a List of the Fees by this Act prescribed, so far as relates to them respectively, printed or wrote out in legible Characters, and hung in some convenient Place in their respective Offices. And any Person that shall demand any greater Fee or Fees for any of the Services aforesaid, than are by this Law provided, he or they shall forfeit and pay for every Offence, the Sum of *five pounds*, with Costs of Suit to him or them that will prosecute and sue therefor by Action of Debt, within one Year after the Offence committed, in the Court of Common Pleas.

*And be it further enacted by the Authority aforesaid*, That any Person who shall wilfully and corruptly demand and receive any greater Fee or Fees for any of the Services aforesaid, than are by this Law provided, and shall be convicted thereof upon an Indictment of the Grand-Jury, in the Court of General Sessions of the Peace, or the Supreme Judicial Court, may over and above the Fine of *five pounds*, be adjudged incapable of sustaining any Office within the Commonwealth for a Term of Time not exceeding Seven Years, from the Time of such Conviction, provided the Information or Indictment be filed within one Year next after the Offence committed.

*June 27, 1782.*



## 1782. — Chapter 6.

[May Session, ch. 7.]

AN ACT FOR DIVIDING THE TOWN OF SANFORD IN THE COUNTY OF YORK, INTO TWO PARISHES. Chap. 6

*Whereas for the greater Convenience of attending the public Worship of GOD it is found necessary to divide the Town of Sanford into two separate Parishes:* Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the said Town be and hereby is divided into two separate Parishes by the Names of the *South Parish*, and *North Parish*, by a Line beginning at the Head of the Township of *Wells*, at *Mousam River*, so called; thence running up the Eastern Branch thereof, to the Mouth of a certain Brook, called the *Hay Brook*; then up said Brook to a certain Place known by the Name of *Staple's Marsh*; then North West to the Head of the said Town of *Sanford*. Town of Sanford divided into two Parishes. Boundaries.

*And be it further enacted,* That all the Inhabitants of said Town and Lands therein on the North East Side of the Line aforesaid shall be considered as belonging to the said North Parish; and the Residue of the Inhabitants and Lands as belonging to the said South Parish.

*And be it further enacted by the Authority aforesaid,* That the several Parishes aforesaid be, and hereby are respectively invested with all the Powers, Rights, Privileges and Immunities which other Parishes in this Commonwealth are invested with. The Parishes invested with all Powers, Sc. with other Parishes.

*And be it further enacted,* That *Nathaniel Wells*, Esq; be, and hereby is empowered to issue his Warrant to some principal Inhabitant of each of the said Parishes, requiring them to Notify and Warn the Inhabitants of the Parishes to which they respectively belong, to meet at such Time and Place in each of the said Parishes as by such Warrants shall be duly specified, and then and there choose such Officers as may be necessary to manage the Affairs of the said Parishes respectively. And the Inhabitants qualified by Law to vote, being so assembled, shall be and hereby are empowered to choose such Officers in their respective Parishes accordingly. Nathl. Wells, Esq; to call a Meeting of said Parishes.

*July 1, 1782.*

## 1782. — Chapter 7.

[May Session, ch. 8.]

*Chap. 7* AN ACT FOR ERECTING A DISTRICT IN THE COUNTY OF ESSEX,  
BY THE NAME OF LYNNFIELD.

Preamble.

*Whereas the Inhabitants of the North Parish in the Town of Lynn labour under great Inconveniences and Difficulties by Reason of their Distance from and difficult Access to the usual Place of Meeting to transact Town Business, and many other great Disadvantages, and have requested this Court that they may be incorporated into a District, with all the Privileges of a Town, that of sending a Representative to the General Court excepted :*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the said North Parish and all that Tract of Land included within the same and divided from the Town of Lynn, by the Line and Boundary following, viz. Beginning at Sawgust River, near a White Oak Tree in Jonathan Tarble's lower Field, near the Cant of the River which is the Line between Jefferds and Brinton's Farms, and running Eastwardly to Land of Benjamin Riddon; thence turning by John Pool's Land as the Wall runs, to a great Rock by the Side of the Hill; thence Southeasterly to Josiah Newhall, Southwest Corner bound, adjoining to the Town Wall, so called; thence running Southeasterly to Andrew Mansfield, Southwest Corner bound at the Wall; thence running as the Wall runs to the South East Corner of John Lyndsey's Orchard; thence Northerly as the Wall runs to the Road that leads from Reading to Salem; thence Easterly as the Road runs to Danvers Line, be, and hereby is incorporated into a District, by the Name of Lynnfield; and that the said District be, and hereby is invested with all the Powers, Privileges and Immunities that Towns in this Commonwealth do or may enjoy, that of sending a Representative to the General Assembly only excepted; and that the Inhabitants of said District shall have Liberty from Time to Time to join with the Town of Lynn in choosing a Representative, and shall be notified of the Time and Place of Election in like Manner with the Inhabitants of said Town of Lynn, by a Warrant from the Selectmen of said Town, directed to a Constable or Constables of said*

Boundaries.

District invested with all the Powers, &c. that other Towns in this Commonwealth have.

To join with the Town of Lynn in the choice of a Representative.

District, requiring him or them to warn the Inhabitants to attend the Meeting at the Time and Place assigned, which Warrant shall be seasonably returned by said Constable or Constables, and the Representative may be chosen indifferently from said Town or District; the Pay or Allowance to be borne by the Town and District, in Proportion as they shall from Time to Time pay to the State Tax.

*And be it further enacted, That John Flagg, Esquire,* John Flagg, Esq; empowered to call a Meeting of the Inhabitants. be and he is hereby empowered to issue his Warrant directed to some principal Inhabitant within said District, requiring him to warn the Inhabitants of said District qualified to vote in Town Affairs, to assemble at some suitable Time and Place in said District, to choose such Officers as Towns and Districts by Law are required to choose in the Month of *March* annually.

*Provided nevertheless,* The Inhabitants of said District Proviso. shall pay their proportionable Part of all such Town, County and State Taxes as are already assessed by said Town, and their proportionable Part of all public Debts and Charges due from said Town, and towards the Support of the Poor of said Town, till the close of the War, and at the close of the present War contribute towards the Support of the Poor of said Town and District, according to an Agreement made between said Town and District in that Behalf on the Nineteenth Day of *June*, Anno Domini one Thousand seven Hundred and Eighty-two.

*Provided likewise,* That said District give up all their Proviso. Right in any of the Town's Privileges lying and being in the other Part of the Town, except that of joining with them in the Choice of a Representative as aforesaid.

*July 3, 1782.*

## 1782. — Chapter 8.

[May Session, ch. 9.]

### AN ACT AGAINST BLASPHEMY.

*Chap. 8*

*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 wilfully blaspheme the Holy Name of GOD, by denying, cursing, or contumeliously reproaching GOD, his Creation, Government, or final Judging of the World, or by cursing, or reproaching Persons convicted of Blasphemy.

JESUS CHRIST, or the HOLY GHOST, or by cursing or contumeliously reproaching the Holy Word of GOD, that is, the Canonical Scriptures contained in the Books of the Old and New Testaments, or by exposing them, or any Part of them, to contempt and ridicule; which Books are as follows, *Genesis, Exodus, Leviticus, Numbers, Deuteronomy, Joshua, Judges, Ruth, Samuel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Esther, Job, Psalms, Proverbs, Ecclesiastes, the Song of Solomon, Isaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hosea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zachariah, Malachai, Matthew, Mark, Luke, John, Acts, Romans, Corinthians, Corinthians, Galatians, Ephesians, Philipians, Colossions, Thessalonians, Thessalonians, Timothy, Timothy, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude, Revelations*, every Person so offending, shall be punished by Imprisonment not exceeding Twelve Months, by sitting in the Pillory, by Whipping, or by sitting on the Gallows, with a Rope about the Neck, or binding to the good Behaviour, at the Discretion of the Supreme Judicial Court before whom the Conviction may be, according to the Aggravation of the Offence.

July 3, 1782.

How punished.

## 1782. — Chapter 9.

[May Session, ch. 10.]

### Chap. 9 AN ACT ESTABLISHING A SUPREME JUDICIAL COURT WITHIN THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, That there shall be a Supreme Judicial Court within this Commonwealth, to be held and kept at the several Times and Places by Law appointed, by one Chief Justice and four other Justices, each of whom shall be an Inhabitant of this Commonwealth, of Sobriety of Manners and learned in the Law, to be appointed and commissioned as is by the Constitution provided; and they, or any three of them, shall be a Court and have Cognizance of Pleas real, personal and mixed; and of all civil Actions between Party and Party, and between the Commonwealth and any of the Subjects thereof, whether

Supreme  
Judicial Court,  
&c. their  
Constitution  
and Power.

the same do concern the Realty and relate to Right of Freehold, Inheritance or Possession; whether the same do concern the Personalty and relate to any Matter of Debt, Contract, Damage, or personal Injury; and also all mixed Actions which do concern the Realty and Personalty brought legally before the same Supreme Judicial Court, by Appeal, Review, Writ of Error, or otherwise: and in all such Actions, real, personal and mixed, to give such Judgment and award such Execution as the common Rules of Justice and Laws of this Commonwealth shall direct; and shall take Cognizance of all capital and other Offences and Misdemeanors whatsoever, of a public Nature, tending either to a Breach of the Peace, or the Oppression of the Subject, or raising of Faction, Controversy, or Debate, to any Manner of Misgovernment; and of every Crime whatsoever that is against the Public Good; and shall, by Virtue of their Office, be severally Conservators of the Peace throughout the Commonwealth. And upon all Persons duly and legally convicted before the said Court of Crimes, Offences, or Misdemeanors, to inflict such Punishment as by the Laws of the Commonwealth is provided. And in Case of legal Conviction, where no Punishment by Statute Law is provided, then the said Court shall punish the Person so convicted, and according to the common Usage and Practice within this Commonwealth, not repugnant to the Constitution, according to the Nature of the Offence.

*And be it further enacted,* That the same Supreme Judicial Court may by Certiorari or other legal Methods, cause to be brought before them as well Indictments or other criminal Prosecutions pending in, as the Records of Sentences, Orders, Decrees and Judgments of any Court of inferior criminal Jurisdiction, and to proceed, order and award thereon, as shall be by Law provided and directed. And the said Supreme Judicial Court is empowered to impose and administer all Oaths, as well those that are necessary for promoting Justice between Party and Party, as those necessary to the Conviction and Punishment of Offenders; and to punish at the reasonable Discretion of the Court, all contempts committed against the Authority of the same: And the said Court shall have Power to issue all Writs of Prohibition and Mandamus, according to the Law of the Land, to all

Courts of inferior Judiciary Powers, and all Processes necessary to the furtherance of Justice, and the regular Execution of the Laws.

All Writs and Processes to be in the Name of the Commonwealth of *Massachusetts*.

*And it is further enacted*, That all Writs and Processes of the same Court, shall be in the Name of the Commonwealth of *Massachusetts*, bear Test of the first Justice who is not a Party to the Suit, and shall be under the Seal of the same Court, and signed by the Clerk.

The Supreme Judicial Court to regulate the admission of Attornies.

*And it is further enacted*, That the same Supreme Judicial Court shall and may from Time to Time, make, record and establish all such Rules and Regulations with respect to the Admission of Attornies, ordinarily practicing in the said Court, and the creating of Barristers at Law, and all other Rules respecting Modes of Trial, and the Conduct of Business, as the Discretion of the same Court shall dictate. *Provided always*, That such Rules and Regulations be not repugnant to the Laws of the Commonwealth.

Proviso.

The Justices of said Court empowered to adjourn.

*And it is further enacted*, That the Justices of the said Supreme Judicial Court or any Three of them shall be empowered to adjourn the same Court from Time to Time, as may be necessary to the Public Good. And when it shall so happen that any of the Justices of the said Court shall providentially be detained from attending at the Time when the same Court by Law, or by any previous Adjournment is to be held, by Means whereof there cannot be a competent Court, any two Justices of the same Court may by Writ under their Hands and Seals adjourn the same Court to such further Day as shall be expressed in the same Writ, and the Sheriff of the County or his Deputy shall read such Writ audibly in the Court House or Place where the Court was to be holden, and post up an attested Copy thereof in some public and conspicuous Place there, and shall cause Publication to be made of the same in some other of the most public Places in the County. And the Justices of the Supreme Judicial Court shall from Time to Time appoint a Clerk or Clerks to attend said Court, and to Record the Proceedings thereof, and to do all other Things which shall be by Law their Duty to do, which Clerk or Clerks shall be duly sworn to the faithful Performance of their Office, and shall hold the same during the Pleasure of the said Court.

In Case. —

Justices of said Court to appoint a Clerk or Clerks.

To be sworn.

*July 3, 1782.*

## 1782. — Chapter 10.

[May Session, ch. 11.]

AN ACT DIRECTING THE APPRAISEMENT OF CERTAIN ARTICLES OF PERSONAL ESTATE WHEN TAKEN, TO SATISFY EXECUTIONS AT THE SUIT OF ANY PRIVATE PERSON OR PERSONS.

Chap. 10

*Whereas in order to carry on the present War and defray the necessary Charges thereof, large Demands for Money are from Time to Time made upon the good People of this Commonwealth, by Reason whereof many Persons possessed of a Surplus of the Necessaries of Life have been unable to satisfy in Money the Contents of Executions obtained against them, and their Property taken to satisfy such Executions has been sold for that Purpose at a Rate far less than its Value:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That in all Cases where any Person against whom Execution has issued at the Suit of any private Person, shall shew to the Officer serving the same Neat Cattle, Sheep, Swine, Flour, any Kind of Grain, or Merchantable Pine Boards of his own Property, for Satisfaction of such Execution, such Officer shall receive such Personal Estate, and cause three indifferent discreet Men, being Freeholders in the same County, one to be chosen by the Creditor or Creditors, another by the Debtor or Debtors, and the third by the Officer serving the same; (and in Case either Party shall neglect the Choice, the same to be made by the said Officer) to appraise such Personal Estate to satisfy the Execution with all Fees, and set out such Personal Estate for that Purpose; and the Sheriff or other Officer shall at the Place of Appraisement deliver the same to the Creditor or Creditors, his or their Attorney in Satisfaction of the same Execution. And the Persons so appointed shall previous to their making the Appraisement before some Justice of the Peace of the same County, or the Town Clerk in such Towns where there is no Justice, take the following Oath, viz.*

Persons having Executions issued may shew to the Officers certain Articles.

Officers to cause an Appraisement thereof.

In Case of Neglect —

Persons appointed, to take an Oath.

YOU A. B. solemnly Swear, that in Appraising the Personal Estate taken to satisfy the Execution of C. D. against E. T. you will govern yourselves by the general Rates at which Personal Estate of the same Kind has of

Form of the Oath.

late been sold for the ready Money in this Part of the Country; and that you will therein Act faithfully and impartially, according to your best Skill and Judgment. So help you GOD.

Creditors who  
have com-  
menced  
Actions —

Actions to be  
continued.

Limitations.

*And be it further enacted by the Authority aforesaid,* That where any Creditor shall have commenced an Action before the passing this Act, and shall be unwilling to receive in Discharge of his Demand, such Personal Estate as is herein specified, every such Action shall, if requested by the Plaintiff, be continued from Term to Term, provided the same be not continued more than one Year, and it be done without Charge to the Defendant.

This Act to continue and be in Force until the First Day of *July*, in the Year of our Lord one Thousand seven Hundred and Eighty-three and no longer.

*July 3, 1782.*

## 1782. — Chapter 11.

[May Session, ch. 12.]

### Chap. 11

#### AN ACT ESTABLISHING COURTS OF COMMON PLEAS.

Inferiour  
Courts Con-  
stitution and  
Power.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That there shall be held and kept within each County of this Commonwealth, at the Times and Places by Law appointed, a Court of Common Pleas, by four substantial, discreet and learned Persons, each of whom to be an Inhabitant of the County wherein he shall be appointed; which Persons shall be appointed and commissioned by the Governor, as is provided by the Constitution, and they, or any three of them, shall be a Court, and have Cognizance of all Civil Actions of the Value of more than *forty Shillings*, arising or happening within their County, triable by Common or Statute Law of what Nature or Species soever the same may be, and shall be fully empowered, when qualified as the Constitution directs, to give Judgment and award Execution accordingly, and to administer all necessary Oaths, and to do and order whatsoever by the Constitution and Laws shall be their Duty to do. And all Writs and Processes issuing from the several Courts of Common Pleas, shall be in the Name of the Commonwealth of *Massachusetts*, bear Test of the first Justice who is not a Party, and be under the

All Writs and  
Processes to be  
in the Name of  
the Common-  
wealth of  
*Massachusetts*.



Seal of the Court, and signed by the Clerk thereof, and shall have force, be obeyed and executed in every County within the Commonwealth. And all Original Processes in the said Courts shall be Summon Capias or Attachment, which shall be served and executed fourteen Days before the Day of the Sitting of the Court whereinto they are returnable.

And to be  
Summons  
Capias or  
Attachment.

*And be it further enacted,* That any Party aggrieved at the Judgment of the Court of Common Pleas, upon any Action, may appeal therefrom to the next Supreme Judicial Court to be held within or for the same County; and the Party so appealing, before his Appeal shall be allowed, shall recognize to the adverse Party in a reasonable Sum to prosecute his Appeal with Effect, and to pay all intervening Damages and Cost; and no Execution shall be issued by the Court of Common Pleas upon the Judgment appealed from.

Parties ag-  
grieved may  
appeal to the  
Supreme  
Judicial Court.

*And be it enacted,* That the Appellant shall produce at the Court appealed to, attested Copies of the Writ, Judgment, and all Papers and Evidence filed in the Case at the Common Pleas; and if any Appellant shall neglect to produce such Copies, or shall fail to prosecute his Appeal, the Supreme Judicial Court shall, upon Complaint thereof, made by the Appellee, affirm the former Judgment with additional Damages and Cost. And the Justices of the said Court of Common Pleas shall have Power from Time to Time to make and establish all necessary Rules for the orderly conducting of Business in the same Court, provided such Rules are not repugnant to the Laws of the Commonwealth, or to those Rules established by the Supreme Judicial Court.

Appellants to  
produce at-  
tested Copies  
of the Writ —

Upon neglect  
of the Appel-  
lants —

Justices to  
establish neces-  
sary Rules  
for Business.

*And it is further enacted by the Authority aforesaid,* That the Court of Common Pleas shall have Power to adjourn the same from Time to Time, as may be necessary for the public Good. And when it shall so happen that any of the Justices of the said Court 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, by Means whereof there cannot be more than two of the said Justices present, then in such Case any two of the Justices of the same Court being there present, shall by Writ under their Hands and Seal, adjourn the same Court unto a further Day, expressed in such Writ; and

The said  
Court to have  
Power to  
adjourn.

In Case.

the Sheriff of the County, or his Deputy, shall read the same Writ in the Court House or Place where such Court was to have been holden, and shall place an attested Copy of the same Writ up in some public and conspicuous Place there, and shall cause Publication thereof to be made in some other of the most public Places in the County. And the Justices of the said Court of Common Pleas shall have Power from Time to Time to appoint a Clerk to attend them, and record their Proceedings; 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 said Court.

The Justices empowered to appoint a Clerk.

Said Clerk to be under Oath.

The Time for the Petit Jurors to give their Attendance.

*And it is further enacted*, That the Petit Jurors in the Court of General Sessions of the Peace and Court of Common Pleas, to be held within and for the County of *Suffolk*, shall not be obliged to give their Attendance until the second Tuesday of said Court's Sitting; and at the said Courts to be held in all other Counties, upon the second Day of the said Courts sitting, and Venires shall be issued accordingly.

No Action to be entered after the first Day of the sitting of said Court.

*And it is also enacted*, That no Action shall be entered at any Court of Common Pleas after the first Day of the sitting thereof; and all Pleas in Abatement to the Writ, and Demurrers to Declarations shall be made, signed, and filed before the Jury is impannelled.

Proviso.

*Provided nevertheless*, That where by any inevitable Misfortune or Accident, the Plaintiff shall be prevented from entering his Action upon the first Day of the Courts sitting, he may, upon making the same appear to the Court, enter his Action at any Time before Judgment is given for Cost to the Defendant. *July 3, 1782.*

## 1782. — Chapter 12.

[May Session, ch. 13.]

*Chap. 12* AN ACT FOR THE BETTER REGULATION OF THE TREASURY OF THIS COMMONWEALTH; AND FOR APPOINTING AN ASSISTANT-TREASURER.

Preamble.

*Whereas a full and complete Settlement with the Treasurer of this Commonwealth hath become absolutely necessary to be effected as soon as may be: And whereas also the Depreciation and uncertain Value of Paper Money, and the various Modes of supplying and paying the Army,*

and the peculiar Difficulties attending our public Affairs, have so embarrassed the Treasury, and perplexed the Accounts appertaining to that Office, that it is now become impracticable for the Treasurer, without further Assistance, to perform the ordinary Business of the said Office, and at the same Time pay due Attention to the Accounts and Settlement aforesaid:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That some skilful Accountant of this Commonwealth, duly qualified for the Business of assisting the said Treasurer, be, by the Senate and House of Representatives immediately chosen and appointed Assistant to the Treasurer aforesaid, and so to continue until the First Day of *June*, which shall be in the Year of our Lord One Thousand Seven Hundred and Eighty-three, unless otherwise ordered by the General Court: And the said Assistant Treasurer being appointed to and duly qualified for the said Office, shall attend solely to the Receipt and Payment of Monies arising by Virtue of the Laws laying certain Duties of Excise on certain Articles therein mentioned, and to Taxes granted after the First Day of *March* last, and in all Things touching the same, perform the Office of Treasurer of the said Commonwealth, during the Term aforesaid: And the said Assistant Treasurer shall open new Books, and during the Term aforesaid, the same shall keep, and the Accounts enter therein, in such regular and perspicuous Methods as shall be approved by such Committee as the General Court shall from Time to Time appoint; and on the first Thursday of every Session of the General Court, shall lay before the House of Representatives a brief and intelligible Account of all Monies by him received, paid, negotiated or discounted in the said Office, not before exhibited to said House; and all Books and Accounts of the Treasury shall be open to the Inspection of the aforesaid Committee; and the Officers of the Treasury shall pay due Attention to all their reasonable Requests and Demands touching the State and Condition of the same.

And be it further enacted by the Authority aforesaid, That the honorable *Henry Gardner*, Esq; Treasurer of this Commonwealth, shall proceed in the most expeditious Manner to enforce the Payment of Taxes granted before the First Day of *March* last, upon which Execution is not

Assistant-Treasurer by whom elected.

To continue for one Year.

His Duty.

Hon. Treasurer *Gardner* to enforce the Payment of Taxes.

already ordered, agreeable to the Acts and Resolves of the General Court for that Purpose, and that he give Notice thereof in the usual Manner; and that he also in Manner aforesaid, request all Persons having Notes or public Securities against this Commonwealth, to be consolidated, except the Depreciation Notes payable in the Year One Thousand Seven Hundred and Eighty-three and the succeeding Years, that they bring in the same on or before the First Day of *October* next, to be by him consolidated; and that he diligently attend to every public Matter and Thing pertaining to his said Office of Treasurer, except such Matters as by this Act are directed to be done and transacted by the Assistant Treasurer, that he may facilitate and hasten a Settlement of all his public Accounts in Manner aforesaid.

*And be it further enacted by the Authority aforesaid,* That said Assistant Treasurer, before he enter on the Execution of the Duties hereby assigned him, shall become bound to the Secretary of this Commonwealth in the Sum of *Thirty Thousand Pounds*, with at least two sufficient Sureties, for the faithful Performance of the Trust committed to him; and shall take the Oaths and make and subscribe the Declaration prescribed by the Constitution to be taken, made and subscribed, by the executive Officers of this Commonwealth.

*July 3, 1782.*

### 1782. — Chapter 13.

[May Session, ch. 14.]

*Chap. 13* AN ACT IN ADDITION UNTO AN ACT INTITLED, "AN ACT FOR LAYING CERTAIN DUTIES OF EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED, FOR THE PURPOSE OF PAYING THE INTEREST ON GOVERNMENT SECURITIES;" AND FOR ALTERING ANOTHER ACT, INTITLED, "AN ACT IN ADDITION UNTO, AND FOR AMENDING AND EXPLAINING THE ACT MADE IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE, LAYING CERTAIN DUTIES OF EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED, FOR THE PURPOSE OF PAYING THE INTEREST ON GOVERNMENT SECURITIES."

Preamble.

*Whereas by the former Act the Assessors of the several Towns and Plantations within this Commonwealth are directed to return under Oath, a List of all Carriages therein mentioned within their respective Towns or Plantations, with the Names of the several Owners or Pos-*

Notes on public Securities to be consolidated.

Assistant-Treasurer to give Bonds to the Secretary of this Commonwealth.

To take the Oaths.

sessors of the same, to the Collectors of their respective Counties, within three Months after the Tenth Day of December annually; but no Penalty is provided in Case of Neglect: Therefore,

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That if the Assessors of any Town or Plantation aforesaid, shall for the Space of one Month neglect the due Performance of their Duty as directed and enjoined upon them in the said former Act, the Assessors of such Town or Plantation so neglecting their Duty, shall forfeit a Sum not less than *Twenty Pounds*, nor more than *Two Hundred Pounds* for the Use of this Commonwealth, to be recovered by Action or Complaint in any Court proper to try the same.

Assessors neglecting their Duty.

Penalty.

And be it further enacted, That the said Collectors be, and hereby are empowered to demand, sue for, and recover the Penalties aforesaid; and the said Collectors are hereby severally directed and required to render an Account of, and pay in to the Treasurer of this Commonwealth, all Sums which they may respectively recover and receive in Consequence of this Act, in the same Manner as they are directed to render an Account of and pay in the Duties mentioned in said Acts.

Collectors to demand, &c. the Penalties. And to pay to the Treasurer all Sums they may receive.

Whereas by the latter of said Acts it is enacted, that the Collector of Excise, either by himself or his Deputy, shall keep an Office in each Sea Port Town within his County, where he or his Deputy shall give his Attendance from Nine in the Morning to Twelve at Noon, on every Thursday, to grant Permits, receive Entries, and give Certificates, &c. which in many Counties is found not only to be inconvenient but burdensome and unnecessary: Therefore,

Be it further enacted by the Authority aforesaid, That the Collectors of Excise aforesaid (excepting such as are or may be appointed for the Counties of *Suffolk* and *Essex*) shall not be held or obliged either by themselves or their Deputies to keep Offices in more than two Sea Port Towns within their several and respective Counties for the Purposes aforesaid; any Thing in the last mentioned Act to the contrary notwithstanding.

Collectors of Excise, excepting for Suffolk and Essex, &c.

Whereas it appears to this Court that the Assessors for the last Year of divers Towns and Plantations aforesaid,

*have failed in making proper Returns to the Collectors of Excise for their several and respective Counties, of the Carriages mentioned in the former of said Acts, in Consequence of which the Commonwealth may be defrauded of the Duties on divers Articles, unless some Remedy is provided: Therefore,*

Collectors directed to give Notice to Assessors of the Delinquency of their Predecessors: and the Assessors who shall receive Notice, are required within three Months from said July, 1782, to return, under Oath, a List of Carriages, &c.

*Be it further enacted by the Authority aforesaid, That the said Collectors be, and hereby are severally directed forthwith to give Notice to the present Assessors of the several Towns and Plantations within their Counties respectively, of the Delinquency of their Predecessors in all Instances wherein such Delinquency has taken Place. And the present Assessors of such Towns and Plantations as shall receive seasonable Notice from the Collectors of their respective Counties, of the Delinquency of their Predecessors, be and hereby are directed and required, within the Space of three Months from the First Day of July One Thousand Seven Hundred and Eighty-two, to return, under Oath, a List of all such Carriages, with the Names of the Owners or Possessors of the same, to the Collectors of their respective Counties as the respective Predecessors of such Assessors were directed to make within three Months after the Tenth Day of December last, by the former of said Acts; and the present Assessors, in such Cases, are directed to observe the Rules prescribed for the Conduct of Assessors in making annual Returns of the same Articles.*

*And be it further enacted by the Authority aforesaid, That if the present Assessors of any of said Towns or Plantations (who shall be notified as aforesaid of the Delinquency of their Predecessors in returning a List of Carriages agreeable to the Directions in the former of said Acts) shall neglect the due Performance of their Duty enjoined upon them by this Act, in Consequence of such Notice, they shall be liable to the same Penalties and Forfeitures as are before provided by this Act in Case of a Neglect of the Assessors of any Town or Plantation aforesaid, in the due Performance of their Duty as enjoined upon them by the former of said Acts, which shall be recovered by said Collectors, paid and applied in Manner aforesaid.*

In Case of Neglect.

July 3, 1782.

## 1782. — Chapter 14.

[May Session, ch. 15.]

AN ACT FOR ESTABLISHING COURTS OF GENERAL SESSIONS OF THE PEACE. Chap. 14

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That there shall be held in each County in this Commonwealth, at the Times and Places by Law appointed, a Court of General Sessions of the Peace, by the Justices of each County, who are hereby empowered to hear and determine all Matters relative to the Conservation of the Peace, and the Punishment of such Offences as are Cognizable by them at Common Law, or by the Acts and Laws of the Legislature, and to give Judgment, Order, or Sentence thereon, as the Law directs, and to award Execution accordingly.

General Sessions of the Peace, their Constitution and Power.

*And be it further enacted by the same Authority,* That the Warrants and Processes of the said Court of General Sessions of the Peace, for the apprehending and bringing to Trial any Person against whom an Indictment is found, or a Complaint filed in the same Court, for any Crime whereof the same Court hath Cognizance, shall be under the Seal of the Court, shall be signed by their Clerk, and run into, and be executed in any County of the Commonwealth.

Warrants & Processes to be under the Seal of the Court, signed by the Clerk.

*And be it further enacted,* That any Person against whom a Sentence shall be given in the Court of General Sessions of the Peace, may appeal therefrom unto the Supreme Judicial Court, then next to be holden within or for the same County. *Provided,* That no Appeal shall be granted, unless it be claimed at the Time of declaring the Sentence, and unless the Appellant shall, before the rising of the Court, recognize to the Commonwealth, and where by the Sentence a Forfeiture accrues to a Subject, to him, in a reasonable Sum, with Surety or Sureties, for his Personal Appearance, at the Court appealed to, and for the Prosecution of his Appeal there with Effect, and to abide the Sentence therein given, and to keep the Peace, and be of good Behaviour in the mean Time; and the Party appealing shall be in Custody until he shall so recognize; and the Party appealing shall produce at the Court appealed to, a Copy of the Sentence given against

Appeal from the Sentence to the Supreme Judicial Court.

Proviso.

him, with a Copy of all other Proceedings had in the Cause, and shall enter his Appeal, and pay all such Fees in the said Supreme Court as shall be by Law provided in other Causes: And if he shall fail in the Prosecution of his Appeal, or in any of the Particulars beforementioned, his Recognizance shall be forfeited; and the Supreme Judicial Court shall award such Sentence against him, for the Offence whereof he is charged, as they ought to do in Case he stood convicted by Verdict of a Jury in said Court; and may grant a Capias to bring him into Court to receive such Sentence.

The Court empowered to adjourn; and to appoint a Clerk to be under Oath.

*And be it further enacted by the Authority aforesaid,* That the said Court of General Sessions of the Peace, shall have Power to adjourn the same from Time to Time as may be necessary for the Public Good; and to appoint a Clerk to attend said Court, and to record the Proceedings thereof; which Clerk shall be duly sworn to the Performance of the Duties of his Office; and shall hold the same during the Pleasure of the said Court.

July 3, 1782.

## 1782. — Chapter 15.

[May Session, ch. 16.]

**Chap. 15** AN ACT TO REMOVE THE OBSTRUCTIONS, AND OPEN PASSAGEWAYS FOR THE FISH CALLED ALEWIVES, SHAD AND OTHER FISH UP NEPONSET RIVER.

Preamble.

*Whereas the Fish called Alewives, Shad, and other Fish which formerly used to pass up the River Neponset, are now diverted from their former Course, by Reason of several Dams which are made across the same, between the Mouth of said River and Mashpogg Pond, so called, and other Ponds to which said Fish used to go to cast their Spawn, to the great Disadvantage of the People living near the same River: For Remedy whereof,*

Passage up the River Neponset to Mashpogg and other Ponds to be kept open for the Fish at certain Seasons.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That a sufficient Passage-Way for said Fish to pass up said River Neponset to Mashpogg Pond and other Ponds aforesaid, shall be made through or over each and every of said Dams from the Mouth of said River, to the Ponds aforesaid, in Manner following, that is to say, over the Dam to Milton, belonging to Leeds and others,



at the Southerly End thereof, the Bottom or Bed of said Passage Way to be as low as the Top of the Cap-Sill of said Dam, near the Chocolate and Saw Mill as it now stands, and five Feet Wide: And also a Passage Way round or through the Dam at the Honorable *Samuel Osgood's* Powder Mill five feet Wide, and of sufficient Depth, where most convenient and of the least Damage to said Powder Mill, and also a Passage Way over the Dam at Mr. *Andrew Gillespie's* Mills, at the Southerly End thereof: said Passage Way to be raised so high as to leave four Feet Depth of Water at said Mills; the Three aforementioned Passage Ways to be made and kept in Repair at the Expence of the Towns of *Stoughton, Stoughtonham* and *Walpole*, in equal Proportion: And all other Dams or Obstructions upon said River shall be removed, or Passage Ways made through them so as to give said Fish a free Course up to the Ponds aforesaid, at the Expence of the Owners of such Dams or Obstructions: And said Passage Ways shall be opened on the First Day of *April*, which will be in the Year of our Lord one Thousand seven Hundred and Eighty-three, and continue so till the last Day of *May* then next ensuing: And in like Manner shall be kept open from the First Day of *April* to the last Day of *May* annually hereafter forever: And the said Towns of *Stoughton, Stoughtonham* and *Walpole* shall have Liberty to erect the three Passage Ways first aforementioned, so soon as they shall determine so to do.

*Stoughton, Stoughtonham, and Walpole, to erect the three Passage Ways.*

And be it further enacted by the Authority aforesaid, That it shall be in the Power of said Towns of *Stoughton, Stoughtonham, Walpole, Dorchester* and *Milton*, at their annual Meeting in *March*, to choose one or more Persons, whose Business shall be to see that the said Passage Ways are open, pursuant to this Act, and that said Fish may not be obstructed in their usual Course up the said River, as aforesaid, and to appoint the proper Place or Places for the taking such Fish with Scoop Nets, and to limit the particular Times and Days for the taking the same.

*Stoughton, Stoughtonham, Walpole, Dorchester and Milton, to choose Persons to see that the Passage Ways are open.*

And be it further enacted by the Authority aforesaid, That if any Person or Persons liable, and whose Duty it shall be in pursuance of this Act, to open any Passage Way as aforesaid, shall refuse or neglect the doing thereof, so that the same shall not be complete on or before the First Day of *April* next ensuing the passing this Act,

Persons whose Duty shall be to open any Passage Way shall neglect.

Penalty.

such Person or Persons so offending, shall forfeit and pay the Sum of *Fifty Pounds*, to be recovered in any Court of Record proper to try the same, by any Person that shall prosecute and sue for the same: one Half of such Sum to be to and for the Use of the Prosecutor, and the other Half to be to and for the Use of the Poor of the Town where the Offence shall be committed.

Persons obstructing the Fish in their Passage.

*And be it further enacted by the Authority aforesaid,* That if any Person or Persons shall obstruct said Fish in their Passage as aforesaid, by any Means whatever; or shall presume to take any of the Kinds of Fish in this Act enumerated or intended (whether with Scoop Nets or otherwise,) from and after the said First Day of *April* next ensuing, at any other Place or Time than such as shall be limited in Pursuance of the Power and Authority by this Act given, such Offender or Offenders shall forfeit and pay such Fines and Penalties as are mentioned in an Act passed in the Year of our Lord one Thousand seven Hundred and Forty-one, entitled, “ An Act in addition to an Act made to prevent the Destruction of the Fish called Alewives and other Fish; ” and to those mentioned in an Act passed the same Year, entitled, “ An Act in Supplement of an Act, entitled, An Act made to prevent the Destruction of the Fish called Alewives and other Fish ” for like Offences, to be recovered and disposed of in Manner as is by said Acts directed.

Penalty agreeable to an Act passed 1741.

July 3, 1782.

## 1782. — Chapter 16.

[May Session, ch. 17.]

*Chap. 16* AN ACT TO APPROPRIATE FORTY THOUSAND POUNDS OF THE CONTINENTAL TAX OF TWO HUNDRED THOUSAND POUNDS, FOR OBTAINING A LOAN OF TWENTY THOUSAND POUNDS, AND FOR THE SECURITY AND PAYMENT OF THE SAME.

Preamble.

*Whereas it is highly expedient that some considerable Part of the Continental Tax of Two Hundred Thousand Pounds should be advanced sooner than it can probably be collected in the usual and ordinary Manner:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That a Committee be chosen to borrow *Twenty Thousand Pounds*, for the immediate Use of the United States, and to be paid in Discharge of so

Committee to be chosen to borrow £20,000 for the Use of the United States.

much of the Tax aforesaid; and in Behalf of this Commonwealth, to give and execute proper Receipts or Obligations for the same.

*And be it also enacted, That Forty Thousand Pounds* of the same Tax, be and hereby is appropriated, and holden to secure the Payment of the said *Twenty Thousand Pounds* to be borrowed as aforesaid, together with the Interest of the same, and shall not be disposed of for any other Purpose whatever, until Payment of the said *Twenty Thousand Pounds* be made, and Interest on the same.

£40,000 appropriated and holden to secure Payment of the £20,000.

*And be it enacted by the Authority aforesaid, That Caleb Davis, Esquire, of Boston, Nathan Goodale, Esquire, of Salem, Tristram Dalton, Esquire, of Newbury-Port, Levi Lincoln, Esquire, of Worcester, and Timothy Robinson, Esquire, of Granville, be a Committee, who are hereby severally authorised and empowered in Behalf of this Commonwealth, to give Receipts for such Sum or Sums as any Person or Persons shall advance to Government: And said Committee are hereby directed, upon Receipt of any such Sum or Sums of Money, to transmit the same to the Treasurer, certifying at the same Time the Sums so advanced, with the Names of the Persons of whom, and the Time when the same were received. And the Treasurer is hereby empowered and directed, on receiving such Certificate, to give Notes in Behalf of this Commonwealth, drawing Interest from the Time when said Money was received, and payable on the First Day of *January* which will be in the Year of our Lord One Thousand Seven Hundred and Eighty-three; which Notes said Committee are to deliver to the Person or Persons who shall have advanced Money as aforesaid, in Exchange for the Receipts by them respectively given.*

*Caleb Davis, &c. Esq's. a Committee to give Receipts for Sums advanced.*

*Committee directed to transmit the several Sums received to the Treasurer: certifying the Sums and the Persons Names. Treasurer empowered to give Notes.*

*July 5, 1782.*

## 1782. — Chapter 17.

[May Session, ch. 18.]

AN ACT TO REPEAL A CERTAIN CLAUSE IN AN ACT MADE AND PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO, INTITLED, "AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWO HUNDRED THOUSAND POUNDS;" AND FOR CERTAIN OTHER PURPOSES HEREAFTER MENTIONED.

*Chap. 17*

*Whereas by the said Act it is enacted among other Things, that there shall be received from any Town or* Preamble.

*Place within this Commonwealth, in Lieu of Money, any such specific Articles as may be necessary for the Support of the Army, especially Rum, Salt, Beef, Pork, Flour, and Teaming (if any Towns, Places, or Persons choose in that Way to discharge their respective Taxes) said Articles to be received at such Prices, and to be delivered at such Places as the General Court shall hereafter determine and agree upon. Whereas the Congress of the United States hath devolved on the Superintendent of Finance, the Charge of devising and carrying into Execution a more economical, regular and effectual System for supplying the Exigencies of the Public, from which System specific Taxation is excluded. And whereas the Collection of the said Tax in specific Articles would under these Circumstances be attended with great Loss and Inconvenience to the good people of this Commonwealth, and at the same Time render the Design thereof abortive: Therefore,*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Clause above recited be, and the same hereby is repealed, and rendered Void and of no Effect.*

Clause in the  
Tax Act of  
200,000l.,  
repealed.

*Whereas receiving in discharge of the said Tax such Securities as may answer towards the Requisition of the United States on this Commonwealth, would greatly facilitate the Collection thereof, and alleviate the Burden which otherwise the good people of this State must Sustain :*

*Be it enacted by the Authority aforesaid, That the Notes of the American Bank, the Notes of Robert Morris, Esq; Superintendent of Finance, in his Official Capacity, shall, by the several and respective Constables and Collectors of the Tax aforesaid, be received in satisfaction for, and discharge of a Sum equal to the Sum expressed in such respective Bank Note or Notes of the said Robert Morris; and the Treasurer, Collectors, and all Persons concerned in collecting, receiving and negotiating the said Tax, are hereby ordered, directed and enjoined to conduct themselves accordingly.*

Bank Notes  
receivable by  
Collectors of  
said Tax.

*And be it further enacted by the Authority aforesaid, That the Secretary immediately cause this Act to be Printed; and as soon as the same shall be done, to transmit a sufficient Number of the Copies thereof to the several Towns and Places in this Commonwealth, that the Constables and Collectors of the said Tax, and the Inhabitants of the Commonwealth may be Notified hereof.*

This Act to be  
Printed and  
transmitted to  
the several  
Towns &c. in  
this Common-  
wealth.

July 5, 1782.

## 1782. — Chapter 18.

[September Session, ch. 1.]

AN ACT FOR GRANTING A LOTTERY FOR REPAIRING THE BRIDGE OVER THE RIVER PARKER, IN THE COUNTY OF ESSEX.

Chap. 18

*Whereas the Bridge over the River Parker, in the County of Essex, and in that Part of the County called Newbury Old Town, appears to be of very great public Utility and Service; and that without some speedy and effectual Repairs, the said Bridge will soon be rendered useless:*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That a Sum not exceeding Fifteen Hundred Pounds, be raised by a Lottery or Lotteries, for, and to the Purpose of repairing said Bridge; and that Samuel Tufts, Moses Frazier, and Edmund Sawyer, Esquires, or any two of them, shall be Managers of the said Lottery or Lotteries, who shall be sworn to the faithful Performance of their Trust: Which said Managers shall make and publish in such News Papers as they shall judge proper, a Scheme for the said Lottery or Lotteries, as soon as may be; and they shall also publish therewith all necessary Rules and Regulations for the Management thereof. And all Prizes which may be drawn in the said Lottery or Lotteries, shall be paid, without any Deduction, provided they are demanded within Six Months after the Drawing of the said Lottery or Lotteries; otherwise the Money arising from such Prizes shall be appropriated to the Purpose aforesaid.*

£1500 to be raised by Lottery, for repairing the Bridge over the River Parker in the County of Essex.

Samuel Tufts Esq; &c. appointed Managers.

To be sworn.

*And be, it further enacted, That if any Person shall forge, counterfeit, or alter any Lottery Ticket issued by Virtue of this Act, or shall pass or utter any such forged, counterfeited, or altered Ticket, knowing the same to be false, forged, counterfeited, or altered; or that shall counsel, advise or assist, in forging, altering or counterfeiting the same; every Person so offending, and being thereof convicted before the Supreme Judicial Court of this Commonwealth, shall be punished by being set on the Gallows for the Space of one Hour, with a Rope round his Neck, or shall pay a Fine not exceeding One Hundred Pounds to the Use of this Commonwealth, or suffer not more than Twelve Months Imprisonment, nor less than*

Persons convicted of Forgery.

Penalty.

Two, or be publicly Whipped, not exceeding Thirty-nine Stripes, at the Discretion of the said Supreme Judicial Court, according to the Nature and Circumstances of the Offence.

October 2, 1782.

## 1782. — Chapter 19.

[September Session, ch. 2.]

### Chap. 19 AN ACT DIRECTING AND REGULATING THE PROCESS OF OUTLAWRY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That when any Person that now is charged, or hereafter shall stand charged of any criminal Offence before the Supreme Judicial Court of this Government by the Indictment or Presentment of a Grand Jury, whether the same Indictment or Presentment be originally found in that Court, or removed thither from any inferior Jurisdiction, by Appeal, or Writ of Certiorari, shall abscond to avoid answering or abiding and performing the Judgment that may be given thereon, whether such absconding be before or after the Jury shall indict or present the Offender, a Writ shall issue to the Sheriff of the County where such Offender was an Inhabitant or Resident at the Time of finding the same Bill, directing him to *make known* unto such Offender, that unless he shall appear on the First Day of the next Sitting of the said Supreme Judicial Court, and there traverse the same Charge, and abide the Judgment that may be given thereon, or appear and give such Security therefor, by Way of Recognizance, as the said Court shall order, such Person will then and there be declared an *Outlaw*, and be subjected to all the Penalties and Disabilities in this Act declared to be incident to a Person under Sentence of *Outlawry*. And the Mode of executing the said Writ of Scire Facias, shall be by leaving an authenticated Copy thereof, certified by the Sheriff, at the Offender's Dwelling House, or last Place of Abode, Sixty Days at the least before the same Process shall be returnable, and shall cause an Abstract or Notification of the Subject-Matter in the same Writ mentioned, Sixty Days before the Return Day at the least, to be printed in one of the most public Weekly News Papers, and to be continued

Persons absconding who shall stand charged of criminal Offences before the Supreme Judicial Court by Indictment.

A Writ to be issued to the Sheriff of the County where such Offender was an inhabitant. That unless.

To be declared an Outlaw.

The Mode of executing the Writ Scire Facias.

five several Weeks inclusive, and shall cause him to be publicly called in every Court of General Sessions of the Peace in his County that shall be holden while the same Process shall be in his Custody; which Writ of *Scire Facias* being served and returned in Manner aforesaid, and filed in Court, shall be entered on the Docket, and the Party against whom the same issued, after having been publicly called in the said Supreme Judicial Court, to appear and answer the Charge alledged against him as aforesaid; if he shall not appear upon such Notice and Proclamation, his Default shall be recorded, and such Offender may by the same Court be declared an *Outlaw*, without any other Act or Ceremony: Any former Law, Usage or Custom to the contrary notwithstanding.

*Provided always*, It shall be in the Power of the said Court when the Offence charged shall be by Lawailable, to continue the same *Scire Facias*, or suspend passing Judgment of Outlawry thereon, until the next or some succeeding Term, in Case sufficient Bail shall be given for the Offender's answering and abiding the Judgment of the said Court thereon. And that it may regularly and certainly be determined when a Person may be said to have absconded to escape Punishment.

*Be it further enacted*, That any Person, after having appeared and plead to an Indictment or Presentment, who shall have departed without Leave of the Court, or shall have broken Goal after Commitment upon and before Conviction on the Charge alledged in the Bill, or shall fail or neglect to appear and answer according to the Tenor of a Recognizance regularly taken for that Purpose, or when the Sheriff of the same County whereof the Offender was an Inhabitant or Resident at the Time of his committing the Offence for which he shall stand indicted, or his Deputy, shall make return upon a *Capias* issued in Consequence of the Bill, wherein the Term of four Months at the least shall have elapsed between the issuing the *Capias* and the Return Day thereof, *That after making diligent Search and Inquiry after such Offender, he could not find him in his Precinct*, shall be deemed and taken as sufficient Evidence of the Absconding of such Person, within the Intent of this Act.

*And be it further enacted*, That a *Capias* and an *alias Capias* issued from the Court of General Sessions of the Peace, on a Bill of Indictment or Presentment there

What Evidence shall be sufficient when Persons after having appeared and plead to an Indictment, who shall depart without Leave of the Court, &c.

found, wherein Fifty Days at the least shall have elapsed between the issuing and Return of the same Writs respectively, and returned by the proper Officer, that after diligent Search and Inquiry after such Offender, he could not find him in his Precinct (before the Removal of the Record into the Supreme Judicial Court) shall render the issuing a like Process in the Supreme Judicial Court before *Scire Facias ut legatum* unnecessary.

When a Capias shall issue from the Supreme Judicial Court for the apprehending of an Offender.

*And be it further enacted*, That where a Capias shall issue from the Supreme Judicial Court to apprehend an Offender on a Bill of Indictment or Presentment, in any County where the said Court shall be held but once a Year, the same Capias may be made returnable to some Session of the said Court in some other County, at the Expiration of five or six Months, if the said Court shall so order, to the End *Scire Facias ut legatum* may timely issue returnable to the next Term, if the Offender should not be taken on the *Capias*.

Persons against whom Judgment of Outlawry shall be given disabled from bringing any Action or Suit in any Law Court, excepting.

*And be it further enacted*, That all Persons against whom Judgment of *Outlawry* shall be given, shall during the Time the same Judgment shall continue in Force, be and hereby are disabled from bringing or maintaining in their own Right, any Civil Action or Suit in any Court of Law or Equity within this Government, excepting a Writ of Error for reversing his Outlawry, and shall be under such other Disabilities and Disqualifications in Civil Society as a Person convicted and sentenced for the Offence charged in the Bill upon which he may be *Outlawed*: And in all Cases where a greater Forfeiture does not by Law accrue to the Commonwealth upon a Conviction and Judgment on such Bill of Indictment, shall forfeit the Issues and Profits of all his Real Estate during the Life of the *Outlaw*, in Case the Judgment of *Outlawry* shall so long remain in Force, and be further liable to be apprehended upon *Capias ut legatum*, and sentenced in the same Manner as if he was convicted by a Jury of the Charge alledged in the Bill.

The Real Estate of Persons outlawed to be liable to respond the Judgment given relating to Fines and Costs.

*And be it further enacted*, That the Real Estate of every Person Outlawed shall be held liable and be bound from the Time of issuing the *Scire Facias ut legatum* to respond the Judgment that shall be given on the Indictment or Presentment, so far as relates to the Fine and Cost.

*And be it further enacted by the Authority aforesaid*, That the Lands and Tenements of all Persons recognizing



to the Use of this Government before any Authority duly authorised and impowered to take the same, are, and shall be, liable to respond the Sum mentioned in the same Recognizance, from the Time the same is taken and acknowledged, notwithstanding any transfer or alienation thereof.

*And be it further enacted*, That every Offender that may be Outlawed, upon his appearing in open Court, and confessing the Charge, and receiving Sentence thereon, or appearing and traversing the Charge, shall be acquitted by a Jury, or on Demurrer, or any other Plea, the same shall be adjudged insufficient in Law to compel the Person accused to answer thereunto, or support a Judgment thereon: In every such Case the Proceeding shall be construed to operate as a full and effectual Reversal of the Judgment of Outlawry, as though a formal Reversal had been given upon a Writ of Error expressly brought for that Purpose. *Provided* the Appearance upon which such Acquittal shall be given shall be voluntary and without Compulsion, and within one Year and a Day after Judgment of Outlawry shall be pronounced, and the Cost accruing on the Process of Outlawry shall be first satisfied and paid.

Offenders Outlawed upon their appearing in Court & confessing the Charge and receiving Sentence, to be acquitted.

In such Cases.

Proviso.

October 2, 1782.

## 1782. — Chapter 20.

[September Session, ch. 3.]

AN ACT TO CREATE AND ERECT A CORPORATION BY THE NAME OF THE TRUSTEES OF DUMMER ACADEMY, IN THE COUNTY OF ESSEX.

Chap. 20

*Whereas His Honor William Dummer, Esquire, formerly Lieutenant Governor of the late Province of Massachusetts Bay, did in and by his Last Will and Testament, devise all his Estate in the Town of Newbury, in the County of Essex, to the Reverend Charles Chauncy, Doctor of Divinity, the Reverend Thomas Foxcraft, and Mr. Nathaniel Dummer, and their Heirs, and to the Survivor of them, and the Heirs of such Survivor in Trust, that the Rents, Issues, and Profits of his said Estate, should be applied to the erecting and building of a School House upon his Farm in Newbury aforesaid, and towards the Support and Maintainance of a Free Grammar School there, for the excellent and beneficent Design of instructing*

Preamble.

and educating Youth. And whereas a public Free School hath ever since the First Day of March, in the Year of our Lord One Thousand Seven Hundred and Sixty-three, been erected and supported agreeably to the valuable Intentions of the munificent Donor, which hath proved of great and public Utility in qualifying Youth for the important Offices of Church and State. And whereas the Views of the Donor cannot hereafter be fully and completely carried into Execution without erecting a Body Politic and Corporate, and investing it with certain necessary Powers which could not be effected by him in his Last Will and Testament: Now, agreeably to the Memorial and Petition of the Reverend Charles Chauncy, the Survivor of the Devisees aforesaid, in order to carry into compleat Execution the benevolent Intentions of the charitable Testator, to support and perpetuate the said Seminary of Learning, the same being one of the first public Foundations of a Free Grammar School within the Commonwealth, laid by the Hand of private Charity, and to protect and encourage the Interests of Literature and the Sciences:

Trustees erected for said Academy, and incorporated into a Body Politic.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Honorable Jeremiah Powell, Esquire, the Honorable Benjamin Greenleaf, Esquire, the Honorable Jonathan Greenleaf, Esquire, Reverend Joseph Willard, President of Harvard College, Reverend Charles Chauncy, Doctor of Divinity, Reverend Moses Parsons, Reverend John Tucker, Reverend Thomas Cary, Samuel Moody, Esquire, Preceptor of Dummer School, William Powell, Esquire, Micajah Sawyer, Esquire, Dummer Jewett, Esquire, Samuel Osgood, Esquire, Nathaniel Tracy, Esquire, and Mr. Richard Dummer, be and they hereby are erected into, and made a Body Politic and Corporate, by the Name of the Trustees of Dummer Academy, in the County of Essex; and that they and their Successors, and such others as shall be duly elected into the said Corporation, shall be and remain a Body Politic and Corporate by the same Name forever.

Trustees of said Academy to be deemed and taken in Law to be and stand seized in Fee Simple of all the Estate devised by the late honorable William Dummer, Esq.

And be it further enacted by the Authority aforesaid, That the Trustees of the same Academy, shall be deemed and taken in Law to be and stand seized in Fee Simple and in Possession to all Intents and Purposes of all the Estate which was devised by the late Honorable William Dummer, Esq; for the Use of his public Free School as

aforesaid; and that they shall be further capable of having, holding and taking in Fee Simple, or any less Estate by Gift, Grant, Devise, or otherwise, any Lands, Tenements, or other Estate, Real and Personal: *Provided* Proviso. *nevertheless*, That the annual Income of the same, shall not exceed *Two Thousand Pounds*.

*And be it further enacted by the Authority aforesaid*, That for the more orderly conducting the Business of the said Corporation, the Trustees of the said Academy shall have full Power and Authority, from Time to Time, as they shall determine, to elect a President, Vice-President, Treasurer, and Secretary, and such Officers as said Trustees shall judge best. Empowered to elect a President, Vice-President, Treasurer, and Secretary, and such Officers as said Trustees shall judge best. And that the Trustees aforesaid may remove and dismiss any Trustee from the same Corporation, when in their Judgment he shall be rendered incapable by Age or otherwise, of discharging the Duties of his Office; and that the Trustees aforesaid may from Time to Time fill up all Vacancies in the said Corporation, by electing such Persons for Trustees as they shall judge best: *Provided nevertheless*, that the Number of said Trustees shall never exceed fifteen, nor be less than nine.

*And be it further enacted by the Authority aforesaid*, That the Trustees of the said Academy may have one Common Seal, which they may change, break and renew at their Pleasure; and that all Deeds signed and delivered by the Treasurer or Secretary of the Trustees aforesaid, by their Order, and sealed with their Seal, shall, when made in their Name, be considered as their Deeds, and as such be deemed duly executed and valid in Law: And that the Trustees of the said Academy may sue and be sued in all Actions Real, Personal or mixed, and prosecute and defend the same unto final Judgment and Execution, by the Name of The Trustees of *Dummer Academy* in the County of *Essex*. Said Trustees to have one Common Seal and to renew said Seal, and to sue and be sued.

*And be it further enacted by the Authority aforesaid*, That the Trustees of the said Academy shall have full Power and Authority to determine at what Times and Places their Meetings shall be holden; and upon the Manner of notifying the Trustees to convene at such Meetings; and also upon the Method of electing or removing Trustees: And the said Trustees shall have full Power and Authority to ascertain and prescribe from Trustees empowered to fix the Times and Places for their Meetings. Empowered to ascertain the Powers and

Duties of their  
several Officers,  
and to elect  
Preceptors, &c.

Time to Time the Powers and Duties of their several Officers, and to elect such Preceptors, Masters and Ushers of the said Academy as they shall judge best; and to determine the Duties and Tenures of their several Offices; and to make and ordain, as Occasion shall require, reasonable Rules, Orders and By-Laws, not repugnant to the Laws of this Commonwealth; with reasonable Penalties for the good Government of the said Academy; and for ascertaining the Qualifications of the Students, requisite to their Admission; and the same Rules, Orders and By-Laws at their Pleasure, to repeal.

Proviso.

*Provided nevertheless*, That no Corporate Business shall be transacted by the Trustees of the said Academy, at any of their Meetings, unless Seven of the Trustees, at the least, are present.

Rents, &c. to be  
appropriated  
to the Estab-  
lishment of  
Dummer  
Academy.

*And be it further enacted by the Authority aforesaid*, That the Rents, Issues and Profits of all the Estate, Real and Personal, of which the Trustees aforesaid shall be seized or possessed in their said Capacity, shall be by them appropriated to the Establishment and Endowment of *Dummer* Academy, by maintaining and supporting Masters and Teachers, for the Promotion of Piety and Virtue; and for the Instruction of Youth in Writing, and in the Latin and Greek Language; and in such of the useful and liberal Arts and Sciences as the Trustees shall hereafter direct.

Proviso.

*Provided nevertheless*, That the said Academy shall be fixed and remain in the same Place where the late Honorable *William Dummer*, Esq; fixed his Free School in his Last Will and Testament. *And provided further*, That *Samuel Moody*, Esq; the present Preceptor of the Latin and Greek Languages, in the said Free School, be continued Preceptor of the said Academy; that he receive from the said Trustees, the Rents, Issues and Profits of the Estate devised as aforesaid, by the said *William Dummer*, Esq; for the Endowment of his Free School, or an Equivalent therefor; and that he enjoy, so long as he continues Preceptor of the said Academy, all the Powers and Authority he is invested with as Preceptor of the said School, under the Last Will and Testament aforesaid; and that he be removable in the same Manner, for the same Causes, and by the same Authority as are described and directed in the same Last Will and Testament.

*And be it further enacted by the Authority aforesaid,* That whenever the Rents, Issues and Profits of the estate devised as aforesaid, by the late *William Dummer, Esq*; shall for the Space of two Years together, cease to be appropriated to the Endowment and Support of the said Academy, that then the same Estate so devised, shall revert to the right Heirs of the said *William Dummer, Esq*; and their Heirs forever. And whenever the Rents, Issues, Profits and Interest of any other Estate holden by or in Possession of the said Trustees, shall cease to be appropriated to the Uses aforesaid, for the like Space of Time, then the same Estate shall enure to the Use and Benefit of the Corporation of *Harvard-College*, and their Successors forever; unless other Provision shall be made by the Donor or Grantor, in the Instrument of Conveyance.

In Case the Rents shall cease to be appropriated

*And be it further enacted,* That the Honorable *Jeremiah Powell, Esq*; be, and he hereby is authorised and empowered to fix the Time and Place for holding the first Meeting of the said Trustees, and to certify them thereof.

Hon. Jeremiah Powell, Esq; empowered to call the 1st Meeting.

October 3, 1782.

## 1782. — Chapter 21.

[September Session, ch. 4.]

AN ACT FOR THE REPEALING OF ONE ACT OF THIS COMMONWEALTH, MADE AND PASSED ON THE THIRD DAY OF MAY LAST, INTITLED, "AN ACT PROVIDING A SPEEDY METHOD OF RECOVERING DEBTS, AND FOR PREVENTING UNNECESSARY COSTS ATTENDING THE SAME;" AND FOR MAKING OTHER PROVISION WHICH MAY BETTER ANSWER THE ENDS DESIGNED BY THE SAID ACT.

Chap. 21

*Whereas among other Defects in the said Act, there is no certain future Day set therein after the Day of the Acknowledgment of the Debt (proposed to be taken) for the Payment of the same, or for issuing the Writ for the levying thereof:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the said Act, entitled as abovesaid, be, and hereby is repealed; and that every Part thereof be hereafter held and taken to be null and void. And that from and after the first Day of *December*, one Thousand seven Hundred and Eighty-two, every Jus-

An Act passed 3d May last, repealed.

Justices of the Peace empowered to take Recognizances for the Payment of Debts.

Justice of the Peace for any County in this Commonwealth, shall severally have Power and Authority within his County, to take Recognizances for the Payment of Debts, of any Person or Persons (by Law capable of binding him or herself) who shall come before him for that Purpose, according to such Form, or according to the Effect and Meaning of such Form as hereafter ensueth,

*That is to say,*

Form of the Recognizance.

Know all Men, that I, C. D. of \_\_\_\_\_ in the County of \_\_\_\_\_ do owe unto E. F. the Sum of \_\_\_\_\_ of the Lawful Money of *Massachusetts*, to be paid to the said E. F. on the \_\_\_\_\_ Day of \_\_\_\_\_ 17 \_\_\_\_\_ and if I shall fail of the Payment of the Debt aforesaid, by the Time aforesaid, I will, and grant, that the said Debt shall be levied of my Goods and Chattels, Lands and Tenements, and in want thereof, of my Body. Dated at \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord, 17 \_\_\_\_\_

Witness my Hand and Seal,

ss.

C. D.

Acknowledged the Day and Year last abovesaid,

Before \_\_\_\_\_ A. B. } Justices of the Peace.

Recognizances to be made & written and recorded at large.

*And be it further enacted by the Authority aforesaid,* That every such Recognizance shall be made and written on a Piece of Paper or Parchment; and the Justice of the Peace taking the same shall, immediately cause it to be fairly recorded at large, in a Book to be therefor by him provided and kept; which original Recognizance, after the same shall be recorded as is above directed, at the Request of the Conusee or Conusees, or of the Person or Persons to whom the Remedy or executive Process on such Recognizance shall by Law accrue (in Case of the Decease of any or all of them) shall be delivered to him or them so requesting it. And every Conusee or Conusees, his or their legal Representative or Representatives, for Default of the Payment of the Debts contained in such Recognizances, or any Part of such Debts by the Time therein set and expressed for the Payment thereof, shall have in every Point, Respect and Degree, against the Conusor or Conusors, the Survivor or Survivors of them, his or their Heirs, Executors and Administrators, and the

In Case of Default —

Heirs, Executors or Administrators of the last Survivor of such Conusors, (where there shall be such) the like Process or Processes, Action and Remedy, Execution or Executions, alias and Pluries, as hath been hitherto had, used and accustomed, and may at this Time be lawfully had, used, done, or made against them respectively, of and upon a Judgment of any Court of Record in this Commonwealth on an Action of Debt in full Force, unreversed and not satisfied. And for the speedy obtaining of such Debts, the Justice of the Peace who took such Recognizance, at any Time within three Years from and after the Day set and expressed therein for the Payment of the Debt or any Part thereof expressed in such Recognizance, at the Request of the Conusee or Conusees, named therein, or in Case of their Death, at the Request of the Person or Persons to whom the Remedy or chose in Action thereon, shall be cast by Law; and upon his or their producing and delivering to him such original Recognizance uncanceled, and without any Receipt of Payment or Satisfaction of the Sum alleged to be then payable and due, underwritten or endorsed, and lodging the same with the said Justice, he shall award and make out on such Recognizance a Writ or Process of Execution for the levying of the whole Sum, which by such Recognizance and the Receipts (if any there be) entered thereon, appear to be then due and payable, of the same Nature and Effect, against the Body or Bodies, and Estate Real and Personal of the Conusor or Conusors, as by the Laws of this Commonwealth a Judgment-Creditor is entitled to have for the levying and satisfying any Sum or Sums of Money, recovered and due to him, by the Judgment of any Court of Record in this Commonwealth on an Action of Debt in full Force. And such Process for the Execution of such Recognizance, may and shall be directed to, executed and returned by, all and any such Officer and Officers as the Writ or Process for the Execution of the Judgment of any Court of Record, by the Laws of this Commonwealth may and ought to be directed to, and returned by. And all and every such Officer and Officers for any Town or County in this Commonwealth, shall have the like Powers and Authority, and shall be under the like Obligations in all Respects and Regards whatsoever, to execute and return such Writ or Process made upon such Recognizance by such

For the speedy  
obtaining of  
such Debts.

How the Pro-  
cess for the  
Execution of  
Recognizances  
shall be  
directed.

Justice of the Peace impowered by this Act to award the same, as he or they by Law have, and are under, to execute and return a Writ of Execution on any Judgment of a Court of Record, in an Action of Debt: And shall be subject and liable to all the like Action and Actions for any Fraud or Falshood, Neglect, Misfeasance and Malefeasance, in or concerning the executing or returning of any such Process for the executing of such Recognizance aforesaid, as he or they by Law are liable and subject to for any Defaults, Neglects, Frauds, Falshoods, Delinquencies, or Errors whatsoever, touching, concerning, or in anywise relating to the Execution or Return of any Writ or Process on any Judgment of a Court of Record in an Action of Debt. And every Writ or Process for the executing such Recognizance may run into any County or Place (and is hereby made awardable into any County or Place in this Commonwealth) and may and shall be there executed by the Officer or Officers of such County, Town or Place by Law having the Execution and Return of Writs, to whom it shall be directed. And the Writ or Process for the executing of such Recognizance as is aforesaid, shall be in the Form, or to the Effect and Meaning of the Form which here followeth, to wit.

Writs or Processes to run into any County or Place in this Commonwealth.

The Commonwealth of *Massachusetts*.

Form.

*To the Sheriff of the County of* \_\_\_\_\_ *his Under-Sheriff or Deputy, or either of the Constables of*  
 [SEAL] *the Town of* \_\_\_\_\_ *in the said County of*  
 Greeting.

Because C. D. of \_\_\_\_\_ in the County of \_\_\_\_\_ on the  
 Day of \_\_\_\_\_ in the Year of our LORD 17 \_\_\_\_\_ before  
 A. B. Esquire, one of the Justices of the Peace for the  
 said County of \_\_\_\_\_ acknowledged that he was indebted  
 to E. F. of \_\_\_\_\_ in the County of \_\_\_\_\_ in the Sum of  
 \_\_\_\_\_ which he ought to have paid on the \_\_\_\_\_ Day of  
 \_\_\_\_\_ and \_\_\_\_\_ remains unpaid, as it is said.

We command you therefore, that of the Goods, Chattles, or Real Estate of the said C. D. within your Precinct, you cause to be paid and satisfied unto the said E. F. at the Value thereof in Money, the Sum last above-said, with \_\_\_\_\_ more for this Writ, and thereof also to satisfy yourself your own lawful Fees: And for want of Goods, Chattles, or Real Estate of the said C. D. to be found within your Precinct, to the Acceptance of the said



E. F. to satisfy the Sums aforesaid, and your said Fees ; we command you to take the Body of the said C. D. and him commit unto our Jail in our County of                   aforesaid, there to be detained in the said Jail, until he pay the full Sums abovesaid with your said Fees, or that the said C. D. be discharged by the said E. F. the Creditor, or otherwise by Order of Law. Hereof fail not, and make Return of this Writ with your Doings therein, unto the abovenamed A. B. within Sixty Days next coming. Witness the said A. B. at                   the                   Day of                   in the Year of our LORD, 17

A. B.

*And it is further enacted*, That in Case at the Time of awarding such Writ of Execution there shall by Reason of Death happen to be any Change of the Person or Persons who by Law shall have the Right to Sue out the same, or of the Persons chargeable with the Payment of the Contents of the Recognizance, from the Time when it was taken ; the Form of the said Writ shall be so varied from the foregoing Form, as to make it take Effect, according to the Operation of the Law upon the Case at the Time of the Writs issuing.

*Provided always*, That in what Manner soever the Chose in Action may be changed by the Death of one or more of the Conusees, the Property and Interest in the Debt shall always in that Case vest in such Person or Persons as a Debt which is due to Joint-Merchants does by the Law-Merchant ; and that the Right of Survivorship shall not take Place with Regard to the Property in the Debt.

*And be it further enacted by the Authority aforesaid*, That no Writ of this Sort shall be awarded in such Form, as to make the Body or Bodies of the Heir or Heirs at Law, of the Conusor or Conusors, or the proper Goods or Estate of the Executors or Administrators liable to be taken in Satisfaction of the said Writ : But in Case of the Death of any Conusor or Conusors of this Sort such Writ shall run against such Person, Persons and Estate, as a Writ of Execution on a Judgment of a Court of Record in an Action of Debt, would by Law run, in Case the Judgment Debtor or Debtors, or any of them were Dead. And that every Person and Persons that shall be grieved and injured by the wrongful suing out and executing of any Writ or Process of Execution of this Sort, shall have all

In Case—

Provido.

No Writ to make the Bodies of the Heirs at Law liable to be taken.

But in Case—

All Persons grieved To have Remedy in the Law.

the like Remedy and Remedies in the Law, as in Case a Writ of Execution on any Judgment of a Court of Record in Debt had been unjustly and wrongfully sued out and executed upon him or them.

In Case three Years from the Time limited in such Recognizance shall have elapsed.

*And be it further enacted*, That in Case at any Time it should happen, that full three Years shall have elapsed from and after the Time set and limited in and by such Recognizance for the Payment of the Contents thereof, without any Payment made and underwritten or indorsed, and without any Writ of Execution having been sued out thereon: or in Case any Payment or Payments of Part shall have been made and underwritten, or indorsed at any Time or Times after the Time set and expressed for the Payment of the Contents, and three Years shall have elapsed from and after the last of such Payments, and no Writ of Execution shall have been sued out within three Years from the last Payment: no Writ of Execution shall be awardable in either of such Cases until a Writ of *Scire Facias* shall have been sued out from a Court in which by Law an original Action for a like Sum might have been brought and served, and Return thereof made as by Law is directed: but after that shall have been done, and upon the Defendant's Non-appearance or not shewing sufficient Cause, and the Plaintiff's producing and filing the original Recognizance in the Court from which the *Scire Facias* issued, the Court shall proceed to award Execution for what shall appear to be due on such Recognizance with the lawful Costs.

In Case of Death of Justices of the Peace who have taken Recognizance —

*And be it further enacted by the Authority aforesaid*, That in Case of the Death of the Justice of the Peace, who shall have taken any such Recognizance as the aforesaid, or of his Removal out of the Commonwealth or otherwise, where no Writ of Execution thereon has been sued out, and returned satisfied: in every such Case, any Creditor or Creditors, who shall have any such Recognizance taken before such deceased or removed Justice, and shall File the same in the Court of Common Pleas for the County where either the Creditor or the Debtor dwells, shall be entitled to sue out a Writ of *Scire Facias* thereon: And the Debtor being served with such Writ in the Manner above prescribed, and not appearing or shewing sufficient Cause why Execution should not be had, the Court shall proceed to award Execution for what shall appear to be due with lawful Costs.

*And be it further enacted*, That any Person or Persons in whose Favor any Acknowledgment has been taken or may be taken on or before the First Day of *December* next, agreeable to the Act mentioned as above, to be repealed, shall be entitled to the Benefit of the same proceeding thereon, as he might have had if the same Act had continued in Force and unrepealed; any Thing in this Act to the contrary notwithstanding.

Persons in whose Favor acknowledgments have been taken —

*And be it further enacted*, That the Fees to the Justice of the Peace who shall take Recognizances pursuant to this Act, shall be as followeth, to wit.

Fees to the Justices.

For taking and attesting any such Recognizance, be the Number of the Conusors or Conusees more or less, shall be *one Shilling and six Pence*, and no more.

For recording such Recognizance, *one Shilling*, and no more.

For the Writ of Execution on such Recognizance, *one Shilling and six Pence*, and no more.

October 19, 1782.

## 1782. — Chapter 22.

[September Session, ch. 5.]

### AN ACT TO PREVENT PROFANE CURSING AND SWEARING. Chap. 22

*Whereas the horrible Practice of profane Cursing and Swearing is inconsistent with the Dignity and rational Cultivation of the human Mind, with a due Reverence of the Supreme Being and his Providence, and hath a natural Tendency to weaken the Solemnity and Obligation of Oaths lawfully taken in the Administration of Justice: and to promote Falshood, Perjuries, Blasphemies and Dissoluteness of Manners: and to loosen the Bands of Civil Society*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, That if any Person or Persons, who have arrived at Discretion, in the Judgment of the Justice before whom the Conviction may be, shall profanely Curse or Swear in the Hearing of any Justice of the Peace, or being charged therewith, shall confess such Offence, or be otherwise convicted thereof on the Oath of any Sheriff, Deputy Sheriff, Coroner, Constable, Grand-Juror or Tithing-Man, where such Evidence shall be Sat-

Persons convicted of profane Cursing and Swearing.

isfactory to the Justice that shall take Cognizance of the Offence: or on the Oath of any one or more Witness or Witnesses, where the Evidence shall be Satisfactory as aforesaid, every Person so offending shall forfeit and pay (for the Use of the Poor of the Town where such Offence is committed) a Sum not exceeding *eight Shillings* nor less than *four*, according to the Aggravations of the Offence, and the Quality and Circumstances of the Offender in the Judgment of the Justice or Court before whom the Conviction may be: and in Case the same Person or Persons shall, after Conviction, offend a second Time, such Offender or Offenders shall forfeit and pay double, and if a third Time, treble the Sum forfeited on the first Conviction, and the like Sum on every Conviction afterwards: And if on any Trial and Conviction, Proofs shall be made that more than one profane Oath or Curse were utter'd by the same Person, at the same Time, and in the Presence or Hearing of the same Witness or Witnesses, the Person so offending, for every profane Oath or Curse so uttered after the first, shall forfeit and pay a Sum not under *one Shilling*, nor exceeding *two Shillings*. And in Case any Person convicted of profane Cursing or Swearing, shall not immediately pay the Sum or Sums so forfeited, he shall be committed to the common Goal or House of Correction, there to remain not exceeding ten Days nor less than five Days.

*And be it further enacted by the Authority aforesaid,* That when any profane Oath or Curse shall be uttered by any Person or Persons, in the Hearing of any Justice of the Peace, it shall be the Duty of such Justice to take Cognizance of such Offence, and punish the Offender in the same Manner as though such Offender had been convicted before the said Justice by other Evidence.

*And be it further enacted,* That if any Person or Persons shall profanely Swear or Curse in the Hearing of any Sheriff, Deputy Sheriff, or Constable, they and each of them are hereby authorized and required to apprehend and secure such Offender or Offenders being unknown to them, and to require suitable Aid therein: and him or them forthwith to carry before some Justice of the Peace for the same County, that so such Offender or Offenders may be convicted and punished for the said Offence: And in Case any Person profanely Swearing or Cursing in the Hearing of any Sheriff, Deputy Sheriff, Coroner, Consta-

Penalty.

In Case —

Persons committed in Case of non-payment to be committed.

Profane Oaths uttered in the hearing of any Justice of the Peace —

Justice Duty.

Sheriffs, Deputy Sheriffs, and Constables, authorised to apprehend Offenders.

In Case —

ble. Grand-Juror or Tithing-Man, shall be known to any or either of them, such Sheriff, Under-Sheriff, Coroner, Constable, Grand-Juror or Tithing-Man, shall and is hereby required forthwith to give Information thereof to some Justice of the Peace of the same County, in order that the Offender or Offenders may be convicted and punished for the same, in Manner and Form as in and by this Act is directed.

*And be it further enacted,* That every Justice of the Peace, hearing any Person or Persons utter any profane Oath or Curse, or before whom any Person or Persons shall be convicted of profane Cursing or Swearing, by other Evidence, shall cause the Conviction to be drawn up in the Form following.

ss Be it remembered, That on the \_\_\_\_\_  
Day of \_\_\_\_\_ in the Year of our LORD \_\_\_\_\_ A. B. was  
convicted before me one of the Justices of the Peace for  
the County of \_\_\_\_\_ of Swearing one (or more) profane  
Oath, (or Oaths,) or of uttering one (or more) profane  
Curse (or Curses,) as the Case shall be.

Given under my Hand and Seal the Day and Year  
aforesaid.

Which said Form and Conviction shall be deemed and  
taken to be final to all Intents and Purposes, (saving as  
herein is after expressed;) and the said Justice before  
whom such Conviction shall be, shall cause the same to be  
fairly Written and returned to the then next Court of  
General Sessions of the Peace for the County where the  
Offence is committed, there to be read in open Court,  
and to be filed by the Clerk of the Peace, and remain and  
be kept amongst the Records of the said Court. Saving  
always, and it is hereby provided and enacted, That when  
any Person who shall be convicted before a Justice of the  
Peace of profane Cursing or Swearing, shall have confessed the Words alledged to have been uttered and shall have pleaded specially that the Words spoken do not amount to or import a Proof of an Oath or Curse within the Meaning and Intention of this Act; in such Case it shall and may be lawful for such Defendant to appeal from the Sentence of the Justice before whom he was convicted, to the Justices of the same County, in their next General Sessions of the Peace, who shall hear and finally determine the same; the Appellant claiming his

Justice of the Peace hearing Persons Cursing and Swearing to cause Conviction.

Form.

Said Form to be drawn up.

Returnable to the next Court of General Sessions.

Persons confessing and pleading specially —

In such Cases.

Appeal at the Time of declaring the said Sentence, and recognizing with Sureties, in a reasonable Sum, not exceeding *five Pounds*, to prosecute his Appeal with Effect and to perform the Order of the said Court thereon.

Officers enjoined by this Act omitting their Duty —

*And be it further enacted*, That if any Constable, Grand-Juror, Tithing-Man, or other Officer enjoined by this Act to inform against the Violaters of it, shall wittingly and willingly omit the Performance of his Duty in the Execution of this Act, and be thereof duly convicted before any Justice of the Peace for the County where such Offence is committed, he shall forfeit and pay the Sum of *Forty Shillings*, to be levied and recovered by Distress and Sale of the Offenders Goods and Chattels, by Virtue of a Warrant under the Hand and Seal of such Justice; to be disposed of, one Moiety thereof to the Informer, the other Moiety to the Use of the Poor of the Town where the Offence is committed: And in Case such Offender shall not have sufficient Goods and Chattels whereon to levy the said Penalty, it shall and may be lawful for such Justice of the Peace to commit the Offender to Goal for the Space of Six Days, there to remain without Bail or Mainprize; the Prosecution to be commenced within Sixty Days.

Penalty.

And in Case.

Persons required to give Aid who shall neglect —

*And be it further enacted*, That if any Person being required to give Aid to any Sheriff, Deputy Sheriff, or Constable, as by this Act is provided, shall neglect or refuse the same, and be thereof convicted before any Justice of the Peace by the Oath of any such Sheriff, Deputy Sheriff, or Constable, or other legal Witness or Witnesses, to the Satisfaction of such Justice, such Person so refusing, shall forfeit and pay the Sum of *forty Shillings*; the one Half to the Informer, and the other Half to the Poor of the Town where the Offence is committed: And every Person giving Aid as before is provided in this Act, shall receive the same Allowance therefor as is by Law made to Witnesses in Civil Causes.

Penalty.

Proviso.

*Provided always, and it is hereby enacted*, That no Person shall be prosecuted or troubled for the Offence of profane Cursing or Swearing upon this Law, unless the same be proved or prosecuted within twenty Days next after the Offence is committed.

*And that no Person may pretend Ignorance of this Law, but that it may be generally known,*

This Act to be transmitted to Ministers.

*Be it further enacted*, That a printed Copy of this Act shall be transmitted to every Minister within the Govern-

ment to whom it is hereby recommended to read or cause the same to be publicly read before their several Congregations, on the Lord's Day next succeeding the Choice of Town Officers Yearly.

*And be it further enacted,* That the Justices of the Supreme Judicial Court and the Justices of the Peace for the several Counties, at their General Sessions, shall cause this Act to be publicly read at the opening of their respective Courts, from Time to Time.

*And be it further enacted,* That all Laws heretofore made for preventing profane Cursing and Swearing, be, and hereby are repealed.

October 19, 1782.

### 1782. — Chapter 23.

[September Session, ch. 6.]

AN ACT FOR MAKING MORE EFFECTUAL PROVISION FOR THE DUE OBSERVATION OF THE LORD'S DAY; AND FOR REPEALING THE SEVERAL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Chap. 23

*Whereas the Observance of the Lord's Day is highly promotive of the Welfare of a Community, by affording necessary Seasons for Relaxation from Labor and the Cares of Business; for moral Reflections and Conversation on the Duties of Life, and the frequent Errors of human Conduct; for public and private Worship of the Maker, Governor and Judge of the World, and for those Acts of Charity which support and adorn a Christian Society: And whereas many thoughtless and irreligious Persons, inattentive to the Duties and Benefits of the Lord's Day, profane the same by unnecessarily pursuing their worldly Business and Recreations on that Day, to their own great Damage, as Members of a Christian Society, and to the great Disturbance of well disposed Persons; and to the great Damage of the Community, by producing Dissipation of Manners and Immoralities of Life:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That no Person or Persons whatsoever shall keep open his or their Shop, Warehouse or Workhouse, nor shall upon Land or Water do any Manner of Labor, Business or Work, nor be present at any Concert of Music, Dancing, or any public Diversion,

Business and Diversions prohibited on the Lord's Day.

Shew or Entertainment, nor use any Sport, Game, Play or Recreation on the Lord's Day, or any Part thereof (Works of Necessity and Charity only excepted) upon Penalty that every Person so offending shall forfeit and pay a Sum not exceeding *twenty Shillings* nor less than *ten Shillings*.

Penalty.

*Be it further enacted by the Authority aforesaid*, That no Traveller, Drover, Waggoner, Teamster, or any of their Servants, shall travel on the Lord's Day or any Part thereof (except from Necessity or Charity) upon the Penalty of a Sum not exceeding *twenty Shillings* nor less than *ten Shillings*.

Travelling prohibited.

Penalty.

*And be it further enacted*, That no Person shall recreate, disport, or unnecessarily walk, or loiter, or assemble themselves in the Streets, Lanes, Wharves, Highways, common Fields, Pastures, or Orchards of any Town or Place, within this State on the said Day, or any Part thereof, on Penalty of the Sum of *five Shillings*.

Unnecessary Walking forbidden.

Funerals regulated.

*And be it further enacted*, That no Sexton, Grave Digger, Porter, or Bearer, shall be assisting at the Funeral of any Person on the Lord's Day, or any Part thereof; and no Person shall toll any Bell for such Funeral, unless Licence be given by a Justice of the Peace; and when in any Town or District where no Justice of the Peace dwells, such Licence shall be granted by one or more of the Selectmen of the Town or District, on Penalty of *twenty Shillings*, to be paid by each and every Person so offending; and no Justice or Selectman shall grant any Licence except in Cases of Necessity only.

Entertainment in public Houses prohibited.

*Be it further enacted*, That no Vintner, Retailer of strong Liquors, Innholder, or other Person keeping a House of public Entertainment, shall entertain or suffer any of the Inhabitants of the respective Towns where they dwell, or others, not being Travellers, Strangers or Lodgers, in such Houses, to abide and remain in their Houses, Yards, Orchards, or Fields, drinking, or spending their Time either idly or at play, or doing any secular Business on the Lord's Day, or any Part thereof, on Penalty of *ten Shillings*, payable by such Vintner, Retailer, or Innholder, or Person keeping such House of Entertainment, for each Person so entertained or suffered; and every Person so drinking or abiding (except as aforesaid) shall forfeit a Sum not exceeding *ten Shillings*, nor less than *five Shillings*; and every such licenced Person



upon any Conviction, after the first, shall forfeit *twenty Shillings*, and having been three Times convicted, shall be debarred renewing such his Licence forever after.

*And although it is the Sense of this Court that the Time commanded in the sacred Scriptures to be observed as Holy Time includes a natural Day or Twenty-four Hours: Yet, whereas there is a Difference of Opinion concerning the Beginning and Ending of the Lord's Day, among the good People of this Commonwealth, and this Court being unwilling to lay any Restrictions, which may seem unnecessary or unreasonable to Persons of Sobriety and Conscience:*

*Be it therefore enacted by the Authority aforesaid,* That all the above Regulations respecting the due Observation of the Lord's Day, extend to the Time included between the Midnight preceding, and the Sun Sitting of the same Day.

*Be it enacted by the Authority aforesaid,* That no Person shall be present at any Concert of Music, Dancing or other public Diversion, nor shall any Person or Persons use any Game, Sport, Play or Recreation on the Land or Water on the Evening next preceding or succeeding the Lord's Day, on Pain of forfeiting *ten Shillings* for each Offence. And no Retailer, Innholder, or Person licenced to keep a public House, shall entertain or suffer to remain or be in their Houses or Yards, or other Places appurtenant, any Person or Persons (Travellers, Strangers, or Lodgers excepted) drinking or spending their Time on the said Evenings, on Penalty of *ten Shillings* for each Offence.

*And whereas the public Worship of Almighty God is esteemed by Christians an essential Part of the due Observation of the Lord's Day and requires the greatest Decency and Reverence for a due Performance of the same:*

*Be it therefore enacted,* That each Person being able of Body, and not otherwise necessarily prevented, who shall for the Space of one Month together, absent him or herself from the public Worship of God on the Lord's Day, shall forfeit and pay the Sum of *ten Shillings*, provided there be any Place of Worship on which they can conscientiously and conveniently attend.

*Be it further enacted by the Authority aforesaid,* That if any Person shall on the Lord's Day, within the Walls of any House of public Worship, behave rudely or inde-

Preamble.

Time fixed for the due Observation of Lord's Day.

Diversions prohibited.

Retailers, &amp;c. not to entertain Persons excepting travellers &amp;c.

Preamble.

Absence from public Worship—

Persons behaving rudely in Houses of public Worship.

Penalty.

cently, he or she shall pay a Fine not more than *forty Shillings* nor less than *five Shillings*. And if the Person so offending be a Servant or Person under Age, and their Parents, Masters, or Guardians, refuse to pay the Fine, such Servant or Person under Age, shall be punished by Imprisonment, not exceeding ten Days, nor less than three Days, at the Discretion of the Justice or Court before whom such Person or Persons shall be convicted.

Persons not paying Fines subject to Imprisonment.

Persons interrupting the public Worship of God.

*And be it enacted by the Authority aforesaid*, That if any Person or Persons either on the Lord's Day, or at any other Time, shall wilfully interrupt or disturb any Assembly of People met for the public Worship of God, within the Place of their assembling, or out of it, he or they shall severally pay a Fine not exceeding *ten Pounds*, nor less than *twenty Shillings*.

Penalty.

Persons not to serve any Civil Process.

*Be it further enacted by the Authority aforesaid*, That no Person shall serve or execute any Civil Process from Midnight preceding to Midnight following the Lord's Day, but the Service thereof shall be void, and the Person serving the same shall be as liable to answer Damages to the Party aggrieved as if he had done the same without any such Civil Process.

*And in order to the more effectually carrying this Act into Execution:*

Wardens to be appointed.

*Be it further enacted*, That each Town and District within this Commonwealth, shall at the Time of chusing Town and District Officers, annually and every Year chuse certain Persons, being of good Substance, and sober Life and Conversation to be Wardens of such Town or Districts; of which Officers the Town of *Boston* shall chuse twelve, viz. one for each Ward in said Town; and every other Town or District shall chuse any Number not less than Two and not exceeding Six; and all such Wardens shall take the following Oath, viz.

Form of the Oath.

*You being chosen a Warden for the Town of* \_\_\_\_\_ *for the Year ensuing, and until another shall be chosen in your Room, do solemnly Swear, that you will diligently attend to, and faithfully execute the Duties of the said Office, without Partiality, and according to your best Discretion and Judgment.*

So help you GOD.

Penalty for not serving.

And if any Person or Persons shall refuse or neglect to take such Oath, and to serve in such Office, every such

Person in the Town of *Boston* shall be liable to the Penalty of *ten Pounds*; and in any other Town or District, to the Penalty of *five Pounds*. And every Town shall forthwith proceed to the Choice of other or others, in the Room of any Person or Persons so refusing or neglecting, and so *toties quoties*. And if any Person or Persons, so refusing or neglecting, shall not pay to the Treasurer of such Town the Fine or Penalty aforesaid, he shall as soon as may be, be summoned to appear before the Court of Sessions for the County; and upon Certificate under the Hand of the Town Clerk, that such Person was legally chosen to the Office of Warden, unless some just Cause shall be made to appear to the said Court of Sessions, to excuse the Person so chosen from serving, the Justices shall order a Warrant to be signed by the Clerk of the Peace, directed to any Constable or Constables of such Town, to levy the said Fine by Distress and Sale of such Offender's Goods, returning the Overplus, if any there be: And the Fine or Penalty so levied or paid, shall be delivered to the Overseers of the Poor or Selectmen, for the Use of the Poor of such Town: And if the Town of *Boston* shall neglect the due Observance of this Act, and shall not chuse, in Manner as required, such Officers, the said Town shall incur the Penalty of *one Hundred Pounds*; and any other Town so neglecting shall incur the Penalty of *fifty Pounds*, upon every Conviction of such Neglect before the Court of Sessions for the County wherein such Town shall be, to be levied by Warrant from the said Court in Proportion upon the Inhabitants, as public Charges are levied to be paid into the County Treasury.

Penalty on  
Town's not  
choosing.

*And be it further enacted*, That the Persons so chosen and serving as Wardens shall be held and obliged to enquire into, observe and inform of all Offences against this Act; and every such Warden is hereby authorised and empowered to enter into any of the Rooms and other Parts of any Inn or public House of Entertainment on the Lord's Day, and the Evening preceding and succeeding; and if such Entrance shall be refused to any Warden, the Landlord or licenced Person shall forfeit the Sum of *Forty Shillings* for each and every Offence.

Warden's Duty.

And the said Wardens are hereby further authorised and empowered within their respective Towns, to examine all Persons suspected as unnecessarily Travelling as

aforesaid, on the Lord's Day, and to demand of all such Persons the Cause thereof, together with their Names and Places of Abode: And if such Persons shall refuse to make answer to such Demands, or shall not give to such Warden or Wardens such Reasons for their Travelling upon the Lord's Day, as shall satisfy such Wardens of the Necessity thereof, such Wardens shall return the Names of all such Persons as they shall know or can obtain the Name of, to a Justice of the Peace; and such Justice shall proceed to Trial of the Offence, if the Offender shall be within the County, or otherwise such Warden shall return the Names of such Persons, and the Offence, to the Grand Jury, for their Consideration and Proceeding thereon. And if any person shall willfully give false Answer to any such Demands of any Wardens, every Person so offending, shall forfeit *five Pounds* for each and every Offence: And any two Justices of the Peace, *Quorum Unus*, for any County where such Person shall be found, shall have full Power and Authority to enquire into, try and determine such offence.

*And be it further enacted*, That it shall be Lawful for each and every Warden and Wardens, that have already been chosen, or that may hereafter be chosen in Consequence of this Act, either by himself or with such Assistance as he shall judge needful to take or call to his Aid, forcibly to stop and detain any Person or Persons he shall suspect of unnecessarily Travelling as aforesaid, for and during such Space of Time as shall be necessary for demanding the Cause or Reason of such Person's Travelling, his Name and Place of Abode, and receiving the Answers in such Demands: And in Case any Person or Persons shall not give Satisfaction to the Warden or Wardens demanding the same, such Warden or Wardens shall have full Power and Authority to detain in his or their Custody such Person or Persons, until a regular Trial may be had, unless such Warden or Wardens shall receive Satisfaction before the Time of Trial. And every Person examined by any Warden or Wardens in Consequence of this Act, that shall refuse or neglect to give direct Answers, shall, on Conviction of such his Refusal or Neglect, forfeit and pay the Sum of *five Pounds*, and may be prosecuted and tried in the same Manner as is already provided in this Act for giving a false Answer: And every Person who shall be required to assist and

give Aid to any Warden, that shall refuse or neglect so to do, shall for every such Offence forfeit and pay the Sum of *forty Shillings*; unless such Person or Persons so refusing or neglecting shall make reasonable Excuses to the Acceptance of the Court or Justice before whom they shall be tried.

Penalty.

*And be it further enacted*, That the Oath of any Warden shall be deemed full and sufficient Evidence in any Trial for any Offence against this Act, unless in the Judgment of the Court or Justice the same shall be invalidated by other Evidence that may be produced.

Oath of any Warden deemed sufficient Evidence in any Trial.

*And be it further enacted*, That no Person exempt from serving as a Grand-Juryman shall be liable to any Penalty for not serving as Warden; any Thing in this Act to the contrary notwithstanding: And no Person shall be held and obliged to serve in the said Office of Warden more than once in five Years; and every Warden, when in the Execution of his Office, shall carry with him a white Wand, not less than seven Feet in Length, as a Badge of his Office, and may command Assistance when he shall judge it necessary; and any Person refusing or neglecting to be so aiding and assisting, shall forfeit and pay the Sum of *forty Shillings*.

Privilege of Wardens.

*And be it further enacted*, That the Parents of any Children under Age, and the Guardians of any Minors, and the Masters of Servants who shall have no Parents nor Guardians, shall be respectively liable for the Fines of their Children, Wards or Servants, who shall be convicted of any Offence against this Act.

Parents and Guardians liable for Fines.

*And be it further enacted*, That in Case any Person that shall be convicted of profaning the Lord's Day in any of the Instances mentioned in this Act, shall not immediately pay the Sum or Sums by him forfeited as aforesaid, he shall be punished by being committed to the common Goal of the County, there to remain not exceeding ten Days, nor less than five Days.

Persons not paying Fines subject to imprisonment.

*And be it further enacted*, That notwithstanding the special Provision made by this Act for preventing the Breaches thereof, any Justice of the Peace shall upon Inspection, convict any Person; and such special Provision, shall not be construed or understood to exempt any Sheriffs, Grand Jurors, Tithing Men, Constables or ether Officers, or Persons whatsoever, from any Obligation or Duty, to cause this Act to be put in Execution,

Other Civil Officers to take Notice of Breaches of this Act.

but they shall be held to take due Notice and prosecute all Breaches thereof, such special Provision notwithstanding.

Offences to be heard before Justices of the Peace.

*And be it further enacted*, That all Offences against this Act may be heard and determined before any of the Justices of the Peace in their respective Counties where the Fine does not exceed the Sum of *forty Shillings*. All Fines and Forfeitures arising by this Act, not therein otherwise disposed of, shall be applied towards the Support of the Poor in the Town where the Offence shall be committed.

Fines how to be applied.

*Be it further enacted by the Authority aforesaid*, That such Towns as have neglected to choose Wardens in the Month of *March* last, and have thereby incurred a Penalty, be, and hereby are exempted from such Penalty, provided such Towns choose them on or before the Month of *January* next, which Choice they are hereby empowered to make.

Towns exempted who have neglected to choose Wardens.

Proviso.

*And be it further enacted by the Authority aforesaid*, That this Act shall be publicly read by the Clerk of the Peace, at the opening of each Court of General Sessions of the Peace within this State, and by each Town-Clerk annually, at the Yearly Meeting in the Month of *March*.

Act to be read at March Meeting annually.

*And be it further enacted by the Authority aforesaid*, That all Laws heretofore made, so far as they relate to the due Observation of the Lord's Day, be and hereby are repealed and declared null and void.

Laws heretofore made relating to the due Observation of the Lord's Day repealed.

October 22, 1782.

## 1782. — Chapter 24.

[September Session, ch. 7.]

*Chap. 24* AN ACT FOR REGULATING THE TREASURY; AND FOR REPEALING CERTAIN PARTS OF AN ACT, INTITLED, "AN ACT FOR THE BETTER REGULATION OF THE TREASURY OF THIS COMMONWEALTH, AND FOR APPOINTING AN ASSISTANT TREASURER."

Preamble.

*Whereas by the Death of the late Treasurer, Henry Gardner, Esq; the Business of the Treasury is deranged, and that Part assigned the Assistant Treasurer may in future be transacted by the present Treasurer:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, That the Act entitled, "An Act for the

better Regulation of the Treasury of this Commonwealth, and for appointing an Assistant Treasurer," be, and hereby is in every Part repealed and made null and void, except so much and such Parts of the same as oblige the said Assistant Treasurer to account for his Conduct while in that Office.

An Act for the better Regulation of the Treasury, and for appointing an Assistant-Treasurer repealed — except.

*And be it enacted by the Authority aforesaid.* That the several Duties contained in the above said Act devolve upon and be transacted and performed by the present Treasurer.

*Be it further enacted by the Authority aforesaid,* That all Warrants, Executions and Precepts of every Kind which were issued by the late Treasurer, *Henry Gardner*, Esq; and returnable to him, be, and they hereby are made returnable to the present Treasurer, and that the Doings of the respective Officers thereon since the Decease of the late Treasurer, be, and hereby are made valid and of the same Force and Authenticity as if the late Treasurer had then been living; any Law to the contrary notwithstanding.

All Warrant's, &c. returnable to the late Treasurer, to be returnable to the present Treasurer.

*And it is further enacted,* That the present Treasurer be, and he hereby is empowered and directed to continue consolidating public Securities issued by the Authority of this Commonwealth, in the same Way and Manner as was heretofore provided, and to continue the same till the further Order of this Court.

Treasurer empowered to continue consolidating Public Securities.

*And it is also further enacted,* That the Committee appointed to examine and settle the Accounts of the late Treasurer, *Henry Gardner*, be still continued under the same Commission, to examine and audit said Accounts, and that they proceed in the Settlement of the same with the Administrator on the Estate of the said late Treasurer, or such Person as he shall appoint, up to the Eighth Day of *October* Instant.

Committee appointed to examine and settle the late Treasurer's Accounts continued.

*And be it further enacted by the Authority aforesaid,* That the Committee appointed to receive from the Administrator of the late Treasurer *Gardner*, the Property of this Commonwealth, and deliver the same to the present Treasurer, be and they hereby are authorised and empowered to employ, at the Expence of this Commonwealth, such Persons as may appear to them to be necessary to assist in settling the Books and Accounts of the said late Treasurer.

Committee authorised to employ Persons necessary to assist in settling the Books and Accounts of the late Treasurer.

*And be it further enacted,* That there shall be allowed

Administrator allowed a reasonable Sum for Services.

to the Administrator on the Estate of the late Treasurer *Gardner*, or to such Person or Persons as shall be by him employed, a reasonable Sum for his or their Service in bringing up and settling the said Treasurer's Accounts.

October 22, 1782.

## 1782. — Chapter 25.

[September Session, ch. 8.]

**Chap. 25** AN ACT TO COMPEL EXECUTORS LIVING WITHOUT THE COMMONWEALTH, TO SETTLE THEIR ACCOUNTS; AND TO OBLIGE ADMINISTRATORS AND GUARDIANS, NOT BEING INHABITANTS OF THIS COMMONWEALTH, TO GIVE BONDS WITH PROPER SURETIES FOR THE PERFORMANCE OF THE DUTIES OF THEIR TRUST.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That when any Person who shall hereafter be appointed Executor to any Testament, shall, at the Time of the Probate of the same, live without this Commonwealth, he shall, before the Probate of the Will whereby he is appointed, enter into Bonds to the Judge of Probate for the County in which the Testator lived, with sufficient Sureties, being Inhabitants of the said Commonwealth, for his faithful Performance of the Trust reposed in him: And if such Executor shall refuse to enter into such Bonds, Administration shall be granted, with the Will annexed in the same Manner as if such Executor declined the Trust.

Persons appointed Executors, living without this Commonwealth, to enter into Bonds.

*And be it further enacted,* That when any Executor shall remove himself without this Commonwealth, and become an Inhabitant of some other State, Place, or Kingdom, before his Accounts shall be settled, and shall not, upon being thereunto required by the Judge of Probate in the County where the Will shall have been proved, come into this Commonwealth and settle his Accounts, Administration shall be granted, *de bonis non*, with the Will annexed, in the same Manner as if such Executor had died Intestate; and he shall be answerable to such Administrator for all the Estate which shall have come to his Hands; having Credit for his just Expences, the Debts he may have discharged, and the Legacies he may have paid.

Executors removing without this Commonwealth before the Settlement of their Accounts, Administration to be granted *de bonis non*, &c.

*And be it further enacted,* That where any Person now living without this Commonwealth, shall have been



appointed Executor to the Will of any Person now deceased, shall, upon being duly required by the Judge of Probate of the County where the Will hath been proved, to come and settle his Accounts, and shall refuse to appear and settle the same, and pay the Debts and Legacies, Administration *de bonis non*, with the Will annexed, shall be granted in the same Manner as if such Will had been proved after the making of this Act, and the Executor had removed himself without the Commonwealth after the Probate of the same Will.

In Case Executors refuse to settle their Accounts.

*And be it further enacted*, That when any Person or Persons, not being Inhabitants of this Commonwealth, shall take Letters of Administration on any Intestate Estate, or Letters of Guardianship in Behalf of Minors, he or they shall, previous to such Letters being granted, give Bond with sufficient Sureties, being Inhabitants of this Commonwealth, to the Judge of Probate granting such Letters, for the faithful Performance of the Trust reposed in said Administrators or Guardians.

Persons not being Inhabitants of this Commonwealth, taking Letters of Administration, to give Bond.

October 23, 1782.

## 1782. — Chapter 26.

[September Session, ch. 9.]

AN ACT FOR CONFIRMING CERTAIN LANDS, LYING IN THE COUNTY OF YORK, TO CERTAIN PERSONS CLAIMING THE SAME, UNDER WILLIAM PHILLIPS AND BRIDGET PHILLIPS.

Chap. 26

*Whereas some Doubts have arisen what Estates said Claimants have in the Lands herein after described, and the Interposition of the Legislature is found necessary to remove the same. Therefore,*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, That the Lands contained within the Limits or Boundaries following, (except the Tract of Land called *Cowhall*, and also all Lands within those Limits heretofore laid out by Virtue of Grants regularly made by the General Court) be and they hereby are confirmed to the Proprietors claiming and holding the same under *William Phillips* and *Bridget Phillips*, their Heirs and Assigns, viz. Beginning at the North Corner of *Sandford*, which Corner may be ascertained by a Line running South West, and North East, through a certain small Pond, called *Beaver Hill Pond*; and from the said North Corner of

Lands confirmed to the Proprietors holding under William Phillips and Bridget Phillips, in the County of York.

Boundaries.

*Sandford*, thus ascertained, to run North West, about eight Miles, to little *Ossipee* River; then by said River, including Half of the same as the said River runs, to *Saco* River; then by said *Saco* River to the Head Line of *Biddeford*; then by the Head Lines of the Towns of *Biddeford* and *Arundel* to the East Corner of said *Sandford*, as it was originally incorporated; then by said *Sandford* as it was originally laid out by the Name of *Phillips* Town, to the North Corner thereof, being the Boundary first mentioned.

Proviso.

*Provided nevertheless*, and the foregoing Confirmation is to be understood to be made upon the following Conditions, viz. That the said Proprietors shall on or before the first Day of *January* next, release and relinquish all further Claims to the Lands within the Limits above confirmed to them, which were laid out by Virtue of Grants regularly made by the General Court; and also to all Lands contained within the following Limits, viz. Beginning at said North Corner of *Sandford*, thence running North West, about eight Miles, to little *Ossipee* River; then Westerly by little *Ossipee* River, to the Pond called *Ossipee* Pond; then by said Pond to the State of *New Hampshire*; then Southerly by *New Hampshire* Line to the Westerly Corner of *Lebanon*; then Northeasterly by the Head Lines of *Lebanon* and *Sandford* to said North Corner of *Sandford* aforesaid; and shall make and execute according to Law, good and sufficient Deed or Deeds of Release and Quit-Claim, according to the true Intent and Meaning of this Act, and to the Acceptance of *Jedediah Prebble*, Esq; and others, the Committee appointed by the General Court to examine the Claims of said Proprietors to said Lands, who shall cause the same to be recorded by the Register of Deeds for the County of *York*, with the Records for the said County, and then File the same in the Secretary's Office, and also on Condition that the said Proprietors shall pay or cause to be paid to the said Committee the one Half of their Expences in viewing and ascertaining the Boundaries aforesaid, with the other Boundaries mentioned in their Report.

Proviso.

*Provided also*, That nothing in this Act shall be so construed as to injure, defeat, or make void any Right or Claim, which the Commonwealth have, or may have, to any Part of said Lands, which belonged to certain Persons

called Conspirators or Absentees; any Thing in this Act to the contrary notwithstanding.

*Also provided*, That nothing in the foregoing Act shall be construed to effect the Property of either of the Towns of *Biddeford* or *Arundel*.  
October 30, 1782.

## 1782. — Chapter 27.

[September Session, ch. 10.]

AN ACT FOR CONFIRMING CERTAIN LANDS, IN THE COUNTY OF FORK, TO CERTAIN PERSONS CLAIMING THE SAME, UNDER NICHOLAS SHAPLEIGH.

Chap. 27

*Whereas certain Persons acting as Proprietors of Lands under the Title of Nicholas Shapleigh, supposing that they owned Lands to the Southward of Little Ossipee River, and at considerable Expence improved and settled a Part thereof:* Therefore,

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the Tract of Land contained within the following Limits, be and hereby is granted and confirmed to said Persons who have acted in Proprietors Meeting, under the Character and by the Name of the Proprietors claiming Lands under *Nicholas Shapleigh*, late of *Kittery*, deceased, their Heirs and Assigns (excepting all Lands within those Limits heretofore laid out by Virtue of Grants made by the General Court) viz. Beginning Seven Hundred and Eighty Rods North-West from the North Corner of *Sanford*, thence running South One Thousand and Seventy Rods to *Sanford* Head Line; then West Seven Hundred and Twenty Rods; then South Two Hundred and Fifty Rods; then West nearly Six Miles to *Salmon Fall River*; then North by *Salmon Fall River*, and the Line run by Order of Governor *Belcher* in the Year of our LORD One Thousand Seven Hundred and Forty-one, between *New Hampshire* and the late *Province of Main*, about Ten Miles to *little Ossipee Pond*; then by said Pond and *little Ossipee River*, North Easterly, until it intersects a Line drawn North-West from the North Corner of *Sanford* aforesaid; then South-East to the first mentioned Bounds, together with a small Gore of Land at the Head of *Lebanon*, containing about Three Hundred Acres, adjoining to a Lot granted by the General Court to *Mil-*

Preamble.

Tract of Land confirmed to Persons claiming the same under Nicholas Shapleigh, in the County of York.

Boundaries.

Proviso.

*dlecot Cook*, Esquire; provided however, and upon Condition, that the said Proprietors shall, on or before the First Day of *March* next, give sufficient Security to the Acceptance of *Jedediah Preble*, Esquire, and others, the Committee appointed by the General Court to examine the Claims of said Proprietors to said Lands, for the Payment of *Four Hundred Pounds* to the Treasurer of this Commonwealth, for the Use thereof, on or before the Tenth Day of *October* next, with Interest for the same till paid: And provided also, that the several Lots in said Tract before described, already appropriated to public Uses, be truly reserved for those Purposes; and also that the said Proprietors pay to the Committee aforesaid, one Half of their Expences in ascertaining the Boundaries aforesaid, with other Boundaries mentioned in their Report.

*October 30, 1782.*

### 1782.—Chapter 28.

[September Session, ch. 11.]

*Chap. 28* AN ACT FOR GRANTING A LOTTERY FOR REPAIRING AND SUPPORTING A BRIDGE OVER AGAWAM RIVER, SO CALLED, IN WEST SPRINGFIELD.

Preamble.

*Whereas the Inhabitants of the Town of West Springfield have petitioned that they may have Liberty granted them to raise the Sum of two Hundred Pounds, by a Lottery, for the Purpose of repairing and supporting a Bridge in West Springfield, over Agawam River so called. And whereas it appears that the same Bridge is of great Utility to the Public and that it is necessary that the same should be kept in Repair: Therefore,*

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, That a Sum not exceeding two Hundred Pounds, be raised by a Lottery or Lotteries, by a deduction of twenty per Cent. upon the Tickets when sold, for and to the Purpose of repairing and supporting the said Bridge, and that Abraham Burbank, Justin Ely and Eliphalet Leonard, Esquires; Mr. Benjamin Stebbins, and Mr. Joseph White, or any three of them shall be Managers of the said Lottery or Lotteries, who shall be sworn to the faithful Performance of their Trust; which said Managers shall make and publish in such News Papers as they shall*

£200 raised by  
Lottery.

Abraham Burbank and others  
elected  
Managers.

judge proper, a Scheme for the said Lottery or Lotteries, as soon as may be, and all necessary Rules and Regulations therewith, for the Management thereof. And all Prizes which may be drawn in the said Lottery or Lotteries shall be paid without any Deduction, provided they are demanded within eight Months after the Drawing of the said Lottery or Lotteries; otherwise the Money arising from such Prizes shall be appropriated to the Purpose aforesaid.

Prizes to be paid without Deduction.  
Proviso.

And be it further enacted by the Authority aforesaid, That if any Person shall forge, counterfeit or alter any Lottery Ticket issued by Virtue of this Act, or shall pass or utter any such counterfeited, forged or altered Ticket, knowing the same to be false, forged, counterfeited or altered, or that shall counsel, advise, or assist in forging, altering or counterfeiting the same, every Person so offending, and being thereof convicted, before the Supreme Judicial Court of this Commonwealth, shall be punished by setting on the Gallows for the Space of one Hour, with a Rope round his Neck, or shall pay a Fine not exceeding *one Hundred Pounds*, to the Use of this Commonwealth, or shall suffer not more than twelve Months Imprisonment, nor less than two, or be publicly Whipped, not exceeding thirty-nine Stripes, at the discretion of the said Court, according to the Nature and Circumstances of the Offence. And the said Managers, or any three of them are hereby empowered and directed from Time to Time, to lay out the Monies arising from this Lottery, for the Purpose of repairing and supporting the abovesaid Bridge, in *West Springfield*.

Persons convicted of Forgery.

Penalty.

Managers to lay out the Monies for the Purpose aforesaid.

*Provided nevertheless*, That no Tickets in this Lottery be exposed to sale till after the drawing of a Lottery granted for erecting a Bridge over *Chekebee* River, leading from *Springfield* to *Hadley*. *November 1, 1782.*

Proviso.

## 1782. — Chapter 29.

[September Session, ch. 12.]

AN ACT IN ADDITION UNTO AN ACT, INTITLED, "AN ACT PROVIDING FOR THE LEVYING AND COLLECTING OF TAXES IN PLANTATIONS THAT ARE NOT INCORPORATED.

*Chap. 29*

*Whereas there has been a great Failure in assessing and collecting Plantation Taxes, and some further Pro-*

Preamble.

*vision is necessary to prevent such Failure in future, and for assessing and collecting such Taxes as have already been ordered to be assessed and collected: Therefore,*

Plantations neglecting to choose Officers.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That if any Plantation within this Commonwealth, upon due warning given, shall neglect to assemble for the Purpose of choosing the Officers which they are empowered to choose by the said Act, or being so assembled, shall neglect to choose such Officers, such Plantation shall forfeit the Sum of twenty Pounds, to be recovered in any Court proper to try the same, and applied to the Use of this Commonwealth.*

Penalty.

Assessors and Collectors in Case of Refusal —

*Be it further enacted, That such Assessors and Collectors as shall be duly appointed by any Court of General Sessions of the Peace, shall be severally subjected to the same Penalties in Case of their Refusal to accept and perform the Duties of their Respective Offices, as they would have incurred in Case of such Refusal, if chosen by the Inhabitants of their several and respective Plantations.*

Preamble.

*Whereas in many Instances it may be difficult for the Courts of General Sessions of the Peace to come to the Knowledge of any Neglect in the Choice of Plantation Officers, unless some special Provision is made for that Purpose: Therefore,*

When the Treasurer shall have issued his Warrant for assessing a Tax.

*Be it further enacted, That whenever the Treasurer of this Commonwealth shall, in pursuance of a Law thereof, have issued his Warrant for assessing a Tax, directed to the Assessors of any Plantation, and shall have transmitted, or caused to be transmitted such Warrant to such Plantation; if in such Case said Treasurer shall not within the Space of three Months after the Time specified in such Warrant for assessing such Tax, and transmitting a Certificate thereof to him, receive such Certificate, then the said Treasurer shall forthwith certify such Failure, Omission or Neglect to the Court of General Sessions of the Peace for the County to which such Plantation belongs; which Certificate from the said Treasurer shall be taken and deemed as full and sufficient Evidence of the Neglect in such Plantation to choose the Plantation Officers aforesaid; unless the same shall be invalidated by other Testimony: And such Court shall, as soon as may be, proceed*

In such Case.

in the Appointment of a Clerk, Assessors and a Collector or Collectors for such Plantation; and shall appoint some suitable Person, being a principal Inhabitant of such Plantation, to administer the necessary and usual Oaths to such Officers; who is hereby empowered and directed to administer the same accordingly; and shall be held and obliged to notify the Officers appointed by such Court, to appear before him within six Days at farthest from the Time of his receiving Notice of his Appointment, and Notice of the Appointment of such Officers. And if such Plantation Officers, or either of them, shall neglect to take the Oaths by Law required within the said six Days, the Person appointed as aforesaid to administer the said Oaths, shall certify such Neglect to the next Court of General Sessions of the Peace, to be held for such County; who shall thereupon, by Appointment, fill up any Vacancy which may then remain.

Plantation Officers neglecting to take the Oaths required by Law.

*Be it further enacted*, That if any Person appointed in pursuance of this Act to administer the Oaths to Plantation Officers, shall neglect the due Performance of any of the Duties enjoined upon him by this Act, such Person shall forfeit the Sum of *ten Pounds*, for the Use of the County to which he belongs, to be recovered in any Court proper to try the same.

Persons neglecting to administer the Oaths.

Penalty.

*Be it further enacted*, That when there shall be no Assessors in any Plantation, or when the major Part of such as may be chosen, shall unreasonably refuse or neglect to call a Meeting of the Inhabitants thereof for any legal Purpose; or in Case of a Vacancy of a major Part of such Assessors by Death, Removal out of the Plantation, or otherwise, any Justice of the Peace in the County in which such Plantation lies, is hereby authorised and empowered, upon the Application of Five of the Inhabitants of such Plantation, qualified according to Law to vote in Plantation Meetings, to issue his Warrant, directed to some principal Inhabitant of such Plantation, requiring him to warn a Meeting of the Inhabitants thereof; who is hereby empowered and required to execute such Warrant: And the Inhabitants of such Plantation, being legally assembled in Consequence of such Warrant from a Justice of the Peace, at any Time of the Year, are hereby empowered to choose all the Officers which Plantations not incorporated, are by Law author-

Assessors neglecting to call a Meeting.

Justices to issue Warrants.

Inhabitants to choose Officers.

ised to choose, in Case no such Officers are then existing in such Plantation, or fill up any Vacancy of such Officers; any Law to the contrary notwithstanding.

Assessors to assess all Taxes not assessed before their appointment.

*Be it further enacted,* That the first Assessors which may hereafter be chosen or appointed and sworn in any Plantation, be, and hereby are empowered and required to assess all Taxes not assessed before their Appointment, which have been granted and ordered by the General Court to be assessed upon such Plantation, since the last Wednesday in *May*, Anno Domini, one Thousand seven Hundred and Eighty-one, and commit Lists thereof to the Collectors, who are hereby empowered and required to collect and pay in the same agreeable to such Warrants as they may receive for the Purpose: And such Assessors shall certify all such Assessments to the Treasurer of this Commonwealth, with the Names of the Collectors, and the Sum-Total committed to each of them respectively.

Collectors to collect the same.

Assessors to certify all Assessments to the Treasurer.

County Treasurers to prosecute &c. Upon the Receipt of Forfeitures —

*Be it further enacted,* That the Treasurers of the several Counties in this Commonwealth, be, and hereby are respectively empowered and directed to prosecute for, recover and receive any Forfeiture which may arise in Consequence of this Act, within their respective Counties: And when any County Treasurer shall have received any such Forfeiture, which by this Act is to be applied to the Use of this Commonwealth, he shall immediately pay the same to the Treasurer thereof: And when any County Treasurer shall receive any Forfeiture, which by Law is to be applied to the Benefit of any particular Plantation, he shall retain the same in the County Treasury, till it shall be made to appear, to the Satisfaction of the Court of General Sessions of the Peace for the County to which such Plantation belongs, that there are three Assessors and one Collector at least, then existing in such Plantation, who have accepted such Offices, and qualified themselves for the due Execution thereof, according to Law, and then pay the same to the Assessors of such Plantation for the use thereof; any Law to the contrary notwithstanding.

County Treasurer to receive the forfeiture and retain the same, until —

This Act to continue and be in Force till the first Day of *November*, Anno Domini, one Thousand seven Hundred and Eighty-five, and no longer.

*November 1, 1782.*



## 1782. — Chapter 30.

[September Session, ch. 13.]

AN ACT FOR INDEMNIFYING ALL PERSONS EXCEPT SAMUEL ELY, CONCERNED IN THE LATE DISTURBANCES IN THE COUNTY OF HAMPSHIRE.

Chap. 30

*Whereas divers Persons misled by Misrepresentations erroneously judging of the Measures of Government, the Necessity of Taxes, and the Expences of a long and calamitous War, have been guilty of Disturbances, Riots and Disorders in that County: And whereas by their Petition and Representations, they manifest their sincere Regret for their past Conduct in that Behalf, and a Disposition to return to their Duty, submit to the Laws, and to support Government: And whereas Government considering the Frailties of Men, feel a Willingness to exercise every Act of Humanity, Pardon and Moderation towards Men misguided by a few indigested Ideas of Liberty and Freedom, as far as it is consistent with the Happiness and Welfare of the Community:*

Preamble.

Therefore, Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That all Riots, Routs and unlawful Assemblies, Disorders and Disturbances, committed, commanded, acted, done, or made within the said County of Hampshire, since the First Day of January last, and before the Tenth Day of August last, and all Rescues and Breaches of the Peace, Assaults, Batteries, and Imprisonments whatsoever, be and hereby are pardoned, released, indemnified, discharged, and put into utter Oblivion; and that all and every Person or Persons, except *Samuel Ely*, acting, advising, or assisting, abetting and counselling the same, be and hereby are pardoned, released, acquitted, indemnified and discharged from the same, and of and from all Judgments, Indictments, Convictions, Penalties and Forfeitures therefor, had or given, or that might accrue for the same; and that all Indictments, Convictions and Forfeitures therefor, are hereby declared null and void.

All Riots, &c. since the first Day of January last in the County of Hampshire pardoned —

except Samuel Ely.

And be it further enacted by the Authority aforesaid, That any Person indicted or presented, or in any Manner prosecuted, or that shall or may be hereafter indicted, presented, or in any Manner prosecuted, except said

Persons indicted, to plead the General Issue: except Samuel Ely.

*Samuel Ely*, for any of the Offences by this Act pardoned, may plead the General Issue, and give this Act in Evidence, which shall be sufficient to acquit him.

November 4, 1782.

## 1782. — Chapter 31.

[September Session, ch. 14.]

**Chap. 31** AN ACT FOR APPREHENDING AND SENDING FOR TRIAL PERSONS CHARGED WITH HAVING COMMITTED CRIMES IN SOME OTHER STATES; AND TO AUTHORIZE THE OFFICERS OF JUSTICE OF THE OTHER STATES TO CONTINUE THE EXECUTION OF THEIR PRECEPTS WITHIN THIS STATE, WHEN NECESSARY.

Preamble.

*Whereas it will tend to maintain the Union and Harmony of the United States of America that Persons standing charged with the Commission of Crimes in one of said States, and escaping into another, should be apprehended, secured and sent for Trial to the State where the Charge arises. Therefore,*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That when any Person shall stand charged with the Commission of any Crime in any other of said States, and shall escape into this Commonwealth, it shall be lawful for any Justice of the Peace in any County where the Offender may be, upon Application made for that Purpose, to apprehend such Offender by Warrant, and cause him to be brought before himself, or some other Justice of the Peace of the County for Examination; and it shall be lawful for any Justice, upon such Examination (if he shall think proper) to commit such Offender to Goal, or send him by Warrant to the Confines of the State where the Offence was committed, if an adjoining one, and there deliver him to a proper Officer; or if the Offence was committed in a more distant State, to some Officer in an adjoining one, if there be any empowered to receive, and convey him to such more distant State, in order for Trial. And when any Offender shall be apprehended in another State, and it may be necessary to carry him through this Commonwealth, in order to his being conveyed to the State where the Offence was committed, it shall be lawful for any Justice of the Peace in any County, when applied to, to order such Offender to be so carried by Warrant;*

Persons charged with Crimes in other States —

Justices to grant Warrants to apprehend them.

Justices authorised to commit such Offenders &c.

and all Warrants for sending Offenders to the Confines of, or for carrying them through this Commonwealth as aforesaid, may be directed to, and shall be executed by, the Sheriffs or their Deputies, of the several Counties through which it may be necessary to send or carry the Offender, or to any or either of the Constables of the several Towns in such Counties respectively: All which Officers shall be directed to proceed with such Offender or Offenders, to the Confines of the next adjoining County, and there deliver him or them to some proper Officer of such County; which Process shall be repeated and continued until such Offender or Offenders shall have been carried through this Commonwealth, and conveyed to the next adjoining State.

Warrants to be executed by the Sheriffs or their Deputies.

*And whereas the public Roads leading from many of the Towns in this Government and the Towns of the neighbouring Governments of New Hampshire, Connecticut, Rhode Island and New York, are so intermixed, that the Officers of Justice of the said neighbouring Governments, in the Execution of their Office, are oftentimes obliged (the Road or direct Way so leading) to pass, and even to convey Prisoners through Towns or Lands belonging to this Government, and without the Jurisdiction of such Officer of Justice, whereby Disputes, Difficulties, or Inconveniences will arise as well to the Prejudice of the Public, as to the Damage of private Persons, unless some Provision is made in that Behalf:*

Preamble.

*Be it therefore enacted,* That the Sheriffs, Deputy Sheriffs, Constables, or other Officers of Justice, of the neighbouring Governments, with their Assistants, in the Execution of any Writs, Warrants, or other Process, issuing from, and returnable to, Courts in their respective Governments, may and shall have full Liberty, Power and Authority, to pass and repass, and also to convey such Persons, or Things, as they may have in their Custody, by Virtue of any Writ or Warrant as aforesaid, in or by any of the Roads or Ways lying in or leading through any Towns or Lands of this Government, in as full, free, and ample Manner as the Officers of Justice of this Government do use and exercise in the Discharge of their Duty and Office: And all Persons insulting or obstructing such Officers of Justice of the neighbouring Governments, in such Execution of their Office, as they are passing through any of the Roads or Lands of this

Officers of Justice of the neighbouring Governments in the Execution of any Writs &c to have Liberty to pass and repass.

Government, shall be subject to the same Pains and Penalties as Persons would by Law be subject unto for insulting or obstructing similar Officers of Justice of this Government, in the due Execution of their Office.

November 7, 1782.

## 1782. — Chapter 32.

[September Session, ch. 15.]

*Chap. 32* AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT FOR PREVENTING ALL COMMERCE AND ILLEGAL CORRESPONDENCE WITH THE ENEMIES OF THE UNITED STATES OF AMERICA.”

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That so much of the two first enacting Paragraphs of the said Act, entitled, “An Act in Addition to an Act, intitled, “An Act for preventing all Commerce and illegal Correspondence with the Enemies of the United States of America,” as provides that all Goods, Wares and Merchandize, captured or seized, together with the Vessels, shall be forfeited to the Use of the Person or Persons capturing or seizing the same, be and hereby are repealed; and that from and after the passing this Act, all Goods, Wares and Merchandize, seized and captured and forfeited for being illegally imported contrary to said Acts, shall be forfeited; the one Moiety to the Use of the Commonwealth, and the other Moiety to the Use of the Captor or Seizor as aforesaid.

*Be it further enacted by the Authority aforesaid,* That all Goods, Wares and Merchandize, of the Produce, Growth, or Manufacture of *Great Britain*, or of any Country or Territory under their Dominion, or thereon depending, or that have been carried thither and there purchased, which shall be brought into this Commonwealth, by Land or by Water, after the passing this Act, shall be liable to be seized and condemned, and forfeited, one Moiety thereof to the Use of the Commonwealth, and the other Moiety to the Use of the Captor or Seizor; except such Goods, Wares and Merchandize, as have been, or shall be *bona fide* taken as Prize from the Enemy, and brought into this State for Condemnation, or which may have been *bona fide* condemned as taken from the Enemy, in any of the United States of *America*. *Pro-*

Act repealed.

Goods seized after passing the Act to be forfeited.

How appropriated.

All Goods, &c. the Produce, Growth, and Manufacture of Great-Britain, to be seized and condemned.

How appropriated.

Excepting —

*void nevertheless*, that when any Vessel shall be cleared out from any Place or Port of any Nation at War with *Great Britain*, and in Amity with the United States of *America*, the Naval Officer of the Port, and the Collector of Excise of the County in which said Vessel shall be entered, their respective Deputies, or either of them, shall have the sole and exclusive Right of seizing and libelling such Vessels and their Cargoes; and the Expence of all Processes commenced by them, or either of them, by Virtue of this Act, shall be defrayed by Government; and the Libellant or Libellants shall be entitled to receive one Eighth Part of all Vessels, Goods, Wares, or Merchandize, which shall be condemned and adjudged to be forfeited in Consequence of such Seizure by them made as aforesaid, and the Remainder to Government.

Proviso.

*Be it further enacted by the Authority aforesaid*, That when any Person shall lodge Information of a Breach of this Act with the Naval Officer of the Port, or the Collector of Excise in the County, their respective Deputies, or either of them, the Officer to whom such Information is made, shall give a Certificate thereof to the Person so informing of his said Information, expressing the Day and Time of Day when the same was made; and if in Consequence of such Information, any Seizure is made, and Forfeiture incurred, the Person so *first* informing, shall be entitled to the one half of the Eighth Part of all such Forfeitures heretofore in this Act allowed to the Libellant or Libellants, and the Libellant or Libellants entitled to the other Half.

Persons to lodge Information with the Naval Officer.

*Be it further enacted by the Authority aforesaid*, That every Naval Officer, Collector of Excise, their Deputies, and each of them, shall take the following Oath:

*I, A. B. do solemnly swear, that in the Office of to which I am appointed, I will make due Inquiry into the Foundation of all Informations against Breaches of all Acts which are or may be in Force in this Commonwealth, to prevent all Commerce or illegal Correspondence with the Enemies of the United States of America, and that I will use the utmost Care to obtain Information of any such Breaches: I also do swear, that I will prosecute all such Breaches of the said Acts, which by any Means may come to my Knowledge. So help me GOD.*

Form of the Naval Officer's, Collector's of Excise, and their Deputies Oath.

*Provided also*, That when any Vessel shall arrive in any Port within this Commonwealth, from any Port or Place

Proviso.

within the Territory of any Nation at War with *Great Britain*, and in Amity with the United States of *America*, the Master or Commander of such Vessel producing a true Manifest, under Oath, of the Cargo laden on board such Vessel, at any such Port or Place, the same shall be received as full and plenary Evidence of the Legality of such Importation, if the same Manifest be also accompanied by Certificates from proper Officers of the State at War with *Great Britain*, and in Amity with the said United States, from which such Vessel may come, that the Goods so brought are either of the Growth, Manufacture or Produce of such State, or have been thereinto legally imported.

Upon seizure of British Goods illegally imported.

To be conveyed to the Justice or Sheriff of the same County.

The Justice or Sheriff to cause Goods to be safely kept.

Preamble.

Persons applying for a Warrant to make Oath in Case of Suspicion.

*And be it further enacted*, That when such British Goods, or any Goods, Wares or Merchandize, shall be seized by any Person for having been illegally imported on the Land within this Commonwealth, or on board any Vessel in any Port, Harbour or Creek, the same shall be conveyed, as soon as may be, to some Justice of the Peace for the same County, or to the Sheriff of the same County where the Seizure was made, who shall take Possession of the same, and shall make out a particular Inventory of them, with sufficient Description and subscribe the same, and furnish the Party seizing and the Party claiming, with a true Copy thereof, if desired; and the said Justice or Sheriff shall cause the Goods to be safely kept, at the reasonable Expence of the Party seizing the same, and shall have them ready to answer any Decree or Order of the Judge of the Maritime Court before whom they shall be libelled, and the said reasonable Expence to be approved and allowed by the said Judge.

*And in order to render the Discovery and Seizure of British Goods as aforesaid, and of all other Goods, Wares and Merchandize, illegally imported, more safe and easy:*

*Be it further enacted*, That if any Person or Persons shall apply to a Justice of the Peace for a Warrant to search for *British Goods*, or Goods, Wares and Merchandize, illegally imported as aforesaid, and shall make Oath that he suspects and really believes that such *British Goods*, or Goods, Wares and Merchandize, illegally imported, are deposited or concealed in the Dwelling House, Out House, Barn, Stable, Store, Vessel, or in any other Place or Building whatsoever, belonging to or occupied by any Person whatsoever, the said Justice

shall forthwith issue his Warrant, directed to the Sheriff or his Deputy, requiring him to make diligent Search in such suspected Place or Places, to be mentioned in such Warrant, for such *British* Goods, and for Goods, Wares and Merchandize illegally imported: And if Admittance be refused or cannot be obtained, to break open the Doors of such House, Apartment in a House, Out House, Barn, Stable, Store, or Vessel, for the Purpose of making any such Search; and that if he shall, upon such Search, find any such *British* Goods, or Goods, Wares or Merchandize, suspected to be illegally imported, and challenged and seized as such by the Person in whose Behalf the said Warrant is granted, he shall, before the Removal of such Goods, in the Presence of two reputable Persons, make and subscribe with his Name, a just Inventory of all the Goods so seized, with sufficient Descriptions of the same, and shall deliver the Inventory to the Possessor of the House, Out House, Barn, Stable, Store, or Vessel, where the same Goods were found and seized, and shall deliver an attested Copy of the same to the Person seizing the same; and shall cause the same Goods and Merchandize to be delivered to the Sheriff, or some Justice of the Peace of the same County, to be safely kept, and to have them ready to answer any Decree of the Judge of the Maritime Court before whom the same shall be libelled; that the Sheriff or his Deputy shall execute such Warrant, in the Day Time only, and shall take to his Assistance two reputable Freeholders of the Town or County, and with them only, unless he meet with Opposition execute the said Warrant.

To break open  
Doors.

*And be it further enacted*, That any Person having, in his Judgment, good Reason to suppose that any *British* Goods, or Goods, Wares and Merchandize, seized and lodged with any Justice of the Peace, or Sheriff aforesaid, were collusively seized, either by the illegal Importer himself, or by any other Person, with an Intention to prevent their being lost in Whole or in Part from the illegal Importer or Claimer of the same, such Person may seize the same Goods in the Hands of the said Justice or Sheriff, by notifying the said Justice or Sheriff in Writing under his Hand of his Allegation, that the said first Seizure was collusive, and of his Intentions to libel them as seized by himself, for illegal Importation; and the Justice or Sheriff shall thereupon deliver any Person thus seizing on Suspicion of Collusion, an attested Copy of

Persons suppos-  
ing Goods col-  
lusively  
seized—

Such Persons  
authorised to  
seize the same.

the Inventory of the same Goods and Merchandize as aforesaid, and shall keep the same subject to the Decree of the Judge of the Maritime Court before whom the same shall be libelled on such libel.

British Prop-  
erty seized to  
be delivered to a  
Justice.

Justices to issue  
Warrants.

*And be it further enacted by the Authority aforesaid,* That if any Person shall seize any *British* Goods, or any Goods, Wares or Merchandize, as having been or intended to be illegally imported, and shall not speedily deliver the same to a Justice of the Peace, or to the Sheriff, as before enjoined, any Justice of the Peace may issue his Warrant, directed to the Sheriff or Deputy Sheriff of such County, to make Search for and seize such Goods, Wares and Merchandize, and cause them to be safely kept by the Justice of the Peace, or Sheriff or his Deputy, as is before directed: And any Person may require the same Seizor to deliver such Goods according to Law as aforesaid; and if he shall refuse or neglect for the Space of twelve Hours after such Notice and Requisition, then such Person may libel the same Goods, Wares and Merchandize, in their own Name as seized by the said Person to their Use; and upon Judgment of Court that the same Goods and Merchandize are forfeited, they shall be forfeited one Moiety to the Use of the Commonwealth, and the other Moiety to the Use of the said Person or Persons thus libelling.

Where Causes  
are to be tried  
on any Libel.

*And be it further enacted by the Authority aforesaid,* That whenever in any Cause to be tried on any Libel of any Goods, Wares or Merchandize, as being *British*, or illegally imported as aforesaid, Judgment shall be given for the Claimant, the same Goods or Merchandize shall be restored, and the Libellant shall pay all Fees, Costs, and other incidental and necessary Charges attending the seizing and safe keeping the same. And if upon such Trial it shall appear that the same Goods, Wares or Merchandize were unreasonably seized and detained, and without probable Cause therefor, or that the Dwelling House, Out House, Apartment in a House, Barn, Stable, Store, Vessel, or any other Building or Vessel whatsoever, were unreasonably broken open, and without probable Cause therefor, it shall and may be lawful for the Jury, at the Time of such Determination, to assess a reasonable Sum in Damages for the Person supporting their Claim of Property in the Goods, Wares or Merchandize, so acquitted, or in the Dwelling House, Apartment, Out



House, Barn, Stable, Store, Vessel, or any other Building or Vessel whatsoever, so broken open, against the Person who seized the same, or at whose Request the Dwelling House, Out House, Apartment in a House, Barn, Stable, Store, Vessel, or any other Building or Vessel whatsoever, was broken open.

*And be it further enacted by the Authority aforesaid,* That all Goods seized and forfeited as illegally imported into this State, shall be sold by Public Auction, by some Auctioneer, who shall have been before such Seizure legally licenced to sell Goods at Vendue; and in Case there shall be no Auctioneer licenced as aforesaid, then the said Goods shall be sold by Public Vendue by the Sheriff of the County where they shall have been condemned.

Goods forfeited  
to be sold at  
Public Auction.

And in Case.

*And whereas an Intercourse with the Posts of the Enemy on the Continent of America, or the Islands near said Continent, whether for illicit Trade or for any other Purpose, is most dangerous and Wicked:*

Preamble.

*Be it enacted by the Authority aforesaid,* That any Person, an Inhabitant of this State, voluntarily passing from this or any of the United States of America, to any Post or Place within the Continent of America in Possession of the Enemy, without Leave obtained from the Legislature of this State, or the Supreme Executive in the Recess of the General Court, such Person shall not afterwards be permitted to return again to this State, without Leave first obtained therefor from the Legislature, and shall forfeit all his Estate to the Use of the Commonwealth; nor shall any Person, being an Inhabitant of this State, going in like Manner into any other Post or Place in Possession of the Enemy, return again to this State, without Leave first obtained from the Legislature; and if any Person who is prohibited returning as aforesaid, shall presume to come into this Commonwealth without Leave obtained as aforesaid, he shall, on Complaint, be immediately taken up and committed to Goal for Trial; and on Conviction before the Supreme Judicial Court of having voluntarily gone into any Post or Place in Possession of the Enemy, he shall be considered as an Enemy, so far as to be sent back into their Territories. from whence, if he shall again return, he shall be sentenced, during the War to do Duty at the Castle, in the Harbour of Boston, or on board some Ship of War in the Service of this State, or of the United States, or be imprisoned for the same Space of Time.

Persons passing  
to the Enemy  
without Leave  
not to Return  
without Per-  
mission.

Persons so re-  
turning to be  
committed.

Sentence upon  
Conviction.

Claimants  
Trading with  
the Enemy —

*And be it further enacted by the Authority aforesaid,* That if it shall appear to the Satisfaction of the Judge at the Trial, of any Libel filed for the illicit Importation of Goods that the Claimant or any other Person in Court, has been concerned directly or indirectly, in sending any Money or Goods to any Post or Place in Possession of the Enemy on this Continent, or any Island adjacent thereto, or importing any Goods, Wares or Merchandize, from such Post or Place, the said Judge is hereby authorised and directed to cause such Person immediately to recognize before him for his Appearance at the Supreme Judicial Court, if such Person is then before the said Judge, otherwise the said Judge shall give Notice thereof to the Attorney General; and every Person convicted of any of the Offences aforesaid, shall, in Addition to the other Penalties already provided for such Offences, be fined at the Discretion of the Court, not exceeding *One Thousand Pounds*, or be imprisoned not exceeding one Year.

To be recog-  
nized.

Persons con-  
victed —

Penalty.

No Registers to  
be delivered —  
Unless

*And be it further enacted by the Authority aforesaid,* That no Register for any Vessel shall be delivered, or Clearance made, unless at the Time of taking out such Register, the Person who takes out the same shall produce a Certificate from the Person who is building, or from whom such Vessel is purchased that such Vessel is *bona fide* in some Port or Harbour which said Certificate specifies; and in Case of a Clearance, a like Certificate shall be produced under the Hand of some one of the Selectmen of the Town where said Vessel is said to be, unless the same is within the Knowledge of the Naval Officer himself; and any Person making or offering a false Certificate, shall forfeit the Sum of *Five Hundred Pounds*, to be recovered by any Naval-Officer within this State, three-fourths thereof to the Use of the State, and one-fourth to the Use of such Naval Officer, and the Costs of Prosecution shall be borne by the State.

Persons offering  
a false Certifi-  
cate —

Penalty.

*And whereas some Persons are so lost to Virtue, and regardless of the Safety of their Country, as to supply the Enemy with Provisions for their Support:*

Persons supply-  
ing the Enemy.

*Be it enacted by the Authority aforesaid,* That if any Person or Persons shall, directly or indirectly, supply the Enemy at any of their Posts on this Continent or Islands adjacent, with any Kind of Provision whatever, or shall convey the same to any Place within or without this State, with Intent that the same shall be transported to, or used by the Enemy, every Person or Persons so offend-

ing, and being duly convicted thereof before the Supreme Judicial Court, shall be banished from this Commonwealth forever, and shall forfeit all his or their Estates, real and personal, to the Use of this Government; and if any Person so banished, shall return within this Commonwealth, without Leave first had and obtained, he shall, on Conviction thereof, suffer Imprisonment for the Space of five Years, and be kept to hard Labor, or kept on board some Vessel in the Service of this or the United States, or in some Fort or Garrison within this State, at the Discretion of the said Court.

On Condition.  
to be banished.

November 8, 1782.

### 1782. — Chapter 33.

[September Session, ch. 16.]

AN ACT FOR REPEALING AN ACT, ENTITLED, "AN ACT LAYING CERTAIN DUTIES OF EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED, FOR THE PURPOSE OF PAYING THE INTEREST ON GOVERNMENT SECURITIES;" AND FOR REPEALING ANOTHER ACT, ENTITLED, "AN ACT IN ADDITION UNTO, AND FOR AMENDING AND EXPLAINING THE ACT MADE IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE, LAYING CERTAIN DUTIES OF EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED, FOR THE PURPOSES OF PAYING THE INTEREST ON GOVERNMENT SECURITIES;" AND FOR REPEALING ONE OTHER ACT, ENTITLED, "AN ACT MAKING PROVISION FOR GIVING PERMITS TO THE DISTILLERS AND THE IMPORTERS OF THOSE ARTICLES WHICH ARE SUBJECT TO AN EXCISE DUTY;" ALSO FOR REPEALING ONE OTHER ACT, ENTITLED, "AN ACT IN ADDITION UNTO AN ACT, ENTITLED, "AN ACT FOR LAYING CERTAIN DUTIES OF EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED, FOR THE PURPOSE OF PAYING THE INTEREST ON GOVERNMENT SECURITIES;" AND FOR ALTERING ANOTHER ACT, ENTITLED, "AN ACT IN ADDITION UNTO AND FOR AMENDING AND EXPLAINING THE ACT MADE IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE, LAYING CERTAIN DUTIES OF EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED, FOR THE PURPOSE OF PAYING THE INTEREST ON GOVERNMENT SECURITIES, AND FOR RAISING A REVENUE BY EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED, FOR THE PAYMENT OF INTEREST ON GOVERNMENT CONSOLIDATED SECURITIES, AND INTEREST ON THE NOTES ISSUED TO THE OFFICERS AND SOLDIERS OF THE MASSACHUSETTS LINE OF THE ARMY, FOR THE RESPECTIVE BALANCES DUE TO THEM FOR THEIR SERVICES IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY."

Chap. 33

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the*

Acts laying  
Duties of  
Excise repealed.

same, That the several Acts above mentioned, be, and they hereby are repealed and made null and void.

Preamble.

*Whereas it is the Interest and the Duty of every Government to devise Means by which punctually to pay the Interest on their Securities in order to establish the Value thereof, to secure the public Credit, and to do Justice to the individual Possessor. And whereas it is necessary in order to answer so salutary a Purpose, that other Means than the common and ordinary Mode of Taxation should be adopted:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That from and after the tenth Day of December next, there shall be paid on the following Articles, the Duty or Excise to them respectively herein affixed, viz.*

Certain Articles  
to pay a Duty  
after the tenth  
December next

For every Gallon of Wine *One Shilling*; for every Gallon of foreign Brandy, not above common Proof, *One Shilling*, and above Proof in Proportion; for every Gallon of Geneva, *One Shilling*; for every Gallon of West India Rum, not above common Proof, *One Shilling*, and above Proof in Proportion; for every Gallon of New England Rum, not above common Proof, *Six Pence*, and above Proof in Proportion; for every Gallon of other distilled Spirits, not above common Proof, *Six Pence*, and above Proof in Proportion; for every Pound of imported Snuff, *Six Pence*; for every Pound of Bohea Tea, *One Shilling*; for every Pound of other India Tea, *Two Shillings*; for every Pound of Coffee, *Two Pence*; for every Pound of Cocoa, *Two Pence*; for every Pound of imported Chocolate, *Four Pence*; for every Pound of Loaf Sugar, brought into this State by Land or by Water, *Five Pence*; for every Pound of Loaf Sugar manufactured within this State, *One Penny*; for every Pound of Snuff manufactured within this State, *Three Pence*; for every Pound of brown Sugar, *One Penny*; for every Barrel of Cyder and Perry, *Four Pence*; for every Pound of Bar Iron, *Half a Penny*; for every Pound of imported Steel, *One Penny*; for every Foot of imported Window Glass, *Two Pence*; for every Ounce of wrought Silver, *Six Pence*; for every Ounce of wrought Gold, *Seven Shillings and Six Pence*; for every Coach, *Five Pounds*; for every Chariot, *Five Pounds*; for every Phaeton *Three*

*Pounds*; for every four wheel Chaise, *Three Pounds*; for every fall back Chaise, *Fifteen Shillings*; for every other Chaise, *Ten Shillings*; for every Sulkey and other riding Chair, *Nine Shillings*; for every Clock made within this State, *Six Shillings*; for every Clock brought into this State by Land or Water, *Twelve Shillings*; every Gold Watch made within this State, *Six Shillings*; for every Gold Watch brought into this State by Land or Water, *Twelve Shillings*; every other Watch made within this State, *Three Shillings*; for every other Watch brought into this State by Land or Water, *Six Shillings*; and for all wrought Iron and Steel Ware, wrought Silks, Muslin, Lawns, Gauzes, Cambricks, and all Beaver, Castor and Felt Hats, of Foreign Manufacture, Jewellery, Looking Glasses, Glass and *China* Ware, Earthen and Stone Ware, Painters Oil and Colours, Oranges, Lemons, Limes, and dried Fruit, imported into this State, shall pay *Five per Centum* on the Value of said Articles at the Time and Place of Landing; and for all wrought Silver imported, *Eight Pence* per every Ounce; and for all wrought Gold, *Ten Shillings* for every Ounce.

*Be it enacted by the Authority aforesaid*, That from and after the said tenth Day of *December* next, no imported or Prize Articles or Goods whatever, shall be landed out of any Vessel or Float, or transported from any one Vessel or Float to another, in any Port, Harbour, Creek, or Inlet within this State, whether the same shall come from any foreign or neighbouring Port, Harbour, Creek, or Inlet, without a Permit therefor in Writing being first had from the Naval-Officer of the Port, Harbour, Creek, or Inlet, into which such Vessel or Float shall come, or in Case of no Naval-Officer of such Port, Harbour, Creek or Inlet, then from the Collector of Excise of the County, or his Deputy; and where there shall be no Naval Officer, Collector, or his Deputy, then from the Town Clerk or one of the Selectmen of the Town in which such Port, Harbour, Creek or Inlet is, on Penalty of Forfeiture of both Vessel or Float and Cargo, with all their Appurtenances.

*Provided nevertheless*, If any Sailor or Officer, (except the Master) belonging to any Vessel or Float, or any Passenger on board, shall land any Goods of their own private Property, without the Knowledge of the Master or Owner of said Vessel or Float before said Permit is obtained; in such Case the Vessel or Float and Cargo

No imported or Prize Goods to be landed without a Permit from Naval-Officers.

In Case.

Proviso.

shall not be forfeited, but the Goods only so landed. And if any Vessel and Cargo shall be forfeited by a Violation of this Act, any Owner or Consignee of Goods freighted on board said Vessel, except the Master and Owner of said Vessel, proving his Property by original Invoices and Bill of Lading, and paying the Duty thereon, shall have such Goods exempted from Forfeiture; any Thing herein to the contrary notwithstanding. And no such Permit for landing or transporting as aforesaid, shall be given by any Naval Officer, Town Clerk or Selectman, until the Master of the Vessel or Float shall have lodged with him a Manifest on Oath, containing all the Goods which were on board when he arrived in Port, and the particular Packages, Bales, Casks, Chests, Trunks, Cases or Boxes, with the Marks and Numbers thereof, and the Contents, if known to him; and also the Names of the Owners of said Goods, or the Persons to whom the same are consigned, if known to him; nor until such Master, Owner, or Consignee shall bring a Certificate from under the Hand of the Collector of Excise of the County into which such Vessel or Float shall come, or his Deputy, specifying that said Master, Owner or Consignee, has lodged with him under Oath, an Invoice of all the dutied Articles contained in those identical Packages, Bales, Casks, Chests, Trunks, Cases or Boxes for which he wants a Permit for landing or transporting as aforesaid; and that he, she or they have given, Bond with Surety, to pay the Duty thereon, one Moiety thereof in three Months, and the other Moiety thereof in six Months; and on producing such Certificate, the Naval Officer shall give the necessary Permit for landing or transporting the same as aforesaid, and not otherwise: And in Case of no Naval Officer, the Collector or his Deputy shall give the Permit, after receiving the Bond as aforesaid.

*And be it enacted by the Authority aforesaid,* That the Value of those Articles on which a Duty on Importation is to be raised, shall be estimated by the Collector or his Deputy, and the Owner or Consignee, and Security taken by the Collector, or his Deputy, in the Name of the Collector, for the Amount of the Duty, agreeable to such Estimate, payable, one Moiety thereof in three, and the other in six Months from the Date thereof: Or in Case the Collector or his Deputy, and the Owner or Consignee cannot agree as to the Value of such Goods, then they shall

The Value of dutied Articles to be estimated by the Collector; and the Owner or Consignee — or in Case.

chuse two or three disinterested Persons, of good Character, who are acquainted with the Value of such Goods, to estimate the same; and in Case the Parties, or either of them, shall neglect or refuse to chuse as aforesaid, or the Person or Persons chosen, shall not determine the Value of said Goods, within twenty Days after the Arrival of the same, then, and in every such Case, the Selectmen, or a major Part of them, of the Town into which such Goods may be imported, shall, on Application from the Collector or his Deputy, appoint three disinterested Persons, of good Character, to estimate the same: And in all Cases, the Persons estimating the Value of Goods, for the Purpose of ascertaining the Duty of *Five per Centum*, according to this Act, shall, previous to their entering on such Estimation, declare on Oath, that they will faithfully perform the same, according to their best Skill and Judgment, without Favor or Partiality; and the Amount of such Estimation being certified under the Hands of two of the Persons so chosen, shall be the Sum on which to raise the Duty of *Five per Centum*. And in Case any of the dutied Articles on which the Duties have been paid, or Security given for the Payment thereof, shall be transported to any other Port within this State, the Owner or Consignee shall have a Right to demand of the Collector or his Deputy to whom the Duties on such Goods were paid, or Security given for Payment, a Certificate of such Security or Payment being made, which shall entitle said Owner or Consignee, to a Permit to land the same, from the Naval Officer of the Port into which such Goods shall come without any other Manifest or Certificate; and in all such Cases, the Owner or Consignee shall make Oath before the Collector or his Deputy, that the Goods so to be transported, are the identical Goods for which such Security has been given, or Payment made.

Persons estimating the Value of Goods to declare on Oath.

In Case.

And be it enacted by the Authority aforesaid, That from and after the said tenth Day of *December*, no dutied Articles or Goods, that shall be imported into this State by Land, shall be carried out of the Town into which they shall be first so imported, or sold, or consumed in said Town, without a Permit being first had in Writing from the Collector of the County or his Deputy, or from the Town Clerk of the Town, or one of the Selectmen thereof, into which they are first so imported, on Penalty of Forfeiture of all such Goods, and a Fine equal to the Value

No dutied Articles imported to be carried out of Town without a Permit.

Penalty.

Permits not to  
be given until—

thereof: And no Collector, Deputy, Town Clerk, or Selectman, shall give any such Permit, until the Conductor of such Goods, on his first Arrival by Land into this State, shall have given to such Collector, Deputy, Town Clerk, or Selectman, a Manifest, under Oath, of all the Packages, Bales, Casks, Chests, Trunks, Cases, or Boxes in his or their Care or Possession, and the Name of the Owner or Consignee thereof; nor until the said Conductor, Owner or Consignee shall give an Invoice, under Oath, of all the dutied Articles contained in those identical Packages, Bales, Casks, Chests, Trunks, Cases, or Boxes, and Bond with Surety to pay the Duty thereon; one Moiety thereof in three, and the other in six Months from the Date thereof. *Provided nevertheless*, That when any Goods shall have been seized on Account of the Conductor thereof having neglected to give in a Manifest of the Packages containing such Goods, on his first Arrival into this State by Land, or to give Security for the Payment of the Duties on all dutied Articles therein contained, as is hereinbefore required, if such Conductor shall declare on Oath that he knew nothing of this Act, and shall readily, when required, give in such Manifest and Security for the Payment of the Duties on all the dutied Articles which may be found in those Packages, that then, and in every such Case, the Goods so seized shall not be subject to Forfeiture, but they shall be again restored to such Conductor, and he be permitted to depart therewith; and the Value of those Articles so imported, on which a Duty of *Five per Centum* is to be raised, shall be estimated by the said Collector, Deputy, Town Clerk, or Selectman giving such Permit; and the Conductor, Owner, or Consignee, or by Persons chosen in the same Way and Manner as is pointed out in this Act for the Estimation of such Goods imported by Water, and Bonds taken with Surety in Behalf of the Collector for the Payment of the Duty, one Moiety thereof in three and the other in six Months from the Date thereof: And any Town Clerk or Selectman is hereby empowered and directed to do the Duty herein assigned him, on Application to him made for that Purpose, and the Collector of the County shall pay him for his Services.

*And be it enacted by the Authority aforesaid*, That every Importer, Consignee, Innholder, or Retailer, shall, on the said tenth Day of *December* next, take a true and

Importers, &c.  
to take a true  
Account of all



fair Account in Writing, of the Number of Gallons of each and every of the dutied Liquors they shall have then on Hand, and a like Account of the Number of Pounds of *Bohea* Tea, and other *India* Teas then on Hand, and shall exhibit said Accounts under Oath, to the Collector, or his Deputy, within twenty Days after the said tenth Day of *December* next, and give Bond with Surety for the Payment of the Duties thereon, agreeable to this Act; and every Importer and Consignee is hereby prohibited from selling or disposing of any of said Liquors or Teas, until they have rendered an Account, and given Bond as aforesaid, on Pain of forfeiting the Value of the Article or Articles so sold or disposed of, and a Fine equal to the Value of the same; any Licence or Permit heretofore given by any Collector, Deputy or Selectmen to the contrary notwithstanding.

dutied Articles on Hand on the tenth *December* next, and to exhibit the same to the Collector.

Importers, &c. prohibited selling Liquors or Teas until —

*And be it enacted*, That every Distiller of Rum and other Spirits, every Manufacturer of wrought Silver, and of wrought Gold, and every Manufacturer of Clocks and Watches, and every Manufacturer of Loaf Sugar, and of Bar Iron and of Snuff, shall, from and after the said tenth Day of *December*, render an Account in Writing, under Oath, Quarterly, and every Quarter of an Year, to the Collector, or his Deputy, of all the said dutied Articles, by them or any Person for or under them, sold, or any Way disposed of or delivered, whether the same be their own Property, or may belong to another, in the Quarter next preceding, and shall pay the Duty thereon, quarterly, and every Quarter, for all the Articles so sold or disposed of, except for so much as shall be exported or sold for Exportation as is hereinafter mentioned; and every Distiller and Manufacturer aforesaid, is hereby prohibited from selling or any Way disposing of any of the said Articles, after the said tenth Day of *December*, till he shall have given Bond with Surety to the Collector, or his Deputy, to render an Account and pay the Duty as aforesaid, on Pain of forfeiting the Articles so sold or disposed of, and a Fine equal to the Value of the same.

Distillers of Spirits, and Manufacturers, to render Accounts under Oath, Quarterly, to the Collectors of all dutied Articles.

Duties to be paid Quarterly.

Distillers and Manufacturers to give Bond.

*And be it enacted*, That all Importers and Consignees shall have their dutied Liquors gauged on landing, by a sworn Guager, and produce his Certificate in Writing to the Collector or his Deputy, within ten Days after such landing, specifying the different Sorts of Liquors, and Number of Gallons of each Sort; and they shall also have

All Importers and Consignees to have their dutied Liquors gauged on landing, by a sworn Guager, and to produce a Certificate thereof.

weighed on landing or storing, all the dutied Articles imported, or to them consigned, on which a certain Duty per Pound is to be raised; and shall Produce to the Collector or his Deputy the Certificate of the Weigher, under Oath, of the neat Pounds of each Article by him weighed, (making the usual Allowance for Tare) within ten Days after landing the same; and for Failure in either Case, shall forfeit and pay a Fine of *One Hundred Pounds*; and a Deduction of *Ten per Cent.* on all dutied Liquors and brown Sugars imported, shall be allowed by the Collectors for common and ordinary Wastage.

Penalty on Failure.

Preamble.

*And whereas it is expedient that no Duty shall be paid on those Goods which are imported into this State and exported out of it for Sale, in order that Trade with Foreigners, and with our Sister States, may not be embarrassed and discouraged:*

In Case Importers, &c. declare on Oath.

*Be it therefore enacted by the Authority aforesaid, That in Case any Importer or Consignee, Distiller or Manufacturer, shall declare on Oath, that he has (bona fide) sent any Part of the dutied Articles for which he has become bound for the Payment of the Duties, out of this State, for Sale, either by Land or Water, and shall produce a Certificate from the proper Naval Officer, that such dutied Goods (specifying them particularly) have been cleared out in such Vessel, (naming her) and bound to any Port without this State; and also the Bill of Lading, signed by the Master of such Vessel, shewing that he has such Goods on board his Vessel, which he received from such Importer, or Consignee, Distiller or Manufacturer; or if sent out of this State by Land, then he shall produce the Receipt of the Conductor, on Oath, of such Goods, shewing that he has received such a Quantity of dutied Articles (naming the same particularly) from such Importer or Consignee, Distiller or Manufacturer, and that he is to transport the same out of this State, mentioning the Place where, and the Person to whom they are to be delivered; or if such Importer or Consignee, Distiller or Manufacturer, shall sell any of said dutied Articles to any other Person for Exportation out of this State, and shall produce a Certificate or Declaration, on Oath, of such Person, that the dutied Articles so purchased, (naming the same) shall be carried out of this State for Sale, and with an Intent there to be consumed, and shall also produce the Certificate of the Naval Officer,*

or Receipt of the Conductor, as is required of the Importer, &c. in Case he exports them himself, then, and in every such Case, the Importer or Consignee, Distiller or Manufacturer, shall pay no Duty for Goods so exported or sold for Exportation; and the Collector or Deputy, who has the Bond for the Payment of the Duty on those identical Goods so exported, or sold for Exportation, shall endorse on the Bond the Amount of the Duty on said Goods, as so much paid in Discharge thereof. And in Case any Importer, Consignee, Distiller or Manufacturer, shall export, or sell for Exportation, out of this State, any dutied Articles, after the Bond given for the Duties on such Articles has been paid, or in Case any other Person who may possess such Goods, shall thereafter so export them, such Importer, Consignee, Distiller, or Manufacturer, or other Person who shall so export such Goods, shall have a Right in every such Case to demand and receive the Amount of the Duties on the Articles so exported, of the Collector or Deputy to whom such Bond was given, upon producing the Evidence before required by this Act of such Exportation.

*And be it enacted*, That any Collector or Deputy, or Naval Officer, be, and they are hereby empowered to seize all dutied Articles that shall be landed out of any Vessel or Float, contrary to the true Intent and Meaning of this Act, wheresoever the same may be found, and to take the same Process for Condemnation that is or shall be prescribed for *British* Goods illegally imported; and any Person other than the Owner, informing the Collector or his Deputy, of dutied Articles so landed, shall, on the Condemnation thereof, receive *Twenty five per Cent.* of the net Proceeds.

Collectors or  
Naval-Officers  
empowered to  
seize.

*And be it enacted*, That if any Person shall give a Certificate, Receipt, or Bill of Lading, without receiving the Articles as mentioned therein, or shall procure such Certificate, Receipt, or Bill of Lading, with Design to defraud the Government, and shall be thereof convicted, he shall forfeit and pay a Fine of *One Hundred Pounds* and the Value of the Goods therein mentioned. And if any Permit, Certificate, Receipt or Bill of Lading shall be forged, counterfeited or altered, the Person forging, counterfeit-ing, or altering the same, shall forfeit the Sum of *One Hundred Pounds*, and the Value of the Goods mentioned therein or landed in Consequence thereof.

Persons giving  
Certificates, &c.  
with Design to  
defraud.

Penalty.

Duty on Cyder.

*And be it enacted by the Authority aforesaid,* That each and every Owner or Possessor of a Cyder Mill shall, on or before the fifteenth Day of *May*, yearly, pay the said *Four Pence* per Barrel, for each and every Barrel (estimating the Barrel at thirty-two Gallons) of Cyder or Perry that shall have been made by himself or by any Person at his Mill or Press in the Year preceding, and shall render an Account on Oath, in Writing, to the Collector or his Deputy, yearly, of the exact Number of Barrels of Cyder or Perry by him or by any other Person, made at his Mill or Press; and each Owner or Possessor of a Cyder Mill or Press, who shall neglect or refuse to render such Account and pay the Duty as aforesaid, shall forfeit and pay a Fine of *Fifty Pounds*; and the Assessors of the several Towns and Plantations in this State are hereby required to make a Return in Writing under Oath, to the Collector of Excise in their County, some Time in the Month of *January*, which will be in the Year of our Lord one Thousand seven Hundred and Eighty four, and from thence in the same Month, yearly, of the Number of Cyder-Mills and Presses improved in their respective Towns the preceding Year, and the Names of the Owners or Possessors thereof.

Owners of  
Cyder Mills  
neglecting to  
render an  
Account.  
Penalty.

Owners or  
Possessors of  
Carriages on  
the 15th of *May*  
to pay the Duty  
required.

*Be it enacted,* That every Owner or Possessor of any of the Carriages herein before enumerated, shall pay, on or before the fifteenth Day of *May*, yearly, the Duty by this Act required, for each and every Carriage by him or her owned or possessed.

Assessors to  
return a List of  
all dutied Car-  
riages, yearly.

*And be it enacted,* That the Assessors in the several Towns and Plantations in this State, be, and they are hereby required and directed, to return in Writing, under Oath, to the Collector of Excise in their County, some Time in the Month of *April*, yearly, a List of all the dutied Carriages within their respective Towns and Plantations, with the Names of the Owners or Possessors of the same; and if the Assessors of any Town or Plantation aforesaid, shall for the Space of one Month, neglect the due Performance of their Duty, as directed and enjoined upon them as above, the Assessors of such Town, or Plantation, so neglecting their Duty, shall forfeit a Sum not less than *twenty Pounds*, nor more than *two Hundred Pounds*, for the Use of this Commonwealth, to be recovered by Action or Complaint, in any Court proper to try the same.

Penalty in Case  
of Neglect.

*And be it further enacted*, That the said Collectors be, and they hereby are empowered to demand, sue for, and recover the Penalties aforesaid: And the said Collectors are hereby severally directed and required, to render an Account of, and pay into the Treasurer of this Commonwealth, all Sums which they may respectively recover and receive in Consequence of this Act, in the same Manner as they are directed to render an Account of and pay in the Duties mentioned in this Act.

Collectors empowered to demand, sue for, and recover, and directed to render an Account to the Treasurer.

*And to the End that all Persons returned by the Assessors as aforesaid, who shall refuse or neglect to pay the Duties on Carriages as is by this Act prescribed, may be compelled to pay the same in the shortest and most expeditious Way:*

Preamble.

*Be it enacted*, That the Collector of each County shall within thirty Days after the said Duties are become due, make out and deliver to some Constable of the Town in which such delinquent Person lives, a Warrant of Distress for the whole Sum due from such Delinquent, with *Ten per Cent.* added thereto, to be in the Form prescribed by Law to be used by Assessors for collecting Town Taxes, *Mutatis Mutandis*, which Warrant the said Collectors are hereby empowered to grant. And the said Constables shall proceed in the same Manner as is by Law prescribed, in Case of distraining for Non payment of Taxes. And the Constable shall receive the *Ten per Cent.* for his Service, and shall return the Remainder to the Collector, who shall give him a full Discharge for the same.

Collectors to make out and deliver to Constables a Warrant of Distress for the Sums due.

Constables to receive ten per Cent.

*Be it enacted*, That all Forfeitures, Fines and Penalties incurred by a Violation of this Act, or any Part of it, shall be sued for in an Action of Debt, by the Collector of the County where the Offence is committed, one Third thereof to the Collector, and two Thirds to the Use of this Government; the Allowance of *Twenty-five per Cent.* hereinbefore made to Informers, to be paid by the Collector out of his Third.

Forfeitures &c. to be sued for.

How appropriated.

*And be it enacted*, That the Collectors shall attend at some convenient Place in each Town in the Commonwealth, in order to receive the Duties which are to be paid, on or before the fifteenth Day of *May*, yearly, first giving reasonable and public Notice of the Time and Place where the Business is to be transacted: And the Collectors shall render to the Treasurer, a fair and accurate Account of all the Monies by them received in each

Where Collectors are to attend to receive Duties.

And to render to the Treasurer an Account of all Monies

received, and  
to balance  
Accounts  
yearly.

particular Town, of whom, and the Time when received, and shall pay the same into the Treasury quarterly, and shall settle and balance their Accounts, under Oath, with the Treasurer, on or before the Month of *August* yearly. And the Collector of each County shall, within thirty Days after his yearly Settlement with the Treasurer, as aforesaid, furnish the Town Clerk of each Town in his County, with a Copy authenticated by the Treasurer, of the Account of Monies received of said Town, agreeable to the Settlement made with the Treasurer as aforesaid.

Collectors to  
appoint  
Deputies.

To be account  
able for their  
Deputies.

*And be it enacted*, That the Collectors of Excise that are or shall be appointed, be, and they are hereby empowered, to appoint Deputies to do the Business herein assigned to them, or a Part thereof (to be approved of by the Governor and Council of this Commonwealth.) And the said Collectors shall be accountable for the Conduct of their Deputies, and pay them for their Services out of their own Commissions. And every Collector is hereby directed immediately to appoint a Deputy in every Port where there is a Naval Officer; (except such Port as he shall reside in himself) and in every such Port the Collector or his Deputy shall keep a public Office open from Nine in the Morning to One, and from Three in the Afternoon to Sunset (Lord's Days excepted.)

In Case Col-  
lectors, &c. shall  
give Permits  
contrary to this  
Act.

*And be it enacted*, That if any Collector, Naval Officer or Deputy, Town Clerk or Selectman, shall designedly give any Permit or Certificate, contrary to the true Intent and Meaning of this Act, and shall be thereof convicted, he shall be, and is hereby declared to be, forever after, incapable of holding any Place of Honor, Trust, or Profit, under this Government, and shall pay a Fine equal to double the Value of the Duties set by this Act on the Articles contained in such Permit or Certificate.

Persons taking  
out Permits.

*Be it enacted by the Authority aforesaid*, That every Person taking out a Licence as an Innholder, shall pay the Sum of *Twenty-four Shillings*; and every Person taking out a Licence as a Retailer of spirituous Liquor, shall pay the Sum of *Eighteen Shillings*. And the Court of General Sessions of the Peace, in their respective Counties, on granting Licences, are hereby empowered and directed, to demand and receive the said Duties of each Innholder and Retailer accordingly; which Duties shall be paid to the Clerk of the Peace, and by him to the Collector of the County; and the Collector shall pay out

of his Commissions, to said Clerk, *One per Cent.* for receiving and paying said Duties: And said Collectors or their Deputies, are hereby directed to prosecute all Persons who mix or sell spirituous Liquors contrary to Law, upon Complaint being made to them, and Proof given thereof: And the Collectors are hereby directed to enter in a Book kept for that Purpose, a true and fair Account of all the dutied Articles exported out of this State, for which they receive no Duty: And said Collectors and their Deputies shall have free Recourse, without Fee, to the Accounts and Books of any Naval Officer, or other public Office from whence they may expect to receive any Evidence for the Detection of Fraud, or the Violation of this Act: And the Collectors of Excise already appointed in the several Counties in this Commonwealth, are hereby empowered to receive and collect all the Duties mentioned in this Act, in the Way and Manner herein specified, and to do and perform all other Duties or Services herein pointed out for Collectors to do, till others are chosen in their Room, and shall be entitled to receive the same Commission severally, in Reward for their Services, as they were entitled to receive by the Act in and by which they were originally appointed.

*And be it further enacted by the Authority aforesaid,* That there be annually appointed suitable Officers for executing the Duties assigned to Collectors in this Act, at such Times as the Legislature shall appoint, with such Allowances for their Services as shall be determined when they shall be so appointed.

Officers for executing the Duties assigned to Collectors to be appointed annually.

*Be it enacted by the Authority aforesaid,* That the fore-cited Acts, which this Act repeals, shall continue and be in Force so far as to empower the Collectors to settle the Excise Accounts of all Delinquents agreeable to said Acts, and of all Persons, from their last Accounts up to the said tenth Day of *December*, and to receive the Excise due agreeable thereto, and also to receive the Duty on the Carriages, agreeable to said Act, and to take such Process as is therein described, to recover the same; any Thing herein to the contrary notwithstanding.

The Acts repealed to continue in Force so far as to empower Collectors to settle their Excise Accounts.

*Be it enacted,* That the Naval Officer, Town Clerk, or Selectman, for his Trouble in receiving and recording a Manifest, and granting and entering a Permit, agreeable to this Act, shall receive *two Shillings* and no more; and the Collector shall receive for his Certificate,

Fees.

and for finding and filling up a Bond, *one Shilling* and no more.

Naval Officers,  
&c. empowered  
to administer  
Oaths.

*And be it enacted*, That the Naval Officers, Collectors, Deputies, Town Clerks, or Selectmen, or either of them, are hereby empowered to administer the Oaths required by this Act.

Collectors to be  
sworn and give  
Bonds.

*And be it enacted*, That the Collectors shall be sworn faithfully to discharge their Duty, and shall give Bond, with two sufficient Sureties, to the Treasurer or Receiver-General of this Commonwealth, in a Sum not exceeding *twenty Thousand Pounds*, nor less than *five Thousand Pounds*, for the faithful Discharge of the Duties required of them by this Act.

Monies how to  
be applied.

*Be it enacted by the Authority aforesaid*, That all the Monies arising from this Act shall be applied for the Payment of the Interest of public Securities as aforesaid, and for that Purpose only, save only the Allowance to be made thereout to the Officer who may collect the Duties.

Preamble.

*And whereas all Restrictions upon Trade have been found to be highly injurious to those Countries which derive a great Part of their Strength and Wealth from Commerce, especially to such Communities as require a Navy for their Defence: And it being essential to the true Interest of this Commonwealth that its Commerce should be encouraged and made as extensive as possible; and good Policy requiring that the Embarrassments which arise from the Impositions laid by this Act upon Trade, should continue no longer than the Necessities of Government, occasioned by the War, shall continue:*

Limitation.

*Be it therefore enacted*, That this Act shall continue and be in Force until Six Months after Peace shall be proclaimed by Congress, and no longer.

Proviso.

*Provided nevertheless*, That nothing in this Act shall be so construed, as to oblige any Person who may have Occasion for transporting any of the Articles before enumerated from Port to Port, within this Commonwealth, to pay any Duties for the same (saving such Duties as they would be held and obliged to pay without Transportation) in Case it shall appear that those identical Articles were imported into this Commonwealth before the tenth Day of *December*, one Thousand seven Hundred and Eighty-two: And the Oath of the Importer, Owner, or Consignee, shall be received as Proof that the said Articles were so imported before the said tenth Day of *Decem-*



ber, one Thousand seven Hundred and Eighty-two: And the Collector or his Deputy, Naval Officer, Town Clerk, or Selectmen, as the Case may be, shall admit to Entry and Clearance such Articles accordingly.

November 8, 1782.

### 1782. — Chapter 34.

[January Session, ch. 1.]

AN ACT TO SUSPEND THE PRIVILEGE OF THE WRIT OF HABEAS  
CORPUS FOR FOUR MONTHS.

*Chap. 34*

*Whereas some late Disturbances in this Commonwealth and Opposition to the legal Authority thereof, render it expedient and necessary that the Benefit derived to the Citizens from the issuing of Writs of Habeas Corpus should be suspended for a limited Time in certain Cases:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That his Excellency the Governor, with the Consent and Advice of Council, be, and he hereby is authorised and empowered by Warrant under the Seal of this Commonwealth, by him subscribed, to apprehend and secure in any Goal in the Commonwealth, any Person or Persons whatsoever, whose being at Large may be judged by his Excellency and the Council to be dangerous to the Peace and Well-being of this or any of the United States of America. Any Law, Usage, or Custom to the contrary notwithstanding.*

The Governor and Council empowered by Warrant to apprehend & secure Persons dangerous to the Peace of the United States.

This Act to continue in Force for four Months and no longer.

Limitation.

February 5, 1783.

### 1782. — Chapter 35.

[January Session, ch. 2.]

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT  
ARE EXPIRED OR NEAR EXPIRING.

*Chap. 35*

*Whereas the several Acts hereinafter mentioned, which are now expired, or near expiring, have been found useful and beneficial, viz. —*

Preamble.

One Act made in the Year of our Lord, one Thousand seven Hundred and Thirty-six, entitled, “An Act to enable the Overseers of the Poor, and Selectmen, to take Care of idle and disorderly Persons.” One Act

Sundry Laws revived.

made in the Year of our Lord, one Thousand seven Hundred and Thirty-eight, entitled, “An Act to prevent the unnecessary Journeying of the Members of the General Court.” One Act made in the Year of our Lord, one Thousand seven Hundred and Thirty-nine, entitled, “An Act in Addition to the several Laws of this Province relating to common Roads and private Ways.” One Act made in the Year of our Lord, one Thousand seven Hundred and Forty, entitled, “An Act for Explanation of, and Supplement to the Act referring to the Poor, &c.” One Act made in the Year of our Lord, one Thousand seven Hundred and Forty-one, entitled, “An Act in Addition to an Act, entitled, “An Act for Explanation of, and Supplement to an Act referring to the Poor.” Two Acts made in the Year of our Lord, one Thousand seven Hundred and Forty-two, one entitled, “An Act in Addition to the several Acts for regulating the Assize of Casks; and preventing Deceits in the Packing of Fish, Beef and Pork for Sale;” the other entitled, “An Act to prevent Gaming for Money, or other Gain.” One Act made in the Year of our Lord, one Thousand seven Hundred and Forty-four, entitled, “An Act to prevent unnecessary Expence in Suits at Law.” Three Acts made in the Year of our Lord, one Thousand seven Hundred and Forty-six, one entitled, “An Act to prevent the Firing of Guns charged with Shot or Ball, in the Town of *Boston*;” another entitled, “An Act in further Addition to an Act, entitled, “An Act for High Ways;” the other entitled, “An Act to enable the Proprietors of private Ways to repair them in an equal Manner.” One Act made in the Year of our Lord, one Thousand seven Hundred and Forty-eight, entitled, “An Act to prevent Damage being done on the Beach, and Meadows in *Plymouth*, adjoining to said Beach, commonly known by the name of *Plymouth Beach*.” One Act made in the Year of our Lord, one Thousand seven Hundred and Fifty-one, entitled, “An Act for the better Regulation of the Course of Judicial Proceedings.” One Act made in the Year of our Lord, one Thousand seven Hundred and Fifty-six, entitled, “An Act for preventing Petitions to the General Court relating to Licences for retailing strong Drink, and keeping Houses of public Entertainment.” One Act made in the Year of our Lord, one Thousand seven Hundred and Fifty-seven, entitled, “An Act made for pre-

venting the unnecessary Destruction of Alewives, in the Town of *Sandwich*." One Act made in the Year of our Lord, one Thousand seven Hundred and Sixty, entitled, "An Act to enable the Town of *Weymouth* to regulate and order the taking and disposing of the Fish called Shad and Alewives within the Limits of that Town." Two Acts made in the Year of our Lord, one Thousand seven Hundred and Sixty-two, one entitled, "An Act to prevent Damage by Fire, in the Towns of *Salem*, *Marblehead*, and other Maritime Towns in the Province;" the other entitled, "An Act for rendering more effectual the Laws already made relating to Shingles; and for regulating the Assize of Staves, Hoops, and Clapboards." One Act made in the Year of our Lord, one Thousand seven Hundred and Sixty-three, entitled, "An Act for the Relief of poor Prisoners for Debt." One Act made in the Year of our Lord, one Thousand seven Hundred and Sixty-four, entitled, "An Act in Addition to an Act, entitled, "An Act providing in Case of Sickness." One Act made in the Year of our Lord, one Thousand seven Hundred and Seventy, entitled, "An Act to prevent the obstructing and destroying of the Fish called Alewives in their Passage up and down *Meddepayset* River, within the Town of *Rochester*." Two Acts made in the Year of our Lord, one Thousand seven Hundred and Seventy-one, one entitled, "An Act to empower the Inhabitants of the Town of *Dartmouth* to regulate the taking of Fish within the Harbours and Coves of said Township of *Dartmouth*;" the other entitled, "An Act to prevent Damage being done to the Proprietors of the Meadow, Upland and Beach, called *Great and Little Scipuiszet*, in the Town of *Falmouth* and County of *Barnstable*." One Act made in the Year of our Lord, one Thousand seven Hundred and Seventy-two, entitled, "An Act in Addition to an Act made in the fifth Year of the Reign of his present Majesty, entitled, "An Act to prevent the Destruction of Oysters in the several Bays and Rivers hereafter mentioned, within this Province." One Act made in the Year of our Lord, one Thousand seven Hundred and Seventy-three, entitled, "An Act for regulating the Alewife Fishery in the Town of *Halifax*, in the County of *Plymouth*." One Act made in the Year of our Lord, one Thousand seven Hundred and Seventy-six, entitled, "An Act for preventing the Operation of an Act made

in the Year of our Lord, one Thousand seven Hundred and Seventy, entitled, “An Act for repealing the several Laws now in Force which relate to the Limitation of Personal Actions; and for the Limitation of Personal Actions for the future; and for avoiding Suits at Law.” One Act made in the Year of our Lord, one Thousand seven Hundred and Seventy-seven, entitled, “An Act to oblige Persons to attend and give Evidence in certain Cases in the neighbouring States.” One Act made in the Year of our Lord, one Thousand seven Hundred and Seventy-eight, entitled, “An Act for taking Affidavits out of Court in certain Cases not already provided for.” Two Acts made in the Year of our Lord, one Thousand seven Hundred and Seventy-nine, one entitled, “An Act for making Provision for Appeals to Congress in certain Maritime Cases, and under certain Restrictions;” the other entitled, “An Act to prevent Impositions on the Inhabitants of any Town within this State, in the Sale of Fire Wood and Bark, in any of said Towns.”

Limitation.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That all the beforementioned Acts, now expired, or near expiring, be revived and continued with all and every Clause, Matter and Thing therein respectively contained: And shall be in Force until the first Day of November, which will be in the Year of our Lord, one Thousand seven Hundred and Eighty-seven; and no longer.*

February 7, 1783.

## 1782. — Chapter 36.

[January Session, ch. 3.]

*Chap. 36* AN ACT TO REMOVE CERTAIN ACTIONS NOW PENDING IN THE SUPREME JUDICIAL COURT IN THE COUNTY OF HAMPSHIRE, TO THE SUPREME JUDICIAL COURT IN THE COUNTY OF BERKSHIRE, AND TO ENABLE PETER A. FONDA TO RE-ENTER A CERTAIN ACTION IN THE COURT OF COMMON PLEAS IN THE SAID COUNTY OF BERKSHIRE.

Preamble.

*Whereas an Action originally commenced by John Burghardt against Jeremiah Hogoboom: An Action commenced by Asahel Porter against Simon Willard; and another Action commenced by the said Asahel Porter, against Simon Willard, and others, are now by an Appeal depending in the Supreme Judicial Court in the said County of Hampshire. And whereas from the local Cir-*

*cumstances of the Parties it will be more convenient and less expensive that the said Actions should be heard and determined in the County of Berkshire aforesaid :*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the said several Actions shall be removed from the County of Hampshire to the County of Berkshire, and in the Supreme Judicial Court to be holden within and for the same County, shall be heard, adjudged of, and determined upon, in all Respects as if the Appeals in the said Actions had originally been entered in the said Court, holden within and for the said County of Berkshire: Any Law of this Commonwealth to the contrary thereof notwithstanding.*

Removal of several Actions from the County of Hampshire to the County of Berkshire.

*And whereas Peter A. Fonda had an Action depending against Ephraim Fitch, in the Court of Common Pleas which by Law should have been holden at Great Barrington, within and for the County of Berkshire, on the third Tuesday of August, in the Year of our Lord one Thousand seven Hundred and Seventy four; which Action had been heard by certain Persons to whom the same had been referred, and a Report thereon prepared to be made to the same Court in favor of the Plaintiff, and considerable Expence and Costs had arisen by Reason of the Premises. And whereas the said Court was prevented sitting at the Time and Place aforesaid, and thereby all the said Cost and Expence will be lost by the Plaintiff without the Interposition of the Legislature :*

*Be it therefore enacted by the Authority aforesaid, That the said Peter A. Fonda be, and he hereby is empowered to re-enter the same Action at the Court of Common Pleas to be holden at Pittsfield, within and for the same County, on the last Tuesday of February current, and that the Clerk issue a Notification thereof to the said Ephraim Fitch, fourteen Days at the least before the sitting of the same Court next thereafter to be holden ; and that the said Cause be continued, that the said Ephraim Fitch may have Opportunity to defend himself against the same, and that thereupon the same Court be and hereby is enabled and empowered to proceed and determine in the same Action as to Law appertains ; and that in all Things, like Proceedings be had in the Premises as if the said Action had regularly been continued to the same Court.*

*Peter A. Fonda* empowered to re-enter an Action at the Court of Common Pleas at Pittsfield.

Clerk to issue a Notification thereof.

*February 10, 1783.*

## 1782. — Chapter 37.

[January Session, ch. 4.]

**Chap. 37** AN ACT FOR GRANTING A LOTTERY FOR RE-BUILDING AND MAKING GOOD THE PUBLIC BRIDGES AND CAUSEWAYS IN THE TOWN OF LANCASTER.

Preamble.

*Whereas it appears of great Utility that the public Bridges and Causeways in the Town of Lancaster, should be re-built and made Good; and the said Town hath represented their present Inability to accomplish the same, and have prayed that a Lottery may be granted for those Purposes:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That a Sum not exceeding Two Thousand Pounds be raised by a Lottery or Lotteries for the Purposes aforesaid; and that Captain Samuel Ward, Doctor Israel Atherton, and Josiah Wilder, Esq; be Managers thereof, who shall be sworn to the faithful Performance of the Trust; and shall as soon as may be, publish a Scheme of such Lottery or Lotteries in such public News Papers as they may think most proper: And the said Managers shall keep just and regular Accounts of their Proceedings, and of the Monies they may receive in their said Capacity, which shall at all Times be open to the Inspection of the Treasurer of the said Town of Lancaster for the Time being. And within one Month after they shall be requested thereto, by Vote of the said Town, shall complete Drawing any such Lottery or Lotteries; and shall pay the net Proceeds thereof in such Manner as shall be ordered by the said Town, or their Committee, for such Purpose to be chosen: And if the said Managers or any of them, shall neglect Payment as aforesaid, for the Space of fourteen Days after the Receipt of such Order, the said Treasurer is hereby authorised and empowered to sue for and recover, for the Use of the said Town, such Monies neglected to have been paid as aforesaid, by Action in any Court proper to try the same. And furthermore, the said Managers within three Months after the last Drawing of the said Lottery or Lotteries shall settle and finish their Accounts of the said Lottery or Lotteries. And in Case they or either of them shall neglect or refuse so to do, or shall refuse or neglect to finish Drawing such Lottery or Lotteries in Manner as*

£2000 to be raised by a Lottery.

Managers to be sworn.

To keep just and regular Accounts.

To be open to the Inspection of the Treasurer of said Town.

Managers neglecting Payment.

Treasurer empowered to sue for.

In Case.

aforesaid, they shall severally forfeit and pay for each Offence, the Sum of *Two Hundred Pounds*, for the Use of the said Town, and to be recovered by the said Treasurer in Manner aforesaid.

*And be it further enacted by the Authority aforesaid*, That the said Town of *Lancaster*, shall, in the most prudent and expeditious Way and Manner, apply all the net Proceeds of the said Lottery or Lotteries to the Purposes of re-building and making Good the said Bridges and Causeways; and in Case the said Town shall convert the said Proceeds to any other Use or Purpose, or shall unreasonably delay to apply the same as is hereinbefore directed, the said Town shall forfeit and pay to the Use of the Commonwealth the Sum of *Three Thousand Pounds*, to be recovered by the Treasurer of the said Commonwealth, by Action in any Court proper to try the same.

*And be it further enacted*, That all Prizes drawn in the said Lottery shall be paid without Deduction, if demanded within six Months after Drawing.

*And be it also further enacted*, That if any Person or Persons shall forge, counterfeit, or alter any Ticket issued by Virtue of this Act, or shall pass or utter any such forged, counterfeit or altered Ticket knowingly; or that shall counsel, advise, or assist in forging, counterfeiting or altering the same, every such Person or Persons so offending, being thereof convicted in the Supreme Judicial Court of this Commonwealth, shall be set on the Gallows for the Space of one Hour, with a Rope about his Neck, or shall pay a Fine not exceeding *One Hundred Pounds*, to the Use of this Commonwealth, or be imprisoned not exceeding twelve Months, or be publicly Whipt, not exceeding thirty-nine Stripes, at the Discretion of the Justices of the same Court, who are also hereby empowered to inflict one or more of the said Punishments on such Offenders, if they see fit.

*February 15, 1783.*

The net Proceeds of said Lottery to be applied as aforesaid.

In Case.

Prizes to be paid without Deduction.

Persons convicted of Forgery.

Penalty.

## 1782. — Chapter 38.

[January Session, ch. 5.]

AN ACT APPOINTING A TIME AND PLACE FOR HOLDING THE SUPREME JUDICIAL COURT IN THE COUNTY OF SUFFOLK.

*Chap. 38*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority*

Supreme Judicial Court to be holden in Boston 3d Tuesday of Feb. Inst.

*of the same*, That a Supreme Judicial Court shall be held at *Boston*, within and for the County of *Suffolk*, on the third Tuesday of *February* instant.

*And be it further enacted by the Authority aforesaid*, That all Writs, Recognizances, Warrants and Complaints, and every other Thing that should or may be returned to or entered at the Court aforesaid, to be holden at the Time and Place heretofore appointed; and all Parties and Persons that by Law are or may be required or directed to appear or attend at the aforesaid Time and Place; and all Actions, Suits, and Matters that now are or may be pending in the same Court, shall be returned to, entered, appear and attend, have Day, be tried and determined in the said Court, at the Time and Place established by this Act.

*February 17, 1783.*

## 1782.—Chapter 39.

[January Session, ch. 6.]

### Chap. 39

AN ACT FOR ENCOURAGING THE KILLING OF WOLVES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, That whosoever shall hereafter within this Commonwealth, kill any grown Wolf or Wolf's Whelp, (other than such as shall be taken out of the Belly of any Bitch Wolf) and bring the Head thereof unto the Constable of the Town in which such Wolf or Wolf's Whelp shall be killed, or to the Constable of the Town next adjacent unto the Place of killing such Wolf or Wolf's Whelp, without the Bounds of any Township, the Constable, in Presence of one or more of the Selectmen shall cut off both the Ears of the same, and cause them to be burned. And such Selectman or Men, and Constable, shall give the Party a Receipt for the said Head, expressing whether it be a grown Wolf, or a Whelp, and upon producing such Receipt, the Party shall be paid and allowed by the Treasurer of such Town, out of the Town Treasury, the Sum of *Four Pounds* for every Head of a grown Wolf by him killed, and the Sum of *One Pound* for every Wolf's Whelp; and all such Sum and Sums of Money so paid out of any Town Treasury in Manner aforesaid, shall be paid and allowed to such Town by the Treasurer and Receiver-General of this Commonwealth.

Wolves killed, &c.

The Constable of the Town to cut off both the Ears of the same, in the Presence of the Selectmen.

Selectmen and Constable to give a Receipt to the Party.

Bounty.



*And be it further enacted by the Authority aforesaid,*  
That all Certificates of such Payments to be returned to  
the Treasurer and Receiver-General, shall be in the Form  
following: That is to say,

Certificates to  
be returned to  
the Treasurer  
and Receiver-  
General.

To the Treasurer of the Commonwealth of *Massachusetts*.

This Certifies that there hath been allowed and paid out  
of the Town Stock of            the Sum of            for  
grown Wolves, and the Sum of            for            Wolves  
Whelps, killed in or near unto said Town, and within this  
Commonwealth, since the            Day of            last, and  
the Heads thereof brought unto a Constable of said  
Town, and the Ears cut off and burnt in the Presence of  
one or more of the Selectmen of said Town, as the Law  
directs, and so certified, amounting in the Whole to the  
Sum of            which you are desired to allow to said  
Town by paying the same to            Treasurer of  
said Town.

Form.

Dated at            aforesaid this            Day of            17

} Selectmen  
} of

} Town Treasurer.

*And be it further enacted by the Authority aforesaid,*  
That all the Laws of this Commonwealth heretofore made  
respecting Wolves or Wolves Whelps, so far as they relate  
to the same, be, and hereby are repealed and declared to  
be null and void.

Repealing all  
Laws heretofore  
made respecting  
Wolves.

*February 21, 1783.*

**1782. — Chapter 40.**

[January Session, ch. 7.]

AN ACT FOR DISCONTINUING THE NAME OF A TOWN IN THE  
COUNTY OF HAMPSHIRE, FORMERLY INCORPORATED BY  
THE NAME OF MURRAYFIELD, AND CALLING THE SAME  
CHESIER.

*Chap. 40*

*Whereas from the great Similitude between the Names  
of the said Town called Murrayfield and a Plantation  
called Merryfield, in this Commonwealth many Difficul-  
ties and Inconveniences have arisen, and the Inhabitants  
of the former pray that the Name of the said Town may  
be altered:*

Preamble.

*Therefore be it enacted by the Senate and House of  
Representatives in General Court assembled, and by the*

Altering the Name of Murrayfield to the Name of Chester.

*Authority of the same*, That the Land lying in the County of *Hampshire*, formerly incorporated into a Town by the Name of *Murrayfield*, shall no longer bear that Name; but henceforth shall be called and known by the Name of *Chester*, the aforesaid incorporating Act notwithstanding. And all Officers in the said Town shall hold and exercise their Offices respectively, in the same Manner as they would have done had not the Name of the said Town been altered.

February 21, 1783.

## 1782.—Chapter 41.

[January Session, ch. 8.]

### Chap. 41 AN ACT FOR ERECTING A DISTRICT IN THE COUNTY OF MIDDLESEX, BY THE NAME OF BOXBOROUGH.

Preamble.

Whereas a Number of Inhabitants, living in the extreme Parts of the Towns of Stow, Harvard, and Littleton, labor under many Inconveniences by Reason of their great Distance from any Place of Public Worship, and have requested this Court that they may be incorporated into a District, with all the Privileges of a Town, that of sending a Representative to the General Court excepted:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That a Part of *Stow*, a Part of *Harvard*, and a Part of *Littleton*, all which are included within the Boundaries following, viz.: Beginning at the Road Southerly of *John Robbins' Buildings*, and running Southerly to *Acton Corner* Three Miles and Ninety-two Rods, to a Heap of Stones; from thence running Southerly in *Acton Line*, to a Place called *Flag Hill*, being two Miles, three Quarters and ten Rods, to a Heap of Stones; from thence Westerly in *Stow* two Miles and a Quarter, to a Stake and Pillar of Stones in the *Harvard Line*; then running Northerly through Part of *Harvard*, to a white Oak Tree, by a Causeway from thence to the Place first set out from, be and hereby is incorporated into a District, by the Name of *Boxborough*. And all the Polls and Estates that are included within the said Boundaries, shall belong to the said District, except those of such of the Inhabitants of that Part set off from *Littleton*, as shall not within the Term of twelve Months from the passing this Act, return their Names into the Office of the Secre-

Boundaries.

tary of this Commonwealth, signifying their Desire to become inhabitants of the said District.

*And be it further enacted by the Authority aforesaid,* That the said District be, and hereby is, invested with all the Powers, Privileges and Immunities, that Towns in this Commonwealth do or may enjoy (except the Privilege of sending a Representative to the General Court) and the Inhabitants of the said District shall have Liberty from Time to Time to join with the Town of *Stow*, in choosing a Representative, and shall be notified of the Time and Place of Election, in like Manner with the Inhabitants of the said Town of *Stow*, by a Warrant from the Selectmen of the said Town, directed to a Constable or Constables of the said District, requiring him or them to warn the Inhabitants to attend the Meeting at the Time and Place appointed: Which Warrant shall be seasonably returned by the said Constable or Constables; and the Representative may be chosen indifferently from the said Town or District: The Pay or Allowance to be borne by the Town and District, in Proportion as they shall from Time to Time pay to the State Tax.

Investing said District with certain Powers.

*And be it further enacted,* That *Jonathan Wood*, Esq; of *Stow*, be, and he hereby is empowered to issue his Warrant, directed to some principal Inhabitant within the said District, requiring him to warn the Inhabitants of the said District, qualified to vote in Town Affairs, to assemble at some suitable Time and Place in the said District, to choose such Officers as Towns and Districts by Law are required to choose in the Month of *March* annually: *Provided nevertheless,* That the Inhabitants of the said District shall pay their proportionable Part of all such Town, County and State Taxes, as are already assessed by the said respective Towns from which they are taken, and their proportionable Part of all public Debts due from the said Towns; and also provide for the Support of all the Poor who were Inhabitants within the said District before the passing of this Act, and shall be brought back for Maintenance hereafter.

Jona. Wood to call the 1st Meeting.

Proviso.

*And whereas it is fit and necessary, that the Whole of the said District should belong to one and the same County:*

*Be it therefore further enacted by the Authority aforesaid,* That that Part of the said District which is set off from the Town of *Harvard*, in the County of *Worcester*,

Annexing Part of said District to the County of Middlesex.

shall be, and hereby is annexed and set to the County of *Middlesex*. And the Line established by this Act as the Boundary betwixt the said Town of *Harvard* and the said District, shall hereafter be the Boundary Line betwixt the said County of *Middlesex* and the said County of *Worcester*.

*February 25, 1783.*

### 1782. — Chapter 42.

[January Session, ch. 9.]

**Chap. 42** AN ACT FOR DISCONTINUING THE NAME OF A TOWN IN THE COUNTY OF *SUFFOLK*, INCORPORATED BY THE NAME OF *STOUGHTONHAM*, AND CALLING THE SAME *SHARON*.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the said Town of Stoughtonham, shall no longer bear that Name, but henceforth shall be called and known by the Name of Sharon; the aforesaid incorporating Act notwithstanding. And all Officers in said Town shall hold and exercise their respective Offices in the same Manner as they would have done had not the Name of said Town been altered.* *February 25, 1783.*

The Name of the Town of Stoughtonham altered to Sharon.

### 1782. — Chapter 43.

[January Session, ch. 10.]

**Chap. 43** AN ACT FOR CARRYING INTO EXECUTION AN ORDINANCE OF CONGRESS FOR ESTABLISHING COURTS FOR THE TRIAL OF FELONIES AND PIRACIES COMMITTED ON THE HIGH SEAS.

Preamble.

*Whereas by an Ordinance of Congress, passed the Fifth of April, one Thousand seven Hundred and Eighty-one, pursuant to the ninth Article of the Confederation, the Justices of the Supreme Judicial Court and the Judge of Admiralty of this Commonwealth, or any two of them, are constituted and appointed Judges for hearing and trying every Person charged with Piracy or Felony upon the High Seas, or who shall be charged as Accessaries to the same, either before or after the Fact, by Grand and Petit Jurors, according to the Course of the Common Law. And it being expedient to ascertain the Times and Places for holding the same Court, as well as to direct the Mode of appointing Grand and Petit Jurors therefor: And also to designate the Judge of Admiralty intended by the same Ordinance:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Times and Places for holding Courts, for the Trial of Piracies and Felonies committed on the High Seas, shall be in the Counties of Suffolk, Middlesex, Essex, Plymouth, Barnstable, Bristol, York and Cumberland at the Times the Supreme Judicial Court is or shall by Law be held and kept in the said several Counties, and at such other Time and Place in any Maritime Town in any of the said Counties as the Governor for the Time being, with Advice of Council, shall, by Writ under the Seal of the Commonwealth, order and direct; at which Courts the first Justice of the Supreme Judicial Court who is present shall always preside.*

The Times and Places for holding Courts for the Trial of Piracies, &c.

*And be it further enacted, That the Grand and Petit Jurors that are or shall be appointed to serve at any Supreme Judicial Court, in the several Counties aforesaid, shall discharge the Duties of Grand and Petit Jurors, in the Court for the Trial of Piracies and Felonies upon the High Seas, as fully as though specially appointed for that Purpose.*

Grand and Petit Jurors appointed to serve at the Supreme Judicial Court to discharge the Duties in the Court for the Trial of Piracies.

*And be it further enacted, That when a Time and Place shall be appointed for the Trial of Piracies and Felonies on the High Seas, by the Governor and Council, by Virtue of this Act, the Writ directed to the Judges of the same Courts shall issue twenty-one Days at the least before the Time assigned for holding the Court. And the Clerk of the Supreme Judicial Court shall issue Venires to such Maritime Towns within this Commonwealth as the Justices of the said Court, or any two of them, shall direct, seven Days at least before the sitting thereof; and the Grand and Petit Jurors shall be appointed and summoned to attend in like Manner, and be liable to the like Fines and Forfeitures for Neglects, as Grand and Petit Jurors respectively, at the Supreme Judicial Court: And if by Reason of Challenges, or otherwise, there shall not remain a sufficient Number of Grand or Petit Jurors, the Number may be completed *de talibus Circumstantibus*, to be returned by the Sheriff of the County where the Court is held, or such other Person as the Court shall direct.*

Governor and Council to appoint the Time & Place for Trial.

The Clerk of the Supreme Judicial Court to issue Venires as the Justices shall direct.

*And be it further enacted, That the Judge or Judges of the Maritime Courts within this Commonwealth for the Time being, shall be deemed and taken to be the Judges of the Court of Admiralty within this Commonwealth, in the true Sense and Meaning of the said Ordinance of Congress, until a Judge or Judges of Admiralty, expressly*

Judges of the Maritime Courts to be deemed as Judges of the Court of Admiralty.

Until.

by that Name, shall, pursuant to Law, be duly nominated, commissioned and sworn.

The Clerk of the Supreme Judicial Court to be the Clerk of said Court for Trial of Piracies.

*And be it further enacted by the Authority aforesaid, That the Clerk of the Supreme Judicial Court shall be the Clerk of the Court for the Trial of Piracies and Felonies on the High Seas, unless the Judges of the same Court shall see fit to appoint some other Person to act as Clerk of the same, which they are hereby authorized and empowered to do.*

*February 25, 1783.*

### 1782. — Chapter 44.

[January Session, ch. 11.]

**Chap. 44** AN ACT FOR ANNEXING NOAH WIZZLE, WITH HIS LANDS, WITHIN A CERTAIN GORE OF LAND, LYING BETWEEN THE TOWNS OF FITCHBURGH, LEOMINSTER AND WESTMINSTER, IN THE COUNTY OF WORCESTER, UNTO THE TOWN OF FITCHBURGH.

Preamble.

*Whereas Noah Wizzle hath requested of this Court to be annexed unto Fitchburgh; and it appears to be of public Utility that his Request should be granted:*

Annexing Noah Wizzle's Lands to the Town of Fitchburg.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That Noah Wizzle, with his Lands, situate in a Gore of Land, lying between the Towns of Fitchburgh, Leominster and Westminster, in the County of Worcester, be, and hereby is annexed unto the Town of Fitchburgh: And that in future the said Wizzle shall be entitled to all the Privileges and Immunities with the Inhabitants of the said Fitchburgh, and subjected to Duties as an Inhabitant of the said Town.*

Proviso.

*Provided always, That the said Wizzle shall be holden to pay any Taxes already legally assessed on him by the Town of Westminster; any Thing in this Act to the contrary notwithstanding.*

*February 26, 1783.*

### 1782. — Chapter 45.

[January Session, ch. 12.]

**Chap. 45** AN ACT FOR GRANTING A LOTTERY FOR RE-BUILDING THE NORTH MILLS IN THE TOWN OF BOSTON, WHICH WERE LATELY CONSUMED BY FIRE.

Preamble.

*Whereas the Mills commonly called the North Mills, in the Town of Boston, have lately been consumed by Fire, and the Proprietors have prayed that a Lottery may be granted to enable them to re-build the said Mills, which will be of great public Utility:*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That a Sum not exceeding Two Thousand Pounds be raised by a Lottery or Lotteries, for and to the Purpose of re-building the said Mills; and that John Pitts and John White, Esquires, and Mr. William Paine, or any two of them, shall be Managers of the said Lottery or Lotteries, who shall be sworn to the faithful Performance of their Trust; which said Managers shall make and publish in such News Papers as they shall judge proper, a Scheme for the said Lottery or Lotteries, as soon as may be; and they shall also publish therewith all necessary Rules and Regulations for the Management thereof. And all Prizes which may be drawn in the said Lottery or Lotteries, shall be paid without any Deduction, provided they are demanded within Six Months after the Drawing of the said Lottery or Lotteries, otherwise the Money arising from such Prizes, shall be appropriated to the Purpose aforesaid.*

£2000 to be raised by Lottery.

Names of the Managers.

*And be it further enacted, That if any Person shall forge, counterfeit, or alter any Lottery Ticket issued by Virtue of this Act, or shall pass or utter any such forged, counterfeited or altered Ticket, knowing the same to be false, forged, counterfeited or altered, or shall advise or assist in forging, altering, or counterfeiting the same, every Person so offending, and being thereof convicted before the Supreme Judicial Court of this Commonwealth, shall be punished by being set on the Gallows for the Space of one Hour, with a Rope round his Neck, or shall pay a Fine not exceeding One Hundred Pounds, to the Use of this Commonwealth, or suffer not more than Twelve Months Imprisonment, nor less than Two, or be publicly whipped, not exceeding Thirty-nine Stripes, at the Discretion of the said Supreme Judicial Court, according to the Nature and Circumstances of the Offence.*

Persons guilty of Forgery.

Penalty.

*February 26, 1783.*

## 1782. — Chapter 46.

[January Session, ch. 13.]

AN ACT IN ADDITION TO THE SEVERAL ACTS ALREADY MADE FOR THE PRUDENT STORAGE OF GUN POWDER WITHIN THE TOWN OF BOSTON.

*Chap. 46*

*Whereas the depositing of loaded Arms in the Houses of the Town of Boston, is dangerous to the Lives of those who*

Preamble.

*are disposed to exert themselves when a Fire happens to break out in 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 shall take into any Dwelling House, Stable, Barn, Out House, Ware House, Store, Shop, or other Building within the Town of *Boston*, any Cannon, Swivel, Mortar, Howitzer, Cohorn, or Fire Arm, loaded with, or having Gun Powder in the same, or shall receive into any Dwelling House, Stable, Barn, Out House, Store, Ware House, Shop, or other Building, within the said Town, any Bomb, Grenade, or other Iron Shell, charged with, or having Gun Powder in the same, such Person shall forfeit and pay the Sum of *Ten Pounds*, to be recovered at the Suit of the Firewards of the said Town, in an Action of Debt, before any Court proper to try the same; one Moiety thereof to the Use of the said Firewards, and the other Moiety to the Support of the Poor of the Town of *Boston*.

*And be it further enacted by the Authority aforesaid,* That all Cannon, Swivels, Mortars, Howitzers, Cohorns, Fire Arms, Bombs, Granades, and Iron Shells of any Kind, that shall be found in any Dwelling House, Out House, Stable, Barn, Store, Ware House, Shop, or other Building, charged with, or having in them any Gun Powder, shall be liable to be seized by either of the Firewards of the said Town: And upon Complaint made by the said Firewards to the Court of Common Pleas, of such Cannon, Swivels, Mortars, or Howitzer, being so found, the Court shall proceed to try the Merits of such Complaint by a Jury; and if the Jury shall find such Complaint supported, such Cannon, Swivel, Mortar, or Howitzer, shall be adjudged forfeit, and be sold at public Auction; and one Half of the Proceeds thereof shall be disposed of to the Firewards, and the other Half to the Use of the Poor of the Town of *Boston*. And when any Fire Arms, or any Bomb, Grenade, or other Shell, shall be found in any House, Out House, Barn, Stable, Store, Warehouse, Shop, or other Building, so charged, or having Gun Powder in the same, the same shall be liable to be seized in Manner aforesaid; and on Complaint thereof, made and supported before a Justice of the Peace, shall be sold and disposed of as is above provided for Cannon.

*Be it further enacted,* That Appeals shall be allowed in Prosecutions upon this Act as is usual in other Cases.

*March 1, 1783.*

Persons prohibited taking into their Dwellings, &c. any piece of Ordnance loaded with Gun Powder.

Penalty.

Pieces of Ordnance charged with Gun Powder found in any Dwelling-House, &c. liable to be seized.

How disposed of in Cases of Forfeiture.

Appeals allowed.



## 1782. — Chapter 47.

[January Session, ch. 14.]

AN ACT FOR SETTING OFF *DAVID PARKER* FROM THE DISTRICT OF *CARLISLE*, AND ANNEXING HIM TO THE TOWN OF *CHELMSFORD*. Chap. 47

*Whereas by the Act for incorporating the District of Carlisle, in the County of Middlesex, David Parker was set to the said District, which is found to operate to his great Injury and Inconvenience:* Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the said David Parker, and his Buildings, and so much of his Lands which were taken into the said District of Carlisle, by the aforesaid Act, as shall fall to the North of a right Line, beginning at a Heap of Stones where the Corners of the Towns of Chelmsford and Westford, and of the said District of Carlisle meet; and from thence running to the Corner of a certain stone Wall, where the Corners of the Towns of Chelmsford and Billerica, and of the said District of Carlisle meet, shall be, and hereby are set off from the said District of Carlisle, and annexed to the said Town of Chelmsford; and shall forever hereafter be considered as Part of the same: Any Thing in the aforesaid Act contained to the contrary notwithstanding.* Boundaries.

*Provided nevertheless, That the said David Parker shall pay all such Taxes as are already assessed upon him by the said District of Carlisle.* Proviso. March 1, 1783.

## 1782. — Chapter 48.

[January Session, ch. 15.]

AN ACT FOR RAISING BY LOTTERY THE SUM OF *THREE THOUSAND POUNDS*, FOR THE PURPOSE OF BUILDING A GLASS HOUSE, AND PROMOTING THE MANUFACTURE OF CROWN AND OTHER GLASS, IN *BOSTON*. Chap. 48

*Whereas it appears that Robert Hewes, by his Ingenuity and Application, has attained the Knowledge of the Art and Manufacture of Crown and other Glass; and great Benefit may accrue to this Commonwealth if the said Business should be carried on: But the Losses of the said Robert, sustained by costly Experiments, in finding out the said Art, and also by Fire, have occasioned, and must occasion, a great Cessation thereof, unless he, in* Preamble.

some Manner, derives Aid to enable him to build a Glass House in Boston :

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That a Sum not exceeding Three Thousand Pounds, be raised by a Lottery, by a Deduction of Twenty per Cent. upon the Amount of the Tickets when sold, to the Use of the said Robert Hewes, for the sole Purpose of Building a suitable Glass House in Boston, and providing the Implements and Machinery necessary for the Manufactory of Glass; and that Col. Josiah Waters, Major Thomas Melvil, and Capt. Alexander Hodgdon, shall be Managers of the said Lottery, who shall be sworn to the faithful Performance of their Trust; which said Managers shall make and publish in such News Papers as they shall judge proper, a Scheme for the said Lottery as soon as may be; and they shall also publish therewith all necessary Rules and Regulations for the Management thereof: And all Prizes which may be drawn in the said Lottery, shall be paid without any Deduction, provided the same are demanded within twelve Months after the Drawing of the said Lottery; otherwise the Money arising from such Prizes shall be appropriated to the Purpose aforesaid.*

*And be it further enacted, That if any Person shall forge, counterfeit, or alter any Lottery Ticket, issued by Virtue of this Act, or shall pass or utter any such forged, counterfeit or altered Ticket, knowing the same to be false, forged, counterfeit or altered, or that shall counsel, advise, procure or assist in the forging, altering or counterfeiting the same; every Person so offending, and being thereof convicted before the Supreme Judicial Court, shall pay a Fine not exceeding One Hundred and Fifty Pounds, to the Use of this Commonwealth, and suffer not more than twelve Months Imprisonment, nor less than two, and be publickly whipped, not exceeding thirty-nine Stripes, or shall suffer all or any of the foregoing Punishments, at the Discretion of the Court before whom he shall be convicted, according to the Nature and Circumstances of the Offence.*

*And be it further enacted by the Authority aforesaid, That the said Robert Hewes shall have the sole and exclusive Right of carrying on the Manufacture of Crown and other Glass within this Commonwealth, for the Term of seven Years from the Date of this Act. And that if*

£3000 to be raised by Lottery.

Names of the Managers.

Prizes to be paid without Deduction.

Persons convicted of Forgery.

Penalty.

Exclusive Right of carrying on the Manufacture granted to Rob. Hewes.

any other Person or Persons shall presume within the said Term of seven Years to carry on the Manufacture of Crown or other Glass within this Commonwealth, he or they shall forfeit and pay a Fine not exceeding *One Thousand Pounds* nor less than *Eight Hundred Pounds*, to be recovered by Action of Debt, to be brought by the said *Robert*, his Executors or Administrators, in any Court proper to try the same.

Persons presuming to manufacture Glass within the Time mentioned.

Penalty.

*Provided always*, That the said *Robert Hewes* give Security to the Treasurer of this Commonwealth in the Sum of *Four Thousand Pounds*, with two sufficient Sureties, to employ all the Monies that shall be raised by the said Lottery, for his Use, in building a suitable Glass House, in providing Implements and Machinery as aforesaid, and in prosecuting and bringing to Perfection the Manufacture of Crown and other Glass, in the best Manner in his Power, and faithfully, constantly and diligently to pursue during the said Term of seven Years, the Manufacturing thereof.

Proviso.

Rob. Hewes to give Security.

*March 1, 1783.*

## 1782. — Chapter 49.

[January Session, ch. 16.]

AN ACT TO INCORPORATE THE CONGREGATIONAL SOCIETY IN THE TOWN OF *NORTON*, INTO A DISTINCT PARISH; AND ALSO TO INCORPORATE A COMMITTEE OF THE SAID SOCIETY FOR CERTAIN PURPOSES.

*Chap. 49*

*Whereas the Congregational Society in the Town of Norton, of which the Reverend Joseph Palmer is the present Minister, have represented to this Court that the said Society are possessed of a Sum of Money and Securities, to the Amount of Four Hundred and Twenty-five Pounds, which they desire to improve to the Purpose of beginning and laying a Foundation for a Fund, the Interest whereof to be appropriated to support a learned, pious, Protestant Congregational Minister in the said Society forever, and for building or repairing a Meeting House in said Society; and have supplicated this Court by a Law, to invest the said Society with all the Powers, Privileges, and Immunities that Precincts or Parishes in this Commonwealth do or may enjoy: And also that certain Persons, by them, the said Society elected and named, may be made a Body Corporate, with sufficient Powers to receive the aforesaid Sum and other Donations that are or shall be made for the Purposes aforesaid, and for the Well ordering the same:*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Congregational Society in the Town of Norton, in the County of Bristol, where the Reverend Joseph Palmer now officiates, be, and they hereby are incorporated into a distinct Parish, by the Name of The Congregational Parish in Norton, and hereby are invested with all the Powers, Privileges and Immunities, that Precincts or Parishes within this Commonwealth do or may by Law enjoy.*

Society in Norton incorporated into a distinct Parish.

And that it may be known at any Time, who of the Inhabitants of the said Town belong to the said Parish,

Inhabitants usually attending Public Worship to be deemed belonging to said Parish — until —

*Be it enacted by the Authority aforesaid, That all those Inhabitants of the said Norton, who usually attend Public Worship with the aforesaid Society, shall be deemed and taken to belong to the said Parish to all Intents and Purposes, until they shall signify in Writing, under their Hands, to the Clerk of the said Parish, their Intention to attend Public Worship with some other religious Society, and shall actually attend. Provided nevertheless, that all Parishioners, so removing, shall be held to pay all Arrears of Taxes legally assessed on them by the said Parish before their removal.*

Proviso.

George Leonard, Esq; to call the first Meeting.

*And be it further enacted by the authority aforesaid, That George Leonard, Esquire, be, and he hereby is fully authorized to issue his Warrant, directed to some principal Inhabitant belonging to the said Parish, requiring him to give Notice to the Inhabitants of the Parish aforesaid, qualified to vote in Parish Affairs, to assemble at some suitable Time and Place in the said Parish, to choose all such Officers as Parishes are by Law required to choose in the Month of March annually; and to transact such other Matters and Business as is necessary to be done in the said Parish.*

George Leonard, Esq; & others, elected by said Society to be a Corporate Body.

*And be it further enacted by the Authority aforesaid, That George Leonard, William Holmes, Daniel Dean, Isaac Hodges and Israel Trow, chosen, elected and named by the said Society for that Purpose, and their Successors hereafter chosen by the Parish aforesaid, in the Manner as in and by this Act is hereafter provided, shall be, and hereby are declared to be a Body Corporate, by the Name of The Trustees of the Congregational Parish in Norton, and hereby are incorporated to this special Purpose, viz. To receive all the Donations, Subscriptions, Securities and Monies, now in the Hands of the said Society, and*

Their Powers.

also such Grants, Appropriations, and Donations, either Real or Personal, that have been or shall hereafter be made for the Purposes aforesaid; provided the whole Sum do not exceed the sum of *Three Thousand Pounds*: And all such Sum or Sums as shall be received by the aforesaid present Trustees or their Successors in the said Trust, shall be and hereby are appropriated to raise an Income by the annual Interest arising therefrom for the Purpose aforesaid.

*And be it further enacted by the Authority aforesaid,* That all Bonds, Mortgages, or other lawful Securities, made to the said *George Leonard, William Holmes, Daniel Dean, Isaac Hodges, and Israel Trow,* and their Successors in the said Trust, are hereby declared good and valid: And the said Trustees and their Successors, by their said Corporate Name, may sue and be sued, and are hereby fully authorized by themselves, or by their Agents or Attornies, to appear, plead and defend, in any Action or Suit brought by or against them, in their said Capacity, and the same prosecute to final Judgment and Execution, in any Court proper to try and determine the same.

Bonds, &c made to the Trustees to be good and valid.

The Trustees to sue and be sued.

*And be it further enacted by the Authority aforesaid,* That the aforesaid Sum of *Four Hundred and Twenty-five Pounds,* and all such further Sum or Sums as may hereafter be annexed thereto, shall be by the said Trustees, put to Interest; and the annual Interest arising thereon, shall be further put to Interest, and so from Year to Year, until a Capital shall be raised, the annual Interest whereof shall be sufficient to support a Minister as aforesaid: And then the annual Interest of the said increased Capital, or so much thereof as the said Corporation shall find necessary, shall forever after be paid to such Minister resident and officiating in the Work of the Ministry among said Society, within said Town. And if it shall ever happen that there be no such Minister settled within the said Society, then in every such Case the Interest arising in such Vacation shall be improved to supply the said Society with Preaching. And if there shall be any Surplusage it shall be put to Interest on new Securities, and added to the said Capital, and improved for the Building or Repairing a Meeting House for the said Society; and all such increased Sum or Sums shall be ordered and disposed of by the said Trustees, according to the Directions hereinbefore provided respecting the said Capital.

Monies to be put on Interest — until —

Interest, how to be appropriated.

In such Case.

When the Interest shall be more than sufficient for said Purposes how to be appropriated.

*And be it further enacted by the Authority aforesaid,* That if at any Time the Income arising by the annual Interest of the Fund aforesaid, shall be more than sufficient for the Purposes aforesaid, in that Case all such Surplus shall and hereby is specially appropriated, and shall be improved by the Parish aforesaid, towards the Support and Maintenance of a School for the Benefit of said Society.

Parish to choose five Trustees annually.

*And be it further enacted by the Authority aforesaid,* That the said Parish, at their annual Meeting in *March*, from Time to Time be, and hereby are fully authorised to choose five Trustees for the Year ensuing.

In Case Trustees are not chosen.

*And be it further enacted by the Authority aforesaid,* That if at any Time the said Parish shall at their annual Meeting in *March*, neglect or by any Means be prevented choosing Trustees, in every such Case the Trustees last chosen shall continue vested with all the Powers and Privileges aforesaid, until others be chosen.

Trustees to be accountable and removable for Misdemeanor.

*And be it further enacted by the Authority aforesaid,* That the said Trustees, and their Successors, from Time to Time, shall be accountable to the said Parish, and may be by them for any Misdemeanor or Failure in their said Trust removed therefrom; in which Case, and also in Case of Death or other Removal of any one or more of them, it shall and may be lawful for the said Parish to appoint others in their Room. And the said Parish may at any Time call a Meeting for that Purpose accordingly.

*March 4, 1783.*

## 1782. — Chapter 50.

[January Session, ch. 17.]

*Chap. 50* AN ACT DETERMINING AT WHAT TIMES AND PLACES THE SEVERAL COURTS OF GENERAL SESSIONS OF THE PEACE AND COURTS OF COMMON PLEAS, SHALL BE HELD WITHIN AND FOR THE SEVERAL COUNTIES OF THE COMMONWEALTH.

The Times and Places prefixed for holding Courts of General Sessions of the Peace, &c in the several Counties within the Commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the Times and Places for holding the Courts of General Sessions of the Peace, and Courts of Common Pleas, within and for each of the Counties in the Commonwealth, shall, after the first Day of *January*, one Thousand seven Hundred and eighty-three, be annually, as followeth, that is to say,

Within and for the County of *Suffolk*, at *Boston*, on the first Tuesday in *January*, the third Tuesday in

*April*, the first Tuesday in *July*, and the first Tuesday in *October*.

Within and for the County of *Essex*, at *Ipswich* the first Tuesday in *April*; at *Salem*, the second Tuesday of *July*, and the first Tuesday in *December*; and at *Newbury Port*, the last Tuesday in *September*.

Within and for the County of *Middlesex*, at *Concord*, on the second Tuesday of *March*, and second Tuesday of *September*; at *Cambridge*, on the last Tuesday of *November*; and at *Groton*, on the third Tuesday of *May*.

Within and for the County of *Hampshire*, at *Northampton*, the second Tuesday in *February*, and the last Tuesday in *August*; at *Springfield*, the third Tuesday in *May* and the second Tuesday in *November*.

Within and for the County of *Plymouth*, at *Plymouth*, the second Tuesday in *April*, the first Tuesday in *July*, the first Tuesday in *October*, and the second Tuesday in *December*.

Within and for the County of *Barnstable*, at *Barnstable*, the first Tuesday in *April*, the last Tuesday in *June*, the last Tuesday in *September*, and the first Tuesday in *December*.

Within and for the County of *Bristol*, at *Taunton*, the second Tuesday in *March*, the second Tuesday of *June*, the second Tuesday in *September*, and the third Tuesday in *December*.

Within and for the County of *York*, at *York*, on the second Tuesday of *April*, and the second Tuesday of *July*; at *Biddeford*, on the second Tuesday of *October*.

Within and for *Dukes County*, at *Edgartown*, the first Tuesday in *March*; and at *Tisbury*, the last Tuesday in *October*.

Within and for the County of *Nantucket*, at *Sherburne*, the last Tuesday in *March* and first Tuesday in *October*.

Within and for the County of *Worcester*, at *Worcester*, the last Tuesday in *March*, the second Tuesday in *June*, the first Tuesday in *September*, and the first Tuesday in *December*.

Within and for the County of *Cumberland*, at *Falmouth*, the last Tuesday of *May* and the last Tuesday of *October*.

Within and for the County of *Lincoln*, at *Pownalborough*, the first Tuesday of *June* and the last Tuesday in *September*.

Within and for the County of *Berkshire*, at *Pittsfield*, the last Tuesday in *February*; and at *Great Barrington*,

the third Tuesday in *August*, until the First Day of *January* One Thousand Seven Hundred and Eighty-four; and after the said First Day of *January*, at *Lenox*, on the last Tuesday in *February*, the third Tuesday of *September*, and the third Tuesday of *December*.

*And be it further enacted by the Authority aforesaid*, That all Appeals, Writs, Recognizances, Warrants, and Complaints, and every other Thing that should or may be entered at, or returned to, any of the said Courts to be holden at the Times and Places heretofore appointed: And all Parties and Persons that by Law are or may be required or directed to appear or attend at the aforesaid Times and Places; and all Actions, Suits and Matters, that now are, or may be pending in the said Courts, shall be returned to, entered, appear, and attend, have Day, be tried and determined in the respective Courts, at the Times and Places established by this Act.

*March 10, 1783.*

## 1782. — Chapter 51.

[January Session, ch. 18.]

**Chap. 51** AN ACT IN ADDITION TO AN ACT PASSED THE EIGHTH DAY OF NOVEMBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO, LAYING AN EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED.

Preamble.

*Whereas no Provision is made in the said Act for the speedy Appointment of a Collector of Excise, in Case a Vacancy shall happen in the Recess of the General Court:*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, That in Case of the Death, Resignation, Removal out of the State, or otherwise, or Non-acceptance of any Person appointed, or that shall be appointed Collector of Excise, in any of the Counties in this Commonwealth, in the Recess of the General Court, or at so late a Period in any Session of the same Court, that the Vacancy occasioned in any Manner as aforesaid shall not be supplied in the same Session thereof, the Governor, with the Advice of the Council, shall be, and hereby is authorized, and empowered to appoint a Collector of Excise for the County where such Vacancy shall happen; which Collector, being qualified as in the said Act is directed, shall continue in Office, and be vested with all the Powers and Privileges appertaining thereto, until the

In Case of Death, &c. of Persons appointed Collectors.

The Governor with the Advice of Council empowered to appoint.



said Collector shall be confirmed in his Office, or another shall be appointed by the General Court in his Stead. And any Collector appointed or chosen as aforesaid; and also any Collector who hath been, or shall be appointed or chosen in the Room of any other Collector removed or deceased, shall be, and hereby is empowered and authorized to demand and receive of the Executors and Administrators of any Collector who may be deceased or removed, and of the Deputies of the same, all official Bonds, Notes, Accounts, and other Papers, and give proper Discharges for the same, and to commence and prosecute an Action in his own Name, upon any Bond or other Security given to his Predecessor in Office, in the Capacity of Collector of Excise; and to demand, prosecute, sue for, recover and receive, any Duties that were due or Penalties incurred before his Appointment to the said Office; and to do and perform all Matters and Things whatever, which his said Predecessor could have done, had he continued in Office.

Collectors im-  
powered to  
demand.

*And be it enacted by the Authority aforesaid,* That the Master of any Vessel or Float, is hereby prohibited from taking on board such Vessel or Float, to transport from one Port to another within this Commonwealth, any dutied Articles, until he shall have received a Certificate from the Collector of Excise for the County where he shall receive the said dutied Articles, or his Deputy, specifying that the Duty is paid, or that Security is given for the Payment thereof, on those identical dutied Articles (naming them) which he has received on board such Vessel or Float: And all dutied Articles, brought from one Port to another within this State, in any such Vessel or Float, and for which the Master thereof does not produce, on his Arrival in such County or Port, a Certificate as aforesaid, to the Collector of the County, or Naval Officer of the Port or the Deputy of either of them, shall be forfeited; and the Master of such Vessel or Float, shall forfeit and pay a Fine equal to the Value of the Goods forfeited, to be sued for and recovered in any Court proper to try the same.

Masters of Ves-  
sels prohibited  
in the Transpor-  
tation of dutied  
Articles until

Dutied Articles  
brought from  
one Port to an-  
other in any Ves-  
sel the Master of  
which does not  
produce a cer-  
tificate to be for-  
feited.

*And whereas it is found to be very inconvenient for the Conductors of the dutied Articles brought into this State by Land, to lodge an Invoice thereof with a Town Clerk, or with a Selectman, on their first Entrance into this State, and to agree on the Value of the Goods in order to ascertain the Duty, and give Security for the same: And*

*whereas a long Detention and much Trouble and Expence is often incurred thereby:* For the Remedy thereof,

Conductors to  
proceed unmolested,  
proviso.

*Be it enacted by the Authority aforesaid,* That every Conductor of dutied Articles brought into this State by Land, shall proceed unmolested to the Place where he is to deliver the said dutied Articles, provided he shall have made Oath before a Magistrate of the State from whence he shall bring the same, or before a Magistrate in this State on his first Entrance into it with the said dutied Articles, that he will not deliver the same, or any Part thereof, to the Owner or Consignee, or any other Person, until he shall have lodged a Manifest or Invoice, in Writing, with the Collector or his Deputy, for the County where the said Articles are to be delivered, and obtained his Permission for the Delivery thereof. And every Conductor of such dutied Goods producing a Certificate from a Magistrate as aforesaid, specifying such Oath, shall pass unmolested to the Place mentioned in such Certificate; any Law heretofore made to the contrary notwithstanding.

Proviso.

*Provided nevertheless,* That every Conductor of dutied Goods, who shall not comply with this Act, shall be subjected to the Requirements of the Act, in Addition to which this Act is made, and suffer the Penalties thereof in Case of Failure; any Thing herein to the contrary notwithstanding.

*And whereas every Evasion of the Duties imposed by the said Act, must operate injuriously to the fair Trader, as well as the public Revenue:*

Collectors &  
Naval Officers  
empowered —

*Therefore be it further enacted by the Authority aforesaid,* That the Collectors of Excise and Naval Officers, and their respective Deputies, or either of them, be, and they hereby are individually authorised and empowered to seize any dutied Liquors and Teas, whenever imported, and any other dutied Articles imported since the tenth Day of *December* last, that shall be sold or offered for Sale, or that shall be found on board any Vessel or Float, (except on board the Vessel or Float in which the said dutied Articles were brought into this State) or that shall be found on any Land Conveyance, or in any Store, Building or other Place whatever, before the Duty shall be paid, or Security given to the Collector or his Deputy for the Payment thereof, agreeable to Law. And whenever any dutied Articles shall be seized as aforesaid, if the Claimer or Claimers shall not make it appear on

Trial that the Duty was paid, or Security given as aforesaid, for the Payment thereof, before the Seizure was made as aforesaid, the said Goods shall be adjudged to be forfeited.

*And be it further enacted,* That when any Person shall give Information on Oath, and shall lodge the same, in Writing, with the Collector or Naval Officer, or either of their respective Deputies, that he has just Cause to suspect that dutied Goods have been taken out of any particular Vessel or Float, contrary to Law, and put into any other particular Vessel or Float, Store, Building or Place whatever, such Collector, Naval Officer, or Deputy, is hereby authorised to enter, with proper Assistance, in the Day Time, into such Vessel or Float, Store, Building, or Place (Dwelling Houses excepted) and there to search for the said Goods; and if he shall find any dutied Goods in such Search, to seize and secure the same for Trial; and the dutied Goods seized and secured as aforesaid, shall be adjudged forfeited, except those identical Goods which, on Trial, shall be proved were not taken from such Vessel or Float, Store, Building or Place, in the Manner specified in the said Information. And any Person giving Information as aforesaid, shall, on the Condemnation of the Goods, receive *Twenty-five per Cent.* of the net Proceeds. The Collector, Naval Officer or Deputy, making the Seizure, shall receive *Twenty-five per Cent.* and the Remainder shall be paid into the public Treasury, and be applied solely for the Purposes prescribed in the said Act.

Persons to give Information on Oath.

And in Case.

To receive 25 per Cent. on Condemnation.

Collectors, &c. making Seizure to receive 25 per Cent.

*Provided nevertheless, and be it enacted by the Authority aforesaid,* That when any Person shall have just Cause to suspect that dutied Goods have been brought into this Commonwealth, and put into any Dwelling House, the Duties thereon not being paid, or Security not being given for the Payment thereof, and give satisfactory Information thereof, on Oath, to any Justice of the Peace of the same County, such Justice may, and he is hereby authorised, to issue his Warrant, directed to the Collector of Excise of the same County, or either of his Deputies, therein especially named, commanding him to take with him the Sheriff of the County, or either of his Deputies, or any Constable of the Town where such House is, and in the Day Time, to enter such Dwelling House, and there to search for said Goods; and if he shall find any dutied Goods in such Search, to seize and secure the same for

Proviso.

Trial; and the like Forfeitures shall be adjudged, and Proceedings thereon had, as aforesaid. And the said Sheriff or his Deputy, or Constable, is hereby authorised and required, to aid and assist the said Collector or his Deputy in making such Search, and to take with him proper Assistance.

Goods seized within the Counties of Hampshire, &c. to be libelled.

*And be it further enacted*, That all Goods which may at any Time be seized within either of the Counties of *Hampshire, Worcester or Berkshire*, on Suspicion of being *British Goods* illegally imported, or that shall be seized on Account of the Duties not being paid, or Security not being given for the Payment thereof, shall be libelled before the Justices of the Courts of General Sessions of the Peace for and within the said Counties respectively: And the Causes shall be tried by a Jury of the said Counties respectively; and an Appeal shall be allowed to the Libellant or Claimant, from the Judgment of any of the said Courts of General Sessions of the Peace, to the Supreme Judicial Court, as in other Cases; any Law or Usage to the contrary notwithstanding.

Causes to be tried by a Jury.  
An Appeal allowed.

*And whereas Doubts have arisen whether any Duty or Excise is payable on clayed, powdered and other Sugars, not particularly mentioned in the said Act:*

Duty to be paid on all Sugars.

*Be it therefore enacted by the Authority aforesaid*, That the same Duty or Excise, shall be paid on all Kinds of Sugars, not particularly enumerated in the said Act, as is therein directed and required to be paid on Brown Sugars, Loaf Sugar, and Sugar the Produce of this Commonwealth only excepted.

Cutlery ware included in Wrought Iron, &c.

*And be it further enacted by the Authority aforesaid*, That every Kind of Cutlery Ware is to be understood as included in wrought Iron and Steel Ware, mentioned in the said Act.

Collectors empowered to appoint Deputies.

*And be it enacted*, That the Collectors of Excise be, and they are hereby empowered to appoint Deputies for the Purpose of receiving Information, making Searches and Seizures, and for libelling the Goods seized, and prosecuting the same to final Judgment, without applying to the Governor and Council for their Approbation; any Law to the contrary notwithstanding.

Actions bro't against Naval Officers, &c. the Defendants may plead the General Issue.

*And be it further enacted*, That in all Actions brought against any Naval Officer or Collector of Excise, or any Deputy of either of them, or any other Person acting under their Direction, in the Execution of their respective Offices, the Defendant or Defendants may plead the Gen-

eral issue, and give any special Matters in Evidence under the same.

*And whereas there is contained in a certain Paragraph of the said Act, the following Clause: — “ Provided nevertheless, That when any Goods shall have been seized on Account of the Conductor thereof having neglected to give in a Manifest of the Packages containing such Goods, on his first Arrival into this State by Land, or to give Security for the Payment of the Duties on all dutied Articles therein contained, as is hereinbefore required, if such Conductor shall declare, on Oath, that he knew nothing of this Act, and shall readily, when required give in such Manifest, and Security for the Payment of the Duties on all the dutied Articles which may be found in those Packages; that then, and in every such Case, the Goods so seized, shall not be subject to Forfeiture; but they shall be again restored to such Conductor, and he be permitted to depart therewith.” And it is found inexpedient that the Provision made in the said Clause should be any longer continued:*

*Be it therefore enacted by the Authority aforesaid, That the said Clause be and hereby is, repealed and rendered null and void.*

Clause repealed.

*March 10, 1783.*

## 1782. — Chapter 52.

[January Session, ch. 19.]

AN ACT FOR ERECTING CERTAIN LANDS, HEREAFTER DESCRIBED, INTO A TOWN, BY THE NAME OF MIDDLEFIELD; AND ANNEXING THE WHOLE TO THE COUNTY OF HAMPSHIRE.

*Chap. 52*

*Whereas the Inhabitants of the South-west Corner of Worthington, in the County of Hampshire, and the North-west Corner of Murrayfield, (now Chester) in the said County, and the North-east Corner of Becket, the South Side of Patridgefield, a Part of Washington, and the Inhabitants of Prescott's Grant, (so called) all in the County of Berkshire, have represented to this Court the great Difficulties and Inconveniences they labour under in their present Situation; and have requested that they may be incorporated into a Town:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the said South-west Corner*

Boundaries.

of *Worthington*, in the County of *Hampshire*, and North-west Corner of *Chester*, in the same County, and the North-east Corner of *Becket*, the South Side of *Patridgefield*, a Part of *Washington*, and the lands called *Prescott's Grants*, all in the County of *Berkshire*, and bounded as follows, viz. Beginning at an Hemlock Tree, standing on the River in *Becket*, directly South from the South-west Corner of the said *Prescott's Grants*; thence running North one Thousand Rods, to a Beach Tree; then North twelve Degrees East to the North Side of the first Square in *Patridgefield*, to a Stake and Stones; thence South seventy Degrees East nine Hundred Rods to a Stake and Stones; thence North one Hundred and forty Rods; then East six Hundred Rods to the River at an Hemlock Tree, a West Point from *Worthington Meeting-House*; thence down the said River to the Place where the same crosses *Worthington South Line*, at an Heartbeam Tree; thence West thirty-five Degrees South, nine Hundred and forty Rods to the Place where the said River crosses *Becket East Line*; thence up the said River to the first mentioned Bound, with the Inhabitants thereon, be, and hereby are incorporated into a Town, by the Name of *Middlefield*. And that the said Town be, and hereby is vested with all the Powers, Privileges and Immunities which the Towns within this Commonwealth do or may enjoy, by the Constitution or Laws of the same; and the Whole of the said Town of *Middlefield* shall forever hereafter be considered as a Part of the County of *Hampshire*.

John Kirkland  
Esq; to call the  
1st Meeting.

And be it further enacted, That *John Kirkland, Esq*; be, and he is hereby empowered to issue his Warrant to some principal Inhabitant within the said Town of *Middlefield*, requiring him to warn the Inhabitants of the said Town qualified to vote in Town Affairs, to assemble at some suitable Time and Place within the said Town, for the Purpose of choosing such Officers as are necessary to manage the Affairs of the said Town.

Proviso.

Provided nevertheless, That the Inhabitants of the said Town of *Middlefield* shall pay their proportionable Part of such Town, County, State and other Taxes as are already assessed on them by the respective Towns to which they have belonged, and of all public Debts and Duties which may be due and owing from the said Town, until a Tax shall be laid by the General Court upon the said Town hereby incorporated.

March 12, 1783.

## 1782. — Chapter 53.

[January Session, ch. 20.]

AN ACT FOR GRANTING SPECIAL POWERS TO CERTAIN COMMISSIONERS OF THE UNITED STATES, IN CERTAIN CASES; AND TO ENABLE THE UNITED STATES TO RECOVER DEBTS AND EFFECTS BELONGING TO THE SAID UNITED STATES.

*Chap. 53*

*Whereas the United States in Congress assembled in their Resolution of the Twentieth of February, One Thousand Seven Hundred and Eighty two, have provided, that a Commissioner shall be appointed in the Manner therein described, with full Power and Authority finally to settle the Accounts between this State, or any of the Subjects thereof, and the United States; and have recommended to the Legislature of this Commonwealth, to authorize and empower the said Commissioner for certain Purposes therein mentioned:*

Preamble.

*Therefore be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Commissioner who shall be appointed agreeable to the Resolution of Congress of the Twentieth of February, One Thousand Seven Hundred and Eighty-two, to settle and adjust the Accounts between the United States and this Commonwealth, or any of the Subjects thereof, shall be, and he hereby is authorized and empowered, in every Case where Doubt shall arise respecting the Truth of such Accounts, to cite before him, by Summons under his Hand and Seal, directed to the Sheriff of the County, his Deputy, or any Constable of the Town where such Witness may reside, such Person or Persons as may appear likely or qualified to give Information concerning the said Accounts, and him or them to examine upon Oath or Affirmation (as the Case may be) touching the same; which Oath or Affirmation, the said Commissioner is hereby empowered to administer; and the Sheriff, or his Deputy, or the Constable, shall be, and hereby are respectively empowered and required to execute such Summons within their respective Districts, and shall be entitled to receive the same Fees as are by Law established for like Services; and each Witness shall also receive the Fees and Allowance established by Law in like Cases, to be paid by the Party for the Validation of whose Accounts the said Witness is necessarily called.*

The Commissioner appointed to settle & adjust the Accounts of this Commonwealth to cite before him Persons who can give Information respecting said accounts.

To be examined upon Oath.

Commissioner empowered to administer the same.

Sheriffs to execute —

Fees by whom paid.

*And whereas by a Resolution of the United States in Congress assembled, passed the Twenty seventh of Febru-*

ary, *One Thousand Seven Hundred and Eighty-two, five Commissioners are or may be appointed under the Direction of the Superintendent of Finance for the Settlement of Accounts in the several Departments of the Quarter Master, Commissary, Hospital, Cloathier and Marine: And whereas it is necessary that the Commissioners who are or may be so appointed, be empowered to call Witnesses and examine them, touching such Accounts as are to them respectively assigned for Settlement:*

*Therefore, be it enacted by the Authority aforesaid, That* all the Powers and Authorities which by this Act are given to the Commissioner for settling and adjusting Accounts between the United States and this Commonwealth be, and they hereby are given to each of the said five Commissioners respectively, to be by them used and exercised in the same Manner as they are or may be used or exercised by the aforesaid Commissioner in like Cases.

*And be it further enacted by the Authority aforesaid, That the United States, by the Name of, The United States of America, shall be, and hereby are fully authorized and empowered to commence and prosecute to final Judgment and Execution, in any Court within this Commonwealth proper to try the same, any Action proper for the Recovery of any Debts, Dues, or Effects, belonging to the said United States, of or from any Individual or Individuals in the said Commonwealth; and may appear by their Commissioner, to whose Department the Cause of Action may pertain, or by any Attorney duly appointed by such Commissioner; and shall have all the Privileges touching such Actions as any natural Person or Subject of this Commonwealth might have. Provided always, That Depositions shall and may be used in all Cases referred to in this Act, in the Manner they are or may be used on like Occasions in Civil Causes.*

*March 12, 1783.*

## 1782. — Chapter 54.

[January Session, ch. 21.]

*Chap. 54* AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR APPREHENDING AND SECURING DESERTERS FROM THE CONTINENTAL ARMY, AND FROM THE FLEETS AND ARMIES OF OUR ALLIES; AND FOR REPEALING ALL ACTS HERETOFORE MADE AND PASSED FOR THAT PURPOSE."

Preamble.

*Whereas in and by the aforesaid Act no Encouragement is given to such Militia Officers, Selectmen or Com-*

Same Powers vested in the Commissioner to be given to each of the five Commissioners.

United states to commence any Action for the recovery of Debts.

Proviso.



*mittees, as shall apprehend and secure Deserters from the Continental Army, other than the Payment of their reasonable Expences:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That any Militia Officers, Selectmen, or Committees of any Town or Plantation, within this Commonwealth, where no Militia Officer is, who shall apprehend and secure any Deserter from the Continental Army, and make Return thereof as in the said Act is provided, shall be entitled to receive out of the Public Treasury of this Commonwealth, the Sum of Six Pounds, in Addition to the Payment of their reasonable Expences, for each Deserter by them apprehended and secured, as in the aforesaid Act is required.*

Deserters  
apprehended by  
Militia Officers,  
etc.

Bounty.

*And whereas it often happens that Soldiers inlisted to serve in the Continental Army, and mustered by some Muster Master within this Commonwealth, desert from the Service before they arrive in Camp, and are placed in any Regiment or Company:*

*Be it further enacted by the Authority aforesaid, That there shall be paid out of the Public Treasury to such Militia Officers, Selectmen, and Committees as aforesaid, and other Person or Persons, as shall apprehend and secure Soldiers, who have, or shall have inlisted and been mustered, to serve in the Continental Army for any Town or Class within this Commonwealth, and deserted from the Service before their Arrival in Camp, the same Bounty and Payment of reasonable Expences, for each such Deserter by them apprehended and secured, as for those who desert after their Arrival in Camp; which Sums, so paid, shall be charged to the United States, and an Account thereof transmitted by the Secretary of this Commonwealth, to the Secretary at War, in order that the same may be deducted out of the Wages of such Deserters.*

Deserters  
apprehended  
before their  
arrival in  
Camp — the  
same Bounty  
allowed.

*And whereas it likewise happens, that Persons, who have inlisted and received Monies of Committees of Towns, Heads of Classes, and Persons appointed by Classes to procure Soldiers, abscond or refuse to be mustered:*

*Be it further enacted by the Authority aforesaid, That whenever any Person shall inlist to serve as a Soldier, for any Term of Time, for any Town or Class within this Commonwealth, and shall receive a Reward therefor, of*

Persons inlisted  
and receive a  
Reward there-  
for, and  
abscond.

In such Cases

any Committee of a Town or Plantation, Head of a Class, or Person or Persons appointed by any Class to procure Soldiers, and shall, after having so inlisted and received a Reward, abscond or refuse to be mustered, it shall be lawful, in every such Case, for any Justice of the Peace within the County where such inlisted Person is suspected to be, upon the Application, in Writing, supported by the Oath of any Committee, Head of a Class, or Person or Persons appointed by any Class to procure Soldiers as aforesaid, of whom such inlisted Person received the Reward, to issue his Warrant, directed to the Sheriff of the said County, his Under Sheriff or Deputy, or some Constable of the Town where such inlisted Person is suspected to be, authorizing and requiring such Sheriff, Under Sheriff or Deputy, or Constable, to apprehend such inlisted Person, and him convene before some Justice of the Peace in and for the same County, to be examined and tried relating to the Matters alleged against him: And if upon Trial, it shall appear to the Justice that such apprehended Person did inlist and receive a Reward as aforesaid, the said Justice shall then, by Warrant under his Hand and Seal, direct and require some proper Officer to convey such inlisted Person to some Muster Master, to be mustered.

*And whereas it is necessary that Provision should be made for apprehending Marines and Mariners that may desert from Ships or Vessels of War belonging to this Commonwealth:*

Bounties given to Militia Officers for apprehending Mariners.

*Be it therefore further enacted by the Authority aforesaid,* That the same Bounties shall be given, and the same Payments made, and in the same Manner, to Militia Officers, Selectmen, Committees of Towns and Plantations within this Commonwealth, and to all other Persons who shall apprehend and secure Marines or Mariners, who shall desert from any Ship or Vessel of War belonging to this Commonwealth, as by this and the aforesaid Act are given and made for apprehending and securing Deserters from the Continental Army. And all Persons who shall harbour or conceal any Marine or Mariner, who shall desert as aforesaid, or who shall desert from any Ship or Vessel of War in the Service of the United States. And all Commanders of private Vessels, who shall inlist or carry off any such Marine or Mariner, shall be liable to all the Penalties to which, by the aforesaid Act, they are sub-

jected for harbouring, concealing, or carrying off any Soldier who shall desert from the Continental Army; to be recovered in the same Way and Manner as such Penalties, by the aforesaid Act, are recoverable.

March 12, 1783.

## 1782.—Chapter 55.

[January Session, ch. 22.]

### AN ACT PROVIDING FOR THE PAYMENT OF COSTS IN CRIMINAL SUITS. Chap. 55

*Whereas Witnesses and others necessarily concerned in the Prosecution of criminal Offenders, are equitably entitled to a reasonable Consideration for their Time and Expences upon such Occasions, as well when the Party or Parties charged shall be acquitted, as convicted; and no Provision being made by Law in such Cases:* Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That in all criminal Prosecutions in the Supreme Judicial Court, and in the Courts of General Sessions of the Peace, when the Party or Parties prosecuted, shall be ordered to go without Day, or when being convict shall not have sufficient Goods or Estate to pay Costs of Prosecution; in every such Case, it shall be in the Power of the Court before whom such Acquittal or Conviction shall be, to tax such Costs for Court Charges, as the Case shall appear to require, not exceeding the Fees that are, or by Law may be stated; and such Costs so taxed by the Courts of General Sessions of the Peace, shall be paid out of the respective County Treasuries. And such Costs, so taxed by the Supreme Judicial Court, shall be paid by the Sheriffs of the respective Counties, out of such Fines and Forfeitures as may have arisen and been incurred by Force of any Judgment or Sentence of such Court; and allowance shall be made by the Treasurer of the Commonwealth to the several Sheriffs for any Sums paid as aforesaid: And when and so often as it shall happen that any Sheriff shall not have in his Hands any Monies received for Fines and Forfeitures as aforesaid, such Costs shall be paid out of the Public Treasury, by Warrant from the Governor, with Advice of Council, to the Sheriff, or such other Person as the same Court shall direct.*

When Parties prosecuted shall be ordered to go without Day or when convict.

In such Cases.

*And be it further enacted*, That in all criminal Prosecutions in the Supreme Judicial Court, and in the Courts of General Sessions of the Peace, since the Twenty-seventh Day of *June* last, when the Party or Parties prosecuted, shall have been ordered to go without Day, or when having been convicted, shall not have had sufficient Goods or Estate to pay Cost of Prosecution, it shall be in the Power of the Court before whom such Acquittal or Conviction shall have been, to tax such Costs for Court Charges, as the Case shall appear to require, not exceeding the Fees or Cost by Law established; and the Costs thus taxed, shall be paid in Manner as before in this Act is provided.

*March 12, 1783.*

Court to tax  
Costs for Court  
Charges.

## 1782. — Chapter 56.

[January Session, ch. 24.]

### *Chap. 56* AN ACT FOR CONFIRMING THE RECORDS OF THE PROPRIETORS OF A PLANTATION CALLED BRIDGETON.

Preamble.

*Whereas the Book of Records of the Proprietors of a Plantation called Bridgeton, wherein were recorded the Bounds of the several Lots laid out therein, the Names of the Persons by whom they were respectively drawn, and all public Votes and Transactions of said Proprietors in carrying forward the Settlement of said Plantation, on the Night of the second Day of October, one Thousand seven Hundred and Eighty, was consumed by Fire, by Means whereof great Loss and Damage may ensue to Individuals unless prevented by the Legislature:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the Copy of the said Records, containing a List or Schedule of the particular Bounds of the several Lots laid out in said Plantation, and the Names of the original Owners thereof, with the Numbers of the Rights and Lots drawn for them respectively, as well as for Harvard College and other public Uses; which Copy was accepted by the said Proprietors, at a legal Meeting notified for that Purpose, and held by Adjournment, on the Thirteenth Day of June, One Thousand Seven Hundred and Eighty-one: And that the Copy of the Proceedings of John Farnum, Moody Bridges, and Benjamin Stevens, junior, a Committee of the said Pro-*

Copy of the  
Records.

Copy of the  
Proceedings of  
John Farnum  
& others.

prietors, to make Sale of the Lands of delinquent Proprietors; and that another Copy of the Proceedings of another Committee of the said Proprietors, who were afterwards appointed by them for the Purpose last mentioned, which is signed by *Reuben Burnam* and *Enoch Perley*, (both which last mentioned Copies the before named Committees have respectively sworn to be true, according to their best Remembrance, before two Justices of the Peace quorum unus) shall be received as true Copies of their original Record, and avail in the same Manner as the said Original might have done.

To be received as true Copies of their original Record.

And be it further enacted by the Authority aforesaid, That a Declaration of certain Votes and Proceedings of the said Proprietors, which is made in a Petition to this Court, signed by *Benjamin Kimball*, *Jacob Stevens*, and *Enoch Perley*, a Committee of the said Proprietors, as well as the Copies beforementioned (all which are on File in the Secretary's Office) shall be held to be good and valid in Law, to all the Purposes for which the original Records of the said Proprietors might or would have been, had not the same been burnt.

Declaration of certain Votes &c., of the Proprietors to be good & valid.

March 13, 1783.

## 1782. — Chapter 57.

[January Session, ch. 25.]

AN ACT FOR APPOINTING THE TIMES AND PLACES FOR HOLDING THE SUPREME JUDICIAL COURT.

Chap. 57

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 *January*, One Thousand Seven Hundred and Eighty-three, and until the General Court shall otherways order and direct. the Times and Places for holding a Supreme Judicial Court shall be as follows, viz.

Times and Places for holding Supreme Judicial Courts.

At *Boston*, within and for the County of *Suffolk*, on the third Tuesday of *February*, and the last Tuesday of *August*.

For the County of *Essex*, at *Ipswich*, on the third Tuesday in *June*; at *Salem*, on the first Tuesday of *November*.

For the County of *Middlesex*, at *Cambridge*, on the last Tuesday of *October*; and at *Concord*, on the second Tuesday of *April*.

For the County of *Hampshire*, at *Northampton*, on the

last Tuesday of *April*; and at *Springfield*, on the fourth Tuesday of *September*.

For the County of *Plymouth*, at *Plymouth*, on the third Tuesday of *May*.

For the Counties of *Barnstable* and *Dukes County*, at *Barnstable*, in the County of *Barnstable*, on the Wednesday next preceding the third Tuesday of *May*.

For the County of *Bristol*, at *Taunton*, on the Tuesday preceding the last Tuesday of *October*.

For the County of *York*, at *York*, on the fourth Tuesday of *June*.

For the County of *Worcester*, at *Worcester*, on the Tuesday next preceding the last Tuesday of *April*, and on the third Tuesday of *September*.

For the Counties of *Cumberland* and *Lincoln*, at *Falmouth*, in the County of *Cumberland*, on the Tuesday next following the fourth Tuesday of *June*.

For the County of *Berkshire*, at *Great Barrington*, on the first Tuesday in *October* next, and no longer; and after the first Day of *January*, One Thousand seven Hundred and Eighty-four, at *Lenox*, on the first Tuesday in *October*.

All Appeals to be heard at the Supreme Judicial Court at Boston.

And be it further enacted, That all Appeals from the Court of General Sessions of the Peace, and from the Court of Common Pleas of the County of *Nantucket*; and all Judgments, Orders and Determinations of the said Courts, for the County of *Nantucket*, that may be removed by Certiorari, Writ of Error, or otherways, into the Supreme Judicial Court, shall be heard and determined at the Supreme Judicial Court, at *Boston*, on the last Tuesday of *August*.

Writs, &c., returnable.

And be it further enacted by the Authority aforesaid, That all Writs, Recognizances, Warrants and Complaints, and every other Thing that should, or may be returned to, or entered at the Court aforesaid, to be holden at the Times and Places heretofore appointed: And all Parties and Persons that by Law are, or may be required or directed to appear or attend at the aforesaid Times and Places; and all Actions, Suits and Matters that now are, or may be pending in the same Court, shall be returned to, entered, appear and attend, have Day, be tried and determined in the said Court, at the respective Times and Places established by this Act.

Proviso.

Provided nevertheless, and be it enacted, That the Time

for the next holding the Supreme Judicial Court, in the County of *Worcester*, shall be on the third Tuesday of *April* next; any Thing in this Act to the contrary notwithstanding.

*March 14, 1783.*

## 1782. — Chapter 58.

[January Session, ch. 26.]

AN ACT FOR THE PURPOSE OF SECURING TO AUTHORS THE EXCLUSIVE RIGHT AND BENEFIT OF PUBLISHING THEIR LITERARY PRODUCTIONS, FOR TWENTY-ONE YEARS.

*Chap. 58*

*Whereas the Improvement of Knowledge, the Progress of Civilization, the public Weal of the Community, and the Advancement of Human Happiness, greatly depend on the Efforts of learned and ingenious Persons in the various Arts and Sciences: As the principal Encouragement such Persons can have to make great and beneficial Exertions of this Nature, must exist in the legal Security of the Fruits of their Study and Industry to themselves; and as such Security is one of the natural Rights of all Men, there being no Property more peculiarly a Man's own than that which is produced by the Labour of his Mind:*

Preamble.

Therefore, to encourage learned and ingenious Persons to write useful Books for the Benefit of Mankind,

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That all Books, Treatises, and other Literary Works, having the Name or Names of the Author or Authors thereof printed and published with the same, shall be the sole Property of the said Author or Authors, being Subjects of the United States of America, their Heirs and Assigns, for the full and compleat Term of Twenty-one Years, from the Date of their first Publication.*

Books, &c. the sole Property of Authors.

*And be it further enacted by the Authority aforesaid, That if any Person or Persons shall print, re-print, publish, sell, or expose to Sale, or shall cause to be printed, re-printed, published, sold, or exposed to Sale, any Book, Treatise, or other Literary Work, not yet printed, written by any Subject of the United States of America, whose Name, as Author, shall have been thereto prefixed, without Consent of the Author or Authors, or their Assigns, during said Term, shall forfeit and pay a Sum not exceeding Three Thousand Pounds, nor less than Five*

Persons prohibited printing, &c. anys literary Productions.

Penalty.

Proviso.

*Pounds*, to the Use of such Author or Authors, or their Assigns; to be recovered by Action of Debt in any Court of Record proper to try the same. *Provided always*, That every Author of such Book, Treatise, or other Literary Work, shall, in Order to his holding such sole Property in them, present two printed Copies of each and every of them to the Library of the University at *Cambridge*, for the Use of the said University; and prior to his Recovery of the said Forfeiture, or any Part thereof, shall produce, in open Court where such Action shall be tried, a Receipt of such Book, Treatise, or other Literary Work, from the Librarian of the said University for the Time being. *Provided also*, That this Act shall not be construed to extend in Favor or for the Benefit of any Author or Authors, Subject or Subjects of any other of the United States, until the State or States of which such Authors are Subjects, shall have passed similar Laws, for securing to Authors the exclusive Right and Benefit of publishing their Literary Productions.

March 17, 1783.

## 1782. — Chapter 59.

[January Session, ch. 27 ]

*Chap. 59* AN ACT FOR ESTABLISHING AND CONFIRMING A CERTAIN INSTRUMENT, AS THE LAST WILL AND TESTAMENT OF NICHOLAS GARDNER.

Preamble.

*Whereas it appears to this Court that Nicholas Gardner, of Boston, in the County of Suffolk, being mortally wounded by the Enemy, did, on the Thirteenth Day of June, in the Year One Thousand Seven Hundred and Eighty two, make and sign a certain Instrument in Writing, which he intended for his last Will and Testament; but from the peculiar Circumstances he was then under, and from want of Council to advise him in the Forms and Requisites by the Laws of this Commonwealth prescribed for the executing of Wills and Testaments, the said Nicholas caused the said Instrument to be witnessed by only two Persons: And whereas the said Instrument appears to have been agreeable to the Intention of the said Nicholas at the Time of his Death, and in all Respects, except the Witnessing of the same, conformable to Law:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the*



*Authority of the same*, That the said Instrument be, and hereby is established and confirmed as the Last Will and Testament of the said *Nicholas Gardner*, and made valid and binding upon all Persons concerned therein; and the Judge of Probate of Wills, for the County of *Suffolk*, is hereby directed to proceed thereon in the same Manner as though the same had been executed according to Law; the Execution thereof being attested by only two Witnesses notwithstanding.

Will of Nicholas Gardner confirmed.

March 19, 1783.

## 1782. — Chapter 60.

[January Session, ch. 28.]

AN ACT FOR PREVENTING THE UNNECESSARY DESTRUCTION OF SHAD, ALEWIVES, AND OTHER FISH, IN *CATHANCE* AND *ABAGADESSET* RIVERS, IN THE TOWN OF *BOWDOINHAM*.

Chap. 60

*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*, one Thousand seven Hundred and Eighty-three, no Person or Persons whatsoever, shall, on any Pretence, stretch, set or draw any Seine, or Drag-Net, or set up any Wares, or other Fishing Engines in any Part of *Cathance* or *Abagadesset* Rivers, within or adjoining to the Town of *Bowdoinham*, or use any Instrument for catching Fish other than by Dip-Nets, Scoop-Nets, or Hooks and Lines, on Penalty of *ten Pounds* for each Offence, to be paid by each Person convicted of taking Fish in either of the Methods forbidden by this Act.

Persons prohibited catching Fish.

Penalty.

*Provided nevertheless, and be it further enacted by the Authority aforesaid*, That it shall be lawful for the Town of *Bowdoinham*, at any Meeting legally assembled, to grant Licence for catching Fish within the said Town, and in such Part of the said Rivers on which it bounds, and under such Restrictions, respecting Time, Place, and other Circumstances, as at the said Meeting, shall be judged necessary for the Public Good in the due Preservation of the Fish aforesaid; and the Persons thus licenced, previous to the Catching of the said Fish by Seines or Drag-Nets, shall not be subjected to the Penalties aforesaid.

Proviso.

*And be it further enacted by the Authority aforesaid*, That all Prosecutions for Breach of this Act shall be by

Prosecutions to be by Indictment.

Penalties to whom paid.

Indictment, in the Court of General Sessions of the Peace, in the County of *Lincoln*; and the Penalties accruing thereby, shall be one Half to the said Town of *Bowdoinham*, and the other Half to him or them that shall give Information to the Grand Jury of the same.

Persons under Age convicted.

*And be it further enacted by the Authority aforesaid,* That if any Person under the Age of Twenty-one Years, shall be duly convicted of any Offence against this Act, the Parent or Master of such Person, shall be liable and obliged to pay the Penalty aforesaid; the said Parent or Master having due Notice of the Complaint before the Trial thereon.

Parents or Masters liable to pay the Penalty.

Limitation.

This Act to be in Force for five Years from the first Day of *April* next aforesaid, and no longer.

*March 20, 1783.*

## 1782. — Chapter 61.

[January Session, ch. 29.]

*Chap. 61* AN ACT MORE EFFECTUALLY TO ENABLE CONSTABLES AND COLLECTORS OF TAXES TO COLLECT ASSESSMENTS IN CERTAIN CASES.

Preamble.

*Whereas Towns, Districts and Plantations, in certain Instances are by Law authorized to assess the Inhabitants adjacent to such Towns, Districts and Plantations, their Proportion of the public Taxes. And whereas Doubts have arisen and may hereafter arise, whether Constables and Collectors are by Law authorized to command Assistance when out of the Limits of their respective Towns? Therefore,*

Constables & Collectors having any List of Assessments.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That when and so often as any Constable or Collector of public Taxes shall have any List of Assessment to him committed, in which List shall be named and legally assessed, in any Sum or Sums, any Person or Persons not Inhabitants of the Town, District or Plantation to which such Constable or Collector belongs, in every such Case it shall and may be lawful for any such Constable or Collector to require and command any Person or Persons within the Limits of their respective Towns, Districts or Plantations, to assist such Constable or Collector, in the Collection of the Taxes assessed as

In such Cases.

aforesaid, on any of the Inhabitants of any such adjacent Lands, and such Constable or Collector may and hereby is also fully authorised to require and command any of the Inhabitants of the aforesaid Lands adjacent, to assist him in collecting any such Assessment as aforesaid.

*And be it further enacted by the Authority aforesaid,* That if any Person or Persons when thereto required, shall refuse or neglect to aid and assist any Constable or Collector requiring such Aid, he or they so refusing or neglecting, shall be, and hereby are made liable to and shall pay the same Penalties to be recovered and disposed of in the same Manner as by Law is provided in Case of refusing to assist Constables or Collectors when thereto required within the Limits of their respective Towns.

Persons refusing to assist Constables or Collectors.

Penalty.

*March 20, 1783.*

## 1782. — Chapter 62.

[January Session, ch. 30.]

AN ACT TO EMPOWER THE CORPORATION OF HARVARD COLLEGE TO MAKE A LEGAL CONVEYANCE OF A CERTAIN LOT OF LAND, BEING THE PROPERTY OF THE SAID COLLEGE.

*Chap. 62*

*Whereas John Peabody has made Application to the Legislature to empower the Corporation of Harvard College to make him a lawful Deed of certain Land belonging to the said College; which Land, it appears, the Corporation and Overseers of the said College, have agreed shall be conveyed to the said Peabody, on certain Conditions:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the Corporation of Harvard College, be, and they hereby are empowered to make and execute to John Peabody, his Heirs and Assigns, a good and lawful Deed of the Lot of Land Number Two, in the Twenty-fourth Range in the Plantation called *Bridgeton*, on his, the said Peabody's performing the Conditions which by the said Corporation and Overseers have been required of him; and a formal Deed of the said Lot of Land that shall be made and executed by the President and Fellows of *Harvard College*, or in such Manner as they shall direct, shall be forever held to be good and valid in Law.

Corporation of Harvard College to execute a Deed of a Lot of Land to J. Peabody.

*March 20, 1783.*

## 1782. — Chapter 63.

[January Session, ch. 31.]

**Chap. 63** AN ACT IN ADDITION TO AND FOR ALTERING AND AMENDING AN ACT, ENTITLED, "AN ACT FOR FORMING AND REGULATING THE MILITIA WITHIN THE COMMONWEALTH OF MASSACHUSETTS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE."

Preamble.

*Whereas it is found necessary that the Mode prescribed by the said Act for the Recovery of Fines or Penalties, should be altered:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That each and every Paragraph, or Part or Clause of a Paragraph, contained in the said Act, which directs the Manner in which the Fines or Penalties incurred by any Person belonging to the Train-Band or Alarm List, in Consequence of a Violation of the said Act, shall be recovered, be, and hereby is, so far as relating to the Recovery of the said Fines and Penalties, repealed, and declared null and void, excepting such Fines and Penalties as exceed the Sum of *Forty Shillings*.*

Laws enforcing the Regulation of the Militia repealed, excepting—

Proviso.

*Provided nevertheless, That all Actions and Processes commenced and depending in any Court within this Commonwealth upon or by Force of the said Act, shall and may be sustained and prosecuted to final Judgment and Execution.*

Persons neglecting their Duty, to forfeit any Sum affixed by the Law, to such Officers.

*And be it further enacted by the Authority aforesaid, That when any Person belonging to the Train-Band or Alarm List, shall by Neglect of Duty, by not appearing, or by not being duly equipped with Fire Arms, and all such other Accoutrements as the said Law directs, or by Disobedience of Orders, or by Disorder on a Training or Muster Day, forfeit any Sum of Money set and affixed by the said Law to such offences, or either of them, the same shall be recovered in Manner following, — that is to say, — The Clerk of the Company to which such Offender shall belong, shall within sixty Days after such Offence be committed, make Complaint thereof, and of all Matters of Substance and material Circumstances attending the same, to some Justice of the Peace in the County where such Offender shall live, who shall make a Record thereof, and shall issue a Summon to the Party complained of to be served at least seven Days before the Time of Trial, in the Form following, mutatis mutandis.*

How recovered.

## Commonwealth of Massachusetts.

[L.S] ss. To C. D. of in the County Form of the  
Summons.  
of YOU are hereby notified to appear before E.  
F. one of the Justices of the Peace for the County afore-  
said, at on at the Hour of then and  
there to shew Cause, if any you have, why a Warrant of  
Distress shall not issue against you for (*here insert the*  
*Complaint.*) Hereof fail not at your Peril.  
Given under my Hand and Seal, the Day of  
17 E. F. Justice of the Peace.

And when the said Party shall by himself or Attorney, Party's ap-  
pearing to plead  
the General  
Issue —  
appear accordingly, he may plead the General Issue, and  
give any special Matter in Evidence; and if the said  
Party shall make Default, or if Judgment shall be given  
against him, and he shall neglect for four Days to satisfy  
the same and legal Costs, then the said Justice shall issue  
his Warrant of Distress, under his Hand and Seal, in  
Form following, mutatis mutandis.

## Commonwealth of Massachusetts.

[L.S.] ss. To the Sheriff of the said County, Form of a  
Warrant.  
or his Deputy, or any or either of the Constables of the  
Town of within the same, Greeting.  
Whereas C. D. of upon the Day of  
being then a private Soldier in the Train-Band, (as the  
Case may be) of the Company of Foot in the  
Regiment of Militia, in the County of was duly  
notified to appear upon the day of at  
in the Town of in the County aforesaid, with his  
Arms and Accoutrements, as directed by an Act of the  
General Court, entitled, “ An Act (*here recite the Title*)  
And the said C. D. in Violation of the Law of this Com-  
monwealth, in that Case made and provided, did unnec-  
essarily fail to appear, (or did not appear equipped, as the  
Case may be) whereby he hath forfeited and ought to  
pay the Sum of to the Uses in the same Act pro-  
vided; and the said C. D. being duly notified to appear,  
before me, E. F. one of the Justices of the Peace for the  
County aforesaid, to shew Cause, if any be had, why a  
Warrant of Distress should not be issued for the same  
Fine, did not appear, or appearing did not shew sufficient  
Cause why the same Warrant should not be issued (as  
the Case may be) You are therefore, in the Name of the

Commonwealth of *Massachusetts*, commanded forthwith, of the Goods or Chattels of the said C. D. within your Precinct, to levy by Distress and Sale thereof, the Sum aforesaid, with            for Costs of Suit; and also for this Writ, together with your own Fees; and for Want of such Goods or Chattels of the said C. D. to be by him shewn unto you, or found within your Precinct you are commanded to take the Body of the said C. D. and him commit to the common Goal in            in the County aforesaid: And the Keeper thereof, is hereby commanded to receive the said C. D. into the said Goal, and him safely keep until he pay the Sum aforesaid, together with legal Fees and Costs; or until he be otherwise discharged by Order of Law. And you are to make Return of this Warrant, with your Doings therein, unto myself, within twenty Days next coming: For which this shall be your sufficient Warrant. Hereof fail not. Given under my Hand and Seal, the            Day of            in the Year of our Lord, 17

E. F. Justice of the Peace.

Proviso.

*Provided always*, That when any Person shall appear before the Justice upon Notification as aforesaid, and shall Claim an appeal to the Court of Common Pleas, next to be holden in the same County, the same shall be granted upon his recognizing with Sureties to prosecute his Appeal, and to pay whatever Fine, Costs and Fees shall be adjudged against him at the same Court; which Recognizance shall be taken to the Clerk of the Company to which such Appellant belongs, and shall be acknowledged before and certified by the Justice in the same Manner as Recognizances are in Appeal from a Justice of the Peace, and no further Appeal shall be allowed from the said Court of Common Pleas.

Judgment to be  
3 Times the  
Fine.

*And be it further enacted by the Authority aforesaid*, That if Judgment shall be rendered against such Appellant in such Court of Common Pleas, the Judgment shall be three Times the Sum of the Fine set and affixed in the said Act, with additional Cost.

Preamble.

*And whereas the Time limited in the said Act for the Election of Militia Officers hath expired, and yet many Companies of Militia have not elected their Officers, by Reason of their not having been duly notified to assemble for the said Purpose:*

*Be it therefore enacted by the Authority aforesaid,* That the Governor be, and he hereby is authorized and empowered to issue his Orders for the assembling such Companies of Militia within this Commonwealth, as have not as yet elected Officers, by Reason of their not having been duly notified to assemble for the said Purpose. And such Companies as shall not, within ten Days after they shall have received Notice agreeable to such Orders, assemble and elect their Officers agreeable to the said Act, so that Returns thereof may be made, shall be considered as having neglected or refused to elect their Officers, in the Sense of the Constitution, and their Officers shall be appointed accordingly.

Governor to  
issue Orders for  
Assembling  
Companies —

*And be it further enacted by the Authority aforesaid,* That the Governor shall be, and he hereby is empowered to issue his Orders to such Officer or Officers as he shall judge proper to assemble the Electors, and to preside at the Election of Captains and Subalterns in any Companies of Field Officers in any Regiment, and of the Brigadier in any County where the Elections have not been made in Pursuance of the said Act; and the Officer who shall receive such Orders shall within ten Days after any Elections, at which he shall preside, make Return to the Governor, of the Names and Places of Abode of the Officers elected.

Governor to  
issue Orders to  
proper Officers.

A return.

*And be it further enacted by the Authority aforesaid,* That when any commanding Officer of a Company shall think fit to call his Company together for the Purpose of Military Discipline, he shall issue his Orders therefor to one or more of his Non-commissioned Officers, if he shall have any, otherwise to one or more of the private Soldiers belonging to his Company, directing him or them to notify and warn the said Company, to appear at such Time and Place as shall be appointed, and with such Arms and Accoutrements as shall be mentioned in the said Orders: and the Non-commissioned Officer or Officers, or other Person or Persons who shall receive such Orders, shall give Notice of the Time and Place appointed for, and of the Arms and Accoutrements to be carried to the said Muster, to each and every Person he or they shall be directed to warn, either verbally or by leaving a written Notification thereof, at the usual Place of Abode, of the Person thus to be notified: And no Notice shall be deemed legal for Musters for the Purpose of common and ordi-

The Manner of  
calling out  
Militia Com-  
panies.

nary Military Exercises, unless it shall be given four Days at least before the Time appointed therefor.

*And be it further enacted by the Authority aforesaid,* That the Testimony of any Non-commissioned Officer or other Person, under Oath, who shall have received Orders agreeable to Law, to notify and warn any Company to appear at a Time and Place appointed for a Muster, shall be sufficient to prove that due Notice shall have been given to the Party against whom Complaint may be made, unless such Testimony shall be invalidated by other sufficient Evidence.

*March 21, 1783.*

## 1782. — Chapter 64.

[January Session, ch. 32.]

### *Chap. 64* AN ACT LAYING AN IMPOST ON CERTAIN GOODS, WARES AND MERCHANDIZE.

Preamble.

*Whereas it is of the highest Consequence that every salutary Measure be adopted to retrieve and establish the public Credit, and to enable Government to do Justice to their numerous Creditors: And whereas the Measures already taken are not sufficiently productive to accomplish this important Purpose:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That from and after the tenth Day of *April* next, there shall be paid an Impost of *Two and an Half per Centum, ad valorem*, at the Time and Place of Importation on all Goods, Wares and Merchandize of *European and India Growth and Manufacture* (on which no Duty or Excise is laid by any Act of this Commonwealth now in Force) that shall be imported by Land or Water from any foreign Port, Island or Plantation, or any other State whatever, into this State, and landed within the same; which Impost shall be collected by the same Officers, in the same Manner, and under the same Regulations as are prescribed in an Act passed the eighth Day of *November*, one Thousand seven Hundred and Eighty-two, for repealing certain Acts therein recited, and for raising a certain Revenue, by Excise, on certain Articles therein mentioned, for the Payment of Interest on Government Consolidated Securities, and other Purposes therein specified; and in another Act made in

Two & Half per Cent.  
Impost to be paid on Foreign Articles.



Addition thereto, at the present Sitting of the General Court; and each and every Clause of the before recited Acts, which determine the Powers of the Officers therein named, and which respect the Regulations and Manner of collecting the Excise and Duties therein levied, and the Manner of determining the Value of the Articles therein enumerated, shall extend to the Impost laid by this Act, in as full and ample a Manner as they do to the aforesaid Excise and Duties.

*Provided nevertheless, and be it further enacted by the Authority aforesaid,* That no Clause in the beforementioned Acts, which respects such Articles as shall be exported out of this State, shall extend or be construed to extend, to the Goods, Wares, and Merchandize expressed by this Act: And no Discount or Remission of the Impost levied by this Act, shall be allowed on the aforesaid Goods, Wares or Merchandize, after being entered or landed in any Place within this Commonwealth, on Account of their being exported or intended for Exportation out of the State, or on any other Account whatever. Proviso.

*And be it further enacted by the Authority aforesaid,* That the Monies arising from this Act, shall be paid and appropriated for the Purposes expressed in the Acts herein before recited. Monies how appropriated.

This Act shall continue and be in Force until Six Months after Peace shall be proclaimed by Congress, and no longer. Limitation.  
*March 22, 1783.*

### 1782. — Chapter 65.\*

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWO HUNDRED THOUSAND POUNDS. Chap. 65

*Whereas the United States in Congress assembled, have called upon the States respectively, to furnish their proportion of Eight millions of Dollars, for defraying the charges of carrying on the War this present year; and have estimated the proportion of this Commonwealth to be One million three hundred and seven thousand five hundred and ninety six Dollars to be paid in quarterly payments — And whereas the General Court of this Commonwealth have by an act passed in the Year of our LORD One thousand seven hundred and eighty two,* Tax of £200,000.

\* Not printed in the Session Pamphlet.

Tax of  
£200,000.

*apportioned and Assessed on the Polls and Estates of the Inhabitants of this Commonwealth a part of the said sum: Therefore, for fully completing this requisition it becomes indispensibly necessary that a Tax of Two hundred thousand Pounds should be granted at this time for fully completing the payment of the same, and that the same should be paid into the Treasury of this Commonwealth as is hereafter directed:*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That each Town and other Place within this Commonwealth, be assessed and pay as such Towns and other Places Proportion of the Sum of Two Hundred Thousand Pounds, the following Sums set against them respectively, viz.*

COUNTY OF SUFFOLK.

TOWNS.	Amount of Tax.	<i>£.</i>	<i>s.</i>	<i>d.</i>
BOSTON,	Eleven thousand three hundred and forty five pounds . . . . .	11345	0	0
Roarbury,	One thousand seven hundred and ninety five pounds . . . . .	1795	0	0
Dorchester,	Fourteen hundred and ninety pounds sixteen shillings and eight pence . . . . .	1490	16	8
Milton,	Eight hundred and seventy pounds sixteen shillings and eight pence . . . . .	870	16	8
Braintree,	Nineteen hundred and twenty two pounds ten shillings . . . . .	1922	10	0
Weymouth,	Eight hundred and sixty five pounds sixteen shillings and eight pence . . . . .	865	16	8
Hingham,	Twelve hundred pounds . . . . .	1200	0	0
Colnasealy,	Four hundred and forty four pounds three shillings and four pence . . . . .	444	3	4
Dedham,	Sixteen hundred and sixty five pounds . . . . .	1665	0	0
Medfield,	Five hundred and fifty two pounds ten shillings . . . . .	552	10	0
Wrestham,	Nine hundred and eight pounds six shillings and eight pence . . . . .	908	6	8
Brookline,	Seven hundred and eleven pounds thirteen shillings and four pence . . . . .	711	13	4
Needham,	Seven hundred and ten pounds sixteen shillings and eight pence . . . . .	710	16	8
Stoughton,	Thirteen hundred and eighteen pounds six shillings and eight pence . . . . .	1318	6	8
Stoughtonham,	Five hundred and fifty one pounds thirteen shillings and four pence . . . . .	551	13	4
Medway,	Six hundred and forty pounds sixteen shillings and eight pence, . . . . .	640	16	8
Bellingham,	Three hundred and fifty seven pounds ten shillings . . . . .	357	10	0
Walpole,	Five hundred and sixty five pounds . . . . .	565	0	0
Hull,	One hundred and forty pounds . . . . .	140	0	0
Cheeca,	Five hundred and thirty five pounds . . . . .	535	0	0
Franklin,	Six hundred and fifty five pounds . . . . .	655	0	0
Foxborough,	Two hundred and eighty five pounds sixteen shillings and eight pence . . . . .	285	16	8
	Twenty-nine thousand five hundred and thirty one pounds thirteen shillings and four pence . . . . .	£.29531	13	4

Tax of  
£200,000.

Tax of  
£200,000.

COUNTY OF ESSEX.

TOWNS.	Amount of Tax.	£.	s.	d.
Salem.	Forty four hundred and forty five pounds ten shillings and four pence	4445	10	4
Dancers.	Fourteen hundred and sixty eight pounds nineteen shillings and two pence	1468	19	2
Newbury.	Fourteen hundred and sixty eight pounds nineteen shillings and two pence	2222	18	4
Newbury port.	Twenty two hundred and twenty two pounds eighteen shillings and six pence	2725	12	6
Beverly.	Twenty seven hundred and twenty five pounds	2025	0	0
Ipswich.	Twenty seven hundred and twenty five pounds	2574	15	10
Mappelhead.	Twenty five hundred and seventy four pounds fifteen shillings and ten pence	1478	2	6
Gloucester.	Twenty five hundred and seventy eight pounds two shillings and six pence	1562	4	10
Lynn.	Twenty five hundred and sixty two pounds four shillings and ten pence	1274	15	2
Andover.	Fifteen hundred and seventy four pounds fifteen shillings and ten pence	2095	8	4
Rowley.	Twenty hundred and seventy five pounds eight shillings and four pence	1191	17	6
Haverhill.	Twenty hundred and ninety one pounds seventeen shillings and six pence	1347	18	4
Topsfield.	Eleven hundred and forty seven pounds eighteen shillings and eight pence	629	10	8
Salisbury.	Thirteen hundred and forty nine pounds ten shillings and eight pence	1030	4	2
Ambsbury.	Six hundred and twenty nine pounds four shillings and two pence	939	11	8
Boxford.	Ten hundred and thirty pounds eleven shillings and eight pence	787	1	8
Bradford.	Nine hundred and eighty seven pounds one shilling and eight pence	889	3	4
Methuen.	Eight hundred and eighty nine pounds three shillings and four pence	757	14	2
Wenham.	Seven hundred and fifty seven pounds fourteen shillings and two pence	392	5	10
Manchester.	Three hundred and ninety two pounds five shillings and ten pence	235	16	8
Middletown.	Two hundred and thirty five pounds sixteen shillings and eight pence	525	8	4
	Five hundred and twenty five pounds eight shillings and four pence			
	Thirty thousand six hundred pounds	£.30600	0	0

## COUNTY OF MIDDLESEX.

TOWNS.	Amount of Tax.
	£. s. d.
Cambridge,	1380 16 8
Charlestown,	420 16 8
Widertown,	720 16 8
Woburn,	1089 3 4
Concord,	904 3 4
Newtown,	951 13 4
Reading,	1052 10 0
Marlboro,	1215 0 0
Billerica,	810 0 0
Frankinglam,	1000 0 0
Lerwington,	648 6 8
Chelseaford,	698 6 8
Sherburn,	576 13 4
Stabury,	755 0 0
Malden,	568 6 8
Weston,	645 0 0
Medford,	785 0 0
Hopkington,	618 6 8
Westford,	698 6 8
Stow,	597 10 0
Groton,	1066 13 4
Shirley,	323 6 8
Peppara,	576 13 4
Waltham,	637 10 0
Townshend,	489 3 4
Dracut,	505 16 8
Budford,	445 0 0
Holliston,	598 6 8
	Thirteen hundred and eighty pounds, sixteen shillings and eight pence
	Four hundred and twenty pounds, sixteen shillings and eight pence
	Seven hundred and twenty pounds, sixteen shillings and eight pence
	Ten hundred and eighty nine pounds, three shillings and four pence
	Nine hundred and four pounds, three shillings and four pence
	Nine hundred and fifty one pounds thirteen shillings and four pence
	Ten hundred and fifty two pounds ten shillings
	Twelve hundred and fifteen pounds
	Eight hundred and ten pounds
	Ten hundred pounds
	Six hundred and forty eight pounds six shillings and eight pence
	Six hundred and ninety eight pounds six shillings and eight pence
	Five hundred and seventy six pounds thirteen shillings and four pence
	Seven hundred and fifty five pounds
	Five hundred and sixty eight pounds six shillings and eight pence
	Six hundred and forty five pounds
	Seven hundred and eighty five pounds
	Six hundred and eighteen pounds six shillings and eight pence
	Six hundred and ninety eight pounds six shillings and eight pence
	Five hundred and ninety seven pounds ten shillings
	Ten hundred and sixty six pounds thirteen shillings and four pence
	Three hundred and twenty three pounds six shillings and eight pence
	Five hundred and seventy six pounds thirteen shillings and four pence
	Six hundred and thirty seven pounds ten shillings
	Four hundred and eighty nine pounds three shillings and four pence
	Five hundred and five pounds sixteen shillings and eight pence
	Four hundred and forty five pounds
	Five hundred and ninety eight pounds six shillings and eight pence

Tax of  
£200,000.

Tax of  
£200,000.

## COUNTY OF MIDDLESEX — CONCLUDED.

TOWNS.	Amount of Tax.			
		£.	s.	d.
<i>Acton</i> , . . . . .	460	0	0	
<i>Dunsable</i> , . . . . .	488	6	8	
<i>Lincoln</i> , . . . . .	472	10	0	
<i>Wilmington</i> , . . . . .	396	13	4	
<i>Trentsbury</i> , . . . . .	465	16	8	
<i>Littleton</i> , . . . . .	621	13	4	
<i>Ashby</i> , . . . . .	273	6	8	
<i>Natick</i> , . . . . .	374	3	4	
<i>Cartisle</i> , . . . . .	360	0	0	
<i>Stonham</i> , . . . . .	247	10	0	
<i>East-Stubury</i> , . . . . .	554	3	4	
	£.25492	10	0	

## COUNTY OF HAMPSHIRE.

TOWNS.	Amount of Tax.			
		£.	s.	d.
<i>Springfield</i> , . . . . .	1294	3	4	
<i>West-Springfield</i> , . . . . .	1197	10	0	
<i>Wilbyham</i> , . . . . .	623	6	8	
<i>Northampton</i> , . . . . .	1173	6	8	
<i>Southampton</i> , . . . . .	400	0	0	
<i>Hatley</i> , . . . . .	669	3	4	
<i>Westfield</i> , . . . . .	822	10	0	
<i>Ambers</i> , . . . . .	586	13	4	
<i>South-Hatley</i> , . . . . .	304	3	4	
<i>Grubby</i> , . . . . .	350	16	8	
<i>Hatfield</i> , . . . . .	586	13	4	

Whately	Two hundred eighty five pounds	285	0	0
Williamsburgh	Two hundred eighty five pounds	285	0	0
Doverfield	Six hundred eighty pounds sixteen shillings and eight pence	680	16	8
Greenfield	Four hundred fifty nine pounds three shillings and four pence	459	3	4
Sheeharne	Three hundred twenty pounds	320	0	0
Coveagh	Five hundred eighty five pounds sixteen shillings and eight pence	585	16	8
Standerland	Two hundred seventy three pounds six shillings and eight pence	273	6	8
Montague	Three hundred fifty five pounds sixteen shillings and eight pence	355	16	8
Northfield	Four hundred sixty three pounds six shillings and eight pence	463	6	8
Brimfield	Six hundred fifty one pounds thirteen shillings and four pence	651	13	4
South Brimfield	Three hundred seventy eight pounds six shillings and eight pence	378	6	8
Monson	Three hundred eighty eight pounds six shillings and eight pence	388	6	8
Pelham	Four hundred eight pounds six shillings and eight pence	408	6	8
Greenwich	Three hundred eighty pounds	380	0	0
Blaunford	Five hundred nine pounds three shillings and four pence	509	3	4
Palmer	Three hundred ninety seven pounds ten shillings	397	10	0
Granville	Seven hundred thirty nine pounds three shillings and four pence	739	3	4
New Saton	Five hundred twenty pounds	520	0	0
Behketon	Five hundred thirty seven pounds ten shillings	537	10	0
Colerain	Three hundred ninety pounds sixteen shillings and eight pence	390	16	8
Warr	Two hundred forty nine pounds three shillings and four pence	249	3	4
Warwick	Two hundred forty nine pounds three shillings and four pence	249	3	4
Bernardston	Four hundred ten pounds sixteen shillings and eight pence	410	16	8
Murrayfield	Three hundred seventy one pounds thirteen shillings and four pence	371	13	4
Charlmonat	Two hundred forty pounds sixteen shillings and eight pence	240	16	8
Ashfield	Two hundred fifty three pounds six shillings and eight pence	253	6	8
Worthington	Three hundred seventy pounds	370	0	0
Shutesbury and Wendall	Four hundred ten pounds	410	0	0
Wendall	Two hundred ninety three pounds six shillings and eight pence	293	6	8
Chesterfield	Two hundred ninety five pounds twelve shillings and six pence	295	12	6
Goshen	One hundred eighty one pounds seventeen shillings and six pence	181	17	6
Southwick	Three hundred fifty two pounds ten shillings	352	10	0
Norwich	One hundred forty six pounds thirteen shillings and four pence	146	13	4
Luton	One hundred ninety eight pounds six shillings and eight pence	198	6	8
Leverett	One hundred fifty four pounds three shillings and four pence	154	3	4
Westhampton	One hundred fifty one pounds thirteen shillings and four pence	151	13	4

Tax of  
£200,000.

Tax of  
£200,000.

## COUNTY OF HAMPSHIRE — CONCLUDED.

TOWNS.	Amount of Tax.			
		£.	s.	d.
Merryfield, . . . . .	One hundred five pounds sixteen shillings and eight pence . . . . .	105	16	8
Montgomery, . . . . .	One hundred twenty pounds . . . . .	120	0	0
Plantation No. 7, . . . . .	One hundred thirteen pounds six shillings and eight pence . . . . .	113	6	8
Cumninton, . . . . .	Two hundred ninety two pounds ten shillings . . . . .	292	10	0
Backland, . . . . .	Ninety five pounds sixteen shillings and eight pence . . . . .	95	16	8
	Twenty one thousand seven hundred sixty five pounds . . . . .	£.21765	0	0

## COUNTY OF PLYMOUTH.

TOWNS.	Amount of Tax.			
		£.	s.	d.
Plymouth, . . . . .	Seven hundred seventy six pounds thirteen shillings and four pence . . . . .	776	13	4
Scituate, . . . . .	Fourteen hundred forty one pounds thirteen shillings and four pence . . . . .	1441	13	4
Duxboro', . . . . .	Four hundred eighty pounds . . . . .	480	0	0
Marshfield, . . . . .	Seven hundred twelve pounds ten shillings . . . . .	712	10	0
Bridgewater, . . . . .	Twenty eight hundred seventy two pounds ten shillings . . . . .	2872	10	0
Middleboro', . . . . .	Twenty one hundred thirty five pounds . . . . .	2135	0	0
Rochester, . . . . .	Nine hundred thirty five pounds . . . . .	935	0	0
Plympton, . . . . .	Six hundred eighty pounds . . . . .	680	0	0
Pembroke, . . . . .	Nine hundred pounds . . . . .	900	0	0
Kingston, . . . . .	Three hundred forty pounds sixteen shillings and eight pence . . . . .	340	16	8
Hanscet, . . . . .	Four hundred eighty five pounds . . . . .	485	0	0
Abington, . . . . .	Eight hundred pounds . . . . .	800	0	0
Halifax, . . . . .	Four hundred eight pounds six shillings and eight pence . . . . .	408	6	8
Wareham, . . . . .	Three hundred forty five pounds . . . . .	345	0	0
	Thirteen thousand three hundred twelve pounds ten shillings . . . . .	£.13312	10	0



COUNTY OF BARNSTABLE.

	£.	s.	d.
Barnstable, . . . . .	1060	0	0
Sandwich, . . . . .	810	0	0
Yarmouth, . . . . .	754	3	4
Harwich, . . . . .	568	6	8
Eastham, . . . . .	450	16	8
Wellfleet, . . . . .	131	13	4
Traor, . . . . .	254	3	4
Falmouth, . . . . .	507	10	0
Chatham, . . . . .	225	16	8
Forty seven hundred sixty two pounds ten shillings . . . . .	£4762	10	0

COUNTY OF BRISTOL.

	£.	s.	d.
Taunton, . . . . .	1595	0	0
Rehoboth, . . . . .	1815	0	0
Swansey, . . . . .	1060	0	0
Dartmouth, . . . . .	2936	13	4
Norton, . . . . .	700	0	0
Mansfield, . . . . .	475	0	0
Attleboro, . . . . .	1180	0	0
Dighton, . . . . .	618	6	8
Freetown, . . . . .	740	0	0
Rayham, . . . . .	478	6	8
Easton, . . . . .	528	6	8
Berkley, . . . . .	345	0	0
Fifteen hundred ninety five pounds . . . . .			
Eighteen hundred fifteen pounds . . . . .			
Ten hundred sixty pounds . . . . .			
Twenty nine hundred thirty six pounds thirteen shillings and four pence . . . . .			
Seven hundred pounds . . . . .			
Four hundred seventy five pounds . . . . .			
Eleven hundred eighty pounds . . . . .			
Six hundred eighteen pounds six shillings and eight pence . . . . .			
Seven hundred forty pounds . . . . .			
Four hundred seventy eight pounds six shillings and eight pence . . . . .			
Five hundred twenty eight pounds six shillings and eight pence . . . . .			
Three hundred forty five pounds . . . . .			
Twelve thousand four hundred and seventy one pounds thirteen shillings and four pence . . . . .	£.12471	13	4

Tax of £200,000.

Tax of  
£200,000.

## COUNTY OF YORK.

TOWNS.	Amount of Tax.
	£. s. d.
York,	1185 0 0
Kilnery,	1295 0 0
Walls,	1050 0 0
Berwick,	1615 0 0
Arundel,	480 0 0
Bildeford,	460 0 0
Pepperelborn,	420 0 0
Lebanon,	280 0 0
Saxford,	280 0 0
Buxton,	303 6 8
Fryburgh,	140 0 0
Cochall,	120 0 0
Massabesich,	140 0 0
Lamerick,	50 0 0
Brownfield,	50 0 0
Littlefalls,	120 0 0
Seven thousand nine hundred eighty eight pounds six shillings and eight pence	£.7988 6 8

## COUNTY OF DUKES COUNTY.

TOWNS.	Amount of Tax.
	£. s. d.
Edgartown,	466 13 4
Chilmark,	502 10 0
Tisbury,	398 6 8
One thousand three hundred and sixty seven pounds ten shillings	£.1367 10 0

COUNTY OF NANTUCKET.

£.2105 16 8

Twenty one hundred and five pounds sixteen shillings and eight pence

COUNTY OF WORCESTER.

£.	s.	d.
1148	6	8
779	3	4
725	0	0
1650	0	0
527	10	0
763	6	8
1590	0	0
570	0	0
748	6	8
745	0	0
385	16	8
285	0	0
980	16	8
360	0	0
469	3	4
540	0	0
597	10	0
400	0	0
1255	0	0
660	0	0
474	3	4
674	3	4
750	16	8
530	0	0
741	13	4
460	0	0
800	0	0

Worcester.	Eleven hundred forty eight pounds six shillings and eight pence	.	.	.
Lancaster.	Seven hundred and twenty nine pounds three shillings and four pence	.	.	.
Mendon.	Seven hundred and twenty five pounds	.	.	.
Brookfield.	Sixteen hundred and fifty pounds	.	.	.
Oxford.	Five hundred twenty seven pounds ten shillings	.	.	.
Charlton.	Seven hundred and sixty three pounds six shillings and eight pence	.	.	.
Sutton.	Fifteen hundred and ninety pounds	.	.	.
Leicester.	Five hundred and seventy pounds	.	.	.
Spencer.	Seven hundred and forty eight pounds six shillings and eight pence	.	.	.
Rutland.	Seven hundred and forty five pounds	.	.	.
Paxton.	Three hundred and eighty five pounds sixteen shillings and eight pence	.	.	.
Oakham.	Two hundred eighty five pounds	.	.	.
Barre.	Nine hundred and eighty pounds sixteen shillings and eight pence	.	.	.
Hubbardston.	Three hundred and sixty pounds	.	.	.
New Braintree.	Four hundred and sixty nine pounds three shillings and four pence	.	.	.
Southborough.	Five hundred and forty pounds	.	.	.
Westborough.	Five hundred and ninety seven pounds ten shillings	.	.	.
Northborough.	Four hundred pounds	.	.	.
Shrewsbury.	Twelve hundred and fifty five pounds	.	.	.
Lancaster.	Six hundred and sixty pounds	.	.	.
Fitchburg.	Four hundred seventy four pounds three shillings and four pence	.	.	.
Uzbridge.	Six hundred seventy four pounds three shillings and four pence	.	.	.
Harvard.	Seven hundred fifty pounds sixteen shillings and eight pence	.	.	.
Dudley.	Five hundred and thirty pounds	.	.	.
Bolton.	Seven hundred forty one pounds thirteen shillings and four pence	.	.	.
Upton.	Four hundred and sixty pounds	.	.	.
Sturbridge.	Eight hundred pounds	.	.	.

Tax of  
£200,000.

Tax of  
£200,000.

## COUNTY OF WORCESTER — CONCLUDED.

TOWNS.	Amount of Tax.			
		£.	s.	d.
Leominster, . . . . .	Five hundred and seventy pounds . . . . .	570	0	0
Haw-dick, . . . . .	Nine hundred and ninety pounds . . . . .	990	0	0
Holden, . . . . .	Five hundred twenty four pounds three shillings and four pence . . . . .	524	3	4
Western, . . . . .	Five hundred and fifty pounds . . . . .	550	0	0
Douglass, . . . . .	Four hundred and ten pounds . . . . .	410	0	0
Grafton, . . . . .	Five hundred ninety four pounds three shillings and four pence . . . . .	594	3	4
Petersham, . . . . .	Eight hundred eighteen pounds six shillings and eight pence . . . . .	818	6	8
Royalston, . . . . .	Three hundred nineteen pounds three shillings and four pence . . . . .	319	3	4
Westminster, . . . . .	Six hundred and forty five pounds . . . . .	645	0	0
Templeton, . . . . .	Six hundred pounds . . . . .	600	0	0
Princeton, . . . . .	Five hundred and fifty pounds . . . . .	550	0	0
Ashburnham, . . . . .	Three hundred pounds . . . . .	300	0	0
Winchendon, . . . . .	Three hundred and twenty five pounds . . . . .	325	0	0
Northbridge, . . . . .	Two hundred and eighty pounds . . . . .	280	0	0
Ward, . . . . .	Three hundred and twenty pounds . . . . .	320	0	0
Athol, . . . . .	Five hundred thirty three pounds six shillings and eight pence . . . . .	533	6	8
Milford, . . . . .	Five hundred and thirty pounds . . . . .	530	0	0
Sterling, . . . . .	Seven hundred and seventy seven pounds ten shillings . . . . .	777	10	0
	Twenty nine thousand two hundred and forty seven pounds ten shillings . . . . .	£.29247	10	0

## COUNTY OF CUMBERLAND.

TOWNS.	Amount of Tax.			
		£.	s.	d.
Falmouth, . . . . .	Nine hundred ninety four pounds three shillings and four pence . . . . .	994	3	4
North Yarmouth, . . . . .	Nine hundred eleven pounds thirteen shillings and four pence . . . . .	911	13	4
Scarborough, . . . . .	Seven hundred forty three pounds six shillings and eight pence . . . . .	743	6	8
Branswick, . . . . .	Three hundred sixty five pounds . . . . .	365	0	0
Harpeswell, . . . . .	Three hundred forty five pounds sixteen shillings and eight pence . . . . .	345	16	8

<i>Cape Elizabeth,</i>	Four hundred and eighty pounds	480	0	0
<i>Gorham,</i>	Six hundred and ten pounds	610	0	0
<i>Windham,</i>	Three hundred and seventy pounds	370	0	0
<i>New Gloucester,</i>	Three hundred fifty one pounds thirteen shillings and four pence	351	13	4
<i>Gray,</i>	One hundred sixty pounds	160	0	0
<i>Praysville,</i>	Two hundred thirty four pounds three shillings and four pence	234	3	4
<i>Royalston,</i>	One hundred sixty five pounds	165	0	0
<i>Raymondston,</i>	Eighty three pounds six shillings and eight pence	83	6	8
<i>Bakerston,</i>	Seventy pounds	70	0	0
<i>Sylvestor,</i>	Seventy pounds	70	0	0
<i>Bridgetown,</i>	Ninety two pounds ten shillings	92	10	0
	Sixty hundred forty six pounds thirteen shillings and four pence	£.6046	13	4

COUNTY OF LINCOLN.

		£.	s.	d.
<i>Georgetown,</i>	Four hundred thirty seven pounds ten shillings	437	10	0
<i>Newcastle,</i>	Two hundred seventy pounds	270	0	0
<i>Woolwich,</i>	Two hundred eighty two pounds ten shillings	282	10	0
<i>Bath,</i>	Two hundred forty pounds	240	0	0
<i>Topsham,</i>	Two hundred nine pounds three shillings and four pence	209	3	4
<i>Broadbentham,</i>	Two hundred pounds	200	0	0
<i>Pittston,</i>	One hundred twenty seven pounds ten shillings	127	10	0
<i>Hallowell,</i>	Two hundred pounds	200	0	0
<i>Wathrop,</i>	One hundred twenty seven pounds ten shillings	127	10	0
<i>Vassalboro',</i>	One hundred thirty five pounds	135	0	0
<i>Winslow,</i>	Three hundred pounds	300	0	0
<i>Waldoboro',</i>	Two hundred forty pounds	240	0	0
<i>Boothbay,</i>	Four hundred fifteen pounds	415	0	0
<i>Bristol,</i>	Two hundred fifteen pounds sixteen shillings and eight pence	215	16	8
<i>Elgcombe,</i>	One hundred sixty eight pounds six shillings and eight pence	168	6	8
<i>St. Georges,</i>	Forty pounds	40	0	0
<i>Madame-voak,</i>	One hundred and twenty pounds	120	0	0
<i>Warren,</i>	One hundred and twenty pounds	120	0	0
<i>Thomaston,</i>	Fifty-five pounds	55	0	0
<i>Walpole,</i>				

Tax of £200,000.

Tax of £200,000.

COUNTY OF LINCOLN — CONCLUDED.

TOWNS.	Amount of Tax.	
		£. s. d.
Howardston, . . . . .	Forty five pounds . . . . .	45 0 0
Norridgewick, . . . . .	Twenty five pounds . . . . .	25 0 0
Sterlington, . . . . .	Twenty five pounds . . . . .	25 0 0
Leviston, . . . . .	Sixty pounds . . . . .	60 0 0
Bailtoen, . . . . .	Thirty pounds . . . . .	30 0 0
Wales, . . . . .	Fifteen pounds . . . . .	15 0 0
Paunborough, . . . . .	Four hundred thirty seven pounds ten shillings . . . . .	437 10 0
	Forty six hundred seventy five pounds sixteen shillings and eight pence . . . . .	£.4675 16 8

COUNTY OF BERKSHIRE.

TOWNS.	Amount of Tax.	
		£. s. d.
Sheffield, . . . . .	One thousand and eighty three pounds fifteen shillings . . . . .	1083 15 0
Great Barrington, . . . . .	Six hundred twenty two pounds ten shillings . . . . .	622 10 0
Stockbridge, . . . . .	Five hundred thirty seven pounds ten shillings . . . . .	537 10 0
Pittsfield, . . . . .	Seven hundred twenty two pounds ten shillings . . . . .	722 10 0
Richmond, . . . . .	Six hundred thirty pounds sixteen shillings and eight pence . . . . .	630 16 8
Lenox, . . . . .	Five hundred twenty three pounds ten shillings and eight pence . . . . .	523 10 8
Lanesborough, . . . . .	Eight hundred twenty seven pounds ten shillings . . . . .	827 10 0
Adams, . . . . .	Six hundred forty five pounds . . . . .	645 0 0
Williamstown, . . . . .	Five hundred eighty eight pounds six shillings and eight pence . . . . .	588 6 8
Egremont, . . . . .	Three hundred twenty four pounds three shillings and four pence . . . . .	324 3 4
Becket, . . . . .	Two hundred forty nine pounds three shillings and four pence . . . . .	249 3 4
West-Stockbridge, . . . . .	One hundred sixty six pounds thirteen shillings and four pence . . . . .	266 13 4
Ashmelet Equivalent, . . . . .	One hundred ninety five pounds . . . . .	195 0 0
Alford, . . . . .	One hundred eighty pounds eight shillings and four pence . . . . .	180 8 4
New Ashford, . . . . .	One hundred three pounds six shillings and eight pence . . . . .	103 6 8
New Marlborough, . . . . .	Five hundred forty six pounds nine shillings and two pence . . . . .	546 9 2

<i>Tyringham</i> , . . . . .	Four hundred thirty nine pounds three shillings and four pence . . . . .	439	3	4
<i>Mound Washington</i> , . . . . .	One hundred and five pounds . . . . .	105	0	0
<i>London</i> , . . . . .	Seventy one pounds thirteen shillings and four pence . . . . .	71	13	4
<i>Windsor</i> , . . . . .	Three hundred thirty two pounds ten shillings . . . . .	332	10	0
<i>Partridgefield</i> , . . . . .	Two hundred twenty seven pounds ten shillings . . . . .	227	10	0
<i>Hancock</i> , . . . . .	Four hundred three pounds six shillings and eight pence . . . . .	403	6	8
<i>Lee</i> , . . . . .	Two hundred sixty seven pounds ten shillings . . . . .	267	10	0
<i>Washington</i> , . . . . .	One hundred sixty pounds . . . . .	160	0	0
<i>Sandysfield</i> , . . . . .	Five hundred seventy nine pounds three shillings and four pence . . . . .	579	3	4
	Ten thousand six hundred thirty two pounds ten shillings . . . . .	£.10632	10	0

SUMS TOTAL.

COUNTIES.		Amount of Tax.		
		£.	s.	d.
<i>Suffolk</i> , . . . . .	Twenty nine thousand five hundred thirty one pounds thirteen shillings and four pence . . . . .	29531	13	4
<i>Essex</i> , . . . . .	Thirty thousand six hundred pounds . . . . .	30600	0	0
<i>Middlesex</i> , . . . . .	Twenty five thousand four hundred ninety two pounds ten shillings . . . . .	25492	10	0
<i>Hampshire</i> , . . . . .	Twenty one thousand seven hundred sixty five pounds . . . . .	21765	0	0
<i>Plymouth</i> , . . . . .	Thirteen thousand three hundred twelve pounds ten shillings . . . . .	13312	10	0
<i>Harnstable</i> , . . . . .	Four thousand seven hundred sixty two pounds ten shillings . . . . .	4762	10	0
<i>Bristol</i> , . . . . .	Twelve thousand four hundred seventy one pounds thirteen shillings and four pence . . . . .	12471	13	4
<i>York</i> , . . . . .	Seven thousand nine hundred eighty eight pounds six shillings and eight pence . . . . .	7988	6	8
<i>Dukes County</i> , . . . . .	One thousand three hundred sixty seven pounds ten shillings . . . . .	1367	10	0
<i>Nantucket</i> , . . . . .	Two thousand one hundred five pounds sixteen shillings and eight pence . . . . .	2105	16	8
<i>Warester</i> , . . . . .	Twenty nine thousand two hundred forty seven pounds ten shillings . . . . .	29247	10	0
<i>Cumberland</i> , . . . . .	Six thousand and forty six pounds thirteen shillings and four pence . . . . .	6046	13	4
<i>Lincoln</i> , . . . . .	Four thousand six hundred seventy five pounds sixteen shillings and eight pence . . . . .	4675	16	8
<i>Berkshire</i> , . . . . .	Ten thousand six hundred thirty two pounds ten shillings . . . . .	10632	10	0
	TWO HUNDRED THOUSAND POUNDS . . . . .	£.200,000	0	0

Tax of £200,000.

Tax of £200,000.

*And be it further enacted by the Authority aforesaid,* That the Treasurer of this Commonwealth, do forthwith send his Warrants, directed to the Selectmen or Assessors of each Town or other Place, within this Commonwealth, that are taxed, requiring them respectively, to assess the Sum hereby set upon such Town or other Place, in Manner following, *That is to say,* To assess all the Male Polls above the age of sixteen Years, within their respective Towns, or other Places next adjoining to them, belonging to no other Town or Place, including Negroes and Molattoes, and such of them as are under the Government of a Master or Mistress to be taxed to said Master or Mistress respectively, in the same Manner as Minors and Apprentices are taxed, at *Sixteen Shillings and Eight Pence* each: and the Remainder of the sum set to each Town or other Place, after deducting the Sums assessed to the Polls as aforesaid, on the Inhabitants of the said Town or other Place as aforesaid, according to the just Value of the whole Real Estate by each Inhabitant of such Town or Place respectively possessed on the Fifteenth Day of *November*, One Thousand seven Hundred and Eighty-Two, in his own Right, or in the right of others, lying within said Town or Place, improved, or not improved, and on the non-resident Possessors of Real Estate lying within said Town or Place, in their own Right, or right of others, improved or not improved, saving all agreements between Landlords and Tenants; and where no agreement is, the Landlord to reimburse one half of the Tax; and also on the Inhabitants of such Town or Place, according to the Proportion of the amount and just Value of their whole Personal Estate, including Money at Interest more than they pay Interest for (excepting such Monies as are lent to Government, and by an Act of Government, exempted from Taxation) Monies of all Kinds in Hand, and also the Amount of the just Value of all Goods, Wares or Merchandize, Stock in Trade, Vessels of all Sorts, with their stores, appurtenances and appendages, plate, horses, oxen and cattle of all sorts and ages, sheep, swine, and grain, of all sorts and kind of produce of the land, and all other property whatsoever, excepting household-furniture, wearing-apparel, farming utensils, and the tools of mechanics, on the fifteenth day of *November* instant. And the Assessors, in their respective towns or other places, shall estimate all the before enumerated articles at



*six per cent.* upon the real value of the same, in the places Tax of £200,000. where they are (except unimproved lands, which shall be estimated at *two per cent.* only) and on the amount of their income from any profession, faculty, handicraft, trade or employment, and also on the amount of all their incomes and profits gained by trading by sea and on shore. And the Treasurer, in his said warrant, shall likewise require the assessors to make a fair list of the said assessment, setting forth, in distinct columns, against such person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate, and how much for faculty, and income by trade as aforesaid; and if as guardian, or for any estate in his or her improvement in trust to be distinctly expressed: And shall also insert upon their rate bills, the number of acres of unimproved land which they have taxed to each of the non-resident proprietors of land within their respective towns; and also the real value at which they have estimated the same. And the list or lists so perfected and signed by them, or the major part of them, to commit to the Collector or Collectors, Constable or Constables of any such town or place, and to return a certificate of the name or names of such Collector or Collectors, Constable or Constables, with the sum total to each of them committed, unto himself, some time before the fifteenth day of *January* next: And on failure thereof, each Assessor so refusing or neglecting his duty herein, shall be subject to pay a fine of *ten pounds* to be recovered by executions from the Treasurer of this Commonwealth for the time being, which fine shall be paid into the Treasury of this Commonwealth for defraying the public charges; and in case of neglect of the Assessors in making returns as aforementioned, the Treasurer of this Commonwealth is hereby empowered and directed to send his executions accordingly, unless the Assessors shall make it appear that the rate bills were completed and delivered to the Collectors before the said fifteenth day of *January*. And the Treasurer for the time being, on the receipt of such certificate, is hereby empowered and directed to issue forth his warrants, to the Collector or Collectors, Constable or Constables of such town or place, requiring him or them respectively to collect the whole of the respective sums assessed on each particular person, and to pay in one moiety of their collections by the first day

Tax of £200,000. of *March* next, and the other moiety by the first day of *June* next.

*Provided nevertheless*, That the following persons, viz. the President, Fellows, Professors, Tutors, Librarian, and the Students of *Harvard* College, who have their usual residence there, and settled Ministers of the Gospel, Grammar-School-Masters, and Indians, are not to be assessed for their polls or for their estates, under their actual management and improvement. And also all persons who have the management and improvement of the estate of *Harvard* College, are not to be assessed for the same; and if there are any other persons who through age, infirmity, or poverty, are unable to pay, as others, towards the public charges, or any Widows or Orphans, who depending on the interest of their money for subsistence, have by the state of the currency been so reduced, as that in the judgment of the Assessors they ought to be relieved in their taxes; in any such case, the Assessors may exempt their polls or estates, or abate any part of what they are set at, as they on their oaths shall think just and equitable. And the Justices in their sessions in their respective counties assembled, in apportioning a County tax, or assessment, are hereby ordered and directed to apportion the same on the several towns and other places in such county, in proportion to their tax. And the assessors in each town in this Commonwealth, are also directed in making a town or county tax or assessment, to govern themselves by the same rule. And where no person appears to discharge the taxes on non-resident proprietors of unimproved lands to the Collectors, he shall publish in one of the *Boston* news-papers, viz. *Willis's* Independent Chronicle, three weeks successively, the names of all such proprietors where they are known, with the sum of the taxes assessed on their lands respectively, and also the time and place of sale; and where they are not known, he shall in the same manner, publish the sum of the taxes on the several rights, numbers of lots or divisions, and in each case, shall post the same in some convenient and public place, in the town where the said lands lay, for the term of one month: And if no person shall appear thereupon to discharge the said taxes and necessary intervening charges, then the Constable or Collector shall proceed to sell, at Public Sale, to the highest bidder (after waiting two hours from

the time appointed for said sale) so much only of said unimproved lands as will be sufficient to discharge said taxes, and necessary intervening charges, having first given notice of the intended sale thereof, and the time and place where it will be made; and shall have power to adjourn from day to day (if necessary) to compleat the sale, not to exceed three days (waiting as aforesaid) and shall give and execute a deed to the purchaser, expressing therein the cause of such sale, and saving to the aforesaid proprietor or proprietors, the right of redemption of any land so sold at any time within three years from the time of sale, and the same shall be conveyed to him or them, on paying, within three years as aforesaid, the sum such land sold for, and *eighteen per cent.* interest on said sum, together with all necessary intervening charges thereon. Tax of £200,000.

*Provided nevertheless,* That the purchaser or purchasers, shall not make any strip or waste on the premises, until the time of redemption has expired: And if the said purchaser or purchasers, shall make any strip or waste on said premises as aforesaid, he or they shall be liable to pay all damages to the original owner or owners, in as ample a manner, as though he or they had not purchased the same.

*Be it further enacted by the authority aforesaid,* That the Assessors of each town or other place respectively, in convenient time before the assessment, shall give seasonable warning to the inhabitants in any town-meeting, or by posting up notifications in some place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the Assessors, true and perfect lists of their polls and of all the real and personal estate they are possessed of on the said fifteenth day of *November* instant, agreeable to the description of real and personal estate, and incomes from profession, faculty, handicraft, trade or employment, as aforesaid. And if any person or persons, shall not bring in a list of their estates as aforesaid, to the Assessors, he, she or they so neglecting or refusing, shall not be admitted to make application to the Court of General Sessions, for any abatement of the assessment laid on him, her or them; and if the Assessors suspect any falsehood in the list to them presented, of polls of real and personal estate, then the Assessors or either of them shall require the person

Tax of £200,000.

presenting such list to give solemn oath respecting the same, which oath may be administered by the Assessors or either of them, such list being exhibited on oath, shall be a rule of that person's proportion of the tax, who presented the same, which the Assessors may not exceed, unless the Assessors shall discover any error therein, in which case the Assessors are hereby authorised and directed to assess such articles as appear to be kept back.

*Be it further enacted*, That the officers and soldiers of the *Massachusetts* line of the army, on the fifteenth day of *November* instant, shall be considered as resident in the several towns and places to which they belonged at the time of their engaging in the army (their absence notwithstanding) and the Assessors shall tax them accordingly; and said officers (except those who have been deranged from the army) and soldiers who are engaged for three years or during the war, are hereby exempted from their poll tax.

*Provided nevertheless*, That nothing in this act shall be construed to extend so as to require any Assessors to assess any person for any estate, real or personal, in his possession (absentees estates excepted) that is the property of the United States, or either of them.

*And whereas there are many persons who dwell or reside in some towns in this Commonwealth, but are engaged in trade, and negociate their business almost entirely in other towns, and there hire stores, shops and wharves; and it is apparent that the Assessors of the towns where such persons reside or dwell, cannot be so well acquainted with the business transacted by them, as the Assessors of the town where the same is done.*

*Be it enacted by the authority aforesaid*, That all persons within the description aforesaid, shall be assessed and pay taxes for such of their goods, wares and merchandizes, stock in trade, ships and vessels, which are sold, used or improved in the town were they hire stores, shops or wharves, and transact the principal part of their business, and for their faculties exercised there, and not in the town where they live; and shall accordingly give in, on oath, if required, a list of their whole estate to the Assessors of the respective towns, distinguishing what part thereof is rateable in each town; and in default thereof, shall be doomed by the said Assessors respec-

tively. *Provided*, that this clause be not in any case so construed as to enable any town to tax any inhabitant of any other town for any estate for which such other town has been charged in the valuation. Tax of £200,000.

*And whereas in some instances there has been a division made in towns by setting off lands, with the inhabitants thereon, from any town since the returns were taken, by which the present valuation is framed; in which cases, the Court have not been able to determine what proportion ought to be taken from any such town and annexed to the town where such addition has been made.*

*Be it therefore enacted by the authority aforesaid*, That in all cases where any such division has been made, and lands, with the inhabitants thereon, have been set off from any town since the returns were taken, by which the present valuation was framed, and have not been considered and settled in the valuation, that such lands, with the inhabitants thereon, shall be considered and held to pay with the town from whence they were so set off.

*Be it further enacted by the authority aforesaid*, That the notes of the American Bank, and the notes of *Robert Morris*, Esquire, Superintendent of Finance, in his official capacity, shall, by the several and respective Constables and Collectors of the tax aforesaid, be received in satisfaction for and in discharge of a sum equal to the sum expressed in such respective bank note or notes, or note or notes of the said *Robert Morris*. And the Treasurer, Collectors, and all persons concerned in collecting, receiving and negotiating the said tax, are hereby ordered, directed and enjoined to conduct themselves accordingly.

*And be it further enacted*, That the deed or deeds which shall be given by any Constable or Collectors of taxes, for any lands that may hereafter be sold for the payment of taxes assessed upon non-resident proprietors unimproved lands, shall be in the form following, viz.

Know all men by these presents, That I, A. B. Collector of taxes for the town of \_\_\_\_\_ having had a tax bill committed to me by the Assessors of said town of \_\_\_\_\_

in which is included a tax on a certain lot of land (then describing the lot by the number or otherwise) for the sum of \_\_\_\_\_ which sum not being paid, the said land was advertised and posted according to law; and on the \_\_\_\_\_ day of \_\_\_\_\_ at said town of \_\_\_\_\_

Tax of £200,000. part of said land was exposed for sale by public auction, according to law, and the same was struck off to  
 for the sum of                    he being the highest bidder  
 therefor, in consideration of which sum, I the said A. B.  
 in said capacity, do, by these presents, grant, sell, and  
 convey to the said                    the following tract or part  
 of said land, viz.

To have and to hold the before-granted premises, with  
 the appurtenances to him the said                    his heirs  
 and assigns forever, to hold the same in fee simple, saving  
 only to the aforesaid proprietor, or his heirs, executors  
 or administrators, the right of redemption of any land so  
 sold, at any time within three years from the time of sale  
 in the manner prescribed by law. In witness whereof, I  
 have hereunto set my hand and seal, the                    day  
 of                    in the year of our Lord

March 22, 1783.

## 1782. — Chapter 66.

[January Session, ch. 33.]

*Chap. 66* AN ACT FOR REVIVING THE ACT ENTITLED, "AN ACT TO REGULATE THE SALE OF GOODS AT PUBLIC VENDUE, AND TO LIMIT THE NUMBER OF AUCTIONEERS;" ALSO ANOTHER ACT ENTITLED, "AN ACT IN ADDITION TO AN ACT MADE AND PASSED AT THE LAST SESSION OF THE GENERAL COURT, ENTITLED, "AN ACT TO REGULATE THE SALE OF GOODS AT PUBLIC VENDUE, AND TO LIMIT THE NUMBER OF AUCTIONEERS."

Preamble.

*Whereas the Acts abovementioned are expired:*

Several Laws  
revived.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the beforementioned Acts, now expired, be revived and continued, with all and every Clause, Matter and Thing therein respectfully contained; and the same shall be in Force until the twentieth Day of *June* next, and no longer.

Proviso.

*Provided nevertheless, and it is hereby enacted by the Authority aforesaid,* That all Articles of Household Furniture which may be sold at Public Vendue, shall be exempt from the Duty laid by the first-mentioned Act; any Thing in the said Act to the contrary notwithstanding.

March 24, 1783.

## 1782. — Chapter 67.

[January Session, ch. 34.]

AN ACT IN ADDITION TO AN ACT, ENTITLED “AN ACT IN ADDITION TO AN ACT ENTITLED, AN ACT TO EMPOWER THE TREASURER TO RECEIVE GOVERNMENT SECURITIES ON LOAN,” TO EMPOWER THE TREASURER TO RECEIVE GOVERNMENT SECURITIES ON LOAN, AND TO CONSOLIDATE THE SAME TO THE FURTHER AMOUNT OF *THREE HUNDRED THOUSAND POUNDS*.

Chap. 67

*Whereas it is expedient that the Securities of this Government should be received on Loan and consolidated, and sufficient Measures have not been provided therefor by the said Acts:*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same,* That the Treasurer be, and he hereby is authorized and directed to continue to receive into the Treasury on Loan, all Government Securities, Certificates, and Debts whatever, except Continental Debts, and consolidate the same, to the Amount of *Three Hundred Thousand Pounds*; and after computing the same by the Scale of Depreciation, to issue Notes therefor, on the Credit of this Commonwealth, payable in the Manner provided in the said Acts.

Treasurer directed to continue to receive Government Securities, &amp;c. on Loan, except.

*And be it further enacted by the Authority aforesaid,* That the Treasurer be, and he is hereby authorized and empowered to give Notes for all Sums that shall be loaned on this Act, the Acts aforesaid, or another Act, entitled, “An Act to supply the Treasury with the Sum of *Four Hundred Thousand Pounds* Money, agreeable to the first Form prescribed in the last mentioned Act only; allowing a Premium of *Four per Centum* in those Cases, and in those only, in which it was allowed by the aforementioned Acts.

Treasurer empowered to give Notes for Sums loaned on this Act.

Premium allowed.

*And be it further enacted,* That there be, and hereby is granted a Tax of *Three Hundred Thousand Pounds* Money, to be levied on the Polls and Estates within this Commonwealth; one fourth Part of which to be paid into the Treasury of this Commonwealth on or before the First Day of *December*, Anno Domini One Thousand Seven Hundred and Eighty-five, and the Remainder to be paid into the Treasury in Quarterly Payments, the three succeeding Years, on the First Day in *December* in each

A Tax to be levied, and the Sums granted to be applied for the Payment of the Notes.

Year; each of the said Sums to be levied according to such Rules and Proportions as shall be agreed upon and ordered by the General Court at their Sessions in *June*, in each of the Years aforesaid: and the Sum so granted, shall be applied for the Payment of the Notes which shall be issued by Virtue of this Act.

In Case the General Court shall not agree upon a Tax.

And it is further enacted, That if the General Court shall not some Time before the First Day of *July*, in each of the Years before mentioned, respectively agree and conclude upon a Tax, apportioning the Sum to be paid in each of before-mentioned Years respectively; then, and in such Case, each Town and other Place in this Commonwealth, shall pay, by a Tax to be levied on the Polls and Estates within their respective limits, the same Proportion of the said Sum as such Town or other Place was taxed by the General Court in the Tax next preceding. And the Treasurer of this Commonwealth is hereby empowered and directed, some Time in the Month of *August*, in every such Year, to issue and send forth his Warrants, directed to the Selectmen or Assessors of such Town or other Place, within this Commonwealth, or to some suitable Persons in such Places therein as are not incorporated, requiring them to assess the Polls and Estates within their Limits respectively, for the full Parts and Proportions of the Sums before directed and engaged to be assessed, to be paid into the Treasury on or before the first Day of *December* in such Years respectively. And the Assessors, as also all Persons thereby assessed, shall observe, be governed by, and subject to, all such Rules and Directions as shall have been given in the next preceding Tax-Act.

March 25, 1783.

### 1782. — Chapter 68.\*

*Chap. 68* AN ACT LIMITING THE CONTINUANCE OF CERTAIN ACTS & RESOLVES FOR PREVENTING INTERCOURSE WITH THE ENEMY. —

Continuance of Acts, etc., for preventing intercourse with the enemy.

*Whereas the grounds and principles of certain Acts for preventing Commerce and Correspondence with the Enemies of the United States will cease to operate at the termination of the war.*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the*

\* Not printed in Session Pamphlet.



*Authority of the same*, That an Act passed the third of March One thousand, Seven hundred and Eighty one, entitled “An Act for preventing all Commerce and illegal Correspondence with the Enemies of the United States of America,” — and another Act passed the first of May, One thousand, Seven hundred and Eighty one entitled “An Act in addition to an Act” entitled an Act for preventing all Commerce and illegal Correspondence with the Enemies of the United States of America” and another Act passed the eighth of November, One thousand, Seven hundred and Eighty two — entitled “An Act in addition to an Act” — Entitled An Act in Addition to an Act entitled, An Act for preventing all Commerce and illegal Correspondence with the Enemies of the United States of America and also every part of the Resolve of the General Court passed the Eighth day of May A. D. One thousand Seven hundred and Eighty two respecting illicit trade with the enemies of the United States, except that paragraph thereof which makes provision that certain Boats and Vessels therein described shall take permission from the Naval Officer in Certain cases and another Resolve passed the ninth day of October A. D. One thousand Seven hundred & Eighty two for preventing the Enemy from being supplied with Provisions from the Shores on the South part of this Commonwealth shall from and after the time at which the United States in Congress assembled shall cause declaration to be made, that Peace has taken Place between France, Great Britain and the United States, be repealed and every article and Clause of the before recited Acts shall thereupon become null and Void to every intent and purpose save only of being used to support any action or process that may have been commenced before and pending at the time when the said Acts and Resolves are to cease.

*March 25, 1783.*

## 1782. — Chapter 69.

[May Session, ch. 1.]

AN ACT IN ADDITION TO AN ACT INTITLED “AN ACT TO PROVIDE FOR THE PAYMENT OF DEBTS DUE FROM THE CONSPIRATORS AND ABSENTEES; AND FOR THE RECOVERY OF DEBTS DUE TO THEM.”

*Chap. 69*

*Whereas by said Act, the Powers given to the Committees therein mentioned, do not extend to empower them to make Sale of any Estates on which Money has been*

*Preamble.*

*advanced to the Commonwealth, agreeable to a Resolve of the General Court passed the Nineteenth of June, in the Year of our Lord one Thousand seven Hundred and Eighty, unless the Persons who advanced Money as aforesaid shall consent to have such Estate sold, which Prohibition operates greatly to the Damage of the Creditors to such Estates: Therefore to remedy the same,*

*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 the Creditors to such Estates shall exhibit to the said Committees, Certificates agreeable to said Act, of Debts due from the Estate of any Conspirator or Absentee, leased as aforesaid, the said Committees are hereby empowered to cause such leased Estates within their respective Counties to be appraised by three disinterested judicious Freeholders under Oath; and they are hereby directed to offer the said Estates to the Persons to whom they are leased, at the said Appraisalment; and in Case the Lessee shall take the Estate at the Appraisalment, the said Committees are respectively empowered in Behalf of this Commonwealth, to make and execute Deeds sufficient to convey Estates in Fee Simple to the said Purchaser; the Money advanced on any such Estate as aforesaid, to be in Part Pay for the same, agreeable to the Lease, and the Remainder to be disposed of agreeable to said Act.*

*And be it further enacted by the Authority aforesaid, That in Case any Lessee or Lessees as aforesaid, shall refuse or neglect to purchase the Estate leased to him or them as aforesaid, at the said Appraisalment, for the Space of Thirty Days after the Committee shall have notified him or them of the Appraisalment, the Committees are hereby empowered to sell the same to any other Person, at public or private Sale, as shall appear to them most advantageous to the Creditors and the Commonwealth; and upon the Payment of the Sums due to the said Lessees, or Security given to their Satisfaction, to make good and sufficient Deeds as aforesaid to the Purchasers, and dispose of the Remainder of the Proceeds of such Sale according to said Act.*

*And whereas no direct Provision is made by any Act or Resolve of this Court for making equitable Distribution of the Neat Proceeds of the Estates of Conspirators*

Creditors to exhibit to Committees Certificates of Debts due from Absentees Estates Leased.

Leased Estate to be appraised.

In Case :

In Case Lessees neglect to purchase —

Committees empowered to sell.

*and Absentees among their Creditors by the Committees of Sales in the several Counties in Cases of Insolvency:*

*Be it enacted by the Authority aforesaid,* That in all Cases where the Neat Proceeds of Sale of the Estate of any Conspirator or Absentee shall be found insufficient to discharge the Whole of the Debts due therefrom, the said Committees in the several Counties be, and they hereby are empowered and directed to make Distribution of the Sums by them received, as the Neat Proceeds of the said Estates among the several Creditors thereto, in just and due Proportion; taking Bonds from the said Creditors respectively, in double the Sum to them paid, with two sufficient Sureties, conditioned to refund the Rateable Proportion of such Creditors Demand upon the said Estate, and the Neat Proceeds thereof in Case after Claims legally exhibited, supported and certified, shall render the said Estate further insolvent. And the Bonds given as aforesaid shall be lodged in the Probate Office of the County where the Estates of such Conspirators or Absentees shall be settled; any Law or Resolve to the contrary notwithstanding.

Distribution of neat Proceeds of Absentees Estates.

*June 15, 1782.*

## 1782. — Chapter 70.

[January Session, ch. 23.]

AN ACT EMPOWERING THE COMMITTEES FOR THE SALE OF THE ESTATES OF CONSPIRATORS AND ABSENTEES, AND THE AGENTS APPOINTED BY THE JUDGES OF PROBATE ON SUCH ESTATES, IN CERTAIN CASES TO PLEAD THE GENERAL ISSUE, AND GIVE THE ACTS AND RESOLVES OF THE GENERAL COURT AND ANY SPECIAL MATTER IN EVIDENCE.

*Chap. 70*

*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 Actions shall be commenced against the Committees and Agents aforesaid, or either of them, by any private Person or Persons, the said Committees and Agents may plead the General Issue, and give the Acts and Resolves of the General Court and any special Matter in Evidence.

Where Actions shall be commenced against Committees and Agents.

To plead the General Issue.

*March 13, 1783.*



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RESOLVES  
OF THE  
GENERAL COURT  
OF THE  
COMMONWEALTH OF MASSACHUSETTS,  
IN NEW-ENGLAND;

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,  
ON WEDNESDAY THE TWENTY-NINTH DAY OF  
*MAY*, ANNO DOMINI, 1782.

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1890.

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# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY THE TWENTY-NINTH DAY OF MAY, ANNO DOMINI, 1782.

1782. — MAY SESSION.

*The following are the names of the Gentlemen who compose the two Branches of the General Court, viz.*

### SENATORS.

#### *County of SUFFOLK.*

Hon. SAMUEL ADAMS, Esq;  
*President.*  
Hon. Jabez Fisher,  
Samuel Niles,  
John Pitts,  
Increase Sumner, Esquires.

#### *County of ESSEX.*

Hon. Stephen Choate,  
Jonathan Greenleaf,  
Samuel Phillips, jun.  
Elbridge Gerry, Esquires.

#### *County of MIDDLESEX.*

Hon. Josiah Stone,  
Abraham Fuller,  
Eleazer Brooks,  
Ebenezer Bridge, Esquires.

#### *County of HAMPSHIRE.*

Hon. Timothy Danielson,  
Caleb Strong,  
John Bliss, Esquires.

#### *County of PLYMOUTH.*

Hon. Nathan Cushing,  
Charles Turner, Esquires.

#### *County of BARNSTABLE.*

Hon. Solomon Freeman, Esquire.

#### *County of BRISTOL.*

Hon. Thomas Durfee,  
Ephraim Starkweather,  
Esquires.

#### *County of YORK.*

Hon. Nathaniel Wells, Esquire.

#### *County of WORCESTER.*

Hon. Samuel Baker,  
Joseph Dorr,  
Israel Nichols,  
Jonathan Warner, Esquires.

#### *County of CUMBERLAND.*

Hon. Jedediah Preble, Esquire.

#### *County of LINCOLN.*

Hon. Thomas Rice, Esquire.

#### *County of BERKSHIRE.*

Hon. Jahleel Woodbridge,  
John Bacon, Esquires.

## MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Honorable NATHANIEL GORHAM, Esq; *Speaker.**County of SUFFOLK.*

BOSTON. {  
 Hon. William Phillips, Esq;  
 Samuel Allyne Otis, Esq;  
 Hon. John Lowell, Esq;  
 Thomas Dawes, Esq;  
 John Rowe, Esq;  
 Samuel Barrett, Esq;  
 Mr. Nathan Frazier.

*Almsbury,*  
*Bradford,*  
*Methuen,*  
*Boxford,*  
*Manchester,*  
*Wenham,*  
*Middleton,*

*County of MIDDLESEX.*

*Roxbury,* Deacon David Weld.  
*Dorchester,* Ebenezer Wales, Esq.  
*Milton,* Edward R. Robbins, Esq.  
*Braintree,* Richard Cranch, Esq.  
*Weymouth,* Nath. Bailey, Esq.  
*Hingham,* Capt. Theo. Cushing.  
*Cohasset,* Col. Thomas Lothrop.  
*Dedham,* Capt. Joseph Guild.  
*Medfield,* Mr. Oliver Ellis.  
*Wrentham,* Mr. Joseph Fairbanks.  
*Brooklyne,*  
*Needham,* Mr. Nathaniel Fisher.  
*Stoughton,* Elijah Dunbar, Esq.  
*Stoughtonham,* Col. Jona. Eddy.  
*Medway,* Capt. Moses Adams.  
*Bellingham,* Stephen Metcalf, Esq.  
*Hull,*  
*Walpole,*  
*Chelsea,*  
*Franklin,* Mr. Peter Adams.  
*Foxborough,*

*Cambridge,* Col. Samuel Thacher.  
*Charlestown,* Hon. Nath. Gorham,  
 Esq.

*Watertown,*  
*Woburn,* Dea. Joseph Johnson.  
*Concord,* James Barrett, Esq.  
*Newton,*  
*Reading,* Capt. James Bancroft.  
*Marlborough,* Dea. Simon Stow.  
*Billerica,* Major Edward Farmer.  
*Framingham,* Dea. Wm. Brown.  
*Lexington,*  
*Chelmsford,* Dea. A. Chamberlain.  
*Sherburne,* Daniel Whitney, Esq.  
*Sudbury,*  
*East Sudbury,*  
*Malden,*  
*Weston,* Dea. Samuel Fisk.  
*Medford,* Mr. Aaron Hall.  
*Hopkinton,* Capt. Gilbert Dench.  
*Acton & Carlisle,* } Francis Faulkner, Esq.  
*Westford,* Mr. Francis Leighton.  
*Waltham,*  
*Stow,*  
*Groton,* Israel Hobart, Esq.  
*Shirley,*  
*Pepperell,* Col. Wm. Prescott.  
*Townsend,* Mr. James Lock.  
*Dracut,*  
*Bedford,*  
*Holliston,*  
*Dunstable,*  
*Lincoln,*  
*Wilmington,*  
*Teuksbury,* Mr. Wm. Brown.  
*Littleton,*  
*Ashby,*  
*Natick,*  
*Stoncham,*

*County of ESSEX.*

*Salem,* Nathan Goodale, Esq.  
 Benj. Goodhue, jun., Esq.  
 William Vans, Esq.  
 Mr. Miles Greenwood.  
*Danvers,* Israel Hutchinson, Esq.  
*Ipswich,* Dr. John Manning.  
 John Patch, Esq.  
*Newbury,* Col. Samuel Moody.  
*Newbury-Port,* Nath. Tracy, Esq.  
 Jonathan Titcomb,  
 Esq.  
 Tristram Dalton,  
 Esq.  
*Marblehead,*  
*Lynn,* Capt. Holten Johnson.  
*Andover,* Capt. Joshua Holt.  
*Beverly,* Larkin Thorndike, Esq.  
 Mr. Nathan Dane.  
*Salisbury,* Benjamin Evans, Esq.  
*Haverhill,* Mr. Bailey Bartlett.  
*Gloucester,* Peter Coffin, Esq.  
*Topsfield,*

*County of HAMPSHIRE.*

*Springfield,* Col. Gideon Burt.  
 Mr. Moses Church.



REPRESENTATIVES — Continued.

County of HAMPSHIRE — Con.  
 West Springfield, Justin Ely, Esq.  
 Wilbraham, Col. Benj Ely.  
 Northampton, Hon. Caleb Strong.  
 Southampton, Mr. Tim. Dwight.  
 Hadley, Capt Oliver Smith.  
 South Hadley,  
 Amherst,  
 Granby,  
 Hatfield, John Hastings, Esq.  
 Whately,  
 Williamsburgh, Mr. Jesse Wilds.  
 Westfield, Capt. Daniel Sacket.  
 Deerfield, Mr. Richard Falley.  
 Greenfield, David Smead, Esq.  
 Shelburne,  
 Conway,  
 Sunderland, Capt. Israel Hubbard.  
 Montague,  
 Northfield, Mr. Aaron Whitney.  
 Brimfield, Mr Aaron Mighill  
 South Brimfield,  
 Monson,  
 Pelham,  
 Greenwich,  
 Blanford,  
 Leverett,  
 Palmer,  
 Granville,  
 New Salem,  
 Belchertown, Col. Caleb Clarke.  
 Colrain, Col. Hugh McClallan.  
 Ware,  
 Warwick,  
 Barnardston,  
 Murrayfield,  
 Charlemont,  
 Ashfield, Mr. Benjamin Rogers.  
 Worthington;  
 Shutesbury,  
 Ervingshire,  
 Southwick,  
 Ludlow,  
 Norwich,  
 Merryfield,  
 Cummington,  
 West Hampton  
 Chesterfield, Mr. Russel Killogg.  
 Chesterfield-Gore,  
 Buckland,  
 County of PLYMOUTH.  
 Plymouth, Joshua Thomas, Esq.  
 Scituate, Israel Vinal, Esq.

Duxborough, Mr. John Peterson.  
 Marshfield, Mr. Daniel Lewis.  
 Bridgewater, Hugh Orr, Esq.  
 Middleboro', Mr. Ebenezer Wood.  
 Mr. Isaac Tompson.  
 Rochester, Col. Ebenezer White.  
 Plympton, Capt. Francis Shirliff.  
 Pembroke,  
 Kingston, Capt. Eben. Washburne.  
 Hanover,  
 Abington, Mr. Samuel Brown.  
 Haliifax,  
 Warcham,

County of BARNSTABLE.

Barnstable, Shearjashub Bourn,  
 Esq.  
 Sandwich,  
 Yarmouth,  
 Eastham, Mr. Nathan Doane.  
 Harwich,  
 Wellfleet, Elisha Doane, Esq.  
 Chatham,  
 Truro,  
 Falmouth,

County of BRISTOL.

Taunton, Job Smith, Esq.  
 Rehoboth, Capt. Stephen Bullock.  
 Swansey,  
 Dartmouth, Edward Pope, Esq.  
 Norton, Capt. Isaac Hodges.  
 Mansfield, Capt. John Pratt.  
 Attleborough, Elisha May, Esq.  
 Dighton,  
 Freetown, Dr. Joshua H. Brett.  
 Rainham, Capt. Noah Hall.  
 Easton, Capt. James Perry.  
 Berkley,

County of YORK.

York, Col. Edward Grow.  
 Kittery, Charles Chauncey, Esq.  
 Wells, Nathaniel Wells, Esq.  
 Berwick, John Hill, Esq.  
 Arundel,  
 Biddeford,  
 Pepperrellborough,  
 Lebanon,  
 Sanford,  
 Buxton,  
 Coxhall,  
 Massabeseck,  
 Brownfield,  
 Little Falls,  
 Fryeburgh, Dea. Simon Frye.

## REPRESENTATIVES — Continued.

*County of* DUKES COUNTY.

Edgartown,  
Chilmark,  
Tisbury,

*County of* NANTUCKET.

Sherburne,

*County of* WORCESTER.

Worcester, Samuel Curtis, Esq.  
Lancaster, John Sprague, Esq.  
Mendon,  
Brookfield,  
Oxford,  
Charlton, Mr. Ebenezer Davis.  
Sutton, Mr. Willis Hall.  
Leicester, Seth Washburne, Esq.  
Spencer, Mr. Isaac Jencks.  
Rutland, Mr. Asaph Shearman.  
Paxton,  
Oakham,  
Barre,  
Hubbardston,  
New Braintree,  
Southborough,  
Westboro', Mr. Hananiah Parker.  
Northborough, Mr. John Ball.  
Shrewsbury, Hon. A. Ward, Esq.  
Lunenburg, Capt. Josiah Stearns.  
Fitchburgh, Capt. Tho. Cowdin.  
Uxbridge,  
Harvard,  
Dudley,  
Bolton,  
Upton,  
Sturbridge, Capt. Ralph Wheel-  
ock.

Leominster,  
Hardwick, Mr. Ichabod Dexter.  
Holden, John Child, Esq.  
Western,  
Douglass,  
Grafton,  
Petersham, Capt. Wing Spooner.  
Royalston,  
Westminster,  
Templeton,  
Princeton,  
Ashburnham,  
Winchendon, Abel Wilder, Esq.  
Northbridge,  
Ward, Capt. John Prentice.  
Athol, Hiram Newell, Esq.  
Milford,  
Sterling,

*County of* CUMBERLAND.

Falmouth, Joseph Noyes, Esq.  
North Yarmouth,  
Cape Elizabeth,  
Gorham, Mr. Stephen Longfel-  
low, jun.

Brunswick,  
Harpwell,  
Windham,  
New Gloucester, Mr. John Merrill.  
Pearsontown,  
Royalborough,  
Gray,  
Raymondtown,  
Bakerstown,  
Sylvester,  
Bridgetown,

*County of* LINCOLN.

Pownalborough,  
Georgetown,  
New Castle, Mr. Jona. Jones, jun.  
Woolwich,  
Topsham,  
Bowdoinham,  
Boothbay,  
Bristol, Alexander Nichols, Esq.  
Vassalborough,  
Medumcook,  
Winslow,  
Waldoborough,  
Edgcombe,  
Pittston,  
Hallowell,  
Bellfast,  
Warren, Mr. Patrick Peables.  
St Georges,  
Winthrop,  
Thomastown,

*County of* BERKSHIRE.

Sheffield & Mt. } *The Sedgwick &*  
Washington. } *J. Fellows, Esq's.*  
Gt. Barrington, Wm. King, Esq.  
Partridgefield, Mr. Eben. Peirce.  
Williamstown,  
Windsor, William Clark, Esq.  
New Marlboro', Mr. Noah Church.  
Lanesboro', Col. Asa Barnes.  
Col. Jonathan Smith.  
Pittsfield,  
Lenox, Mr. Elias Willard.  
Stockbridge, John Bacon, Esq.  
Egremont,  
Tyringham, Capt. Josiah Brewer.

REPRESENTATIVES — *Concluded.*

<i>County of BERKSHIRE — Con.</i>	<i>Alford, Mr. John Adams.</i>
<i>Sandisfield, Josiah Ayrault.</i>	<i>New Ashford,</i>
<i>Becket, Nathaniel Kingsley, Esq.</i>	<i>Ashawelet-Equivalent.</i>
<i>Hancock, Samuel Hand, Esq.</i>	<i>Adams, Enos Parker, Esq.</i>
<i>Richmond,</i>	<i>New Providence,</i>
<i>Loudon,</i>	<i>Lee,</i>
<i>West Stockbridge,</i>	<i>Tauconick Mountain.</i>

By the return of the Votes of the qualified Electors in the several Towns within the Commonwealth, it appeared, that

His Excellency JOHN HANCOCK, Esq ;

Was chosen GOVERNOR, and

His Honor THOMAS CUSHING, Esq ; Lieutenant-Governor,

By a Majority of Votes.

The two Branches of the General Court made choice of the following Gentlemen, Councillors, to advise the Governor for the Current Year, viz,

Hon. Jeremiah Powell,	Benjamin Chadbourne,	Moses Gill,
William Seaver,	James Prescott,	Azor Orne,
Walter Spooner,	Samuel Holten,	Joseph Hawley, Esqrs.

And JOHN AVERY, Esq ; was elected Secretary.

The Honorable the Senate made choice of Mr. WILLIAM BAKER, jun. for their Clerk, and the Honorable House of Representatives made choice of Mr. G. R. MINOT, to be their Clerk.

## Chapter 1.

RESOLVE FOR ADJOURNING THE MARITIME COURT, TO THE 25<sup>TH</sup> *Chap. 1*  
JUNE INST.

*Whereas it appears to this court, that it will be inconvenient to the parties concerned and interested in the causes pending at the Maritime Court, of the middle district, to be held at Salem, upon the 11th day of June instant, to attend at that time:* Therefore,

*Resolved,* That the Maritime Court, appointed to be holden at *Salem*, upon the 11th day of *June* next, be, and hereby is adjourned and put off to the 25th day of the same Month, then to be holden at said *Salem*, in the county of *Essex*; and all causes now pending therein, or notified for trial there, upon the said 11th day, shall be

heard, tried and determined in the same manner, on the said 25th, as they could be upon the said 11th day, and all depositions and other proceedings taken for the same Court, shall be received upon the said 25th day, in the same manner as if they were taken to be there used.

June 1, 1782. -

## Chapter 2.

*Chap. 2* RESOLVE ON THE PETITION OF SARAH HENDERSON AND OTHERS, GRANTING THEM LIBERTY TO GO TO HALIFAX.

*On the petition of Sarah Henderson, Mary Anzul, Sarah Burrill, Naomi Bangs, and Rebecca Burton:*

*Resolved, That Sarah Henderson, Mary Anzul, Sarah Burrill, Naomi Bangs, and Rebecca Burton, have leave to go to Halifax in the next cartel, not to return again unless leave therefor be first obtained from the General Court, for reasons set forth in their petitions; and that the commissary of prisoners be, and he hereby is directed, to take especial care to prevent the aforesaid persons from conveying any letters of intelligence to the enemies of the United States.*

June 1, 1782.

## Chapter 3.

*Chap. 3* RESOLVE EMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE, FOR THE COUNTY OF BERKSHIRE, TO ASSESS SIX HUNDRED AND FORTY-FIVE POUNDS, TO DISCHARGE THE DEBTS DUE FROM SAID COUNTY, AND TO DEFRAY THE NECESSARY EXPENCES THEREOF.

*On a representation from the Court of General Sessions of the Peace, for the county of Berkshire:*

*Resolved, That the Justices of the Court of General Sessions of the Peace for the said county of Berkshire, be, and the said Justices hereby are enabled and empowered to direct an assessment of the sum of six hundred and forty five pounds, lawful money, to discharge the debts due from the said county, and to defray the necessary expences thereof, agreeably to the laws of this Commonwealth, and that the Secretary of this Commonwealth transmit this resolve to the Clerk of the said Court.*

June 3, 1782.

## Chapter 4.

RESOLVE GRANTING NINETY POUNDS TO JOHN HOPKINS, COMMISSARY OF PRISONERS, TO FIT OUT THE SLOOP DUXBOROUGH, AS A CARTEL. Chap. 4

*On the petition of John Hopkins :*

*Resolved,* That *John Hopkins*, be, and he is hereby directed, to fit out the sloop *Duxborough*, as a cartel, and to send in her to New York, as many naval prisoners now in his possession, for the purpose of having them exchanged for Americans, as she will conveniently carry.

And be it further *Resolved,* That in order to enable the said *Hopkins* to effect the same, the sum of *ninety pounds* be paid him out of the treasury of this Commonwealth; the said *Hopkins* to be accountable for the same.

*June 3, 1782.*

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## Chapter 5.

RESOLVE PERMITTING MARY HATHAWAY AND WEALTHY RUGGLES TO GO TO NEW-YORK. Chap. 5

*On the petition of Mary Hathaway and Wealthy Ruggles, praying for liberty to go to their husbands, at New York :*

*Resolved,* That the prayer of the petition be so far granted, that they have liberty to go to *New York*, in the first cartel, provided they go at their own expence, and do not return again without leave from lawful authority; and the commissary of prisoners is hereby directed to provide against the said petitioners carrying with them any letters or other papers, dangerous to the safety of the United States.

*June 3, 1782.*

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## Chapter 6.

RESOLVE ON THE MEMORIAL OF SAMUEL WOOD, OF NORTHBOROUGH. Chap. 6

*On the memorial of Samuel Wood, of Northborough :*

*Resolved,* That there be paid out of the treasury of this Commonwealth, to *Samuel Wood*, the sum of *eleven pounds four shillings and nine pence*, being the sum allowed to said *Wood* for his being agent for the estates of *Michael Martyn*, *James Eager*, and *John Eager*, as allowed by the Judge of Probate for the county of

*Worcester*, there being no personal estate in the hands of said agent, and the real estate being taken out of his hands by the committee for selling absentees estates in said county, agreeable to a resolve of the General Court for said purpose.

June 3, 1782.

### Chapter 7.

*Chap. 7* RESOLVE GRANTING THIRTY-SIX POUNDS SEVEN SHILLINGS AND TEN PENCE, TO JOHN CUNNINGHAM.

*On the petition of John Cunningham: Whereas the commissioners of the county of Worcester, have rendered their accounts to the Judge of Probate for said county, are now discharged as commissioners, and the monies arising from the sales of the estate of John Chandler, Esq; an absentee, are paid into the treasury: Therefore,*

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to *John Cunningham*, thirty-six pounds seven shillings and ten pence, being so much due from *John Chandler*, Esq; an absentee, for furniture received, provided that the effects of said *Chandler* amount to a sufficient sum to pay all the other creditors demands against said *John Chandler*.

June 4, 1782.

### Chapter 8.

*Chap. 8* RESOLVE APPOINTING A COMMITTEE TO RECEIVE, EXAMINE AND PASS UPON ALL ACCOUNTS, AS ALSO UPON PAY ROLLS.

*Resolved,* That *Abraham Fuller* and *Ephraim Starkweather*, *Seth Washburn*, *Joseph Noyes*, and *Miles Greenwood*, Esquires, be, and they are hereby appointed a committee, whose business shall be to receive, examine and pass upon all accounts (not otherwise ordered) which shall be exhibited to them for allowance, for services done in pursuance of any resolve or order of the General Court, provided such accounts be properly vouched and authenticated; and the doings of the said committee, agreeably to any vote or resolve of the General Court respecting such accounts, or any three of the committee, who are hereby constituted a quorum, shall be valid, as well during the recess as the sitting of the said Court.

And it is further *Resolved*, That said committee shall keep a particular record, expressing the names of the persons

whose accounts they shall allow, the towns to which they belong, for services done, and the sums allowed and paid to them respectively, which record shall be laid before the General Court once in every session, for their inspection.

And it is further *Resolved*, That said committee, or any three of them, as aforesaid, shall be authorized to pay any such accounts as shall be exhibited to them, that appears properly vouched and authenticated, as above-mentioned, and shall apply to the General Court from time to time for money for that purpose.

And it is further *Resolved*, That the above committee examine and pass upon the pay rolls of such troops as are or may be raised in the pay of this Commonwealth. And his Excellency the Governor, with advice of Council, is hereby requested to draw warrants for the payment of such rolls as they the committee shall allow, provided that the rolls so passed shall be agreeable to the resolves and orders of the General Court. *June 4, 1782.*

### Chapter 9.

RESOLVE ENTITLING JOSHUA GRAY TO A PENSION OF TEN SHILLINGS PER MONTH, FROM THE 11TH OF OCTOBER, 1776, TO THE 11TH OF APRIL, 1781. *Chap. 9*

*On the representation of John Lucas, commissary of pensioners, in favour of Joshua Gray :*

*Resolved*, That *Joshua Gray* be entitled to a pension of *ten shillings* per month, from the 11th day of *October*, 1776, the time he was wounded, until the 11th day of *April*, 1781, being four years and six months, and then to cease, he being after the last mentioned time fit for military duty. *June 4, 1782.*

### Chapter 10.

RESOLVE GRANTING FORTY-FIVE POUNDS TO ROSS WYMAN, FOR 1 FOUR POUND CANNON DELIVERED IN 1775. *Chap. 10*

*On the petition of Ross Wyman, praying for payment for 1 four pound cannon, which he delivered to Capt. Foster, of the Artillery Park, in the year 1775, as set forth in his petition.*

*Resolved*, That the prayer of the petition be granted, and that there be allowed and paid out of the treasury of this Commonwealth, the sum of *forty-five pounds*, in full compensation for said cannon. *June 5, 1782.*

## Chapter 11.

Chap. 11 RESOLVE ON THE PETITION OF CAPT. THOMAS HOVEY.

*On the petition of Capt. Thomas Hovey, praying to be impowered to draw certain monies out of the treasury that he has advanced to soldiers under his command.*

*Resolved,* That the prayer be so far granted, that the Treasurer be, and is hereby directed, to pay out of the public treasury, to Capt. *Thomas Hovey*, the sum of *thirty-five pounds three shillings and three pence*, upon his delivering to the Treasurer the receipts for the several sums set against the respective names, in the annexed schedule, any law or resolve to the contrary notwithstanding.

*June 5, 1782.*

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## Chapter 12.

Chap. 12 RESOLVE ON THE PETITION OF CAPT. JOB SUMNER.

*On the petition of Job Sumner, Captain of the third Massachusetts regiment in the Continental army, praying that his first depreciation note and also that the first depreciation notes of several soldiers (mentioned in a schedule accompanying said petition) may be paid them.*

*Resolved,* That the Treasurer be, and he hereby is directed, to pay the said *Job Sumner*, the sums due to him, and the soldiers referred to in his petition, their first depreciation notes, together with the interest, in orders or receipts upon such persons as the said *Job Sumner* shall name to him, having in their hands monies belonging to the Commonwealth.

*June 5, 1782.*

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## Chapter 13.

Chap. 13 RESOLVE ON THE PETITION OF LARKIN THORNDIKE.

*On the petition of Larkin Thorndike, setting forth that he has lately purchased part of the estate of Lendell Bowland, Esq.; an absentee, and that by misfortunes at sea and government's not paying him his just demands on them, he is at present unable to make payment for said estate, agreeable to his contract, therefore prays he may have the credit of government for four hundred pounds, for one year:*

*Resolved,* That the committee for the sale of absentees estates in the county of *Essex*, be, and they hereby are



directed and impowered, to take *Larkin Thorndike's* promissary note of hand for the sum of *four hundred pounds*, payable to the Hon. *Henry Gardner, Esq.*; Treasurer and Receiver General of this Commonwealth, or his successor in said office, for the use of government, in one year from the date of this resolve, with interest for the same till paid, which shall be received by said committee in part pay towards said estate, any law or resolve to the contrary notwithstanding. *June 5, 1782.*

### Chapter 14.

RESOLVE ON THE PETITION OF CAPT. AMOS LINCOLN, INTITLING HIM AND HIS COMPANY TO THE SAME PRIVILEGES AS THE OFFICERS AND SOLDIERS OF THE CONTINENTAL ARMY, AS FAR AS RESPECTS THEIR DEPRECIATION NOTES AND DIRECTING THE COMMISSARY TO SETTLE WITH SAID COMPANY, AND ALLOW THEM THEIR BACK RATIONS. *Chap. 14*

*On the petition of Capt. Amos Lincoln, praying that the officers and soldiers in his company may have their first depreciation notes paid them, also representing that he is taxed for his poll by the assessors of the town of Boston, which he conceives to be unjust:*

*Resolved*, That the prayer of the petition be so far granted, that the said Capt. *Lincoln* and his company shall be entitled to the same privileges as the officers and soldiers of the *Massachusetts* line of the Continental army are, as far as respects the payment of their depreciation notes.

And it is further *Resolved*, That the Commissary be directed to settle with the said Capt. *Lincoln* and officers under him, and allow them their back rations up to this time, and continue to issue them in future, agreeable to the establishment on which said company were raised.

*June 6, 1782.*

### Chapter 15.

RESOLVE ON THE MEMORIAL OF STEPHEN LONGFELLOW, DIRECTING THE SHERIFF OR DEPUTY TO RETURN NOT SATISFIED THE EXECUTION AGAINST THE TOWN OF GORHAM, ISSUED BY THE TREASURER OF THIS COMMONWEALTH. *Chap. 15*

*On the memorial of Stephen Longfellow.*

*Resolved*, That the sheriff of the county of *Cumberland*, his under sheriff or deputy be, and hereby is directed, to

return not satisfied the execution against the town of *Gorham*, issued by the Treasurer of this Commonwealth, on account of the deficiency of said town in procuring one of the quota of Continental soldiers assigned them by the resolve of the second day of *December*, 1780; that forty days from this time be allowed for determining the dispute between the said town and the town of *Newburyport*, respecting the soldier mentioned in said memorial, and if the said town shall within the said forty days produce a certificate from the muster master, who may decide said dispute that the said soldier belongs to the said town of *Gorham*, and deliver the same to the said Treasurer, then the Treasurer is hereby directed to discharge the said town of the sum required on account of said deficiency, but if the town of *Gorham* shall neglect to produce and deliver such certificate to the said Treasurer, within the space of time aforesaid, then the said Treasurer is hereby directed to issue alies executions against said town of *Gorham*, for said sum, with the cost of former execution.

And it is further *Resolved*, That executions against said town of *Gorham* for the beef taxes be, and hereby are directed, to be stayed for the space of two months from this time, any law or resolve to the contrary notwithstanding.

*June 7, 1782.*

## Chapter 16.

### Chap. 16 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF BARNSTABLE.

*On the petition of the selectmen of the town of Barnstable, praying that the whole public demand of the Treasurer of this Commonwealth, on Benjamin Goodspeed, constable for the town of Barnstable, be paid and discharged out of the money due from this Commonwealth to the town of Barnstable, for the six months soldiers wages paid by said town in the year 1780:*

*Resolved*, That the sum of *three hundred fifty-four pounds thirteen shillings and nine pence*, due from the said *Benjamin Goodspeed* to the Treasurer of the said Commonwealth, be deducted from the sum of *four hundred and eighty-four pounds twelve shillings*, due to the said town of *Barnstable* from the said Commonwealth; and the said

Treasurer is hereby directed and ordered to discount the said sum due from the said *Goodspeed*, out of the money due to said town accordingly.

June 6, 1782.

### Chapter 17.

RESOLVE ON THE PETITION OF *EDWARD MARTYN*.

Chap. 17

*On the petition of Edward Martyn, praying that a small real estate, given by will to him and others in shares, may be settled without a division of the land, for reasons mentioned in the petition.*

*Whereas it appears to this Court, that a division of said land will be attended with considerable loss to said heirs:* Therefore,

*Resolved*, That the Judge of Probate of wills for the county of *Worcester*, be, and he is hereby fully authorised and empowered to make a distribution and settlement of the real estate of *John Martyn*, late of *Northborough*, innholder, deceased, to and among his children, legatees, in the same proportions mentioned in said will, without a division of said land, in the same manner as if said deceased had died intestate, the said will or any law to the contrary notwithstanding.

June 7, 1782.

### Chapter 18.

RESOLVE RELATING TO FIRE ARMS DELIVERED BY A RESOLVE OF THE 20<sup>TH</sup> SEPTEMBER, 1777.

Chap. 18

*Whereas the General Court, by a resolve passed the 20th September, A. D. 1777, directed the Commissary General to furnish the eight months soldiers with fire arms and accoutrements, the same to be charged to their respective towns, and to be paid for by them, unless returned: And whereas in many instances such soldiers were compelled to deliver said fire arms and accoutrements to the keeper of the Continental store, previous to their departure from the army:* Therefore,

*Resolved*, That in all instances where it shall be made to appear to the committee for settling with public defaulters, by sufficient vouchers, that such fire arms and accoutrements were delivered to the keeper of said stores, that said committee be, and hereby are directed, to discharge such towns of all demands for the same.

And it is further *Resolved*, That the said committee be, and hereby are directed, to deliver to the committee for stating and methodizing public accounts, a list of all such fire arms, with the vouchers for the delivery of the same, to the keeper of the said stores, in order that the same may be charged to the United States.

*June 10, 1782.*

### Chapter 19.

*Chap. 19* RESOLVE ON THE PETITION OF *THOMAS FLYNT* AND OTHERS.

*On the petition of Thomas Flynt and others:*

*Resolved*, That his Excellency the Governor, with advice of Council, be requested to give a passport to *Benjamin Browne*, *James Kelley*, and *Thomas Flynt*, to return to their habitations in *Nova Scotia*.

Also *Resolved*, That the Commissary General furnish the said petitioners twelve days rations for sixty-five men.

Also *Resolved*, That the naval officer for the port of *Salem*, inspect all the letters and papers they may carry with them.

*June 10, 1782.*

### Chapter 20.

*Chap. 20* RESOLVE ON THE PETITION OF *EBENEZER CROSBY* DIRECTING THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES IN THE COUNTY OF *SUFFOLK* TO RECEIVE CERTAIN DEPRECIATION NOTES OF SAID *CROSBY*.

*On the petition of Ebenezer Crosby praying relief in case therein stated.*

*Resolved*, That the committee for the sale of estates of absentees in the county of *Suffolk*, be, and they hereby are empowered and directed, to receive of the said *Ebenezer Crosby*, certain depreciation notes paid to him by the Treasurer of this Commonwealth, for services as surgeon in the Continental army, and made payable on the first Day of *March* A. D. 1781, so far as may be sufficient to discharge a certain mortgage executed by *Joseph Crosby*, Esq; deceased, to *Issac Winslow*, Esq; an absentee, on the 5th of *August*, 1768 as security for the payment of *one hundred pounds*, lawful money, with interest thereon, and that on receipt thereof, the said committee

on the behalf of this Commonwealth, give a proper and legal discharge to the said *Crosby*, and cancel the said mortgage at the registers office in the county of *Suffolk*, aforesaid.

*June 10, 1782.*

### Chapter 21.

RESOLVE ON THE PETITION OF LIEUTENANT *WILLIAM ANDREWS.* Chap. 21

*On the petition of Lieutenant William Andrews,*

*Resolved,* That there be paid out of the treasury of this Commonwealth, the amount of the second depreciation note belonging to Lieutenant *William Andrews*, agreeable to the scale for adjusting said notes, for reasons set forth in his petition, any law or resolve to the contrary notwithstanding.

*June 10, 1782.*

### Chapter 22.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO PROCURE CERTAIN ARTICLES, ON THE PETITION OF *JOHN LANE*, IN BEHALF OF THE AMASCOGGIN INDIANS. Chap. 22

*On the petition of John Lane, in behalf of the Amascoggin Indians, praying to be supplied with a number of articles.*

*Resolved,* That the Commissary General be, and he is hereby directed, to procure the following articles (and send them to some suitable person who resides near where said Indians live, to be disposed of to said Indians at a reasonable price, and receive the pay therefor in skins or furs, which the Commissary is directed to receive on account of this Commonwealth) *viz.* two dozen fish hooks, five guns, twenty-six pounds gun powder, one hundred pound buck shot and musket ball, thirty-three blankets, one hundred sewing needles, thirteen Indian knives, cloth sufficient for thirteen pair Indian stockings, ten dozen flints, fourteen yards stuff for Indian petticoats, twenty pounds tobacco, two pounds vermilion, thirty-three shirts and shifts, or cloth sufficient to make them; and the Commissary aforesaid is directed to deliver such of the foregoing articles as he shall judge necessary, to the two Indians who are now in *Boston*.

And it is also *Resolved,* That such of the aforesaid arti-

cles as the Commissary General has not on hand, the Agent for this Commonwealth is directed to supply, provided he has them on hand.

June 10, 1782.

### Chapter 23.

*Chap. 23* RESOLVE ON THE PETITION OF THE SELECTMEN OF REHOBOTH, DIRECTING THE SHERIFF OF THE COUNTY OF BRISTOL TO RETURN THE EXECUTION UNSATISFIED.

*On the petition of the selectmen of Rehoboth, praying that the execution from the Treasurer of this Commonwealth, against said town, for seventeen men, ordered to be raised for filling up the Continental army, agreeably to a resolve passed in March last, be recalled without cost to the said town, for reasons set forth in the said petition:*

*Resolved,* That the prayer of the petition be so far granted, that the sheriff of the county of *Bristol* be, and he hereby is directed, to return the said execution wholly unsatisfied, and that the Treasurer of the Commonwealth be directed not to issue an alias execution against said town, until the 15th day of *July* next, which time is given to the said town of *Rehoboth* to compleat their returns of their quota of the men to be raised agreeably to a resolve of *March* last, for filling up the Continental army. And in case the said town shall make a regular return of their quota as aforesaid, by the time abovementioned, the said town shall not be subjected to any cost on account of the execution aforesaid, otherwise shall be holden to pay all the costs that have arisen or may arise by reason of their neglect.

June 10, 1782.

### Chapter 24.

*Chap. 24* RESOLVE DIRECTING THE TREASURER TO DELIVER THE COMMISSARY GENERAL ALL THE PEARL AND POT ASH IN HIS HANDS, AND TO DISPOSE OF THE SAME, TOGETHER WITH A QUANTITY OF BEEF AND LEAD.

*On the letter from the Commissary General to his Excellency the Governor, representing his want of sundry stores:*

*Resolved,* That the Hon. *Henry Gardner*, Esq; Treasurer of this Commonwealth, be, and he hereby is directed, to deliver to *Richard Devens*, Commissary General, all the pearl and potash belonging to the Commonwealth, now in his hands, taking his receipt for the same.

*Resolved*, That *Richard Devens*, Commissary General, sell, on the best terms he can, all the pearl and potash he shall receive of the Treasurer aforesaid; also that he sell five tons of lead, and between two and three hundred barrels of beef, and that with the proceeds he purchase such articles for the Commonwealth, as shall enable him to comply with the orders of government, he to be accountable for the same.

*June 10, 1782.*

### Chapter 25.

A GRANT OF TWENTY-FIVE POUNDS TO JOHN BROCK.

*Chap. 25*

*On the petition of John Brock:*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the said *John Brock*, the sum of *twenty-five pounds*, in order to support him in his very advanced age.

*June 10, 1782.*

### Chapter 26.

A GRANT OF SIX THOUSAND POUNDS, TO THE COMMITTEE APPOINTED FOR ALLOWING AND PASSING ACCOUNTS.

*Chap. 26*

*Whereas it appears to this Court, that a sum of money is necessary to be appropriated for the payment of such accounts as have or may be allowed by the committee for examining and passing accounts.*

Therefore *Resolved*, That the sum of *six thousand pounds* be paid out of the treasury of this Commonwealth, to the committee appointed for allowing and passing accounts, out of the monies to be drawn in by the State tax of *October* last; the said committee to be accountable for the expenditure of the money they shall receive.

*June 10, 1782.*

### Chapter 27.

RESOLVE APPOINTING THE HON. INCREASE SUMNER, NATHANIEL GORHAM, AND SETH WASHBURNE, ESQ'RS. TO REPAIR TO THE COUNTY OF BARNSTABLE, FOR THE PURPOSE MENTIONED IN A RESOLVE PASSED 30TH JANUARY 1782.

*Chap. 27*

*Whereas by a resolve of the General Court, made and passed the 30th day of January, 1782, Noah Goodman, Abner Holden, and John Fessenden, Esq'rs. were appointed a committee to repair to the county of Barnstable, and view the circumstances thereof, and hear all persons concerned, and report thereon: And whereas upon appli-*

cation from the several towns in the county of Barnstable, representing the distressful circumstances of the inhabitants of said county in general and their inability to comply with the requisitions of government for supplying their quota of men and beef for the Continental army, February 2, 1782 :

It was further *Resolved*, That *Noah Goodman*, *Abner Holden*, and *John Fessenden*, Esq's. appointed a committee by the said resolve of the 30th of *January* aforesaid, to go into the towns of *Yarmouth*, *Harwich*, *Eastham* and *Chatham* in the county of *Barnstable*, were directed to go into all the other towns in said county, for the purposes mentioned in said resolve, and make their report accordingly.

*And whereas the said Noah Goodman, Abner Holden, and John Fessenden, Esq's. have not attended that service:* Therefore,

*Resolved*, That the Honorable *Increase Sumner*, *Nathaniel Gorham* and *Seth Washburne*, Esq's. be a committee to be joined with such other person as the honorable Senate shall see fit to join, instead of the said *Noah Goodman*, *Abner Holden*, and *John Fessenden*, Esq's. to repair to the county of *Barnstable*, and view the towns therein, and report thereon, agreeable to the said resolves, anything in the aforesaid resolves notwithstanding.

*June 11, 1782.*

## Chapter 28.

### Chap. 28

RESOLVE ON THE PETITION OF NATHANIEL GLOVER.

*On the petition of Nathaniel Glover :*

*Resolved*, That the resolve of the General Court of the sixth of *May* last, empowering the said *Nathaniel Glover* to bring an action against *Ephraim* and *Josiah Bacon*, for obtaining the payment of a sum of money due on a bond given to *John Simpson* be and hereby is repealed and rendered of no effect. *Further Resolved*, that the said *Nathaniel Glover* be and he hereby is empowered to bring an action in his own name against *Ephraim* and *Josiah Bacon* for obtaining the payment of a sum of money due on their bond given to *Jonathan Simpson* for *one hundred pounds*, and to pursue the same action to final judgment and execution, any law or usage to the contrary notwithstanding.

*June 11, 1782.*



## Chapter 29.

RESOLVE MAKING AN ESTABLISHMENT FOR THE STAFF AND FIELD OFFICERS AND COMMISSIONED OFFICERS, WHO MARCHED IN THE ALARM IN OCTOBER LAST, FROM THE COUNTY OF BERKSHIRE. Chap. 29

*Resolved*, That all staff and field officers, and commissioned officers, commanding companies who marched on the alarm in *October* last, from the county of *Berkshire*, by order of *General Fellows*, make up their rolls for allowance, agreeable to the Continental establishment, for themselves and companies, and that said rolls, after being examined and allowed by the committee on muster rolls, be paid, and the same charged to the Continent.

*June 11, 1782.*

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## Chapter 30.

RESOLVE AUTHORIZING ELIZABETH FREEMAN, TO MAKE SALE OF THREE PIECES OF MARSH MENTIONED IN HER PETITION. Chap. 30

*On the petition of Elizabeth Freeman, wife of Isaac Freeman, of Boston, praying that she may be enabled to make sale of three small pieces of marsh, belonging to the estate of the said Isaac, for reasons mentioned in said petition:*

*Resolved*, That the prayer of said petition be granted, and that the said *Elizabeth* be, and hereby is fully authorized to sell the abovesaid pieces of marsh on the best terms she can, and make and execute a good and lawful deed or deeds of the said marsh, to any person or persons who shall purchase the same and apply the money arising by said sale to the purposes mentioned in said petition.

*June 13, 1782.*

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## Chapter 31.

RESOLVE ON THE PETITION OF REBEKAH MUNRO.

Chap. 31

*On the petition of Rebekah Munro, praying that she may receive the payment of monies due to her late husband, Capt. Edmund Munro, for reasons set forth in said petition:*

*Resolved*, That there be paid out of the public treasury, to the said *Rebekah Munro*, the monies due upon two depreciation notes, which were given to her late husband, *Capt. Edmund Munro*, and became payable the one on

the first day of *March*, 1781, and the other on the first day of *March*, 1782.

Further *Resolved*, That the executors or administrators of such officers and soldiers as have been slain in battle, or have died in actual service, be, and hereby are placed in the same situation for receiving the payment of the depreciation notes given to such officers and soldiers, as they themselves would be in were they still living and in actual service.

*June 14, 1782.*

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### Chapter 32.

*Chap. 32* RESOLVE EMPOWERING NATHANIEL GORHAM, ESQ; TO MAKE SALE OF THE LAND MENTIONED IN HIS PETITION.

*On the petition of Nathaniel Gorham, Esq; praying for license to make sale of certain lands in his petition mentioned, for reasons therein set forth:*

*Resolved*, That the prayer of the petition be granted, and that the petitioner be, and he is hereby fully empowered, to make sale of the land in his petition mentioned, for the most the same will fetch, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers, he observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving security to the Judge of Probate for the county of *Worcester*, that the proceeds of said sale shall (after deducting the charge of sale, and paying the deceased's just debts) be paid to the deceased's heir.

*June 13, 1782.*

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### Chapter 33.

*Chap. 33* A GRANT OF SIXTY POUNDS TO CHARLES CUSHING, ESQ; CLERK OF THE JUDICIAL COURT.

*On the petition of Charles Cushing, Esq; residing clerk of the Supreme Judicial Court:*

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to said *Charles Cushing*, the sum of *sixty pounds*, in full compensation for his services as clerk of the Supreme Judicial Court of said Commonwealth, from the 6th of *March*, 1781, to the 6th of *March* last.

*June 13, 1782.*

## Chapter 34.

RESOLVE ON THE PETITION OF COL. THOMAS MARSHALL. *Chap. 34**On the petition of Col. Thomas Marshall :*

*Resolved*, That the Treasurer of this Commonwealth be directed, and he is hereby accordingly directed, to receive of Col. *Thomas Marshall*, his depreciation note due in *March*, 1781, in part of what may be due from said *Marshall* to the committee for selling absentees estates in the county of *Middlesex*.

*June 15, 1782.*

## Chapter 35.

RESOLVE ON THE PETITION OF GILBERT DENCH, IN BEHALF OF THE TENANTS OF HARVARD COLLEGE, IN THE TOWNS OF HOPKINTON AND UPTON. *Chap. 35*

*On the petition of Gilbert Dench, in behalf of the tenants of Harvard College, in the towns of Hopkinton and Upton.*

*Whereas many and great inconveniences have arisen to the tenants of lands in the towns of Hopkinton and Upton, held by lease from the trustees appointed by the Court of Chancery, to purchase lands, for perpetuating the charity of Edward Hopkins, Esq; to Harvard College, and the grammar school in Cambridge, and also much difficulty to the said trustees from the present mode of collecting the quit-rents from the said tenants: Therefore,*

*Resolved*, That for the term of seven years next ensuing, all the lands held by lease from the trustees aforesaid, together with the polls, buildings and personal estates of the holders thereof, in the aforesaid towns of *Hopkinton* and *Upton*, shall be assessed in all taxes to be levied on the estates and polls of the inhabitants of this Commonwealth, as fully and in the same manner and proportions, as though the said lands were held in fee simple, by the possessors thereof; and that the collectors or constables of the said towns be, and they hereby are empowered and directed, to pay out of the sums by them received for taxes assessed as aforesaid, such quit-rents as may from time to time become due to the trustees aforesaid, into the hands of their Treasurer for the time being, taking duplicate receipts for the same. And the Treasurer of this Commonwealth is hereby directed, on receiving one of those duplicate receipts, to discharge the said constable or collector of so much of the tax or taxes committed to

him to collect, in the said town of *Hopkinton* or *Upton*, on any general assessment on the inhabitants of this Commonwealth: And in case the constables or collectors of the said towns, or either of them, shall refuse or neglect to pay the quit-rents aforesaid, to the Treasurer of the said trustees as aforesaid, the Treasurer of this Commonwealth is hereby directed, to issue his executions for the same, and on receipt thereof, to pay the amount of the said quit-rents into the hands of the Treasurer of the said trustees, taking duplicate receipts for the same, one of which to be deposited in the Secretary's office, any act or resolve of the General Court to the contrary notwithstanding.

*June 17, 1782.*

### Chapter 36.

*Chap. 36* RESOLVE REQUESTING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO REMOVE ABEL DUNSMORE AND OTHERS FROM NORTHAMPTON GOAL, TO THE GOAL IN BOSTON, AND TO PURSUE VIGOROUS MEASURES FOR THE APPREHENDING OTHER RIOTERS IN THE COUNTY OF HAMPSHIRE.

*Whereas Samuel Ely, before the Supreme Judicial Court holden at Northampton, within and for the county of Hampshire, on the last Tuesday of April last past, was convicted of high crimes and misdemeanors, and was thereupon sentenced to confinement for a term not yet elapsed: And whereas a large number of disorderly and seditious persons, on the 12th day of June current, riotously assembled, did violently break the goal in Springfield, in the said county, where the said Ely was confined, and thereupon set the said Ely at large, and perpetrated many other great and dangerous enormities, threatening the subversion of the constitution and the ruin of our liberties, and Abel Dinsmore, Perez Bardwell and Paul King, are now confined as being concerned in the said riotous conduct:*

*Resolved,* That his Excellency the Governor, by and with the advice and consent of Council be, and he hereby is requested, to issue his warrant, directed to the sheriff of the said county, to remove the said *Abel Dinsmore, Perez Bardwell, and Paul King*, under such guard as the said sheriff shall judge necessary, from the goal in *Northampton*, where they are now confined, to such goal as in the said warrant may be expressed, there to remain in

said custody until the said *Samuel Ely* shall be returned to goal, and until the said *Abel Dinsmore*, *Perez Bardwell*, and *Paul King*, shall give assurances of future quiet and peaceable behavior; and when the said *Samuel Ely* shall be so returned to prison, and they shall give such assurances, the Governor, with the advice and consent of Council shall be and hereby is empowered and requested, to release and discharge them respectively from their said confinement. And his Excellency the Governor, with the advice and consent of Council, is hereby requested to adopt and pursue such vigorous, effectual, and energetic measures, as may be necessary to reduce to subjection, and bring to condign punishment, the authors and perpetrators of the said tumult, and any person or persons who may oppose the due execution of law within the said county.

And it is further *Resolved*, That it is the indispensable duty of the good people of this Commonwealth, to give their aid to such measures as may be necessary for the purposes aforesaid, and to support the executive authority herein, with their lives and fortunes. And if the said *Ely* shall be returned to confinement, according to his said sentence, that the Governor, with the advice and consent of Council, be, and he is hereby empowered and requested, to cause him the said *Ely* to be removed to such place of safe confinement as they shall direct, in some common goal within this Commonwealth.

And it is further *Resolved*, That all persons who have heretofore aided the sheriff of the said county in support of the constitutional authority of this Commonwealth, and who shall hereafter aid him therein, shall be allowed and paid a reasonable sum therefor, their names, together with the rank they respectively hold in the militia, together with the time and nature of the service, being made known to the General Court by the said sheriff.

And it is further *Resolved*, That his Excellency the Governor be, and he is hereby requested, to make known to *Elisha Porter*, Esq; the said sheriff, the high estimation in which the Assembly hold the important services he has rendered the government in the execution of the duty of his office, in the time of danger; and that he request the said sheriff to present the thanks of the General Court to the well disposed inhabitants of the said county, to whose patriotic exertions the government is so

much indebted, and particularly to *Warham Parks*, Esq; Brigadier of the said county, for his zeal and firmness on an occasion so important, and to Capt. *Solomon Allen*, for his cool, gallant and spirited conduct on this and former emergencies.

June 17, 1782.

### Chapter 37.

Chap. 37

RESOLVE ON THE PETITION OF JOHN WEBBER.

*On the petition of John Webber, of Wells, setting forth, That he enlisted into the Continental service for three years, in January, 1777, and at the retreat at Ticonderoga, was captured by the enemy, and sent to Quebec, from thence to Great Britain, where he remained a prisoner in goal until the 15th of December, 1781; then being exchanged, went to France, from whence he returned home to Wells, the 28th of April last — praying he may be allowed his wages, &c. until he returned home:*

*Resolved*, That the prayer of the petitioner be so far granted, that the committee for settling with the army be, and hereby are directed, to settle with said *Webber* to the 31st of *December*, 1780, in the same manner as they settle with other soldiers in the Continental army for this State's quota, the same to be charged to the United States.

June 20, 1782.

### Chapter 38.

Chap. 38

RESOLVE ON THE PETITION OF ROBERT ORR, GUARDIAN TO MATILDA, STEPHEN AND OTHERS, CHILDREN OF STEPHEN WHITMAN, EMPOWERING HIM TO SELL THE UPLAND AND BUILDINGS MENTIONED.

*On the petition of Robert Orr, guardian to Matilda, Stephen, Independence and Mary, children of Stephen Whitman, deceased, praying for liberty to sell the real estate of said Whitman, containing thirty-nine acres of upland, with buildings thereon, lying in Bridgewater, in the county of Plymouth, for the benefit of said children, minors, for reasons set forth in his petition:*

*Resolved*, That the prayer of said petitioner be granted, and that the said *Robert Orr* be, and he is hereby empowered and directed, to make sale of said thirty-nine acres of upland, with the buildings thereon, for the most it will fetch, and to make out and execute a good and lawful

deed or deeds to the purchaser or purchasers, he observing the rules and directions of law for the sale of real estates by executors and administrators, he first giving bonds to the Judge of Probate for the county of *Plymouth*, for the proceeds of the sale and for the expenditure thereof.

*June 17, 1782.*

### Chapter 39.

RESOLVE EMPOWERING THE SELECTMEN OF THE TOWN OF CAMBRIDGE, TO MAKE SUCH ALTERATIONS IN THE GREAT-BRIDGE IN CAMBRIDGE, AS SHALL BE THOUGHT MOST BENEFICIAL TO THE PUBLIC.

*Chap. 39*

*On a representation to this Court, that in the year 1775, at the request of the commander in chief, the construction of the Great Bridge in Cambridge, over Charles River, was such, that the leaves of the same bridge might be drawn up in a perpendicular direction, for the purpose of preventing the access of the British army to the said town, which is now found very inconvenient to the adjacent towns, and to the public:*

Therefore *Resolved*, That the selectmen of the town of *Cambridge* be, and they are hereby empowered, to discontinue the leaves of the said bridge, and construct the same in such manner as shall be thought most beneficial to the public.

*June 17, 1782.*

### Chapter 40.

A GRANT OF SIXTY-SEVEN POUNDS TEN SHILLINGS TO ALEXANDER HILL.

*Chap. 40*

*Resolved*, That there be allowed and paid out of the public treasury, unto *Alexander Hill*, sixty-seven pounds and ten shillings, in full for his service from the first day of *November*, 1781, to the twentieth day of *March*, 1782, inclusive, as one of the committee for settling the accounts of the late Board of War.

*June 18, 1782.*

### Chapter 41.

RESOLVE EMPOWERING SAMUEL FISK, GUARDIAN TO ELISHA COX, A MINOR, TO MAKE SALE OF THE LAND MENTIONED IN HIS PETITION.

*Chap. 41*

*On the petition of Samuel Fisk, guardian for Elisha Cox, a minor, praying for liberty to sell a tract of land, for reasons set forth in his petition:*

*Resolved*, That the prayer of his petition be granted, and that he the said *Samuel Fisk*, in his capacity of guardian, is hereby authorised and empowered, to make sale of the said lands, for the most the same will fetch, and to make and execute a good and lawful deed or deeds to the purchaser or purchasers, he observing the rules and directions of law for the sale of real estates by executors or administrators, he first giving bonds to the Judge of Probate for the county of *Middlesex*, that the money arising by the sale shall be appropriated agreeable to the rules and directions of law.

June 18, 1782.

## Chapter 42.

### Chap. 42 RESOLVE ON THE PETITION OF JOSEPH LEE OF MARBLEHEAD.

*Upon the petition of Joseph Lee, of Marblehead, in the county of Essex, merchant, agent for the estate of Joseph Hooper, late of the same Marblehead, gentleman, an absentee:*

*Resolved*, That the actions mentioned in said petition, viz. an action commenced by *Robert Hooper*, of the same *Marblehead*, Esq; against said *Joseph Hooper*, and an action commenced by said *Robert Hooper*, *Robert Hooper* the third, and *Swett Hooper*, against said *Joseph Hooper*, at the Inferior Court of Common Pleas held at *Salem*, within and for said county of *Essex*, on the second Tuesday of *July*, A. D. 1775, which actions were re-entered in that Court on the second Tuesday of *July* last, agreeably to a former resolve of the General Court, and have been there further prosecuted and appealed to the Supreme Judicial Court, and now stand continued therein, be considered as if the same had been commenced against said *Joseph Lee* in his said capacity of agent, and had been regularly continued from said term of *July*, A. D. 1775, to the term of *July*, A. D. 1781, when the same were re-entered; and said agent, in his said capacity, may defend the same as if commenced as aforesaid, and the demand made in said actions, and all other demands against said *Joseph Hooper's* estate, shall be liquidated and adjusted according to the laws of this Commonwealth, concerning the estates of absentees, and the payment of debts due from them; and said agent shall have advantage in his said defence of all the laws and resolves of this



Commonwealth, which have at any time passed concerning absentees estates, and the payment of debts due from them, any former resolve of this Court notwithstanding.

*June 18, 1782.*

### Chapter 43.

RESOLVE ON THE PETITION OF *JONATHAN PETTIBONE*, ADMINISTRATOR ON THE ESTATE OF *JOSEPH KEELER*, LATE OF *LANESBOROUGH*, IN THE COUNTY OF *BERKSHIRE*, DECEASED.

*Chap. 43*

*On the petition of Jonathan Pettibone, administrator on the estate of Joseph Keeler, late of Lanesborough, in the county of Berkshire, deceased, praying for liberty to make and execute a deed of a certain lot of land to David Burton, for reasons set forth in his petition:*

*Resolved*, That the prayer of his petition be granted, and the said *Jonathan Pettibone*, in his capacity of administrator, be, and he is hereby fully empowered, to make and execute a good and lawful deed of the lands in his petition mentioned, to *David Burton*, he first giving bonds to the Judge of Probate for the county of *Berkshire*, that the proceeds of said sale shall be applied agreeable to the rules and directions of law.

*June 20, 1782.*

### Chapter 44.

RESOLVE ON THE PETITION OF *ELIZABETH HALL* AND *JOHN FREELAND*.

*Chap. 44*

*On the petition of Elizabeth Hall and John Freeland, praying for licence to make sale of certain land, &c. in their petition mentioned, for reasons therein set forth:*

*Resolved*, That the prayer of the petition be granted, and that the petitioners be, and they are hereby fully empowered, to make sale of said land and building in their petition mentioned, for the most the same will fetch, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers, they observing the rules and directions of the law, for the sale of real estates by executors and administrators, first giving security to the Judge of Probate for the county of *Middlesex*, that the proceeds of said sale shall be applied in manner following, *viz.* the whole be put on interest for the benefit

of the widow and heirs of the deceased, and the interest of one third part thereof paid annually to the deceased's widow, as dower, the other two thirds, both principal and interest, to be paid to the several heirs in legal proportion, as they respectively arrive at lawful age, and the principal of that part, the interest of which is assigned to said widow, as dower, at her decease, to be in like manner and in like proportion to said heirs.

June 18, 1782.

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### Chapter 45.

*Chap. 45* RESOLVE ON THE PETITION OF SAMUEL SEWALL, AND ABIGAIL HIS WIFE.

*On the petition of Samuel Sewall and Abigail his wife, praying for licence to make sale of sundry lots of land in their petition mentioned, for reasons therein set forth:*

*Resolved,* That the prayer of said petition be so far granted, as that the petitioners be, and hereby are empowered, to sell one lot of said land, viz. No. 124, containing about one hundred acres, and lying on *Presumpscutt* river, and that a deed of said lot, executed in common form by said *Samuel* and *Abigail*, shall be valid and effectual to pass the same, the nonage of said *Abigail* notwithstanding.

June 18, 1782.

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### Chapter 46.

*Chap. 46* RESOLVE DIRECTING COL. WILLIAM BURBECK, TO INSPECT ALL THE POWDER BELONGING TO THIS COMMONWEALTH, AND MAKE RETURN TO THE COMMISSARY GENERAL.

*Resolved,* That Col. *William Burbeck*, Inspector of powder, be, and he hereby is directed, to inspect all the powder belonging to this Commonwealth, as soon as may be, and make a return of the same to *Richard Devens*, Esq; Commissary General, and that on the receipt thereof, the said Commissary General be, and he hereby is directed, to get all the damaged powder work'd over as soon as possible.

June 18, 1782.

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### Chapter 47.

*Chap. 47* RESOLVE ON THE PETITION OF SAMUEL HIXSON.

*On the petition of Samuel Hixson, guardian to two of his children, viz, Chloe and Zilphe, intitled to an estate of*

*seventeen acres of land by their mother, deceased, praying for liberty to sell the same for the benefit of said children, as set forth in his petition:*

*Resolved*, That the prayer of the petitioner be granted, and that he the said *Samuel Hixson*, is hereby authorised and empowered, to make sale of said land for the most it will fetch, and to make and execute a good and lawful deed or deeds to the purchaser or purchasers, he observing the rules and directions of law, for the sale of real estates by executors and administrators, he giving bonds to the Judge of Probate, for the county of *Middlesex*, for the security of the proceeds of such sale, for the benefit of the said children.

*June 18, 1782.*

### Chapter 48.

RESOLVE ON THE PETITION OF *SETH BARNES*, OF *YARMOUTH*,  
IN THE PROVINCE OF *NOVA SCOTIA*. Chap. 48

*Upon the petition of Seth Barnes, of Yarmouth, in the province of Nova Scotia.*

*Whereas it appears to this Court, that the inhabitants of Yarmouth, in Nova Scotia, have in a variety of instances shewn a disposition of the most pacific and friendly tendency to the subjects of the United States, and have not taken any oath of allegiance to the crown of Great Britain, and ought to be held as in amity with this State:*

*And whereas certain persons in the private armed schooner Dart, on the night of the 26th of April last, took a schooner loaded with fish, and owned by the petitioner, then lying without sails in the harbour of said Yarmouth, and in the most outrageous manner, broke into the house of the petitioner, and took and carried off a variety of property, contrary to the true intent and spirit of their commission, and to the dishonour of the government under which they held their commission.*

Therefore *Resolved*, That the said *Seth Barnes*, be, and he hereby is authorized and empowered, to appear in any Maritime Court, and claim any property taken as aforesaid, and to institute and pursue to final judgment and execution, such suits in the Courts of Common Law, as may enable him to recover and receive all such property; and that in all Courts, whether of a maritime or common law jurisdiction, he be, and hereby is empowered, to exercise all the rights and privileges, as far as shall respect

such property, as fully as if he was an inhabitant of this Commonwealth; and the Courts aforesaid are hereby required and authorised, to allow him all the advantages and rights of a party in the said Courts, the same as if said *Seth Barnes* was a liege subject of this Commonwealth, any law or resolve to the contrary notwithstanding.

*June 19, 1782.*

### Chapter 49.

#### Chap. 49

RESOLVE ON THE PETITION OF *JOHN HUNT*.

*On the petition of John Hunt, setting forth, That at an Inferior Court of Common Pleas, last held at Boston, in and for the county of Suffolk, he commenced a suit against David Ropes, on which the said David made default, and that judgment by mistake was thereupon rendered for a sum less than the just debt or damage:*

*Resolved,* That the prayer of the same be so far granted, as that the judgment and execution therein mentioned be, and hereby is annulled and reversed, and that the Inferior Court of Common Pleas to be held at *Boston*, in and for the county of *Suffolk*, on the second Tuesday of *July* next, be, and hereby is authorised and empowered, to enter a new judgment on said action, and award execution thereon, in the same manner and form as if the same action had been entered at the said term; the said *Ropes* to be notified thereof, by serving him with a copy of this resolve, at least fourteen days before any further proceedings be had thereon, and the said *John* to pay the costs thereof, unless he recover a greater sum in damages than what was obtained on the last judgment.

*June 20, 1782.*

### Chapter 50.

#### Chap. 50

A GRANT OF THIRTEEN POUNDS AND ONE PENNY, TO COL. *DAVID BREWER*, FOR SUPPORTING SEVERAL INDIANS.

The committee appointed to enquire into the cause of the Indians at Col. *Brewer's* not returning home, have attended that service, and find that the said Indians are indebted to Col. *Brewer* for support, and for a Doctor for one of them while sick: Therefore,

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to Col. *David Brewer*,

the sum of *thirteen pounds one penny*, in full for his supporting said Indians, and the further sum of *four pounds* in full for the Doctor's bill.

June 20, 1782.

### Chapter 51.

RESOLVE ALLOWING PAY TO LEWIS DE MARESQUELLE, FOR THE TIME HE WAS ABSENT IN FRANCE. Chap. 51

*On the petition of Lewis de Maresquelle, praying that he may be allowed his salary for the time that he was absent in France, it being by permission from the General Court:*

*Resolved*, That the prayer of the petition be granted, and that he be allowed pay for the time he the said *Maresquelle* was absent in *France*.

June 20, 1782.

### Chapter 52.

RESOLVE GRANTING PAY TO LEVI SHEPHARD, ESQ; FOR SUNDRY SERVICES. Chap. 52

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to *Levi Shephard*, Esq; by a note, payable in the year 1785, the sum of *two hundred and six pounds ten shillings and four pence*, being the balance due to him, for pay while a Commissary of small stores, cloathing, &c. from the 4th day of *June*, 1777, to the 4th day of *May*, 1779 inclusive, including his back rations.

And also the further sum of *one hundred pounds sixteen shillings and five pence*, being the balance which appears to be due to the said *Levi*, for pay and rations for *Aaron Pardy*, an assistant to the said *Levi*, from the 15th of *October*, 1777, to the 31st *March*, 1779, including rations due to the said *Pardy*, to be paid in the same manner as above mentioned.

Also, the further sum of *seventy-five pounds sixteen shillings and four pence*, to be paid in like manner as above, being the balance which appears to be due to the said *Levi*, for the service of *Edmund Gale*, his assistant, from *June*, 1778, to *April*, 1779, including rations, and that the aforesaid sums be in full for the balance due from this Commonwealth to the said *Levi*, for himself and his said assistants, exclusive of a resolve of the 7th of *October*, 1779,

for *one thousand and thirty eight pounds*, which sum not having been paid to the said *Levi*, the said last mentioned resolve is hereby repealed and made null and void.

June 20, 1782.

### Chapter 53.

*Chap. 53* RESOLVE ON THE PETITION OF THE TOWN OF *BUXTON*.

*On the petition of the town of Buxton, setting forth, that there is a dispute between said town of Buxton and the town of Beverly, about a soldier for the Continental army on the requisition of the 2d of December, 1780.*

*Resolved*, That the Sheriff of the county of *York*, his under Sheriff or Deputy, that has or may have an execution against the said town of *Buxton*, for a deficient soldier upon the requisition of the 2d of *December*, 1780, be, and hereby is directed, to return the same not satisfied, and if the said town of *Buxton* shall, within forty days, produce a certificate from the muster master, who may determine the same that said soldier belonged to said *Buxton*, then the Treasurer of this Commonwealth is hereby directed, to discharge said town of *Buxton* from said deficiency, otherwise to issue an alias execution against said town therefor.

June 21, 1782.

### Chapter 54.

*Chap. 54* RESOLVE MAKING VALID THE NOTES ISSUED BY THE TREASURER, TO PAY THE BALANCES DUE TO THE OFFICERS AND SOLDIERS OF THIS STATE'S QUOTA OF THE ARMY, SIGNED BY ONE OF THE COMMITTEE.

*Whereas by an act passed the 10th of January, 1780, to provide for the security and payment of the balances due to the officers and soldiers of this State's quota of the Continental army, it is enacted, "That Thomas Daves and Richard Cranch, Esq's, be a committee to sign the notes issued out by the Treasurer to pay the said balances."* And whereas many inconveniences and delays have arisen, occasioned by the sickness or absence of one or either of the said committee, to remedy which, *Resolved*, that said notes may be signed by one of the said committee only, and such notes so signed, shall to all intents and purposes be as valid as if signed by both.

June 21, 1782.

## Chapter 55.

RESOLVE ON THE PETITION OF WILLIAM WARNER, DIRECTING THE TREASURER TO PAY THE INTEREST DUE ON HIS SECOND DEPRECIATION NOTE. Chap. 55

*On the petition of William Warner, setting forth, that by reason of great losses he sustained while in the Continental service, he is reduced to very distressing and perplexing circumstances, and therefore praying for payment of his second depreciation note, as some relief under his unhappy circumstances.*

*Resolved,* That the prayer of the petitioner be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to pay unto the said *William Warner*, the interest due on his second depreciation note, which became payable last *March*, any law or resolve to the contrary notwithstanding. *June 24, 1782.*

## Chapter 56.

RESOLVE FOR LENGTHNING THE TIME FOR THE SEVERAL TOWNS IN THIS COMMONWEALTH, TO MAKE RETURN OF THE CONTINENTAL BILLS OF THE OLD EMISSION, INTO THE SECRETARY'S OFFICE. Chap. 56

*Whereas it appears that the resolve passed the first of March last, directing all persons belonging to this Commonwealth, to give unto the clerk of their respective towns, an account of the sum or sums of the Continental bills of the old emission, in their hands, and directing said clerks to transmit to the Secretary of this Commonwealth, an account thereof, before the last Wednesday in May last, has not fully answered the desired end.*

*Resolved,* That the time for making return of the sum or sums of said bills that may still remain in the hands of individuals in this Commonwealth, be, and is hereby extended to the fifteenth day of *September* next; and that the several town clerks in this Commonwealth, to whom such returns may be made, conform to the directions of said resolve of *March* last; and the Secretary is hereby directed to publish this resolve in *Willis's* paper.

*June 21, 1782.*

## Chapter 57.

*Chap. 57* RESOLVE GRANTING FOUR HUNDRED NINETY POUNDS EIGHT SHILLINGS TO EDWARD TUCKERMAN, AND TWO HUNDRED TWENTY-SIX POUNDS TWELVE SHILLINGS TO JOHN JENKINS, FOR A QUANTITY OF FLOUR DELIVERED FOR THE USE OF THE CONTINENT.

*On the petition of Edward Tuckerman and John Jenkins, setting forth, that they have lent for the use of the Continent, two hundred and forty barrels of flour, containing four hundred and seventy-eight hundred weight :*

*Resolved,* That they be allowed and paid out of the public treasury, the following sums, viz. to *Edward Tuckerman, four hundred and ninety pounds eight shillings,* and to *John Jenkins, two hundred and twenty-six pounds, twelve shillings,* amounting in the whole to *seven hundred and seventeen pounds,* in full for said flour, which (aggregate) sum is to be charged to the United States, and deducted out of the first moiety of the Continental tax.

*June 21, 1782.*

## Chapter 58.

*Chap. 58* RESOLVE ON THE PETITION OF JAMES NICHOLS AND ANNA HAY, EMPOWERING THEM TO MAKE SALE OF SO MUCH OF EACH LEGATEE'S RIGHT IN SAID DECEASED'S REAL ESTATE AS WILL ANSWER THE PURPOSE MENTIONED.

*On the petition of James Nicholas and Anna Hay, executors to the last will and testament of James Hay, late of Stoneham, deceased, praying for licence to make sale of so much of said deceased's real estate as will be sufficient to pay his just debts and funeral charges, for reasons set forth in said petition :*

*Resolved,* That the prayer of said petition be granted ; and that the said petitioners be, and hereby are fully empowered, in their said capacity, to make sale of so much of each legatee's right in said deceased's real estate as will amount to his or her proportion of the just debts and funeral charges of the said deceased's (and charges of sale) and make and execute a good and lawful deed or deeds thereof, to the purchaser or purchasers, they observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving bond



to the Judge of Probate for the county of *Middlesex*, that the proceeds of said sale shall be applied to the purposes mentioned in said petition.

*June 28, 1782.*

### Chapter 59.

RESOLVE GRANTING ONE HUNDRED AND FIFTY POUNDS AND SEVEN PENCE, TO SAMUEL BALLARD AND BENJAMIN BLAKE, FOR INSPECTING CLOATHING. Chap. 59

*On the petition of Samuel Ballard and Benjamin Blake, praying for an allowance for inspecting 81,775 garments, for the United States of America :*

*Resolved*, That there be paid out of the treasury of this Commonwealth, the sum of *one hundred and fifty pounds and seven pence*, to *Samuel Ballard and Benjamin Blake*, in full for inspecting 81,775 garments for the use of the Continental army; and that the same be charged to the United States of America.

*June 21, 1782.*

### Chapter 60.

RESOLVE EMPOWERING CALEB DAVIS, ESQ; AGENT, TO MAKE SALE OF CLOATHING AND OTHER PUBLIC STORES NOT WANTED; AND EMPOWERING THE COMMISSARY-GENERAL TO SELL A QUANTITY OF BEEF AND GUN-POWDER; AND GRANTING SAID AGENT SIX HUNDRED POUNDS OUT OF SAID SALES FOR COMPLEATING THE SHIP TARTAR FOR SEA. Chap. 60

*Upon the memorial of the Hon. Caleb Davis, Esq; Agent for this Commonwealth :*

*Resolved*, That he be, and hereby is empowered and directed, to make sale of such cloathing and other public stores, not immediately wanted, and which are now in his possession, in such manner as he may judge most for the benefit of the Commonwealth.

*Resolved* also, That the Commissary General be, and hereby is empowered and directed, to sell, in like manner, one hundred and fifty barrels of salt beef, and fifty barrels of gun powder, the sums arising by the sales of the articles mentioned in these resolves, to be paid into the hands of the Treasurer, said Agent and Commissary taking duplicate receipts therefor, one of which for each of the sums so delivered to the Treasurer, to be lodged in the Secretary's office.

And it is further *Resolved*, That the Treasurer be, and he is hereby directed, to pay into the hands of *Caleb Davis*, Esq; out of the money arising by the above said sales, the sum of *six hundred pounds*, by him to be applied to the purpose of compleating the ship *Tartar* for sea; the said *Davis* to be accountable; and the remainder of the money to be applied to such purposes as the General Court shall hereafter order.

June 24, 1782.

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### Chapter 61.

*Chap. 61* RESOLVE INTITLING JOHN DUNCAN TO ONE-THIRD PAY FROM JANUARY 1776.

*Upon the representation of John Lucas, Commissary of pensioners, in behalf of John Duncan, a soldier in Col. Doolittle's regiment, in Adam Wheeler's company, who was wounded in his arm in the battle of Bunker-Hill, on the 17th of June, 1775, which renders him unable to get his livelyhood:*

*Resolved*, That the said *John Duncan* be intitled to one-third part of pay from *January 1, 1776*, and till he shall be fit for service.

June 22, 1782.

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### Chapter 62.

*Chap. 62* RESOLVE ON THE PETITION OF KATHERINE WENDELL, PERMITTING HER TO CONTINUE ON THE ESTATE MENTIONED.

*On the petition of Katherine Wendell, praying that she may be permitted to continue on the estate formerly belonging to William Brattle, Esq; at Cambridge:*

*Resolved*, That the prayer of the petition be granted; and that she be, and hereby is permitted to continue on said estate, till the further order of the General Court.

June 22, 1782.

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### Chapter 63.

*Chap. 63* RESOLVE ON THE PETITION OF JACOB DAVIS.

*On the petition of Jacob Davis:*

*Resolved*, That the prayer of his petition be granted; and that *Richard Devens*, Esq; Commissary-General, be, and hereby is directed, to receive of *Jacob Davis*, one hundred and forty-four pounds in certificates, in discharge of the debt mentioned; he the said *Richard* to be accountable for the same.

June 24, 1782.

## Chapter 64.

RESOLVE ON THE PETITION OF THE ASSESSORS OF THE TOWN OF DIGHTON. *Chap. 64*

*On the petition of the assessors of the town of Dighton, praying that the Treasurer's executions against said town, for the monies it is charged with, by reason of its neglecting seasonably to procure and deliver two Continental soldiers to the superintendent for the county of Bristol, may be stayed; and said town discharged of the same for reasons mentioned in said petition. And whereas it appears to this Court that said soldiers were enlisted and mustered before the 20th day of December last, but through the inattention of said assessors, were not timely delivered to said superintendent and properly received for:*

*Resolved, That the executions of the Treasurer of this Commonwealth aforesaid, for said monies, be stayed; and said town of Dighton be discharged thereof, paying such charges and costs as have arisen thereon. And the Treasurer of this Commonwealth, and the Sheriff of said county of Bristol, are hereby directed to receipt said town accordingly.*

*June 24, 1782.*

## Chapter 65.

RESOLVE ON THE PETITION OF TIMOTHY LYMAN, GRANTING HIM SIX POUNDS NINE SHILLINGS. *Chap. 65*

*On the petition of Timothy Lyman, setting forth, That he was employed by Elisha Porter, Esq; sheriff of the county of Hampshire, to bring certain letters from the said sheriff and Brigadier General Parks, to his Excellency the Governor, and praying allowance for his time and expences:*

*Resolved, That there be allowed and paid out of the public treasury, to the aforesaid Timothy Lyman, the sum of six pounds nine shillings, in full for his time and expences in performing the business, as set forth in said petition.*

*June 24, 1782.*

## Chapter 66.

RESOLVE EMPOWERING GIDEON BURT, OF SPRINGFIELD, TO MAKE SALE OF THE ESTATE MENTIONED IN HIS PETITION. *Chap. 66*

*On the petition of Gideon Burt, of Springfield, in the county of Hampshire, guardian to Electa Allis, a minor,*

*praying for liberty to sell a lot of common and undivided land, lying in West Springfield, in the county of Hampshire, for reasons in his petition mentioned:*

*Resolved*, That the prayer of the petition be granted, and that the petitioner, *Gideon Burt*, be, and he is hereby empowered, to make sale of the estate mentioned in his petition, and to make and execute good and sufficient deed or deeds to the purchaser or purchasers, he first giving bonds to the Judge of Probate for the county of *Hampshire*, that the proceeds of said sale shall be paid to the said *Electa*, when she comes to the age of twenty-one years, in case she arrives to that age, otherwise that the same shall be paid to the heirs at law of the said *Electa*, in the same proportion as the said estate would have descended if no sale thereof had been made. *June 24, 1782.*

### Chapter 67.

*Chap. 67* RESOLVE ON THE PETITION OF *BETHUEL BAKER*, IN BEHALF OF HIMSELF AND OTHERS, BELONGING TO THE CLASS IN THE TOWN OF *LANESBOROUGH*.

*On the petition of Bethuel Baker, in behalf of himself and others, belonging to the class in the town of Lanesborough, setting forth that said class, agreeable to the resolve of the General Court, of December 2, 1780, procured a man during the war for the Continental army, which man is now in actual service; notwithstanding said class is fined for a deficiency of a man:*

*Resolved*, That *Bethuel Baker*, and others, belonging to said class, be, and hereby are released and acquitted from said fine; and the execution issued against the assessors of the town of *Lanesborough*, for the deficiency of a man in said *Baker's* class, be discharged and considered as fully satisfied, the petitioners paying the cost that hath arisen thereon, for reasons set forth in said petition. *June 24, 1782.*

### Chapter 68.

*Chap. 68* RESOLVE ON THE PETITION OF *JOSEPH TRUMBULL*, OF *WORCESTER*, EMPOWERING THE COMMITTEE FOR THE SALE OF CONFISCATED ESTATES IN SAID COUNTY, TO SELL AND CONVEY THE MOIETY OF THE SHOP MENTIONED.

*On the petition of Joseph Trumbull, of Worcester, praying that the committee for the sale of confiscated estates*

*in the county of Worcester, may be empowered to sell and convey to him, one moiety of a shop, situated in Worcester, in said county, mentioned in said petition:*

*Resolved*, That the prayer of said petition be granted, and that *John Fessenden, Caleb Ammidown, and Jonathan Warner, Esq's.* the committee aforesaid, be empowered and directed to sell and convey, for a reasonable price, the moiety of said shop, formerly the property of *Dr. William Paine*, to said *Joseph*, and a good and sufficient deed thereof, in fee, to make and execute to him, and the monies from thence arising to account for, as for other monies arising from the sale of confiscated estates; in said county.

*June 24, 1782.*

### Chapter 69.

RESOLVE ON THE PETITION OF *RICHARD DEVENS, ESQ.*

*Chap. 69*

*On the petition of Richard Devens, Esq.*

*Resolved*, That the Committee appointed for the sale of the estates of conspirators and absentees, within the county of *Suffolk*, be, and they hereby are directed to cause the estate in the town of *Boston*, late the property of *Margaret Draper*, an absentee, now in the occupation of the said *Richard Devens, Esq;* by special order of government, to be appraised by three disinterested, judicious freeholders, under oath; and that they give a good and sufficient deed of the premises, in fee, to the said *Devens*, at the appraised value, upon his paying to the said committee a sum in specie adequate to the payment of such debts as shall be certified to them, by the Judge of Probate for the county aforesaid, to be due from the said estate; and in case the appraised value thereof shall exceed the said debts, the balance in such government securities as were given to him for monies, loaned by him for the use of government.

*June 24, 1782.*

### Chapter 70.

RESOLVE EMPOWERING *PRUDENCE GILBERT, OF BROOKFIELD,* TO MAKE SALE OF THE LAND MENTIONED.

*Chap. 70*

*On the petition of Prudence Gilbert of Brookfield, in the county of Worcester, praying for liberty to make sale of a small tract of land lying in Brookfield aforesaid, for reasons set forth in her petition:*

*Resolved*, That the prayer of the petition be granted; and that the said *Prudence Gilbert*, in her said capacity of guardian, is hereby fully authorised and empowered to make sale of the lands in her petition mentioned, for the most the same will fetch; and to make and execute a good and sufficient deed or deeds of the same to the purchaser or purchasers; she observing the rules and directions of law for the sale of real estates by executors or administrators, and giving bonds to the Judge of Probate for the county of *Worcester*, that the proceeds of said sales shall be laid out in purchasing real estate, which, when purchased, shall be for the use and benefit of the widow and heirs at law of *Jedediah Gilbert*, jun. late of *Brookfield*, deceased, in the same manner and proportion that they would have enjoyed the above mentioned real estate, if it had not been sold.

June 24, 1782.

### Chapter 71.

*Chap. 71* RESOLVE DIRECTING THE SECRETARY TO TRANSMIT A COPY OF A LETTER, DIRECTED TO THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS, RELATING TO THE JOURNALS OF CONGRESS.

*Ordered*, That the Secretary be, and hereby is directed, to transmit an authentic copy of the following letter, to the Delegates of this Commonwealth in Congress.

GENTLEMEN,

*Great inconveniences have arisen to this Commonwealth, by reason that the General Court has not been regularly supplied with the journals of Congress: You are therefore hereby directed, to forward three compleat setts thereof, directing them to the Secretary, for the use of the General Court, and to continue to send them as they shall in future be printed.*

To the Honorable *J. Lowell* and *S. Osgood*, Esq's.

June 24, 1782.

### Chapter 72.

*Chap. 72* RESOLVE ON THE PETITION OF NATHANIEL PHILLIPS, OF MARSHFIELD, LIBERATING HIM FROM CERTAIN RESTRICTIONS, HE TAKING AN OATH OF ALLEGIANCE TO THIS COMMONWEALTH.

*On the petition of Nathaniel Phillips of Marshfield, praying that he may be liberated from certain restrictions, laid on him by the General Court, in the year 1775:*

*Resolved*, That the prayer of the petition be granted, and that the said *Nathaniel Phillips* be set at liberty, and enjoy the privileges of other citizens of this Commonwealth, any resolve to the contrary notwithstanding, provided said *Phillips* take the oath of allegiance to this government.

June 24, 1782.

### Chapter 73.

RESOLVE ON THE PETITION OF JOHN STONE AND WILLIAM GROW, OF YORK, IN THE COUNTY OF YORK, GRANTING EIGHT POUNDS SEVENTEEN SHILLINGS AND FOUR PENCE, TO JOHN HOPKINS, ESQ; DEPUTY COMMISSARY GENERAL OF PRISONERS. Chap. 73

*On the petition of John Stone and William Grow, of York, in the county of York, praying to be paid for sundry necessaries delivered a cartel going from Boston to Penobscot :*

*Resolved*, That there be paid out of the treasury of this Commonwealth to *John Hopkins, Esq*; Deputy Commissary General, for the use of the said *John Stone* and *William Grow*, the sum of *eight pounds seventeen shillings and four pence*, for sundry necessaries delivered a cartel bound from *Boston* to *Penobscot* as aforesaid, the said *Hopkins* to be accountable for the same.

June 24, 1782.

### Chapter 74.

RESOLVE DECLARING VALID THE DOINGS OF ANY TWO OF EITHER OF THE COMMITTEES APPOINTED IN THE SEVERAL COUNTIES OF THIS COMMONWEALTH FOR SALE OF CONSPIRATORS AND ABSENTEES ESTATES. Chap. 74

*Whereas by reason of sickness and other necessary impediments, it is frequently impracticable that more than two of the committee appointed in the counties of this Commonwealth respectively, for the sale of estates of conspirators and absentees lying within the same, should be together for the purpose of transacting the business assigned them :*

*Resolved*, That any two of either of the said committees be a quorum for transacting business, and all deeds and releases which may have been already executed by any two of either of the said committees, or which may be by them executed in other respects conformable to the laws

and the resolves made and passed for the regulation of the said committees, be, and they hereby are considered and declared valid to all intents and purposes, as though the same had been executed by the whole number appointed as a committee in the respective counties as aforesaid.

June 24, 1782.

### Chapter 75.

**Chap. 75** RESOLVE ON THE PETITION OF JUNIPER BARTHIAUME, RECOLLECT, MISSIONARY TO THE PENOBSCOT TRIBE OF INDIANS.

*On the petition of Juniper Barthiaume, Recollect, missionary to the Penobscot tribe of Indians.*

*Resolved,* That his Excellency the Governor, be, and he is hereby requested, with the advice of Council, to provide for and accomodate the said *Juniper*, agreeably to his petition, in such manner as shall by his Excellency be judged most proper.

And it is further *Resolved,* That the Governor be empowered, with the advice of Council, to draw such sum of money out of the public treasury as may be necessary for the purpose aforesaid, provided the sum thus drawn does not amount to more than the value of the wages and rations which are already become due to the said *Juniper*, together with the additional sum of *thirty shillings*, to defray the said *Juniper's* expences during his present stay in the Town of *Boston*.

June 26, 1782.

### Chapter 76.

**Chap. 76** RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWNS OF CHESTERFIELD AND GOSHEN.

*On the petition of the Selectmen of the towns of Chesterfield and Goshen, praying that the one quarter part of the sum set to the town of Chesterfield, in the last valuation, may be set to the town of Goshen.*

*Resolved,* That the prayer of the petition be granted, and that the one quarter part of the sum set to the town of *Chesterfield*, in the last valuation, be taken from said town and set to the town of *Goshen*.

June 26, 1782.



## Chapter 77.

RESOLVE DIRECTING THE SHERIFF OF THE COUNTY OF SUFFOLK TO DISCHARGE JOHN VINCENT, AN INDIAN, FROM HIS CONFINEMENT IN GOAL. Chap. 77

*Whereas it appears to this Court, that John Vincent, an Indian, who is not a subject of this Commonwealth, and who lately came hither to transact with the said Commonwealth the public affairs of the nation to which he belongs, is now confined in the goal in Boston at the suit of a private person in violation of the law of nations.*

*Resolved, That the Sheriff of the county of Suffolk be, and he hereby is directed and required forthwith to discharge the said John Vincent from his confinement in the said goal.*

*June 26, 1782.*

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## Chapter 78.

RESOLVE ON THE PETITION OF SAMUEL PARTRIDGE. Chap. 78

*On the petition of Samuel Partridge, praying for remedy against injury he is liable to sustain in consequence of his receiving Governmental Securities to the amount of twelve hundred and seventy pounds, bearing date the 24th day of February, 1777, in part payment for two ships sold to the board of war for the use of Government; which securities according to the promise of the said board, ought to have been dated the 6th day of December, 1776.*

*Resolved, That the Treasurer be and he hereby is directed to proceed in the same manner in consolidating Governmental securities to the amount of twelve hundred and seventy pounds bearing date the 24th day of February, 1777, and given in favour of Samuel Partridge, as if said securities had been dated the 6th day December, 1776.*

*June 28, 1782.*

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## Chapter 79.

RESOLVE FOR EXTENDING THE TERM FOR THE SEVERAL CLASSES IN THIS COMMONWEALTH, BY A RESOLVE OF THE 7TH OF MARCH LAST, TO MAKE RETURNS INTO THE SECRETARY'S OFFICE AND PERMITTING THE DELINQUENT CLASSES TO PROCURE MEN FROM OTHER TOWNS AND REQUESTING THE GOVERNOR TO APPOINT MILITIA OFFICERS IN ANY DEFICIENT REGIMENT AND REPEALING A RESOLVE PASSED THE 20TH JUNE INSTANT. Chap. 79

*Whereas by the resolves of the General Court of the 7th of March and the 26th of April last, the several towns and*

*plantations within this Commonwealth were required and directed to raise their several proportions of the number of fifteen hundred men to serve in the Continental army for the term of three years, or during the war; and it appears to this Court from the returns made into the Secretary's office, that several classes in many of the towns and plantations aforesaid, are still deficient. And whereas General Washington has earnestly requested this Commonwealth immediately to furnish their quota of the army to enable him to put a period to the war, and establish their independence. And as these important objects cannot be attained unless the men are furnished agreeable to the General's request: Therefore,*

*Resolved,* That the time fixed by the resolves aforesaid for the several classes to furnish their men, be, and hereby is extended to the fifteenth day of *July* next, and the time for making returns into the Secretary's office to the twentieth day of the same *July*, the time for committing the assessment upon deficient classes to the Collectors to the twenty-fifth day of the same *July*. And that the time for issuing execution against delinquent Collectors be extended to the fifth day of *August*, and no longer; at which time the Treasurer is hereby directed to issue his executions according to the resolves aforesaid.

And to prevent further delay and to facilitate the raising the men according to the aforesaid resolves, It is further

*Resolved,* That the delinquent classes be, and hereby are permitted to procure their men from any town or plantation within this Commonwealth, provided the men so procured have not been previously engaged to serve for some other town or class, any law or resolve to the contrary notwithstanding. And that the militia of this Commonwealth may be in the greatest possible readiness to co-operate with General *Washington* and our *Allies* in concluding the present war:

*Resolved,* That his Excellency the Governor, be, and he hereby is requested to appoint militia officers in any deficient regiment or counties, and issue his orders to officers commanding Brigades within this Commonwealth, that they immediately take order that their several Brigades be forthwith equipped in all respects according to the militia law. And it is further

*Resolved,* That the Secretary be, and he hereby is

directed to publish these resolves in Willis's news paper: And it is further resolved, that the resolves of the 20th of June instant on this subject, be, and are hereby repealed.

June 27, 1782.

### Chapter 80.

RESOLVE DIRECTING MR. MOSES CHURCH AND MR. THOMAS WILLISTON TO RECEIVE A QUANTITY OF BEEF OF OLIVER PHELPS; ESQ; AT SPRINGFIELD, AND WEST-SPRINGFIELD, AND TO DISPOSE OF THE SAME FOR THE USE OF THIS COMMONWEALTH. Chap. 80

*Resolved*, That Mr. Moses Church and Mr. Thomas Williston, be, and they hereby are authorized to receive the barrel beef belonging to this state in the towns of Springfield and West Springfield, from Oliver Phelps, Esq; and to dispose of the same in the best manner they can, giving preference in the sale to purchasers for the use of the Continental army, and to receive therefor any securities that will answer as part of the requisition of Congress for the present year, or to send the said beef to Connecticut or the West Indies, or any other place for market at the risque of this state, or otherwise, as shall appear to them to be most prudent, and most for the benefit of this State: They the said Church and Williston to pay the net proceeds of the sale of said beef to the Treasurer of this Commonwealth as soon as may be.

June 27, 1782.

### Chapter 81.

RESOLVE ON THE PETITION OF DAVID STROUT, AND OTHER MATROSSES OF CAPE ELIZABETH AND FALMOUTH. Chap. 81

*On the petition of David Strout, and others, matrosses of Cape Elizabeth and Falmouth, under the command of Brigadier General Wadsworth praying that they may be allowed the same wages as were allowed to the soldiers under his command.*

*Resolved*, That the prayer of the petitioners be granted, and that the Committee on pay rolls, be, and they hereby are directed to make addition to the pay rolls already made out by said petitioners, so as to make the same equal to the Continental establishment for men that did duty in the eastern parts of this Commonwealth under

the command of said General; agreeable to a resolve of the General Court of *June 20th 1780*, the same to be charged to the account of the United States.

*June 27, 1782.*

### Chapter 82.

*Chap. 82* RESOLVE ON THE PETITION OF *SIMON FRYE*, IN BEHALF OF THE TOWN OF *FRYBOUGH*, DIRECTING THE TREASURER TO CAUSE A RETURN OF THE EXECUTION AGAINST SAID TOWN FOR DELINQUENCY OF MEN.

*On the petition and memorial of Simon Frye in behalf of the town of Fryburgh praying for relief, an execution being sent against the town of Fryburgh for the hard money tax so called, and also for the fines of two delinquent men both of which executions appear to be double what they ought to have been: Therefore*

*Resolved*, That the Treasurer of this Commonwealth, be, and he hereby is directed to cause the execution against the town of *Fryburgh* for the hard money tax so called to be returned satisfied, they paying one half the sum set against said town and the cost of execution; and the Treasurer is also directed to recall the executions against said town for the fines of two delinquent men, said town of *Fryburgh* procuring and delivering to the Continental officer one good effective man within forty days, any resolve to the contrary notwithstanding.

*June 28, 1782.*

### Chapter 83.

*Chap. 83* RESOLVE APPOINTING *THOMAS CRAFTS*, ESQ; MESSRS. *JOHN SIMPKINS*, *SAMUEL RUGGLES* AND *JOHN LOWELL* MANAGERS OF BOSTON LONG WHARF LOTTERY, IN THE ROOM OF *JOSEPH JACKSON*, ESQ; AND OTHERS, WHO HAVE DECLINED.

*On the petition of Giles Alexander, Clerk and agent to the proprietors of long wharf in Boston, setting forth, that, Joseph Jackson Esq; Oliver Wendell Esq; Samuel Austin Esq; and Mr. Henry Hill, who were appointed some of the managers of the Lottery granted in the year 1779, for the repair of said wharf, do not incline to continue any longer in that trust, and praying that four others may be appointed in their room, in order that the business of said Lottery may not be retarded:*

*Resolved*, That *Joseph Jackson, Oliver Wendell, Samuel Austin Esquires*, and *Mr. Henry Hill*, be, and are hereby excused from the further management thereof: and that *Thomas Crafts, Esq*; *Messieurs John Simpkins, Samuel Ruggles and John Lowell*, be, and are hereby appointed to that trust in their room, and invested with all the powers, and subjected to the same restrictions as the said managers heretofore were; any law or resolve to the contrary notwithstanding. *June 29, 1782.*

### Chapter 84.

RESOLVE DIRECTING THE TREASURER TO STAY EXECUTIONS AGAINST THE COLLECTORS IN THE COUNTIES OF YORK CUMBERLAND AND LINCOLN, FOR THE BALLANCE DUE UPON THE FIRST MOIETY OF THE TAX OF THREE HUNDRED AND THREE THOUSAND POUNDS GRANTED IN OCTOBER LAST. *Chap. 84*

*Whereas it appears to this Court that the Counties of York, Cumberland and Lincoln, are greatly embarrassed in their Lumber Trade, and have suffered greatly in their fishery, in consequence of the enemy's retaining possession of Penobscot:*

Therefore *Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to stay his executions against the Collectors in the aforesaid Counties for the ballance that may be due from them upon the first moiety of the tax of *three hundred and three thousand pounds* granted in *October* last, untill the first day of *September* next, and for the last moiety of the said tax, untill the first day of *November* next. *June 29, 1782.*

### Chapter 85.

RESOLVE FOR THE SETTLEMENT OF THE ACCOUNTS OF THE COMMITTEES FOR THE SALE OF ESTATES OF CONSPIRATORS AND ABSENTEES APPOINTING THE COMMITTEE FOR METHODIZING PUBLIC ACCOUNTS COMMISSIONERS FOR THIS PURPOSE THEN VESTING THEM WITH CERTAIN POWERS. *Chap. 85*

*Whereas it is necessary that there should be a settlement as early as possible with the several committees appointed to make sale of the estates of conspirators and absentees,*

*Resolved*, That *John Deming, Peter Boyer, and Stephen Gorham Esquires*, the committee for stating and methodizing the public accounts, be and hereby are appointed

commissioners for the purpose aforesaid, any two of them to be a quorum, to do, execute, perform and exercise the several powers, trusts, and businesses hereafter particularly mentioned, expressed, set forth and committed to the said commissioners, which commissioners shall as early as possible bring forward an adjustment and final settlement with the several and respective committees aforesaid, respecting the negotiation and sale of the said estates of conspirators and absentees, and the payment disposition and disbursement of the money arising from the sales of the said estates by them severally made. And the said commissioners shall be, and hereby are impowered and authorized to call before them the said committees, and any person or persons belonging to the said committees or either of them from time to time, as the said commissioners shall esteem necessary to know, investigate and discover any matter by the said committees, or person or persons members of said committees done and performed in the execution of the duties assigned them, and all their conduct and management in consequence of being appointed of the committees aforesaid. And that they call and bring before them any member or members of the said committees, and that they examine the person or persons so to be brought before them, respecting their conduct, management and performance of the duties which have been devolved on them in the premises; and shall examine such person or persons by interrogatories on oath, which oath the said commissioners are hereby authorized and impowered to administer or otherwise as they may think will tend most effectually to discover and know the truth.

And be it further *Resolved*, That all or any of said committees shall when required by said commissioners, render an account under oath of all their doings in the execution of their trust as aforesaid.

And if any one or more of said committees shall refuse upon the requisition of said commissioners to render an account under oath as aforesaid, and be thereof convict before the supreme judicial Court he shall be rendered incapable of holding any office either civil or military within this Commonwealth for a space not exceeding seven years. And it shall be the duty of the Attorney General by information to lay before the justices of the supreme judicial Court to be holden within the county

where such delinquent person or persons dwell, such fact or facts as may be transmitted to him by the said commissioners and the said justices thereupon shall proceed to the trial thereof as in other cases is provided by the Laws.

And the said commissioners are hereby authorized and impowered in their names to commence and prosecute to final judgment and execution, any suit or action at law against any person or persons, committee or committees, whom they shall think to be delinquent in the premises, and the Attorney General is hereby directed to commence or cause to be commenced such action or actions as may be necessary for the purpose of bringing to justice any such delinquent person or persons committee or committees as he shall be requested by the said commissioners.

And it is hereby further *Resolved*, That the said commissioners shall be and hereby are impowered to call and bring before them any person or persons to give evidence in the premises.

And to enable the said commissioners fully to execute and perform the trust hereby committed to them :

It is further *Resolved*, That they be, and hereby are impowered and authorized to issue their precepts, that is to say summons in the first instance, and if the same shall be ineffectual a *capias* or attachment (the said precepts being under their hands and seals) to summon and cause to come before them any person or persons within this Commonwealth, and the command or commands contained and expressed in such precepts shall be observed, obeyed and executed by the several sheriffs, their deputies and constables within the said Commonwealth.

And it is further *Resolved*, That the said commissioners shall from time to time receive any balances which may be found in the hands of any committee or committees, or any person or persons belonging to said committee or committees, and shall give receipts therefor, which shall be good vouchers for the sum or sums expressed in such receipts to the person or persons, committee or committees of whom received, and the money so received, together with all monies to be received by the said commissioners, shall be by them forthwith paid into the treasury of this Commonwealth, taking proper receipts therefor; and the said commissioners shall whenever thereto directed, make a true and just report to the Gen-

eral Court of their proceedings in consequence and by virtue of this appointment, and shall be accountable to such agent or agents, commissioner or commissioners, auditor or auditors, as the General Court shall appoint.

*July 1, 1782.*

### Chapter 86.

- Chap. 86* RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING AND SETTLING PUBLIC ACCOUNTS TO SETTLE THE ACCOUNTS OF MESSIEURS *Wales* and *Davis*, A COMMITTEE OF SUPPLIES FOR THE ARMY.

*Resolved*, That the committee for methodizing and settling public accounts, be directed to receive, examine and settle the accounts of Messieurs *Wales* and *Davis*, committee of supplies for the army, as soon as may be, and on compleating such settlements to report the same to the General Court. And the aforesaid committee of supplies are also directed to attend the committee for methodizing and settling public accounts, with all vouchers and papers necessary for the purposes aforesaid. *June 29, 1782.*

### Chapter 87.

- Chap. 87* RESOLVE GRANTING TWO HUNDRED THOUSAND POUNDS TO HONORABLE *JAMES LOVELL*, ESQ; RECEIVER OF THE CONTINENTAL TAXES LEVIED AND RAISED WITHIN THIS COMMONWEALTH.

*Resolved*, That there be granted and paid out of the public treasury unto the Honorable *James Lovell*, Esq; receiver of the continental taxes levied and raised within this Commonwealth, the sum of *Two hundred thousand pounds*, specie, being the sum granted by the General Court to and for the use of the United States, in, and by an act made and passed at their session in *February* last, entitled “ An act for apportioning and assessing a tax of *Two hundred thousand pounds*. *June 29, 1782.*

### Chapter 88.

- Chap. 88* RESOLVE DIRECTING THE COMMITTEE APPOINTED TO SETTLE WITH THE COMMITTEE OF SEQUESTRATION, TO PROCEED TO A FINAL SETTLEMENT OF THE BUSINESS.

*Resolved*, That *Increase Sumner*, *Lemuel Kollock*, and *Samuel Henshaw*, Esq's, the committee appointed by this Court to settle with the committee of sequestration,



be, and they are hereby directed, in the most speedy manner, to proceed to a final settlement of the business of their commission, and that they make report of their doings to this Court, on the second Tuesday of the next session.

*June 29, 1782.*

### Chapter 89.

RESOLVE REQUESTING HIS EXCELLENCY THE GOVERNOR TO TAKE SUITABLE MEASURES TO PROCURE, ONCE IN EVERY SIX MONTHS, A REGULAR RETURN OF THE MASSACHUSETTS LINE OF THE ARMY. Chap. 89

*Whereas many inconveniencies and disadvantages have happened to this Commonwealth, for the want of a regular return of the Massachusetts line of the army:*

Therefore *Resolved*, That his Excellency the Governor be, and he is hereby requested, to take proper measures to procure, once in every six months, a return of the *Massachusetts* line of the army, specifying the names of the men, the towns and counties for which they are in service, the date of their inlistment, and the time for which they are severally inlisted, and the regiment and company to which they belong, and the same to be from time to time laid before the General Assembly for their inspection.

*June 29, 1782.*

### Chapter 90.

RESOLVE FOR CONTINUING AN ACTION COMMENCED BY NATHAN MITCHELL, AGAINST BRIGGS THOMAS. Chap. 90

*Whereas the demand on which an action was brought by Nathan Mitchell, against Briggs Thomas, is public property, and attended with some peculiar circumstances:*

*Resolved*, That the action commenced by the said *Nathan Mitchell* against the said *Briggs Thomas*, at the Inferior Court of Common Pleas held at *Plymouth*, within and for the county of *Plymouth*, on the second Tuesday of *April* last, be continued to the second Tuesday of *October* next ensuing; and the Justices of said Court are hereby directed to continue the same cause accordingly.

And it is further *Resolved*, That the petitioner notify the said *Nathan Mitchell* to appear at this Court, on the second Wednesday of the next sessions, and shew cause, if any he have, why the prayer of said petition should not be granted.

*July 1, 1782.*

## Chapter 91.

## Chap. 91

## RESOLVE RELATIVE TO PENSIONERS.

*Whereas many persons, by reason of their having met with misfortunes while engaged in public service, have become pensioners; and whereas the reason on which such pensions were granted, in some instances have ceased:*

*Resolved,* That if any freeholder within this Commonwealth, an inhabitant of the town where any such pensioner usually dwells, shall by writing under his hand give information to the Justices of the Court of General Sessions of the Peace, that in his opinion there is no reason why such pension should be longer continued, in every such case the said Justices shall issue a notification to such pensioner, of such allegation, and notify his attendance before them, and the said Justices shall thereupon proceed to an examination thereof, and if in their opinion there is no reason why such pension should be continued, the said Justices shall cause their clerk to certify the same into the Secretary's office, who is hereby directed to lay such certificate before the General Court, as soon as may be after receiving the same.

*July 1, 1782.*

## Chapter 92.

## Chap. 92

## RESOLVE ADMITTING SILAS NEWCOMB, A PRISONER IN BOSTON GOAL, TO BAIL.

*On the petition of Silas Newcomb, now a prisoner in the common goal in Boston, in the county of Suffolk, praying that he may be discharged or admitted to bail:*

*Resolved,* That the prayer of the petition be so far granted, that the said *Silas Newcomb* be admitted to bail; and that *Joseph Gardner, Esq;* one of the Justices of the Peace for the said county, be, and he is hereby empowered and directed, to admit said *Silas Newcomb* to bail accordingly, he the said *Silas* entering into recognizance to this Commonwealth, in the sum of *one thousand pounds*, lawful money, with two sufficient sureties, in the sum of *five hundred pounds* each, for his personal appearance before the Justices of the Supreme Judicial Court, to be holden at *Boston*, in said county, on the fourth Tuesday of *August* next, and to answer to such matters as shall be charged against him, and abide the judgment thereof.

*July 1, 1782.*

## Chapter 93.

RESOLVE ESTABLISHING THE PAY OF THE HONORABLE COUNCIL, SENATE AND HOUSE OF REPRESENTATIVES. *Chap. 93*

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to each member of the honorable Council, the sum of *seven shillings and six pence* for each day that they may respectively attend in Council; and to each member of the honorable Senate, the sum of *seven shillings* per day that they respectively attend in Senate the present sessions; and to each member of the House of Representatives, the sum of *six shillings and six pence* for each day that they have Respectively attended in the House of Representatives the present session: and that their travel be paid in proportion, according to former custom, and but one travel be allowed to each session of the General Court. *July 3, 1782.*

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## Chapter 94.

RESOLVE INTITLING *GEORGE BACON*, TO ONE-THIRD PAY AS A SEAMAN. *Chap. 94*

*Upon the representation of John Lucas, Commissary of pensions, in behalf of George Bacon, on board the Continental ship Warren, Dudley Saltonstall Commander, who was wounded in his right arm, July, 1779.*

*Resolved*, That the said *George Bacon* be intitled to one third part of pay, from the time his pay ceased till the further order of this Court, or Congress.

*July 3, 1782.*

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## Chapter 95.

RESOLVE DIRECTING THE AGENT FOR THIS COMMONWEALTH TO SUPPLY LIEUTENANT COLONEL *JOHN POPKIN*, WITH CERTAIN ARTICLES OF CLOATHING. *Chap. 95*

*On the representation of Lieutenant Colonel John Popkin, that the rejected recruits have been re-mustered, and nine have been accepted, as fit for the Continental army; and are detained for the want of cloathing; and requesting they may be supplied:*

*Resolved*, That *Caleb Davis*, Esq; Agent for this Commonwealth, be, and he hereby is directed, to supply Lieutenant Colonel *John Popkin* with nine hats, nine

shirts, nine frocks, nine pair over-alls, nine pair shoes, and nine pair stockings, for the use of the aforesaid men; and that the same be charged to the United States.

July 2, 1782.

### Chapter 96.

*Chap. 96* RESOLVE AUTHORIZING THE COMMITTEE FOR SETTLING WITH THE ARMY, TO SETTLE THE ACCOUNTS OF JONATHAN WARNER AND JOHN ASHLEY, ESQ'S.

- *Resolved*, That *Samuel Austin, Thomas Walley and Loammi Baldwin*, Esq's. the committee for settling with the army, be, and hereby are authorized and appointed, to settle the accounts of *Jonathan Warner and John Ashley*, Esq's relative to the monies by them carried forward to the army.

July 2, 1782.

### Chapter 97.

*Chap. 97* RESOLVE ON THE PETITION OF EDWARD AND HEPZIBAH RAYMOND.

*On the petition of Edward and Hepzibah Raymond, relative to a judgment of Court they obtained against Seth Heywood, in the capacity as administrators on the estate of Jotham Bush :*

*Resolved*, That the petitioners be directed to serve the said *Seth Heywood* with an attested copy of their said petition; and notify him to appear at this Court, on the third Wednesday of its next sessions, to shew cause, if any they have, why the prayer of said petition should not be granted: And that all proceedings upon the action and judgment, in the said petition mentioned, be stayed in the mean time.

July 2, 1782.

### Chapter 98.

*Chap. 98* RESOLVE FOR ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, TO BE HOLDEN AT GREAT-BARRINGTON, IN THE COUNTY OF BERKSHIRE, TO THE SECOND TUESDAY OF SEPTEMBER NEXT.

*Whereas the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, by law appointed*

to be holden at Great Barrington, within and for the county of Berkshire, on the third Tuesday of August next, will be in a very busy season of the year, and thereby render it peculiarly inconvenient for persons having business at said Courts to attend the same at that time:

Therefore *Resolved*, That the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, which by law is to be holden at *Great Barrington*, within and for the county of *Berkshire*, on the third Tuesday of *August* next, be, and hereby is adjourned to the second Tuesday of *September* next, then to be holden at *Great Barrington*, within and for the county aforesaid: And that all appeals, writs, recognizances, warrants, and other processes already issued, taken and depending in the said Courts, or either of them, or that may hereafter be duly issued, taken and depending in said Courts, or either of them, which should have been returned or proceeded upon; and all matters and things which might be heard and determined by the said Courts at *Great Barrington* as aforesaid, be valid, and stand good, to all intents and purposes, in law; and shall be returned and proceeded upon, heard and determined by the said Courts, at the time appointed by this resolution for the holding of said Courts, any law to the contrary notwithstanding.

July 2, 1782.

## Chapter 99.

RESOLVE ON THE PETITION OF JAMES AVERY.

Chap. 99

*On the petition of James Avery, praying that the committee for settling with the army be directed to settle with him as an officer in Col. Allan's corps in the eastern department, in the same manner as officers of his rank in the Continental army are settled with:*

*Resolved*, That the committee for settling with the army be, and they are hereby directed, to settle with the officers of Col. *John Allan's* corps in the same manner as officers in the Continental army are settled with.

*Provided nevertheless*, That the said officers shall receive Treasurer's notes for the whole amount of the balance that should be found due to them.

July 2, 1782.

## Chapter 100.

*Chap.*100 RESOLVE AUTHORIZING A COMMITTEE TO REPAIR TO THE COUNTY OF HAMPSHIRE; AND TO TAKE MEASURES THAT SHALL APPEAR ELIGIBLE TO ENQUIRE INTO THE GROUNDS OF DISSATISFACTION; AND TO REMOVE GROUNDLESS JEALOUSIES IN SAID COUNTY: AND REPORT.

*Whereas it hath been represented to the General Court, that an uneasiness has lately taken place in the minds of some of the inhabitants of the county of Hampshire; and it is of importance still to preserve the union which has so remarkably prevailed:*

*Resolved,* That a committee be appointed to repair to the county of *Hampshire*, who are hereby authorised and directed to take such measures as to them shall appear eligible to call before them such persons in the said county as they shall think proper, to enquire into the grounds of dissatisfaction — to correct misinformations — to remove groundless jealousies; and to make report to the General Assembly (or in case they should not be sitting, to the Governor and Council) of their doings, and what further measures are necessary to be taken in the premises.

*July 2, 1782.*

## Chapter 101.

*Chap.*101 RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS TO ALLOW THE ACCOUNTS OF THE SEVERAL TOWNS IN THIS COMMONWEALTH. FOR THE SUPPLY OF SOLDIER'S FAMILIES, AGREEABLE TO A RESOLVE OF NOVEMBER 13, 1780.

*Whereas by a resolve of the General Court, of November 13, 1780, the several towns in this Commonwealth were directed to supply the soldiers' families, agreeable to a former resolve, wherein it was provided that said families should be supplied to the amount of one half their wages, at the stipulated price of the articles supplied, they lodging said half of their wages in the hands of the committee appointed for that purpose: And as it is apprehended that many towns have supplied said soldiers' families to a much larger amount than they were limited to by said resolve, without receiving any part of the wages of said soldiers, and have neglected to exhibit their accounts by the time directed in said resolve of 13th November, 1780; and as said soldiers are nearly all now settled with, and*

*the allowing said accounts will be wholly lost by the Commonwealth:* Therefore,

*Resolved*, That the committee on accounts be, and they hereby are directed, to allow such accounts as were exhibited agreeable to the resolves aforesaid, and no other, any law or resolve to the contrary notwithstanding.

July 2, 1782.

### Chapter 102.

RESOLVE ABATING FOUR SHILLINGS IN THE THOUSAND TO THE TOWN OF WARD, IN ALL FUTURE TAXES DURING THE PRESENT VALUATION, AND APPORTIONING THE FOUR SHILLINGS ON OTHER TOWNS MENTIONED. Chap.102

*Whereas it appears, that by a clerical mistake the town of Ward is assessed thirty-six shillings on the thousand by the last valuation, when the proportion on said town should have been but thirty-one shillings and eleven pence:*

Therefore *Resolved*, That *four shillings* on the thousand be abated said town of *Ward*, in all future taxes during the present valuation; and said *four shillings* be apportioned in manner following, on the towns in the county of *Worcester*, hereafter named, *viz.*

	<i>s.</i>	<i>d.</i>
On the town of <i>Worcester</i> , one shilling, . . .	1	0
<i>Spencer</i> , one shilling, . . .	1	0
<i>New Braintree</i> , six pence, . . .	0	6
<i>Royalston</i> , six pence, . . .	0	6
<i>Oakham</i> , six pence, . . .	0	6
<i>Oxford</i> , six pence, . . .	0	6
	4	0

July 2, 1782.

### Chapter 103.

RESOLVE GRANTING FORTY POUNDS TO ANDREW HENSHAW, ESQ: CLERK OF THE SUPREME JUDICIAL COURT, FOR PAST SERVICES. Chap.103

*On the petition of Andrew Henshaw, Esq: clerk of the Supreme Judicial Court, setting forth, that in performing the duties of his office for the year 1781, as far as the month of May in that year, and afterwards untill the bills of the new emission ceased to circulate, he received the fees of his office either in bills of the old emission, or in bills*

of the different States, in the new emission, to his great loss and disappointment; and prays for relief from this Court for his past services and losses:

Therefore *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to Andrew Henshaw, Esq; the sum of forty pounds, in full compensation for his past services to this day, and the losses mentioned in his petition.

And it is further *Resolved*, That this, and all former grants made to either of the clerks of the Supreme Judicial Court, are hereby declared to be made from the necessity of the present times; and ought never hereafter to be drawn into precedent; but the fees of that office are to be considered as the only emolument annexed thereto.

July 4, 1782.

### Chapter 104.

Chap.104 RESOLVE ON THE PETITION OF WILLIAM GRAY, DIRECTING THE LIBERATION OF WILLIAM ARNOLD.

*On the petition of William Gray, of Salem, in behalf of William Arnold, a native of Providence, in the State of Rhode Island:*

*Resolved*, That the prayer of the said petition be granted, and that the Commissary of Prisoners be, and he is hereby impowered and directed to set the said William Arnold at liberty accordingly.

July 3, 1782.

### Chapter 105.

Chap.105 RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO EXAMINE THE TAX ACT, PASSED SINCE THE 1ST JANUARY, 1780, AND TO REPORT A GENERAL ACCOUNT TO THE COMMITTEE APPOINTED TO GO INTO THE WESTERN COUNTIES.

*Resolved*, That the committee for methodizing the public accounts, be, and hereby are directed, to examine into the number and amount of the several tax acts that have been passed by the General Court since the first day of January, 1780, for what purposes those taxes were raised, how the money has been applied, and for what particular services, grants or debts payment has



been made, and to what amount, and report a general account of the same to the committee appointed to go into the western counties of this Commonwealth.

July 3, 1782.

### Chapter 106.

RESOLVE ALLOWING EXTRA PAY TO THE HON. PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND GRANTING *THIRTY POUNDS* TO EACH OF THE CLERKS OF THE GENERAL COURT. Chap.106

*Resolved*, That there be paid out of the treasury of this Commonwealth, to the Hon. *Samuel Adams*, Esq; President of the Hon. Senate, the sum of *five shillings* and *eight pence*, per day, over and above the pay of the members, and to the Hon. *Nathaniel Gorham*, Esq; *five shillings* and *eight pence* per day, over and above the pay of the members of the House of Representatives.

And it is further Resolved, that the sum of *thirty pounds* be paid to Mr. *William Baker*, jun. clerk of the honorable Senate; and *thirty pounds* to Mr. *George Richards Minot*, clerk of the House of Representatives, they to be accountable.

July 3, 1782.

### Chapter 106A.\*

HONORABLE SAMUEL ADAMS, NATHANIEL GORHAM AND ARTEMAS WARD, ESQUIRES, APPOINTED A COMMITTEE TO REPAIR TO THE COUNTY OF HAMPSHIRE, FOR THE PURPOSES MENTIONED IN THE RESOLVE PASSED THE 2<sup>D</sup> INST. Ch. 106 A

*Ordered*, That *Samuel Adams*, *Nathaniel Gorham* and *Artemas Ward*, Esquires, be a committee to repair to the county of *Hampshire*, for the purposes expressed in a resolve of the General Court of the 2<sup>d</sup> instant; and report, as in the said resolve is mentioned.

July 3, 1782.

### Chapter 107.

RESOLVE ON THE PETITION OF THE TOWN OF BEVERLY, RESPECTING THEIR VALUATION. Chap.107

*On the petition of the town of Beverly, sitting forth that said town on the last valuation, was set at £10. 19s. in a thousand pound, considerably above its due proportion.*

*Resolved*, That *sixteen shillings* and *six pence*, in a thousand pound, be deducted from, and taken off of the

\* Not numbered in Session Pamphlet.

town of *Beverly*, and apportioned upon the other towns in the county of *Essex*, according to the first Schedule hereto annexed, agreed on by said county : And that said town of *Beverly*, instead of £.10. 19s. stand at *Ten pounds two shillings and six pence*, in a thousand pound, on said valuation, and that the other towns in said county stand charged, and pay in all taxes and assessments, apportioned on said valuation, according to the second Schedule, hereto annexed.

<i>First Schedule.</i>				<i>Second Schedule.</i>			
	£.	s.	d. f.		£.	s.	d. f.
<i>Salem,</i>	0	2	6	<i>Salem,</i>	22	4	6
<i>Danvers,</i>	0	0	10	<i>Danvers,</i>	7	6	10
<i>Newbury,</i>	0	1	3	<i>Newbury,</i>	11	2	3
<i>Newburyport,</i>	0	1	6	<i>Newburyport,</i>	13	12	6
<i>Ipswich,</i>	0	1	5	<i>Beverly,</i>	10	2	6
<i>Marblehead,</i>	0	0	9	<i>Ipswich,</i>	12	17	6
<i>Gloucester,</i>	0	0	10	<i>Marblehead,</i>	7	7	9
<i>Lynn,</i>	0	0	8	<i>Gloucester,</i>	7	16	2
<i>Andover,</i>	0	1	2	<i>Lynn,</i>	6	7	5
<i>Rowley,</i>	0	0	8	<i>Andover,</i>	10	9	6
<i>Haverhill,</i>	0	0	9	<i>Rowley,</i>	5	19	2
<i>Topsfield,</i>	0	0	4	<i>Haverhill,</i>	6	14	9
<i>Salisbury,</i>	0	0	7	<i>Topsfield,</i>	3	2	11
<i>Almsbury,</i>	0	0	6	<i>Salisbury,</i>	5	3	0
<i>Boxford,</i>	0	0	5	<i>Almsbury,</i>	4	13	11
<i>Bradford,</i>	0	0	6	<i>Boxford,</i>	3	18	8
<i>Methuen,</i>	0	0	5	<i>Bradford,</i>	4	8	11
<i>Wenham,</i>	0	0	2	<i>Methuen,</i>	3	15	9
<i>Manchester,</i>	0	0	2	<i>Wenham,</i>	1	19	2
<i>Middleton,</i>	0	0	3	<i>Manchester,</i>	1	3	7
				<i>Middleton,</i>	2	12	6
	£.0	16	6 0		£.153	0	0 0

July 3, 1782.

### Chapter 108.

*Chap.108* RESOLVE DIRECTING THE TREASURER TO ISSUE HIS WARRANT TO EBENEZER TURRILL TO COLLECT AND PAY THE SUM OF £.128 9 6 BEING FOR THE DEFICIENCY OF A CLASS IN THE TOWN OF LENOX, AND DIRECTING EXECUTION TO BE RETURNED UNSATISFIED, AND IN DISCHARGING THE ASSESSORS.

*Whereas it appears that William Wells, Luther Bate- man and Stephen Crittendon assessors for the town of Lenox in the county of Berkshire, for the year 1781, did sometime in the month of December the same year, make and deliver to Ebenezer Turrill, then Constable of said Lenox, a tax or assessment on a class in said town, of*

which Colonel Caleb Hyde was head, amounting to the sum of One hundred twenty eight pounds nine shillings and six pence, said class then being deficient of an able bodied effective man to serve in the continental army for three years or during the war, and made a certificate of the same, directed to the Treasurer of this Commonwealth, which certificate (by accident) has failed of being delivered to said treasurer. And whereas the said treasurer hath since issued an execution against the said William Wells, Luther Bateman and Stephen Crittendon for their not assessing the class aforesaid, which execution is now in the hands of the sheriff of said county of Berkshire, in force against them.

*Therefore Resolved*, That the treasurer of this Commonwealth, be, and he hereby is directed to issue his warrant to the said *Ebenezer Turrill*, to collect and pay in to him or his successor the aforesaid sum *One hundred twenty eight pounds, nine shillings and six pence* agreeable to the resolves of the General Court of the 20th of *October* 1781, for the collecting and payment of any rate made in obedience to the same resolves, saving so far as relates to the time of payment to be made to the treasurer, which shall be on the first day of *September* next.

And it is further *Resolved*, That if the amount of said assessment is not paid into the treasurer on or before the said first day of *September* next, then the Treasurer shall be, and hereby is directed and required to issue his execution against said *Ebenezer* for the whole of said sum or such part thereof as shall then remain due, returnable in thirty days from the date thereof.

And be it further *Resolved*, That the execution aforesaid be returned wholly unsatisfied, & the said assessors finally discharged therefrom, they paying the legal costs incurred on the same, any law or resolve to the contrary notwithstanding.

*July 3, 1782.*

### Chapter 109.

RESOLVE EXPRESSIVE OF THE DETERMINATION OF THIS COMMONWEALTH TO ADHERE FIRMLY TO THE CAUSE OF THE UNITED STATES OF AMERICA.

*Chap.109*

*Whereas the King of Great Britain despairing to effect the subjugation of the United States of North America by*

*menaces and the violence of a cruel and vindictive war, entertains the idea of effecting his purpose by artfully disseminating the seeds of disunion among ourselves, and detaching some of these United States, or some bodies of men therein from the common cause, and from a connection with our illustrious Ally.*

*Resolved Unanimously,* That every idea of deviating from the treaty of the *United States* with his *Most Christian Majesty* in the smallest article, or of listning to proposals of accommodation with the Court of *Great Britain* in a partial and separate capacity, shall forever be rejected by us with the greatest abhorrence and detestation. And as we engaged in the present war with a solemn determination to secure if possible the rich blessings of freedom to the present and future generations, a determination which we are firmly persuaded was suitable to the dignity of our nature and the precepts of our religion and which we therefore reflect on with the highest satisfaction: so we will persevere in our utmost exertions to support the just and necessary war we are engaged in, and with the aid of that Almighty and most merciful Being who has ever appeared for us in our distress, we will prosecute the war with unremitting ardor, until the independence of the *United States* shall be fully recognized and established. *July 4, 1782.*

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### Chapter 110.

*Chap.110* RESOLVE PERMITTING SETH BARNES TO RETURN TO YARMOUTH IN NOVA SCOTIA.

*On the petition of Seth Barnes.*

*Resolved,* That the said *Seth* have, and he hereby has permission to return to *Yarmouth* in *Nova Scotia* in any vessel to whom a safe conduct may be granted, and to take with him one barrel of flour, one of rum, and one of coffee.

*July 4, 1782.*

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### Chapter 111.

*Chap.111* RESOLVE ON THE MEMORIAL OF ABEL WILDER, DIRECTING THE COMMITTEE ON ACCOUNTS TO RECEIVE THE ACCOUNTS MENTIONED, AND TO EXAMINE AND ALLOW THE SAME.

*On the memorial of Abel Wilder, praying that the committee on accounts may be impowered to receive the accounts set forth in said memorial for examination and payment.*

*Resolved*, That the committee on accounts, be, and they are hereby impowered to receive the aforesaid accounts for examination allowance and payment, any order or resolve to the contrary notwithstanding. *July 4, 1782.*

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### Chapter 112.

RESOLVE ON THE PETITION OF *SETH HAYWOOD*, DIRECTING THE JUSTICES OF THE INFERIOR COURT FOR THE COUNTY OR *WORCESTER*, TO PROCEED IN THE HEARING AND DETERMINATION OF THE ACTION MENTIONED. *Chap.112*

*On the petition of Seth Haywood, setting forth that certain mistakes had taken place in a resolve of this Court of the 28th of February last, the word Wednesday being twice mentioned by mistake in the said resolve, in the place of Tuesday.*

Therefore *Resolved*, That the justices of the inferior Court of common pleas for the county of *Worcester*, be, and they are hereby directed to proceed in the hearing and determination of the action in the said resolve mentioned, any mistake or want of form in the said resolve, or the proceedings thereon notwithstanding.

*July 4, 1782.*

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### Chapter 113.

RESOLVE DIRECTING THE JUDGES OF PROBATE TO CALL TO ACCOUNT ALL AGENTS FOR THE ESTATES OF ABSENTEES, AND AUTHORIZING THEM TO RECEIVE SUCH SUMS OF MONEY AS THEY HAVE RECEIVED. *Chap.113*

*Whereas sundry resolves have passed the General Court of this Commonwealth, calling upon agents on the estates of absentees, to pay into the public treasury, all such sums of money as they have received in their said capacity; notwithstanding which several of the said agents have retained large sums of money in their hands to the present time, whereby the Commonwealth will sustain great loss, unless measures are adopted to prevent the same.*

Therefore *Resolved*, That the judges of probate in the several counties in this Commonwealth, be, and they are hereby directed without loss of time, to call to account all persons who have been nominated and appointed by themselves, or their predecessors in office, agents for the estates of absentees, and who have hitherto neglected

fully to account for, and pay into the treasury of the Commonwealth, the monies received in their said capacity, and the said judges of probate are hereby severally authorized and directed to receive of the agents so appointed in their respective counties, such sums of money as shall be equal in value by the scale of depreciation, to the sums so received by the said agents, and still remaining in their hands, and transmit the same as soon as may be to the treasurer of this Commonwealth, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office. And in case any agent appointed as aforesaid, shall neglect or refuse to account with the judge of probate, or to pay to him the value in the manner abovementioned, of the sums he has received in his said capacity, such judge of probate is hereby directed to put in suit the bond given by such agent and his sureties, and recover the balances remaining in his hands, and such balance to transmit to the treasurer as aforesaid.

*And whereas the agents on the said estates were first directed to pay into the treasury of the Commonwealth, the sums by them respectively received, by a resolve of the General Court of May 3, 1779.*

It is further *Resolved*, That if any agent has still monies in his hands, which he received in said capacity before the said 3d day of *May*, he shall be holden to pay therefor no more than if he had received the same, on the same third day of *May*, any thing in this resolve to the contrary notwithstanding. *July 4, 1782.*

## Chapter 114.

*Chap. 114* RESOLVE DIRECTING THE AGENT FOR RECEIVING BEEF IN THE COUNTY OF CUMBERLAND, TO DELIVER TO THE COMMISSARY-GENERAL THE BEEF ON HAND, IN ORDER TO BE DISPOSED OF.

*Resolved*, That the agent for receiving beef in the county of *Cumberland*, be, and he hereby is directed to deliver to the Commissary General what beef he has in his care in said county, and that the Commissary General, be, and he hereby is directed to dispose of so much of the same at public or private sale, as he shall judge necessary. *July 4, 1782.*

## Chapter 115.

MESSAGE FROM THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES, IN ANSWER TO HIS EXCELLENCY THE GOVERNOR'S, RESPECTING THE BIRTH OF A DAUPHIN OF FRANCE. Chap.115

*Ordered*, That *Nathan Cushing* and *Jonathan Greenleaf*, Esquires, on the part of the Senate, and Captain *Patch*, Doctor *Manning*, and Mr. *Goodill* on the part of the House, be a committee to wait on his Excellency the Governor with the following message.

*May it please your Excellency.*

The Senate and House of Representatives in General Court assembled, have received with particular pleasure the communication your Excellency has been pleased to make, that the minister plenipotentiary of his *Most Christian Majesty* has announced to the *United States* in Congress assembled, the birth of a *Dauphin* of *France*.

We share in the lively joy which this happy event has given the most Christian King, and the nation over which he reigns, a Prince in whom these *United States* have found a most faithful ally, and a nation who have freely expended their treasure and their blood in the defence of the rights of mankind. We request your Excellency, with advice of Council, to take such measures as in your wisdom shall be thought proper, to express in a public manner the common joy upon this auspicious occasion.

And, we also request your Excellency to express to the Minister Plenipotentiary of his *Most Christian Majesty*, our congratulations on an event which tends to the stability of a monarchy, with which we are connected by every sentiment of affection. *July 4, 1782.*

## Chapter 116.

A GRANT OF 18s. TO HONORABLE STEPHEN CHOATE, ESQ. Chap.116

*On the representation of Stephen Choate, Esq.*

*Resolved*, That the said *Stephen Choate*, Esq; be, and he hereby is directed to pay into the public treasury, the sum of *twelve pounds*, received by him for the rent of *Thatcher's Island*, for the year 1781, taking duplicate receipts therefor, and lodging one of the same in the Secretary's office.

*Resolved* further, That there be allowed and paid out of

the public treasury to the said *Stephen Choate*, Esq; the sum of *eighteen shillings*, in full for his services in collecting the rent aforesaid, and leasing the aforesaid island for the present year.

*July 4, 1782.*

### Chapter 117.

**Chap.117** A GRANT OF £.40 TO HONORABLE SAMUEL ADAMS, ARTEMAS WARD AND NATHANIEL GORHAM, ESQUIRES, A COMMITTEE APPOINTED TO REPAIR TO THE COUNTY OF HAMPSHIRE.

*Whereas the Honorable Samuel Adams, Nathaniel Gorham and Artemas Ward, Esquires, have been by this Court appointed a committee to repair to the county of Hampshire on public service.*

Therefore *Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to said Committee, the sum of *Forty pounds* out of the money appropriated for the payment of the members of the General Court; said committee to be accountable therefor.

*July 5, 1782.*

### Chapter 118.

**Chap.118** RESOLVE FOR THE PAYMENT OF THE HONORABLE COUNCIL, SENATE, AND HOUSE OF REPRESENTATIVES, OUT OF THE MONIES ORDERED INTO THE TREASURY FROM THE COMMISSARY GENERAL AND AGENT.

*Whereas the payment of the money into the treasury by the Commissary general and Agent, for the purpose of paying the members of the General Court, may not be compleated before the recess of the Court.*

Therefore *Resolved*, That the Treasurer, be, and he is hereby directed to pay such monies as have come into his hands for the purpose aforementioned, to such of the members of the Hon. Council, Senate, and House of Representatives, as are now attending the Court in proportion to the sums due to them respectively by the pay roll.

*July 5, 1782.*

### Chapter 119.

**Chap.119** RESOLVE ON THE PETITION FROM A NUMBER OF THE INHABITANTS OF THE TOWNS OF BOSTON AND SALEM, PROHIBITING COMMANDERS OF ARMED VESSELS FROM MOLESTING THE PEOPLE ON SHORE IN THE TOWN OF YARMOUTH, IN THE PROVINCE OF NOVA SCOTIA.

*On petitions from a number of the Inhabitants of the towns of Boston and Salem, setting forth that the inhabitants*



*of the town of Yarmouth in the province of Nova Scotia, have during the course of this war shewn themselves of a uniform, friendly disposition towards the subjects of the United States of America; notwithstanding which some persons inhabitants of this Commonwealth, void of the common feelings of humanity have repeatedly gone on shore and wantonly entered the houses of those peaceable inhabitants and cruelly plundered them of their effects. In order to prevent like instances of inhumanity and barbarity in future,*

*Resolved, That from and after the first day of August next, no commander of any armed vessel or other person belonging to this Commonwealth be permitted to go on shore, within the limits of the town of Yarmouth, in the province of Nova Scotia, and plunder any of the inhabitants thereof, of any of the articles hereafter mentioned, viz. wearing apparel — household furniture — farming utensils — provisions — live stock — fish or fishing-gear — salt — boats or shallops, with their tackle and appurtenances — and in case any such commander or other person shall notwithstanding this resolve, presume to go on shore within the limits of said town of Yarmouth, and there take or seize any of the articles herein before enumerated, belonging to any of the inhabitants thereof, such inhabitant, or inhabitants, who shall have any of the said articles thus taken, be, and they hereby are admitted by themselves, or their attorney, being a liege subject of this Government, to appear in any Courts of law within this Commonwealth, and there prosecute the same to final judgment and execution, any law to the contrary notwithstanding.*

*July 5, 1782.*

### Chapter 120.

RESOLVE ON THE PETITION OF MICAH HATHORN AND OTHERS, DIRECTING THE CLERK OF THE TOWN OF STERLING TO SHEW CAUSE &c. Chap.120

*On the petition of Micah Hathorn and others..*

*Ordered,* That the petitioners serve the Clerk of the town of Sterling with an attested copy of said petition, and this order, thirty days before the first day of the next session of the General Court, that cause may be shewn, if any there be, on the first *Tuesday* of the same session,

why the prayer of said petition may not be granted; and that all proceedings on the action mentioned and resolve set forth in said petition, be stayed in the mean time.

July 5, 1782.

### Chapter 121.

*Chap.121* RESOLVE ON THE PETITION OF JOSEPH RIDGWAY, ENLARGING HIM FROM HIS CONFINEMENT IN GOAL, ON CONDITION.

*On the petition of Joseph Ridgway.*

Whereas it appears to this Court that the said *Joseph Ridgway*, who is a prisoner in *Boston* goal, committed for coming into this Commonwealth, after absenting himself therefrom, without liberty obtained from government, and contrary to law, used his endeavours to procure such liberty, previous to his thus coming, but failed therein by reason of the inattention of those through whom his application was to be made: Therefore

*Resolved*, That the said *Joseph Ridgway* be enlarged from his imprisonment, he recognizing before some justice of the peace for the county of *Suffolk*, in the sum of *two hundred pounds*, with sufficient securities, that he the said *Joseph Ridgway* will appear at the Supreme Judicial Court, next to be holden at *Boston* within and for the said county of *Suffolk*, and make answer to any complaint or indictment that may be there made against him, and abide the judgment of the said Court thereon.

July 5, 1782.

### Chapter 122.

*Chap.122* RESOLVE IMPOWERING THE ASSISTANT TREASURER TO APPLY THE MONEY ARISING FROM THE EXCISE IN THE SEVERAL COUNTIES, TO THE PAYMENT OF GOVERNMENT SECURITIES, AS ALSO THE MONEY ARISING FROM LICENCES.

*Whereas in and by an act of this Court entitled "an act laying certain duties of excise on certain articles therein mentioned for the purpose of paying the interest on government securities," it is provided, that the money arising from the excise, in the several counties of this Commonwealth should be appropriated by the Treasurer to the payment of interest on Governmental Securities — and whereas in and by another act of this Court, intitled an act for the better regulation of the treasury of this Com-*

*monwealth, and for appointing an assistant Treasurer, the collectors of excise in the several Counties, are directed to pay unto the assistant treasurer the sums arising from the said excise, and no provision is made in the said act by which the said assistant Treasurer is impowered to apply and pay the produce of the said excise in any way whatsoever.*

*Resolved, That the assistant treasurer be, and he hereby is impowered and directed to apply the money arising from the excise in the several counties, solely to the payment of interest on Governmental Securities, consolidated in conformity to an act of this Court, intituled, “an act to impower the treasurer to receive Government Securities on loan to the amount of eight hundred thousand pounds,” and to pay the same accordingly in the manner directed to be done by the Treasurer, in and by the act aforesaid.*

*July 5, 1782.*

### Chapter 123.

RESOLVE DIRECTING THE COMMITTEE FOR REVISING LAWS, TO BRING IN A BILL FOR THE CONFISCATION OF BRITISH PROPERTY IN THIS COMMONWEALTH. *Chap.123*

*Ordered, That the committee for revising the laws, be, and they are hereby directed to take into consideration a resolve of Congress, recommending the confiscation of British goods and manufactures imported into this Commonwealth, to prepare a bill for that purpose, and report it at the beginning of the next session of the General Court.*

*July 5, 1782.*

### Chapter 124.

RESOLVE APPOINTING COMMITTEES IN SEVERAL COUNTIES IN THIS COMMONWEALTH, TO EXPEDITE THE PAYMENT OF THE CONTINENTAL TAX, WITH A LETTER TO SAID COMMISSIONERS. *Chap.124*

*Whereas, a spirit of domination, intolerable to a free people, manifested by the King of Great Britain, aided by his parliament and subjects, compelled the inhabitants of this country, to enter into a contest the most important and interesting; a contest, which, on the one hand, hath for its object, the most degrading state of slavish subjugation; and on the other, the political security of the rights of freemen, — to doubt a determined resolution in the good people of*

*this Commonwealth, to support a system necessary on their part, to maintain this contest, would be the highest insult to their generous spirit. As a last resource, the administration of Great Britain is making every effort to obtain that by art which it dispairs of obtaining by arms. Success hath hitherto attended our patriotic exertions. By the assistance of a kind Providence we still are a free people; and to our own choice it seems by heaven to be referred whether we shall still remain such. We are blessed with many means of defence; we have a brave and well disciplined army, and our granaries and pastures abound with the necessaries for their subsistence; but our finances are deranged, and the want of a circulating medium is severely felt; this has subjected us already to many inconveniencies, and former measures have not only, by experience, been found ineffectual, but have involved us in great expence: At length Congress, in their wisdom, have adopted a mode, which if carried into effect, will provide for the public exigencies, on principles the most economical, systematic and simple; but for this purpose the aid of the people is necessary. Infamy, ruin and inconceivable distress are to be dreaded from indecision, while from exertion we have reason to hope for a speedy termination of the war, the blessings of peace and the happy fruits of freedom. We have hitherto excited the admiration of Europe. We have obtained and now enjoy the friendship of one of the most respectable Monarchs and kingdoms in the world. But generosity as well as interest forbids that our deliverance should be derived solely from external assistance; on our own spirit we ought to, we must rely, and reject with manly determination the humiliating idea of an unnecessary dependence on any power under heaven.*

*This Court having been obliged to repeal a clause in the late tax act, providing for payment thereof in certain specific articles, and having made the notes of the national bank and the notes of the honorable Robert Morris, Esq; Superintendent of Finance in his official capacity, receivable towards the discharge of the said tax; and having been informed officially, that either the said bank notes, or the said Superintendent's notes will be received by Congress in lieu of each, and that the honorable James Lovell, Esq; who by Congress is appointed Receiver of the said tax, will exchange any cash he may receive thereon for the said bank notes and Superintendent's notes (without discount) which*

will prevent our being deprived of a circulating medium, greatly facilitate the collecting of the said tax, and alleviate the burthen thereof; and having lately received from Congress the most positive declaration that an immediate supply of cash is absolutely necessary:

Resolved, That the honorable *Cotton Tufts, Caleb Davis, Ebenezer Battelle, and Seth Bullard, Esq's*, be appointed Commissioners for the county of *Suffolk*.

That *Nathan Goodale, Daniel Thurston, Moody Bridges, John Tracey, Joseph Sprague and Nathan Dane, Esq's*, be appointed Commissioners for the county of *Essex*.

That the honorable *Oliver Prescott, Esq; Samuel Phillips Savage, Loammi Baldwin and John Gleason, Esq's*, be appointed Commissioners for the county of *Middlesex*.

That *William Pyncheon, Robert Breck, Elisha Porter, David Mosely, David Dickinson and Zabina Montague, Esq's*, be appointed Commissioners for the county of *Hampshire*.

That *Levi Lincoln, Benjamin Reed, Danforth Keyes, Daniel Clap and Ephraim Fairbanks, Esq's*, be appointed Commissioners for the county of *Worcester*.

That *William Drew, David Kingman and Thomas Davis, jun. Esq's*, be appointed Commissioners for the county of *Plymouth*.

That *Elisha Doane and Joseph Nye, Esq's*, of *Sandwich*, be appointed Commissioners for the county of *Barnstable*.

That *Shubael Peck, Benjamin Williams, and Alden Spooner, Esquires*, be appointed Commissioners for the county of *Bristol*.

That the Hon. *Joseph Simpson, Esq; William Rogers and Joseph Morrill, Esq's*, be appointed Commissioners for the county of *York*.

That *John Lewis and Stephen Longfellow, jun. Esquires*, be appointed Commissioners for the county of *Cumberland*.

That Col. *William Farnsworth Major John Farley, Jonathan Bowman Esq.*, and Col. *William Howard*, be appointed Commissioners for the county of *Lincoln*.

That *John Fellows, William Walker, and Joseph Thompson Skinner, Esquires*, be appointed Commissioners for the county of *Berkshire*.

Which Commissioners shall make known unto the inhabitants of the respective counties for which they are

appointed as aforesaid, the urgent necessity there is for an immediate supply of money, and earnestly request those who have the means, to evince their patriotism by advancing immediately the proportion at which they are assessed in the said tax, or so much thereof, as shall be in their power. And the said Commissioners severally to whom any advances may be made shall receive the said bank notes and superintendants notes in lieu of cash, without discount, and shall give a certificate for the sum received in manner and form following, that is to say,

County of S 1782.  
*Received of C. D. of the town of B——, in the county of*  
*S—— aforesaid, the sum of                    on the Continental*  
*tax, granted in March last, which said sum shall be dis-*  
*counted on the said tax.                    A. B. Commissioner.*

And the said certificates, according to the true intent and meaning of the aforesaid words shall be received by the Constables and Collectors of the tax aforesaid, in the several towns to which the persons making such advances respectively belong.

And the Commissioners shall severally as soon as may be transmit to the Treasury of this Commonwealth, the money they may respectively receive in the performance of the trust hereby committed unto them; and the same being remitted to the Treasury, said Commissioners shall be severally credited therewith, and their several certificates shall be charged to them respectively when the same shall be received into the Treasury; that any mistakes may be deducted, and that it may be known whether the said Commissioners faithfully perform their duty herein.

*Resolved*, That the Secretary be, and he is hereby directed, to cause these resolutions and the circular letters accompanying them, to be printed, and a suitable number of copies thereof transmitted as soon as may be to the several Commissioners aforesaid, having first entered on the letters addressed to the Commissioners the names of the towns and other places assigned to them respectively.

Read and accepted, together with the circular letters accompanying the same, and ordered that the President of the Senate, and Speaker of the House of Representatives, be, and they hereby are directed, jointly, to subscribe the letters addressed to the Commissioners aforesaid.

## (CIRCULAR.)

*To A. B. one of the Commissioners in the county of —, appointed to expedite the payment of the Continental tax.*

SIR,

Reposing the fullest confidence in your integrity, patriotism and abilities, this legislature of this Commonwealth have appointed you (as will appear by the inclosed resolves) to be a Commissioner in the county of —, for the purpose of urging upon the inhabitants thereof an immediate payment of the tax levied in *March* last, for the use of the United States, and for the special and important purpose of supporting the army. A deficiency of any one State in the union in this respect, may so derange the system of supplies, and impede the military operations, that to prevent the worst possible consequences, the legislature cannot too deeply impress upon the minds of its constituents, nor too zealously insist on the absolute necessity of an immediate supply. You will therefore render your country an essential service, by your instant and vigorous exertions in the towns assigned you (as under) to engage the inhabitants thereof to make all the advances in their power, as they regard their political salvation.

To render the burden as easy to you as possible, the inclosed circular letter has been prepared to be sent by you to the several towns, at a convenient time previous to your visiting them, that they may feel the full force of your application, and be in readiness to comply with its design.

You are directed, gentlemen, to transmit the monies and notes paid you, on compleating your collection in the several towns committed to you, to the Receiver General of this Commonwealth, taking duplicate receipts therefor, one of which is to be deposited in the Secretary's office.

*We are, gentlemen, your most humble servants,*

President of the Senate.

Speaker of the House of Representatives.

*By order of the General Court.*

## (CIRCULAR LETTER.)

*Friends and fellow citizens,*

Being appointed by the legislature of this Commonwealth, to made application to you for relief under the present most pressing exigencies of government, you will permit me while I hand you the enclosed resolves, with

all the simplicity and energy of truth, to present to your view the following facts and observations; not doubting the utmost exertion of your abilities, as the natural and necessary result of your attention to them, and their important consequences.

In the first stages of the glorious contest for the rights of human nature, to which we were compelled by the tyrannic views and measures of the British government, it was found necessary to institute, in several successive emissions, a paper medium, by the free circulation and credit of which, we were enabled to conduct the war for several years with vigor and success. But as no fund was any where laid for its redemption at its value when emitted, its credit and utility were temporary; although it accomplished valuable purposes for the time—but becoming an instrument of destruction to public faith, and to the real interests both of the Commonwealth and of individuals, the confidence of all ranks of people was by universal consent withdrawn, and it happily expired without any of those disagreeable consequences which our enemies promised themselves from its failure.

Being still obliged to support a large army, and hold ourselves in readiness for an active campaign, Congress have changed the system of supplies, and adopted, upon just and æconomical principles of finance, a mode of conducting them, which must interest every person who regards the welfare of his country or even his own, in its continuance.

The Superintendent of Finance, by contracts for that purpose, has among other things, made so capital an alteration in victualling the army, that the price of rations is reduced from *two shillings and six pence*, to *eight pence*, and every article in the Quarter Master's, Clothier's and Hospital departments, in much the same proportion; so that the army is now fed, cloathed and marched, at nearly one quarter part the expence of former establishments.

When, therefore, the vast sum necessary to maintain so respectable a force in the field is considered, and a saving of nearly three quarters thereof is duly realized, no one can hesitate a moment in determining the necessity of every exertion, to support so prudential a system.

The proportion assigned this Commonwealth for this year's service, is *four hundred thousand pounds*; one half of which was required by Congress to have been paid in



*April*, and the other in *June*: But the difficulties arising to the people from the want of a circulating medium, and from the operation of taxes — for compleating the army — redeeming the old money — paying the interest on the new, and for the redemption of the principal in one year instead of six — for military service — and for the support of civil government, furnished no inconsiderable apology for the delay.

Inasmuch, however, as it is impossible to maintain an army in the field, or carry on the operations essential to the speedy restoration of peace, unless the monies required, and which are no more than are indispensibly necessary, are punctually paid in the proportions assessed on the several States in the union; and as the difficulties before-mentioned bear no proportion to the distresses immediately consequent upon the entire failure of public credit, disbanding the army, and the disagreeable subjugation of our country; you will seriously reflect on the high importance of the present requisition, and determine with the energy and spirit of freemen, to exert every possible means for contributing your proportion of this demand.

On the reception you give this address, may be suspended the fate of your country; and a momentary inattention or neglect may insure perpetual though fruitless contrition and remorse.

This then is one of those great occasions which calls on the good people of the Commonwealth to give proof of the sincerity of past engagements — *a proof far more substantial and decisive than any verbal declaration whatever.*

The selectmen or assessors of your place will communicate the preceding; and as it is my intention to visit you on \_\_\_\_\_ day of \_\_\_\_\_ I shall expect to receive your collections at that time, and shall be prepared to execute the receipts therefor as directed. The notes of the national bank, and the official notes of the honorable *Robert Morris, Esq;* will be received as money.

*I am, your friend and fellow-citizen,*

{ One of the Commissioners  
} for the county of \_\_\_\_\_

*To the selectmen or assessors of the town of \_\_\_\_\_*

To be communicated to the inhabitants.

*July 4, 1782.*

## Chapter 125.

*Chap.*125 RESOLVE FOR RAISING A COMPANY OF MEN IN THE COUNTIES OF YORK AND CUMBERLAND, TO BE STATIONED ON THE FRONTIERS OF SAID COUNTIES.

*On the memorial of the committees of Fryburg, Bridgton and Sudbury Canada, praying for a company of men to be stationed at Sudbury Canada, for the protection of the frontiers of the counties of York and Cumberland: Therefore,*

*Resolved,* That there be raised in the counties of *York* and *Cumberland*, stationed on the frontiers of said counties, a company of men to consist of one Lieutenant and thirty men, to continue in service till the first day of *December* next, unless sooner discharged: And his Excellency the Governor is requested to appoint and commission the officers accordingly, and to give the necessary orders for carrying this resolve into execution.

And it is further *Resolved*, That there be allowed the same wages and rations as officers and soldiers receive in the Continental army; and that the Commissary-General supply the aforesaid men with provisions or money, as he shall agree, for their rations as aforesaid.

*July 5, 1782.*

## Chapter 126.

*Chap.*126 RESOLVE APPROPRIATING THE MONEY ARISING FROM THE FINES TAKEN FROM THE PEOPLE CALLED QUAKERS, FOR FILLING UP THE CONTINENTAL ARMY, AND EMPOWERING JOHN FELLOWS, ESQ; TO RECEIVE SAID MONEY.

*Resolved,* That all the money now deposited in the treasury of this Commonwealth, arising from the fines levied on and taken from the people called Quakers, for not procuring their quota of men for filling up the Continental army, agreeable to a resolve of the General Court, of the 2d of *December*, 1780, be without loss of time applied to the purpose for which the said fines were levied: and that *John Fellows*, Esq; be, and he hereby is empowered and directed, to receive the said money, and as soon as may be to proceed to hire as many able-bodied effective men as can be hired therewith, and cause said men, so hired, forthwith to be mustered as soldiers for this Commonwealth, for filling up the Continental

army. And his Excellency the Governor, with advice of Council, is requested to issue a warrant for the delivery of said money to the said *John Fellows*, Esq; who is to be accountable for the expenditure of the same: And the said *Fellows* is directed to lay his account for time and expences, before the committee of accounts, for allowance and payment.

July 5, 1782.

### Chapter 127.

RESOLVE DIRECTING *CALEB DAVIS*, ESQ; WHO WAS BY A LATE ACT EMPOWERED TO PROCURE A LOAN OF *TWENTY THOUSAND POUNDS*, ON THE CREDIT OF THE CONTINENTAL TAX OF *TWO HUNDRED THOUSAND POUNDS*, TO RECEIVE BILLS ISSUED FROM THE NATIONAL BANK OF *AMERICA*; AND DIRECTING THE COMMITTEE APPOINTED THE 4<sup>TH</sup> INSTANT, TO USE THEIR INFLUENCE FOR CARRYING SAID ACT INTO EFFECT. Chap.127

*Resolved*, That the Hon. *Caleb Davis*, Esq; and others, who by an act passed the present session are empowered and directed to procure a loan of the sum of *twenty thousand pounds*, on the credit of the Continental tax of *two hundred thousand pounds*, be, and they hereby are directed, to receive on the said loan, bills issued from the national bank of *America*, and on the credit of the Superintendent of Finances, as well as specie.

And it is further *Resolved*, That the committee appointed on the 4<sup>th</sup> of this instant, to consider what measures may be taken to reduce the expences of government, and for other purposes, be, and they hereby are directed, to use their influence for carrying into effect the act abovementioned, and the resolve for expediting the payment of the Continental tax aforesaid.

July 5, 1782.

### Chapter 128.

RESOLVE DIRECTING THE TREASURER TO GIVE RECEIPTS UPON THE CONSTABLES OR COLLECTORS OF TAXES FOR THE PAYMENT OF THE MEMBERS OF THE GENERAL COURT. Chap.128

*Resolved*, That the Treasurer be, and he is hereby directed, to give receipts upon the constables or collectors of taxes, to such members of the General Court as chuse to take the same, to compleat the payment of the wages respectively due to them. The aforesaid receipts to be given upon the tax of *October* last.

July 6, 1782.

## Chapter 129.

*Chap.129* RESOLVE ON THE PETITION OF CAPT. JOHN FOSTER WILLIAMS.

*On the petition of John Foster Williams, Esq; late commander of the ship Protector:*

*Resolved,* That the prayer of his petition be so far granted, that he be, and hereby is empowered and directed, to make up pay rolls for the services of the officers, seamen and marines, who served on board said ship, who have returned from captivity, provided they returned as soon as their circumstances would admit, and have not been in other service, agreeable to the establishment of the navy, passed *June 28, 1781*, deducting the sum already received by them from this Commonwealth. And he is further directed to make up the roll of such of the said ship's company as are now in captivity (agreeable to the resolve aforesaid) to the time said ship was captured, setting forth, in distinct columns, their names, time of entry, time of capture or return, time in service, wages and slops received from this Commonwealth, and advances made them by the said Capt. *Williams*, on his own account, to relieve their necessities while in captivity. The rolls aforesaid to be made payable to the men borne thereon, their order or legal representative; and the amount of advances aforesaid to be deducted from their wages.

And it is further *Resolved,* That the Treasurer pay to the said Capt. *Williams*, what the said *Williams* advanced on his own account, and is deducted as aforesaid: And the wages and slops advanced by this Commonwealth, and so deducted, shall be credited to the said Capt. *Williams*, and discounted with him by the agent of this Commonwealth, who is hereby directed to settle with and discharge him for all cloathing and slops by him received of the late Board of War and committee of supplies, crediting him for such as were on board said ship at the time of capture; and likewise to settle with said *Williams* for his disbursements made in the *West Indies*, for the repair of the ship *Protector*.

And it is further *Resolved,* That the Treasurer aforesaid be, and he hereby is directed, to certify to the agent aforesaid, the sum deducted from said rolls for slop cloathing advanced, which sum so certified shall be credited to the said *Williams* by the said agent, and upon a settlement of his accounts shall discharge him therefrom.

And it is further *Resolved*, That the Treasurer discount *five hundred pounds* new emission, which said *Williams* received to pay advance wages, the value thereof at the time he received it to be ascertained by the scale of depreciation, deducting the interest charged thereon; and said Treasurer shall give said *Williams* duplicate receipts therefor, one of which to be lodged in the Secretary's office, the other to be produced to the committee for stating the public accounts, who are hereby directed, on receipt thereof, to discharge the said *Williams* accordingly.

July 5, 1782.

### Chapter 130.

RESOLVE TO PREVENT INCONVENIENCES TO THE SUBJECTS OF THIS COMMONWEALTH, IN PAYING THE TAX GRANTED IN MAY, 1781, DIRECTING THE TREASURER TO SUSPEND HIS EXECUTIONS UNTIL THE SECOND WEDNESDAY OF THE NEXT SESSION, WITH A PROVISION IN SAID RESOLVE.

Chap.130

*Whereas the good subjects of this Commonwealth have lately been called to furnish a considerable number of troops for the Continental service, in compliance with which large sums of money have been and necessarily will be expended by them for the purpose of procuring the said troops: And whereas it is indispensibly necessary that the last tax granted for the purpose of discharging the first part of the sum required by Congress of this Commonwealth, as well as any balances which may remain due on the tax granted in October last, should be immediately paid into the treasury: And whereas under such circumstances it might greatly distress many of said subjects, if execution should immediately issue for the tax granted in May, 1781, which is payable either in specie or bills of credit of the new emission: Therefore, to prevent such distress, and in order that equal justice may take place as nearly as may be,*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to suspend the issuing executions for the tax granted in *May*, 1781, until the second Wednesday of the next setting of the General Court.

*Provided nevertheless*, That in all cases where any part of the tax last mentioned shall, on the first day of *August* next, remain due to any constable or collector thereof within this Commonwealth, the several persons from whom the same shall be due, shall be held and obliged either to

pay the sums due from them respectively in bills of the new emission, not having the second year's interest paid on them, or to pay a sum equal to the interest which shall have been paid on said bills, over and above the amount of their respective taxes, or otherwise to pay the said taxes in specie. And the said constables and collectors shall be severally held and obliged to pay to the Treasurer of this Commonwealth, the several balances of the tax last mentioned, which on the said first day of *August* next shall remain due from them respectively, either in bills of the new emission, not having the second year's interest paid thereon, or to pay a sum equal to the interest which shall have been paid on said bills, in addition to the said balances, or otherwise to pay the said balances in specie.

*July 6, 1782.*

### Chapter 131.

**Chap.131** RESOLVE FOR RAISING A NUMBER OF GUARDS, TO BE STATIONED AT CERTAIN PLACES UPON THE SEA-COAST, IN THE COUNTIES OF CUMBERLAND, ESSEX, PLYMOUTH, AND BRISTOL, AND MAKING AN ESTABLISHMENT.

*Whereas it is essential to the public safety, that suitable guards be provided and stationed at the several posts hereafter mentioned, within this Commonwealth:*

Therefore *Resolved*, That there be raised in the county of *Cumberland*, and stationed at *Falmouth*, one serjeant and twelve matrosses; and at *Cape Elizabeth*, one corporal and six matrosses: That there be raised in the county of *Essex*, and stationed at *Plumb Island*, one corporal and three matrosses; at *Gloucester*, one serjeant and eight matrosses; at *Beverly*, one corporal and three matrosses; at *Salem*, one serjeant and five matrosses; at *Marblehead*, one serjeant and eight matrosses: That there be raised in the county of *Bristol*, and stationed at *Dartmouth*, one serjeant and fourteen matrosses: That there be raised in the county of *Plymouth*, for the fort at the *Gurnet*, one serjeant and eight matrosses.

And be it further *Resolved*, That there be allowed and paid to each serjeant, *forty-eight shillings* per month: to each corporal, *forty-two shillings* per month; and to each matross or private, *forty shillings* per month: And that the Commissary General be, and he is hereby directed, to supply the several non commissioned officers and men

above mentioned, with such rations as are delivered to soldiers in the Continental army, either in provisions or money, as he may agree.

And be it further *Resolved*, That his Excellency the Governor be requested to give orders for raising the several detachments before mentioned, and that they be properly supplied with ammunition; and that the said guards be added to or diminished, and to continue so long as the Governor, with advice of Council, shall judge for the advantage and safety of the Commonwealth.

*July 6, 1782.*





# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE TWENTY-NINTH DAY OF *MAY*, *ANNO DOMINI*, 1782; AND FROM THENCE CONTINUED, BY PROROGATION, TO WEDNESDAY THE EIGHTEENTH DAY OF SEPTEMBER FOLLOWING, AND THEN MET AT THE SAME PLACE, BEING THE SECOND SESSION OF SAID COURT.

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1782. — SEPTEMBER SESSION.

### Chapter 1.

RESOLVE EXCUSING *RICHARD CRANCH*, ESQ, FROM ANY FURTHER SERVICE ON THE COMMITTEE FOR EXAMINING THE TREASURER'S ACCOUNTS. *Chap. 1*

*Whereas it appears, that it is not at present necessary that the committee for examining the Treasurer's accounts, should consist of more than two members: and the Hon. Richard Cranch, Esq; one of said committee, from want of health, is unable to attend said service:*

*Resolved, That the said Richard Cranch, Esq; be, and he is hereby excused from any further service on said committee.*

*September 20, 1782.*

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### Chapter 2.

RESOLVE FOR REFERRING ALL PRIVATE BUSINESS TO THE NEXT SESSIONS OF THE GENERAL COURT, EXCEPTING SUCH BUSINESS OF A PRIVATE NATURE, AS SHALL REQUIRE IMMEDIATE ATTENTION. *Chap. 2*

*Whereas it appears to this Court, that much of the attention of the General Court is frequently taken up in consid-*

*ering petitions of a private nature, while the public business hath remained unfinished: Therefore,*

*Resolved,* That no petition concerning matters of a private nature, be acted upon by the General Court in their present session; and that all private business now pending in the General Court, be referred to the next session, excepting only such petitions or private business as shall appear to this Court to require the immediate attention of the legislature.

*September 20, 1782.*

### Chapter 3.

#### Chap. 3

RESOLVE REQUESTING THE GOVERNOR TO ISSUE HIS ORDERS TO THE MILITIA IN THE SEVERAL COUNTIES OF *SUFFOLK, ESSEX, &c.* TO HOLD THEMSELVES IN READINESS TO MARCH FOR THE DEFENCE OF THE FLEET IN THE HARBOUR OF *BOSTON*, AND TO CAUSE THE FORTS AND GARRISONS IN AND ABOUT THE HARBOUR OF *BOSTON*, TO BE PROPERLY MANNED, AND EMPOWERING HIS EXCELLENCY TO ORDER ANY PART OF THE MILITIA TO MARCH INTO THE NEIGHBOURING STATES.

*Whereas his Excellency the Governor has communicated to the legislature, a letter from his Excellency General Washington, and two other letters, which render it probable that the enemy have designs to make an incursion into this State, and an attack on the fleet of our Ally, in the harbour of Boston: Therefore,*

*Resolved,* That the Governor be requested to issue proper and necessary orders to cause the militia in the several counties of *Suffolk, Essex, Middlesex, Bristol, Plymouth, Barnstable* and *Worcester*, to be duly armed and accoutered, and to hold themselves in readiness to march at a moment's warning, to such places as he shall direct, with three days provisions, and that he be also requested to take especial care that the forts and garrisons in and about the harbour of *Boston*, be properly and timely manned, with such of the militia as may be necessary for their defence.

*Resolved,* That the Governor be, and he is hereby authorized and empowered, if he shall find it necessary for the defence of this or either of the neighbouring States, to order any part of the militia to march into either of said States, and there do duty for a term not exceeding one month.

*September 20, 1782.*

## Chapter 4.

RESOLVE FOR HOLDING THE SUPREME JUDICIAL COURTS, THIS PRESENT YEAR, IN THE SEVERAL COUNTIES IN THIS COMMONWEALTH. Chap. 4

*Whereas doubts have been made respecting the operation of an act passed in the month of July last, for establishing a Supreme Judicial Court within the Commonwealth, whether the time and place for holding the said Supreme Judicial Court in some of the counties in the Commonwealth, is by law appointed, and whether the Court therein established, can take cognizance of such matters and things as were pending by appeal, continuance or otherwise, in the Supreme Judicial Court, before the same law was made and passed:*

It is therefore *Resolved*, That a Supreme Judicial Court shall be held and kept this present year, at the times and places hereafter mentioned, viz.

For the county of *Berkshire*, at *Great-Barrington*, on the first Tuesday of *October*.

For the county of *Hampshire*, at *Springfield*, on the second Tuesday of *October*.

For the county of *Worcester*, at *Worcester*, on the third Tuesday of *October*.

For the county of *Middlesex*, at *Cambridge*, on the last Tuesday of *October*.

For the county of *Essex*, at *Salem*, on the first Tuesday of *November*.

For the county of *Bristol*, at *Taunton*, on the second Wednesday of *November*.

For the county of *Suffolk*, at *Boston*, on the third Tuesday of *November*.

And it is further *Resolved*, That all actions, suits, matters or things, whatsoever, now pending, or that hereafter may be pending in the Supreme Judicial Court, in the respective counties aforesaid, by appeals, continuance or otherwise, shall have day, be taken up, heard and determined, by the Justices of the said Supreme Judicial Court, at the times and places aforesaid, any law, usage or custom, to the contrary notwithstanding: And all persons that are or shall be held, by way of recognizance or otherwise, to appear at the next Supreme Judicial Court in any of the counties aforesaid, since the last session of the Supreme Judicial Court in the same county, shall be, and

hereby are declared to be held liable to appear before the said Court, to be held at the time and place in the same county beforementioned: And the several Grand and Petit Jurors that have been already, or hereafter may be appointed by virtue of writs of *venire facias*, issued from the Clerk's office of the said Supreme Judicial Court, to serve thereat since the last session of the same Court in the same county, shall be held liable to appear and serve at the said Supreme Court in the same county, at the time and place before appointed, in the same way and manner as if regularly appointed to serve at the time in the same county above directed, except such Grand and Petit Jurors in the county of *Worcester*, who were appointed to serve at the Supreme Judicial Court in *April* last, who are hereby excused from attending in consequence of such appointment and notice.

September 21, 1782.

### Chapter 5.

#### Chap. 5

RESOLVE ON THE PETITION OF THE SELECTMEN OF COXHALL, EXCUSING THE TOWN AND THE SELECTMEN THEREOF, FOR NOT PROCURING THE SOLDIERS SOONER, AND DIRECTING THE SHERIFF OF THE COUNTY OF YORK, TO RETURN THE EXECUTION FOR A DEFICIENCY.

*Whereas it appears, that the resolve of the General Court, passed the 2d day of December, 1780, for raising soldiers for the Continental service, was not received in the town of Coxhall previous to the issuing an execution against the selectmen of said town, on account of a neglect of duty required by said resolve; since which they have at great expence procured three good and effective men to serve three years, and delivered the same to one of the Continental Muster Masters, being the quota required of said town by said resolve; and have by their petition, for reasons therein set forth, prayed for an exemption from any fine or penalty for not furnishing said soldiers sooner:*

Therefore *Resolved*, That the prayer of said petition be granted, and that the said town, and the selectmen thereof, be, and hereby are excused and exempted from any fine or penalty which they may have incurred for not procuring their said soldiers sooner; and that the sheriff of the county of York be, and hereby is directed, to return the said execution issued in consequence of a deficiency of said

soldiers in said town, to the Treasurer of the Commonwealth, as satisfied in full, any law or resolve to the contrary notwithstanding.

September 23, 1782.

### Chapter 6.

RESOLVE ON THE PETITION OF AARON JEWETT OF LITTLETON, EMPOWERING HIM TO MAKE SALE OF THE REAL ESTATE MENTIONED. Chap. 6

*On the petition of Aaron Jewett of Littleton, administrator on the estate of John Park, late of Fitchburg, in the county of Worcester, deceased, intestate, praying for liberty to make sale of the real estate in his petition mentioned, for reasons therein set forth:*

*Resolved,* That the prayer of said petitioner be granted, and that the petitioner be, and hereby is empowered, to make sale of the real estate in the petition mentioned, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers, he observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of Worcester, that the proceeds of said sale shall be applied in manner following, viz. that the interest of one third part thereof be annually paid to the widow of the deceased, during her natural life, and the remainder of the other two thirds, if any be after the just debts are paid, and deducting the charges of settling said estate, be put on interest until the heirs arrive to lawful age, and then be paid to each of them respectively, as they shall so arrive, and the other third, after the decease of said widow, to be paid to said heirs in legal proportion.

September 23, 1782.

### Chapter 7.

RESOLVE ALLOWING SHUBAEL TAYLOR HALF-PAY AS A SOLDIER, AND DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY, TO MAKE UP HIS PAY TO THE 15TH OF MAY, 1780. Chap. 7

*Upon the representation of John Lucas, Commissary of Pensioners, in behalf of Shubael Taylor, a soldier in Col. Bradford's regiment, who was disabled while in the service of the United States of America, in 1778:*

*Resolved,* That Shubael Taylor be allowed half-pay as a soldier, to commence the 15th day of May, 1780.

It is further *Resolved*, That the committee for settling with the army, be, and they are hereby directed, to make up the pay to the said *Shubael Taylor*, to the 15th day of *May*, 1780.  
*September 23, 1782.*

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### Chapter 8.

*Chap. 8* RESOLVE ON THE PETITION OF *WILLIAM GREENWOOD*, DIRECTING THE NAVAL-OFFICER FOR *NEWBURY-PORT* TO PERMIT HIM TO DEPART FOR *NOVA SCOTIA*, WITH SUCH NECESSARIES AS HE SHALL JUDGE PROPER.

*On the petition of William Greenwood, of Barrington, in the province of Nova Scotia :*

*Resolved*, That the Naval Officer for *Newburyport* be, and he hereby is directed, to permit the said *William Greenwood* to depart from the said port with his schooner, for said *Barrington*, and also to take on board said schooner the value of the fish brought in the said schooner, in such necessaries and articles as the said Naval Officer may think proper, for the use of the thirty-three poor families to whom it belonged, they being represented as great friends to the United States. Any expences the said Naval Officer has been at in the approved discharge of his duty, to be paid by the said *Greenwood*.

*September 24, 1782.*

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### Chapter 9.

*Chap. 9* RESOLVE EMPOWERING THE TREASURER TO RECEIVE GOVERNMENT SECURITIES ON LOAN, WHICH WERE ISSUED BY THE LATE TREASURER *GRAY*, EXCEPTING THOSE GIVEN TO ABSENTEES.

*Whereas doubts have arisen whether the Treasurer is sufficiently empowered by an act, intitled, "An act to empower the Treasurer to receive government securities on loan, to the amount of eight hundred thousand pounds," to receive those government securities on said loan, which were issued by the late Treasurer, Harrison Gray, Esquire: Therefore,*

*Resolved*, That the Treasurer be and he hereby is directed and empowered to receive all outstanding government securities on loan which were issued by the late *Harrison Gray, Esq*; excepting those which were given

or negotiated to Absentees, on the same footing, as to interest and bounty, with other government securities which have been issued by the present Treasurer.

*September 24, 1782.*

### Chapter 10.

RESOLVE ON THE PETITION OF *MARTHA OXNARD.*

*Chap. 10*

*On the petition of Martha Oxnard, praying for leave to go to her husband at Penobscot :*

*Resolved,* That the prayer of the petition be granted, and that the said *Martha Oxnard* be and she is hereby permitted to go to *Penobscot*, by the way of a flag, as prayed for in the petition ; and that she have leave to take with her two servant maids, and such part of her household goods as the selectmen of *Falmouth* shall admit of — not to remove from the said *Penobscot* to any other part of this Commonwealth without leave from the General Court.

*September 23, 1782.*

### Chapter 11.

RESOLVE ON THE PETITION OF COL. *WILLIAM SMITH.*

*Chap. 11*

*On the petition of Col. William Smith, praying that he may be released from the penalty of an agreement entered into with the Board of War, respecting the delivery of a certain quantity of flour :*

*Resolved,* That the committee for settling the Board of War's accounts be and they hereby are directed to settle and liquidate the account that now stands open between the said Board of War and Col. *William Smith*, without any reference being had to any forfeiture on the part of the said Col. *Smith.*

*September 25, 1782.*

### Chapter 12.

RESOLVE GRANTING A TAX OF £.420, TO BE APPORTIONED AND ASSESSED ON THE INHABITANTS OF THE COUNTY OF *PLYMOUTH.*

*Chap. 12*

*Whereas it appears by an estimate of the Justices of the Court of General Sessions of the peace for the County of Plymouth that the sum of four hundred and twenty pounds will be necessary for defraying the charges of the county for the present year 1782 : Therefore,*

*Resolved*, That there be and hereby is granted a tax of *four hundred and twenty pounds*, to be apportioned and assessed on the inhabitants of said county and estates lying within the same, and collected, paid and applied for the use of said county, according to the laws of this Commonwealth.

*September 26, 1782.*

### Chapter 13.

*Chap. 13* RESOLVE INTITLING SAMUEL BRADISH TO ONE THIRD OF SOLDIER'S WAGES FROM APRIL 4, 1779.

*Upon the representation of John Lucas, Commissary of Pensioners, in behalf of Samuel Bradish, a soldier in Col. Doolittle's regiment, and in Capt. Abel Wilder's company, who was wounded in his head on the heights of Charlestown, the 17th of June 1775, by which he lost his left eye, and is thereby rendered incapable of supporting himself :*

*Resolved*, That the said *Samuel Bradish* be intitled to one third part of soldier's wages from *April 4th, 1779*, at which time he was discharged, till further order of this Court or Congress.

*September 27, 1782.*

### Chapter 14.

*Chap. 14* RESOLVE IMPOWERING THOMAS IVERS, ESQ; ASSISTANT TREASURER, TO SIGN ALL GOVERNMENT SECURITIES AND RECEIPTS FOR MONIES, DURING THE PRESENT ILLNESS OF TREASURER GARDNER.

*Whereas the business of the Treasury must be greatly impeded by the present sickness of the Treasurer, unless provision is made for signing notes, receipts, &c.*

*Resolved*, That *Thomas Ivers, Esq*, Assistant Treasurer, be and he hereby is empowered and directed, in behalf of the Treasurer, to sign all government securities and receipts for monies which may be paid into the Treasury, during the present sickness of the Treasurer, which shall be considered as valid and effectual, to all intents and purposes, as if signed by the Treasurer.

*September 27, 1782.*

### Chapter 15.

*Chap. 15* RESOLVE ON THE PETITION OF ELIZABETH BELCHER.

*On the petition of Elizabeth Belcher,*

*Resolved*, That said *Elizabeth Belcher* be and she hereby is permitted to go to *New York*, in any cartel bound from



this Commonwealth to that place, for reasons set forth in her petition, not to return again without leave first obtained from the legislature of this Commonwealth, and also to take with her a servant girl and their personal appendages, and such effects only as may be necessary for their suitable accommodation on their passage to *England*; and the Commissary of Prisoners is hereby directed carefully to inspect her and her effects, and to take especial care that no letters of intelligence be conveyed to the enemies of the United States by means hereof. *September 26, 1782.*

### Chapter 16.

RESOLVE FOR ADJOURNING THE SUPREME JUDICIAL COURT TO BE HOLDEN AT GREAT BARRINGTON, TO THE FIRST TUESDAY OF MAY NEXT. Chap. 16

*Whereas by reason of sickness in the family of one of the Justices thereof, a quorum of the Honorable the Justices of the Supreme Judicial Court cannot attend at said Court to be holden at Great Barrington, in and for the County of Berkshire, on the first Tuesday of October next: Therefore,*

*Resolved,* That said Supreme Judicial Court to have been holden on the first Tuesday of *October* next be and hereby is adjourned to the first Tuesday of *May* next. And all processes shall then be returned, actions entered and parties have day in court, and the same proceedings shall then be had in all matters and causes, whether civil or criminal, as might have been if said court had been holden on the said first Tuesday of *October*.

*September 27, 1782.*

### Chapter 17.

RESOLVE MAKING NULL AND VOID A RESOLVE ON THE PETITION OF WILLIAM PUTNAM AND OTHERS, A COMMITTEE FOR THE TOWN OF STERLING, PASSED THE 26TH OF APRIL LAST. Chap. 17

*Whereas the General Court upon the petition of William Putnam and others, a committee for the town of Sterling, did by a resolve passed the 26th day of April last, confirm and make valid to all intents and purposes an assessment of certain taxes therein mentioned, made by the assessors of Sterling on the persons and lands of certain inhabitants of Shrewsbury therein described, and did also authorize and*

*empower the constables or collectors of Sterling to collect the same, and it now appearing to this Court that the said inhabitants of Shrewsbury were not heard in answer to said petition, and that civil process was then, and now is pending, by which the legality and equity of said assessment may be determined in a judicial court, which process the General Court had not then knowledge of :*

Be it therefore *Resolved*, that the said Resolve of 26th of *April* last be and the same hereby is repealed and made null and void, and of no force, validity or effect to any intent or purpose whatever. *October 2, 1782.*

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### Chapter 18.

Chap. 18

RESOLVE ON THE PETITION OF MARCY FERGUSON.

*On the petition of Marcy Ferguson, wife of Adam Ferguson, late of Newport in Rhode Island, praying for liberty to sell a certain piece of land lying in Dartmouth in this Commonwealth, for reasons therein mentioned.*

*Whereas it appears to this Court that Adam Ferguson has for a long time been and still is with the enemy in New York, while his wife Marcy Ferguson remains with two small children in said Newport, under very difficult circumstances, and suffering for want of necessary support: Therefore,*

*Resolved*, That *Marcy Ferguson* be and she is hereby impowered to make sale of the land mentioned in her petition dated the 12th day of *September*, 1782, to make and execute a good and authentic deed or deeds to the purchaser or purchasers to all intents and purposes, she being a *femme-covert* notwithstanding. *October 2, 1782.*

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### Chapter 19.

Chap. 19

RESOLVE ALLOWING DANIEL HICKEY HALF PAY AS A SOLDIER, TO COMMENCE AUG. 25, 1781.

*Upon the representation of John Lucas, Commissary of Pensioners, in behalf of Daniel Hickey, a soldier in the service and pay of the States, in Col. Vose's regiment, who was wounded the 17th of February 1781, by which he has lost the use of his right arm.*

*Resolved*, That said *Daniel Hickey* be allowed half pay as a soldier, to commence *August 25th*, 1781, till otherways ordered by this Court or Congress.

*September 28, 1782.*

## Chapter 20.

RESOLVE ON THE PETITION OF ANDREW OLIVER, ESQ;

Chap. 20

*On the petition of Andrew Oliver, Esq;*

*Resolved*, That the agent on the estate of *William Brattle*, late of *Cambridge*, in the county of *Middlesex*, Esq; deceased, absentee, be and he is hereby authorized and directed to pay to *Andrew Oliver*, Esq; of *Salem*, in the county of *Essex*, the sum of *six hundred ninety nine pounds four shillings and two pence*, as certified by the commissioners to the Judge of Probate, *December 1779*, in specie, said sum being due from said *Brattle* to said *Oliver*, as appeared to said commissioners by full and sufficient evidence, the said *Oliver* giving bond to the Judge of Probate for the county of *Middlesex*, to refund what may be his proportion, in case the estate of the said *Brattle* shall hereafter appear to be insolvent.

October 2, 1782.

## Chapter 21.

RESOLVE ESTABLISHING THE TIME FOR HOLDING THE SUPREME JUDICIAL COURT AT TAUNTON, IN THE COUNTY OF BRISTOL, ON THE SECOND TUESDAY OF NOVEMBER NEXT.

Chap. 21

*Whereas by a resolution of the General Court pass'd the 21st of September inst. the Supreme Judicial Court is to be held at Taunton, in the county of Bristol, on the second Wednesday of November next, which time is found to be inconvenient and not to answer the purpose intended:* Therefore,

*Resolved*, That the said resolution which passed the General Court the 21st day of *September* instant, establishing the time for the sitting of the Supreme Judicial Court in the several counties of this Commonwealth, be and hereby is so far repealed and made null and void as respects the sitting of the Supreme Judicial Court in the county of *Bristol* on the second Wednesday of *November* next. And it is further *Resolved*, That a Supreme Judicial Court shall be held at *Taunton*, in the county of *Bristol*, on the second Tuesday of *November* next; and that all actions, suits, matters or things whatsoever now pending, or that hereafter may be pending in said Court, shall have day, be taken up, heard and determined by the Justices of the said Supreme Judicial Court, at the time and place aforesaid. And all persons that are or shall be held by

way of recognizance, or otherwise, to appear at the next Supreme Judicial Court in said county of *Bristol*, shall be and hereby are declared to be held liable to appear before said Court to be held at *Taunton* aforesaid on the second Tuesday of *November* next. *September 28, 1782.*

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### Chapter 22.

#### Chap. 22

RESOLVE UPON THE PETITION OF WILLIAM WEST.

*Upon the petition of William West, praying that a flag may be granted for the purpose of going on board the British ship Jupiter, now in this bay, in order to redeem his son, now a prisoner on board said ship :*

*Resolved,* That the governor be requested to commission a flag for the purpose aforesaid. *September 28, 1782.*

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### Chapter 23.

#### Chap. 23

RESOLVE UPON THE PETITION OF A NUMBER OF INHABITANTS OF THE TOWN OF SALEM.

*Upon the petition of a number of inhabitants of the town of Salem, praying that they may be permitted, at their own expence, to fit out a flag to go to New York, for the purpose of redeeming a number of American officers and seamen, now confined on board the Prison Ship there :*

*Resolved,* That the prayer of the petitioners be granted, and that the Governor be requested to commission a flag for the purpose aforesaid. *September 28, 1782.*

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### Chapter 24.

#### Chap. 24

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO CERTIFY AN ADDITIONAL SUM OF THIRTY SHILLINGS PER MONTH TO SURGEONS AND SURGEON'S MATES OF THE ARMY.

*Resolved,* That the Committee for settling with the Army be and they hereby are directed to certify to the Governor and Council that, agreeable to a Resolve of Congress of *Sept. 30, 1780*, there was an additional sum of *thirty shillings* per month to the Surgeons and Surgeon's Mates of the army, which was not included in the certificates made out to the Surgeons and Surgeon's Mates aforesaid. And the Governor, with advice of Council, is

requested to give a warrant on the Treasurer of this Commonwealth for the additional sum of *thirty shillings* per month, for three months, to the Surgeons and Surgeon's-mates as aforesaid. And the Treasurer aforesaid is directed to pay the said additional pay of *thirty shillings* per month, for the said three months, out of the next State tax.

September 30, 1782.

### Chapter 25.

RESOLVE ON THE PETITION OF JOHN AVERY, JUN. RESPECTING FOUR NOTES HE RECEIVED OF JOHN FESSENDEN, ESQ; ONE OF THE COMMITTEE FOR SELLING ABSENTEES ESTATES IN THE COUNTY OF WORCESTER. Chap. 25

*On the petition of John Avery, jun. Esq;*

*Resolved,* That the four notes, to the amount of *eight hundred twenty-nine pounds ten shillings*, delivered into the Secretary's office by *John Fessenden, Esq;* one of the committee for selling absentees estates in the county of *Worcester*, which he received of *Jonathan Warner, Esq;* agreeable to a resolution of *November 2, 1781*, in discharge of a mortgage of said *Jonathan's*, be delivered to the Treasurer of this Commonwealth, who is hereby directed to charge himself therefor, and credit the said *John Fessenden, Esq;* and committee as aforesaid, for the same; and the Treasurer is further directed to deliver said notes into the hands of the committee appointed to deface the government securities, agreeable to a Resolve of the General Court for that purpose.

*Resolved,* That the committee for examining and settling the Treasurer's accounts be and they are hereby directed to charge the aforesaid *eight hundred twenty nine pounds ten shillings* to the Treasurer of this Commonwealth.

October 1, 1782.

### Chapter 26.

RESOLVE ON THE PETITION OF JOSEPH TITCOMB.

Chap. 26

*On the petition of Joseph Titcomb, praying that the copy of the last will and testament of his late father, John Titcomb, may be ratified, it was ordered by the whole Court on June 5th 1782, that the said petitioner serve Samuel Titcomb, mentioned in said copy, and all others concerned,*

*with an attested copy of said petition, and of the copy therein mentioned, as also of this order, fourteen days before the first day of the next session of this Court, and notify them to appear on the second Wednesday of the same session, to shew cause, if any they have, why the prayer of said petition should not be granted. The said Joseph Titcomb having returned from the proper officer an attestation, that the said Samuel Titcomb, brother of the said Joseph, Jeremiah Pearson, brother in law, Moses Rogers and his wife, sister of the said Joseph, have been duly notified, according to the above order of the General Court, and been served with the several papers therein mentioned, and all within the time mentioned; the said Joseph Titcomb having also attended at the time assigned the parties, and produced a certificate from the aforesaid Samuel Titcomb, Jeremiah Pearson, and Moses Rogers, importing that they have no objections against the copy of a will said to be John Titcomb's, presented by Joseph Titcomb, as set forth in his petition to be ratified as his last will and testament, which certificate was attested by the said Samuel Titcomb, Jeremiah Pearson, and Moses Rogers, on oath, before Theophilus Parsons, justice of the peace, and no persons appearing on the day set for the parties to attend except the said Joseph Titcomb :*

*Resolved,* That the copy of the will presented by the said Joseph Titcomb as of the last will and testament of John Titcomb, deceased, be allowed and ratified, and that the Judge of Probate for the county of Essex be and he hereby is directed to have the said copy registered in the registry of Probate for said county, and that the said copy be allowed as valid as though it was the original, and that proceedings be allowed and had thereon accordingly.

*October 1, 1782.*

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### Chapter 27.

*Chap. 27* RESOLVE HIGHLY APPROVING OF THE PROCEEDINGS OF THE COMMITTEE APPOINTED TO REPAIR TO THE COUNTY OF HAMPSHIRE, AND DIRECTING SAID COMMITTEE TO EXHIBIT THEIR ACCOUNTS FOR EXAMINATION AND ALLOWANCE.

*The committee appointed to consider the report of the committee appointed to repair to the county of Hampshire, to enquire into the grounds of dissatisfaction there, correct misinformation, and endeavour the removal of groundless*

*jealousies, have attended that service, and beg leave to report the following resolves:*

*Resolved*, That this Court highly approve of the proceedings of that Committee for their indefatigable and successful endeavours in so great a degree quieting the disturbances that had arisen in said county.

And it is further *Resolved*, that said Committee exhibit their accounts for that service that the same may be examined and allowed.

October 2, 1782.

## Chapter 28.

RESOLVE ON THE PETITION OF WATERMAN THOMAS.

Chap. 28

*On the petition of Waterman Thomas, praying that he may be enabled to discharge one certain obligation given by him and Briggs Thomas to Nathan Mitchel, one of the committee for the sale of estates of absentees in the county of Plymouth, with bills which were of public credit when said debt became due, agreeably to the said obligation, and for the recovery of which an action is now pending in the Court of Common Pleas in the said county of Plymouth, for reasons mentioned in said petition.*

*Resolved*, That the said *Nathan Mitchel* be and he is hereby directed to receive of the said *Briggs* and *Waterman* continental bills which were bills of public credit when the said debt became due, at the value they were then established by the law of this Commonwealth, agreeably to his express agreement, and in full satisfaction for said obligation, and become nonsuit in said action, and the Justices of the said Court are hereby directed to conduct accordingly.

And it is further *Resolved*, That the Treasurer of this Commonwealth be and hereby is directed to receive of the said *Nathan* the said bills, and credit him therefor in the same manner as if they had been paid when they became due.

October 2, 1782.

## Chapter 29.

RESOLVE ON THE PETITION OF MICHAEL HUMBLE, PERMITTING HIM TO DISPOSE OF CERTAIN ARTICLES.

Chap. 29

*On the petition of Michael Humble:*

*Resolved*. That the prayer of the petitioner be granted, and that he have liberty under the inspection of the naval

officer for the port of *Boston* to dispose of cordage and slops to the amount of *three hundred pounds* sterling to the continental agent, for the use of the public.

*October 3, 1782.*

### Chapter 30.

- Chap. 30* RESOLVE ON THE PETITION OF ZEBEDEE SPROUT, AGENT ON THE ESTATES OF PETER OLIVER, SEN. AND PETER OLIVER JUN. ABSENTEES, APPOINTING A COMMITTEE TO ENQUIRE INTO SAID AGENT'S CONDUCT.

*On the petition of Zebedee Sprout, agent on the estates of Peter Oliver, sen. and Peter Oliver, jun. absentees :*

*Resolved, That Samuel Niles, Hugh Orr and Elijah Dunbar, Esq's, be a committee to repair to Middleborough as soon as may be, and there enquire into the manner of said agent's conducting the business of his agency, and of the probability there was of his being ignorant of the Resolves of this Court directing agents on absentees estates when and where to pay the money they received belonging to said estates, and report as soon as may be, at the expence of said petitioner.*

*October 2, 1782.*

### Chapter 31.

- Chap. 31* RESOLVE DIRECTING THE COMMISSARY GENERAL TO PAY JOHN PREBBLE, CAPTAIN OF A COMPANY OF INDIANS, £.49, IN MONEY OR PROVISIONS, BEING FOR BACK RATIONS.

*Resolved, That the Commissary-General of this Commonwealth be directed to pay John Prebble, Captain of a company of Indians in the eastern department, under Col. John Allen, £.49, in money or provisions, being for 1470 back rations, due to him from the 20th of January 1781 to the 16th of August 1782, at eight pence per ration, and charge the same to the United States. October 4, 1782.*

### Chapter 32.

- Chap. 32* A GRANT OF £.50, TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT, FOR ONE QUARTER'S SERVICE, AND DIRECTING THE AGENT TO SUPPLY HIM WITH A PIECE OF LINEN.

*On the petition of William Baker, Messenger to the General Court :*

*Resolved, That there be paid to William Baker, out of*



the Treasury of this Commonwealth *fifty pounds*, for one quarter's service, ending the 25th of *August* last :

Also *Resolved*, That the Honorable *Caleb Davis*, Esq ; agent for this Commonwealth be directed to supply him the said *Baker* with a piece of linen suitable for shirts, in consideration of his extra services. *October 3, 1782.*

### Chapter 33.

RESOLVE ON THE PETITION OF THE REV. PHINEHAS WHITNEY AND ZABDIEL ADAMS, GUARDIANS TO THE HEIRS OF TEMPERANCE GORDON'S ESTATE. *Chap. 33*

*On the petition of the Rev. Phinehas Whitney and Zabdiel Adams, guardians to the minors that are heirs to the estate of Temperance Gordon, late of Dunstable, deceased, praying that the Judge of Probate may be impowered to order distribution to be made of said estate, for reasons set forth in said petition :*

*Resolved*, That the prayer of the petition be granted, and the Judge of Probate for the county of *Middlesex* be and he is hereby empowered, as soon as may be, to distribute the estate of *Temperance Gordon*, late of *Dunstable*, deceased, in such proportion as will comport with the last will and testament of the testatrix, the youngest child not having arrived to twenty one years of age notwithstanding. *October 4, 1782.*

### Chapter 34.

RESOLVE FOR DISCONTINUING THE OFFICE OF AGENT, COMMITTEE ON ACCOUNTS, COMMITTEE ON THE PAY ROLLS OF THE MILITIA, REDUCING THE COMMITTEE FOR SETTLING WITH THE ARMY, AND DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS TO CALL UPON THE COMMITTEE OF SEQUESTRATION FOR THE SETTLEMENT OF THEIR ACCOUNTS. *Chap. 34*

*Resolved*, That the office of Agent of this Commonwealth, be from and after the first day of *January* 1783 discontinued, and that such part of the business of the said agent, as relates to the building and equipping such armed or other vessels as have from time to time by the General Court been ordered to be built or equipt. The receiving and disposing of all prize and other goods, &c. that may arrive, being the property of this Commonwealth.

The providing workmen and materials for the laboratory. Cloathing the troops in the service and pay of this Commonwealth. Providing military stores and other articles for the castle and other forts, agreeable to order from the General Court or the Governor, and providing and keeping in order the boats for the hospital, devolve on the Commissary General of this Commonwealth, who is hereby directed to attend to the same.

And that *Caleb Davis*, Esq; Agent for this Commonwealth, be and hereby is directed on the first day of *January* 1783 to deliver the books of the late Board of War to the Committee for stating and methodizing the public accounts; and the said Committee are directed as soon as may be to adjust the same, and make return of the balances thereon to the Treasurer of this Commonwealth; and the said Treasurer is hereby directed to commence processes in law against such persons as shall appear to be indebted to the Commonwealth on the said accounts and refuse or neglect to make payment.

*Resolved*, That the Committee, called the Committee on Accounts, from and after the first day of *January* 1783 be discontinued.

*Resolved*, That the Committee for settling with the Army be reduced to a single person, with the assistance of a clerk of such person to be chosen by joint ballot of both houses.

*Resolved*, That the Committee for methodizing and stating the public accounts be and hereby are impowered and directed to call upon the Committee of Sequestration for the settlement of their accounts; and if the said Committee of Sequestration shall neglect or refuse to adjust the same, the Committee for methodizing and stating public accounts are hereby directed, on the first day of *January* next, to deliver the accounts of the said Committee of Sequestration to the Treasurer of this Commonwealth, and the Treasurer is hereby directed forthwith to deliver the same into the hands of the Attorney General of this Commonwealth, who is hereby directed immediately to commence a legal process thereon. And that such sums as may be recovered be paid into the hands of the Treasurer, duplicate receipts to be taken therefor, one of which to be lodged in the Secretary's office, and be truly reserved as a fund for and applied to the payment of the interest due or that may become due on consolidated securities.

*Resolved*, That the Committee on the Pay-rolls of the militia and state troops be discontinued after the first day of *January* 1783, and that pay rolls in future, be returned to the office of the Secretary of this Commonwealth, to be laid before the Governor and Council for careful examination and payment.

*Resolved*, That the Governor and Council be and hereby are requested, from time to time, at the opening of the sessions, to acquaint the General Court, by laying before the two houses separately an account of past expenditures of government, how far the provisions made may have been adequate to the purposes intended; and in like manner to lay before the two houses an estimate of further charges that may be necessary, that the General Court may, without loss of time (if they shall think proper) proceed to make seasonable provision for them.

*October 21, 1782.*

### Chapter 35.

RESOLVE ON THE PETITION OF MARY FOSTER.

*Chap. 35*

*On the petition of Mary Foster :*

*Resolved*, That *Mary Foster* be and she is hereby permitted to go to *New York* in the next cartel, for reasons set forth in her petition; and the Naval Officer of the Port of *Boston* is hereby directed to take effectual care that she do not carry any letters of intelligence, or any articles more than are necessary for her voyage. And that she be not permitted to return again without leave first obtained of the General Court.

*October 5, 1782.*

### Chapter 36.

RESOLVE DIRECTING IN WHAT MANNER EXECUTIONS NOW ISSUED OR THAT MAY HEREAFTER ISSUE AGAINST THE CONSTABLES AND COLLECTORS OF THE SEVERAL TOWNS IN THIS COMMONWEALTH, ON THE TAX OF THREE HUNDRED AND THREE THOUSAND POUNDS, GRANTED IN OCTOBER LAST, MAY BE SATISFIED IN CERTAIN CASES.

*Chap. 36*

*Whereas said tax is in part appropriated to satisfy various demands of the subjects of this Commonwealth, and executions have been and are ordered to issue against the several delinquent constables and collectors for bringing in of said tax, and whereas it can serve no good purpose*

*of government to compel such persons to pay in their proportions of said tax as have demands upon this Commonwealth for the discharge and satisfaction whereof said tax is appropriated: Therefore,*

*Resolved,* That the Treasurer of this Commonwealth be and he is hereby directed and impowered, in all cases where executions have issued or may issue for levying the monies due on said tax, to give to any person to whom any monies are due and payable by appropriation out of the same tax, receipt or receipts on said constables and collectors, in the same manner and in all such cases as he was impowered and directed to do before said executions did or were ordered to issue, and said constables and collectors shall receive and allow them accordingly, and the sheriffs of the several Counties of this Commonwealth who have or shall have executions on said tax, to levy the monies due thereon, shall receive of their respective constables and collectors said receipts in satisfaction thereof, if offered instead of money, which receipts shall be received into the Treasury of this Commonwealth and allowed in the same manner as if said receipts had been given before said executions issued.

*October 5, 1782.*

### Chapter 37.

*Chap. 37* RESOLVE FIXING THE VALUE OF NOTES GIVEN TO THE OFFICERS AND SOLDIERS OF THE ARMY FOR THE DEPRECIATION OF THEIR WAGES, AND DIRECTING THE TREASURER TO OBSERVE SAID RULE IN CONSOLIDATING SAID NOTES.

*The committee of both Houses appointed to fix the value of notes given to the officers and soldiers of the army for the depreciation of their wages, in order for their being consolidated, report the following estimate, viz.*

The Notes payable in *March* 1783, at  $7d\frac{1}{4}$  for 20s.  
ditto payable in *March* 1784, at  $7d$ .  
ditto payable in *March* 1785, at  $6d\frac{1}{2}$   
ditto payable in *March* 1786, at  $6d$ .  
ditto payable in *March* 1787, at  $5d\frac{1}{2}$   
and ditto payable in *March* 1788, at  $5d\frac{1}{4}$

*Read and accepted,* and thereupon *Ordered,* That the Treasurer be and he hereby is directed to observe the foregoing rules in consolidating the notes above-mentioned, when presented for that purpose; but he is not to allow any bounty on such consolidated notes.

*October 8, 1782.*

## Chapter 38.

RESOLVE PREVENTING FLAGS OF TRUCE NOW IN THE HARBOUR OF BOSTON FROM SAILING 'TILL FURTHER ORDER. Chap. 38

*Whereas the cartel ship commanded by Capt. Humble has for a considerable time past been lying in the harbour of Boston, and from her station the people belonging to her have had full opportunity of observing the number, force and circumstances of the fleet under the command of the Marquis de Vaudreuil. And it appears that the said cartel, on her leaving port, is to proceed directly to New York: And whereas the said Capt. Humble, from his residence in the town of Boston, will be enabled, on his arrival at New York, to give particular and minute information to the commander of his Britannic Majesty's fleet there, respecting the squadron of his most Christian Majesty, now lying in the harbour of Boston:*

*Resolved, That neither Capt. Michael Humble nor any other commander of a flag of truce, now lying in the harbour of Boston, be permitted to depart without leave first had and obtained from the General Court, or in the recess from the Governor and Council of this Commonwealth.*

*October 10, 1782.*

## Chapter 39.

RESOLVE PREVENTING THE ENEMY FROM BEING SUPPLIED WITH PROVISIONS FROM THE SHORES ON THE SOUTH PART OF THIS COMMONWEALTH. Chap. 39

*Whereas it appears to this Court that there is danger of the enemy's being supplied with fresh provisions from the shores on the south part of this Commonwealth and the Elizabeth Islands, unless measures are taken to prevent the same:*

Therefore, *Resolved, That the selectmen and militia officer in the several towns of Dighton, Swansey, Rehoboth, Freetown and Dartmouth in the county of Bristol, Rochester and Wareham in the county of Plymouth, Sandwich, Falmouth, Barnstable and Chatham in the county of Barnstable, be and they hereby are respectively directed to examine the shores in their respective towns and vessels in their harbours, and on finding any cattle or sheep, which from their local situation or other apparent circumstances are likely to fall into the hands of the enemy, that they order the owner or owners of such stock, their agents, or*

some person who acts under them, to drive the same immediately to such place or places of safety as the selectmen of the same town shall direct, and on any such person's refusing to comply with said order, the said selectmen are hereby required and impowered to drive or cause such stock to be driven to some place of safety, and there to be advertised for sale, and after proper notice given to be sold at public vendue, they taking an account of the marks, natural or artificial, of such stock, and what they fetch at such sale, and after deducting all necessary charges that arise in consequence of such sale, to pay the remainder to the owner or owners, on making their demands and proving their property in such flock; and when the owner or owners of such stock are unknown or cannot speedily be found, the selectmen in the same town are hereby directed to proceed in the same way as in case of the owners refusing to remove their stock.

And it is further *Resolved*, That Col. *Manasseh Kempton*, with the selectmen of the town of *Dartmouth*, be and they hereby are directed to repair immediately, by themselves or such persons as they can confide in, to the *Elizabeth Islands*, and examine the stock on those islands, and on finding more there than is necessary for the inhabitants of those islands, and of such a quality as may be serviceable to the enemy, to cause the same, as soon as possible, to be removed off said islands to the main; and on the owners appearing and making proof of their property in such stock, they may have the same again, on paying the expence of such removal, and such stock as no owner shall appear to claim within twenty four hours after their arrival to the main shall be sold at public vendue, the same directions to be observed in the sale as is directed in the former part of this Resolve. And the Secretary is hereby directed to send copies of these Resolves to the several towns aforementioned immediately by express. *October 9, 1782.*

### Chapter 40.

#### Chap. 40

RESOLVE ON THE MEMORIAL OF ISAAC SNOW.

*On the memorial of Isaac Snow :*

*Resolved*, That the town of *Harpwell* be abated *five shillings* in the *thousand pounds* of the last valuation, and that the same be laid on a plantation called *West Bowdoinham*, in the county of *Lincoln*. *October 9, 1782.*

**Chapter 41.**

RESOLVE DIRECTING THE SECRETARY TO NOTIFY THOMAS IVERS, ESQ; OF HIS ELECTION AS TREASURER OF THIS COMMONWEALTH. *Chap. 41*

*Whereas Thomas Ivers, Esq; hath this day been chosen Treasurer and Receiver General of this Commonwealth, in the room of the Honourable Henry Gardner, Esq; late Treasurer, deceased, by joint ballot of the Senators and Representatives, in one room, agreeable to the Constitution:*

*Resolved,* That the Secretary be directed to give the said *Thomas Ivers, Esq;* immediate notice of the said choice. *October 10, 1782.*

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**Chapter 42.**

RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF THE COUNTY OF MIDDLESEX. *Chap. 42*

*Whereas it appears, upon examination of the accounts of the Treasurer of the county of Middlesex, that all the monies granted and allowed by the Court of General Sessions of the Peace for said county, for the year 1782, were for such purposes and appropriations as the law impowers said Court to grant:*

*Therefore, Resolved,* That the said accounts be allowed. *October 5, 1782.*

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**Chapter 43.**

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF FRYBURGH, DIRECTING THE COMMITTEE ON MUSTER ROLLS AND ACCOUNTS TO EXAMINE THE ROLLS AND ACCOUNTS MENTIONED. *Chap. 43*

*On the petition of the selectmen of the town of Fryburgh, for services and disbursements for the defence of the Commonwealth:*

*Resolved,* That the Committee on Muster Rolls and Accounts be and hereby are directed to examine the rolls and accounts mentioned in said petition, and allow what may be found justly due thereon. *October 10, 1782.*

## Chapter 44.

*Chap. 44* RESOLVE ON THE MEMORIAL OF *BERIAH NORTON*, PERMITTING HIM TO GO TO *NEW YORK*.

*Upon the memorial of Beriah Norton :*

*Resolved*, That *Beriah Norton*, Esq; of the Island of *Martha's Vineyard*, be and he hereby is permitted to go to *New York* in any vessel he shall think proper, for the reasons set forth in his memorial, and to return to this Commonwealth, and bring with him, to and for the sole use of the inhabitants of the said Island of *Martha's Vineyard*, the sum of *four thousand nine hundred and twenty three pounds*, sterling money of *Great Britain*, in gold or silver coin, which remains due to the inhabitants of said *Martha's Vineyard*, for cattle, sheep and forage taken from them by *General Gray*, for the use of the *British* forces, or the one third part of said sum in goods, wares and merchandize.

*Provided nevertheless*, That the said *Norton* first give bond with sufficient sureties, in the sum of *ten thousand pounds*, to the Treasurer or his Assistant of this Commonwealth for the sole use of the said Commonwealth, for his the said *Norton's* strict compliance with this Resolve.

And be it further *Resolved*, That the said *Norton* shall not carry any of the produce of this Commonwealth, or any of the produce of the United States of *America*, or any goods, wares or merchandize, to said *New York*, or to any of the territories of the King of *Great Britain*, or to any port or place in possession of the King of *Great Britain* (necessaries for the voyage only excepted) neither shall he carry to any place in possession of the enemy more than *forty pounds* specie, in sterling money of *Great Britain*.

And be it further *Resolved*, That the said *Norton* shall return from the said Island or port of *New York* directly to the port of *Dartmouth* in this Commonwealth, and shall there enter his vessel and the whole cargo on board her, or such other vessel or boat as he shall return in, with the Naval Officer of that port; and said vessel and cargo shall be liable to the inspection of said Naval Officer, previous to such entry; and the said vessel in which the said *Norton* shall so return shall not touch at any port or place



until her arrival in the said port of *Dartmouth*, and shall not, on her passage thence, nor until the said Naval Officer hath inspected her and her cargo, as aforesaid, upon her arrival in said port of *Dartmouth*, break bulk or land any goods, wares or merchandize, without being liable to confiscation, and all on board her, together with all such goods, wares and merchandizes so landed or otherways removed out of her, either by land or water.

And be it further *Resolved*, That the said Naval Officer for the said port of *Dartmouth* is hereby impowered and directed to take the said bond mentioned in the foregoing Resolve, in the name of the Treasurer or his Assistant of this Commonwealth, for the sole use of said Commonwealth, conditioned for the strict observance of this Resolve and every article and clause therein mentioned.

*October 12, 1782.*

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### Chapter 45.

RESOLVE PREVENTING PRISONERS COMING ON SHORE FROM  
ON BOARD PRISON SHIPS. *Chap. 45*

*Resolved*, That no prisoner be permitted to go on shore from on board the guard or prison ship, or any other vessel in the harbour of *Boston*, without leave first had and obtained from the Governor and Council.

*October 11, 1782.*

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### Chapter 46.

RESOLVE DIRECTING THE TREASURER TO GIVE BOND AND TO  
TAKE THE OATHS PRESCRIBED BY THE CONSTITUTION. *Chap. 46*

*Resolved*, That *Thomas Ivers*, Esq; lately elected Treasurer and Receiver General of this Commonwealth, shall not be esteemed duly qualified to enter upon the execution of that office until he shall first have the oaths prescribed by the Constitution of this Commonwealth administered to him, for his faithful performance of his said Trust, nor until he shall have given bond, with sufficient sureties to the acceptance of a Committee appointed by this Court for that purpose, in the sum of *thirty thousand pounds*, to the eldest Councillor, the President of the Senate and Speaker of the House of Representatives

of this Commonwealth, for the time being, who are hereby appointed a Committee in behalf of this Commonwealth, and especially authorized for this purpose; which bond shall be conditioned for such Treasurer's truly and faithfully discharging the duty of his trust according to law, and for his rendering an account, when and so often as he shall be required by the General Court, of all such sum or sums of money as he shall from time to time receive into the Treasury, and for his well and truly paying to his successors in said office, or to any other person that may be appointed by the General Court to receive the same, all such sum or sums of money as upon such settlement of his said accounts, or otherwise, shall be found due and payable from him to this Commonwealth.

*Provided*, That the said bond be put in suit within three years next after the date hereof, otherwise to be void and of none effect; and that *William Sever*, Esq; *Mr. Phillips* and *Mr. Rowe* be a committee to judge of the sufficiency of such as may offer to become sureties as aforesaid.

October 12, 1782.

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### Chapter 47.

*Chap. 47* RESOLVE ON THE PETITION OF *BENJAMIN REDINGTON*, IN BEHALF OF THE PROPRIETORS OF THE TOWN OF *LUNENBURG*.

*On the petition of Benjamin Redington, in behalf of the proprietors of the town of Lunenburg, shewing that John Taylor, Esq; late of Douglas, obtained a judgment against Joshua Martin, at an inferiour Court of Common Pleas held at Worcester, in the County of Worcester, in the last December term, and praying that the same may be reversed and the said Joshua Martin have an opportunity of a hearing in law:*

*Resolved*, That the petitioner serve *John Taylor*, Esq; with an attested copy of the said petition and this order thereon, ten days at least before the next session of this Court, that he may appear on the second Wednesday of the next sitting of this Court, to shew cause, if any he has, why the prayer of the petition should not be granted, and that execution be stayed in the mean time.

October 12, 1782.

## Chapter 48.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE WITH JOSEPH WARD, ESQ; LATE COMMISSARY-GENERAL OF MUSTERS. Chap. 48

*On the petition of Joseph Ward, Esq;*

*Resolved,* That the Committee for settling with the Army be and they are hereby directed to settle with Joseph Ward, Esq; late Commissary General of Musters, as they have with the officers of the *Massachusetts* line of the army, the ballance which shall appear to be due to him to be charged to the United States.

October 12, 1782.

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## Chapter 49.

RESOLVE DIRECTING THE TREASURER NOT TO RECEIVE CERTIFICATES ISSUED FROM THE QUARTER-MASTER'S GENERAL DEPARTMENT UNTIL FURTHER ORDERS. Chap. 49

*Whereas by an Act of the General Court passed February 17, 1781, the Treasurer was directed to receive certificates issued from the Quarter-Master's General department, and give a loan note in exchange for such certificates: And whereas the present state of the Treasury is such that it is found inconvenient for the Treasurer to receive any more of said certificates:*

*Resolved,* That the Treasurer be directed not to proceed any further in receiving and loaning said certificates, until further orders of this Court.

October 12, 1782.

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## Chapter 50.

RESOLVE DIRECTING THE TREASURER AND THE SEVERAL COMMITTEES TO PREPARE ACCURATE ACCOUNTS OF ALL PAYMENTS MADE OR SUPPLIES FURNISHED BY THIS COMMONWEALTH TO THE OFFICERS AND SOLDIERS OF THE ARMY SINCE THE FIRST DAY OF JANUARY 1781, EXCEPTING FOR SERVICES IN THE YEAR 1780, AND NOT TO MAKE ANY FURTHER PAYMENTS. Chap. 50

*Whereas it is necessary that accounts be transmitted to the Continental Paymaster General of what payments have been advanced to the officers and soldiers of the army, in order to prevent a double credit for the same sums: Therefore,*

*Resolved,* That the Treasurer of this Commonwealth, and the several Committees whose business it is, be and

they hereby are directed to prepare accurate accounts of all payments made or supplies furnished by this Commonwealth to the officers and soldiers of the army since the first day of *January* 1781, excepting such as were made for services performed in the year 1780, and lodge the same in the Secretary's office; and the Secretary is hereby directed to transmit the said accounts as speedily as possible to the Paymaster General aforesaid.

*Resolved* further, That the Treasurer aforesaid and all Committees be and they hereby are directed to make no further payments to the aforesaid officers or soldiers, on account of services rendered since the commencement of the current year, without special order therefor from this Court.

*October 12, 1782.*

### Chapter 51.

*Chap. 51* RESOLVE PERMITTING THE SEVERAL NAVAL-OFFICERS OF THIS COMMONWEALTH, OR THEIR DEPUTIES, TO GO ON BOARD CARTELS.

*Resolved*, That the several Naval-Officers of this Commonwealth, or their Deputies, be permitted to go on board any cartel or flag of truce that may arrive in any harbour within this state, without special permit from the Governor, the Resolve of the General Court of the eighth day of *May* last notwithstanding.

*October 14, 1782.*

### Chapter 53.\*

*Chap. 53* RESOLVE ON THE PETITION OF JONATHAN BOWMAN, ESQ; IMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF LINCOLN TO ASSESS £.500 ON THE POLLS AND ESTATES OF THE INHABITANTS OF SAID COUNTY.

*On the petition of Jonathan Bowman, Esq; Clerk of the Court of General Sessions of the Peace for the County of Lincoln, on behalf of the said Court:*

*Resolved*, That the prayer of the said petition be granted, and that the Justices of the said Court be and they hereby are empowered to assess upon the polls and estates of the inhabitants of the said County the sum of *five hundred pounds*, for defraying the charges therein mentioned.

*October 14, 1782.*

\* There is no chapter numbered 52 in the Session Pamphlet.

## Chapter 54.

RESOLVE ON THE PETITION OF MARGARET SCOTT, ADMINISTRATRIX ON THE ESTATE OF DANIEL SCOTT, LATE OF BOSTON, DECEASED.

Chap. 54

*On the petition of Margaret Scott, administratrix on the estate of Daniel Scott, late of Boston, in the County of Suffolk, deceased, intestate, and John Lucas, guardian for four of the children of the abovesaid deceased, praying for liberty to sell a house in Newmarket, in the State of New Hampshire, for reasons set forth in said petition:* Therefore,

*Resolved,* That the abovesaid Margaret Scott, administratrix on the estate of said deceased, be and she hereby is, in her said capacity, impowered to sell the abovesaid house for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers of the abovesaid house, she observing the rules in the law made and provided for executors and administrators, she giving bonds to the Judge of Probate in the abovesaid County, that the proceeds thereof be improved for the benefit of the heirs at law.

October 14, 1782.

## Chapter 55.

RESOLVE APPOINTING A COMMITTEE TO RECEIVE FROM THE EXECUTORS OR ADMINISTRATORS OF THE LATE TREASURER, ALL SUCH PROPERTY OF THIS COMMONWEALTH AS WAS IN THE HANDS OF THE SAID LATE TREASURER, AND GIVE THEM RECEIPTS, AND TO DELIVER TO THOMAS IVERS, ESQ; TREASURER, ALL SUCH MONIES, &c. AS THEY MAY RECEIVE.

Chap. 55

*Resolved,* That William Phillips, Esq; Leonard Jarvis, Esq; and Edward Paine, Esq; be and hereby are appointed a Committee to receive from the executors or administrators of Henry Gardner, Esq; late Treasurer of this Commonwealth, all such property of this Commonwealth as was in the hands of the said late Treasurer Gardner, at his decease, and give their receipts, in behalf of this Commonwealth, to the executors or administrators of the said late Treasurer, for the same, and deliver to Thomas Ivers, Esq; Treasurer and Receiver General of this Commonwealth, all such monies, books and papers, and all such other effects, as they may receive from the

executors or administrators of the late Treasurer *Gardner*, taking duplicate receipts therefor, one of which receipts to be lodged in the office of the Secretary of this Commonwealth.

*Whereas it is of the greatest importance that the accounts of Thomas Ivers, Esq; Treasurer and Receiver General of this Commonwealth, be kept separate and distinct from the accounts of the late Treasurer:*

*Resolved*, That *William Phillips, Leonard Jarvis and Edward Paine, Esq's.* be a committee to confer with *Thomas Ivers, Esq; Treasurer and Receiver General* of this Commonwealth, and advise with him respecting such method of proceeding in the Treasury office, as in their opinion will most effectually answer this purpose.

October 15, 1782.

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### Chapter 56.

#### Chap. 56

RESOLVE ON THE PETITION OF ANN WILLIS.

*Upon the petition of Ann Willis praying for liberty to go to New York:*

*Resolved*, That *Ann Willis* have liberty to go to the city of *New York*, in the first cartel that shall sail from the port of *Boston*, not to return again into this Commonwealth without special leave for that purpose from this Court.

October 14, 1782.

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### Chapter 57.

#### Chap. 57

RESOLVE ON THE PETITION OF JOHN FISK, IMPOWERING HIM TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*On the petition of John Fisk, guardian to the children of Isaac Fisk, late of Framingham, deceased, praying for licence to sell the real estate of the said deceased, for reasons set forth in his petition:*

*Resolved*, That the prayer of the petitioner be granted, and that the said *John Fisk*, in his capacity as guardian, be and he is hereby empowered to sell the real estate of said *Fisk* mentioned in his petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, he observing the rules and directions of the law for the sale of real

estates by executors and administrators, giving sureties to the Judge of Probate for the County of *Middlesex*, for the proceeds of said sale, and that the same, after paying the just debts and cost of settling said estate, be put at interest, for the benefit of said children, until they shall arrive to lawful age, and then be paid to them in legal proportion.

*October 15, 1782.*

### Chapter 58.

RESOLVE ON THE PETITION OF *JUDE FOSTER*.

*Chap. 58*

*On the petition of Jude Foster :*

*Resolved*, That the Justices of the Court of General Sessions of the Peace next to be holden at *Northampton*, within and for the County of *Hampshire*, be and hereby are authorized and impowered to grant a licence to *Jude Foster*, of the plantation called *Merryfield*, in said County, to be an innholder within said plantation, until the usual term for granting licences in said county; he the said *Foster* being approved of by the Committee of said plantation, in the same manner as is necessary for inhabitants of towns to be approved of by Selectmen, the time for granting licences being elapsed notwithstanding.

*October 16, 1782.*

### Chapter 59.

RESOLVE GRANTING A TAX OF £.600, TO BE APPORTIONED AND ASSESSED ON THE RATEABLE POLLS AND ESTATES IN THE COUNTY OF *MIDDLESEX*, FOR DEFRAYING THE CHARGES OF SAID COUNTY.

*Chap. 59*

*On the representation of the Justices of the Court of General Sessions of the Peace of the County of Middlesex, that the sum of six hundred pounds will be necessary for defraying the charges of said County for one year next ensuing: Therefore,*

*Resolved*, That there be and hereby is granted a tax of *six hundred pounds*, to be apportioned and assessed on the rateable polls and estates in said county, and the same be collected and paid into the treasury thereof, and applied for the use of said county, agreeable to the laws of this Commonwealth.

*October 15, 1782.*

## Chapter 60.

*Chap. 60* RESOLVE ON THE REPRESENTATION OF JAMES NICHOLS, OF BROOKFIELD, GIVING THE SENSE OF THIS COURT THAT SAID NICHOLS IS HOLDEN BY THE LAWS OF THIS COMMONWEALTH TO PAY AND DISCHARGE THE DEBTS BY HIM CONTRACTED FOR SUPPLIES FURNISHED FOR THE USE OF THE UNITED STATES.

*Whereas it appears to this Court that James Nichols, of Brookfield, late Deputy Assistant Commissary of Purchases, in the continental department, in the discharge of the duties of his appointment within this Commonwealth, in many instances gave his securities for the payment of monies due for supplies furnished by the subjects of this Commonwealth for the use of the United States, and that the provision made by his principal in that department to enable him to discharge said securities is not equal to the value of the debts contracted, at the rates established by the scale of depreciation, agreeable to the laws of this Commonwealth, and from an opinion in his superiors in said department, that he is not holden to discharge said securities at any other rate than in proportion to the whole sum by him received for that purpose, they think themselves unauthorized to make him any allowance on account thereof, unless by the doings of the General Court of this Commonwealth it shall appear that they are of a different opinion: Therefore,*

*Resolved,* That it is the sense of this Court that the said James Nichols is holden by the laws of this Commonwealth to pay and discharge all debts by him contracted within this Commonwealth, for supplies furnished for the use of the United States, according to the scale of depreciation established by the laws of this Commonwealth.

*October 17, 1782.*

## Chapter 61.

*Chap. 61* RESOLVE ON THE PETITION OF JONAS HOW, OF RUTLAND, IN THE COUNTY OF WORCESTER, IMPOWERING HIM TO MAKE SALE OF THE LANDS MENTIONED.

*On the petition of Jonas How, of Rutland, in the county of Worcester, guardian to the heirs of Belcher Richards, late of Princeton, deceas'd, praying for liberty to sell the real estate belonging to said heirs, for reasons set forth in his petition:*



*Resolved*, That the prayer of his petition be granted, and that the said *Jonas How*, in his capacity of guardian, be and he is hereby fully authorized and impowered to make sale of the lands in his petition mentioned, and to make and execute a good and sufficient deed or deeds to the purchaser or purchasers, he observing the rules and directions of the law for the sale of real estates by executors or administrators, first giving bonds to the Judge of Probate for the county of *Worcester*, that the money arising by said sales shall be appropriated for the benefit of the heirs, agreeable to law.

October 23, 1782.

### Chapter 62.

RESOLVE FOR HOLDING THE SUPREME JUDICIAL COURT AT GREAT BARRINGTON, IN THE COUNTY OF BERKSHIRE, ON THE 4TH THURSDAY IN OCTOBER INSTANT, AND AT CAMBRIDGE, IN THE COUNTY OF MIDDLESEX, ON THE SECOND TUESDAY OF DECEMBER NEXT. Chap. 62

*Whereas it appears to this Court, by recent information from the County of Berkshire, that it is necessary that the Supreme Judicial Court should sit in that County as soon as circumstances will admit of it:* Therefore,

*Resolved*, That the Resolve of the General Court, passed the 26th of *September* last, for adjourning the Supreme Judicial Court to be held for the said County from the first Tuesday in *October* instant to the first Tuesday in *May* next, be and hereby is so far repealed as relates to the holding the same Court on the said first Tuesday in *May* next.

And it is further *Resolved*, That the said Supreme Judicial Court shall be held on the fourth Thursday in *October* instant, at *Great Barrington*, within and for the said County, and all processes shall then be returned, actions entered, and parties have day in court, and the same proceedings shall then be had in all matters and causes, whether civil or criminal, as might have been had if the said Court had been held on the first Tuesday of *October* instant.

And it is further *Resolved*, That the Supreme Judicial Court which by law is to be held at *Cambridge*, within and for the County of *Middlesex*, on the last Tuesday of *October* instant, be and hereby is adjourned to the second Tuesday in *December* next, then to be held at *Cambridge*

aforesaid, and all processes shall then be returned, actions entered, and parties have day in court, and the same proceedings shall then be had in all matters and causes, whether civil or criminal, as might have been had if the said Court had been held on the said last Tuesday in *October instant.*

*October 16, 1782.*

### Chapter 63.

*Chap. 63* RESOLVE FOR SUPPLYING THE EASTERN DEPARTMENT WITH PROVISIONS AND MILITARY STORES, AND DISCHARGING THE TRUCKMASTER AND INTERPRETER, AND REINSTATING JUNIPER BERTHIAUME AS INSTRUCTOR TO THE INDIANS.

*Resolved,* That the Governor, with advice of Council, be and hereby is requested to issue orders on the Commissary General to supply the Eastern Department under the command of Col. *John Allen*, according to the recommendations of Congress, with such provisions and military stores, not exceeding the sum of *one thousand pounds*, as he shall from time to time think necessary, the United States to be charged therefor, and the Commissary General is directed to furnish them accordingly.

*And whereas it is not necessary to continue the Indian trade at Fort Halifax: Resolved,* That Col. *Josiah Brewer*, the Truckmaster, and also the Interpreter, be and they are hereby discharged from that service.

*And as it appears by the application of a number of the Indian Chiefs, and Juniper Berthiaume, that they are desirous he may be reinstated in the office of Instructor to the Indians, which may have a tendency to promote and retain their friendship to the inhabitants of this Commonwealth:*

*Resolved,* That the said *Juniper Berthiaume* be and hereby is reinstated in the office of Instructor to the said Indians, any Resolve or Order of the General Court for his discharge from that service notwithstanding.

It is also *Resolved,* That the Governor, with advice of Council, be and hereby is requested to issue orders on the Commissary General to supply said Indians with such cloaths and other things requested in their petition as he shall think necessary, and the Commissary General is hereby directed to furnish them accordingly.

It is further *Resolved,* That a Naval Officer for the Port of *Machias* be elected as soon as may be.

*November 6, 1782.*

## Chapter 64.

RESOLVE ON THE PETITION OF EDWARD & HEPZIBATH RAYMOND. *Chap. 64*  
MOND.

*On the petition of Edward and Hepzibath Raymond, of Sterling, praying that they may be enabled, in their capacities as administrators to the estate of Jotham Bush, late of Shrewsbury, deceased, to make and execute a good and lawful deed of sale of a certain tract of land to Edmund Stiles, for reasons set forth in their petition:*

*Resolved,* That the prayer of the petition be so far granted that the said *Edward Raymond* and *Hepzibath Raymond*, administrators to the estate of *Jotham Bush*, deceased, be and hereby are fully authorized and empowered, in their capacity aforesaid, to make and execute a good and lawful deed of sale of one hundred and sixty acres of land with the buildings thereon, lying in the town of *Shrewsbury*, to the said *Edmund Stiles* and his heirs, &c. he paying or securing to the said *Edward* and *Hepzibath Raymond* the full amount of what remains due to the estate of said *Bush*, they the said *Edward* and *Hepzibath* first giving bonds to the Judge of Probate for the county of *Worcester* that the monies so received of the said *Stiles* shall be applied to the benefit of the heirs of the said *Bush* according to law. *October 18, 1782.*

## Chapter 65.

RESOLVE ON THE REPRESENTATION OF CAPT. ISAAC HATHAWAY, OF ADAMS, IN THE COUNTY OF BERKSHIRE, DIRECTING THE COMMITTEE FOR SALE OF ABSENTEES ESTATES IN SAID COUNTY TO RECEIVE THE NOTE OF HAND MENTIONED. *Chap. 65*

*Whereas it appears that Capt. Isaac Hathaway, of Adams, in the county of Berkshire, is now in the possession of a certain lot of land in said town, which he holds by an agreement made with John Murray, Esq; an absentee, but by reason of the losses the said Isaac has sustained by the war, and the public having the use of his money, he is unable to make that full payment for said lands that is required by law in order to compleat his title thereto:* Therefore,

*Resolved,* That the committee for the sale of conspira-

tors and absentees estates in the county of *Berkshire* be and they hereby are directed to receive from him the said *Hathaway* his note of hand, with one responsible surety, payable in one year from the date of said note, to the Treasurer of this Commonwealth, or his successor in said office, for the sum of *twenty eight pounds*, with lawful interest, and to govern themselves in their conduct towards said *Hathaway* and the land he possesses, upon his paying the residue of the money due for said lands, in the same manner as though he had paid the whole in cash.

October 19, 1782.

### Chapter 66.

*Chap. 66* RESOLVE ON THE PETITION OF THE FIRST PARISH IN SCARBOROUGH, IN THE COUNTY OF CUMBERLAND.

*On the petition of the first parish in Scarborough, in the county of Cumberland, Thomas Lancaster, minister of said parish, and Nehemiah Libby, of said Scarborough, yeoman, praying that the committee of said parish and the said Thomas Lancaster may be impowered to make and execute a good and sufficient deed in law of a certain tract of parsonage land in said Scarborough, upon his the said Nehemiah Libby's making a like deed to said parish of sundry pieces of salt marsh and thatch bed for the use of the ministry in said parish, in exchange therefor:*

*Resolved, That William Tompson, Esq; and Mr. William Vaughn, committee of the first parish in said Scarborough, and Thomas Lancaster, minister of said parish, be and hereby are impowered to make and execute a good and sufficient deed in law to the said Nehemiah Libby, his heirs and assigns forever, of a certain tract of parsonage land in said Scarborough, containing eighteen acres and one hundred and forty one square rods, lying on the south-east side of the highway over Beach Ridge, so called, in said Scarborough, the bounds whereof mentioned in said petition are as follows, viz. Beginning at a white maple, marked four sides and the letter P, and runs south-west seventy-three rods to the said highway, then north four degrees west one hundred and four rods by the highway, then north-east five rods, then south-east eighty rods to the maple tree first mentioned; upon his the said*

*Nehemiah Libby's* making a like deed to them of said salt marsh and thatch bed, for the use of the ministry in said parish in *Scarboroughh*, forever. October 19, 1782.

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### Chapter 67.

RESOLVE GRANTING £.13, 16s. 2d. TO THOMAS DURFEE, ESQ; AND £.17, 18s. 8d. TO SETH WASHBURNE, ESQ; BEING AN ALLOWANCE FOR THEIR TIME AND EXPENCE AS A COMMITTEE FOR VIEWING THE COUNTY OF BARNSTABLE. Chap. 67

*Upon the memorial of Thomas Durfee and Seth Washburn, Esq'srs, praying for an allowance for their time and expence as a committee for viewing the county of Barnstable, &c.*

*Resolved*, That the prayer of said memorial be granted, and the Treasurer of this Commonwealth be and is hereby directed to pay unto the said *Thomas Durfee, Esq*; the sum of *thirteen pounds sixteen shillings and two pence*, and also to pay unto the said *Seth Washburn, Esq*; the sum of *seventeen pounds eighteen shillings and eight pence*, for the purpose aforesaid, and the same to be assessed upon the respective towns in said county, in proportion to the tax next to be assessed on the several towns in said county.

October 19, 1782.

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### Chapter 68.

RESOLVE ON THE PETITION OF ROBERT BYED, DIRECTING THE NAVAL OFFICER OF NEWBURYPORT TO PERMIT THE SCHOONER MENTIONED TO UNLADE AND DISPOSE OF THE FISH AND SALT. Chap. 68

*On the petition of Robert Byed, an inhabitant of Deer Island, in the county of Lincoln, praying that he may have permit to unload and dispose of some salt and fish, and carry the effects in provisions suitable for the inhabitants:*

*Resolved*, That the Naval Officer of *Newburyport* be directed to permit the small schooner *Speedwell*, from *Deer Island*, commanded by *Eliakim Easton*, to unload and dispose of the fish and salt that he has on board, belonging to the inhabitants of *Deer Island*, and carry the effects of the same back in the said boat to the inhabitants, in corn and other provisions necessary for the inhabitants.

October 19, 1782.

## Chapter 69.

*Chap. 69* GRANT OF £50, TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT, TO BUY STATIONARY AND OTHER ARTICLES.

*Resolved*, That there be paid out of the public Treasury of this Commonwealth to Mr. *William Baker*, messenger of the General Court, the sum of *fifty pounds*, to enable him to provide stationary and other necessaries for the General Court, he to be accountable for the expenditure of the same.

*September 24, 1782.*

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## Chapter 70.

*Chap. 70* RESOLVE IMPOWERING THE COMMITTEE APPOINTED TO RECEIVE THE PROPERTY BELONGING TO THIS COMMONWEALTH IN THE HANDS OF THE ADMINISTRATORS UPON THE ESTATE OF THE LATE TREASURER, TO DESTROY CERTAIN BILLS OF CREDIT OF THIS GOVERNMENT.

*Whereas it is expedient that several kinds of Government Securities hereafter mentioned should be destroyed.*

*Resolved*, That *William Phillips*, Esq; and others, the committee appointed to receive the property belonging to this Commonwealth, now in the hands of the administrators upon the estate of the late Treasurer *Gardner*, be and they are hereby impowered and directed to consume to ashes such of the bills of credit of this Government, and certificates funded upon the tax for *three hundred thousand pounds*, granted in October last, and issued in consequence of a Resolve of the second of November 1781, that are now in the Treasury, and also such notes as are laying in the Treasury and have been consolidated, until the further order of the General Court.

*October 19, 1782.*

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## Chapter 71.

*Chap. 71* A GRANT OF £.301 19s, 4d. TO THE HON. GEORGE PARTRIDGE, ESQ; FOR HIS ACCOUNT FOR EXPENDITURES AND WAGES AS A MEMBER OF CONGRESS.

*Resolved*, That there be paid out of the public Treasury of the Commonwealth to the Hon. *George Partridge*, Esq; the sum of *three hundred and one pounds nineteen shillings and four pence*, being the ballance of his account for

expenditures and wages as a member of the Continental Congress, which shall be in full of all demands to this present time.

October 19, 1782.

### Chapter 72.

RESOLVE ON THE REPRESENTATION OF THE COMMITTEE OF CORRESPONDENCE, &c. OF THE TOWN OF BOSTON. Chap. 72

*On the representation of the Committee of Correspondence, &c. of the Town of Boston, Resolved,* That his Excellency the Governor be requested to afford to the Commissary or Inspector of marine prisoners in this department such guards and assistance as may be necessary and proper to secure and guard such prisoners as may be from time to time sent to the care of the said Commissary or Inspector; also that his Excellency give such orders as are necessary to put the Guard Ship in a proper situation for securing most effectually the prisoners, until proper directions may be received from the Secretary of War for the same purpose.

*Resolved,* That his Excellency the Governor be requested to write to Congress that orders may be given to the Secretary of War, directing him to forward such orders and directions to the Commissary or Inspector of marine prisoners of this department as may effectually answer the purpose of securing and keeping the prisoners which may come to his care. Also that the expenses which this Commonwealth has already or may, until such his orders may arrive, be at for the purposes aforementioned, may be reimbursed to this Commonwealth.

September 30, 1782.

### Chapter 73.

RESOLVE ESTABLISHING THE PAY OF THE HONORABLE COUNCIL, SENATE, AND HOUSE OF REPRESENTATIVES. Chap. 73

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth to each member of the honorable Council *eight shillings* per day, and to each member of the honorable Senate, for each day's attendance the present session, *seven shillings and six pence* per day, and to each member of the honorable House *seven shillings* per day, for each day's attendance the present session, and that their travel and pay be allowed in the customary manner.

October 21, 1782.

## Chapter 74.

*Chap. 74* LETTERS TO THE HONORABLE PRESIDENT OF CONGRESS, AND TO THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS.

*Ordered*, That the Letter No. 1, herewith exhibited, addressed to the President of Congress, be immediately transmitted to him, and that a copy thereof be also forwarded by the same conveyance to the Delegates of this Commonwealth in Congress, accompanied with the Letter No. 2, directing them to urge the attention of Congress to a subject so important in itself, and in which the particular interest of this State is so essentially concerned.

*Letter No. 1.*

COMMONWEALTH OF *Massachusetts*.

*Boston, October 21, 1782.*

SIR,

The General Court of this Commonwealth are called on to remind Congress of the inequality of burthen which its subjects feel from the enormous sums of old paper money whose currency ceased in their hands, and whose value is destroyed by the neglect of many States to comply with the requisition of Congress of the 18th of *March* 1780.

We are compelled to advert to this subject not only by a reflection on the injustice done to our citizens, from which a vindication of our own honour obliges us to preserve them, but also the fear of a greater political evil, which must unavoidably ensue, if not prevented by the wisest precautions; and as we think it our peculiar duty to apprise Congress of every failure in supplies that we can foresee and that may tend to derange their system of finance, we must assure them, on this occasion, that we have the strongest apprehensions of disappointment to the Superintendant of that system, in our present and future taxes, and this not from indisposition but real inability in the people, who are sinking under the pressure of a weight which we presume should be borne by others.

We wish Congress to consider, that beside the old emission money, which is the immediate subject of our present complaint, this State is in advance a very large sum more than its proportion, compared with the advances of other States; a disproportion, which though less visible than the other, yet is not the less felt.



This Court does not hesitate to believe that some real difficulty in collecting from the several States their respective quotas of old money must have existed, or Congress would not have permitted the disparity which there now is betwixt this State and others; but we conceive that there can now be no good reason for a continuance of this disparity, especially in matters subsequent to the 18th of *March* 1780, a period which is peculiarly marked by Congress for the establishment of method and arrangement in the public accounts.

We have thought it unnecessary to go into a detail that would enlighten this subject, as we have no doubt that the wisdom of Congress is fully adequate to much greater purposes; and we confide that in that body to whom we have delegated the power we shall ever find the disposition to do equal justice to all.

No. 2. COMMONWEALTH OF *Massachusetts*.

*Boston; October 21, 1782.*

GENTLEMEN,

Our Letter to the President of Congress of this date, of which the inclosed is a copy, being intended to call the attention of that body to the subject of old emission money, you will use every exertion in your power to effect so desirable a purpose, and obtain a compleat settlement of that account on just and equitable principles; to this end we should suppose that Congress could need only to be informed that this State has fully complied with their recommendation of the 18th of *March* 1780, by paying to their Commissioner of Loans 29,900,000 Dollars, for which the Treasurer of this Commonwealth has receipts, that this was done in full confidence of a like compliance by the other States, and their defect has been attended with many disagreeable consequences to us that we now have Thirty Millions of Dollars of that Money within this Commonwealth, as appears by returns made into the Secretary's office, beside very large sums of which no official account has been given.

Should Congress in conformity to our application proceed to a settlement, it is not improbable that they may propose placing the deficiencies of the several delinquent States to the debt of the United States, and redeem the extant money by issuing Loan Office Certificates from their Treasury for the amount; but this mode appears

to us objectionable, unless the 29,900,000 paid in by this State shall be put on the same footing as the money extant, and the State made a creditor in common with individuals, and therefore will not have your support except in the last resort, when no better can be obtained, the obvious objection to redeeming the extant money by issuing securities from the Treasury of the United States is, that in such a mode we should be obliged to provide our full proportion annually for the interest on the debts of the delinquent States, and if there should not finally be a liquidation of these accounts, a full share also of the principal. In such a case, it may be doubted whether the Government of this State would not much increase its difficulties rather than diminish them, altho' it may be evident that the subjects would be benefited, for the State may be poor, tho' the individuals who compose it are rich. Perhaps the most certain way of doing justice to the subjects of this Commonwealth holding continental money of the old emission, would be to compel the delinquent States to pay in their respective proportions of that money, or an equivalent in specie at some given rate, the equivalent to be appropriated by Congress to the redemption of such State's deficiency, or let the annual demands of Congress on the States in Union exceed the estimate of the annual expenditure, say one fourth part, and let such excess be payable in old money at a certain rate, and so continue from year to year, proceeding in this method until the whole be absorbed.

We find in the account of old paper currency transmitted us by the Continental Treasurer, that several States are credited as part of their quota for bills of the emissions of the 11th of *April* and 20th of *May*, received from the Commissioners of Loans, particularly those of *Virginia* and *South Carolina*.

As we have always supposed that those two emissions, distinguished commonly by the name of dead money, when received by loan officers, were exchanged for other monies or paid for in loan office certificates, we are at a loss to reconcile the account to our ideas. As we wish in future to be more perfectly informed, you will please to acquaint us how much paper money has been issued, distinguishing the date and amount of each emission, how much of the dead emissions was sunk by the several loan officers delivering out loan office certificates instead of the other

money — how much money has been lodged in the Continental Treasury by the several States to be sunk — how much paper was on hand in the Continental Treasury and the various loan offices, when it ceased to circulate, and finally, what is the proportion each State is called on to sink.

October 21, 1782.

### Chapter 75.

RESOLVE ESTABLISHING THE WAGES FOR THE COMPANY NOW DOING DUTY UNDER THE COMMAND OF CAPT. AMOS LINCOLN. Chap. 75

*Whereas the Resolves which passed on the 27th day of April 1780, making an establishment for the company now doing duty under the command of Captain Amos Lincoln, so far as relates to wages, appeared to the General Court on the 7th of November then next following, to be ambiguous and not clearly expressed:*

Therefore, it was then *Resolved* by said Court, that the establishment for wages, which was made on said 27th day of *April* 1780, be paid in new emission, which appears to this Court to be unjust and not adequate to their services.

Therefore *Resolved*, That the establishment which was made on the 27th day of *April* 1780 for the company now doing duty under the command of Capt. *Amos Lincoln*, so far as respects the wages, together with the explanatory Resolve passed on the 7th of *November* following, be and they hereby are repealed and made null and void.

*Resolved*, That Capt. *Amos Lincoln*, the officers and men now belonging to his company, and such as have been under his command and done duty since the 27th day of *April* 1780, receive the following pay per calendar month, *viz.*

Captain	.	.	.	<i>Twelve pounds.</i>
Lieutenants	.	.	.	<i>Eight pounds.</i>
Serjeants	.	.	.	<i>Two pounds eight shillings.</i>
Corporal	.	.	.	<i>Forty-three shillings.</i>
Gunners	.	.	.	<i>Forty-two shillings.</i>
Bombardiers	.	.	.	<i>Forty-three shillings.</i>
Matross	.	.	.	<i>Forty shillings.</i>
Drum	.	.	.	<i>Forty-two shillings.</i>
Fife	.	.	.	<i>Forty-two shillings.</i>

Which pay is to commence from the time of their engaging in said service, and that said company be made chargeable with whatever they have received towards their wages.

*Whereas there is no establishment for the rejected recruits, that are now doing duty under the command of Capt. Amos Lincoln :*

Therefore *Resolved*, That the said rejected recruits be on the same establishment as to wages as is set in this Resolve, and the same allowance as to cloathing and rations as are allowed to others of the same rank in the said company by a Resolve of the General Court of the 27th of *April*, A. D. 1780.

And it is further *Resolved*, That the said rejected recruits be and they hereby are joined unto the company raised by Capt. *Amos Lincoln* and become a part thereof; and the said Capt. *Lincoln* is hereby required, in making out a pay roll for said recruits, to include in the said pay roll the whole time they have been in actual service.

*October 24, 1782.*

## Chapter 76.

*Chap. 76* RESOLVE GIVING DIRECTIONS TO THE SEVERAL COMMITTEES IN THIS COMMONWEALTH APPOINTED TO MAKE SALE OF THE ESTATES OF CONSPIRATORS AND ABSENTEES.

*Whereas no provision is made by any Act or Resolve of the General Court for ascertaining and discharging the fees of the Attorney General, Judges of Probate, and Counsel by them appointed agreeably to Law, to object where necessary on behalf of the Commonwealth against claims exhibited to Commissioners for examining the same, Clerks of the Courts of Common Pleas, or the Registers of Deeds and of Probate, from the libelling to the confiscation and forfeiture of the estates of conspirators and absentees, or for any court charges incident thereto :*

*Resolved*, That the Committee appointed to make sale of the estates of conspirators and absentees, in the several counties within the Commonwealth, be and they hereby are empowered and directed to deduct a sum not exceeding *three per cent.* on the value, out of the proceeds of each and every such estate by them sold, or which may hereafter be sold, the value whereof shall amount to *five hundred pounds* and upward, and a sum not exceeding *fifteen*

*pounds* on each and every such estates the value whereof shall be less than *five hundred pounds*, before any distribution shall be made of the said proceeds among the creditors to the said estates, the sum so deducted to be by them paid into the public Treasury, in order to enable the Government to discharge the fees and charges aforesaid, whenever the same shall be ascertained and demanded.

And in case the sums so deducted shall be found to exceed the amount of the fees and charges aforesaid, the Treasurer is hereby directed, on warrant of the Governor and Council therefor, to repay the surplus on such estates as are insolvent, to the said Committees, who on receipt thereof are directed to distribute the same among the creditors to such estates, in due proportion of the amount of such surplus and of their respective claims.

October 21, 1782.

## Chapter 77.

RESOLVE REQUESTING THE GOVERNOR TO TAKE EFFECTUAL MEASURES TO OBTAIN AUTHENTIC RETURNS OF PROPERTY DESTROYED BY THE ENEMY IN THE COURSE OF THE WAR, AND TO CAUSE THE ACKNOWLEDGMENT OF THE HON. JOHN ADAMS, ESQ; BY THE UNITED PROVINCES OF THE NETHERLANDS TO BE MADE PUBLIC. Chap. 77

*Resolved*, That his Excellency the Governor take such effectual measures as he may think proper to obtain as speedily as possible authentic returns from the citizens of this Commonwealth of every kind of property which has been carried off or destroyed by the enemy in the course of the present war, and transmit quadruplicate copies thereof, under the seal of this State, to the Minister for foreign affairs: And that whereas their High Mightinesses the States General of the United Provinces of the *Netherlands* have received and acknowledged the Hon. *John Adams*, Esq; in quality of Minister Plenipotentiary of the United States of *America*, it is further *Resolved*, That his excellency be and hereby is requested to cause this most happy and interesting event to be made public.

October 7, 1782.

## Chapter 78.

- Chap. 78* RESOLVE ON THE REPRESENTATION OF LIEUT. DANIEL JACKSON, DIRECTING THE AGENT TO SUPPLY HIM WITH A SUFFICIENT NUMBER OF UNIFORM BUTTONS FOR COLONEL CRANE'S REGIMENT.

*On the representation of Lieut. Daniel Jackson, praying that he may be supplied with uniform buttons sufficient for seventy coats, for Col. Crane's regiment, for reasons set forth in his representation:*

*Resolved, That Caleb Davis, Esq; Agent for this Commonwealth, be and he hereby is directed to supply Lieut. Daniel Jackson with a sufficient number of uniform buttons for Col. Crane's regiment, for seventy coats, taking proper measures that this State may have credit for the same.*

*October 22, 1782.*

## Chapter 79.

- Chap. 79* RESOLVE APPOINTING MICHAEL HODGE, ESQ; AND MR. MOSES HOYT TO BE MANAGERS OF THE LOTTERY FOR REPAIRING THE BRIDGE OVER THE RIVER PARKER, IN THE COUNTY OF ESSEX.

*Whereas by an act passed this Court the present session, for granting a lottery for repairing the bridge over the river Parker, in the county of Essex, Messrs Samuel Tufts, Moses Frazier and Edmund Sawyer were appointed managers of the said lottery; and whereas Mr. Tufts and Mr. Frazier refuse accepting the trust:*

*Resolved, That Michael Hodge, Esq; and Mr. Moses Hoyt be and they hereby are appointed two of the managers of the said lottery, in the room of Samuel Tufts and Moses Frazier, and that the said Edmund Sawyer, Michael Hodge and Moses Hoyt, or any two of them, have the full powers and management of the business of the said act, as therein given to the managers therein mentioned.*

*Resolved, That the said Edmund Sawyer, Michael Hodge and Moses Hoyt, or any two of them, be and they are hereby empowered to apply the net sum of fifteen hundred pounds, allowed to be raised by the said act for the purpose of repairing the said bridge.*

*October 22, 1782.*

## Chapter 80.

RESOLVE ON THE PETITION OF *STEPHEN COOKE*, PERMITTING *JOHN ESTER* TO PROCEED TO THE ISLAND OF *BERMUDA*. Chap. 80

*On the petition of Stephen Cooke, praying that John Ester may be permitted to go to the Island of Bermuda, for reasons set forth in the said petition:*

*Resolved*, That the said *John Ester* be and he hereby is permitted to take passage for the Island of *Bermuda* on board the sloop *Union*, *Cornelius Hinson* master, a flag, bound for said Island.

*October 22, 1782.*

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## Chapter 81.

RESOLVE DEEMING VALID THE SEVERAL ASSESSMENTS MADE ON THE POLLS AND ESTATES IN THE TOWN OF *DUXBOROUGH*, FOR RAISING SOLDIERS. Chap. 81

*Whereas it appears that several assessments made on the inhabitants of the town of Duxborough, for the purpose of procuring soldiers, were not made in due form of law:* Therefore,

*Resolved*, That the several assessments made on the polls and estates in the town of *Duxborough*, from the first of *July, Anno Domini 1778*, to the twenty-eighth of *February, Anno Domini 1779*, for the purpose of raising soldiers as aforesaid, be deemed to all intents and purposes valid, any want of legal formality notwithstanding.

*October 22, 1782.*

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## Chapter 82.

RESOLVE RECOMMENDING TO *THOMAS CRAFTS*, ESQ; ASSISTANT TO THE MINISTER OF WAR, TO GIVE ORDERS TO THE CONTRACTORS FOR THE POST AT *BOSTON* TO REPAY THE PROVISIONS SUPPLIED BY THE *FRENCH* COMMISSARY TO THE TROOPS AT *HULL*, AND REQUESTING THE GOVERNOR TO DISCHARGE SAID TROOPS. Chap. 82

*Whereas on a request from his Excellency General Washington, and on application from his Excellency the Marquis de Vaudreuil, General and Commander of his most christian Majesty's fleet in the harbour of Boston, the Governor, with advice of council, ordered a detachment of militia to do duty at the post of Hull, at the entrance of the harbour of Boston, but no provision has been made*

*for their support, and they have drawn their supplies from the French Commissary on loan:*

*Resolved*, That it be and hereby is recommended to *Thomas Crafts*, Esq; assistant to the Honourable General *Lincoln*, Minister at War, to give immediate orders to the contractors for the post at *Boston*, to repay the provisions that have been borrowed for the purpose aforesaid on the account of the United States.

*And whereas his Excellency the Marquis de Vaudreuil has signified to the General Court that it is not necessary to continue said militia any longer in said service:*

*Resolved*, That his Excellency the Governor be requested to give immediate orders that the said militia be discharged.

And it is further *Resolved*, That the officer commanding the party be and hereby is directed to make up the pay roll for said men agreeable to the continental establishment, and lay the same before the Governor and Council for examination, and his Excellency is hereby requested to forward the same to Congress for allowance and payment, with the request of General *Washington* and the *Marquis Vaudreuil* on the subject, in order to shew Congress the purpose for which said men were raised.

*October 22, 1782.*

### Chapter 83.

*Chap. 83* RESOLVE PERMITTING THE SLOOP *UNION* (A CARTEL) TO SAIL.

*Whereas the Marquis de Vaudreuil has signified under the hand of Le Chevalier de l'Eguille, that it is not his desire that the sloop Union, Cornelius Hinson master, a flag bound to the Island of Bermuda, should be any longer detained on his account: Therefore,*

*Resolved*, That the said sloop *Union* be and hereby is permitted to sail, any resolve to the contrary notwithstanding.

*October 22, 1782.*

### Chapter 84.

*Chap. 84* RESOLVE ON THE PETITION OF LIEUT. COL. DANIEL WHITING, DIRECTING THE TREASURER TO ADVANCE ONE YEAR'S INTEREST ON ALL HIS NOTES.

*On the petition of Lieut. Col. Daniel Whiting, praying for part of the money due to him for his services in the*



*continental army to be paid him, for reasons set forth in his petition :*

*Resolved,* That the Treasurer of this Commonwealth be and he hereby is directed to advance to the said *Whiting* one year's interest on all the notes now due to him for his services in the army, when they shall become consolidated, out of the money now in the Treasury received from the collectors of excise.

*October 22, 1782.*

### Chapter 85.

A GRANT OF £.22, 2s. 8d. TO COL. TIMOTHY BIGELOW, OF WORCESTER. Chap. 85

*On the petition of Col. Timothy Bigelow, of Worcester, praying for an allowance and payment for a number of blacksmith's tools, delivered for the use of the continental army at Dorchester, September 10, 1775, as set forth in his petition :*

*Resolved,* That there be paid out of the public Treasury of this Commonwealth to Col. *Timothy Bigelow, of Worcester,* the sum of *twenty two pounds two shillings and eight pence,* in full for the abovesaid tools, the same to be charged to the United States.

*October 22, 1782.*

### Chapter 86.

RESOLVE SETTTLING THE BOUNDARY LINE BETWEEN THE TOWNS OF SCITUATE AND MARSHFIELD. Chap. 86

*Whereas disputes have arisen concerning the boundary line between the towns of Scituate and Marshfield, and a Committee appointed to view the before mentioned towns in regard to the said line, and to hear the parties, have agreed upon and reported the following adjustment, viz. That the said boundary line should begin at the Mouth of the North-River (so called) near the sea, and should continue its course as the main channel now runs until it strikes Thomas Little's Bank, and then with the old channel to the mouth of Bass Hole Channel, so called, following the course of the said Bass Hole Channel near the beach, until the center of Joseph Bryant's barn, in Marshfield, shall bear North seventy-five degrees West, the said line to extend through the Guzzle, between the Horse Shoe Flat and the Great Flat, so far as that a stake standing on Moses Symmond's Meadow, in Scituate, near Pinchon's Bank, shall bear*

*North fifteen degrees West; this last line to extend in the last mentioned direction, until the dividing Ditch between the said Towns, on the upper Green Island, in the said River, shall bear North sixty-seven degrees and one quarter of a degree West, then to extend in the course of the said Ditch to the westerly end of the said Island, so far as to bring a large Buttonwood Tree on Elijah Curtis's Hill, in Scituate, to bear North seventy-one and an half degrees West, and from the said westerly end of the said Island to extend a course in the direction of the said Buttonwood Tree until it strikes the Middle of the Channel of said River, then following the course of the Main Channel, as it now runs, to the upper or westernmost part of the said town of Marshfield:*

*Resolved*, That the above described line, agreed on and reported by the said Committee, shall be considered in future as the true and just boundary line between the towns of *Scituate* and *Marshfield*. *November 8, 1782.*

### Chapter 87.

*Chap. 87* RESOLVE REMITTING A FINE FOR THE DEFICIENCY OF ONE MAN ASSESSED UPON THE TOWN OF CHESTERFIELD.

*On the petition of Russell Kellogg, in behalf of the town of Chesterfield, praying that the fine ordered by the Treasurer of this Commonwealth to be assessed upon the inhabitants of said Chesterfield, for the deficiency of one man in the requisition of March 7, 1782, be remitted to them, for reasons set forth in said petition:*

*Resolved*, That the prayer of the petition be granted, and that the said fine be remitted to them, and that said town of *Chesterfield* suffer no damage from said fine, or by any cost arising therefrom. *October 24, 1782.*

### Chapter 88.

*Chap. 88* RESOLVE ON THE MEMORIAL OF SAMUEL MELLISH, PAYMASTER OF THE 3d MASSACHUSETTS REGIMENT, DIRECTING THE TREASURER TO DISCHARGE THE WARRANTS DRAWN IN FAVOUR OF SAID REGIMENT AND ALL OTHER REGIMENTS, FOR THEIR THREE MONTHS PAY FOR THE YEAR 1780.

*On the memorial of Samuel Mellish, Paymaster of the 3d Massachusetts regiment in the continental army:*

*Resolved*, That the Treasurer of this Commonwealth be and he hereby is directed to discharge the warrants drawn in favour of the said third *Massachusetts* regiment, to compleat their three months pay for the year 1780, and warrants drawn in favour of all the other regiments for the said purpose of compleating their three months pay for the year 1780, agreeable to a Resolve of *October 2, 1782.*

*October 25, 1782.*

### Chapter 89.

RESOLVE DIRECTING THE AGENT TO DELIVER *BARTLET COFFIN* FIFTY BUSHELS OF SALT, TAKEN ON BOARD THE BRIG *TEMPLE.* Chap. 89

*On the memorial of Bartlet Coffin, of the Island of Nantucket:*

*Resolved*, That the Agent of this Commonwealth be directed to deliver to the said *Coffin* fifty bushels of the salt taken on board the brig *Temple*, by the State's ship *Tartar*, and brought into the port of *Boston*, for reasons set forth in said memorial.

*October 25, 1782.*

### Chapter 90.

RESOLVE MAKING AN ESTABLISHMENT FOR THE CASTLE. Chap. 90

*Whereas it is expedient for the safety of the Commonwealth that the Castle and Fort on Governor's Island, in the harbour of Boston, should continue garrisoned with officers and matrosses, and the establishment made October 6, 1779, will expire the 6th instant.*

*Resolved*, That there be appointed and commissioned for said purpose,

1 Captain,	6 Quarter Gunners,
1 Capt. Lieutenant,	2 Serjeants,
1 First Lieutenant,	3 Corporals,
1 Gunner,	50 Privates,
1 Gunner's Mate,	

to be properly organized into one company, the non-commissioned officers and privates to be enlisted for the term of three years, unless sooner discharged, to do garrison and fatigue duty at said forts, said non-commissioned officers and privates not to be called off from said duty for

any other than what belongs to said forts. And that the following establishment be allowed to the officers and men who shall compose said company, *viz.*

Captain, . . . . .	<i>Twelve pounds</i> per month,
Captain-Lieutenant, . . .	<i>Nine pounds</i> per month,
First Lieutenant, . . . .	<i>Six pounds</i> per month,
Gunner, . . . . .	<i>Five pounds</i> per month,
Gunner's Mate, . . . . .	<i>Four pounds</i> per month,
Each Quarter Gunner, . . .	<i>Two pounds ten shillings</i> per month,
Each Serjeant, . . . . .	<i>Two pounds eight shillings</i> per month,
Each Corporal, . . . . .	<i>Two pounds four shillings</i> per month,
Drum and Fife, . . . . .	<i>Two pounds four shillings</i> each per month,
Each Matross, . . . . .	<i>Forty shillings</i> per month.

And each non-commissioned officer and private in said company shall receive one suit of cloaths a year each year they shall continue in said service, and the pay of each officer and soldier to be made quarterly.

*October 25, 1782.*

## Chapter 91.

*Chap. 91*

RESOLVE ON THE PETITION OF WILLIAM BURGESS.

*On the petition of William Burgess, praying for leave to withdraw a certain petition therein described, and also that he may not be exposed to any severity of treatment, but that he may be continued in the enjoyment of his personal liberty, under proper restrictions, until a convenient opportunity to depart from this Commonwealth shall occur:*

*Resolved,* That the prayer of said petition be so far granted as that it be recommended to the supreme executive power, to allow the petitioner a reasonable time to prepare for his departure, laying him under such restrictions as they shall think the safety of the Commonwealth requires.

*October 25, 1782.*

## Chapter 92.

*Chap. 92*

RESOLVE DIRECTING THE COMMISSARY GENERAL TO DELIVER TO JOSEPH CLARKE, FOR THE USE OF THE TOWN NORTH-AMPTON, A QUANTITY OF POWDER, LEAD AND FLINTS.

*On the account of Joseph Clarke,*

*Resolved,* That the Commissary-General of this Commonwealth be and hereby is directed to deliver to the said

*Joseph Clarke*, for the use of the town of *Northampton*, 150 pounds gunpowder, 64 pounds lead, and 120 flints, being for the same quantity of the said articles delivered by the said *Joseph* out of the town stock of the said *Northampton* to Capt. *Solomon Allen* for the use of this Commonwealth, and that the charge of transporting the same from *Boston* to the said *Northampton* be paid out of the public treasury.

October 27, 1782.

### Chapter 93.

RESOLVE ON THE MEMORIAL OF MAJOR GENERAL HEATH AND OTHERS, OFFICERS OF THE MASSACHUSETTS LINE AND HOSPITAL DEPARTMENT. Chap. 93

*On the memorial of Major General Heath and others, officers of the Massachusetts line and the hospital department, requesting to know in the most explicit terms whether the legislature of this Commonwealth will conform to the ordinance of Congress establishing half pay for life, or make such commutation as shall be more consistent with the opinion said to be possessed by the people at large:*

*Resolved*, That this Court have no disposition unreasonably to postpone the consideration of the subject above recited, but as this Court are not possessed of satisfactory information of the doings and intentions of Congress on the subject, and as without such information it is impossible for them to judge of the wisdom and propriety of any measures proposed, it is therefore inexpedient to enter upon the said subject until the same is more fully obtained.

October 28, 1782.

### Chapter 94.

RESOLVE ON THE PETITION OF SAMUEL WILLIAMS AND OTHERS. Chap. 94

*On the petition of Samuel Williams and others:*

*Resolved*, That the prayer of the petition be granted, and that the Governor and Council be requested to furnish the necessary papers which may be requisite for the purpose of effecting the exchange of the said *Thomas Benson*, as mentioned in said petition.

October 28, 1782.

## Chapter 95.

*Chap. 95* RESOLVE ABATING ALL THE DEFICIENCIES OF BEEF AND MEN DUE FROM ANY OF THE TOWNS IN THE COUNTY OF BARNSTABLE, HAVING SUCH FINES FOR MEN INCURRED BEFORE THE 2d OF DECEMBER 1780, AND REMITTING ALL FINES FOR DEFICIENCIES.

*The Committee of both houses appointed by a resolve of the General Court the 21st of June last, to repair to the county of Barnstable to view the several towns in the said county, and to take into consideration their circumstances, and their inability of procuring beef or men for the continental army, having reported that they have fully and critically attended that service, and that they are satisfied that the several towns in said county have complied to the utmost of their abilities with the requisitions made upon them by the General Court for beef and men, and that the said towns are incapable of complying therewith any further; and said Committee having reported, as their opinion, that all the deficiencies of beef or men due from any of the towns in the county of Barnstable be abated to them:— That all fines for said deficiencies be also remitted to all the towns in said county:*

Wherefore, *Resolved*, That all the deficiencies of beef and men due from any of the towns in the county of *Barnstable* be abated to them, saving such fines for men as they had incurred before the 2d day of *December* 1780, and not heretofore remitted them.

*Resolved*, That all fines for said deficiencies be also remitted to all the towns in said county.

And it is further *Resolved*, That the above abatements be in full of all abatements due to any of the towns in said county in consequence, in any engagement of government whatever.

*October 28, 1782.*

## Chapter 96.

*Chap. 96* RESOLVE ON THE PETITION OF RUTH GAY, DIRECTING THE AGENT TO DELIVER TO HER OWN USE ALL SUCH OF HER HUSBAND'S TOOLS AS HE HAS IN HIS CARE.

*On the petition of Ruth Gay:*

*Resolved*, That the prayer of said petition be granted, for reasons set forth therein, and the Agent be and he

hereby is directed to deliver the said *Ruth Gay*, to her own use, all such of her husband's tools as he has in his care.

October 29, 1782.

### Chapter 97.

RESOLVE ON THE PETITION OF SAMUEL GAMMAGE.

Chap. 97

*Whereas* Samuel Gammage has petitioned this Court that he may have leave to go to Great Britain and return, for reasons set forth in said petition; and *whereas* the General Court is greatly pressed with business: Therefore,

*Resolved*, That the said petition be referred to the Governor in Council, and that they be and hereby are fully authorized to take such order thereon as to them shall appear to be fit, the General Court being now sitting, or any law or resolve to the contrary notwithstanding.

October 30, 1782.

### Chapter 98.

ORDER ON THE MEMORIAL OF THE INHABITANTS OF NANTUCKET.

Chap. 98

*On the memorial of the Inhabitants of Nantucket:*

*Read and accepted*, and thereupon *Ordered*, That a copy of said memorial be transmitted to the Delegates of this Commonwealth in Congress; and that the said Delegates be required to use their utmost endeavours to impress the minds of Congress with just ideas of the high worth and importance of the fisheries to the United States in general and this State in particular.

October 31, 1782.

### Chapter 99.

RESOLVE ON THE PETITION OF EZRA LUNT.

Chap. 99

*On the petition of Ezra Lunt, praying for license as an innholder:*

*Resolved*, That the prayer of the petition be granted, and that any two Justices of the Peace for the county of *Essex*, quorum unus (he producing from the Selectmen of *Newburyport* an approbation according to law) be and are hereby empowered to grant a license to the said *Ezra Lunt*, to exercise the employment of an innholder in the town of *Newburyport*, and in the house he now occupies,

until the next Court of Sessions of the Peace for granting licences in the county of *Essex*, recognizing him the petitioner to observe such rules and orders as the law requires, the time for granting licences in said county being elapsed notwithstanding.

October 31, 1782.

### Chapter 100.

*Chap.100* RESOLVE REQUESTING THE GOVERNOR TO GIVE THE NECESSARY ORDERS FOR THE SAILING OF THE SEVERAL CARTELS IN THE HARBOUR OF BOSTON.

*Whereas his Excellency the Marquis De Vaudreuil has requested this Court to permit the flags of truce now lying in the harbour of Boston to sail as soon as they may think proper: Therefore,*

*Resolved,* That his Excellency the Governor be and he hereby is requested to give such orders as are necessary for the immediate departure of said flags of truce.

October 30, 1782.

### Chapter 101.

*Chap.101* RESOLVE DIRECTING THOMAS IVERS, ESQ; TO CALL UPON THE SHERIFFS OF THE SEVERAL COUNTIES TO WHOM EXECUTIONS HAVE BEEN DIRECTED BY THE LATE TREASURER TO PERFORM THE DUTIES THEREIN REQUIRED, AND DIRECTING HIM TO ISSUE HIS EXECUTIONS AGAINST ALL DELINQUENT CONSTABLES.

*Whereas the Hon. Henry Gardner, Esq; late Treasurer of this Commonwealth, was ordered and directed to issue his executions against all delinquent constables and collectors who were appointed to collect such taxes as were granted before the first day of March last, and by reason of the death of the said Treasurer the whole number of said executions have not been issued, and but few returns made to the Treasurer's office by the Sheriffs of the several counties, of such executions as have been issued: Therefore,*

*Resolved,* That *Thomas Ivers, Esq;* Treasurer of this Commonwealth, be and he is hereby directed to call upon the Sheriffs of the several counties of this Commonwealth, to whom executions have been directed by the late Treasurer, to perform the duties therein required, and make return of their doings to the Treasury office, according to law; and the said Treasurer is further directed to issue his



executions against all deficient Constables and Collectors who have not finished their collections and settled their accounts in the Treasury office for all taxes of every denomination which were granted before the first day of *March* last, excepting the tax for the redemption of the bills of credit of the new emission, for the deficiencies of which executions shall be issued by the Treasurer on the second day of *January* next, and not before, and that said executions be made returnable to the Treasury office within fifty days from the date thereof.

*November 1, 1782.*

### Chapter 102.

RESOLVE ON THE PETITION OF *DAVID FELT* AND *BENJAMIN NEEDHAM*. Chap.102

*Upon the petition of David Felt and Benjamin Needham :*

*Resolved*, That the prayer of the petition be granted, and that the Governor be requested to grant the petitioners liberty to fit out a suitable vessel as a flag to proceed to *Halifax*, for the purpose mentioned in the petition, and to furnish them with such papers as may be necessary to qualify the said vessel for this business, the whole to be at the expence of the said petitioners.

*November 1, 1782.*

### Chapter 103.

RESOLVE DIRECTING THE DISPOSING OF A QUANTITY OF SALT BEEF, ABOUT THREE HUNDRED BARRELS, IN THE CARE OF *MOSES CHURCH* AND *THOMAS WILLISTON*, ESQ'RS, IN THE TOWNS OF *EAST* AND *WEST SPRINGFIELD*, BEING THE PROPERTY OF THIS COMMONWEALTH. Chap.103

*Resolved*, That the said *Church* and *Williston* be and they are hereby directed to deliver to *Richard Devens*, Esq; Commissary General, or his order, at *Springfield*, the beef above mentioned, taking receipt therefor. And it is further *Resolved*, That *Richard Devens*, Esq; be and he is hereby directed to receive the beef now in the care of the said *Church* and *Williston*, and dispose of the same in such manner as he shall judge most for the advantage of this Commonwealth, he to be accountable to the General Court for the same, any resolve to the contrary notwithstanding.

*November 1, 1782.*

## Chapter 104.

*Chap.*104 RESOLVE DIRECTING THE TREASURER TO DISCHARGE THE TOWN OF *GORHAM* FROM THE DEFICIENCY OF ONE MAN, AND DIRECTING *THOMAS PORTER* OF *TOPSFIELD* TO PROCURE A MAN IN LIEU THEREOF.

*On the petition of Thomas Porter and Stephen Longfellow :*

*Resolved*, That the Treasurer of this Commonwealth be and hereby is directed to discharge the town of *Gorham* from the deficiency of one man they stand charged with upon the resolve of the 2d of *December* 1780. And in order to prevent a deficiency in the quota of men set on the town of *Topsfield* by the aforesaid resolve, it is further *Resolved*, That *Thomas Porter* of *Topsfield*, one of said petitioners, be and hereby is directed and required to procure one able bodied man to serve in the continental army for three years or during the war, in lieu of the man taken from the town of *Topsfield* and carried to the credit of the town of *Gorham* by the determination of the muster-master, and to the acceptance of the continental muster-master at *Boston*, and take his receipt for said soldier, which receipt shall be lodged in the Treasurer's office on or before the tenth day of *December* next. And in case of neglect or refusal he the said *Porter* shall forfeit and pay a fine of *eighty five pounds thirteen shillings*, equal to the average price of the men raised agreeable to a resolve of the General Court passed the second of *December* 1780. And in case of neglect or refusal as aforesaid the Treasurer of this Commonwealth is hereby directed to issue his execution against the said *Thomas Porter* for the said fine without delay.

*November 1, 1782.*

## Chapter 105.

*Chap.*105 RESOLVE DIRECTING THE AGENT TO SUPPLY CAPT. *AARON HOLDEN* WITH CLOTH AND OTHER ARTICLES SUFFICIENT FOR A SUIT OF CLOATHS, SAID *HOLDEN* ENDORSING THE AMOUNT OF THE SAME ON ONE OF HIS DEPRECIATION NOTES.

*Resolved*, That *Caleb Davis*, Esq ; agent for this Commonwealth be and he hereby is directed to supply Capt. *Aaron Holden* with cloth and other articles sufficient for a suit of clothes, said *Holden* endorsing the amount of the same on the back of one of his depreciation notes that are now become payable.

*November 1, 1782.*

## Chapter 106.

RESOLVE GRANTING £.150 TO EACH OF THE DELEGATES  
ELECTED TO REPRESENT THIS COMMONWEALTH IN CON-  
GRESS. Chap.106

*Whereas the Honourable Samuel Holton, James Warren, Nathaniel Gorham, and Stephen Higginson, Esquires, have been duly elected Delegates to represent this Commonwealth in Congress for one year from the first Monday of November instant.*

*Resolved, That One hundred and fifty pounds lawful money be allowed and paid out of the Treasury of said Commonwealth to each of said Delegates who shall accept the trust to which they are severally elected, and paid at their departures for Congress, to be accounted for on settlement for their respective services in the delegation.*

*November 1, 1782.*

## Chapter 107.

RESOLVE ON THE PETITION OF JAMES HOWARD, ESQ; Chap.107

*On the petition of James Howard, Esq; in behalf of himself, Susanna his wife, and Hartson Coney, setting forth that one Nathaniel Hersey of Hallowell, in the county of Lincoln, blacksmith, brought an action of trespass against them, triable before Joseph North, Esq; a Justice of the Peace in that county, on the twenty fourth day of September A. D. 1781, and that they, not of their neglect, but being necessarily prevented from appearing timely to answer to said action, were defaulted, lost their appeal, and judgment was given by said Justice for very large damages, and praying for an appeal from the judgment of said Justice to the Court of Common Pleas to be holden at Pownalborough, within and for said county, on the first Tuesday of June next:*

*Resolved, That the prayer of said petition be granted, and that the said James, Susanna and Hartson have leave to appeal from the judgment of said Justice to said Court of Common Pleas; and said Justice is hereby directed to grant them the same, and a copy of all such proceedings as may have been had before him in said action accordingly. Provided, said Howard notify said Hersey of said appeal at least twenty days before the sitting of said Court.*

*November 2, 1782.*

## Chapter 108.

*Chap.108* RESOLVE ON THE PETITION OF LEMUEL BILLINGS, EMPOWERING HIM TO MAKE SALE OF REAL ESTATE MENTIONED.

*Upon the petition of Lemuel Billings, guardian to Benjamin Billings, a minor, praying that he may be empowered to make sale of the real estate of said Benjamin, for reasons therein set forth:*

*Resolved,* That the prayer of said petition be granted, and that *Lemuel Billings* of *Roxbury*, in the county of *Suffolk*, felt maker, guardian to *Benjamin Billings*, a minor, be and he hereby is authorized and impowered to make sale of the real estate of said *Benjamin*, complying with and observing the directions of the law for the sale of real estates by executors and administrators, he the said *Lemuel* first giving security to the Judge of Probate for the county of *Suffolk* that the proceeds of said sale (after deducting the expences thereof) together with interest therefor, shall be paid said minor when he arrives at full age, or otherwise to his satisfaction accounted for, and the said *Lemuel* in his said capacity is hereby empowered to make and execute a deed or deeds of said estate to the purchaser or purchasers, to hold in fee simple.

*November 2, 1782.*

## Chapter 109.

*Chap.109* RESOLVE ON THE PETITION OF THE TOWN OF STOUGHTONHAM, DIRECTING THE TREASURER TO RECEIPT THE CONSTABLES OR COLLECTORS OF SAID TOWM THE SUM OF £.30, 4s. 4d.

*On the petition of the town of Stoughtonham, setting forth that there is a mistake in the Resolve of the second of November last, making abatement to the several towns that appear to have been over taxed previous to the settlement of the last valuation; by said Resolve the town of Stoughtonham is abated only ninety eight pounds two shillings and eight pence, when their just proportion would be one hundred and twenty eight pounds seven shillings:*

*Therefore, Resolved,* That the Treasurer be and he is hereby directed further to receipt the constables or collectors of the town of *Stoughtonham* the sum of *thirty pounds four shillings and four pence* on the hard money tax to be paid in bills of the new emission.

*November 2, 1782.*

### Chapter 110.

RESOLVE REMITTING A FINE TO THE TOWN OF FITCHBURG FOR THE DEFICIENCY OF ONE MAN. *Chap.110*

*On the petition of Thomas Cowden, in behalf of the town of Fitchburg, praying for the remittance of a fine laid on said town for not procuring one man of the last three years men for the Continental Army:*

*Resolved,* That the prayer of the said petition be so far granted, that the execution against the said town of *Fitchburg*, for the deficiency of one man for the last requisition of men to fill up the Continental Army, be staid until the further order of the General Court, any resolve to the contrary notwithstanding.

*November 2, 1782.*

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### Chapter 111.

RESOLVE AUTHORIZING THE COMMITTEE APPOINTED TO RECEIVE FROM THE ADMINISTRATORS OF THE LATE TREASURER THE PROPERTY IN HIS HANDS BELONGING TO THIS COMMONWEALTH, TO DESTROY CERTAIN BILLS OF CREDIT CERTIFICATES AND NOTES. *Chap.111*

*Resolved,* That the Committee appointed by a Resolve of the 14th instant to receive from the administrators of *Henry Gardner*, Esq; late Treasurer of this Commonwealth, all such property of this Commonwealth as was in the hands of the said late Treasurer *Gardner* at his decease, &c. are hereby authorized, impowered and directed, after having given the proper discharges, to consume to ashes the bills of credit issued by this government, the certificates issued by virtue of a Resolve of *November* the 2d 1781, and the notes that are or may be brought in and consolidated, until the further orders of this Court.

*November 2, 1782.*

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### Chapter 112.

RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF COHASSET THE AVERAGE PRICE OF ONE MAN OF THE LAST REQUISITION OF MEN TO SERVE IN THE CONTINENTAL ARMY. *Chap.112*

*Whereas it appears that the town of Cohasset, by reason of its being set too high on the last valuation, has been called upon to furnish more than its due proportion of men to*

*serve in the Continental Army; and whereas the said town has prayed for relief in this behalf:*

*Resolved*, That the Treasurer of this Commonwealth be and he is hereby directed and empowered to credit the said town of *Cohasset* the sum of *seventy four pounds one shilling and three pence*, it being the average price of one man of the last requisition of men to serve in the Continental Army, together with the penalty for not procuring the same, and to proceed against the said town for their deficiencies on the said requisition accordingly. And the collector or collectors of the said town, who may or have collected the said sum, are hereby directed to pay the same in to the treasurer of the said town.

*November 2, 1782.*

### Chapter 113.

*Chap. 113* RESOLVE DIRECTING THE TREASURER TO ISSUE HIS EXECUTIONS, WITH 5 PER CENT. ADDED, AGAINST ANY CONSTABLE OR COLLECTOR WHO SHALL REFUSE TO PAY RECEIPTS DRAWN ON THEM BY THE LATE TREASURER.

*Whereas great inconveniences may arise by the refusal of collectors or constables to discount with or pay to individuals the amount of receipts given to such individuals by the late Treasurer of this Commonwealth in favour of such constables or collectors to whose credit they are passed, and who have had the benefit thereof in their accounts with the Treasurer:*

*Resolved*, That where any person shall be possessed of any such receipt as aforesaid, and the constable or collector, in whose favour such receipt has been given, shall neglect or refuse to pay the sum therein mentioned until the first day of *December* next, if the possessor of such receipt shall within forty days from the said first day of *December* present the same to the Treasurer of this Commonwealth for payment, the Treasurer shall be and hereby is directed to give his receipt therefor, and shall immediately issue his execution against such constable or collector for the sum mentioned in such receipt, with the addition of 5 *per cent.* from the date of the late Treasurer's receipt, and shall pay the same, both principal and interest, to the possessor of such receipt as aforesaid; and in case it shall appear that the constable or collector has paid any part of the sum mentioned in any receipt as

aforesaid, the Treasurer shall issue his execution for such part only as shall remain due.

*Ordered*, That the Secretary be and he hereby is directed to publish the foregoing Resolve in *Willis's* and the *Worcester* and *Springfield* news papers.

*November 2, 1782.*

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### Chapter 114.

RESOLVE DISCHARGING THE OFFICERS AND SOLDIERS UNDER THE COMMAND OF COL. *JAMES HUNTER*, IN THE EASTERN DEPARTMENT. Chap.114

*Resolved*, That Col. *James Hunter*, with the officers and soldiers under his command, and stationed in the county of *Lincoln*, be discharged from the service for which they were respectively engaged, from and after the twentieth day of *November* instant, and that their rolls be made up and paid to that time and no longer.

*November 2, 1782.*

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### Chapter 115.

RESOLVE FOR STOPPING ANY FURTHER PROCEEDINGS AGAINST THE ASSESSORS OF THE TOWN OF *LANCASTER*, FOR NOT ASSESSING A CLASS FOR RAISING ONE OF THE THREE YEARS MEN FOR THE ARMY. Chap.115

*Whereas by mistake an execution was issued by the late Treasurer Gardner against the assessors of the town of Lancaster, for not assessing a class for the raising one of the three years men for the Continental Army, A. D. 1781, and the same is in the hands of the Sheriff of the county of Worcester; and it now appears that said town had raised their full quota of said men, and that they had actually joined the army when said execution issued: Therefore,*

*Resolved*, That no further proceedings be had against said assessors on that behalf, and that they serve the said Sheriff with a copy of this Resolve, and that he thereupon return said execution to *Thomas Ivers*, Esq; Treasurer, with the said copy annexed to the same.

*November 2, 1782.*

## Chapter 116.

*Chap.116* RESOLVE ON THE PETITION OF SAMUEL WHITTEMORE AND SAMUEL CHANDLER, IMPOWERING THEM TO MAKE SALE OF THE ESTATE MENTIONED.

*On the petition of Samuel Whittemore and Samuel Chandler, executors to the last will and testament of Samuel Chandler, late of Gloucester, in the county of Essex, Clerk, deceased:*

*Resolved,* That the prayer of the petition be granted, and that the executors, in their capacity, be and are hereby fully authorized and empowered to make sale of the estate in their petition mentioned, for the most the same will fetch, and make and execute a good and sufficient deed or deeds to the purchaser or purchasers, they observing the rules and directions of law for the sale of real estates by executors or administrators, first giving bond to the Judge of Probate for the county of *Essex* that the money arising by the sale shall be applied to the benefit of the heirs at law, agreeable to the will of the testator.

*November 2, 1782.*

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## Chapter 117.

*Chap.117* RESOLVE ASSESSING THE LANDS KNOWN BY THE NAME OF GREEN AND WALKER'S, BY THE TOWN OF CHARLEMONT, EXCEPT, &c. AND EMPOWERING THE ASSESSORS OF THE TOWNS OF CHARLEMONT AND MERRYFIELD IN THIS CASE.

*Resolved,* That the lands known by the name of *Green* and *Walker's* or *Fort Shirley*, be assessed by the town of *Charlemont*, except the two tier of lots upon the western side, which shall be assessed by the town of *Merryfield*; and the assessors of the towns of *Charlemont* and *Merryfield* be and hereby are empowered to assess the same according to their valuation compared with the lands of their respective towns, keeping a separate account of the sums so assessed, and the constables and collectors of the said towns shall pay the same into the treasury of this Commonwealth, taking duplicate receipts for the same severally, one of each to be lodged in the Secretary's office.

*November 2, 1782.*



## Chapter 118.

RESOLVE ON THE PETITION OF JAMES BOWDOIN, ESQ; AND OTHERS, DECLARING NULL AND VOID A RESOLVE ABATING THE TAX ON HARPSWELL, AND DIRECTING THE ASSESSORS OF BOWDOINHAM IN THIS CASE. Chap.118

*Whereas a number of people have lately settled on a tract of land adjoining to and lying west of Bowdoinham, many of whom have removed from Harpswell, and have been and are taxable by Bowdoinham: Therefore,*

*Resolved, That Harpswell be abated five shillings in the thousand of the last valuation, and that the same be added to Bowdoinham; and it being reasonable that Bowdoinham should have the benefit of the taxes on the polls and estates of the said settlers, until a new valuation shall take place: Therefore,*

*Resolved, That the assessors of Bowdoinham, or the major part of them, be and hereby are empowered to lay a tax, from time to time, on the male polls of the settlers on the land aforesaid and their estates, in the same manner, at the same time, and to collect the same as they shall be from time to time authorized to do on the polls and estates within the town of Bowdoinham, by virtue of any tax act of the General Court, until a new valuation shall take place, or until the further order of the said Court, and for that purpose, and that there may be no doubt concerning the bounds of the said land, it shall be and hereby is bounded, Southerly by the northerly line of Topsham, and by the same line continued to the westerly line of the Kennebec Purchase from the late Colony of New Plymouth, Westerly by the said westerly line of the said Purchase, Northerly by a line running west north-west from the north-easterly corner of Bowdoinham to the aforesaid westerly line, and Easterly by Bowdoinham aforesaid.*

*Provided nevertheless, that in case any of the settlers on the said described land are trespassers, this Resolve shall not be understood to encourage or support them in such trespass.*

And it is further *Resolved, That the Resolve of this Court passed in the present session thereof, for making an abatement in the tax on Harpswell aforesaid, shall be and hereby is declared void, the present Resolve being substituted instead thereof; and the Secretary is hereby directed to send to the assessors of Bowdoinham an attested copy of this Resolve, as soon as may be. November 2, 1782.*

## Chapter 119.

*Chap.119* RESOLVE ON THE PETITION OF *JAMES AVERY*, AGENT FOR THE TOWN OF *MACHIAS*, EMPOWERING THE COMMITTEE FOR METHODIZING PUBLIC ACCOUNTS TO ADJUST THE ACCOUNTS MENTIONED.

*On the petition of James Avery, Esq; agent for the town of Machias, praying that the accounts between said Town and this Commonwealth might be adjusted and settled, and that said town might be allowed, in the settlement of said accounts, hire for the schooner Diligent for the time she was employed by the public; also that as the money granted by this Court on February 7th, 1776, for the relief of the eastern settlements, several towns received together and gave joint bonds to the Treasurer for the same, that said town of Machias, after settling for the proportion they received, might be discharged from the bonds given therefor.*

*Resolved*, That the Committee for methodizing and settling the public accounts be and they are hereby empowered and directed to adjust and settle the accounts between this Commonwealth and the town of *Machias*, and allow therein to the said town the hire of the schooner *Diligent*, during the time she was employed by the public, and to charge the said town with only the real sum they received of the money granted by this Court on the 7th of *February* 1776, for the relief of the eastern settlements.

*November 4, 1782.*

## Chapter 120.

*Chap.120* RESOLVE DIRECTING THE COMMISSARY GENERAL TO PAY TO *JAMES AVERY* THE SUM OF **£.34, 3s. 4d.** IN MONEY OR PROVISIONS, FOR THE USE OF LIEUT. *WILLIAM ALBEE*. FOR BACK RATIONS, AND DIRECTING THE AGENT TO FURNISH SEVEN SUITS OF CLOATHS FOR THE SOLDIERS AT *MACHIAS*.

*Resolved*, That the Commissary General of this Commonwealth be and hereby is directed to pay to *James Avery*, *thirty four pounds three shillings and four pence*, in money or provisions, for the use of *William Albee*, Lieutenant of the artillery company at *Machias*, being for ten hundred and twenty-five back rations due to said *William Albee*, from the 7th of *December* 1779 to the 16th of *August* 1782, at eight pence per ration. And that the

Agent of this Commonwealth be directed to deliver to the said *James Avery* seven suits of cloaths for the soldiers at said *Machias*, and charge the same to the United States.

*November 4, 1782.*

### Chapter 121.

RESOLVE DIRECTING LEMUEL KOLLOCK, ESQ; TO JOIN WITH THE PROPRIETORS OF A DIVISION OF THE LAND LYING IN THE TOWNS OF OXFORD AND CHARLTON, IN PURSUING THE BEST METHOD FOR ASCERTAINING THE ORIGINAL BOUNDS.

*Chap.121*

*Whereas a division of the land lying in the towns of Oxford and Charlton, in the county of Worcester, in which the Commonwealth is interested, was attempted in June last, but by reason of the original bounds being demolished or lost, said division could not be made: Therefore,*

*Resolved, That Lemuel Kollock, Esq; agent upon said land, is hereby directed to join with the other proprietors in pursuing the best method for ascertaining and establishing the original bounds, and further to proceed agreeable to the powers before granted.*

*October 2, 1782.*

### Chapter 122.

RESOLVE ON THE PETITION OF JOHN BUFFINTON.

*Chap.122*

*On the petition of John Buffinton, praying that certain depositions filed in the clerk's office of the Court of Common Pleas for the county of Essex, taken to be used in an action of trespass concerning the Schooner Lark, in which said Buffinton was plaintiff and Charles le Ballister was defendant, may be admitted and used in a trial to be had concerning said schooner, between the same parties, agreeable to a Resolve of the 7th of March last, at the Supreme Judicial Court begun and held at Salem on the first Tuesday of November instant:*

*Resolved, That the prayer of said petition be so far granted, that said Buffinton be and he is hereby authorized to use in said trial, under the direction of the same Supreme Judicial Court, copies of said depositions duly attested by said Clerk (who is hereby directed to grant the same) and to give the same in evidence to the jury, so*

far as said court shall judge them pertinent to the issue that may be joined, any law to the contrary notwithstanding.

November 5, 1782.

### Chapter 123.

**Chap.123** RESOLVE ON THE PETITION OF A COMMITTEE OF THE TOWN OF HADLEY.

*On a petition of a committee of the town of Hadley :*

*Whereas it appears that the towns of Westfield and Amherst, through clerical mistakes, were not taxed their due proportion in the last valuation: Therefore,*

*Resolved, That in all future taxes there be added to said Westfield the sum of two shillings and six pence, to said Amherst one shilling on each thousand pounds.*

November 5, 1782.

### Chapter 124.

**Chap.124** RESOLVE APPOINTING COL. JABEZ HATCH TO WAIT ON THE QUARTER-MASTER GENERAL OF THE FRENCH ARMY, AND IMPOWERING THE SELECTMEN OF BOSTON TO PROVIDE QUARTERS FOR THE GENERAL AND STAFF OF SAID ARMY.

*Resolved, That Col. Jabez Hatch be and hereby is appointed, in the quality of Barrack Master, to wait on the Quarter Master General of the French Army, on their first entering into this State, at Wrentham, to facilitate the quartering of the French troops under the command of his Excellency Count de Rochambeau.*

*And it is also Resolved, That the selectmen of the town of Boston be and hereby are impowered and directed to provide convenient quarters for the general officers and staff of the French Army aforesaid, expected soon to arrive in the said town, and that the said Selectmen's accounts and Colonel Hatch's accounts be laid before the General Court for allowance and payment, and that the United States be charged therewith.*

November 5, 1782.

### Chapter 125.

**Chap.125** RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF THE COUNTY OF PLYMOUTH.

*Whereas it appears upon examination of the accounts of the treasurer of the county of Plymouth, that all monies*

*granted and allowed by the Court of General Sessions of the Peace for the said county, for the year 1781, were for such purposes and appropriations as the law impowered the said Court to grant: Therefore,*

*Resolved, That the said accounts be allowed.*

*November 5, 1782.*

### Chapter 126.

RESOLVE ON THE TOWN OF GRANBY'S MEMORIAL, LENGTHENING OUT THE TIME FOR SAID TOWN TO MAKE RETURNS INTO THE SECRETARY'S OFFICE, AGREEABLE TO AN ACT PASSED JUNE 1781, TO THE FIRST DAY OF APRIL NEXT.

*Chap.126*

*Whereas by an act passed in June 1781, entitled an act for altering the dividing line between the towns of South Hadley and Granby, provision was made that each of the persons living in said towns shall have their liberty and choice of belonging to either of said towns, as will be most agreeable to them, together with their respective estates, provided the person so choosing to remove himself or his estate from the town where he inhabits, or where his estate lies, to the other town, shall make a return of his name or the estate so to be removed, into the Secretary's office, on or before the first day of January next, therein particularly mentioning the quantity of his land, with the boundaries of such land and the name of the town to which he would have the same annexed, which person or his estate so described as aforesaid shall from and after the said first day of January next be considered, to all intents and purposes, as belonging to the town to which the same is subscribed, such person or estate being included within the limits of the other town notwithstanding. And whereas the inhabitants of the said towns neglected to take the advantage of the above recited paragraph in the aforesaid act within the time therein limited, and have prayed, by a memorial presented to this Court, that the time for making such returns into the Secretary's office be lengthned out until the first day of April next:*

*Resolved, That the time for making returns into the Secretary's office, agreeable to the before recited paragraph, be and hereby is lengthened to the first day of April next, the above mentioned act to the contrary notwithstanding.*

*November 6, 1782.*

## Chapter 127.

**Chap.127** RESOLVE ON THE PETITION OF AARON HOLDEN, IN BEHALF OF ANDREW GARRET, NOW A PRISONER IN CANADA.

*On the petition of Aaron Holden, in behalf of Andrew Garret, now a prisoner in Canada, praying that three months wages due to the said Garret, may be paid to the said Holden : Therefore,*

*Resolved,* That there be allowed and paid, out of the public treasury of this Commonwealth, to the said *Aaron Holden*, three months wages, that are due to the said *Andrew Garret*, agreeable to a resolve of the General Court, of the 7th of *March*, 1781. The said *Holden* to forward the same to the relief of the said *Garret*, as soon as may be ; he the said *Holden* to be accountable for the same.

*November 5, 1782.*

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## Chapter 128.

**Chap.128** RESOLVE ON THE PETITION OF ZACHEUS FISH, IMPOWERING HIM TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of Zacheus Fish, of Pembroke, in the county of Plymouth, guardian to Sarah Hall, a minor, praying he may be impowered to make sale of about eleven acres of said minor's land lying in Kingston, in said county, for reasons set forth in his said petition.*

*Resolved,* That the prayer of the petition be granted, and that the said *Zacheus Fish* be, and is hereby impowered, to make sale of the said eleven acres of land, he observing the direction of the law for the sale of real estates by executors and administrators, and in his said capacity to make and execute a good deed or deeds to the purchaser or purchasers thereof.

*November 6, 1782.*

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## Chapter 129.

**Chap.129** RESOLVE DIRECTING CALEB DAVIS, ESQ; TO PAY ISAAC PHILLIPS, THREE HUNDRED EIGHTY-FIVE POUNDS NINE SHILLINGS, OUT OF THE MONIES HE SHALL RECEIVE IN PAYMENT OF DEBTS DUE TO THE LATE BOARD OF WAR.

*On the petition of Isaac Phillips,*

*Resolved,* That *Caleb Davis*, Esq ; be, and he hereby is directed, to pay to the said *Isaac Phillips*, out of such monies as he shall receive in payment of debts due to the

late Board of War, the sum of *three hundred and eighty-five pounds nine shillings*, in full of the balance of his account against the said Board of War.

*November 6, 1782.*

### Chapter 130.

RESOLVE REPEALING A RESOLVE PASSED APRIL 30, 1782, AFFIXING THE TIMES FOR HOLDING COURTS OF THE JUDGE OF PROBATE IN THE COUNTY OF WORCESTER, AND DIRECTING HIM ANNUALLY TO HOLD HIS COURT ON THE FIRST TUESDAY OF EVERY MONTH IN THE TOWN OF WORCESTER, AT LANCASTER THIRD TUESDAY OF MAY AND NOVEMBER, AT BROOKFIELD FOURTH TUESDAY OF APRIL AND OCTOBER, AT TEMPLETON THIRD TUESDAY OF APRIL AND OCTOBER, AND AT UXBRIDGE FOURTH TUESDAY OF MAY AND NOVEMBER. Chap.130

*Whereas the holding the Probate Courts in the county of Worcester at the times and places mentioned in the resolve of the General Court of the thirtieth of April last, will be exceeding inconvenient and expensive to the Judge and Register of said court, and by holding said courts twice a year in each of those towns (Worcester excepted) the inhabitants may be as well accommodated.*

*Resolved*, That the aforesaid resolution of the thirtieth of April last, be, and hereby is repealed and made void to all intents and purposes, and that the Judge of Probate of Wills, &c. for said county, be, and he is hereby directed, annually to hold his court at the town of Worcester, in said county, on the first Tuesday of every month.

At Lancaster on the third Tuesday of May and November.

At Brookfield, on the fourth Tuesday of April and October.

At Templeton, on the third Tuesday of April and October.

At Uxbridge, the fourth Tuesday of May and November.

And at such convenient places in said towns as the said judge for the time being shall appoint. And the said Judge is hereby directed to make such appointment as soon as may be, and shall hold his said courts in manner as is herein before appointed.

*November 6, 1782.*

## Chapter 131.

**Chap.131** RESOLVE EMPOWERING THE TRUSTEES OF THE GRAFTON INDIANS TO MAKE SALE OF THE LAND MENTIONED, AND EMPOWERING JOSEPH AARON TO EXECUTE A LAWFUL DEED OF SAID LAND, AND DIRECTING SAID TRUSTEES HOW TO APPLY THE MONEY.

*On the petition of Joseph Aaron, one of the Grafton Indians in the county of Worcester, praying for liberty to make sale of a certain piece of land, for reasons set forth in his petition.*

*Resolved*, That the Trustees of the Grafton Indians be, and they hereby are impowered, to make sale of about nine acres of the said *Joseph's* land lying in said Grafton, and cut off from his other land by a county road, to be sold either at public auction or private sale, as said Trustees may judge best, and that the said *Joseph Aaron* be, and he hereby is impowered, to make and execute a lawful deed or deeds of the same land to the purchaser or purchasers thereof. And the said Trustees are hereby directed to apply the money coming by the said sale for the support of the said *Joseph*, and in building him a house and paying his just debts, said Trustees to be accountable to the General Court.

*November 6, 1782.*

## Chapter 132.

**Chap.132** RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WASHINGTON.

*On the petition of the selectmen of the town of Washington, praying to be discharged from the tax of one man to serve in the Continental Army.*

*Whereas it appears to this Court, that some time in the month of April last, John Morse, an inhabitant of the town of Washington, did enlist in behalf of the said town to serve as a soldier in the Continental Army for the term of three years, and received a large bounty of the said town, and was mustered by the muster master at Springfield, but has not marched to join the army.*

*Resolved*, That one of the selectmen of the town of Washington present the said *John Morse* to Capt. *Bannister*, Muster Master at *Springfield*, in order that he may be sent on to camp without delay, and the said muster mas-



ter is hereby directed to receive the said *Morse*, and send him forward to the Inspector General of the army. And that the town of *Washington* be discharged from the said tax of one man, and execution therefor be stayed, any resolve of the General Court to the contrary notwithstanding.

*November 6, 1782.*

### Chapter 133.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *BOSTON*, MAKING PROVISION FOR THE OFFICERS OF THE FRENCH ARMY, GRANTING *FIVE HUNDRED POUNDS*.

*Chap.133*

*On the petition of the Selectmen of the town of Boston, praying that means may be devised to enable them to provide quarters for General Officers and Staff of the French army, agreeable to the orders of the General Court.*

*Resolved*, That the Selectmen of the town of *Boston* be, and they are hereby directed, to lay their accounts of expences for providing quarters for the officers of the French army aforesaid, before the Governor and Council, who are hereby authorized and requested to examine and allow the same, if they shall appear reasonable. And his Excellency the Governor with advice of Council, is hereby also requested, to issue his warrant on the Treasurer for the payment of such accounts which may be allowed as aforesaid, provided nevertheless the sum shall not exceed *five hundred pounds*, to be paid out of any money that may arise from the sale of prize goods, and paid into the Treasury of this Commonwealth, to be charged to the United States.

*November 7, 1782.*

### Chapter 134.

RESOLVE FOR ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND THE COURT OF COMMON PLEAS, TO BE HOLDEN AT *CAMBRIDGE*, IN THE COUNTY OF *MIDDLESEX*, TO THE FOURTH TUESDAY OF DECEMBER NEXT.

*Chap.134*

*Whereas it will be inconvenient to have the Court of General Sessions of the Peace, and the Court of Common Pleas, held at Cambridge, in and for the county of Middlesex, on the twenty-sixth day of November, current. Therefore,*

*Resolved*, That the said Court of General Sessions of the Peace, and Court of Common Pleas, by law to be held

at *Cambridge*, in and for the county of *Middlesex*, on the fourth Tuesday of *November*, current, be adjourned, and shall be holden at *Cambridge* aforesaid, on the fourth Tuesday of *December* next. And that all writs, processes, and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of Common Pleas, appointed by law to be holden at *Cambridge*, and all matters, causes and things that have day, or that might have been had, moved or done at, in, or by the said Courts, at the times so appointed for holding the same, shall be returnable to and may be entered, prosecuted, had, moved and done at, in, and by the said Courts at the time herein appointed for holding the same. And the Secretary is hereby directed to publish this resolve in *Willis's* news paper.

*November 8, 1782.*

### Chapter 135.

*Chap.135* RESOLVE CALLING UPON THE SELECTMEN OF THE SEVERAL TOWNS THROUGH WHICH THE FRENCH ARMY MAY PASS, TO AFFORD COL. *HATCH* EVERY ASSISTANCE IN PROVIDING FOR THEIR CONVENIENCE AND COMFORT.

*Upon the request of Jabez Hatch, Esq; Deputy Q. M. G. that this Court would call on the selectmen of the several towns in this Commonwealth (through which the army of His Most Christian Majesty may pass in their march to Boston) to give him, the said Hatch, every assistance in providing for the necessary comfort and convenience of said army, during said march:*

*Resolved,* That the selectmen of the several towns in this Commonwealth, through which the army of His Most Christian Majesty may pass, in their march to *Boston*, be called upon to manifest that good disposition towards our allies, by rendering every assistance to Col. *Hatch*, in providing for the convenience and comfort which the necessities of said army may require.

*November 8, 1782.*

### Chapter 136.

*Chap.136* RESOLVE GRANTING A TAX OF TWO THOUSAND POUNDS FOR DEFRAYING THE CHARGES OF THE COUNTY OF *SUFFOLK*, TO BE ASSESSED ON THE INHABITANTS OF SAID COUNTY.

*Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace for the county*

of Suffolk, that the sum of two thousand pounds will be necessary for defraying the charges of said county, for one year next ensuing :

Therefore *Resolved*, That there be, and hereby is granted a tax of *two thousand pounds*, to be apportioned and assessed on the inhabitants of said county, and estates lying within the same ; and collected, paid and applied for the use of said county, according to the laws of this Commonwealth.

November 8, 1782.

### Chapter 137.

RESOLVE ALLOWING THE ACCOUNTS OF THE COUNTY TREASURER OF THE COUNTY OF SUFFOLK. Chap.137

*Whereas it appears, upon examination of the accounts of the treasurer of the county of Suffolk, that all the monies granted and allowed by the Court of General Sessions of the Peace for said county, for the year one thousand seven hundred and eighty-one, were for such purposes and appropriations as the law impowered said Court to grant :*

Therefore *Resolved*, That said accounts be allowed.

November 8, 1782.

### Chapter 138.

RESOLVE ON THE PETITION OF WILLIAM BURGESS.

Chap.138

*On the petition of William Burgess.*

*Resolved*, That the prayer of the petition be so far granted, as that the said *William Burgess* have permission to continue in this Commonwealth until his case be submitted to Congress, and their determination be had thereon, whether a person of his character and views comes within the resolve of Congress, respecting the subjects of the King of *Great Britain* ; provided that the said *Burgess* enter into bonds with the Treasurer, and for the use of this Commonwealth, in the sum of *ten thousand pounds*, conditioned that he shall not, in any way or manner, say, do, or act, anything to the prejudice of this Commonwealth, or of any of the United States.

*Resolved*, That after the said *Burgess* shall have entered into such bond, he have, and hereby has, liberty to go to *Philadelphia*, for the purpose of applying to Congress.

November 8, 1782.

## Chapter 139.

*Chap.139* RESOLVE ON THE LETTERS AND PAPERS OF THE HON. *ELBRIDGE GERRY*, ESQ; APPROVING HIS RIGHT OF PRIVILEGE AS A MEMBER OF CONGRESS, AND DIRECTING THE DELEGATES IN CONGRESS FROM THIS COMMONWEALTH, TO ENQUIRE INTO THE COMPLAINT, AND TO MAKE STRICT ENQUIRY AS TO THE RATES AT WHICH THE SUPPLIES FOR THE ARMY HAVE BEEN ESTABLISHED.

*Whereas it has been represented to this Court, in several letters from Elbridge Gerry, Esq; and the papers accompanying the same, that by a determination of the honorable Congress, he was denied a privilege to which he was entitled, as a member of that honorable body, according to their own rules and orders: And whereas a complaint of so grievous a nature, when founded on such evidence of the facts as is contained in the letters and papers referred to, demands the serious attention of his constituents, and calls for enquiry to be made touching the subject matter of his complaint:*

Therefore *Resolved*, That this Court approve of the high sense which Mr. *Gerry* entertained, of his right of privilege as a member of Congress; and that the delegates in Congress from this Commonwealth, be, and they hereby are directed, to make necessary enquiries relative to the breach of privilege complained of, and such representations to Congress in reference thereto, as the importance of the subject requires.

*Resolved*, That the delegates to Congress from this Commonwealth, be, and they hereby are directed, to make strict enquiry as to the rates at which supplies for the army have been set and established, and the rules hitherto adopted by Congress for determining the proportion of men and supplies required of the several States; and if upon examination it shall appear that they have operated unequally, as has been apprehended, and to the injury of this State in particular, that they, in the name and behalf of this Commonwealth, move in Congress, that such inequality be adjusted, and proper allowances made therefor; and that such measures may be adopted as effectually to prevent any such inequality in future.

*October 18, 1782.*

## Chapter 140.

RESOLVE REQUESTING THE GOVERNOR TO ISSUE A BRIEF Chap.140  
THROUGH THE SEVERAL TOWNS, &c. WITHIN THIS COMMONWEALTH, RECOMMENDING THE LOSSES AND DISTRESSES OF THE INHABITANTS OF CHARLESTOWN; THE MONEY TO BE APPLIED FOR THE BUILDING A HOUSE OF PUBLIC WORSHIP.

*Whereas the inhabitants of the town of Charlestown, have petitioned, by their parish committee, for a free and voluntary contribution through this Commonwealth, to be applied for the building a house for the public worship of God in the said town:*

*Resolved*, That the Governor be, and is hereby requested, to issue a brief through the several towns and districts within this Commonwealth, recommending the losses and distresses of the inhabitants of *Charlestown*, to the serious and charitable consideration of the inhabitants of this Commonwealth, and requesting their charitable donations in favour of this suffering and distressed people, in order to enable them to build a house for public worship.

And it is further *Resolved*, That the money raised by the above contributions, be remitted to *Nathaniel Gorham*, Esq; *David Wood*, Esq; Mess'rs. *Nathaniel Rand*, *Isaac Mallet*, and *Joseph Cordis*, the present parish committee, or either of them, to be by them paid to the Treasurer of said parish, and applied to the purpose aforesaid.

*November 8, 1782.*

## Chapter 141.

RESOLVE DIRECTING CERTAIN TOWNS TO MAKE RETURNS OF Chap.141  
THE THREE AND FIVE MONTHS MEN, BY THE RESOLVES OF JUNE 15, AND JUNE 30, 1781, INTO THE SECRETARY'S OFFICE, BEFORE THE NEXT SETTING OF THE GENERAL COURT.

*Whereas this Court is determined, early in the next session, to take up the matter of fines and bounties, respecting the soldiers that have been sent into the public service by the several towns within this Commonwealth: And whereas sundry towns have made no returns of the five and three months men sent into the army pursuant to the resolves of the General Court, of June 16, and June 30, 1781: Therefore,*

*Resolved*, That such of the towns in the following list, as have sent any men into the service, agreeable to the above recited resolves, be, and they hereby are directed,

to make returns of all such men into the Secretary's office, before the next setting of the General Court. And the Secretary is hereby directed to publish this resolve in *Willis's Independent Chronicle*, three weeks successively.

N. B. Such towns as have No. 3 annexed to them, are deficient in returns of three months men, and those that have No. 5, of five months men.

<i>Milton</i> . . . . .	5	<i>Plymouth</i> . . . . .	3 & 5
<i>Braintree</i> . . . . .	5	<i>Duxbury</i> . . . . .	3
<i>Wrentham</i> . . . . .	5	<i>Bridgewater</i> . . . . .	5
<i>Hull</i> . . . . .	3 & 5	<i>Plympton</i> . . . . .	5
<i>Foxboro'</i> . . . . .	5	<i>Pembroke</i> . . . . .	5
<i>Salem</i> . . . . .	3 & 5	<i>Harwich</i> . . . . .	3
<i>Danvers</i> . . . . .	5	<i>Falmouth</i> . . . . .	5 & 3
<i>Newbury</i> . . . . .	5	<i>Truro</i> . . . . .	5 & 3
<i>Marblehead</i> . . . . .	3 & 5	<i>Taunton</i> . . . . .	5
<i>Lynn</i> . . . . .	3 & 5	<i>Raynham</i> . . . . .	5
<i>Beverly</i> . . . . .	3 & 5	<i>Easton</i> . . . . .	5 & 3
<i>Rowley</i> . . . . .	5	<i>Lancaster</i> . . . . .	5
<i>Gloicester</i> . . . . .	3 & 5	<i>Spencer</i> . . . . .	5
<i>Topsfield</i> . . . . .	3 & 5	<i>New Braintree</i> . . . . .	5
<i>Manchester</i> . . . . .	3 & 5	<i>Fitchburg</i> . . . . .	5 & 3
<i>Middleton</i> . . . . .	3 & 5	<i>Royalston</i> . . . . .	5
<i>Charlestown,</i> . . . . .	3 & 5	<i>Westminster</i> . . . . .	5
<i>Woburn</i> . . . . .	5	<i>Ashuclet Equivalent</i> . . . . .	3
<i>Newtown</i> . . . . .	5	<i>Plantation No. 7</i> . . . . .	3
<i>Marlborough</i> . . . . .	5	<i>York</i> . . . . .	3
<i>Framingham</i> . . . . .	5	<i>Kittery</i> . . . . .	3
<i>Sherburne</i> . . . . .	5	<i>Wells</i> . . . . .	3
<i>Malden</i> . . . . .	5	<i>Berwick</i> . . . . .	3
<i>Medford</i> . . . . .	5	<i>Arundel</i> . . . . .	3
<i>Hopkinton</i> . . . . .	5	<i>Pepperellborough</i> . . . . .	3
<i>Pelham</i> . . . . .	3	<i>Lebanon</i> . . . . .	3
<i>Greenwich</i> . . . . .	3	<i>Brownfield</i> . . . . .	3
<i>Palmer</i> . . . . .	3	<i>Biddeford</i> . . . . .	3
<i>Southwick</i> . . . . .	3		

November 8, 1782.

### Chapter 142.

*Chap. 142* RESOLVE DIRECTING THE COMMISSARY GENERAL TO HAVE THE POWDER IN THE MAGAZINE AT SALEM INSPECTED, AND TO SEND SUCH PART THEREOF AS MAY BE FOUND UNFIT FOR SERVICE, TO THE POWDER MILLS AT ANDOVER.

*It being represented to this Court, that there is now in the magazine at Salem, a quantity of unmerchantable powder, the property of this Commonwealth:*

*Resolved,* That *Richard Devens, Esq;* Commissary General, be, and he is hereby directed, to have said powder inspected; and such part thereof as may be found unfit for service, to send to the powder mills at *Andover*, to be remanufactured.

November 9, 1782.

## Chapter 143.

RESOLVE ON THE PETITION OF MEHITABLE GREENOUGH, EMPOWERING HER TO MAKE SALE OF THE ESTATE MENTIONED. Chap.143

*On the petition of Mehitable Greenough, widow of John Greenough, of Boston, Esq; deceased, praying for licence to sell part of the real estate of said deceased, viz. — one dwelling house in Sudbury Street, Boston, with the appurtenances to it belonging, and also said deceased's right in two small pieces, of unimproved lands, the one lying in Wellfleet, the other in Fitzburg, for the reasons in said petition mentioned.*

*Resolved, That the prayer of said petition be granted, and that the petitioner be and hereby is empowered, to make sale of the abovesaid real estate, for the most the same will fetch, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers thereof, he observing the rules of the law for the sale of real estates by executors and administrators, first giving bond, with sufficient sureties, to the Judge of Probate for the county of *Suffolk*, that the proceeds of said sale shall be put to interest, one third for the use of the said widow, during her life, and the other two thirds, after paying debts and charges, for the use of the heirs at law, as they respectively arrive at lawful age; and after the said widow's decease, the whole to be divided and paid to said heirs, in legal proportion, if they have arrived at lawful age. *Provided nevertheless*, if it shall appear hereafter to the Judge of Probate for the county of *Suffolk*, that the interest of said sales is not sufficient for the support and education of the aforesaid heirs, it shall be in the power of said Judge to make such further allowance as shall appear to him necessary for that purpose, out of the principal. *November 12, 1782.**

## Chapter 144.

RESOLVE DIRECTING THE PRESENT TREASURER TO DEMAND OF THE ADMINISTRATOR ON THE ESTATE OF THE LATE TREASURER GARDNER, THE SUM OF THREE THOUSAND SEVEN HUNDRED AND FIFTY POUNDS, FOURTEEN SHILLINGS AND TEN PENCE, FOUND IN THE TREASURY, AND TO INDEMNIFY SAID ADMINISTRATOR FOR PAYING SAID SUM. Chap.144

*Whereas it appears, that at the death of the late Treasurer, Henry Gardner, Esq; the sum of three thousand*

seven hundred and fifty pounds, fourteen shillings and ten pence, *was found in the treasury of this Commonwealth, which sum is now in the hands of Joseph Gardner, Esq; administrator of the estate of the aforesaid Treasurer: And whereas the exigencies of government require, that the aforesaid sum be immediately drawn out of the hands of the said administrator, to be disposed of according to the directions of this Court:*

*Resolved*, That the present Treasurer, *Thomas Ivers*, Esq; be, and he hereby is directed, in behalf of this Commonwealth, to demand the aforesaid sum of the said administrator, and receive the same into the treasury, for the use of government, and to make and sign his receipt for the same in his capacity aforesaid.

And be it further *Resolved*, That this Commonwealth will, in all respects, indemnify the said administrator for paying said sum in manner aforesaid; and if (contrary to the expectation of the Court) on the final settlement of the accounts between this Commonwealth and the estate of the said late Treasurer, it shall appear that the aforesaid sum was the property of the said Treasurer first mentioned, the same shall be refunded to the said administrator, with interest.

*November 9, 1782.*

### Chapter 145.

*Chap.145* RESOLVE ON THE PETITION OF LIEUT. COL. JOHN POPKINS, DIRECTING PAYMENT OF HIS SECOND DEPRECIATION NOTE.

*On the petition of Lieut. Col. John Popkins.*

*Resolved*, That there be paid out of the treasury of this Commonwealth, the second depreciation note (so called) due to, and being the property of Lieut. Col. *John Popkins*; said note having the promise of payment in *March* last, for reasons set forth in his petition, any law or resolve to the contrary notwithstanding.

*November 9, 1782.*

### Chapter 146.

*Chap.146* RESOLVE RESPECTING THE EXPEDIENCY OF THE GENERAL COURT'S ASSEMBLING ON THE LAST WEDNESDAY OF JANUARY NEXT.

The committee of both Houses, appointed to consider the time when it will be expedient for the General Court



to assemble, next after the expiration of the present session, have attended that service, and report as their opinion, that it will be expedient for the General Court to assemble on the last Wednesday of *January* next.

*November 11, 1782.*

### Chapter 147.

RESOLVE EMPOWERING THE JUSTICES OF THE COURT OF COMMON PLEAS, FOR THE COUNTY OF LINCOLN, TO PROCEED TO THE HEARING OF CERTAIN COMPLAINTS, UPON FORFEITED ESTATES IN SAID COUNTY, AS THOUGH THEY HAD NOT BEEN DEFAULTED.

*Chap. 147*

*Whereas, in pursuance of the law of this Commonwealth, intituled, "An act for confiscating the estates of certain persons commonly called absentees," complaints were exhibited to the Justices of the Inferior Court of Common Pleas for the county of Lincoln, on the last Tuesday of September, A. D. 1781, against Sylvester Gardner, Charles Callahan, John Lee, William Vassal, David Phips, and Charles Ward Apthorp, alledging that the lands lately owned by them respectively, lying within the same county, were forfeited and escheated: which complaints were duly continued to the then next Inferior Court of Common Pleas, to be holden for said county, on the first Tuesday in June, 1782, and notifications of the same were duly published according to law; at which last mentioned term the same complaints ought to have been continued to the last Tuesday of September then next, but by mistake judgment was then rendered against them by default, whereby some persons may be deprived of an opportunity of claiming the same:*

Therefore *Resolved*, That the Justices of the Court of Common Pleas for the county of *Lincoln* be, and they hereby are empowered and directed, to proceed in the hearing and tryal of said complaints; and to enter a continuance of said complaints the entry of a default against them notwithstanding; and at the term, being the first Tuesday of June, A. D. 1783, the same complaints be brought forward as continued; and that any claim to the same be received as though the same complaints had not been defaulted; and that the same proceedings shall be had on the same complaints as though the same had been regularly continued to the said last Tuesday of September, 1782, and from thence to the 1st Tuesday of June, 1783: and that notice of this continuance be published

as soon as may be, in the public news papers, and for the same length of time as the first notice of the libels against such estates is by law to be published.

*November 11, 1782.*

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### Chapter 148.

**Chap.148** RESOLVE GRANTING *THIRTY-SIX POUNDS EIGHTEEN SHILLINGS*, TO *WILLIAM BAKER, JUN.*

*On the petition of William Baker, jun. praying for allowance for services done, as Clerk in the Secretary's office, in the recess of the General Court:*

*Resolved*, That the prayer of the petition be granted; and that there be paid out of the treasury of this Commonwealth, to the said *William Baker, jun.* the sum of *thirty-six pounds eighteen shillings*, exclusive of *nine pounds six shillings*, which said *Baker* has already received; all which is in full for his service aforesaid to the last of *May, 1782.*

*November 11, 1782.*

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### Chapter 149.

**Chap.149** A GRANT OF *TWO HUNDRED AND EIGHTY-FIVE POUNDS* TO *THOMAS IVERS, ESQ;* FOR HIS SERVICES IN CONSOLIDATING GOVERNMENT SECURITIES, AND AS AN ASSISTANT TREASURER.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to *Thomas Ivers, Esq;* the sum of *two hundred and eighty-five pounds*, in full for his service from *September 20, 1781*, to *October 10, 1782*, in consolidating Government securities; and also for his service as Assistant Treasurer, and all extra service to the said tenth day of *October, 1782.*

*November 11, 1782.*

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### Chapter 150.

**Chap.150** A GRANT OF *£.300* TO *JOHN AVERY, JUN. ESQ;* FOR HIS SERVICES AS SECRETARY TO *JUNE, 1782.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to *John Avery, jun.* Esq; the sum of *Three hundred pounds* in full of his services as Secretary for one year from *June 1st, 1781*, to *June 1st, 1782.*

*November 11, 1782.*

## Chapter 151.

A GRANT OF £.300 TO RICHARD DEVENS, ESQ; AS COMMISSARY GENERAL TO JUNE, 1782. *Chap.151*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to *Richard Devens, Esq*; Commissary General, the sum of *Three hundred pounds* in full for his services for one year, from *June 1st, 1781*, to *June 1st, 1782*. *November 11, 1782.*

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## Chapter 152.

RESOLVE ALLOWING EXTRA PAY TO THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND FOR GRANTING £.40 TO EACH OF THE CLERKS OF THE GENERAL COURT. *Chap.152*

*Resolved*, There be paid out of the treasury of this Commonwealth to the Honorable *Samuel Adams, Esq*; President of the Honorable Senate the sum of *Five shillings* and *eight pence* per day, over and above the pay of the members, and to the Honorable *Nathaniel Gorham, Esq*; Speaker of the House of Representatives the sum of *Five shillings* and *eight pence* per day, over and above the pay of the members for every day's attendance during the present session.

*And be it further Resolved*, That the sum of *forty pounds* be paid to Mr. *William Baker, jun.* Clerk of the Honorable Senate, and *Forty pounds* to Mr. *George Richards Minot*, Clerk of the House of Representatives, they to be accountable. *November 11, 1782.*

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## Chapter 153.

RESOLVE GRANTING £.150 TO EACH OF THE DELEGATES WHO MAY PROCEED TO CONGRESS DURING THE RECESS OF THE GENERAL COURT. *Chap.153*

*Whereas a resolve passed the present session of this Court directing the treasurer of this Commonwealth to pay each of the delegates who may be going to Congress, One hundred and fifty pounds.*

*Resolved*, That the said Treasurer be, and he hereby is further directed to pay the said sum of *One hundred and fifty pounds* to each of the delegates who may proceed to Congress during the recess of the Court, out of any monies which may be in the treasury, any act or resolve to the contrary notwithstanding. *November 11, 1782.*

## Chapter 154.

*Chap.154* RESOLVE DIRECTING THE TREASURER TO PAY TO THE MEMBERS OF THE COUNCIL AND MEMBERS OF THE GENERAL COURT *TWO THIRDS* OF THE SUM THAT SHALL APPEAR DUE TO THEM UPON THE PAY ROLLS OF THE PRESENT SESSION, AND ALSO THE LIKE PAYMENT TO THE COMMITTEE ON ACCOUNTS.

*Resolved*, That the Treasurer of this Commonwealth be, and hereby is directed to pay to the members of the Council and the members of the General Court, *Two thirds* of the sum that shall appear due to them upon the pay rolls the present session from out of the money that is now in the treasury, excepting the monies arising by the continental tax and the excise, and also the like payment to the committee on accounts.

November 11, 1782.

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## Chapter 155.

*Chap.155* RESOLVE ON THE PETITION OF LIEUT. AARON HOLDEN.

*On the petition of Lieut. Aaron Holden, praying that in consideration of his service as an officer of the Massachusetts line of the army, and of the losses he has sustained, and the hardships he has suffered in a long and painful captivity in Canada, he may receive out of the public treasury the amount of a Forty eight pounds nine shillings and nine pence note, issued to him for wages, to enable him to discharge a debt which he contracted for necessaries while in captivity.*

*Resolved*, That the prayer of the petition be granted, and the treasurer of this Commonwealth be, and he hereby is directed to receive of the said Aaron Holden, a *Forty eight pound nine shillings and nine pence*, note, issued to him for wages, for his service in the army, and to pay him the amount of the said note out of the public Treasury.

November 11, 1782.

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## Chapter 156.

*Chap.156* RESOLVE ON THE MEMORIAL OF EBENEZER WALES, ESQ. AND CAPT. AMASA DAVIS, LATE COMMITTEE OF SUPPLIES, DISCHARGING THEM FROM CERTAIN SUMS OF MONEY, AND GRANTING THEM £.892 4 5 BEING THE BALLANCE DUE TO SAID COMMITTEE.

*On the memorial of Ebenezer Wales and Amasa Davis, late committee of supplies, praying for an additional allow-*

ance for their services for reasons set forth in the said memorial, and also on the report of the committee for methodizing the public accounts, who have examined the accounts of the said Wales and Davis.

*Resolved*, That *Ebenezer Wales* and *Amasa Davis*, late a committee of supplies, be, and they hereby are discharged from the sum of *Forty-three thousand three hundred and twelve pounds eight shillings and five pence*, continental currency, which sum remained to be accounted for in their former settlement of April 26, 1781. And for the sum of *Twenty-three thousand four hundred and twenty-nine pounds three shillings and two pence*, new emission, drawn out of the treasury by warrants since the settlement aforesaid: also from the sum of *Sixteen thousand seven hundred and seventy-eight pounds twelve shillings and six pence*, specie, drawn out of the treasury as aforesaid, and likewise from the sum of *Four thousand nine hundred and eighty-eight pounds twelve shillings and eleven pence*, specie, being the amount of the certificates they gave to sundry persons for articles of clothing they received on loan, agreeable to the orders of the General Court, the treasurer was to give his securities in behalf of this Commonwealth: also, from the sum of *Ten thousand eight hundred and seventeen pounds ten shillings and four pence*, specie, being the amount of goods they received from the Honorable *Thomas Cushing*, Esq; chairman of the committee of foreign affairs; also from the sum of *Eight hundred and ninety-two pounds fifteen shillings and eleven pence*, specie, the amount of goods they received from the late Board of War.

They having accounted for the expenditure of the several sums before specified, and also the application of all the articles purchased or received in behalf of this government.

*And it is further Resolved*, That there be allowed, and paid out of the public treasury to *Ebenezer Wales* and *Amasa Davis*, the sum of *Seven hundred and ninety-two pounds four shillings and five pence*, specie, ballance due to them per certificate from the committee for methodizing accounts.

Also, a further sum of *One hundred pounds*, the whole sum amounting to *Eight hundred and ninety-two pounds four shillings and five pence*, which is in full for the ballance due to the said committee on the settlement of their

accounts, including their commissions, and for interest they have paid, which was not charged in their account.

*Further Resolved*, They pay into the treasury of this Commonwealth *One hundred and five pounds twelve shillings* of the new emission of other states, money they received of the treasurer, and could not pass, taking duplicate receipts for the same, one of which to be lodged in the Secretary's office. *November 11, 1782.*

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### Chapter 157.

*Chap.157* RESOLVE FOR ALLOWING *TEN SHILLINGS* PER DAY TO EACH OF THE COMMITTEE EMPLOYED IN AUDITING AND EXAMINING THE ACCOUNTS OF THE TREASURY.

*Resolved*, That *Ten shillings* per day, be allowed and paid out of the treasury of this Commonwealth, to *Benjamin Austin, Richard Cranch, and Samuel Barret, Esqr's*, respectively, for every day they have been or shall be employed in auditing and examining the accounts of the treasury; and that the same be in full for their services, and the said committee are hereby directed to lay their accounts before the General Court for examination. *November 12, 1782.*

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### Chapter 158.

*Chap.158* RESOLVE ON A LETTER FROM *LORD STERLING*, REQUESTING THE GOVERNOR TO ISSUE HIS ORDERS TO THE COMMANDING OFFICER OF THE COUNTY OF *BERKSHIRE*, TO DETACH FROM HIS BRIGADE ONE THOUSAND MEN, PROPERLY OFFICERED; THE COMMANDING OFFICER OF THE COUNTY OF *HAMPSHIRE*, FIVE HUNDRED MEN, AND TO HOLD THEMSELVES IN READINESS TO MARCH ON THE SHORTEST NOTICE FROM THE CONTINENTAL COMMANDING OFFICER AT *ALBANY*.

*Whereas his Excellency the Governor has communicated to the General Court a letter from Major General Lord Sterling, and other papers accompanying the same, which render it probable that the enemy have designed to destroy Albany and make incursions into that territory called Vermont: Therefore*

*Resolved*, That the Governor be, and hereby is requested to issue orders that the commanding officer of the county of *Berkshire* detach from his Brigade One thousand men, with suitable officers to command the same, also that the commanding officer of the county of *Hampshire* detach

from the brigade under his command, five hundred men, with proper officers to command the same, to be duly armed and accoutred, and to hold themselves in readiness to march with three days provisions on the shortest notice from the continental commanding officer at *Albany* to *Saratoga*, or such other place as he shall direct.

And that the Governor be also requested to issue orders that the whole of the militia in the aforesaid counties be armed and equipt as the law directs, and to inform Lord *Sterling* of the measures that have been taken in consequence of the information received from him.

*November 11, 1782.*

### Chapter 159.

RESOLVE, DIRECTING THE COMMITTEE APPOINTED TO OUR PUBLIC DEFAULTERS, TO RECEIVE OF THE HEIRS OF *RICHARD DERBY*, ESQ; THE BALLANCE WHICH APPEARS TO BE DUE FROM HIS ESTATE IN GOVERNMENT SECURITIES.

*Chap.159*

*Whereas in settling public accounts with Richard Derby, jun. Esq; a ballance was allowed to him of one thousand three hundred and eighty-eight pounds, which he received in government securities. And Whereas, it was afterwards found, that no such ballance was due to said Derby.*

Therefore, *Resolved*, That the said Committee appointed to sue public defaulters, be, and they are hereby impowered and directed to receive of the heirs of the said *Richard Derby, jun. Esq;* (since deceased) his executors or administrators, the ballance which now appears to be due from his estate to this Commonwealth, in the said government securities.

*November 12, 1782.*

### Chapter 160.

RESOLVE, EMPOWERING *ELIAS HASKELL* AND *REBECKAH HASKELL*, TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*Chap.160*

*On the petition of Elias Haskell and Rebeckah Haskell, praying for licence to make sale of certain real estate in their petition mentioned for the reasons therein set forth.*

*Resolved*, that the prayer of the said petition be granted, and that the petitioners be, and hereby are impowered to make sale of the real estate mentioned in their petition, for the most the same will fetch, and make and execute a good and lawful deed, or deeds of the same to the purchaser, or purchasers of said estate.

They the said *Elias* and *Rebeckah*, observing the rules of the law for the sale of real estates by executors and administrators, first giving sufficient bond with sureties to the *Judge of Probate* for the county of *Worcester*, that the proceeds of said sale shall be applied for the discharging the debts of *Ezekiel Haskell* late of *Bolton*, deceased, and the overplus, if any there be, shall remain, one third for the use of said deceased's widow, during her life, and the other two thirds for the use and benefit of the heirs at law to the said *Ezekiel*, be paid them when they shall arrive at lawful age, in the proportion by law provided for the distribution of intestate estates. *November 12, 1782.*

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### Chapter 161.

*Chap.161* RESOLVE, ON THE PETITION OF THE TOWN OF *WORTHINGTON*, DIRECTING THE TREASURER TO SUSPEND ISSUING HIS EXECUTIONS AGAINST THE CONSTABLES OF SAID TOWN FOR THE TAX OF *MARCH* LAST, AND REQUESTING THE GOVERNOR TO WRITE TO CONGRESS UPON THE SUBJECT OF OBTAINING PAY FOR TEAMS, &c. THAT AGREED IN 1781.

*On the petition of the town of Worthington praying for relief of the said town on account of the extraordinary service rendered the United States by said town in supplying the D. Q. M. G. with a number of Teams, Drivers, and Artificers, in the year 1781.*

*Resolved*, That the treasurer of this Commonwealth be, and he is hereby directed to suspend issuing his execution against the constables of said town for the continental Tax of *March* last, until the next sitting of this Court, and his Excellency the Governor is requested to write to Congress upon the subject of obtaining pay for the teamsters and artificers that served in the Continental Army in the year 1781, under the contracts of *Jabez Hatch*, Esq; *D. Q. M. G.* *November 12, 1782.*

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### Chapter 162.

*Chap.162* RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THE GOVERNORS OF *RHODE ISLAND* AND *CONNECTICUT*, UPON THE SUBJECT OF A RESOLVE PASSED THIS DAY TO PREVENT THE ENEMY FROM BEING SUPPLIED WITH PROVISIONS.

*Resolved*, That his Excellency the Governor be requested to write immediately to the Governors of *Rhode Island* and *Connecticut*, acquainting them of the resolve passed the



General Court this day for the prevention of provisions going out of this state for the purpose of supplying the enemy, and to request of them, the Governors aforesaid, that similar measures may be taken by the states over which they preside for the like purposes.

*November 12, 1782.*

### Chapter 163.

RESOLVE, PERMITTING THOMAS IVERS, ESQ; TREASURER, TO TAKE POSSESSION OF THE HOUSE LATELY OCCUPIED BY HENRY GARDNER, ESQ; LATE TREASURER, DECEASED, AND EMPOWERING THOMAS DAWES, ESQ; TO MAKE THE NECESSARY REPAIRS. Chap.163

*Resolved*, That *Thomas Ivers*, Esq; treasurer of this Commonwealth, be, and hereby is permitted to take possession of that part of the House, belonging to this Commonwealth, which was occupied by the late treasurer, *Henry Gardner*, Esq; whenever the widow of the said Gardner shall move from the same.

*Resolved further*, That *Thomas Dawes*, Esq; be, and hereby is impowered to make such repairs in the roof of said house and alterations in the rooms improved by the treasurer as an office, as he shall judge necessary, at the expense of the Commonwealth. *November 12, 1782.*

### Chapter 164.

RESOLVE GRANTING £.66 13 4 TO THOMAS FOSTER, KEEPER OF THE POWDER HOUSE, AND DIRECTING THE COMMISSARY GENERAL TO DISPOSE OF SEVEN HUNDRED WEIGHT OF POWDER. Chap.164

*On the petition of Thomas Foster, keeper of the powder house, setting forth that there is a balance due to him (on a warrant granted in September 1780) of One hundred and eight pounds of the new emission money, equal to Fifty-seven pounds twelve shillings, specie, and praying that provision may be made for the payment thereof, and that his services from the first of October 1780, be taken into consideration.*

*Resolved*, That there be paid out of the public treasury of this Commonwealth to *Thomas Foster*, keeper of the powder house, the sum of *Sixty-six pounds thirteen shillings and four pence*, which shall be in full for his services

as keeper of the powder house in *Boston*, from the first of *October* 1780, to the first of *June* inst.

*It is further Resolved*, That *Richard Devens* Esq; Commissary General be, and he hereby is directed to dispose of seven hundred weight of powder, and pay the money arising therefrom, into the public treasury of this Commonwealth, taking duplicates for the same, one of which to be lodged in the Secretary's office, the money so paid shall be appropriated for the payment of *Thomas Foster*, as aforesaid.

*November 12, 1782.*

### Chapter 165.

*Chap.165* RESOLVE, ON THE REPRESENTATION OF *JAMES LOVELL* ESQ; RECEIVER OF THE CONTINENTAL TAX IN THIS COMMONWEALTH.

*On the representation of James Lovell, Esq; receiver of the continental tax in this Commonwealth.*

*Ordered*, That the Treasurer of this Commonwealth immediately call on the several constables and collectors of the first moiety of the Continental Tax, (by an advertisement in three of the *Boston* and the *Worcester* and *Springfield* news papers) to pay the said tax without further delay, it being absolutely necessary for the public safety.

*Also Ordered*, That the said treasurer issue his executions against all constables and collectors of the said tax who shall not pay in the one half of the sums committed to them respectively to collect by the first day of *January* next, and to send executions for such of the remaining half as may remain due on the first day of *February* next.

*November 12, 1782.*

### Chapter 166.

*Chap.166* RESOLVE, ON THE PETITION OF *ASA BARNES* AND OTHERS, REPRESENTATIVES FROM THE COUNTY OF *BERKSHIRE*, APPOINTING A COMMITTEE TO REPAIR TO SAID COUNTY FOR THE PURPOSES MENTIONED, AND DIRECTING THE COMMITTEE TO EXHIBIT THEIR ACCOUNTS FOR ALLOWANCE.

*On the petition of Asa Barnes, and others, representatives from the county of Berkshire.*

*Resolved*, That the prayer of the petition be granted, and that the Honorable *Charles Turner*, and *Artemas*

*Ward*, Esq's, and *John Sprague*, Esq; be a committee to repair to said county of *Berkshire*, take a general view of it, and determine where the courts shall be held in future. And that said committee serve the several town clerks in that county with a copy of this resolve, and notify them of the times and places of their attendance on this service, and make report to this General Court.

*And it is further Resolved*, That said committee exhibit their accounts to this court for allowance and payment, and that the same be charged to that county in the next state tax.

November 12, 1782.

### Chapter 167.

RESOLVE FOR MAKING PARTITION OF THE LANDS IN THE COUNTY OF YORK, HOLDEN UNDER BRIDGET PHILLIPS, BETWEEN THE COMMONWEALTH AND THE PROPRIETORS, CONFIRMED BY A LATE ACT OF THE GENERAL COURT, AND APPOINTING A COMMITTEE FOR THAT PURPOSE.

Chap. 167

*Whereas certain persons called conspirators and absentees, were tenants in common of certain undivided lands lying in the county of York, with certain other persons claiming the same under William Phillips and Bridget Phillips, which said lands, by an act of this Commonwealth, have been confirmed to the said persons claiming under the said William and Bridget Phillips, saving to the said Commonwealth their right and claim in and to said lands, accruing by virtue of the forfeiture of the estates of the said conspirators and absentees. And whereas the said proprietors under William and Bridget Phillips aforesaid, are desirous that partition should be made of said lands, and to hold their respective proportions and parts of said land in severalty and separate from that part of said land that has or may be vested in this Commonwealth, by virtue of the claims of the said conspirators and absentees.*

*Resolved*, That the Honorable *Benjamin Chadbourne*, *David Sewall*, and *Nathaniel Wells*, Esq's; be, and hereby are on the part of this Commonwealth, appointed a committee to join with such committee as are or may be appointed by the said proprietors on their part, and duly authorized in making partition of the lands confirmed by said act, and laying within the following limits, viz. beginning at the north corner of *Sanford*, which corner may be ascertained by a line running south-west and north-east,

through a certain small pond, called *Beaver hill Pond*, and from the said north corner of *Sanford* thus ascertained, to run north-west about eight miles to little *Ossapee River*, then by said river including half of the same as the said river runs, to *Saco River*, then by said Saco River to the head line of *Bildeford*, then by the head line of the townships of *Bildeford* and *Arundel*, to the east corner of said Sanford, as it was originally laid out by the name of *Phillipstown*, to the north corner thereof, being the boundary first mentioned, and the said committee appointed on the part of the Commonwealth, are hereby empowered, in conjunction with the said committee on the part of the said proprietors, to set off to said parties, by metes and bounds, their respective rights and shares in the premises to hold in severalty.

*And Whereas, in order to render the said partition complete and effectual in law, it may be necessary to make and execute a deed or deeds of partition, division, release or quit claim.*

*Therefore resolved,* That the said Committee on the part of the Commonwealth, or any two of them, be, and hereby are fully impowered in the name, and behalf of the said Commonwealth, to join with the said committee on the part of the said proprietors in making, and duly executing according to law, a deed or deeds of partition and division of the premises, or in case the said Committees should judge it most convenient to make partition of the premises, by making and executing a deed, or deeds of release and quit claim, then the said Committee, on the part of this Commonwealth, are hereby, in the name and behalf of this Commonwealth, fully authorized and empowered to make, and duly execute according to law, a deed or deeds of release and quit claim, to such part or parts of the premises, as they shall agree to be set off to the said proprietors, to hold in severalty, and to receive similar deeds from the said Committee of the said proprietors. And

*It is further resolved,* That all deeds of partition, division, release, or quit-claim, which shall be made, and duly executed by virtue of this resolve, and according to the true intent and meaning thereof, shall be considered as valid and effectual in law to all intents and purposes, as any deeds of portion, division, release, or quit claim, made, and duly executed according to law, by or between any parties whomsoever. And

*It is further resolved*, That the said Committee on the part of this Commonwealth, be, and hereby are directed to cause all deeds in favor thereof, relating to the premises, to be recorded by the Register of the county of *York*, with the records of said county, and then filed in the Secretary's office, and the said Committee, after having completed the business of their commission, are hereby directed to lay their accounts of time and expence before the General Court for examination, allowance and payment.

*November 12, 1782.*

### Chapter 168.

RESOLVE, EMPOWERING THE TREASURER TO APPOINT NECESSARY CLERKS, WHO ARE TO BE SWORN TO THE FAITHFUL DISCHARGE OF THEIR OFFICE. Chap.168

*Whereas it is absolutely necessary that several clerks should be employed in the treasury office of this Commonwealth, and that their conduct should be regulated by the strictest rules of honesty and fidelity, and the proper instructions of the treasurer.*

*Resolved*, That the treasurer of this Commonwealth be, and he hereby is impowered to appoint necessary clerks, to be paid by the said Commonwealth, for whose conduct he shall be responsible. And every clerk so appointed before he be suffered to officiate as such, shall before some Justice of the Peace take the following oath.

I *A. B.* do solemnly swear that I will execute the office of a Clerk in the Treasury office of this Commonwealth of Massachusetts, honestly and faithfully, according to my best skill and knowledge, duly attending to the regulations of my said office so long as I shall continue clerk as aforesaid. — And the Justice administering said oath, shall certify and lodge a copy thereof in the Secretary's office of the Commonwealth aforesaid. *November 12, 1782.*

### Chapter 169.

RESOLVE, DIRECTING *THOMAS IVERS*, ESQ; TREASURER, HOW TO PROCEED WITH RESPECT TO DUE BILLS GIVEN BY THE LATE TREASURER. Chap.169

*Whereas it appears that the late Treasurer, Henry Gardner, Esq; instead of paying the whole contents of certain warrants and legal demands on the treasury, did in many instances, sign and issue divers notes or certificates, com-*

*monly called due bills, as ballance due from the treasury as aforesaid, and took discharges in full of such warrants and demands. And whereas it is the design of this Commonwealth to do justice in every respect touching the premises.*

*Resolved*, That the Treasurer of this Commonwealth, be, and he hereby is directed to pay the contents of such due bills to the possessors, in like manner as they might have been paid, had they still remained due on such original warrants or demands. Provided always, that such due bills to be paid as aforesaid, do in the opinion of said treasurer, and the administrator of the late treasurer or his attorney, appear genuine, and given for the purposes aforesaid. And no action shall be brought whereby to charge the administrators of the said *Gardner* with the payment of any such due bills out of the said *Gardner's* estate, unless the same be rejected by the said treasurer, and the said administrator, or his attorney, as not being genuine or not given for the purpose aforesaid. And the said treasurer is hereby directed to charge the estate of the late treasurer with the amount of the due bills so paid.

*November 12, 1782.*

## Chapter 170.

*Chap.170* RESOLVE DIRECTING THE COMMISSARY GENERAL TO PROCURE A QUANTITY OF BEEF AND PORK AND GRANTING HIM £.4000, AND APPOINTING A COMMITTEE TO MAKE SALE OF THE SHIP *TARTAR*, AND TO PROCURE A SUITABLE VESSEL TO GUARD THE COAST, AND REQUESTING THE GOVERNOR TO CONTINUE THE CRUISE OF THE SLOOP *WINTHROP*.

*Resolved*, That *Richard Devens*, Esq; Commissary General be, and he is hereby directed to procure and put up (on the most reasonable terms in his power) five hundred barrels of pork, and five hundred barrels of beef, for the use of this Commonwealth. Also

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to *Richard Devens*, Esq; Commissary as aforesaid, *Four thousand pounds*, to enable him to procure the provisions by this resolve directed, he to be accountable for the expenditure of the same. One thousand pounds of the above sum to be paid out of any money that now is or may be in the treasury, and not otherwise expressly appropriated, and the other three

thousand pounds out of the next tax that may be granted for the use of this Commonwealth.

*And whereas the ship Tartar is now arrived in the harbour of Boston, and the season is so far advanced that it is not expedient to fit her out again at present, therefore,*

*Resolved,* That the agent of this Commonwealth, be, and he is hereby directed to give orders that the said ship be hauled to some safe place, and together with her stores properly secured, and the officers and men now belonging to her immediately discharged, except such as he may judge necessary to take care of the ship, while she remains the property of this Commonwealth.

*And it is further Resolved,* That *Caleb Davis, Thomas Dawes,* and *Samuel Allyn Otis, Esq's*; be, and they hereby are appointed a committee authorized and directed to make sale of the ship *Tartar*, together with her guns and stores, or such part thereof, as they shall judge best, provided they can obtain such a sum as they may judge will be for the interest of government to take. And in case the said ship is sold, the committee aforesaid are hereby directed, to pay the proceeds to the Treasurer of this Commonwealth, and take duplicate receipts for the same, one of which to be lodged in the Secretary's office, and also to report their proceedings to the General Court.

*And whereas it is necessary that some additional naval force should be provided, in case the ship Tartar is sold:*

*Resolved,* That the said committee be directed to procure, by purchase, on the most reasonable terms in their power, a suitable vessel to guard the coast, to mount from twelve to sixteen guns, and have her ready for sea by the first day of *March* next.

*And to enable the said committee to procure the vessel above directed:*

*Resolved,* That there be paid to them, out of the public treasury, the sum of *fifteen hundred pounds*, out of the money arising from the sale of the ship *Tartar*; the remainder of the said money to remain for the further order of the General Court.

And it is further *Resolved,* That his Excellency the Governor be requested to order the sloop *Winthrop* to continue her cruize on the coast of this Commonwealth, for the protection of the trade thereof, so long as the season will admit of her being serviceable for the said purpose; after which to be hauled up until the season may

admit of her being employed in company with the vessel before directed to be purchased or obtained for the protection of the trade of this Commonwealth.

*November 12, 1782.*

### Chapter 171.

*Chap.171* RESOLVE DIRECTING MR. JOHN LUCAS, TO MAKE OUT AND TRANSMIT TO CONGRESS, A REGULAR REPORT OF ALL HIS DOINGS, AS CONTINENTAL COMMISSARY OF PENSIONERS.

*Upon the memorial of John Lucas, Commissary of Pensioners:*

*Resolved,* That the memorialist be, and he is hereby directed, forthwith to make out and transmit to the Secretary of Congress, a fair and regular report of all his doings as Continental Commissary of Pensioners, agreeable to a resolve of Congress, dated *August 26, 1776*, including an account of all monies which he hath from time to time received out of the treasury of this Commonwealth, for the purpose of paying pensions on the Continental establishment, together with an account of his services in said capacity, in order to the obtaining allowance and payment for the same; and that he also lay an account of such monies as he hath paid to Continental pensioners, before the committee for methodizing public accounts, in order that the same may be charged to the United States, agreeable to the before mentioned Resolve, of the 26th *August, 1776.*

And be it further *Resolved,* That the said memorialist lay his account of services by him performed, as Commissary of Pensioners of this Commonwealth, before the General Court, in order for examination, allowance and payment: And that he also, at the same time, exhibit an account of all monies by him received and paid from time to time, as Commissary of Pensioners for this Commonwealth, in order that the same may be settled and adjusted.

*November 12, 1782.*

### Chapter 172.

*Chap.172* RESOLVE FOR CREDITING THE TOWN OF WARD, WITH THE SUM OF ONE HUNDRED POUNDS, ON THE NEXT STATE TAX.

*Whereas it appears to this Court that the town of Ward, by means of a mere mistake in calculation of the valuation*



*of said town, are taxed in the Act issued in October last, sixty pounds, above their due proportion, likewise forty pounds in the first moiety of the Continental Tax issued last March :*

Therefore *Resolved*, That the said town of *Ward* be credited said sum of *one hundred pounds* on the next State Tax that may be apportioned on said town.

*November 12, 1782.*

### Chapter 173.

RESOLVE ON THE PETITION OF THE TOWN OF *WARD*, EXCUSING THEM FROM RAISING ANY MORE THAN TWO MEN, THE RESOLVE OF THE 7<sup>TH</sup> *MARCH* NOTWITHSTANDING.

*Chap.173*

*Whereas by a resolution of the General Court on the 7th of March last, three men were set to the town of Ward, as their quota of fifteen hundred to fill up the Continental Army at that time; but soon after, a mistake being discovered, that said town was set in the valuation four shillings in the thousand pound too high, the General Court then made a deduction of four shillings from said town in said valuation, and thereby said town's quota of said fifteen hundred men was but two :*

Therefore *Resolved*, That the said town of *Ward* be, and hereby is excused from raising any more than two men by the resolution aforesaid (notwithstanding three being required of said town therein) and in case an execution be issued against said town, or any of the inhabitants thereof, for a deficiency of any more than two men for the purpose aforesaid, that then this resolution shall be, and hereby is, a direction to the sheriff or his deputy, not to serve the same, if said town of *Ward* hath procurd two men agreeable to the resolution aforesaid.

*November 12, 1782.*

### Chapter 174.

RESOLVE ALLOWING PAY TO THE COMMITTEE ON ACCOUNTS.

*Chap.174*

*Resolved*, That there be allowed and paid, *one shilling and three pence*, to each of the committee on accounts, for every day they have attended that service, over and above their pay as members of the General Court.

*November 12, 1782.*

## Chapter 175.

*Chap.175* A GRANT OF FOUR THOUSAND POUNDS, TO THE HON. EPHRAIM STARKWEATHER, AND OTHERS, A COMMITTEE OF ACCOUNTS.

*Resolved*, That there be paid out of the treasury of this Commonwealth, *four thousand pounds*, to the committee of accounts, to enable the said committee to discharge such accounts as are or may be examined and allowed by the said committee, they to be accountable for the expenditure of the same.

*November 14, 1782.*

# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*. ON WEDNESDAY THE TWENTY-NINTH DAY OF *MAY*, ANNO DOMINI, 1782; AND FROM THENCE CONTINUED, BY PROROGATION AND ADJOURNMENT, TO WEDNESDAY THE TWENTY-NINTH DAY OF *JANUARY*, 1783, AND THEN MET AT THE SAME PLACE, BEING THE SECOND SESSION OF SAID COURT.

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1782. — JANUARY SESSION.

### Chapter 1.

RESOLVE ON THE PETITION OF *SAMUEL CHENEY*.

Chap. 1

*On the petition of Samuel Cheney, guardian to Sarah Saunders, praying for licence to make sale of a certain tract of land, in his petition mentioned, for reasons therein set forth:*

*Resolved*, That the prayer of the said petition be granted, and that the said petitioner be, and hereby is empowered, to make sale of the said lands, for the most the same will fetch, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers, he observing the rules and directions of the law, for the sale of real estates by executors and administrators, first giving bond to the Judge of Probate for the county of *Suffolk*, that the proceeds of the said sale (after paying the charge of sale) shall be applied for the purposes in the said petition mentioned.

*January 30, 1783.*

## Chapter 2.

*Chap. 2* RESOLVE ON THE PETITION OF JOSEPH BAKER, ESQ; DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS, WITH THE ASSISTANCE OF A COMMITTEE OF THE GENERAL COURT, TO SETTLE THE ACCOUNTS OF SAID BAKER, AND TO MAKE A RETURN TO THE TREASURER OF THE BALANCE DUE.

*On the petition of Joseph Baker, Esq; late Commissary for purchasing beef, &c. praying his accounts with this Commonwealth may be settled:*

*Resolved,* That the committee appointed to methodize and state the accounts of this Commonwealth, be, and they are hereby directed, with the assistance of *John Rowe, Samuel Allyne Otis, and Bailey Bartlett, Esquires,* to settle the accounts between this Commonwealth and the said *Joseph Baker, Esq;* and make return of the ballance that may be due thereon, to the Treasurer of this Commonwealth, who is hereby directed to call on said *Baker* for the payment thereof, without delay; and on his paying the same, to give said *Baker* duplicate receipts, one of which said *Baker* is directed to lodge with the committee aforesaid, who are hereby directed to charge the Treasurer, and give said *Baker* a final discharge.

*January 30, 1783.*

## Chapter 3.

*Chap. 3* RESOLVE ON THE REPRESENTATION OF THE HON. CALEB DAVIS, ESQ; DIRECTING THE COMMISSARY GENERAL TO RECEIVE CERTAIN STORES.

*On the representation of the Hon. Caleb Davis, Esq; late Agent of the Commonwealth, praying for direction respecting the stores in his possession, belonging to this Commonwealth:*

*Resolved,* That *Richard Devens, Esq;* Commissary General, be, and he is hereby authorised and directed, to receive from the said *Caleb Davis, Esq;* all such stores as he has on hand, belonging to this Commonwealth, and give the said *Davis* duplicate receipts therefor, one of which to be returned to the committee for stating and methodizing accounts, for their use, and by them to be lodged in the Secretary's office.

*January 31, 1783.*

## Chapter 4.

RESOLVE REQUESTING HIS EXCELLENCY THE GOVERNOR TO WRITE TO CONGRESS, RESPECTING THE PAYMENT OF SOLDIERS ON TEMPORARY SERVICES, IN THE YEARS 1778, 1779, AND 1780. Chap. 4

*Whereas application is frequently made to this Court, for the payment of wages due to soldiers belonging to this State, who served on temporary levies in the Continental Army, in the years 1778, 1779, and 1780, in order to facilitate the said payment:*

*Resolved,* That his Excellency the Governor be requested to write to Congress, for information as to any order which they may have taken for the payment of the soldiers serving as aforesaid, and he lay the same, when received, before this Court. *January 31, 1783.*

## Chapter 5.

RESOLVE ON THE PETITION OF MARY SUTTON, PERMITTING HER TO GO TO HER HUSBAND, AT BERMUDA. Chap. 5

*On the petition of Mary Sutton, praying for liberty to go to her husband, now residing at Bermuda:*

*Resolved,* That *Mary Sutton* be, and hereby is permitted, to go to her husband at *Bermuda*, by such conveyance as she may be able to procure, and that she do not return again into this Commonwealth, without leave therefor first had from the Legislature; and the Naval-Officer for the port of *Boston*, is directed to see that she carry no letters, intelligence or property with her, to the damage of this or the United States.

*February 1, 1783.*

## Chapter 6.

RESOLVE ON THE REPRESENTATION OF HUGH ORR, ESQ; AND OTHERS, DIRECTING THE COMMITTEE APPOINTED TO SELL OR LEASE THE FURNACES IN BRIDGWATER, TO PAY THE MONEY IN THEIR HANDS, ARISING BY SAID SALE OR LEASE OF SAID FURNACES, INTO THE TREASURY. Chap. 6

*On the representation of Hugh Orr, Esq; and others, a committee appointed to sell or lease the furnaces in Bridgewater, the property of this Commonwealth:*

*Resolved,* That the abovesaid committee be, and they

are hereby directed, to pay into the treasury of this Commonwealth, the whole of the money in their hands, arising either by lease or the sale of said furnaces, or any part of the stock thereof, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office.

*February 3, 1783.*

### Chapter 7.

*Chap. 7* RESOLVE ON THE PETITION OF SAMUEL WINSLOW, PERMITTING HIS BROTHER TO RETURN TO THIS COMMONWEALTH.

*On the petition of Samuel Winslow, praying for reasons therein set forth, that his brother, Isaac Winslow, may have leave to return to this place:*

*Resolved,* That the said Isaac have leave to return to this Commonwealth, and that he be considered as a subject and citizen thereof, he taking the oath of fidelity and allegiance prescribed by law. *February 4, 1783.*

### Chapter 8.

*Chap. 8* RESOLVE GRANTING A TAX OF THREE HUNDRED POUNDS, TO BE ASSESSED ON THE RATEABLE POLLS AND ESTATES, AND APPORTIONED ON THE SEVERAL TOWNS IN THE COUNTY OF HAMPSHIRE.

*On the representation of the Justices of the Court of General Sessions of the Peace for the county of Hampshire, that the sum of three hundred pounds will be necessary for defraying the charges of said county for the ensuing year:*

*Resolved,* That there be, and hereby is granted, a tax of three hundred pounds, to be assessed on the rateable polls and estates in the said county, and apportioned on the several towns in the same county, by the clerk of the said Court of General Sessions of the Peace, and that the same be collected and paid into the treasury thereof, by the 31st day of March next, and applied for the use of the said county, agreeable to the laws of this Commonwealth. *February 4, 1783.*

### Chapter 9.

*Chap. 9* RESOLVE ON THE PETITION OF WILLIAM McCOBB, ESQ.

*On the petition of William McCobb, Esq; praying that an award may be vacated, wherein the petitioner was*

one party, and Thomas McGuire, Patrick McGuire, and Ebenezer Fullerton, the other party, made on the 30th day of August last past, for reasons mentioned in his petition:

*Resolved*, That the petitioner notify the adverse party, by serving the said *Thomas McGuire* with an attested copy of this petition, and this order thereon, fifteen days at least before the second Tuesday of the next setting of the General Court, that they may then shew cause (if any they have) why the prayer thereof should not be granted, and that all processes in the premises be stayed in the mean time.

February 4, 1783.

### Chapter 10.

RESOLVE ALLOWING FOUR SHILLINGS TO MARSHAL NEWTON AND OTHERS (SOLDIERS) FOR THE USE OF THEIR BLANKETS.

Chap. 10

*Resolved*, That there be paid out of the public treasury, the sum of *four shillings*, to each of the soldiers hereafter named, in full for the use of their blankets, in the year one thousand seven hundred and eighty, agreeably to the order of the General Court, of the same year, viz. *Marshal Newton, John Brokas, Nathan Pratt, Gardner Howe, Calvin Newton, Asher Smith, Nahum Parker, Eber Keyes, Solomon Howe, Lewis Smith, Peter Cary, Jonathan Harrington, Samuel Wesson, Caleb Parker, John Bisby, King Howe, Oliver Dunsmore, Jonathan Keyes, Israel Potter, Ozias Partridge, Zadock Cutting, Jonathan Gale, Daniel Tombs*, amounting in the whole to *four pounds twelve shillings*.

February 4, 1783.

### Chapter 11.

RESOLVE ON THE PETITION OF NATHANIEL APPLETON, ESQ; GUARDIAN TO SUSANNAH LORING, EMPOWERING HIM TO MAKE SALE OF THE LAND AND THE BUILDINGS MENTIONED.

Chap. 11

*On the petition of Nathaniel Appleton, Esq; guardian to Susannah Loring, a non-compos, praying for liberty to make sale of sundry tracts of said Susannah's land, viz. about four hundred acres in the county of Lincoln, about five hundred and ninety-five acres in Colrain, in the county of Hampshire, about five hundred acres in Blanford, in said county of Hampshire, and also a piece of land, about seventy feet square, with an old barn thereon, in Atkinson Street, in Boston:*

*Resolved*, That the prayer of said petition be granted, and that the petitioner, in his capacity aforesaid, be, and hereby is empowered, to make sale of the aforesaid lands, and the old building aforesaid, or any part thereof, for the most the same will fetch, either at private or public sale, as he shall judge most for the benefit of the said *Susannah* and her heirs, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers, he first giving bond to the Judge of Probate for the county of *Suffolk*, that the proceeds of said sale, after deducting the cost of sale, shall be applied to the support of the said *Susannah*, as she may stand in need, during her life, and the remainder shall be put to interest, and at the said *Susannah's* decease, paid to her heirs at law, in such proportion as they by law shall be entitled to receive.

February 4, 1783.

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### Chapter 12.

*Chap. 12* RESOLVE GRANTING A TAX OF EIGHT HUNDRED POUNDS, TO BE ASSESSED ON THE RATEABLE POLLS AND ESTATES, AND APPORTIONED ON THE SEVERAL TOWNS IN THE COUNTY OF WORCESTER.

*On the representation of the Justices of the Court of General Sessions of the Peace for the county of Worcester, that the sum of eight hundred pounds will be necessary for defraying the charges of said county for the ensuing year :*

*Resolved*, That there be, and hereby is granted, a tax of eight hundred pounds, to be assessed on the rateable polls and estates in said county, and apportioned on the several towns in the same county, by the Clerk of said Court of General Sessions of the Peace; and that the same be collected and paid into the treasury thereof, by the first day of *September* next, and applied for the use of the said county, agreeable to the laws of this Commonwealth.

February 4, 1783.

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### Chapter 13.

*Chap. 13* RESOLVE ON THE PETITION OF THOMAS CHILD, AGENT ON THE ESTATE OF FRANCIS WALDO, LATE OF FALMOUTH, ESQ; AN ABSENTEE.

*On the petition of Thomas Child, agent on the estate of Francis Waldo, late of Falmouth, in the county of Cumberland, Esq; an absentee, in behalf of himself and others,*



*creditors of said estate, praying that the committee for selling absentees estates in said county, may be empowered to sell so much of said absentees estate, as shall be sufficient to pay the demands upon the same:*

*Resolved,* That the prayer of said petition be so far granted, as that said committee be, and they are hereby impowered, to cause such parts or parcels of said *Waldo's* real estate as they shall judge most advantageous to the Commonwealth, to be appraised by three good and sufficient freeholders, on oath, as shall be sufficient to satisfy said demands; and said committee are hereby impowered to give and execute a good and sufficient deed or deeds of the same, any law or resolve to the contrary notwithstanding.

*February 6, 1783.*

#### Chapter 14.

A GRANT OF SIX POUNDS TO JOHN BEVERLY, AND THE SAME SUM ANNUALLY, UNTIL FURTHER ORDER.

*Chap. 14*

*On the petition of John Beverly, shewing, that he had lost both his feet in the service of his country, as a soldier, in the year 1760; the General Court, in the year 1763, granted him a pension of six pounds, annually, and that the pension book of that age is lost, and he cannot obtain his pension, and therefore prays for relief:*

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to the Treasurer of the town of *Andover*, for the use of the petitioner, *John Beverly*, the sum of *six pounds*, and the same sum annually, until the further order of this Court, to be disposed of by the overseers of the poor of said town, for the advantage of the said *Beverly*.

*February 5, 1783.*

#### Chapter 15.

RESOLVE DIRECTING THE COMMITTEE FOR SETTTLING WITH THE ARMY, TO SETTLE WITH BENJAMIN HOLDEN, LIEUT. COL. AND OTHERS, MENTIONED IN THE PETITION OF SAID HOLDEN.

*Chap. 15*

*On the petition of Benjamin Holden, Lieut. Col. and others, who were taken prisoners at Fort Washington, praying the depreciation of their wages may be made good to them:*

*Resolved,* That the committee for settling with the army, be, and they hereby are directed, to settle with said

*Holden*, and the other persons mentioned in said petition, for the depreciation of their wages, from the first of *January*, 1777, to the time they returned from captivity, in the same manner as they settle with the rest of the officers of the *Massachusetts* line of the army.

*February 6, 1783.*

### Chapter 16.

*Chap. 16* RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF UXBRIDGE.

*On the petition of the inhabitants of the town of Uxbridge, setting forth, that the warrants which have been issued by the selectmen of said town, for calling town-meetings, and the warrants from the assessors of said town, directed to the constables, for the collection of taxes, were issued without affixing their respective seals thereto; and praying the same may be made valid, notwithstanding that omission:*

*Resolved*, That the prayer of said petition be granted; that the warrants which have been issued by the selectmen of the town of *Uxbridge*, for calling town meetings, and the warrants which have been issued by the assessors of said town, directed to the constables, for the collection of taxes in the same town, be, and they hereby are made legal and valid, notwithstanding their neglect to affix their respective seals thereto; and that the same shall, in any Court of law or equity, have the same force and validity as if their respective seals had been affixed thereto, any law or usage to the contrary notwithstanding.

*February 6, 1783.*

### Chapter 17.

*Chap. 17* RESOLVE GRANTING A TAX OF THREE HUNDRED AND SIXTY POUNDS, TO BE ASSESSED AND APPORTIONED ON THE SEVERAL TOWNS IN THE COUNTY OF CUMBERLAND.

*On the representation of the Justices of the Court of General Sessions of the Peace for the county of Cumberland, that the sum of three hundred and sixty pounds will be necessary for defraying the charges of said county for one year next ensuing:*

*Resolved*, That there be, and hereby is granted, a tax of three hundred and sixty pounds, to be apportioned by

the Clerk of the Peace for the county of *Cumberland*, upon the several towns within the same, and assessed on the rateable polls and estates in said county, and the same be collected and paid into the treasury thereof, and applied for the use of said county, agreeable to the laws of this Commonwealth.

*February 7, 1783.*

### Chapter 18.

RESOLVE ON THE PETITION OF NATHANIEL FREEMAN, ESQ.

*Chap. 18*

*Upon the petition of Nathaniel Freeman, Esq; in behalf of Barachiah Bassett, and others, captors of the British armed sloop Abigail, her appurtenances and cargo, praying for liberty to transport the said cargo from Falmouth to Boston, for certain reasons therein mentioned:*

*Resolved*, That the prayer of said petition be, and hereby is granted: and that the said *Barachiah Bassett*, and others, be, and hereby are permitted, to remove and transport said cargo from *Falmouth to Boston*, to be deposited in some store till the captors can make sale of the same, according to law, or until the final determination be had thereon in the Maritime Court, the captors first giving sufficient bonds to the collector of excise for the county of *Barnstable*, according to law, to render a true account, upon oath, of the exciseable articles contained in said cargo, and for the payment of the excise as the law directs, and the same cargo shall not be liable to seizure and confiscation in consequence of such transportation, unloading or removal, any law or resolve to the contrary notwithstanding.

*February 7, 1783.*

### Chapter 19.

RESOLVE GRANTING EIGHTY-ONE POUNDS, SEVENTEEN SHILLINGS AND FOUR PENCE, TO THOMAS WALLEY, OUT OF THE PROCEEDS OF THE SALE OF THE SHIP TARTAR.

*Chap. 19*

*On the petition of Thomas Walley:*

*Resolved*, That there be allowed and paid from the public treasury, out of the proceeds of the sale of the ship *Tartar*, the sum of *eighty-one pounds seventeen shillings and four pence*, in full for iron sold by said *Walley*, to the late Board of War, for the use of the ship *Tartar*.

*February 7, 1783.*

## Chapter 20.

*Chap. 20* A GRANT OF FOUR THOUSAND POUNDS TO THE HON. ABRAHAM FULLER, ESQ; AND OTHERS, THE LATE COMMITTEE ON ACCOUNTS.

*Resolved*, That there be paid out of the public treasury, to *Abraham Fuller*, Esq; and others, the late committee on accounts, *four thousand pounds*, to enable them to pay the accounts already examined and allowed by said committee, they to be accountable (within the present session of the General Court) for the expenditure of the same.

*February 8, 1783.*

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## Chapter 21.

*Chap. 21* RESOLVE REQUESTING HIS EXCELLENCY THE GOVERNOR TO WRITE TO THE GOVERNOR OF THE STATE OF CONNECTICUT, RELATIVE TO THE ADMISSION OF RICHARD SMITH, A PROSCRIBED ABSENTEE OF THIS COMMONWEALTH, INTO SAID STATE.

*Whereas it has been represented to this Court, that Richard Smith a proscribed absentee, of this Commonwealth, hath been admitted as a citizen of the State of Connecticut :*

*Resolved*, That his Excellency the Governor, be, and hereby is requested, to write, as soon as may be, to the Governor of the said State of *Connecticut*, relative thereto, in order, if it be a fact that said *Smith* is admitted to be a citizen of the said State, the General Court may take into immediate consideration what will be necessary to be done in that and in any like case.

*February 10, 1783.*

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## Chapter 22.

*Chap. 22* RESOLVE ON THE PETITION OF PAUL KNOWLES, EMPOWERING HIM TO SELL THE REAL ESTATE MENTIONED.

*On the petition of Paul Knowles, praying for liberty to sell the real estate of his Father, James Knowles, a non compos, lying in Eastham, for reasons set forth in said petition :*

*Resolved*, That the prayer of the said petition be granted, and that the said *Paul Knowles* be, and hereby is fully empowered, to sell the said real estate for the most the same will fetch, and make and execute a lawful deed or

deeds thereof to the purchaser or purchasers, he observing the rules of law for the sale of real estates by executors and administrators; first giving bond to the Judge of Probate for the county of *Barnstable*, that the money arising by said sale be appropriated after paying the charge of sale, and cost of removing his said father and mother to the county of *Berkshire*, solely for the purchasing real estate, of which he, the said *Paul*, shall procure a deed lawfully executed and given in his said father's name, and see that said deed is recorded in the county where the said real estate so purchased shall be.

*February 10, 1783.*

### Chapter 23.

RESOLVE EMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF *BARNSTABLE*, TO DIRECT AN ASSESSMENT OF *TWO HUNDRED AND EIGHTY POUNDS*, TO DISCHARGE THE DEBTS DUE FROM SAID COUNTY, AND DEFRAY THE NECESSARY EXPENCES. *Chap. 23*

*On the representation from the Court of General Sessions of the Peace for the county of Barnstable:*

*Resolved*, That the Justices of the Court of General Sessions of the Peace, for the said county of *Barnstable*, be, and the said Justices hereby are enabled and impowered to direct an assessment of the sum of *two hundred and eighty pounds*, to discharge the debts due from the said county, and to defray the necessary expences thereof, for the ensuing year, agreeable to the laws of this Commonwealth; and that the Secretary of this Commonwealth transmit this resolve to the Clerk of the said Court.

*February 10, 1783.*

### Chapter 24.

RESOLVE ON THE PETITION OF *ELISHA MARTINDALE*, AUTHORIZING *ASHBEL STRONG* AND *HENRY W. DWIGHT* TO MAKE AND EXECUTE A GOOD DEED OF SALE OF THE TRACT OF LAND MENTIONED. *Chap. 24*

*On the petition of Elisha Martindale praying that Ashbel Strong and Henry Williams Dwight may be empowered to convey unto the said Elisha Martindale, a certain tract of land in said petition mentioned; and for reasons therein set forth:*

*Resolved*, That the prayer of the said petition be granted; and the aforesaid *Strong* and *Dwight*, adminis-

trators on the estate of *Thomas Williams*, deceased, be, and hereby are fully authorized to make and execute a good and lawful deed of sale, unto *Elisha Martindale*, of a certain tract of land lying in the town of *Lee*, containing one hundred and twenty acres, belonging to the estate of the aforesaid deceased; he, the said *Elisha Martindale*, first paying to the aforesaid administrators the sum of *four hundred and eighty pounds*, with interest, agreeable to contract, including such sums of money as the said *Martindale* shall make appear to the said administrators, that he paid to the said *Thomas Williams*, before his decease, being in part of pay for the aforesaid tract of land; and the administrators aforesaid shall account with the Judge of Probate for the county of *Berkshire* for the disposal of the money they shall receive by virtue of this resolve.

*February 11, 1783.*

### Chapter 25.

*Chap. 25* RESOLVE CONFIRMING THE CHOICE OF A COLLECTOR OF TAXES FOR THE TOWN OF CHARLTON; AND EMPOWERING WILLIAM CUMMINGS TO FINISH THE SAID COLLECTION.

*Whereas the town of Charlton, at their annual meeting in March, 1780, chose Ephraim McIntire constable for said town, for the then ensuing year, who accepted said office, and was duly sworn, and the lists of assessments made in the same ensuing year, with proper warrants for the collection thereof, were duly delivered to the said Ephraim; since which the said Ephraim hath moved out of this Commonwealth without finishing the collection of said assessments; and hath left his said lists and warrants in the hands of William Cummings, whom the said town on the 13th day of January last, chose collector, for the purpose of completing the collection of the assessments contained in said lists: Therefore,*

*Resolved,* That the said *William Cummings* be, and he hereby is, by virtue of said warrants, fully authorized and empowered to compleat the collection of the said assessments, in the same manner as the said *Ephraim* might have done; and the said lists and warrants shall have the same force and effect, so far as may relate to the collection of the said assessments to be completed by the said *William Cummings*, as they would have had in the hands of the said *Ephraim*, if he had continued to reside in the

town; and the said *William Cummings* shall in all respects be answerable touching the collection and payment of said assessments, and liable to like process as the said *Ephraim* would have been, had he continued in said town without having completed the collection of said assessments. And all Treasurers are hereby authorized and empowered, to proceed in issuing executions against the said *William Cummings*, for such sum or sums of said assessments as may remain due and unpaid, in the same manner as they might have done against the said *Ephraim*, had he continued in said town.

*February 11, 1783.*

### Chapter 26.

RESOLVE MAKING AN ESTABLISHMENT FOR THE SEVERAL COLLECTORS OF EXCISE IN THIS COMMONWEALTH. Chap. 26

*Resolved*, That the following allowance be made to the several collectors of excise for the present year, which shall be in full for their respective services and necessary assistance, *viz.*

To the collectors for the counties of *Suffolk* and *Essex*, two per cent. on the sums they shall respectively collect.

To the collector for the county of *Middlesex*, three per cent. on the sum he shall collect.

To the collectors for the counties of *York*, *Nantucket*, *Dukes County*, *Cumberland*, *Lincoln*, and *Berkshire*, five per cent.

And to the collectors of the other counties in this Commonwealth, four per cent.

*February 11, 1783.*

### Chapter 27.

RESOLVE DIRECTING THE SECRETARY TO NOTIFY THE SEVERAL COLLECTORS OF EXCISE OF THEIR ELECTION. Chap. 27

*Whereas this Court have made choice of Samuel Henshaw, Esq., to be Collector of Excise for the county of Suffolk; Samuel Ward, Esq., for the county of Essex; Elijah Hunt, Esq., for the county of Hampshire; William Drew, Esq., for the county of Plymouth; Joseph Nye, Esq., for the county of Barnstable; Samuel Fales, Esq., for the county of Bristol; Jonathan Chesley Chadbourne, Esq., for the county of York; Mr. Caleb Ammidown, for the county of Worcester; Joseph North, Esq., for the county*

of Lincoln; and Capt. William Bacon, for the county of Berkshire.

*Ordered*, That the Secretary be, and he hereby is directed, forthwith to notify the aforementioned gentlemen of their elections, and request their answers respectively.

*February 11, 1783.*

### Chapter 28.

*Chap. 28* RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF WORCESTER.

*Whereas it appears, upon the examination of the accounts of the Treasurer of the county of Worcester, dated the 7th of September, 1781, and December 6th, 1782, that said accounts are right cast, and well vouched, and that all the monies granted and allowed by the Court of General Sessions of the Peace for said county, and charged in said accounts, were for such purposes and appropriations, as the law impowers said Court to grant:*

*Therefore Resolved*, That the said accounts be, and they hereby are accepted and allowed. *February 13, 1783.*

### Chapter 29.

*Chap. 29* RESOLVE FOR DISCONTINUING THE PENSION OF CAPT. THOMAS ALEXANDER, OF NORTHFIELD.

*Whereas the Court of General Sessions of the Peace for the county of Hampshire, on the second Tuesday of November last past, have, on due hearing, been of opinion, that no part of the pension heretofore settled on Capt. Thomas Alexander, of Northfield, be any longer continued:*

*Resolved*, That the pension of the said Thomas Alexander, and every part thereof, do henceforth cease, and finally determine; and that the Secretary of this Commonwealth forthwith furnish the Commissary of Pensioners with a copy of this resolution. *February 11, 1783.*

### Chapter 30.

*Chap. 30* RESOLVE DIRECTING THE SECRETARY TO NOTIFY SAMUEL HENDLEY, ESQ; AND CAPT. ELISHA THATCHER, OF BARNSTABLE, OF THEIR ELECTION AS COLLECTORS OF EXCISE.

*Whereas this Court have made choice of Samuel Hendley, Esq; to be Collector of Excise for the county of Mid-*



dlex, and Capt. Elisha Thatcher of Barnstable, for the counties of Dukes County and Nantucket :

*Ordered*, That the Secretary be, and he hereby is directed, forthwith to notify the aforementioned gentlemen of their elections, and request their answers respectively.

February 12, 1783.

### Chapter 31.

A GRANT OF THREE HUNDRED EIGHTY-FIVE POUNDS NINE SHILLINGS, TO ISAAC PHILLIPS, FROM THE MONIES ARISING FROM THE SALE OF THE SHIP TARTAR. Chap. 31

*Whereas a resolve passed* November 6th, 1782, directing Caleb Davis, Esq; to pay three hundred and eighty-five pounds nine shillings, to Isaac Phillips, being a balance due to said Phillips from the late Board of War, for sundry articles supplied said Board, for fitting out the armed vessels belonging to this Commonwealth; and said Davis was restricted to pay the aforesaid sum out of such monies as he should receive as debts due to said Board of War; and as there is no prospect of the said Davis's paying said Phillips in the way prescribed by the resolve aforesaid: Therefore,

*Resolved*, That there be paid out of the treasury of this Commonwealth, to Isaac Phillips, the sum of three hundred and eighty-five pounds nine shillings, from the monies arising from the sale of the ship *Tartar*, as said sum was for articles supplied the armed vessels belonging to this Commonwealth.

February 12, 1783.

### Chapter 32.

RESOLVE ON THE PETITION OF A NUMBER OF THE INHABITANTS OF THE TOWN OF AMHERST. Chap. 32

*On the petition of a number of the inhabitants of the town of Amherst, praying to be incorporated into a Parish, for reasons set forth in their petition:*

*Resolved*, That the petitioners notify the town of Amherst, by leaving with the town clerk of said town an attested copy of their petition, and this order thereon, to shew cause, if any they have, on the second Wednesday of the next session of the General Court, why the prayer of the said petitioners should not be granted, and that the said

town of *Amherst* be, and hereby are directed, not further to tax the said petitioners for the support of the Rev. *David Parsons* in the ministry in said town, or for defraying the charges which have arisen on account of his settlement in said town, till the fourth Wednesday of the next setting of the General Court. This notification is to be performed at least sixteen days before the second Wednesday of the next session of this Court.

*February 13, 1783.*

### Chapter 33.

**Chap. 33** RESOLVE ON THE PETITION OF THE OVERSEERS OF THE POOR OF THE TOWN OF *BOSTON*, EMPOWERING THEM TO SELL THE REAL ESTATE MENTIONED, OF THE LATE *DANIEL OLIVER*, ESQ; DECEASED.

*On the petition of the overseers of the poor of the town of Boston :*

*Resolved*, That the corporation of the overseers of the poor of the town of *Boston* be, and they hereby are authorized and empowered, to sell the real estate bequeathed to them for the purpose of educating poor children, by the last will and testament of the late Honorable *Daniel Oliver*, Esq; deceased, and to make and execute a good and sufficient deed of the same, in fee simple.

And it is further *Resolved*, That the corporation aforesaid put out the proceeds of sale of the said real estate to interest, on landed security, and appropriate and use the annual income thereof for the instruction of poor children in reading the word of God, and writing, if need be, agreeably to the design and intent of the aforesaid testator.

*February 13, 1783.*

### Chapter 34.

**Chap. 34** RESOLVE GRANTING FIVE HUNDRED AND SEVEN POUNDS FIFTEEN SHILLINGS, TO WILLIAM LYMAN, PART IN CASH AND PART IN GOVERNMENT SECURITIES.

*Whereas* William Lyman has exhibited to this Court a certificate from the committee for methodizing and stating the public accounts, purporting that they find due to William Lyman, five hundred and seven pounds fifteen shillings, for his services as an assistant to Levi Shepard, in the Commissary's office, from the 8th of June, 1777, to the 16th of February, 1779, and as Commissary from the 17th

February, 1779, to the 20th of January, 1780, and for the services of his assistants, while he was Commissary himself, which sum is for the value of their retained rations, as well as their services performed:

*Resolved*, That there be paid out of the treasury of this Commonwealth, to *William Lyman*, the sum of five hundred and seven pounds fifteen shillings, in the following manner, *viz.* one hundred and sixty-nine pounds five shillings, part of the above sum, in specie; and the sum of three hundred and thirty-eight pounds ten shillings, the remainder of the abovementioned sum, in government securities, bearing date the 20th of *January*, 1780, that being the time said *Lyman* left the service, in full of all accounts of the said *Lyman* and his assistants, to the said 20th of *January*, 1780. *February 14, 1783.*

### Chapter 35.

RESOLVE ON THE PETITION OF *ABIGAIL DWIGHT*, IMPOWERING HER TO MAKE SALE OF THE LAND MENTIONED.

*Chap. 35*

*On the petition of Abigail Dwight, guardian to Louisa Hopkins, of Great Barrington, praying for liberty to sell a certain piece of land in said petition mentioned:*

*Resolved*, That the prayer of the said petition be granted, and that the said guardian be, and hereby is impowered, to make sale of the land aforesaid, for the most the same will fetch, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers, she the said guardian observing the rules of law for the sale of real estates by executors and administrators, and the monies arising by the said sale, shall be applied for the support and education of the said *Louisa*, and the said guardian shall give bond to the Judge of Probate for the county of *Berkshire*, for the faithful performance of the trust reposed in her by this resolve.

*February 14, 1783.*

### Chapter 36.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO PROCURE CERTAIN ARTICLES, AND DELIVER THE SAME TO THE INDIANS OF THE *PENOBSCOT* TRIBE, NOW IN *BOSTON*.

*Chap. 36*

*Whereas there are now in this town two Indians of the Penobscot tribe, Capt. Neptune and a young Indian lad: And whereas the situation of our public affairs in the east-*

*ern parts of this Commonwealth, makes it necessary to keep up a friendly intercourse with said tribe: Therefore,*

*Resolved,* That the Commissary General be, and he hereby is directed, forthwith to procure one uniform coat, two hats, two shirts, two pair of Indian stockings, one blanket, two pair shoes, and two pair of buckles, and deliver the same to said Indians, and charge the same to this Commonwealth.

*February 14, 1783.*

### Chapter 37.

*Chap. 37* RESOLVE ON THE PETITION OF *SETH SUMNER*, GRANTING HIM *THIRTY POUNDS*, TO PURSUE TO FINAL JUDGMENT AND EXECUTION, THE CRIMINAL PROCESS BY HIM INSTITUTED IN THE STATE OF *CONNECTICUT*.

*Upon the petition of Seth Sumner:*

*Resolved,* That the said *Sumner* be, and he hereby is directed, to pursue to final judgment and execution, the criminal process by him instituted in the State of *Connecticut*, and which is to enure to the benefit of this Commonwealth, and now pending in one of the Judicial Courts in said State.

And be it further *Resolved,* That there be paid out of the treasury of this Commonwealth, to the said *Seth Sumner*, the sum of *thirty pounds*, to reimburse him the monies by him already expended in carrying on said process, and to enable him to continue the same, he to be accountable to the General Court for the expenditure of said sum.

*February 13, 1783.*

### Chapter 38.

*Chap. 38* A GRANT OF ONE HUNDRED FORTY-FIVE POUNDS, FIVE SHILLINGS AND NINE PENCE HALF PENNY, TO THE SELECTMEN OF THE TOWN OF *GLOUCESTER*, FOR TAKING CARE OF A NUMBER OF SICK PRISONERS.

*Upon the application of the selectmen of the town of Gloucester:*

*Resolved,* That there be allowed and paid out of the public treasury, to the selectmen of the town of *Gloucester*, the sum of *one hundred and forty-five pounds, five shillings and nine pence half penny*, in full of their accounts for taking care of a number of sick prisoners arrived in said town in a cartel from *Halifax*, *January 11, 1783.*

*February 13, 1783.*

## Chapter 39.

RESOLVE ON THE PETITION OF WILLIAM PICKERING.

Chap. 39

*Upon the petition of William Pickering :*

*Resolved,* That the prayer of the petition be granted, and that said *Pickering* be authorized to file the complaint mentioned in his petition, at the Supreme Judicial Court next to be holden at *Boston*, in the county of *Suffolk*, on the third Tuesday of *February* current, and that said Court shall have the same cognizance of that complaint, as if the same had been filed at *November* term last, in the county of *Essex*, provided the sheriff of the county of *Essex* shall, three days before the filing of the said complaint, give notice to the said *Richard Tappen* and *Caleb Tappen* of this order, by reading the same to them, or leaving a true and attested copy thereof at their last and usual places of abode.

*February 13, 1783.*

## Chapter 40.

RESOLVE ON THE PETITION OF JOSEPH FREEMAN, AND OTHERS, OWNERS OF A SAW-MILL IN THE TOWN OF DUXBURY.

Chap. 40

*On the petition of Joseph Freeman, and others :*

*Whereas* Joseph Freeman, and others, owners of a saw-mill in the town of *Duxbury*, standing on a brook commonly called *Island-Creek Brook*, have represented, and it appears to this Court, that considerable disadvantages arise to the petitioners, and to the public, from their being obliged to open their gates at a certain season of the year, for the purpose of facilitating the passage of the fish called *alewives*, and that very inconsiderable profit arises therefrom to the people of the town, by reason of the fewness of the fish that frequent said brook: Therefore,

*Resolved,* That the said petitioners shall not be held obliged for the future to open their gates and let out their pond, at any season or in any part of the year, for the purpose of giving passage to the fish called *alewives*, any law, resolve or custom to the contrary notwithstanding.

*February 13, 1783.*

## Chapter 41.

*Chap. 41* RESOLVE RESPECTING THE CHOICE OF THREE DELEGATES TO MEET IN CONVENTION, AT *HARTFORD*, IN THE STATE OF CONNECTICUT, ON THE LAST WEDNESDAY IN *APRIL* NEXT, TO CONFER WITH THEM UPON THE SUBJECT OF A GENERAL AND UNIFORM SYSTEM OF TAXATION BY IMPOST AND EXCISE.

*Resolved*, That there be chosen by joint ballot, three delegates to meet in convention at *Hartford*, in the State of *Connecticut*, on the last Wednesday in *April* next, with such delegates as may be appointed on the part of the States of *New Hampshire*, *Rhode Island*, *Connecticut* and *New York*; and to confer with them on the necessity of adopting within the said States, for their respective uses, such general and uniform system of taxation by impost and excise, as may be thought advantageous to the said States, which system being agreed on by the majority of the delegates so to be convened, shall be recommended to the legislatures of the said States, that laws may be enacted to carry the same into execution; and that the said delegates in convention do agree on the form of a bill or bills for that purpose.

And it is further *Resolved*, That his Excellency the Governor be, and he hereby is desired as soon as may be convenient, to write circular letters, to the chief executive of the said States of *New Hampshire*, *Rhode Island*, *Connecticut* and *New York*, requesting them to submit to the consideration of their respective legislatures the foregoing resolution, and the expediency of their appointing delegates to meet on the said convention of conference.

*February 13, 1783.*

## Chapter 42.

*Chap. 42* A GRANT OF TWENTY-FOUR POUNDS TEN SHILLINGS, TO *EZRA FELLOWS*.

*On the petition of Ezra Fellows, praying for payment of the expence of removing two cannon from Boston to the county of Berkshire:*

*Resolved*, That there be paid out of the treasury of this Commonwealth, the sum of *twenty-four pounds ten shillings*, to the said *Ezra Fellows*, in full for the abovesaid service.

*February 14, 1783.*

## Chapter 43.

RESOLVE GRANTING TWELVE POUNDS THREE SHILLINGS, TO CHARLES COFFIN, CLERK TO THE COMMITTEE FOR SETTLING WITH THE ARMY. Chap. 43

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to *Charles Coffin*, for his service twenty-seven days, as clerk to the committee for settling with the army, the sum of *twelve pounds three shillings*, in full for said service to the first of *November*, 1782. *February 14, 1783.*

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## Chapter 44.

RESOLVE ON THE PETITION OF WINSLOW PARKER, ESTABLISHING A CERTAIN LETTER OF ADMINISTRATION MENTIONED IN SAID PETITION. Chap. 44

*On the petition of Winslow Parker, praying that a certain letter of administration mentioned in the said petition, may be established as good and valid, for reasons in the same set forth:*

*Whereas it appears to this Court, that on the tenth day of May, in the year one thousand seven hundred and eighty-one, the said Winslow Parker was intended to have been appointed administrator on that part of the estate of Nathaniel Parker, late of Groton, gentleman, deceased, which then remained unadministered, and the bond of administration was given in the Probate Office for the county of Middlesex; but that it so happened that the letter of administration was not signed by the Judge of Probate for said county, according to his intention, by which neglect the said Winslow Parker may sustain injury, unless remedy be had:* Therefore,

*Resolved*, That the prayer of the said petition be, and hereby is, so far granted, as that the said letter of administration be established as good and valid, to the same degree that it would have been, in case it had been signed by the said Judge, on the said tenth day of *May*, one thousand seven hundred and eighty-one. *Provided always*, That nothing in this resolve contained, shall be construed to extend to the validating the said letter of administration in any other respect whatever, so as to alter the due course of law. *February 17, 1783.*

## Chapter 45.

- Chap. 45* RESOLVE ON THE PETITION OF THE WIDOW MARY WYMAN OF WOBURN, IN THE COUNTY OF MIDDLESEX, EMPOWERING HER TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*On the petition of the widow Mary Wyman, of Woburn, in the county of Middlesex, praying that some person may be impowered to make sale of her third part of the real estate of her late husband, Samuel Wyman, of said Woburn, deceased, for reasons set forth in her petition:*

*Resolved,* That Capt. Joshua Walker, of said Woburn, be, and he hereby is impowered, to make sale of the above mentioned estate, he observing the directions of the law for the sale of real estates by executors and administrators, and first giving bond, with sufficient sureties, to the Judge of Probate for the county of Middlesex, to apply the annual interest of the money coming by the said sale to the support of said widow, during her natural life, and at her decease to pay the principal to the heirs at law of the said Samuel in such shares as they by law are intitled to receive.

*February 14, 1783.*

## Chapter 46.

- Chap. 46* RESOLVE ON THE PETITION OF JONAS WELCH, EMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF SUFFOLK, TO GRANT HIM A LICENCE TO SELL SPIRITUOUS LIQUORS.

*On the petition of Jonas Welch, praying that, for special reasons therein set forth, the Court of General Sessions of the Peace for the county of Suffolk may be empowered to grant him a licence to retail spirituous liquors in the town of Boston:*

*Resolved,* That the Justices of the Court of General Sessions of the Peace for the county of Suffolk, at their next Sessions, are hereby authorized and empowered to grant Jonas Welch a licence to sell spirituous liquors in his shop, in the town of Boston, in Prince Street, until the usual time for granting licences for the county aforesaid, he first obtaining the approbation of the selectmen, and entering into a recognizance to observe the rules and directions of the law respecting retailers of spirituous liquors.

*February 17, 1783.*



## Chapter 47.

RESOLVE EMPOWERING EPHRAIM RANDAL, JUN. TO MAKE SALE OF THE REAL ESTATE MENTIONED IN HIS PETITION. Chap. 47

*On the petition of Ephraim Randal, jun. guardian to John, Hannah, Mary, Elijah and Moses Randal, minors, children of said Ephraim Randal, praying for liberty to sell several pieces of land, with some buildings thereon, lying chiefly in the town of Milton, in the county of Suffolk, belonging to said children, for reasons set forth in said petition:*

*Resolved,* That the prayer of the petitioner be granted, and that he the said *Ephraim Randal*, in his said capacity, be, and he hereby is authorized and empowered, to make sale of all the real estate mentioned in his petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, he observing the rules and directions of the law for sale of real estates by executors and administrators, he first giving sufficient security to the Judge of Probate for the said county of *Suffolk*, that the proceeds coming by the sale of said estate, be kept on interest, for the benefit of said children, until they shall arrive to full age, and be paid to each child severally, in their due proportion, according to law.

*February 14, 1783.*

## Chapter 48.

RESOLVE ON THE PETITION OF JESSE KELLOGG.

*On the petition of Jesse Kellogg, administrator on the estate of Daniel Kellogg, deceased, praying, for reasons therein set forth, for leave to convey lands belonging to the said Daniel Kellogg's estate:* Chap. 48

*Resolved,* That, provided the said *Jesse Kellogg* shall previously give bond to the Judge of Probate for the county of *Berkshire*, with sufficient surety or sureties, for his being accountable to the creditors of the said estate for the full value thereof, that he be, and he hereby is empowered, to make a conveyance of all the real estate of the said *Daniel Kellogg*, which hath been inventoried and appraised, and that the said conveyance shall be a good and sufficient security against the claims and demands of the heirs of the said *Daniel Kellogg*, any law of this Commonwealth to the contrary notwithstanding.

*February 14, 1783.*

## Chapter 49.

- Chap. 49* RESOLVE ON THE PETITION OF *TIMOTHY PARKER*, EMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF *SUFFOLK* TO RECEIVE THE CLAIMS OF THE SAID *PARKER*, AGAINST THE ESTATE OF *SAMUEL SEWALL*, AN ABSENTEE.

*On the petition of Timothy Parker, praying that a debt due to him from Hull Sewall, late of Brookline, deceased, may be paid the petitioner, out of the estate of the said Hull's brother, Samuel Sewall, an absentee; the estate of the said Hull by law falling into the hands of the said Samuel:*

*Resolved*, That the Judge of Probate for the county of *Suffolk* be, and he is hereby authorized, to receive the claims of the petitioner, and allow to him, out of the estate of the aforesaid absentee, what shall be found due thereon, in the same manner as if the debt had been contracted by the said *Samuel Sewall*, any law or resolve to the contrary notwithstanding. *February 14, 1783.*

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## Chapter 50.

- Chap. 50* RESOLVE ALLOWING PAY TO THE COMMITTEE APPOINTED IN THE RECESS TO TAKE A GENERAL VIEW OF THE COUNTY OF *BERKSHIRE*, FOR THEIR SERVICES AND EXPENCES.

*Resolved*, That there be allowed and paid out of the public treasury, to the Hon. *Charles Turner*, Esq; the sum of *twenty pounds eighteen shillings*, and to the Hon. *Artemas Ward*, Esq; the sum of *twelve pounds ten shillings*, and to the Hon. *John Sprague*, Esq; the sum of *eleven pounds fourteen shillings*, being in full for their services and expences as a committee, sent to take a general view of the county of *Berkshire*, in the last recess of the General Court; and that all said sums, amounting to *forty-five pounds two shillings*, be charged to the county of *Berkshire* on the next State tax.

*February 7, 1783.*

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## Chapter 51.

- Chap. 51* RESOLVE ON THE PETITION OF THE COMMITTEE OF CORRESPONDENCE, &c. OF THE TOWN OF *FRAMINGHAM*, EMPOWERING THEM TO DELIVER *NATHANIEL BRINLEY* CERTAIN ARTICLES OF FURNITURE, &c.

*The committee of both Houses, on the petition of the committee of correspondence, &c. of the town of Framingham, report the following resolve.*

*Resolved*, That said committee be, and they are hereby authorised and directed, to deliver to *Nathaniel Brinley*, within one month from the date hereof, at the town of *Framingham*, where they are now stored, all the articles of household furniture and farming utensils mentioned in the schedule herewith exhibited by said committee to this Court; as also a State note dated the first of *April*, 1779, for *fifteen pounds*, one ditto dated the first of *January*, 1777, for *ninety-six pounds*, one ditto dated the twenty-seventh of *October*, 1778, for *ten pounds two shillings*, one dated the first of *December*, 1777, for *nineteen pounds five shillings*, and one ditto dated *July* the second, 1778, for *ten pounds nineteen shillings*, also, *twenty-one shillings*, in paper money, of the old emission; the said sums being part of the sales of said *Brinley's* stock and effects sold by said committee, the said committee to be paid *twenty-seven pounds*, out of such debts as arose from the sales aforesaid, when the sums shall be recovered; and upon delivery and payment as aforesaid, all actions, suits and demands, respecting the premises, to be forever barred between the said *Brinley* and the said committee.

*February 17, 1783.*

## Chapter 52.

RESOLVE ON THE PETITION OF JOSEPH WASHBURN, GUARDIAN TO THE CHILDREN OF CAPT. EBENEZER COX, LATE OF HARDWICK, IN THE COUNTY OF WORCESTER, DECEASED. Chap. 52

*On the petition of Joseph Washburn, guardian to the children of Capt. Ebenezer Cox, late of Hardwick, in the county of Worcester, deceased, setting forth, that Elizabeth Cox, sole executrix to the last will and testament of said deceased, did by deed convey unto Timothy Ruggles, Esq; late of said Hardwick, an absentee, all the real estate belonging to said Ebenezer Cox, deceased, and that said Ruggles did give his bond for the payment of three hundred pounds, for the purchase of said estate, which yet remains due: But whereas said executrix did not give bond into the Probate Office for the county of Worcester, that the money arising from the sale of said estate, should be applied in the manner ordered and directed by the last will and testament of said deceased, which was expressly ordered by the testator, and other attendant circumstances respecting that matter, renders it doubtful whether the orphan children*

*and heirs of said deceased, may not be defrauded of their interest in their said father's estate, contrary to the express intent of said testator: Therefore,*

*Resolved,* That the deed above referred unto, be, and hereby is declared, null and void; and that the bond given for the purchase, be cancelled, and that the said executrix be impowered to make sale of the premises, and give a good deed or deeds of the same, she first giving bond, with sufficient sureties, to the Judge of Probate for the county of *Worcester*, that the proceeds of such sale shall be applied in the manner ordered and directed in and by the last will and testament of said *Ebenezer Cox*.

*February 15, 1783.*

### Chapter 53.

*Chap. 53* RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING AND STATING ACCOUNTS, TO ATTEND TO THE ARRANGEMENT OF THE ACCOUNTS OF THIS COMMONWEALTH, AGAINST THE UNITED STATES.

*Whereas the accounts of this Commonwealth, against the United States, are still incomplete, notwithstanding the repeated orders of the General Court: And whereas it is absolutely necessary to have them ready for final adjustment, without further delay:*

*Resolved,* That the committee for methodizing and stating the accounts of this Commonwealth, be, and they hereby are impowered and directed, to call on the Treasurer, the Commissary General, or any other person or persons to whom money has been advanced for Continental purposes, or who have furnished money or stores for the service of the United States, on account of this Commonwealth, for their accounts and vouchers therefor, which accounts and vouchers the Treasurer, the Commissary General and other persons as before described, are hereby directed to deliver to said committee, taking a receipt therefor, which said committee are hereby directed to give. And the said committee are further directed immediately to attend to the arrangement of the accounts of this Commonwealth, against the United States, that there may be no further delay in having them ready for final adjustment.

And it is further *Resolved,* That his Excellency the Governor be requested immediately to write to *Robert*

*Morris*, Esq; Superintendent of Finance, requesting that a commissioner or commissioners may be nominated to examine and adjust the accounts of this Commonwealth against the United States, agreeable to the resolves of Congress.

*February 11, 1783.*

### Chapter 54.

RESOLVE ON THE GOVERNOR'S MESSAGE OF THE 4TH FEBRUARY INST RESPECTING WARRANTS ON THE TREASURY, FOR SERVICES OR SUPPLIES TO THE UNITED STATES; AS ALSO WARRANTS IN FAVOUR OF THE CREDITORS TO ABSENTEES ESTATES. Chap. 54

*On the message of his Excellency the Governor of the 4th inst.*

*Resolved*, That no warrant be drawn on the public treasury until the further order of this Court, for services or supplies to the United States in favour of any person or persons other than the Superintendent of Finance, or such person or persons as are or may be deputed by him to receive the monies which are or may be raised within this State, on requisitions of Congress for Continental purposes.

*Resolved*, That no warrants be granted in favour of any creditor to estates of conspirators or absentees on the public treasury, unless the certificate of the Judge of Probate, ascertaining the sum due, be accompanied with a certificate from one or more of the committee appointed to sell such estates within the county in which the same may lie, purporting that the said committee, have paid to the creditor to said estate, or his order, no part of his claim or the sum (if any) which they may have paid in part thereof.

*February 14, 1783.*

### Chapter 55.

RESOLVE ON THE PETITION OF ELIZABETH CHAMBERLAIN AND MARY HUNT. Chap. 55

*On the petition of Elizabeth Chamberlain and Mary Hunt, praying (for reasons set forth in said petition) that they may be allowed, on particular conditions, to purchase a certain dwelling house in Hanover Street, lately belonging to Alexander Chamberlain of Boston, deceased, which estate appears to have been mortgaged to Thomas Hutchinson, Esq; a conspirator and absentee, and still to remain under mortgage as aforesaid:*

*Resolved*, That the committee for making sale of the estates of absentees in the county of *Suffolk*, be, and hereby are authorized and impowered, to give and execute a good and lawful deed of the said house and the land thereto belonging, on the said *Elizabeth* and *Mary* paying to the said committee, for the use of this Commonwealth, such sum as the said house and land shall be appraised at, by three judicious men, under oath, and mutually chosen by the said committee and the said petitioners.

*February 18, 1783.*

### Chapter 56.

*Chap. 56* RESOLVE ON THE PETITION OF WILLIAM PHILLIPS, JUN.

*On the petition of William Phillips, jun.*

*Resolved*, That *Seth Paddleford*, Esq; agent for the estate of *Daniel Leonard*, Esq; of *Taunton*, an absentee, be, and he is hereby authorized and directed, to give possession to *William Phillips, jun.* of *Boston*, executor of the estate of *Josiah Quincy, jun.* Esq; of said *Boston*, deceased, a certain dwelling house in *Boston*, being a part of the real estate of his wife, which, by means of the confiscation of his property, has accrued to this Commonwealth, and which this Commonwealth is now in possession of, and entitled to hold, during the life of the said *Daniel*, for the purpose of discharging a promissory note of hand, in the sum of *one hundred pounds*, with interest thereon, from the first day of *May*, 1771, given by said *Daniel Leonard* to said *Josiah Quincy, jun.* for cash lent him, as will appear by said note; and that said *William Phillips, jun.* take possession of said house, and make such repairs as are necessary for the preservation of said house, and rent the same, and receive the monies arising therefrom, until the aforesaid note is satisfied; and also the sum paid for the repairs aforesaid; and that said *Phillips* be accountable to the Commonwealth for his conduct herein.

*February 15, 1783.*

### Chapter 57.

*Chap. 57* RESOLVE ON EMPOWERING TIMOTHY CHENEY TO MAKE SALE OF A CERTAIN TRACT OF LAND MENTIONED IN HIS PETITION.

*On the petition of Timothy Cheney, guardian to James Ellis, of Medfield, a non compos person, praying that he*

*may be empowered to make sale of about eighty acres of said Ellis's land, lying in Dedham, for reasons mentioned in his petition:*

*Resolved*, That the said *Timothy Cheney*, in his said capacity, be, and he hereby is fully authorized and empowered, to make sale of the said eighty acres of land, for the most the same will fetch, and to make and execute a good and lawful deed or deeds of the same, to the purchaser or purchasers thereof, he observing the rules and directions of the law for the sale of real estates by executors and administrators, and first giving bond, with sufficient sureties, to the Judge of Probate for the county of *Suffolk*, to apply the money arising from the aforesaid sale, to payment of the just debts of the said *James Ellis*, and for his former and future support. And if any of the proceeds of the said sale should remain at the decease of the said *James*, the same to be paid to his heirs at law.

*February 17, 1783.*

### Chapter 58.

RESOLVE APPOINTING AGENTS TO PROSECUTE ALL TRESPASSES ON A TRACT OF LAND ADJOINING THE TOWN OF SANFORD, AND BETWEEN THE TOWN OF LEBANON AND THE LANDS LATELY CONFIRMED TO THE PROPRIETORS CLAIMING UNDER NICHOLAS SHAPLEIGH, IN THE COUNTY OF YORK, SINCE OCTOBER, 1780.

*Chap. 58*

*Whereas there is a tract of land adjoining the town of Sanford, and between the town of Lebanon and the lands lately confirmed to the proprietors claiming under Nicholas Shapleigh, containing about two thousand acres, without the bounds of any incorporated town, the property of this Commonwealth, upon which land there are many valuable masts; and as it is said that some persons have made strip and waste thereon, and are again preparing to carry off the mast trees aforesaid, by cutting them into logs, and for other uses: Therefore, to prevent any further destruction of the said timber, and also that such as have heretofore trespassed on the said land may be called upon to make speedy satisfaction therefor.*

It is *Resolved*, That *Dominicus Goodwine*, Esq; and *William Frost*, jun. Gentleman, both of *Berwick*, in the county of *York*, be, and hereby are appointed agents to commence and prosecute to final judgment and execution, in the name and behalf of this Commonwealth, any person

or persons that hath or have committed any trespass on the said land, since the 25th day of *October*, one thousand seven hundred and eighty, or that hereafter may commit trespass thereon, and the said agents may submit to reference, any action or suit, or supposed cause of action, in the same way and manner they can submit their private suit, and to account with the Judge of Probate for the county of *York*, for all sums of money they may recover and receive in consequence of this resolve, and to pay into the treasury of this Commonwealth, such sum or sums as may, on their account so examined and allowed, appear to be due to the State; and the Treasurer's receipt shall be a full discharge for all such sums as they may pay: And to prevent any alteration respecting the manner of bringing actions the stile shall be, "To answer to the Commonwealth of *Massachusetts*, who sue by *Dominicus Goodwine*, Esq; and *William Frost*, jun. Gentleman, both of *Berwick*, in the county of *York*, agents in that behalf, specially appointed." And the personal appearance of either of the said agents in Court, or such council learned in the law as they may appoint, shall be sufficient to sustain any action.

*February 18, 1783.*

### Chapter 59.

*Chap. 59* RESOLVE EMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF *SUFFOLK*, TO RENEW THE COMMISSION HERETOFORE GRANTED ON THE ESTATE OF *CHARLES WARD APTHORP*, AN ABSENTEE, IN THE INSTANCE OF *JAMES OTIS*, ESQ; OF *BOSTON*.

*Resolved*, That the Judge of Probate for the county of *Suffolk*, be, and he hereby is authorized, empowered and directed, to renew the commission heretofore granted on the estate of *Charles Ward Apthorp*, late of *Boston*, an absentee, in the instance of *James Otis*, of *Boston*, Esq; any certificate of the whole account of the demands on the estate of the said *Charles Ward Apthorp* being already made notwithstanding; and said Judge and Commissioners appointed or to be appointed on the claim of said *James Otis*, against said *Charles Ward Apthorp's* estate, are hereby empowered, authorized and directed, to receive, examine and act on said claim as fully, to all intents and purposes, as if it had been exhibited at any time heretofore, and the said *James* shall receive the same benefit



therefrom as others the creditors and claimers against the estate of the said *Charles*, by law or equity have received, or may receive, said *James Otis* making oath, and conforming himself to such other legal steps, as the other creditors have taken, or may hereafter by law be obliged to pursue. *Provided*, the said *James* shall not receive any benefit in consequence of this resolve, beyond the extent of said *Apthorp's* estate. *February 15, 1783.*

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### Chapter 60.

RESOLVE ON THE PETITION OF AARON AND ANNA BUCK.

Chap. 60

*On the petition of Aaron and Anna Buck, praying for liberty to convey a certain tract of land, lying in the town of Stockbridge, to Joseph Brace, which the said Anna hath obliged herself to do, the said Anna being administratrix on the estate of Mark St. John, and guardian to his children:*

*Resolved*, That the prayer of the petition be granted, and that the said *Aaron* and *Anna* be, and hereby are authorized, to make and execute a good and lawful deed unto *Joseph Brace*, of the abovesaid land, which belongeth to the estate of *Mark St. John*, late of *Stockbridge*, deceased, they the said *Aaron* and *Anna* first giving bond, with sufficient sureties, to the Judge of Probate for the county of *Berkshire*, that if the land they have already purchased for the heirs of the said *Mark*, is not of equal value to the land they are hereby permitted to convey, they will pay to each of the heirs aforesaid, when they shall arrive at lawful age, such a sum of money as the Judge of Probate for the county of *Berkshire* shall determine to be just and reasonable. *February 15, 1783.*

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### Chapter 61.

RESOLVE ON THE PETITION OF SYLVANUS DREW.

Chap. 61

*On the petition of Sylvanus Drew, praying for the depreciation of his wages, from May, 1775, to May, 1779:*

*Resolved*, That the committee for settling with the army, be, and they are hereby directed, to settle with *Sylvanus Drew*, and make up the depreciation of his wages, in the same manner as others in similar circumstances have been made up. *February 15, 1783.*

## Chapter 62.

- Chap.* 62 RESOLVE GRANTING LEAVE TO THOMAS GOLD TO GO TO NEW YORK, REQUESTING HIS EXCELLENCY THE GOVERNOR TO RECOMMEND HIM TO THE COMMANDER IN CHIEF OF THE ARMY.

*On the petition of Thomas Gold, praying for leave to go to New York :*

*Resolved,* That his Excellency the Governor be and he hereby is requested, to recommend the said *Thomas Gold* to the Commander in Chief of the army, for a passport for his the said *Gold's* passing into *New York* (under such restrictions as the said Commander in Chief may think proper) and returning, *Provided,* That the said *Thomas Gold* shall not bring with him goods of any kind from any of the enemies ports.

*February 18, 1783.*

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## Chapter 63.

- Chap.* 63 RESOLVE ON THE PETITION OF EZRA KENDAL, EMPOWERING HIM TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of Ezra Kendal, guardian to Phebe Hagget, a minor, praying for liberty to sell the real estate of said minor, for reasons set forth in his petition :*

*Resolved,* That the prayer of the petitioner be granted, and that he the said *Ezra Kendal* be, and he is hereby authorized and empowered, to make sale of the land set forth in his petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers, he observing the rules and directions of the law for the sale of real estates by executors and administrators, he first giving sufficient security to the Judge of Probate for the county of *Essex*, for the proceeds and interest of the sale of said land, to be paid to said minor, when she shall arrive to lawful age; and in case said minor shall decease before she arrives to lawful age, then the said proceeds shall be paid to the proper heirs, in due proportion.

*February 17, 1783.*

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## Chapter 64.

- Chap.* 64 RESOLVE DIRECTING JOSEPH BAKER, ESQ; TO GIVE BOND FOR THE BALANCE DUE TO GOVERNMENT, AND EMPOWERING THE TREASURER TO DISCHARGE HIM IN RECEIPT THEREON.

*Resolved,* That *Joseph Baker, Esq;* in consideration of the large amount of the ballance due from him, and the

possibility which he suggests in his petition that by error in his accounts the ballance due from him may be considerably lessened, if time is given him to revise said accounts and his transactions for the public, do give bond to the Treasurer of this Commonwealth for the sum of *fifteen hundred and nine pounds sixteen shillings and three pence*, in specie (being the amount of the ballance aforesaid) on demand, with interest until paid; and that the Treasurer be, and he hereby is empowered and directed, on receipt thereof, to discharge the said *Baker* from the ballance aforesaid; and that he lodge his receipt to the Commonwealth, for the said bond, in the Secretary's office.

*February 17, 1783.*

### Chapter 65.

RESOLVE ALLOWING LOVE ADAMS AN ANNUAL INTEREST OF SIX PER CENT. ON ONE THIRD PART OF THE SUM FOR WHICH THE REAL ESTATE OF DR. JOSEPH ADAMS, LATE OF LINCOLN, AN ABSENTEE, HAS BEEN SOLD.

*Chap. 65*

*Whereas in and by a law of this Commonwealth, made and passed in the year of our Lord, 1781, provision is made that where the wife or widow of any conspirator or absentee, remains in this Commonwealth, one third part of such conspirator's or absentee's real estate shall be exempt from sale, and allotted as dower to the support of such wife or widow. And whereas the real estate of Dr. Joseph Adams, late of Lincoln, an absentee, has by some means been sold for the use of Government, without any part thereof being exempted from sale, and allotted to the support of his wife, Mrs Love Adams:*

Therefore *Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the said *Love Adams*, an annual interest of six per cent. on one third part of the sum for which the said estate has been sold (being reduced to specie by the scale of depreciation) from the time of sale during her abode in any of the United States, in lieu of her dower; and the Governor, with advice of Council, is authorized and requested to issue his warrant for the payment of such interest for the time past, and annually afterward.

*February 17, 1783.*

## Chapter 66.

*Chap. 66* RESOLVE ON THE PETITION OF *EZRA KENDAL*, EMPOWERING HIM TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of Ezra Kendal, guardian to James Blanchard, and Abigail Blanchard, minors, children of James Blanchard, late of Andover, deceased, and Abigail Phelps, late widow of the said James Blanchard, deceased, praying for liberty to sell the real estate of said Blanchard, as set forth in their petition:*

*Resolved*, That the prayer of the petition be granted, and that he, the said *Ezra Kendall*, be, and he is hereby authorized and empowered, to make sale of all the land and buildings of *James Blanchard*, referred to in his, the said *Kendal's* petition, for the most the same will fetch; and make and execute a good and lawful deed or deeds to the purchaser or purchasers, he observing the rules and directions of the law for the sale of real estates by executors and administrators, he first giving sufficient security to the Judge of Probate for the county of *Essex*, for the whole proceeds of the sale, and the interest of one third part of the whole proceeds to be paid to the widow of said *Blanchard*, deceased, annually, during her natural life; and the proceeds of the other two thirds, with the interest, excepting so much as shall be found necessary for the payment of taxes, to be paid to the said *James* and *Abigail*, the legal heirs of said estate respectively, as they shall arrive to lawful age, in due proportion, agreeable to law; and after the said widow's decease, her thirds shall remain the property of the aforesaid heirs in legal proportion.

*February 17, 1783.*

## Chapter 67.

*Chap. 67* RESOLVE RELATIVE TO THE PROCEEDINGS OF THE COMMITTEE FOR RECEIVING THE PUBLIC EFFECTS FROM THE ADMINISTRATORS OF THE LATE TREASURER *GARDNER*.

*Resolved*, That the Hon. *Benjamin Austin*, Esq; and others, the committee appointed to settle the accounts of the late Treasurer *Gardner*, be, and they hereby are directed, to consume to ashes the bills of the new emission, found in the office of the said Treasurer, which have been received by the Honorable *William Phillips*, and

others, a committee appointed to receive the public effects from the administrator of the said Treasurer; and that all notes, certificates and securities of government, which have been brought into the treasury for consolidation, be defaced, and in that state carefully preserved, that any mistakes in computing the same may be rectified.

*And whereas it is necessary that an account of the several certificates of persons employed in the office of the Quarter Master General, on which monies have been advanced from the treasury, or for which notes of consolidation have been given, should, as soon as may be, be forwarded to Congress, that the accounts of those who subscribed the said certificates, may be liquidated, and that this Commonwealth may be credited for the amount of the same:*

It is further *Resolved*, That the committee for stating and methodizing public accounts, make out, without delay, a regular account of all those certificates which have been found in the office of the late Treasurer *Gardner*, of the sums paid on the said certificates, or for which notes of consolidation have been given, with the names of the persons who subscribed the said certificates respectively.

*Whereas there is now remaining in the treasury of this Commonwealth, seven hundred and sixty-three thousand, nine hundred and thirty-eight dollars, of the emissions of May 20, 1777, and April 11, 1778, which should have been forwarded by the late Treasurer Gardner to Michael Hillegas, Esq; Continental Treasurer.*

*Resolved*, That the committee for receiving the public effects from the administrator on the estate of the late Treasurer *Gardner*, deliver the said *seven hundred and sixty-three thousand, nine hundred thirty-eight dollars*, to *Thomas Ivers, Esq;* who is hereby directed, immediately to inform, by letter, the said *Michael Hillegas, Esq;* of these monies, and that the same are held subject to his order.

*And whereas there are in the hands of the committee above mentioned (property of the Commonwealth) eighty-six Loan Office notes, amounting to thirty-four thousand four hundred dollars, on which a large interest is due:*

*Resolved*, That the said certificates be delivered to *Thomas Ivers, Esq;* who is hereby directed to receive the same, giving duplicate receipts therefor, one of which to be lodged in the Treasurer's office, and to take the necessary measures to recover the interest due thereon.

*February 17, 1783.*

## Chapter 68.

*Chap. 68* RESOLVE ON THE PETITION OF ANNA PRENTICE, EMPOWERING HER TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*On the petition of Anna Prentice, praying for licence to make sale of the real estate of Samuel Harrington, late of Grafton, deceased, for reasons set forth in her petition :*

*Resolved,* That the prayer of said petitioner be granted, and that she the said *Anna Prentice* be, and hereby is empowered, to make sale of the real estate in her petition mentioned. for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers, she observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Worcester*, that the proceeds of said sale shall be applied in manner following, *viz.* that the interest of one third part thereof be annually paid to the widow of the deceased, during her natural life, and the remainder of the other two thirds, if any there be, after the just debts are paid, and deducting the charges of sale, be put on interest for the benefit of the heirs, and paid them in legal proportion, as they respectively arrive at lawful age, and the other third, after the just debts are paid (if any be) shall be paid in like proportion to said heirs, immediately after the decease of said widow, if they then shall be of lawful age; but if it should so happen, that any of said heirs should then be minors, in that case the same shall be paid in legal proportion as they shall severally arrive to lawful age.

*February 18, 1783.*

## Chapter 69.

*Chap. 69* RESOLVE ON THE PETITION OF TIMOTHY DANFORTH, EMPOWERING HIM TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*On the petition of Timothy Danforth, administrator on the estate of John Tatman, late of Billerica, in the county of Middlesex, deceased, praying for liberty to sell the real estate of said deceased, for reasons set forth in his petition :*

*Resolved,* That the aforesaid *Timothy Danforth* be, and he hereby is empowered, to make sale of the real estate of the aforesaid *John Tatman*, deceased, for the most the

same will fetch, and make and execute a good and lawful deed or deeds of the same, to the purchaser or purchasers of said estate, he the said *Danforth* observing the rules and directions of the law for the sale of real estates by executors and administrators, and giving sufficient security to the Judge of Probate for said county of *Middlesex*, that the proceeds arising by the sale of said estate be applied for the payment of the debts of said deceased, and the use of the heirs of said *Tatman*, according to law.

February 18, 1783.

### Chapter 70.

RESOLVE GRANTING FIFTEEN POUNDS TWELVE SHILLINGS, PER ANNUM, TO *BELINDA*, AN AFRICAN, ARISING FROM THE RENTS AND PROFITS OF THE ESTATE OF *ISAAC ROYAL'S* ESTATE. Chap. 70

*On the petition of Belinda, an African:*

*Resolved*, That there be paid out of the treasury of this Commonwealth, out of the rents and profits arising from the estate of the late *Isaac Royal*, Esq; an absentee, *fifteen pounds twelve shillings*, per annum, to *Belinda*, an aged servant of the late *Isaac Royal*, Esq; an absentee, until the further order of the General Court, for reasons set forth in said *Belinda's* petition. February 22, 1783.

### Chapter 71.

RESOLVE ON THE PETITION OF *MARGARET SCOTT*, EMPOWERING HER TO SELL THE STRIP OF LAND MENTIONED. Chap. 71

*On the petition of Margaret Scott, administratrix on the estate of Daniel Scott, late of Boston, deceased, and John Lucas, guardian to the children of said deceased, praying for liberty to sell a strip of land lying in said Boston, to enable them to discharge a mortgage against the estate of said deceased, for such reasons as set forth in their petition:*

*Resolved*, That the prayer thereof be granted, and that she the said *Margaret Scott*, in her said capacity, be, and she hereby is authorised and empowered, to sell said strip of land mentioned in her petition, for the most the same will fetch; and make and execute a good and lawful deed or deeds, to the purchaser or purchasers thereof, observing the rules and directions of the law for the sale of real estates by executors and administrators; she first giving

sufficient surety to the Judge of Probate for the county of *Suffolk*, that the proceeds by the sale of said land be applied for the purpose of discharging the mortgage mentioned in their petition; and if any should remain after said mortgage is discharged, the same to be put on interest, for the benefit of the legal heirs; and the real estate of said deceased, after those incumbrances are taken off, shall be held to the proper heirs at law of said deceased, as though his estate had been clear of all incumbrances at his decease.

*February 20, 1783.*

### Chapter 72.

*Chap. 72* RESOLVE EMPOWERING *LUCY DAMON*, TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*On the petition of Lucy Damon, administratrix on the estate of her husband, Jabez Damon, late of Reading, in the county of Middlesex, deceased, and executrix of the will of her father in law, Joseph Damon, praying for liberty to sell some part of the real estate which was her said father's and husband's to enable her, in her said capacities, to pay both debts and legacies, for reasons set forth in her petition:*

*Resolved*, That the prayer of the petition be granted, and she the said *Lucy Damon* be, and she is hereby authorized and empowered, to make sale, for the most it will fetch, of so much of the real estate now under her care (in said capacities) as to enable her to pay both debts and legacies, and the necessary charges arising, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, observing the rules of the law for executors and administrators, she first giving bonds, with sufficient sureties, to the Judge of Probate for the said county of *Middlesex*, that the proceeds arising by the sale of such estate, be appropriated for the purpose aforesaid.

*February 20, 1783.*

### Chapter 73.

*Chap. 73* RESOLVE DISCHARGING *BENJAMIN LINCOLN*, ESQ; AND OTHERS, A COMMITTEE APPOINTED TO SETTLE THE ACCOUNTS LEFT UNSETTLED BY THE COMMITTEE OF SUPPLIES, APPOINTED BY THE PROVINCIAL CONGRESS, IN 1774, FROM ANY DEMANDS.

*Whereas it appears, that the Hon. Benjamin Lincoln, Esq; and others, were appointed a committee to settle the*



accounts left unsettled by the committee of supplies, appointed by the Provincial Congress, in 1774, and that they proceeded far in the said business, and had in their hands, one hundred and seventy-nine pounds, seven shillings and six pence, which the said Lincoln, as chairman of the said committee, paid into the treasury, as the balance of the said accounts by them received; and the original papers and vouchers to the above business being, by order, delivered to Joseph Henderson, Esq; who forwarded the same to Congress, and they cannot now be come at: Therefore,

*Resolved*, That Benjamin Lincoln, Esq; and others, a committee appointed to settle the accounts left unsettled by the committee of supplies, appointed by the Provincial Congress, in 1774, be, and they are hereby discharged from any demands on them in their said capacity, from this Commonwealth; and that the committee appointed for stating and methodizing the public accounts, be, and they are hereby directed, to govern themselves accordingly.

February 22, 1783.

#### Chapter 74.

RESOLVE ON THE PETITION OF TIMOTHY HODGDON, EMPOWERING THE COMMITTEE ON CONFISCATED ESTATES, IN YORK COUNTY TO MAKE AND EXECUTE A DEED OF RELEASE OF THE LAND MENTIONED. Chap. 74

*On the petition of Timothy Hodgdon, setting forth, that in the year 1774, he did bargain with John Sparhawk, Esq; agent to Sir William Pepperell, for twenty-one acres and two-thirds of land, lying in Arundel, in the county of York, and paid for the same, but never had a deed of it; and that it is now out of his power to obtain one:*

*Therefore Resolved*, That the committee on the sale of confiscated estates for the said county of York (or any one of them) be, and they are hereby empowered and directed, in behalf of this Commonwealth, to make and execute a deed of release to the said Timothy Hodgdon, of the beforementioned twenty-one acres and two-thirds of an acre of land.

February 20, 1783.

#### Chapter 75.

RESOLVE ON THE PETITION OF ELIZABETH WILDRIDGE, OF FALMOUTH IN THE COUNTY OF CUMBERLAND. Chap. 75

*On the petition of Elizabeth Wildridge, of Falmouth, in the county of Cumberland, praying (for reasons set*

*forth in said petition) that a small real estate, lately belonging to James Wildridge, late of said Falmouth, deceased, which estate agreeable to the laws of this Commonwealth, hath been confiscated to the use of the said Commonwealth, may be restored to her the said Elizabeth and her children :*

*Resolved,* That the committee for making sale of the estates of absentees in the county of *Cumberland*, be, and hereby are directed, not to proceed to sell the estate abovementioned, nor to disturb the said *Elizabeth* in the quiet possession of the same till the further order of the General Court.

*February 22, 1783.*

### Chapter 76.

*Chap. 76* RESOLVE ON THE PETITION OF NAOMI PLATT, OF LANESBOROUGH, GRANTING THE FIFTY ACRES OF LAND MENTIONED, TO THE CHILDREN OF EZRA PLATT, AN ABSENTEE.

*On the petition of Naomi Platt, of Lanesborough, in the county of Berkshire, praying that fifty acres of land, formerly the property of Ezra Platt, of said Lanesborough, an absentee, but now the property of this Commonwealth, may be granted to the children of the said Ezra Platt :*

*Resolved,* That the fifty acres of land mentioned in said petition, with the appurtenances, be, and hereby is granted, to *Ezra Platt, Levi Platt, Ithiel Platt, Eli Platt, and Ebenezer Platt*, children of the said *Ezra Platt*, their heirs and assigns, forever, any act or resolve to the contrary notwithstanding, reserving to the petitioner, *Naomi Platt*, the improvement of one third part thereof, during her natural life, upon condition that the said *Naomi Platt* pay and discharge all the just debts of the said *Ezra Platt*, an absentee.

*February 22, 1783.*

### Chapter 77.

*Chap. 77* RESOLVE EMPOWERING SAMUEL COBB, TO RECEIVE FROM THE TREASURER, A SILVER TANKARD, AND A LARGE SILVER CUP, BELONGING TO THE ESTATE OF WILLIAM TYNG, AN ABSENTEE, AND TO MAKE SALE OF THE SAME, AND SO MUCH OF THE REAL ESTATE, AS TO ANSWER THE PURPOSES MENTIONED.

*On the petition of Samuel Cobb :*

*Resolved,* That *Samuel Cobb* be, and he hereby is empowered, to receive from the Treasurer of this Common-

wealth, a silver tankard, and a large silver cup, belonging to the estate of *William Tyng*, an absentee, giving his receipt therefor.

And it is further *Resolved*, That the said *Samuel Cobb* be empowered to make sale of the said tankard and cup, and so much of the real estate of the said *William Tyng*, as, with the proceeds of the said tankard and cup, will be sufficient to pay the creditors of the said *William*, and to reimburse the said *Cobb* the charges of his agency, he to be accountable for the same. *February 21, 1783.*

### Chapter 78.

RESOLVE MAKING AN ABATEMENT TO THE TOWN OF NEEDHAM, ELEVEN PENCE IN THE THOUSAND POUNDS—THE LAST VALUATION, AND APPORTIONING THE SAME UPON OTHER TOWNS. Chap. 78

*Whereas it appears by a late resolve of the General Court, that there was the sum of nineteen shillings, abated to the towns of Dorchester, Cohasset, and Chelsea, from what they stood at in the thousand Pounds, in the last valuation, and in apportioning the same on Boston, and other towns in the county of Suffolk, there was the sum of eleven pence more than a due proportion set on the town of Needham:*

Wherefore *Resolved*, That the sum of *eleven pence* be abated the town of *Needham*, being what was unequally added to them by the aforesaid resolve, and that the same be apportioned on the towns hereafter named, in the county of *Suffolk*, in the following manner, viz. *four pence* on *Medfield*, *two pence* on *Weymouth*, *three pence* on *Foxborough*, and *two pence* on *Milton*, which shall be the rule by which those towns shall be assessed in all future tax acts. *February 24, 1783.*

### Chapter 79.

RESOLVE DISCHARGING THE COMMITTEE APPOINTED TO PROSECUTE DEFAULTERS FROM ANY FURTHER ATTENDANCE ON THE BUSINESS. Chap. 79

*On the report of the Hon. Increase Sumner, Esq; and others, the committee who were appointed to prosecute public defaulters:*

*Resolved*, That the said committee be, and they hereby are discharged from any further attendance on the busi-

ness of their commission for prosecuting public defaulters, and they are also directed to lay their accounts before the General Court for immediate settlement.

*February 21, 1783.*

### Chapter 80.

*Chap. 80* RESOLVE DIRECTING JONATHAN WARNER AND JOHN ASHLEY ESQ; TO PAY TO THE TREASURER SEVENTEEN POUNDS THIRTEEN SHILLINGS AND FIVE PENCE, BEING BALANCE DUE TO THE SETTLEMENT OF THEIR ACCOUNTS IN PAYMENT OF GRATUITIES TO THE MASSACHUSETTS LINE OF THE ARMY.

*Whereas it appears by the report of the committee appointed the 11th of November last, to settle the accounts of Jonathan Warner and John Ashley, Esq's, who were appointed by the General Court, to pay a gratuity to the Massachusetts line of the Continental army, that there is a balance of seventeen pounds, thirteen shillings and five pence, due from the said Warner and Ashley, which they are ready to pay:*

*Resolved, That the said Jonathan Warner and John Ashley, Esq's, be, and they are hereby directed, to pay to the Treasurer of this Commonwealth, seventeen pounds thirteen shillings and five pence, the balance aforesaid, and take duplicate receipts, one of which they are directed to lodge in the Secretary's office, and on their producing the other to the committee for methodizing and stating the public accounts, the said committee are hereby directed to discharge the said Warner and Ashley from the sum they have received for the purpose aforesaid, by charging the United States with the sums the said committee received, except the sum returned in the treasury, which they are to charge accordingly.* *February 21, 1783.*

### Chapter 81.

*Chap. 81* RESOLVE UPON THE PETITION OF RUGGLES WOODBRIDGE.

*Upon the petition of Ruggles Woodbridge, setting forth, That in the beginning of the year 1777, he was possessed of twenty-two bounty notes, bearing date January and February of the same year, being his own property, amounting to two hundred and twenty pounds, which notes he, as Muster Master, paid to a number of soldiers*

*inlisted into the Continental army, and that afterwards he received in lieu thereof, a like number of notes, bearing date February 21, 1778, and of the same nominal sum, and also two other notes for the interest. And whereas by the scale of depreciation, by law established, the said latter notes fall much short of the value of the former notes:*

Therefore *Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to receive the twenty-four notes now in possession of the said *Ruggles Woodbridge*, as mentioned in his petition; and in lieu thereof to make out and deliver to the said *Woodbridge* a consolidated note of the same value that the twenty-two bounty notes of the aggregate sum of *two hundred and twenty pounds*, bearing date in *January and February, 1777*; and also the two notes received for interest, as mentioned in his petition, amounting in the whole to *two hundred and forty pounds*, would amount to being consolidated.

*February 21, 1783.*

### Chapter 82.

RESOLVE ON THE PETITION OF *ELISHA PORTER, ESQ*; SHERIFF OF THE COUNTY OF *HAMPSHIRE*, GRANTING HIM *TWENTY-SIX POUNDS THREE SHILLINGS AND SIX PENCE*. *Chap. 82*

*On the petition of Elisha Porter, Esq; Sheriff of the county of Hampshire, praying for allowance for certain expenditures for the refreshment of persons who assembled at Northampton, in support of Government, in the time of the late disturbances:*

*Resolved*, That the prayer thereof be granted, and that there be allowed and paid out of the Treasury of this Commonwealth, to *Elisha Porter, Esq*; the sum of *twenty-six pounds three shillings six pence half-penny*, in full of his account of expenditures aforesaid.

*February 22, 1783.*

### Chapter 83.

RESOLVE ON THE PETITION OF *JONATHAN CUNNINGHAM, OF OAKHAM*, IN THE COUNTY OF *WORCESTER*. *Chap. 83*

*On the petition of Jonathan Cunningham, of Oakham, in the county of Worcester, shewing, that on the 16th of August, A. D. 1773, he gave a mortgage deed of his*

*homestead in Oakham aforesaid, with all the buildings thereon, containing two-thirds of lot No. 24, unto John Murray, Esq; now an absentee, the whole lot said to contain two hundred and fifty acres, to secure the payment of his bond to the said Murray, of the said date, of the sum of two hundred and nineteen pounds fourteen shillings; and that Hugh Cunningham gave the said Murray a deed of the other third of the said lot, being then the said Jonathan's real property, to secure the payment of the same bond, as is more fully set forth in the papers accompanying the said petition; and praying for the reconveyance of the whole of the said lot to him the said Jonathan, his heirs, &c. he paying what is justly due from him to the said absentee's estate:*

*Resolved*, That the committee for the sale of absentees estates, in the county of Worcester, be, and hereby are empowered and directed, to make out and execute a good and sufficient warrantee deed of the whole of the said lot No. 24, containing two hundred and fifty acres, more or less, to the said *Jonathan Cunningham*, his heirs and assigns, forever, he first giving bond, with two sufficient sureties, to the Treasurer of this Commonwealth, for the payment of *two hundred and ninety-four pounds, thirteen shillings and eight pence*, lawful money, in specie, with lawful interest for the same, payable in three months from the date of the said bond. *February 22, 1783.*

### Chapter 84.

*Chap. 84* RESOLVE EMPOWERING DOROTHY FORWARD TO SELL THE REAL ESTATE MENTIONED IN HER PETITION.

*On the petition of Dorothy Forward, administratrix on the estate of Elijah Stiles, late of Granville, in the county of Hampshire, deceased, praying for liberty to sell all the real estate of said deceased, for reasons set forth in her petition:*

*Resolved*, That the prayer of said petition be granted, and that the said *Dorothy Forward*, in her said capacity, be, and she is hereby authorized and empowered, to sell all the real estate of said deceased, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, she observing the rules and directions of the law for the sale of real estates by executors and administrators, she first

giving sufficient security to the Judge of Probate for the county of *Hampshire*, that after reserving the interest of one third of the proceeds arising by the sale of said estate, to herself, during her life, and after paying all the just debts of said deceased, and necessary charges arising (out of the other two thirds of the proceeds) the remainder to be kept on interest, and each heir's share in said estate, both principal and interest, including the said *Dorothy's* thirds, after her decease, to be paid to them severally, as they shall arrive to full age. *February 22, 1783.*

### Chapter 85.

RESOLVE DIRECTING THE HON. CALEB DAVIS, ESQ; TO PAY TO *Chap. 85*  
*GUSTAVUS FELLOWS AND BENJAMIN COBB, TWO HUNDRED SIXTY-FOUR POUNDS, SEVENTEEN SHILLINGS AND ONE PENNY, OUT OF THE PROCEEDS OF THE SALE OF THE SHIP TARTAR.*

*On the petition of Gustavus Fellows and Benjamin Cobb, setting forth, that they chartered to the Hon. Caleb Davis, Esq; agent for this Commonwealth, in April last, the brigantine Franklin, to be improved as a prison ship, and praying payment for the hire thereof:*

*Resolved, That the Hon. Caleb Davis, Esq; pay to the said Fellows and Cobb, out of the proceeds of the sale of the ship Tartar the sum of two hundred and sixty-four pounds seventeen shillings and one penny, in full for the hire and damage of the said brigantine, for the time she was improved as aforesaid. February 25, 1783.*

### Chapter 86.

RESOLVE UPON THE PETITION OF THE GUARDIANS OF A TRIBE *Chap. 86*  
 OF INDIANS IN *STOUGHTON*, CALLED THE *PUNKAPOAG TRIBE.*

*Upon the representation and petition of the guardians of a tribe of Indians, in Stoughton, called the Punkapoag tribe:*

*Resolved, That Thomas Crane, Esq; Jonathan Capen, and Nathaniel Fisher, the present guardians of the said tribe, be, and hereby are dismissed from their said guardianship, agreeable to their request.*

*And it is further Resolved, That Col. Benjamin Gill, Capt. William Bent, and Elijah Dunbar, Esq, be, and are hereby appointed a committee, who are fully empowered*

to examine, liquidate, and allow the several accounts for money disbursed, or debts incurred, on account of the said tribe, and also to determine upon a suitable allowance to the said guardians for their past services.

And it is further *Resolved*, That *Nathaniel Fisher*, and *Abijah Upham*, be appointed guardians to the said *Punkapoag* tribe of Indians, who are hereby empowered and directed, to sell so much of the lands belonging to the said tribe, as may be sufficient to discharge all the debts which shall be allowed by the committee abovementioned. The sale of the said land to be in the same manner as by law is prescribed for the sales of the estates of persons *non compos*, subject to guardianship, and to make and execute (in their said capacity) a good and lawful deed or deeds of the same.

And it is further *Resolved*, That the guardians for the time being, be fully empowered, according to their best discretion, to assign to those individuals of the *Punkapoag* tribe, the several improvements, in such parcels, and under such restrictions, as they shall judge most conducive to the particular interest of the improvers, and the general good of the tribe.

And it is further *Resolved*, That if after such sales and assignments, any leaseable land remain, the said guardians are hereby authorized to lease the same for one year, and the money arising thereby, to dispose of in such manner as they shall think will produce the greatest annual income; and they are directed to appropriate and apply the said income to the relief of such of the said tribe, as may have necessity therefor.

February 25, 1783.

## Chapter 87.

*Chap. 87* RESOLVE REQUIRING ALL OFFICERS OF THE MASSACHUSETTS LINE OF THE ARMY, TO APPLY TO THE COMMITTEE FOR SETTLING WITH THE ARMY, FOR THE ADJUSTMENT OF THEIR ACCOUNTS, ON OR BEFORE THE 1ST OF JULY NEXT, AND TO CALL UPON OFFICERS WHO HAVE RECEIVED MONEY AND CLOATHING, TO MAKE RETURN TO SAID COMMITTEE, ON OR BEFORE THE 1ST OF MAY NEXT.

*It being represented to this Court, that many of the officers and soldiers belonging to the Massachusetts line of the Continental army, have neglected to apply for the set-*



tlement of their accounts, to December 31, 1780, and it being indispensably necessary that all such accounts should be closed without further delay, that this Commonwealth may ascertain the amount of the sum paid the army to that period:

*Resolved*, That all officers and soldiers belonging to the *Massachusetts* line of the army, whose accounts are still unsettled, to *December 31, 1780*, be, and they are hereby required, either by themselves or orders, to apply to the committee appointed to settle their accounts, in *Boston*, on or before the first day of *July* next, for the adjustment thereof, as the books will be closed after that day, and the committee discharged from any further attendance on that business.

*And whereas sundry officers have received recruiting money and cloathing, but have not made return to the committee of the disposition thereof, which has prevented a settlement with the other officers of such regiments:* Therefore,

*Resolved*, That any officer who has received money or cloathing as aforesaid, and shall neglect to make return of the disposition thereof to the committee aforesaid, on or before the first day of *May* next, shall be charged with the amount of such money or cloathing, to be deducted out of what may be due to him. And the committee for settling with the army, are hereby directed to govern themselves, in the settlement of the said accounts, accordingly.

*And in order that reasonable notice may be given to the army of these resolutions:*

*Resolved*, That the committee for settling with the army, be, and they are hereby directed, to transmit, without delay, copies of these resolves to the commanding officer of the *Massachusetts* line, at camp, who is hereby requested to communicate the same, as soon as possible, to all who may be concerned therein. And the said committee are also directed to order such publications in news-papers, or otherwise, as they shall judge necessary to give proper notice to those officers and soldiers who may be absent from camp.

*February 25, 1783.*

## Chapter 88.

RESOLVE ON THE PETITION OF ABIJAH PRESCOTT, OF GROTON. *Chap. 88*

*On the petition of Abijah Prescott, of Groton, in the county of Middlesex, setting forth, that Silas Hedges of*

Dunbarton, in the county of Hillsborough, and State of New Hampshire, Physician, at a Court of Common Pleas, held at Concord, in the said county of Middlesex, on the second Tuesday of March, A. D. 1779, recovered judgment against Samuel Tarbell of the said Groton, yeoman, for the sum of two hundred eight pounds ten shillings and eight pence, damages and costs of suit; and that a writ of execution issued thereon, and was delivered to the said Abijah, then under sheriff for the said county of Middlesex, to serve and execute; and that he, according to due form of law, served and executed the same in part, by levying it on the lands of the said Tarbell, lying in the said Groton, and returned the same to the Clerk of said Court, as the law directs; and that the same is mislaid and lost, whereby the said Silas's title to the said lands is defective, and the said Abijah become liable to his suit; and praying for relief in the premises:

*Resolved*, That the said Silas be, and he is hereby empowered to sue out of the said Clerk's office an alias execution on the said judgment; and that the said Abijah be, and he is hereby empowered, to make a return in the same manner and form, and of the same tenor as was made on the said writ of execution so mislaid and lost; and the said alias writ of execution, and the return thereon made and declared on oath, before any Justice of the Peace of the said county, who is empowered to administer the same by the said Abijah to be of the same form and tenor as the return made by him on the writ so mislaid and lost, duly returned and filed in the said Clerk's office, shall be good and valid to make good and secure the title of the said Silas to the lands in the same returns specified, against the claims of all persons; and that the sheriff of the said county of Middlesex, said Abijah and Clerk be indemnified, and kept harmless from any action, suit or demand, that may be brought against any of them, as fully and in the same manner as if the said first writ of execution had not been lost, but was still remaining on the records of the said court. February 25, 1783.

### Chapter 89.

#### Chap. 89

RESOLVE ON THE PETITION OF ASAHEL GOODENOW.

*On the petition of Asahel Goodenow:*

*Resolved*, That the operation of the writ of execution therein mentioned, or any other that may issue to satisfy

the judgment rendered against the said *Goodenow* and others, as described in the said petition, be, and hereby is, suspended until the third Wednesday of the next sitting of the General Court,

And it is further *Resolved*, That the said *Goodenow* serve *Jeremiah Cady*, named in the said petition, with an attested copy thereof, together with the proceedings of the General Court thereon, that he may be thereby notified to appear on the second Wednesday of the next sitting of the General Court, to shew cause, if any he have, why the prayer of the said petition should not be granted.

*February 26, 1783.*

### Chapter 90.

A GRANT OF ONE HUNDRED POUNDS TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT. *Chap. 90*

*On the petition of William Baker, messenger to the General Court:*

*Resolved*, That there be paid out of the public treasury of this Commonwealth, to *William Baker*, messenger to the General Court, *one hundred pounds*, being in full for six months service, ending this day.

*February 26, 1783.*

### Chapter 91.

RESOLVE ON THE PETITION OF LEMUEL KOLLOCK, DIRECTING THE TREASURER TO REDEEM CERTAIN CERTIFICATES ISSUED ON THE TAX GRANTED BY THE GENERAL COURT IN OCTOBER, 1781. *Chap. 91*

*On the petition of Lemuel Kolloçk, praying that the Treasurer may be directed to redeem the certificates which were issued out of the treasury of this Commonwealth, and funded on the tax granted by the General Court in October, 1781:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to pay out of the money appropriated from the tax granted by the General Court of this Commonwealth, in *October, 1781*, to any person who shall produce any of the certificates which were funded on the said tax, the full sum for which the said certificates were given, if there is money in the treasury which has arisen from the said tax; if not, the Treasurer is hereby directed

to give a receipt or order on some deficient constable or collector of the said tax, for the sum the said certificates amount to, provided the possessor of such certificates is willing to take the same. *February 26, 1783.*

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### Chapter 92.

#### Chap. 92

RESOLVE ON THE PETITION OF JOHN HALDAN.

*On the petition of John Haldan, praying that his aged parents, now living in New York, may be permitted to remove, with their effects, in the first flag from New York, to Massachusetts or Rhode Island, and to reside with the petitioner in Boston :*

*Resolved,* That the prayer of the petition be granted, and that the petitioner have leave to send for his said parents, who are hereby permitted to remove from *New York*, into this Commonwealth, together with their effects, in the first flag that may sail from thence to this State, or to *Rhode Island*. *February 28, 1783.*

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### Chapter 93.

#### Chap. 93

RESOLVE ALLOWING PAY TO THE NON-COMMISSIONED OFFICERS AND PRIVATES WHO WERE PREVENTED RECEIVING THEIR RESPECTIVE SHARES IN A GRATUITY GRANTED BY A RESOLVE PASSED 15<sup>TH</sup> JANUARY, 1781.

*Whereas many of the non-commissioned officers and privates, belonging to the Massachusetts line in the army of the United States, were prevented receiving the whole or a part of their respective shares in a gratuity granted by a resolve of the General Court, passed the 15th of January, 1781, by reason of their having been absent from camp, at the time when the committee appointed to distribute the said gratuities proceeded to camp for the said purpose :*

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to each and every of the said non-commissioned officers and privates named in the annexed schedule, if alive and in case of their decease, to their legal representatives, or to any of their orders, signed in the presence of, and attested by a commissioned officer of the said line, the sums set to their respective names in the said schedule, provided it shall be certified under the hand of such commissioned officer, that the said

non-commissioned officer or private was enlisted in the army previous to the 2d of *December*, 1780, and for the term during the time of the continuance of the war.

*And whereas it may have happened that some of the aforesaid non-commissioned officers and privates may have been disabled in the service, and received a regular discharge, and living at a great distance from any commissioned officer of the line aforesaid, it may be difficult to obtain a certificate as is before provided:*

*Resolved*, That in all such cases the aforesaid non-commissioned officers and privates, or any of them (if alive, and in case of their decease, their legal representatives) shall be entitled to receive out of the treasury, the sums set to their names respectively in the aforesaid schedule, provided a certificate of such regular discharge shall be produced to the Treasurer, or a copy of the same, attested by a Justice of the Peace within this Commonwealth, any thing contained in the aforesaid resolve to the contrary notwithstanding.

*March 5, 1783.*

### Chapter 94.

RESOLVE ON THE PETITION OF THE HON. LEVI LINCOLN, ESQ; GRANTING HIM ONE HUNDRED POUNDS TWELVE SHILLINGS. Chap. 94

*On the petition of the Hon. Levi Lincoln, Esq; on behalf of the Clerk of the Court of Common Pleas, Sheriff and other officers of the county of Worcester, praying the order of this court for the payment of sundry costs of court arisen from the prosecution of certain libels, against the estates of sundry conspirators and absentees, lying within the said county, a schedule whereof, with the several bills of costs properly attested, accompany the same:*

*Resolved*, That there be granted and paid out of the public treasury, to *Levi Lincoln*, Esq; the sum of *one hundred pounds twelve shillings*, to be by him paid in discharge of the several bills of costs taxed on the several suits respectively brought on libels filed and prosecuted at the Court of Common Pleas, in and for the county of *Worcester*, against the estates of certain conspirators and absentees lying within the said county, specified in the schedule as aforesaid.

*February 27, 1783.*

## Chapter 95.

*Chap. 95* RESOLVE ON THE PETITION OF JOSIAH JONES AND OTHERS, EMPOWERING THE JUDGE OF PROBATE OF WILLS FOR THE COUNTY OF BERKSHIRE, TO CONDUCT WITH REGARD TO A CERTAIN WILL MENTIONED.

*On the petition of Josiah Jones, and others, praying for reasons set forth in said petition, that the Judge of Probate of wills, for the county of Berkshire, may be authorised and empowered to approve the last will and testament of Elijah Jones late of Stockbridge, in the said county, deceased, the said will not being signed by more than two witnesses notwithstanding.*

*Resolved,* That the prayer of the said petition be so far granted, that the said Judge be, and he hereby is authorized and empowered, in all respects, to conduct, with regard to the said will, in the same manner as he might have done had the said will been signed by three witnesses, any law of this Commonwealth to the contrary notwithstanding.

*Provided nevertheless,* That the aforesaid *Josiah* shall declare under oath, before the said Judge, that the said will was, in his presence and hearing, read to the said *Elijah*, and that he the said *Elijah* did consent to the same.

*February 28, 1783.*

## Chapter 96.

*Chap. 96* A GRANT OF SEVENTEEN POUNDS FOURTEEN SHILLINGS AND SIX PENCE, TO CAPT. SAMUEL HOWARD, FOR BRINGING UP TWO INDIANS FROM THE EASTWARD, AND BOARDING; AS ALSO THREE POUNDS TWELVE SHILLINGS FOR CARRYING THEM BACK.

*Resolved,* That there be allowed and paid, to Capt. *Samuel Howard*, out of the public treasury of this Commonwealth, the sum of *seventeen pounds fourteen shillings and six pence*, for bringing up from the eastward two Indian chiefs, and boarding them while in town; and that a further sum of *three pounds twelve shillings* be allowed and paid to him, for carrying them down again.

*February 28, 1783.*

## Chapter 97.

*Chap. 97* RESOLVE ON THE PETITION OF SIMEON MAYO.

*On the petition of Simeon Mayo, praying that the default suffered at the Court of Common Pleas last holden at*

Falmouth, *within and for the county of Cumberland, upon a libel filed against a certain estate, as the property of Francis Waldo, an absentee, mentioned in the said petition, may be taken off, and the said Mayo admitted to defend the same:*

*Resolved*, That the Justices of the Court of Common Pleas within and for the county of *Cumberland*, be, and they hereby are empowered and directed, to take off the default mentioned in the said petition; and that such trial of the said libel upon the merits thereof, may be had before the same Court, at any future term of its sitting, as if the same had been regularly continued from the last term of the said Court's sitting to the next, and the default aforementioned had never happened. *March 5, 1783.*

### Chapter 98.

RESOLVE REQUESTING HIS EXCELLENCY THE GOVERNOR TO WRITE TO LIEUTENANT-GOVERNOR *BOWEN*, RELATIVE TO THE MEASURES TAKEN BY THE GENERAL COURT TO SUPPRESS THE DISORDERS ALLUDED TO IN HIS LETTER. *Chap. 98*

*Resolved*, That the Governor be, and he is hereby requested, to write to Lieutenant-Governor *Bowen*, in answer to his letter of the third instant (which has been by the Governor laid before this Court) informing him, that the legislature of this Commonwealth, has passed an act to suspend the privilege of the writ of *habeas corpus*, for a time therein limited, whereby the Supreme Executive is vested with powers fully competent to the purpose of suppressing the disorders alluded to; advising him of the proceedings which have been had in consequence of the act, beforementioned, and assuring him that such further measures shall be immediately taken, as shall be adapted effectually to prevent the repetition of such enormities. *March 3, 1783.*

### Chapter 99.

RESOLVE ON THE PETITION OF *JAMES BOWDOIN, ESQ; JAMES BOWDOIN, JUN. AND JOHN READ*, GRANTING PERMISSION TO PROCEED TO *NEW YORK*, UNDER CERTAIN RESTRICTIONS. *Chap. 99*

*On the petition of James Bowdoin, James Bowdoin, jun. and John Read:*

*Resolved*, That the said *James Bowdoin, jun.* and *John Read*, or either of them, be, and hereby are permitted and allowed to proceed, either by land or water, to *New York*, and there to transact the business mentioned in the said petition; and in case they, or either of them, shall procure payment in money or goods, for the cattle, sheep and other stock, taken from the island *Naushan*, by the troops, or by persons employed under British government, since the commencement of hostilities, in *April, 1775*, such goods or money shall be, and hereby are permitted, to be brought into this State, and shall not be subjected or liable to seizure. And the government and good people of the States of *Rhode Island* and *Connecticut*, and of all the United States of *America*, are hereby requested to permit the said money or goods to pass into this State, without stoppage or molestation, and to be aiding and assisting therein, if necessary. And any necessary servant is hereby permitted to attend them, or either of them, in transacting the said business.

*Provided nevertheless*, This resolve shall not be construed to permit any other goods to be imported into this State, than shall be bona fide for the payment of the stock aforesaid; and that the said petitioners give bond, with sufficient securities, in the sum of *five thousand pounds*, to the Treasurer of this Commonwealth, that a strict compliance with this resolve shall be observed, and make oath that they will not carry any intelligence to the enemy prejudicial to the interest of the United States.

*March 1, 1783.*

## Chapter 100.

*Chap.100* RESOLVE REQUESTING THE GOVERNOR TO DIRECT THE COMMISSARY OF PRISONERS TO EXCHANGE *THOMAS BENSON, FRANCIS DORATY* AND *ABEL COFFIN*, PRISONERS ON PAROLE.

*Upon the petition of Thomas Benson, Francis Doraty and Abel Coffin, inhabitants of this Commonwealth, prisoners under parole, praying they may be exchanged, as they have ships ready for sailing, and waiting for that purpose:*

*Resolved*, That his Excellency the Governor be requested to direct the Commissary of prisoners to exchange the



said *Benson, Doraty* and *Coffin*, as soon as may be, that they may be able to proceed on their intended voyages.

March 3, 1783.

### Chapter 101.

RESOLVE ON THE PETITION OF *TIMOTHY SMITH*, OF *TAUNTON*. Chap.101  
EMPOWERING HIM TO SELL THE TRACT OF LAND MENTIONED.

*On the petition of Timothy Smith, of Taunton, in the county of Bristol, guardian to Azariah Thayer, a minor, son of Azariah Thayer, late of said Taunton, deceased, praying for liberty to sell twenty-five acres of land, belonging to the said minor, for reasons set forth in his petition:*

*Resolved*, That the prayer of the petition be granted, and that the said *Timothy Smith*, in his capacity as guardian be, and he hereby is authorized and empowered, to sell the said tract of land for the most the same will fetch, and make and execute a good and lawful deed or deeds, to the purchaser or purchasers thereof, observing the rules of law for the sale of real estates by executors and administrators, he first giving sufficient security to the Judge of Probate for the county of *Bristol*, that the proceeds of the sale of the said land be put on interest, and both principal and interest paid to the said minor, or his legal representative, when he shall arrive to full age. *March 3, 1783.*

### Chapter 102.

RESOLVE ON THE PETITION OF *JOSEPH LOPEZ*, ADMINISTRATOR ON THE ESTATE OF *AARON LOPEZ*, LATE OF *LEICESTER*. Chap.102  
IN THE COUNTY OF *WORCESTER*, DECEASED.

*On the petition of Joseph Lopez, administrator on the estate of Aaron Lopez, late of Leicester, in the county of Worcester, deceased, (and others) praying for liberty to make sale of the real estate of the said deceased, lying in the said Leicester, for reasons in their petition set forth:*

*Resolved*, That the prayer of said petition be granted, and that he, the said *Joseph Lopez*, in his said capacity be, and he hereby is authorized and empowered, to sell all the real estate mentioned in the said petition, for the most the same will fetch, and to make and execute a good and lawful deed or deeds of the same, to the purchaser or

purchasers, he observing the rules and directions of the law for the sale of real estates by executors and administrators, he first giving sufficient security to the Judge of Probate for the said county of *Worcester*, that the proceeds arising by the sale of the said estate be put and kept on interest, for the benefit of the heirs of said deceased; and that the interest of one third part of the proceeds be paid to the widow of the said deceased annually, during her natural life; and the other two thirds, together with the interest, to be paid to each heir, their legal proportion severally as they shall arrive to full age; and the remaining third, after the said widow's decease, to be paid to the heirs in like proportion.

*March 4, 1783.*

### Chapter 103.

*Chap.103*

RESOLVE ON THE PETITION OF *HANNAH DURANT*.

*On the petition of Hannah Durant :*

*Resolved,* That the committee for settling with the army be, and hereby are directed, to make up the depreciation of the wages due to *Ephraim Durant*, a sergeant, late in the corps of artillery, under the command of Col. *Revere*, as others were made up in said corps, as the said *Ephraim* joined the Continental army immediately upon being discharged from the said corps, and was thereby deprived of the opportunity of applying, as others did who were at home, and whose depreciations were made up.

*March 5, 1783.*

### Chapter 104.

*Chap.104*

RESOLVE PREVENTING *SAMUEL LEONARD*, OF *WEST SPRINGFIELD*, FROM BEING A SUFFERER IN HIS PURCHASES OF BEEF, FOR THE UNITED STATES, IN THE YEAR 1779 AND 1780.

*Whereas Samuel Leonard, of West Springfield, one of the Deputies of the Commissary General of Purchases for the United States, in the years 1779 and 1780, did, in the performance of the duties of his office, purchase of sundry persons, a quantity of beef, for which he gave his promissory note to the said persons; which notes he is liable to be sued for, and for which judgment must be given according to the scale of depreciation of this Commonwealth; and as*

*the said Leonard's accounts have been settled by the Continental scale of depreciation, whereby he is likely to be a great sufferer in the said purchases: In order to prevent which,*

It is *Resolved*, That said *Samuel Leonard* make a return of the notes, with the dates and sums for which he stands chargeable, to the Secretary of this Commonwealth, who is hereby directed to certify to the Commissary General of Purchases, the sum that the said *Leonard* will be obliged to pay on the principal of the said notes, according to the scale of depreciation of this Commonwealth.

*March 5, 1783.*

### Chapter 105.

RESOLVE GIVING DIRECTIONS TO THE COMMISSARY GENERAL RESPECTING STORES DELIVERED BY ORDER OF GOVERNMENT. Chap. 105

*On the memorial of the Commissary General:*

*Ordered*, That the Commissary be, and he is hereby directed, in all cases of doubt whether the stores he has delivered by order of Government ought to be charged to the United States, to make application to the Governor and Council, who are hereby requested to give all necessary direction upon such application.

*March 5, 1783.*

### Chapter 106.

RESOLVE GRANTING PAY TO CAPT. SAMUEL CARR, FOR A DEPRECIATION NOTE, PAYABLE THE FIRST OF MARCH, 1783. Chap. 106

*On the memorial of Capt. Samuel Carr, Muster Master for the eastward department, praying for payment of one depreciation note, dated January 1, 1780:*

*Resolved*, That there be paid out of the treasury of this Commonwealth, the depreciation note, so called, due to, and being the property of Capt. *Samuel Carr*, the said note having the promise of payment the first of *March*, 1783, for reasons set forth in his memorial, any law or resolve to the contrary notwithstanding.

*March 5, 1783.*

## Chapter 107.

*Chap.107* RESOLVE EMPOWERING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO HIRE A SUITABLE PERSON TO SETTLE THE ACCOUNTS OF THE LATE BOARD OF WAR, UNDER THEIR DIRECTION.

*On the representation of John Deming, Peter Boyer, and Stephen Gorham, the committee for methodizing and stating the public accounts, praying for direction respecting the books and papers of the late Board of War:*

*Resolved,* That the said committee be, and they are hereby authorized and directed, to hire some suitable person to examine and settle the accounts of the late Board of War, to be under the direction of the Committee aforesaid, which Committee are hereby directed to make return of any balances due on the said books as heretofore ordered, and make report of the state of the said books and accounts, to the General Court as soon as may be.

*March 5, 1783.*

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## Chapter 108.

*Chap.108* RESOLVE ON THE REPRESENTATION OF SIEUR PHILIP JOSEPH DE L'ETOMBE, REQUESTING THE GOVERNOR TO ORDER A NUMBER OF MEN TO GUARD THE WORKS MENTIONED.

*On the representation of the Sieur Philip Joseph de L'Etombe, Consul General of France, praying that the several works in the harbour of Boston, erected by the Count d'Estaing, may be preserved.*

*Resolved,* That the Governor be, and he is hereby requested, to order such number of men (from the company under the command of Capt. *Amos Lincoln*) as he may judge necessary for said purpose of guarding said works.

*March 8, 1783.*

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## Chapter 109.

*Chap.109* RESOLVE EXPLAINING A RESOLVE OF THE 14<sup>TH</sup> FEBRUARY LAST, RELATIVE TO DRAWING OF WARRANTS IN THE TREASURY.

*Whereas it is represented to this Court, that in consequence of a Resolve of the 14th of February last, (containing certain restrictions respecting the drawing of warrants on the Treasury for Continental services) difficulties have*

*arisen in the minds of the Supreme Executive of this Commonwealth, with regard to drawing any further warrants on the Treasury, upon certificates given by the committee for settling with the army for the year 1780, or for making good the depreciation of wages up to December, 1779, or on rolls for the sea coast service, or on rolls for service done on alarms:*

Therefore to remove all such difficulties, it is *Resolved*, That the aforesaid resolve of the 14th of *February* last, is not to be so construed or understood, as to interfere in any measure with the drawing of warrants on the Treasury, as usual, for the purposes above enumerated; but the Governor with advice of Council, is requested to proceed in all those cases in the same manner, as by the laws and resolves of this Commonwealth, he might have done had the said resolve of the 14th of *February* never been passed.

*March 6, 1783.*

### Chapter 110.

RESOLVE ON THE PETITION OF SALLY POOL.

*Chap.110*

*On the petition of Sally Pool, praying that the committee for sale of absentees estates in the county of Middlesex, may be allowed to pay her the amount of a certain note of hand, mentioned, in the said petition due from Joseph Thompson, an absentee.*

*Resolved*, That the said committee be, and they are hereby empowered and directed, to pay the amount of the said note, with the interest on the same, to the said *Sally Pool*, or her order, if so much of the proceeds of the sale of the said *Thompson's* estate shall remain in their hands, after all the sums certified by the Judge of Probate for the said county, as due from the said *Thompson's* estate shall be discharged.

*March 7, 1783.*

### Chapter 111.

RESOLVE ON THE PETITION OF THE SELECTMEN OF NORTH-

BRIDGE.

*Chap.111*

*On the petition of the Selectmen of Northbridge, setting forth that they have lost a pay roll for the wages of seven men, sent into the public service by said town in the year 1780, and praying for the payment of the said wages.*

*Resolved*, That the Governor with advice of Council, be requested to make out a warrant on the Treasurer of this Commonwealth, in favour of the selectmen of *North-bridge*, for the sum that shall appear (by a certificate from committee on muster rolls) to be due to the said soldiers, the said selectmen to be accountable to the Treasurer aforesaid, for the whole or any part of the said money, which may hereafter appear was not their just due.

March 7, 1783.

### Chapter 112.

*Chap. 112* RESOLVE GRANTING SIMON STOW, ESQ; THIRTY-FOUR POUNDS, TO ENABLE HIM TO CARRY ON A CERTAIN LAW SUIT.

*On the petition of Simon Stow, agent on the estate of Henry Barns, of Marlborough, an absentee, praying that a sum of money may be paid to him out of the public treasury, to enable him to carry on a law suit against a former agent on said estate, and also for the expences which have accrued to him in his agency as aforesaid:*

*Resolved*, That there be paid out of the Treasury of this Commonwealth, to the aforesaid *Simon Stow*, the sum of *thirty-four pounds* for the purposes aforesaid, he to be accountable for the same.

March 10, 1783.

### Chapter 113.

*Chap. 113* RESOLVE ON A REPRESENTATION FROM A NUMBER OF THE INHABITANTS OF THE TOWN OF DARTMOUTH, IMPOWERING BENJAMIN RUSSELL, ESQ; TO LEASE OUT A PART OF NASHAWINNAH, ONE OF THE ELIZABETH ISLANDS, THE PROPERTY OF GRIZEL SANFORD, AN ABSENTEE.

*On a representation from a number of the inhabitants of the town of Dartmouth, setting forth, that a part of one of the Elizabeth Islands, belongeth to one Grizel Sanford, an absentee, and that no person at present has any legal possession thereof:*

*Resolved*, That *Benjamin Russell*, Esq; be a committee to take that part of *Nashawinnah*, one of the *Elizabeth Islands*, which is the property of *Grizel Sanford*, an absentee, into his possession, and that the said *Benjamin Russell* be, and he hereby is directed and empowered, to lease out the same at public auction for one year from the

first day of *April next*, and so on from one year to another till the further order of this Court, and that the rent be paid by the lessee, before he enters thereon, and also that proper notice be given of the said auction by putting up notifications in the said town of *Dartmouth*; and the said *Benjamin Russell* is further directed to make out two leases to be interchangeably signed, one of which to be kept by the said *Benjamin Russell*, and in the said lease shall oblige the lessee to deliver up the estate at the expiration of the term in as good repair as he found it, and the monies arising from such sale, the said *Benjamin Russell* is hereby directed to pay into the Treasury of this Commonwealth, taking duplicate receipts therefor, one of which to be lodged with the Secretary, and that the money be paid into the Treasury within thirty days after receiving it.

And it is further *Resolved*, That the said *Benjamin Russell* be, and he hereby is impowered and directed, to bring all necessary actions for any strip, waste or damage done on the said estate in as full and ample a manner as if he was the lawful owner thereof, and that the aforesaid *Benjamin Russell* be and he hereby is directed to lay his account before the General Court for examination, allowance and payment. *March 8, 1783.*

### Chapter 114.

RESOLVE DIRECTING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO PROCEED IN THE ADJUSTMENT OF SOLDIERS NOTES BY SUCH RETURNS AS HAVE BEEN MADE.

*Chap. 114*

*Whereas the Justices of the Supreme Judicial Court are appointed to adjust the principal and interest due upon the notes given to make up the depreciation of the money to the army; and are directed to liquidate the same according to the returns from the several parts of the state of the average price of sheeps-wool, sole-leather, Indian-corn and beef; but there being a deficiency of returns from the various counties, and it being necessary that the said principal and interest of the notes due on the first of March, 1783, should be settled:*

Therefore *Resolved*, That the said Justices proceed to liquidate the said principal and interest, by such returns as have already been made, and taking into consideration at the same time whatever certain information they may

be able to obtain from the different parts of this Commonwealth, from whence there are no returns made into the Secretary's office as was directed. *March 7, 1783.*

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### Chapter 115.

**Chap.115** RESOLVE GRANTING A TAX OF SEVEN HUNDRED AND TWENTY POUNDS FOR DEFRAYING THE CHARGES OF THE COUNTY OF ESSEX, TO BE ASSESSED ON THE INHABITANTS OF THE SAID COUNTY.

*Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace for the county of Essex, that the sum of seven hundred and twenty pounds will be necessary for defraying the charges of the said county for the ensuing year :*

*Resolved,* That there be and hereby is granted a tax of seven hundred and twenty pounds to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county according to the laws of this Commonwealth. *March 7, 1783.*

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### Chapter 116.

**Chap.116** RESOLVE ON THE PETITION OF CAPT. HENRY DYER, ALLOWING RATIONS TO HIS COMPANY OF RANGERS, IN THE YEAR 1780.

*On the petition of Capt. Henry Dyer, praying that he, with the officers and men belonging to his company of rangers, so called, in the year 1780, may be allowed their rations, whilst in the service of this State, agreeable to a resolve of the General Court, of the fifteenth of November, 1780 :*

*Resolved,* That the Commissary General be, and he is hereby directed, to deliver to Capt. Henry Dyer, two thousand three hundred and eighty pounds of beef, with an equal quantity of flour, in full for the said Dyer's and his company's rations, whilst in the service of this State, to be by him delivered to each person respectively to whom it is due, taking duplicate receipts for the same, one of which to be returned into the Secretary's office, otherwise to account with the said Commissary General therefor. *March 8, 1783.*



## Chapter 117.

RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING PUBLIC ACCOUNTS, TO TRANSMIT TO MAJOR GENERAL LINCOLN, AN INVOICE OF CLOATHING DELIVERED BY MAJOR LUNT TO DAVID BROOKS, ESQ; DEPUTY CLOATHIER GENERAL, AND TO MAKE OUT AN ACCOUNT OF ALL MONIES, &c. SUPPLIED BY THE COMMISSARY GENERAL, AND COMMISSARY OF PRISONERS. Chap.117

*Ordered*, That the committee for methodizing and stating the public accounts, be, and they are hereby directed, to transmit, as soon as may be, to Major General *Lincoln*, an invoice of all the cloathing which Major *Ezra Lunt*, Massachusetts State Cloathier, delivered *David Brooks*, Esq; Deputy Cloathier General, with his receipts for the same, having first taken (to be reserved in their office) copies of the said *Brooks*' receipt, examined and attested to be just and true, by the Hon. *James Lovell*, Esq; Receiver of Continental taxes, who is requested to perform this service.

And it is further *Ordered*, That the committee aforesaid be, and they are hereby directed, to make out an account of all the monies paid out of the public treasury, and provisions supplied by *Richard Devens*, Esq; Commissary General, to *John Hopkins*, Esq; Commissary of prisoners, with his certificate on the account, and transmit the same to Major General *Lincoln*, in order that this Commonwealth may have credit for the same, out of the Continental tax for the year 1782. *March 10, 1783.*

## Chapter 118.

RESOLVE IMPOWERING THE COURT OF GENERAL SESSIONS OF THE PEACE IN THE COUNTY OF MIDDLESEX, TO LICENCE EDWARD HUNTER TO KEEP TAVERN. Chap.118

*On the petition of Edward Hunter, praying that the Court of General Sessions of the Peace for the county of Middlesex, may be impowered to grant the petitioner licence to keep a public tavern.*

*Resolved*, That the prayer of the petition be granted, and the Court of General Sessions of the Peace, next to be holden at *Concord*, in and for the county of *Middlesex*, be and are hereby impowered, to grant licence to *Edward Hunter*, to keep a public tavern, he producing a certificate

from the selectmen of said town as the laws directs, the time for granting licences in the said county, being elapsed, notwithstanding.

March 10, 1783.

### Chapter 119.

**Chap.119** RESOLVE IMPOWERING THE MANAGERS OF A LOTTERY FOR REPAIRING THE BRIDGE OVER THE RIVER PARKER, IN THE COUNTY OF ESSEX, TO RAISE A FURTHER SUM OF MONEY.

*Upon the petition of Samuel Moody, in behalf of Daniel Hale, praying for an allowance of the balance of his account for repairs of the bridge over the River Parker, in the town of Newbury.*

*Resolved,* That the managers of the lottery for raising money for repairing the bridge over the said River Parker, be and they hereby are empowered and directed, to raise a further sum of *twenty-nine pounds, thirteen shillings and two pence*, in the second class of the said lottery, and pay the same to the said *Daniel Hale*, in full discharge of the balance due to him as aforesaid. *March 10, 1783.*

### Chapter 120.

**Chap.120** RESOLVE ON THE REPRESENTATION OF CALEB DAVIS, ESQ; LATE AGENT, DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS TO DISCHARGE CERTAIN SUMS OF MONEY, AND ALLOWING HIM A COMMISSION FOR SALES, WITH DIRECTIONS TO THE COMMISSARY GENERAL.

*On the representation of Caleb Davis, Esq; late Agent of this Commonwealth.*

*Resolved,* That the committee for stating and methodizing public accounts, be and they hereby are directed, to charge to the account of his Excellency *John Hancock, Esq;* the sum of *fifty-three pounds and seven shillings*, specie, and also the sum of *one hundred and six pounds, fourteen shillings*, of the new emission, being the amount of sundry articles delivered him by the said *Caleb Davis*, and likewise to charge to the account of *Jabez Hatch, Esq;* the sum of *eight hundred twenty-one pounds and seventeen shillings*, being money lent him as Deputy Quarter Master General, by the said *Caleb Davis*; and to allow the said sums charged as aforesaid, to the said *Caleb Davis* in the settlement of his accounts.

*Resolved further*, That the said *Caleb Davis* be, and he hereby is allowed a commission of two and a half per cent. on the amount of the articles with which he hath supplied the United States, the cattle and ferts, the rejected troops, the laboratory and the hospitals; of one and a half per cent. on the amount of all goods he hath disposed of by sale, and on the amount of the articles which he hath furnished the committee of supplies; and of one per cent. on the proceeds of the sale of the ship *Tartar*, and the committee aforesaid are hereby directed to govern themselves accordingly, in adjusting and bringing the accounts of the said *Caleb Davis* to a final settlement.

*Resolved further*, That the Commissary General be, and he hereby is authorized and directed, to continue the prosecution of the action commenced by the said *Caleb Davis*, Agent as aforesaid, against the Prize Brig *Non-such*, and to pursue the same to final judgment.

*Resolved further*, That the Treasurer be, and he hereby is directed, to receive of the said *Caleb Davis*, the sum of *four thousand six hundred and seventeen pounds, twelve shillings and seven pence*, in the old emission, being the money which the said *Caleb Davis* received of Messrs *Crips* and *May*, by order of the General Court.

March 11, 1783.

## Chapter 121.

RESOLVE DIRECTING TOWNS IN THIS COMMONWEALTH THAT  
HAVE MADE NO RETURN OF MEN RAISED AGREEABLY TO  
THE RESOLVES OF DECEMBER 2, 1780, AND MARCH 7, 1782. Chap.121

*Whereas some towns and classes within this Commonwealth, have raised and marched their men agreeable to the resolves of the General Court, passed the second day of December, 1780, and the seventh of March, 1782, but have omitted to make returns of receipts from Muster Masters, into the Secretary's office agreeable to the said resolves:*

*Resolved*, That when any town or class shall produce a certificate from any Continental Muster Master to the Treasurer of this Commonwealth, for any man raised agreeable to the aforesaid resolves, or other subsequent resolves, relating to the same respectively, the said Treasurer is hereby authorized and directed to receive such certificates; which receipt shall be reckoned in the discharge of any execution which hath been or may be issued

against any such town or class, for neglecting to return receipts in manner as it is required by the said resolves, any resolve to the contrary notwithstanding. *Provided nevertheless*, That such certificate shall be returned into the Treasurer's office, on or before the first day of *May* next; and such town or class shall bear the official expence that may arise on such execution: *And whereas*, There are some towns and classes within this Commonwealth which have neglected to furnish their quotas of men for the Continental Army for the term of three years or during the war, as required by the resolves of the General Court, passed the second of *December*, 1780, and the seventh of *March*, 1782, and other subsequent resolves relating thereto, for the doing of which there hath been sufficient time.

*Resolved*, That no credit shall hereafter be given to any town or class for any man who shall not have been procured in pursuance of the abovementioned resolves, or other resolves subsequent and relating thereto, before the first of *January* last.

*Ordered*, That the Secretary publish the aforesaid resolves in the *Independent Chronicle*, printed by *Nathaniel Willis*.  
*March 11, 1783.*

## Chapter 122.

*Chap.*122 RESOLVE APPOINTING THREE ADDITIONAL MANAGERS OF THE LOTTERY FOR BUILDING THE NORTH MILLS IN BOSTON.

*Whereas in and by an act passed during the present Session of the General Court, intituled, "An Act for granting a lottery for rebuilding the North Mills in the town of Boston, which were lately consumed by fire:" It is among other things enacted, That John Pitts and John White, Esqrs, and Mr. William Pain, or any two of them shall be managers of the said lottery:*

*And whereas the said John White, Esq; declines serving as a manager; and whereas also the Proprietors of the said Mills are desirous to have five managers in order to the better conducting the said lottery:*

*Resolved*, That Messrs. *Enoch Brown, William Hunt and Henry Prentice*, be added to the number of the managers of the said lottery, and that any three of the five managers be a quorum for conducting the affairs thereof, in conformity to the law aforesaid. *March 11, 1783.*

## Chapter 123.

RESOLVE ON THE PETITION OF *JOSEPH LEE*, IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF *ESSEX*, TO APPOINT COMMISSIONERS TO RECEIVE AND EXAMINE THE CLAIMS AGAINST THE ESTATE OF *JOSEPH HOOPER*. Chap.123

*On the petition of Joseph Lee, agent on the estate of Joseph Hooper, late of Marblehead, an absentee, praying leave to sell the estate of the said Hooper, and that the Judge of Probate for the county of Essex, be impowered to allow further time for the creditors on the said estate to bring in their claims.*

*Resolved*, That the prayer of the petition be so far granted, that the Judge of Probate for the county of *Essex*, be and he is hereby impowered and directed, to appoint commissioners to receive and examine claims against the estate of the said *Joseph Hooper*, for the term of six months from the passing of this resolve.

*March 12, 1783.*

## Chapter 124.

RESOLVE ON THE PETITION OF *TIMOTHY RUGGLES*, DIRECTING THE COMMITTEE FOR SALE OF ABSENTEES ESTATES, IN THE COUNTY OF *WORCESTER*, TO APPRAISE AND SET OFF SO MUCH OF THE GORE OF LAND MENTIONED, SUFFICIENT TO PAY HIS CLAIM. Chap.124

*On the petition of Timothy Ruggles, praying that he may have set off to him, a certain gore of land, late belonging to Timothy Ruggles, Esq; of Hardwick, in the county of Worcester, an absentee, or such part of the said gore as will be sufficient to pay a certain claim he has on the said absentee's estate, as mentioned in his petition:*

*Resolved*, That *John Fessenden, Esq; Mr. Caleb Ammi-down, and Jonathan Warner, Esq;* who are a committee for the sale of absentees estates in the county of *Worcester*, be, and hereby are authorized and empowered, to appoint three judicious persons, as a committee to appraise and set off to *Timothy Ruggles*, so much of the said gore of land, belonging to the said *Ruggles*, an absentee, as they on their oath shall think just and sufficient to pay the said *Timothy Ruggles* his claim, amounting to *two hundred fifteen pounds six shillings and ten pence*. And the committee for the sale of absentees estates in the county of *Worcester* aforesaid, are hereby directed and empowered,

to make and execute a good and sufficient deed to the said *Timothy Ruggles* for the same.

*Provided nevertheless*, That if, upon the final settlement of the said absentee's estate, it should be found insufficient to pay all the demands that may be brought against said *Ruggles*, an absentee, that then the said *Timothy Ruggles*, the petitioner, shall be, and hereby is held, to reimburse to the Commonwealth, so much as shall appear that he may have received more than his due, compared by the dividend that shall be made for that purpose.

March 12, 1783.

### Chapter 125.

*Chap.125* RESOLVE ADDING *DAVID SEWALL*, ESQ; TO THE COMMITTEE APPOINTED BY A RESOLVE OF THE GENERAL COURT, SEPTEMBER 21, 1780, GRANTING TO THE HON. *ARTHUR LEE*, ESQ; SIX THOUSAND ACRES OF LAND, AND EMPOWERING THEM TO LAY OUT SAID LAND AND RETURN A PLAN.

*Whereas the General Court, by a resolution dated the 21st of September, 1780, granted to the Hon. Arthur Lee, Esq; six thousand acres of unappropriated lands in this State, lying eastward of Saco River, to be laid out either in one or two pieces, adjoining to some other grant or grants, in full compensation for his services, mentioned in the said resolution. And whereas Benjamin Chadbourne, Moses Little, Nathaniel Wells, Esq's and Capt. Moses Greenleaf, were appointed a committee to perform that service which yet remains to be done: And whereas it may be convenient that there should be an addition made to said committee: Therefore,*

*Resolved*, That *David Sewall*, Esq; be, and hereby is added to the said committee, and the said committee, or the major part of them, are empowered and directed to lay out the said land in pursuance of the said resolution, and return a plan thereof, by a surveyor and chainmen, under oath, to the General Court, for confirmation, as soon as may be.

March 13, 1783.

### Chapter 126.

*Chap.126* RESOLVE ON THE PETITION OF *WILLIAM WHITTEMORE*, GUARDIAN TO *WILLIAM CUTLER*, EMPOWERING HIM TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of William Whittemore, of Cambridge, in the county of Middlesex, and guardian to William Cut-*

ler, a minor, son of William Cutler, late of Cambridge, deceased, praying for liberty to sell five acres of salt marsh, lying in the town of Medford, the property of the said minor, for reasons mentioned in his petition:

*Resolved*, That the prayer of the petition be granted, and that the said *William Whittemore*, in his said capacity of guardian, be, and is hereby fully authorized and empowered, to make sale of the land in his petition mentioned, for the most the same will fetch, and make and execute a good and lawful deed or deeds, to the purchaser or purchasers, he observing the rules and directions of law for the sale of real estates by executors or administrators, first giving bonds to the Judge of Probate for the county of *Middlesex*, that the money arising by the said sale be applied for the benefit of the said minor, in his education; and that he the said guardian account with the Judge of Probate for the expenditure thereof accordingly.

March 12, 1783.

### Chapter 127.

RESOLVE REMOVING SOME DOUBTS RESPECTING A RESOLVE PASSED 15th MARCH, 1780, RELATIVE TO THE EXTENT OF MARTIAL LAW, EXERCISED BY BRIGADIER-GENERAL WADSWORTH, IN THE COUNTY OF LINCOLN.

Chap. 127

*Whereas Brigadier General Wadsworth was, by a resolve of the General Court, passed the 15th day of March, 1780, empowered to execute martial law within certain limits in the county of Lincoln. And whereas doubts have arisen, and may hereafter arise, respecting the true intent and meaning of the said resolve, so far as it relates to the limits within which martial law might be executed, which have been and may hereafter probably be the foundation of divers disputes and vexatious law suits unless prevented by an explanatory resolve of the Legislature:* Therefore

*Resolved*, That according to the true intent and meaning of the said resolve, the limits for exercising martial law in the said county, not only extended to, and included all places within the said county being within ten miles of the main ocean, but also to all places in the said county, within ten miles of any navigable inlet, harbour or river, which might be considered as part of the sea, or so communicating therewith, as to be navigable by armed ships

or vessels, and the said resolve always ought to have been so understood, and shall be construed and practised upon accordingly.

March 12, 1783.

### Chapter 128.

*Chap. 128* RESOLVE ON THE PETITION OF SARAH NASON, EMPOWERING HER TO MAKE THE EXCHANGE OF THE LAND MENTIONED.

*On the petition of Sarah Nason, praying to be empowered to exchange about twenty-five acres of land, of the estate of her late husband, Shubael Nason, late of York, in the county of York, deceased, intestate, for about thirty acres of land in the same town, owned by Joshua Bridges and Jasper Groat: And it appearing to this Court, that to make such exchange may be beneficial to said deceased's estate:*

*Resolved,* That the said Sarah Nason be, and she hereby is fully empowered to make such exchange, and to make and execute a good and lawful deed or deeds of the aforesaid twenty-five acres of land, to the purchaser or purchasers thereof, provided she procure a good and lawful deed, well executed, of the aforesaid thirty acres of land, to run to the heirs at law of the said deceased, in such proportion as they would have been intitled to, had not the same been exchanged.

March 12, 1783.

### Chapter 129.

*Chap. 129* RESOLVE ABATING TWO MEN TO THE TOWN OF HARPSWELL, ORDERED TO BE RAISED MARCH 7, 1782, AND EMPOWERING SAID TOWN TO ASSESS THE INHABITANTS FOR ONE MAN.

*On the petition of Benjamin Dunning and John Rodick, selectmen of the town of Harpswell, praying for an abatement of two of the three soldiers which the said town of Harpswell were ordered to raise, by a resolve of the General Court, passed March 7, 1782:*

*Resolved,* That the said town of Harpswell be abated two men, any resolve to the contrary notwithstanding.

And it is further *Resolved,* That the said town of Harpswell be empowered to assess the inhabitants of said town for the one man that they procured, in the same manner as though said town had but one man to raise.

March 12, 1783.



## Chapter 130.

RESOLVE DIRECTING THE TREASURER TO RECALL ANY EXECUTIONS ISSUED AGAINST THE INHABITANTS OF THE TOWNS OF *EASTHAM, HARWICH* AND *YARMOUTH*; AND TO STAY IN FUTURE EXECUTIONS AGAINST ANY COLLECTORS OF SAID TOWNS, FOR TWO-THIRDS OF THEIR TAXES, DURING THE SPACE OF ONE YEAR. Chap.130

*Upon the petition of the inhabitants of the towns of Eastham, Harwich, and Yarmouth, setting forth their extreme poverty, and utter inability to pay their public taxes at present:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to recall any executions which may have been issued against any deficient collectors, of either of the said towns; and also to stay, in future, executions against any collector of the said towns, for two-thirds of their taxes they may be in arrears, during the space of one year, unless otherwise ordered by the General Court. *March 12, 1783.*

## Chapter 131.

RESOLVE DIRECTING THE SECRETARY TO CALL ON THE SELECTMEN IN EACH TOWN TO MAKE RETURNS TO THE AGENTS IN THEIR RESPECTIVE COUNTIES, OF THE MONTHLY AVERAGE PRICES OF CORN, &c. AT LEAST SIX WEEKS BEFORE THE 3d TUESDAY OF *FEBRUARY*, AND THREE SUCCESSIVE WEEKS AT LEAST SIX WEEKS BEFORE THE LAST TUESDAY IN *AUGUST*, ANNUALLY. Chap.131

*Whereas great inconveniences arise in ascertaining the true value of the public securities, commonly known by the name of soldiers depreciation notes, from the neglect of towns to make seasonable returns of the average prices of corn, beef, sheeps wool and sole leather:*

*Resolved*, That the Secretary be, and he hereby is directed, by publishing an advertisement in *Willis's* paper, three successive weeks at least six weeks before the third Tuesday of *February*, and three successive weeks at least six weeks before the last Tuesday in *August*, annually, to call on the selectmen in each town of the Commonwealth, to make return to the agents in their respective counties, of the monthly average prices of the abovesaid articles in their respective towns, on or before the said third Tuesday in *February*, and last Tuesday in *August*. And the Secretary is further directed

to require the agents for the several counties to make punctual returns of the aforesaid prices, according to law.  
*March 13, 1783.*

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### Chapter 132.

*Chap.132* RESOLVE POSTPONING THE SALE OF THE ESTATES OF ABSENTEES, TO FIRST OF OCTOBER NEXT.

*Resolved*, That the sale of estates of absentees and conspirators be postponed till the first day of *October* next, and that from and after the said first day of *October*, silver and gold, consolidated securities, and other public securities given for silver and gold be indiscriminately taken in payment for the said estates.  
*March 14, 1783.*

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### Chapter 133.

*Chap.133* RESOLVE ON THE PETITION OF NOAH RIPLEY.

*On the petition of Noah Ripley.*

*Whereas it appeareth to this Court, that the late Noah Ripley of Barre, in the county of Worcester, deceased, whose farm was under mortgage to Nathaniel Hatch, Esq; an absentee, did as early as the year 1777, procure and send down the money for the purpose of discharging the said mortgage, but could find no person authorized to receive the same and give him a discharge, so that he was at last induced to loan the said sum to the Continent, and took a loan office certificate for the same, to remain for the final and sole purpose of discharging the said mortgage, and this Court being willing as far as may be, to grant relief to the very numerous and distressed family of the said Noah Ripley, deceased:* Therefore,

*Resolved*, That the Attorney General of this Commonwealth be, and he hereby is directed, not to file any libel, or commence any other process against the estate of the said *Noah Ripley*, that was mortgaged to the said *Nathaniel Hatch*, on account of the said mortgage, until the further order of this Court.  
*March 13, 1783.*

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### Chapter 134.

*Chap.134* RESOLVE IMPOWERING MARY NICK, TO SELL THE REAL ESTATE MENTIONED.

*On the petition of Mary Nick, administratrix on the estate of her husband Richard Nick, late of Reading, in*

*the county of Middlesex, deceased, praying for liberty to sell the real estate of her said husband, for reasons set forth in her petition.*

*Resolved*, That the prayer of the petition be granted, and she the said *Mary Nick* be, and she hereby is impowered, to sell all the real estate mentioned in her petition for the most it will fetch, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers, she observing the rules and directions of the law for the sale of land by executors and administrators, first giving sufficient security to the Judge of Probate for said county of *Middlesex*, that the proceeds by the sale of the said estate after deducting one third part the interest of which she shall reserve to herself during life, and after paying all the just debts of the said deceased, (and charges of settling the said estate out of the other two thirds) the remainder if any be to be put on interest, and paid to each heir their legal share as they severally arrive to full age, and the other third after her decease, to be paid to them in like proportion.

*March 13, 1783.*

### Chapter 135.

ACCOUNTS EXHIBITED FOR SUPPLYING SICK SOLDIERS TO BE LAID BEFORE THE COMMITTEE ON ACCOUNTS. *Chap. 135*

*Resolved*, That all accounts exhibited for expences of supporting sick soldiers be laid before such person or persons as shall be appointed to pass upon such accounts as were formerly passed upon by the committee on accounts.

*March 13, 1783.*

### Chapter 135A.\*

RESOLVE ON THE PETITION OF *DOROTHY FORBES* AND *ELIZABETH MURRAY*. *Ch. 135 A*

*On the petition of Dorothy Forbes and Elizabeth Murray :*

*Resolved*, That the prayer thereof be granted, and that the said *Dorothy* and *Elizabeth* be, and they hereby are permitted, to cause to be brought in any cartel that may come from *Halifax*, or any part of *Nova Scotia*, to any port in this Commonwealth, to their own use, any articles of apparel and books that are now there, to the use of the

\* Not numbered in Session Pamphlet.

said *Dorothy* and *Elizabeth*, or either of them, provided that the same be liable to forfeiture to this Commonwealth, if landed before the same have been exposed to the inspection of the naval officer for the port where the said cartel shall arrive, who is hereby enjoined carefully to examine the same, that no articles other than those above mentioned, be brought by means hereof.

March 13, 1783.

### Chapter 136.

*Chap.136* RESOLVE ESTABLISHING THE MEMBERS OF THE GENERAL COURT.

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to each member of the Council, *nine shillings* per day, to each member of the Senate, *eight shillings and six pence* per day, to each member of the House of Representatives, *eight shillings* per day, for each day they have respectively attended their respective duty this present session; and that their travel pay be made in proportion thereto, calculated in the usual manner.

March 13, 1783.

### Chapter 137.

*Chap.137* RESOLVE EMPOWERING CADWALLADER FORD, JUN. TO SELL THE REAL ESTATE MENTIONED.

*On the petition of Cadwallader Ford, jun. executor of the last will and testament of Benjamin Thompson, late of Wilmington, in the county of Middlesex, deceased, praying for liberty to sell the real estate of the said deceased, for reasons set forth in the said petition:*

*Resolved*, That the prayer of the petition be granted, and that the said *Cadwallader Ford, jun.* be, and he hereby is authorised and empowered, to sell all the real estate of the said deceased, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, he observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Middlesex*, that the proceeds arising by the sale of the said estate, after paying the just debts of the said deceased, and legacies according to his will, the remainder to be put

and kept on interest, for the benefit of the heirs of the said deceased, and both principal and interest paid to each heir and legatee their respective share, agreeably to the will and testament of the said deceased.

*March 13, 1783.*

### Chapter 138.

RESOLVE EMPOWERING JEREMIAH VOSE OF STOUGHTON, TO COMPLEAT THE COLLECTION OF TAX BILLS LEFT WITH HIM. *Chap.138*

*On the petition of Jeremiah Vose, of Stoughton, in the county of Suffolk :*

*Resolved,* That the petitioner be, and he hereby is empowered, to compleat the collection of the tax bills left with him to collect, by one *Nathaniel Holmes, jun.* in as ample a manner as if he had been legally chosen by said town for that purpose.

And it is further *Resolved,* That the present Assessors of the said town be directed to grant the petitioner a warrant for compleating the said collection according to the usual form of law.

*March 13, 1783.*

### Chapter 139.

RESOLVE REQUESTING THE GOVERNOR TO ALLOW WILLIAM BURGESS A FURTHER TIME, AFTER WHICH TO ORDER HIM OUT OF THIS COMMONWEALTH. *Chap.139*

*Resolved,* That the Governor be, and he is hereby requested to allow *William Burgess* such further time as he, with advice of Council, shall think reasonable, not exceeding six weeks from the date hereof, after which the Governor is requested to order said *Burgess* out of this Commonwealth.

*March 14, 1783.*

### Chapter 140.

RESOLVE APPOINTING EDWARD GROW, ESQ; AGENT FOR THE COUNTY OF YORK. *Chap.140*

*Resolved,* That *Edward Grow, Esq;* be, and hereby is appointed, agent in and for the county of *York*, to receive the price of corn, beef, sheeps wool, and sole leather, in order to ascertain the value of the notes given to the

officers and soldiers of this Commonwealth's quota of the Continental army, for the depreciation of their wages, in the room of Mr. *Joseph Sewall*, deceased.

March 13, 1783.

### Chapter 141.

Chap.141 RESOLVE ON THE PETITION OF *CHARLES GOODRICH*, ESQ.

*On the petition of Charles Goodrich, Esq; setting forth, that there was a mistake in recording a certain grant of land, of about forty-seven acres, lying in the county of Berkshire, which grant was made to Ephraim Keyes, on the sixth day of June, 1767, and praying that the said mistake may be rectified, and the said grant established to contain the same land that would have been fairly described, if the aforesaid mistake had not been made:*

*Resolved*, That the prayer of the petition be granted, and the said grant is hereby confirmed to the said *Ephraim Keyes* in manner following, *viz.* beginning eleven chains, seventy-four links north, thirty-three degrees east, from the north west corner of a grant of land made by the General Court to *Benjamin Goodrich* and others, lying west of *Pittsfield*, bounded as by the plan will appear, from thence north twenty-two degrees, east twenty chains, thence east twenty-two degrees, south twenty-three chains and seventy-four links, thence south twenty-two degrees west twenty chains, thence west twenty-two degrees north twenty-three chains and seventy-four links, to the first mentioned bound, containing forty-seven acres and one hundred and forty rods of land, which is hereby confirmed to the said *Ephraim Keyes*, provided it does not interfere with any former grant.

March 13, 1783.

### Chapter 142.

Chap.142 RESOLVE ON THE PETITION OF *BENJAMIN WARD*, JUN. DIRECTING THE TREASURER TO RECEIVE THE SUM IN BILLS OF CREDIT MENTIONED, HE MAKING OATH.

*On the petition of Benjamin Ward, jun. showing that he as a Collector for the town of Salem received the sum of nine thousand six hundred and forty-two pounds in bills of credit of the old emission, before the time limited for receiving the same expired, and which remained in his*

*possession till the Treasurer refused to receive the same, by reason of the said Benjamin's retaining the same to the use of the selectmen of Marblehead, who since refuse to receive the same:*

*Therefore Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to receive the same sum in bills of credit from the said *Benjamin*, in discharge of that sum due from him to this Commonwealth, upon the State tax committed to him to collect in the year 1780, the said *Benjamin* making oath that he *bona fide* received the same bills in the collection of the same tax, before the twentieth day of *July*, 1781, and that he hath derived to himself no personal advantage thereby.

*March 14, 1783.*

### Chapter 143.

RESOLVE IMPOWERING *SETH BATES*, OF *HANOVER*, TO MAKE SALE OF THE REAL ESTATE MENTIONED. Chap.143

*On the petition of Seth Bates, of Hanover, in the county of Plymouth, guardian to John Tilden Torrey, of said Hanover, a person represented non compos, praying for liberty to sell the whole of the real estate of the said John Tilden Torrey, for reasons set forth in his petition.*

*Resolved*, That the prayer of the said petition be granted, and that he the said *Seth Bates* in his capacity as guardian be, and he hereby is impowered, to make sale of all the real estate of the said *John* for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, he observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the said county of *Plymouth*, that after paying the just debts of the said *John*, the remainder be put on interest for the support of the said *John*, and he the said guardian to be accountable for the expenditure thereof. *March 14, 1783.*

### Chapter 144.

RESOLVE ON THE PETITION OF *ELIJAH DUNBAR*, APPOINTING A COMMITTEE TO MAKE THOROUGH ENQUIRY INTO THE PREMISES, AND ASCERTAIN THE BOUNDARIES OF THE TOWN OF *OXFORD*, AND OTHER TOWNS TO BE NOTIFIED THEREOF. Chap.144

*The committee appointed to hear the petition of Elijah Dunbar, have attended that service, and having fully exam-*

*ined the evidence brought in support of the said petition, consider the matters therein contained, exceedingly interesting to the Commonwealth, to the original proprietors of the town of Oxford, and to the inhabitants of the town of Charlton, and are of opinion, that it is incumbent on this Commonwealth to ascertain, if possible, the true original line between the town of Oxford and the Gore, and also the line which the committee, who sold the Gore to individuals, did in fact bound the said individuals unto; also to ascertain the ancient true village line which is the eastern bound of Brown's lot, so called, and also to fix the central or division line between the Commonwealth and Joseph Blaney, Esq; of the one part, and the other proprietors of the other part:*

*Therefore Resolved, That Samuel Baker, Israel Nichols, Seth Washburn, John Child, and Samuel Curtis, Esq's.* be a committee to make thorough enquiry into the premises, and ascertain the boundaries; and the committee are hereby directed to give reasonable notice to the towns of *Oxford, Charlton, Leicester, Spencer and Brookfield,* by leaving an attested copy of this petition, and the order of Court thereon, with the town clerks of the said towns, that they may be present, if they see cause, upon perambulating the ancient lines of the *Gore* upon which the said towns do join; also to give reasonable notice to the inhabitants of the *Gore*, by leaving an attested copy of this petition, and the order of Court thereon, with one of the principal inhabitants thereof, that they may be present upon the said perambulation, if they see cause; also to notify the town of *Oxford* in the way before mentioned, that they may be present, if they see cause, upon the perambulation of the ancient village line, so called.

And it is further *Resolved,* That the committee be, and hereby are directed and empowered, to run and establish, in behalf of this Commonwealth, a line through the center of the lot formerly Governor *Stoughton's*, but now known by the name of *Brown's* lot, agreeable to a deed of division heretofore agreed to and signed by *Lemuel Kollock, Esq;* in behalf of this Commonwealth, and by all the other proprietors. And the committee are directed to report their doings to the General Court, as soon as may be.

*March 14, 1783.*



## Chapter 145.

RESOLVE ON THE PETITION OF JAMES WITHERELL, ONE OF THE COLLECTORS FOR THE TOWN OF LEBANON, DIRECTING THE TREASURER TO STAY EXECUTION UNTIL THE FIRST DAY OF SEPTEMBER NEXT. Chap.145

*On the petition of James Witherell, one of the collectors for the town of Lebanon, praying for some relief respecting the taxes committed to him to collect, by reason of some peculiar circumstances, as set forth in the said petition:*

*Resolved, That execution for twenty-eight pounds and one shilling, specie, due on the paper currency tax for the year 1780, and sixteen pounds seven shillings and six pence, of the silver money tax, be stayed until the first day of September next; and the Treasurer is hereby directed to govern himself accordingly. March 14, 1783.*

## Chapter 146.

RESOLVE ON THE PETITION OF PAUL JEWETT AND OTHERS, SELECTMEN OF ROWLEY. Chap.146

*On the petition of Paul Jewett and others, Selectmen of Rowley.*

*Whereas the petitioners have represented to this Court, that in consequence of the resolve of the General Court of the 16th of June, 1781, they on the second day of July in the same year, drafted one George Jewett to serve as a soldier in the Continental army, who, as they supposed, did belong to a deficient class in the said town, and caused him, the said George, to be mustered by one of the county Muster Masters, and required him to proceed to the superintendent. That on the said George's refusing thus to proceed, they the said Selectmen attempted to carry him forward to the said superintendent, but he was rescued from their hands, and that an execution has issued against them, the said Selectmen, as delinquents, and the said petitioners have prayed for relief from the said execution, and that they may receive the direction of the General Court, respecting the said deficient class.*

*And whereas it does not appear to this Court that the petitioners are justly chargeable with any known or careless neglect of the duty enjoined on them as Selectmen by the aforesaid resolve: And whereas it appears that by reason*

*of dispute between a certain class in the said town of Rowley, of which George Jewett is the head, and another class in the said town of which Ebenezer Kilbourn is the head, there has happened a deficiency of one man.*

*And whereas the determination of the Muster Masters before whom a trial was had by the classes aforesaid, was conditional and therefore illegal.*

Therefore *Resolved*, That the petitioners be, and they hereby are directed, to certify the cause of the contending classes aforesaid, to *Samuel Johnson*, Esq; one of the muster masters for the county of *Essex*, who is hereby directed to notify *Richard Ward*, another of the muster masters for the said county, and *John Choate*, Esq; of *Ipswich*, in the same county, to attend at some convenient time and place, and the said *Samuel Johnson*, *Richard Ward* and *John Choate*, or the major part of them, are hereby authorized and required to call before them the two contending classes aforesaid, and them to hear concerning the premises, and then to judge and determine to which class the man in dispute belongs, and certify the same to the assessors of the said *Rowley* for the time being.

And the said assessors for the time being shall be and hereby are authorized and directed, within fifteen days after the receipt of such certificate, to assess upon the class, that shall appear to be deficient in their several just proportions, the sum of *one hundred and twenty-eight pounds, nine shillings and six pence*, (the said sum being the average price of the men raised in consequence of the resolve of the General Court of *December 2d*, 1780, with the addition of fifty per cent. thereon,) and also an additional sum for the time and expences of the said *Samuel Johnson*, *Richard Ward* and *John Choate*.

And the said assessors shall commit the said assessment to some one of the constables or collectors of taxes for the said town of *Rowley*, and certify the same to the Treasurer of this Commonwealth, who is hereby authorized and directed on the receipt of such certificate to issue his warrant, directed to the said constable or collector, requiring him to collect the aforesaid sum so assessed, and the same to pay into the treasury aforesaid within sixty days from the date of the said warrant.

And be it further *Resolved*, That if the said assessors for the time being shall neglect to discharge the duty enjoined them by the foregoing resolve, they shall be and

hereby are made liable to the same penalties to be recovered and disposed of in the same manner as in the case of assessors neglecting the duty enjoined on them by the resolve of the General Court passed the 20th day of *October*, 1781.

And it is further *Resolved*, That the aforesaid Treasurer be, and he is hereby directed upon receiving a certificate of the assessment aforesaid, to recall the aforesaid execution, and discharge the petitioners therefrom.

And it is further *Resolved*, That in case either of the contending classes aforesaid shall, after due notice given them by the said *Samuel Johnson*, *Richard Ward*, and *John Choate*, or the major part of them, neglect or refuse to appear before them, they are hereby authorised and directed, to hear and determine on the premises aforesaid, such refusal or neglect notwithstanding.

*March 17, 1783.*

### Chapter 147.

RESOLVE EMPOWERING *MARY ROBBINS* AND *ELIJAH HOLTON*, *Chap. 147*  
TO SELL THE REAL ESTATE MENTIONED.

*On the petition of Mary Robbins and Elijah Holton, administrators on the estate of Aaron Robbins, late of Northfield, in the county of Hampshire, deceased, praying for liberty to sell the real estate of the said deceased, for reasons set forth in their petition:*

*Resolved*, That the prayer of the petition be granted, and that the said *Mary Robbins* and *Elijah Holton* be, and they are hereby authorised and empowered, to sell the real estate of the said *Aaron Robbins*, deceased, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, they observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Hampshire*, that the interest of one third of the proceeds by the sale of the said real estate, be paid annually to said *Mary Robbins*, during her life, and the other two thirds, after all just debts and charges are paid, to be kept on interest, for the benefit of said children, and that each one's share of both principal and interest be paid to them severally as they shall arrive to full age.

*March 15, 1783.*

## Chapter 148.

*Chap.148* RESOLVE ON THE PETITION OF SAMUEL MOODY AND SAMUEL NOYES, GUARDIANS OF THREE MINORS, CHILDREN AND HEIRS OF JOEL WEED, A FREE NEGRO, DECEASED.

*On the petition of Samuel Moody and Samuel Noyes, guardians of three minor children and heirs of Joel Weed, a free negro, deceased, in behalf of the said minors, setting forth, that the said Joel, for a very small sum, mortgaged to the said Pearson a tenement in Newbury, of the value of ninety pounds, and that by the sudden death of the said Joel, and the peculiar situation of his heirs, the equity of redemption thereof by law, is gone and past, and they without remedy. And whereas there is no court of equity in this Commonwealth to grant relief in this behalf; and this Court, willing in singular cases to prevent apparent injustice, and to put the party grieved in a way to obtain his right, where the laws in being will not aid or do him justice:*

*Resolved, That the said Samuel Moody, and the said Samuel Noyes, in their said capacities, and in behalf of the said minors, be, and they are hereby empowered, within two years from the date hereof, to pay, or either of them, to pay to the said Pearson, the just sums due, according to rules of equity, on the said mortgage, principal, interest, and costs of repairs on the same, the said Pearson accounting with them for all the rents and profits by him actually received from the said tenement, and to pursue against the said Pearson any process in law for the recovery of the same tenement, rents and profits, for the use of the said heirs, in the same manner, and as fully, as if the equity of redeeming the same was not gone, or the time prescribed by law for redeeming mortgaged estates, not in this case expired; and that such payment or tender of just such sums due, shall be good and valid to render null and void the deed of mortgage made by the said Joel to said Pearson, of said tenement.                      March 15, 1783.*

## Chapter 149.

*Chap.149* RESOLVE DIRECTING THE TREASURER TO RECEIVE OF COL. BENJAMIN TUPPER, EIGHT HUNDRED TWENTY-TWO POUNDS, OLD CONTINENTAL MONEY, AND TO GIVE DUPLICATE RECEIPTS FOR THE SAME.

*On the petition of Col. Benjamin Tupper, praying that the Treasurer of this Commonwealth may be empowered to*

*receive of him, the sum of eight hundred and twenty-two pounds, old Continental money, which he received for the purpose of inlisting soldiers for this Commonwealth :*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to receive of Col. *Benjamin Tupper*, the sum of *eight hundred and twenty-two pounds*, old Continental money, he making oath that he has not received any advantage by loan or otherwise from the said money ; and the Treasurer is directed to give the said *Tupper* duplicate receipts for the said money, one of which to be lodged in the Secretary's office, at the rate that the said money was set at by the scale of depreciation of this Commonwealth, two months from the time the said *Tupper* received the said money, for which the said receipt the committee on accounts are hereby directed to credit the said *Tupper* for.

*March 15, 1783.*

### Chapter 150.

RESOLVE INTITLING PEREZ BRADFORD TO ONE-FOURTH PART OF HIS PAY AS A SERJEANT. Chap.150

*On the representation of John Lucas, commissary of pensioners, in behalf of Perez Bradford, serjeant in Capt. Croel Cotton's company, in Col. Josiah Whitney's regiment, was wounded in his left knee at Rhode Island, in the year 1778 :*

*Resolved*, That the said *Perez Bradford* be entitled to one-fourth part of pay as a serjeant, from the time of his discharge from said regiment.

*March 15, 1783.*

### Chapter 151.

RESOLVE ON THE PETITION OF CERTAIN INHABITANTS OF ERVINGSHIRE, AND OTHER TOWNS, APPOINTING A COMMITTEE TO REPAIR TO SOME CONVENIENT PLACE IN THE TERRITORY MENTIONED, HEAR THE PARTIES, AND VIEW THEIR SITUATION, AND REPORT. Chap.151

*On the petition of certain inhabitants of Ervingshire, Warwick, Athol and Royalston, praying that a committee may be appointed by the General Court, to view (at the petitioners cost) their situation and circumstances, and report their opinion of the expediency of the petitioners being incorporated into a town :*

*Resolved*, That *Eleazer Brooks*, Esq; *Mr. James Locke* and *Abel Wilder*, Esq; be a committee to repair to some convenient place in the territory mentioned by the petitioners, notify all persons interested, hear their allegations and complaints, view their situation and circumstances, and report their opinion at the next Session of the General Court, and that the whole cost and expence attending the business aforesaid be paid by the persons petitioning in the first instance, and not out of the public treasury.

*March 15, 1783.*

### Chapter 152.

*Chap.152* RESOLVE IMPOWERING *ACHSAH LUDDEN*, TO SELL THE PART OF THE REAL ESTATE MENTIONED IN HER PETITION.

*On the petition of Achsah Ludden, widow and administratrix on the estate of Levi Ludden, late of Williamsburg, in the county of Hampshire, deceased, praying for liberty to sell so much of the real estate of the said deceased, as shall be found necessary to pay the just debts of the said deceased, and to enable her to support her child who is very weakly, for reasons set forth in her petition:*

*Resolved*, That the prayer of the petition be granted, and that she the said *Achsah Ludden* in her said capacity be, and she hereby is authorized and empowered, to sell so much of the real estate of the said deceased, as the full sum of debts due from the said estate shall amount to; and also so much, and no more than what shall be really necessary to support the said child, and make and execute a good and lawful deed or deeds thereof to the purchaser or purchasers, she observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Hampshire*, that the proceeds arising by the sale of such estate be applied for the purposes aforesaid, and she to be accountable to the Judge of said county therefor.

*March 15, 1783.*

### Chapter 153.

*Chap.153* RESOLVE ON THE PETITION OF *JOHN CODMAN, JUN.* AND *WILLIAM SMITH.*

*On the petition of John Codman, jun. and William Smith, setting forth that they are interested in the late*

*purchase of the ship Tartar, for which they are indebted to this Commonwealth, and praying that they may be allowed to discount a warrant for six hundred and sixty-nine pounds seven shillings and six pence, in payment for the same, which warrant was issued in their favour on the 22d day of November, 1781, on the Treasurer of this Commonwealth, for freight and primage of goods imported by the United States.*

*Resolved*, That the Treasurer be, and he hereby is directed, to discharge the above warrant, by paying to, or discounting with the said *John Codman, jun.* and *William Smith*, the said sum of *six hundred and sixty-nine pounds, seven shillings and six pence*, out of the monies arising from the sales of the ship *Tartar*. *March 15, 1783.*

### Chapter 154.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE AND PASS ON ALL ACCOUNTS EXHIBITED, FOR SERVICES, &c. FOR THE USE OF THE COMMONWEALTH, AND REPEALING A RESOLVE PASSED THE 13TH OF FEBRUARY LAST.

Chap. 154

*Whereas the multiplicity of accounts against the Commonwealth now laying unsettled, together with the urgency of public business, make it necessary that a more expeditious mode of settling the said accounts than that provided in the resolve of the thirteenth of February last, should be adopted.*

Therefore *Resolved*, That the resolve before mentioned of the thirteenth of *February* be, and it is hereby repealed.

It is further *Resolved*, That *Ephraim Starkweather, Charles Turner, Seth Washburn, Joseph Noyes, and Miles Greenwood, Esq's*, be, and they hereby are appointed a committee, whose business it shall be to receive, examine and pass on all accounts, (not otherwise ordered) that shall be exhibited for services performed, cash advanced or property sold for the use of this Commonwealth by order of the General Court, or any person or persons authorized to incur such expence, in all cases where such accounts are properly vouched, and where the rate of allowance shall have been prescribed by the legislature, and the doings of any three of the said committee, in pursuance of these resolves shall be valid, as well in the recess as during the setting of the General Court.

*Resolved*, That if any account shall be exhibited to the said committee for which no principles of settlement shall have been previously prescribed, the said committee shall thereupon consider of, and report to the legislature for their acceptance, a rate of allowance or general principles of settlement in such manner as that all accounts of a similar nature may be thereby adjusted and settled, and the beforementioned committee shall, in a book to be kept for that purpose, make a fair entry of the names of all persons whose accounts they shall allow, the towns to which they severally belong, the services or articles charged in the said accounts, and the amount of the sums allowed thereon; which book shall be laid before the General Court once in every Session for inspection.

It is further *Resolved*, That the said committee shall be, and they hereby are authorized, to pay the accounts that shall be allowed by them in pursuance of these resolves, and shall apply to the General Court from time to time for money for this purpose. *March 15, 1783.*

### Chapter 155.

*Chap.155* RESOLVE DIRECTING THE COMMISSARY GENERAL TO DISCHARGE JONATHAN EDDY, ESQ; WILLIAM HOW, AND ZEBULON ROW, FROM CERTAIN OBLIGATIONS.

*On the petition of Jonathan Eddy, Esq; William How, and Zebulon Row.*

*Resolved*, That the prayer of the petition be granted, and the Commissary General is hereby directed to discharge the said *Jonathan Eddy*, Esq; and others, from their obligations, as set forth in their petition, being *one hundred and sixty-nine pounds eight shillings*, any law or resolve to the contrary notwithstanding.

*March 19, 1783.*

### Chapter 156.

*Chap.156* RESOLVE ON THE PETITION OF SETH NEWTON, EMPOWERING HIM TO MAKE SALE OF A PIECE OF LAND MENTIONED.

*On the petition of Seth Newton, guardian to Thomas Lewis, of Southborough, a person non compos, praying for liberty to make sale of about eight acres of improved land, it being the property of the above said Thomas:*

*Resolved*, That the above said *Seth Newton*, in his capacity as guardian, for the reasons set forth in his



petition, be, and he hereby is empowered, to make sale of the above said piece of land, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers, he observing the rules of law for the sale of real estate, made and provided for executors and administrators, first giving bond, with sufficient sureties, to the Judge of Probate for the county of *Worcester*, that the proceeds of the sale be improved for the benefit of the said *Thomas*. *March 19, 1783.*

### Chapter 157.

RESOLVE ON THE PETITION OF MARY HUBBARD, ADMINISTRATRIX TO JONAS HUBBARD, LATE OF WORCESTER, DECEASED. *Chap.157*

*On the petition of Mary Hubbard, administratrix on the estate of Jonas Hubbard, late of Worcester, in the county of Worcester, deceased, William Young, and Jonathan Phillips, guardians to the heirs of the said deceased, praying for liberty to sell a part of the real estate of the said heirs, for reasons set forth in their petition:*

*Resolved,* That the prayer of their petition be granted, and that the said *Mary Hubbard, William Young, and Jonathan Phillips*, in their said capacities, be, and are hereby authorized and empowered, to make sale of the land mentioned in their petition, for the most the same will fetch, and to make and execute a good and lawful deed or deeds to the purchaser or purchasers, they observing the rules and directions of law for the sale of real estates by executors or administrators, first giving bonds to the Judge of Probate for the county of *Worcester*, that the money arising by the said sale, after paying the charges, shall one third be put to interest, for the benefit of the said widow, during her life, and the other two thirds, together with the widow's reserve, after her decease, shall be appropriated to the use of the heirs at law to the aforesaid deceased, in legal proportion.

*March 19, 1783.*

### Chapter 158.

RESOLVE REQUESTING THE GOVERNOR TO LIBERATE SAMUEL ELY FROM HIS CONFINEMENT IN GOAL, UNDER CERTAIN CONDITIONS. *Chap.158*

*On the petition of Samuel Ely, Esq; in behalf of his son, Samuel Ely, now a prisoner in Boston goal, praying*

*that he may be liberated, for reasons set forth in the said petition:*

*Resolved*, That the Governor be, and is hereby requested, to order the said *Samuel Ely* to be released from his present confinement, provided he the said *Samuel Ely* shall give bond to the Treasurer of this Commonwealth, with two sufficient sureties, in the sum of *one thousand pounds*, conditioned, that he will not directly or indirectly give any intelligence to the enemies of the United States, and will not do or say any thing in opposition to, or in prejudice of, the measures and proceedings of the Congress of the said States, or the General Court or Council of this Commonwealth, and will immediately depart this Commonwealth, and not return into the same without leave first had and obtained from the General Court, and provided also that the said *Samuel Ely* pay the Court charges and jail fees.

*March 17, 1783.*

### Chapter 159.

*Chap.159* RESOLVE EMPOWERING EBENEZER MITCHELL TO MAKE SALE OF A PART OF THE REAL ESTATE MENTIONED IN HIS PETITION.

*On the petition of Ebenezer Mitchell, as guardian to William Mitchell, a minor, praying that he may be empowered to sell so much of the said William's real estate, as will pay the moiety of a certain legacy, with the interest due thereon, with all intervening charges, for reasons set forth in the said petition:*

*Resolved*, That *Ebenezer Mitchell*, guardian to *William Mitchell*, a minor, be, and he hereby is empowered, to make sale of such a part of the real estate of the said *William* as will fully pay and discharge his part of the first moiety of a legacy which is due to *Elizabeth* and *Mehitable Mitchell*, with the interest due thereon, and all intervening charges; and the said *Ebenezer* is hereby fully empowered to make and execute a good and lawful deed or deeds of the same, he observing the rules and directions of the law as in such cases is directed, he first giving sufficient sureties to the Judge of Probate for the county of *Essex*, that the proceeds by sale of the said estate be appropriated for the purpose aforesaid.

*March 17, 1783.*

## Chapter 160.

RESOLVE ON THE PETITION OF CAPT. AMOS LINCOLN, DIRECTING THE COMMISSARY GENERAL TO SUPPLY THE NON-COMMISSIONED OFFICERS AND PRIVATES IN HIS COMPANY WITH CLOATHING. Chap.160

*On the petition of Capt. Amos Lincoln, praying that a suit of cloathes may be granted to each non-commissioned officer and private soldier in the company under his command, agreeable to the establishment made for the said company, by a resolve of the General Court of April 27, 1780.*

*Resolved, That Richard Devens, Esq; Commissary General of this Commonwealth be, and he is hereby empowered and directed, to supply each non-commissioned officer and soldier in the company commanded by Capt. Amos Lincoln, aforesaid, with one coat, one waistcoat, one pair of breeches, one shirt, one pair of shoes, one pair of stockings and one hat, agreeable to the establishment aforesaid.* *March 17, 1783.*

## Chapter 161.

RESOLVE DISCHARGING EPHRAIM STARKWEATHER, ESQ; AND OTHERS, A COMMITTEE TO ALLOW AND PAY ACCOUNTS, FROM THE SUM OF THIRTEEN THOUSAND SEVEN HUNDRED AND SIXTY POUNDS FIVE SHILLINGS AND THREE PENCE. Chap.161

*Resolved, That Ephraim Starkweather, Abraham Fuller, Seth Washbourn, Joseph Noyes, Esq's. and Mr. Miles Greenwood, a committee appointed to allow and pay accounts be, and they hereby are fully discharged, from the sum of thirteen thousand seven hundred and sixty pounds five shillings and three pence, received by them out of the treasury of this Commonwealth, from the thirteenth day of June last past, to the tenth day of February following, they having accounted for the expenditure of the said sum in the business of their appointment.* *March 17, 1783.*

## Chapter 162.

COMMITTEE ON ACCOUNTS DIRECTED TO ALLOW THE CLERKS IN THE SECRETARY'S AND TREASURER'S OFFICES, SEVEN SHILLINGS PER DAY, AND TWELVE SHILLINGS FOR THE BOARD OF THE POOR OF THE TOWN OF CHARLESTOWN. Chap.162

*Ordered, That the committee on accounts allow to each of the clerks in the Secretary's and Treasurer's offices,*

*seven shillings* per day, for their past services, and that allowances be made in like proportion for the services of other persons of a similar nature.

And it is hereby further *Ordered*, That the said committee allow no more than *twelve shillings* per week for the full board of any one of the poor of the town of *Charlestown*, in any case whatever. *March 17, 1783.*

### Chapter 163.

*Chap.163* RESOLVE ON THE PETITION OF THE COMMITTEE OF THE TOWN OF BRUNSWICK, IN THE COUNTY OF CUMBERLAND.

*On the petition of the committee of the town of Brunswick, in the county of Cumberland, setting forth the distressed circumstances of the inhabitants of the said town, and praying they may be excused from the fine for not raising three men, agreeable to a resolve of March 7, 1782 :*

*Resolved*, That the said inhabitants be, and they are hereby excused, from the payment of any fine for not raising the three men aforesaid, they paying into the treasury of this Commonwealth, the sum of *one hundred eighty-five pounds four shillings and one penny half-penny*, being the whole amount of the average price of the said three men, and take duplicate receipts for the said sum, one of which to be lodged in the Secretary's office.

And it is further *Resolved*, That the Treasurer be, and hereby is directed, on the receipt of the aforesaid sum of *one hundred eighty-five pounds four shillings and one penny half-penny*, to stay execution against the said town of *Brunswick*, for the deficiency of the said three men, any resolve of the General Court to the contrary notwithstanding. *March 19, 1783.*

### Chapter 164.

*Chap.164* A GRANT OF SIX THOUSAND POUNDS TO EPHRAIM STARKWEATHER, ESQ; AND OTHERS, A COMMITTEE ON ACCOUNTS.

*Resolved*, That there be paid out of the treasury of this Commonwealth, to *Ephraim Starkweather, Esq;* and others, a committee for examining, allowing, and paying accounts, the sum of *six thousand pounds*, out of the proceeds of the tax granted in *October, 1781*, the said committee to be accountable for the expenditure of the same. *March 17, 1783.*

**Chapter 165.**

RESOLVE ON THE PETITION OF ANDREW AND REBECCA *Chap.165*  
GARDNER.

*On the petition of Andrew Gardner and Rebecca Gardner, shewing, that the said Rebecca, with one Unite Brown, were appointed joint executors of the last will and testament of John Brown, late of Needham, in the county of Suffolk, deceased, and that the said Unite having no interest in the execution of the said trust, hath for many years past absented himself, and keeps himself without the knowledge of the said Andrew and Rebecca, to her great delay and injury in the execution of the said trust:*

Be it therefore *Resolved*, That the said *Rebecca*, in her said capacity, be, and she hereby is authorized and empowered, to do and perform all and every legal act necessary for carrying the said will and testament into effect, in as full and ample a manner as the said *Unite Brown* and *Rebecca* are jointly authorized to do by the said last will and testament.

*March 17, 1783.*

**Chapter 166.**

RESOLVE IMPOWERING JOHN RICE AND JABEZ HARDING, TO MAKE SALE OF THE REAL ESTATE MENTIONED IN THEIR PETITION. *Chap.166*

*On the petition of John Rice and Jabez Harding, guardians to Mary Harding, Jerusha Harding and John Harding, minors and heirs to John Harding, late of Sturbridge, deceased, praying that they may be impowered, to sell all the real estate belonging to the said Mary, Jerusha and John Harding, for the reasons mentioned in said petition:*

*Resolved*, That the above said *John Rice* and *Jabez Harding* in their said capacity as guardians be, and they hereby are impowered, to make sale of all the real estate of the above said minors, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers, they observing the laws for the rule and direction of executors and administrators in the sale of real estates, and giving bonds with sufficient sureties to the Judge of Probate for the county of *Worcester*, that after all the just debts are paid out of the money arising from the said sale, the remainder of the said

money be put and kept on interest for the benefit of the said heirs, and each one's share paid to them with the interest as they shall arrive to full age.

*March 18, 1783.*

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### Chapter 167.

*Chap.167* RESOLVE ON THE PETITION OF OREN SMITH, APPOINTING DAVID SMEAD, ESQ; AND OTHERS, A COMMITTEE TO APPRAISE THE LAND MENTIONED, AND TO GIVE A DEED THEREOF.

*On the petition of Oren Smith, setting forth, that in February last he purchased of Jonathan Fisk, a tract of land lying in the county of Hampshire, which appears to be the property of this Commonwealth:*

*Resolved,* That the prayer of his petition be granted, and that *David Smead* and *Hugh M<sup>c</sup>Lellan*, Esq<sup>r</sup>s. and *Mr. James Burdick* be, and hereby are appointed a committee, who shall be duly sworn to the faithful discharge of their trust, to appraise the said land according to the just value thereof, and shall make and execute a good and lawful deed of the said land, to him the said *Oren Smith*, and shall receive the money arising from the sale of the said land, or good and sufficient security for the same, and shall pay or deliver the same to the Treasurer of this Commonwealth, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office, and lay the account of their services before the committee on accounts.

*March 20, 1783.*

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### Chapter 168.

*Chap.168* RESOLVE ON THE PETITION OF ROBERT MILLER.

*On the petition of Robert Miller:*

*Resolved,* That the Court of General Sessions of the Peace next to be holden in and for the county of *Hampshire* be, and hereby are authorized and impowered, to licence *Robert Miller*, of *Colrain*, in said county, to keep a tavern in the house where he now lives, he producing to the said court the approbation and recommendation of the selectmen of the said town of *Colrain*, agreeable to law, the time for granting such licences being elapsed to the contrary notwithstanding.

*March 19, 1783.*

## Chapter 169.

RESOLVE EMPOWERING SUSANNAH CHEEVER TO MAKE SALE OF THE REAL ESTATE MENTIONED IN HER PETITION. Chap.169

*On the petition of Susannah Cheever, administratrix on the estate of her husband, Edward Cheever, late of Wilbraham, deceased, praying for liberty to sell the real estate of the said deceased, for reasons set forth in the said petition:*

*Resolved,* That the prayer of the said petitioner be granted, and that she the said *Susannah Cheever* be, and she hereby is authorized and empowered, to make sale of all the real estate of the said deceased, in the said *Wilbraham*, for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, she observing the rules and directions of law for the sale of real estates by executors and administrators, she first giving sufficient security to the Judge of Probate for the county of *Hampshire*, that two thirds of the proceeds arising by sale of the said estate, kept on interest for the benefit of the heir, reserving the income of the other third of the proceeds to herself, during her life, and to pay to the said heir, mentioned in her petition, the principal and interest of the said two thirds, when the said heir shall arrive to lawful age.

*March 18, 1783.*

## Chapter 170.

RESOLVE ON THE PETITION OF JAMES AYRAULT, IN BEHALF OF THE TOWN OF SANDERSFIELD. Chap.170

*On the petition of James Ayrault, in behalf of the town of Sandersfield, representing that the said town was fined for one man, in the tax act passed in the May session, 1781: And whereas it appears to this Court, that the said town of Sandersfield procured their whole quota of men, agreeable to a resolve of the General Court, of the 22d day of June, 1780: Therefore,*

*Resolved,* That the Treasurer of this Commonwealth be, and is hereby directed, to receipt the town of *Sandersfield* for the sum of *seventeen pounds four shillings and eight pence*, it being the fine and average bounty which the town stands charged for their deficiency of one man, any resolve to the contrary notwithstanding.

*March 18, 1783.*

## Chapter 171.

*Chap.171* RESOLVE ON THE PETITION OF MARY BARTLETT, JOSIAH BARTLETT, AND STEPHEN GORHAM, EMPOWERING THEM TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*On the petition of Mary Bartlett, Josiah Bartlett, and Stephen Gorham, praying for liberty to sell a piece of land and buildings, belonging to the estate of Abraham Bartlett, deceased, lying in the town of Woburn, in the county of Middlesex, for reasons set forth in their petition:*

*Resolved,* That the prayer of their petition be granted, and that they the said *Josiah Bartlett* and *Stephen Gorham*, in their capacity of guardians to the children of the said deceased, be, and they are hereby authorized and empowered, to make sale of the real estate mentioned in their petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, they observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving bond to the Judge of Probate for the county of *Suffolk*, that the proceeds arising by the sale of the said estate, be put on interest, for the benefit of the heirs of the said deceased, and one third of the said interest to be paid to the said widow of the said deceased, annually, during her natural life, and the other two thirds, with the interest, to be paid to the legal heirs, severally, as they shall arrive to full age, and after the decease of the said widow, the remaining third to be paid in legal proportion.

*March 18, 1783.*

## Chapter 172.

*Chap.172* RESOLVE ON THE PETITION OF WILLIAM TUCK, EMPOWERING WILLIAM TUCK AND LYDIA LEE, TO MAKE SALE OF THE REAL ESTATE MENTIONED.

*On the petition of William Tuck, guardian to Henry Lee, son to Samuel Lee, deceased, to William Tuck, jun. Samuel Tuck, Warren Tuck, and Deborah Tuck, minors, and heirs to the estate of Samuel Lee, late of Manchester, deceased, and Lydia Lee, mother and guardian to Lydia Lee, a minor, and heir to the said deceased's estate, praying for liberty to sell the real estate belonging to the said*



*minors, in Marblehead, for reasons set forth in their petition:*

*Resolved*, That the prayer of the said petition be granted, and that they the said *William Tuck* and *Lydia Lee*, be, and they are hereby authorized and impowered, to make sale of all the real estate belonging to the said minors, mentioned in their petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, they observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate, that the proceeds arising by the sale of the said estate, be put on interest for the benefit of the heirs at law, and paid to each of them respectively their legal share as they shall arrive to full age.

*March 18, 1783.*

### Chapter 173.

RESOLVE IMPOWERING *GIDEON FROST* AND *AARON HILL*, TO  
SELL PART OF THE REAL ESTATE MENTIONED.

*Chap. 173*

*On the petition of Gideon Frost and Aaron Hill, both of Cambridge, in the county of Middlesex, guardians to Jonathan Cooper Hill and Lydia Hill, minors and children of Jonathan Hill, late of the said Cambridge, deceased, praying for liberty to make sale of so much of the real estate of the said deceased, as to amount to the sum of one hundred and ninety five pounds, for the support and education of the said children, for reasons in their petition set forth.*

*Resolved*, That the prayer of the petition be granted, and that the said *Gideon Frost* and *Aaron Hill* be, and they are hereby authorized and impowered, to sell so much of the said deceased's estate, where it will be least prejudicial to the whole, for the most it will fetch, as shall amount to the above said sum of *one hundred and ninety-five pounds*, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving security to the Judge of Probate for the said county of *Middlesex*, for the expenditure thereof.

*March 18, 1783.*

## Chapter 174.

*Chap.174* RESOLVE IMPOWERING MARY STOW, TO MAKE SALE OF THE REAL ESTATE MENTIONED IN HER PETITION.

*On the petition of Mary Stow, administratrix to the estate of Jonathan Stow, late of Charlton, in the county of Worcester, deceased, praying that she may be impowered to make sale of the real estate of her late husband, Jonathan Stow, consisting of a dwelling house, and about eighty acres of land, lying in the said Charlton, for reasons mentioned in her said petition.*

*Resolved,* That the said *Mary Stow* be, and she hereby is fully empowered, to make sale of the aforesaid real estate, for the most it will fetch, and to give a good and lawful deed or deeds to the purchaser or purchasers thereof, she observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving bond, with sureties, to the Judge of Probate for the said county of *Worcester*, to apply the proceeds of the said sale as the law, for the distribution of the real estates of intestates, directs.

*March 18, 1783.*

## Chapter 175.

*Chap.175* RESOLVE DIRECTING THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES WITHIN THIS COMMONWEALTH, TO LEASE SAID ESTATES FOR ONE YEAR, AND SO ON TILL FURTHER ORDER, AND VESTING THEM WITH CERTAIN POWERS.

*Resolved,* That the committee appointed to make sale of the estates of conspirators and absentees, in and for the counties within this Commonwealth, be, and they hereby are empowered and directed, forthwith to examine into the circumstances of the said estates, and where it shall appear to them to be for the public advantage, to proceed to lease any of the said estates, either at public or private sale, for one year, from the first day of *April* next, and so on from year to year, until the further order of the General Court, or until such estates shall be otherwise disposed of agreeable to law, previously advertising the same in one of the *Boston, Worcester or Springfield* newspapers, or in such other way as may appear to them equally beneficial.

And it is further *Resolved*, That the said committees respectively, or the major part of them, be, and they hereby are vested with all and singular the powers respecting the said estates, as agents appointed by the Judges of Probate for the several counties are by law vested, any act or resolve of the General Court notwithstanding.

March 18, 1783.

### Chapter 176.

RESOLVE EXTENDING A RESOLVE PASSED 2<sup>d</sup> NOVEMBER, 1782, RESPECTING RECEIPTS UPON COLLECTORS AND CONSTABLES BEING RETURNED INTO THE TREASURER, TO THE FIRST WEDNESDAY OF JUNE NEXT. Chap.176

*Whereas by a resolve of the General Court, passed the 2d of November, 1782, persons possessed of receipts upon collectors and constables, were empowered to return the same into the Treasurer's office, within forty days from the first day of December, then next following, and many persons are precluded from obtaining their just dues, by application either to the collectors or constables, or the Treasurer, in cases of collectors or constables refusing payment of the same, by reason whereof it is become necessary that a further time be allowed for the returning such receipts into the Treasurer's office:*

It is therefore *Resolved*, That the time limited in the aforesaid resolve to forty days, be, and hereby is extended to the first Wednesday of *June* next; and in the mean time the said resolve shall have the same force and validity in all respects, until the said first Wednesday of *June* next, as it had during the term of the said forty days.

*Ordered*, That the Secretary be, and he hereby is directed, to publish the foregoing resolve in *Willis's*, the *Worcester*, and *Springfield* newspapers.

March 18, 1783.

### Chapter 177.

RESOLVE EMPOWERING CALEB AMMIDOWN, AND OTHERS, SELECTMEN OF CHARLTON, TO REMOVE THE WIDOW MANNING, AND CHILDREN, TO THE TOWN OF DUDLEY. Chap.177

*On the petition of Caleb Ammidown, and others, selectmen of Charlton, praying that they may have liberty to remove the widow Manning and her children, out of the said town, for reasons set forth in the said petition:*

Therefore *Resolved*, That the prayer of the said petition be granted, and the selectmen of the said *Charlton* be, and they are hereby empowered, to remove the said widow *Manning* and children to the town of *Dudley*, and deliver them to the selectmen of the said *Dudley*; and the selectmen of the said *Dudley* are hereby ordered and directed to receive the said widow *Manning* and children, and provide for them agreeable to the orders and resolves of the General Court, making provision for the poor of *Charlestown*.

March 18, 1783.

### Chapter 177A.\*

**Ch. 177A** RESOLVE ON THE REPRESENTATION OF JOHN ADAMS, AUTHORIZING EZRA SHADDUCK, LATE COLLECTOR OF TAXES IN THE TOWN OF BERNARDSTON, TO COLLECT ALL SUCH TAXES NOW DUE FROM THE CLASS MENTIONED.

*On the representation of John Adams, setting forth, that Ezra Shadduck, late collector of taxes for the town of Bernardston, in the county of Hampshire, hath in his hands a list of assessment of a tax laid on sundry persons, classed for procuring a man for the army, on the resolve of the General Court of December 2d, 1780, which persons were at the time of their being classed inhabitants of the said Bernardston, but are now by an act of the General Court annexed unto the town of Colerain, which tax is yet due:*

*Resolved*, That *Ezra Shadduck* late collector of taxes for the town of *Bernardston* be, and hereby is invested, with legal authority to collect all such taxes which he hath in his hands now due from the class aforesaid, in the same way and manner in which he might have collected the same had they not been annexed to *Colerain*.

March 18, 1783.

### Chapter 178.

**Chap. 178** RESOLVE ON THE REPRESENTATION OF THE HON. DAVID SEWELL, ESQ; DIRECTING JOSEPH CHADBOURNE NOT TO SELL THE SAID LAND, AND DIRECTING THE TREASURER TO STAY HIS EXECUTION, AND TO MAKE ALLOWANCE TO THE COLLECTOR, AND APPOINTING A COMMITTEE TO EXAMINE THE STATE OF THE UNIMPROVED LANDS.

*On the representation of the Hon. David Sewell, Esq; that certain unimproved lands called Lady Pepperell's in the plantation of Little Falls, in York county, assessed four-*

\* Not numbered in Session Pamphlet.

teen pounds nineteen shillings and seven pence, and advertized for sale in order to pay the same, are in his opinion, the property of Sir William Pepperell, an absentee, and may accrue to this Commonwealth by a confiscation of the said absentee's estate.

*Resolved*, That *Joseph Chadbourne*, collector of taxes for the plantation of *Little Falls* be, and he hereby is prohibited selling the said land, and the Treasurer of this Commonwealth is hereby directed to stay his execution against the said collector for the said tax of *fourteen pounds nineteen shillings and seven pence*, until the further order of the General Court; and the said Treasurer is further directed to allow the said collector *fifteen shillings* for cost of advertizing the said land.

And it is further *Resolved*, That the Hon. *Benjamin Chadbourne*, *David Sewell* and *Nathaniel Wells*, Esq's. be, and they hereby are instituted a committee to examine and ascertain the state of the property of the unimproved lands above mentioned, and also of any other unimproved lands in the said county of *York* in a like predicament, and the said committee are authorized and empowered in the cases that may appear to them necessary, to treat with *Lady Mary Pepperell* and her daughter, on the subject of their right or interest in any of the said lands, and to propose terms of agreement and composition in their relinquishment of the said rights and interest to be reported to the General Court for their approbation. *March 19, 1783.*

### Chapter 179.

RESOLVE DIRECTING THE TREASURER TO RECEIVE A BOND EXECUTED 3<sup>d</sup> FEBRUARY LAST, BY SAMUEL ELY, AND OTHERS.

Chap.179

*Whereas by a resolve of the General Court, passed the 17th day of March instant; it is provided, that the Governor be requested to order Samuel Ely to be released from his confinement, on his giving a certain bond, mentioned in the said resolve: And whereas the said Samuel had executed, with sufficient sureties, a bond of the same tenor, which bond is ready to be delivered to the Treasurer of the Commonwealth, but bears date before the passing of the said resolve:*

*Resolved*, That the bond executed by the said *Samuel*, together with *Thomas Sheldon* and *Abner Ely*, as sureties,

bearing date the third day of *February* last, being delivered to the Treasurer, shall be received instead of the bond mentioned in the said resolve, of the 17th of *March* instant, any thing in the same resolve to the contrary notwithstanding.

*March 18, 1783.*

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### Chapter 180.

*Chap.180* RESOLVE APPROPRIATING THE PROCEEDS OF THE SALE OF THE SHIP *TARTAR*, TO PAY THE MEMBERS OF THE GENERAL COURT.

*Resolved*, That so much of the money in the treasury, proceeding from the sale of the ship *Tartar*, as may be sufficient to pay the members of the General Court for their travel and attendance, according to the rolls of the present session, be, and hereby is appropriated for that purpose, and that the Treasurer be, and hereby is directed, to govern himself accordingly.

*March 18, 1783.*

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### Chapter 181.

*Chap.181* RESOLVE GRANTING TO THE HON. *SAMUEL HOLTON*, ESQ; *NINETY POUNDS*, FOR HIS SERVICES AT CONGRESS, IN ADDITION TO WHAT HE HAS RECEIVED.

*On the subject of the Hon. Samuel Holton's letter to this Court, setting forth, that the grants made to him for his services as delegate in Congress, which were in paper currency, appear, on calculation, to be far short of the grants made by this Court to other Delegates in like circumstances:*

*Resolved*, That the sum of *ninety pounds*, in specie, be, and hereby is granted to the said *Samuel Holton*, Esq; in full for his said services at Congress, in addition to what he has already received, to be paid out of the treasury of this Commonwealth.

*March 19, 1783.*

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### Chapter 182.

*Chap.182* RESOLVE EMPOWERING *HANNAH HOLMAN*, OF *SALEM*, TO MAKE SALE OF THE REAL ESTATE MENTIONED IN HER PETITION.

*On the petition of Hannah Holman, of Salem, in the county of Essex, administratrix on the estate of her husband, Nathaniel Holman, late of said Salem, deceased, and guardian to three of the children of said deceased, minors,*

*praying for liberty to sell the real estate of said deceased, for reasons set forth in her petition:*

*Resolved*, That the prayer of the petition be granted, and that she the said *Hannah Holman* be, and she is hereby authorised and empowered, to make sale of all the real estate of the said deceased, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, she observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Essex*, that the interest of one third be reserved to herself, and that after paying the just debts of the said deceased, the remainder of two thirds, to be put on interest, for the benefit of the heirs, to be paid to each of them, both principal and interest, in their respective share, severally, as they shall arrive to full age; and also the other third, after the decease of the said widow, to be paid to the legal heirs, in like proportion. *March 19, 1783.*

### Chapter 183.

RESOLVE DIRECTING THE SECRETARY TO PUBLISH A RESOLVE, PASSED THE 13TH INSTANT, POSTPONING THE SALE OF ABSENTEES ESTATES, AND TO SEND COPIES TO THE COMMITTEES FOR THE COUNTIES OF WORCESTER, HAMPSHIRE AND BERKSHIRE. *Chap.183*

*Whereas there was a resolve passed the General Court, on the 13th day of March instant, for postponing the sale of confiscated estates until October next, and as the Secretary was not directed to publish the said resolve, it is not likely to answer the purposes for which it was intended:*

Therefore *Resolved*, That the Secretary be, and he hereby is directed, to publish the aforementioned resolve in *Willis's* paper, and also to forward copies of the same immediately to the committees for the sale of confiscated estates in the counties of *Worcester, Hampshire, and Berkshire.* *March 19, 1783.*

### Chapter 184.

RESOLVE ON THE PETITION OF JOHN PICKERING, ESQ; ADMINISTRATOR ON THE ESTATE OF SAMUEL ORNE, DECEASED, EMPOWERING HIM TO MAKE SALE OF THE REAL ESTATE MENTIONED. *Chap.184*

*On the petition of John Pickering, administrator on the estate of Samuel Orne, deceased, praying for liberty to*

*make sale of the whole of the said deceased's real estate, for reasons set forth in his petition:*

*Resolved*, That the prayer of the said petition be granted, and that he the said *John Pickering*, in his said capacity, be, and he is hereby authorized and empowered, to make sale of the whole of the said real estate mentioned in his petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, he observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Essex*, that the proceeds from the sale of the said estate shall, as far as necessary, be applied for discharging the debts due from the estate of the said deceased, and the remainder paid to the heirs now in this State, in the same proportion they would have inherited the said real estate, in case it had not been sold, and to pay the share of *Lois Pain*, the wife of *William Pain*, an absentee, to such person or persons as the laws, or the orders of the General Court, do or may direct.

*March 20, 1783.*

### Chapter 185.

*Chap.185* RESOLVE IMPOWERING MESHACK PENNIMAN AND RUTH PENNIMAN, TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of Meshack Penniman and Ruth Penniman his wife late widow of Lemuel Dwelle, late of Braintree, deceased, and guardian to Lemuel and John Dwelle, minors, praying for liberty to sell the estate of the said minors for reasons set forth in their petition:*

*Resolved*, That the prayer of their petition be granted, and that the said *Meshack Penniman* and *Ruth* his wife, in her capacity of guardian be, and are hereby fully authorized and impowered, to make sale of the estate in their petition mentioned, for the most the same will fetch, and make and execute a good and sufficient deed or deeds to the purchaser or purchasers, they observing the rules of law for the sale of real estates by executors or administrators, first giving bonds with sufficient sureties to the Judge of Probate for the county of *Suffolk*, that the money arising by the said sale be one third part put on interest for the benefit of the widow, the other two thirds after paying the just debts and cost of sale be put on interest on good



security for the benefit of the said heirs, and paid to them, together with the widow's dower after her decease, as they shall respectively arrive at lawful age, in such proportions as the law directs.

March 20, 1783.

### Chapter 186.

RESOLVE ON THE PETITION OF COTTON TUFTS, ESQ; AND OTHERS, PERMITTING THE SOCIETY OF ARTS AND SCIENCES, TO MAKE USE OF A ROOM IN THE MANUFACTORY HOUSE UNTIL FURTHER ORDERS.

Chap.186

*On the petition of Cotton Tufts, Esq; and others, in behalf of the Academy of Arts and Sciences and of the Massachusetts Medical Society, praying that the said Societies may have the use of a room in the manufactory house in Boston :*

*Resolved,* That the Academy of Arts and Sciences, and the Massachusetts Medical Society be, and they are hereby permitted, to make use of and improve the room in the manufactory house in the town of *Boston*, (which has for some time past been occupied for a school by Mr. *Vinal*,) until the further order of the General Court, the said Academy and Society not to take possession of the said room until the said *Vinal* shall remove his school therefrom.

March 20, 1783.

### Chapter 187.

RESOLVE DIRECTING THE SECRETARY TO CAUSE EIGHT HUNDRED COPIES OF THE MILITIA ACT TO BE PRINTED. AND TO TRANSMIT THE SAME TO THE FIELD OFFICERS.

Chap.187

*Whereas an act has passed the present Session of the General Court, intituled, "An act in addition to an act for the better regulating the militia of this Commonwealth:" And whereas it is necessary that the several militia officers of this Commonwealth should be immediately supplied with a copy of said act :*

*Resolved,* That the Secretary be directed to cause to be printed eight hundred copies of said act, and transmit the same to the several field officers of this Commonwealth, one of which copies to be by them delivered to the commanding officer of each company under their command.

March 21, 1783.

## Chapter 188.

*Chap.*188 RESOLVE ON THE PETITION OF JOHN PATTEN, JUN. AND SARAH PATTEN.

*On the petition of John Patten, jun. and Sarah Patten, his wife, formerly widow of Aaron Hosley, late of Pepperell in the county of Middlesex, deceased, and Joshua Hosley, guardian to the children of said Aaron, praying for liberty to sell the real estate of said Aaron Hosley deceased, for reasons set forth in their petition:*

*Resolved,* That the prayer of the petitioners be granted, and that he the said *Joshua Hosley*, guardian to the said minors, be authorized, and he hereby is impowered to sell the real estate of the said *Aaron Hosley*, deceased, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, he observing the rules of the law for the sale of real estates by executors and administrators, he first giving sufficient security to the Judge of Probate for the said county of *Middlesex*, that the interest of one third part of the proceeds arising by the sale, be paid to the said *Sarah*, the late widow of the said *Hosley*, deceased, (now the wife of the said *John Patten*) and the proceeds of the other two thirds, together with the interest, except what shall be necessary for the support of the said minors, to be paid to them in legal proportion when they shall arrive to lawful age, and also the principal of the other third at the decease of the said *Sarah*.

*March 22, 1783.*

## Chapter 188A.\*

*Ch.*188A RESOLVE ON THE PETITION OF GILBERT DENCH.

*On the petition of Gilbert Dench:*

*Resolved,* That there be paid out of the treasury of this Commonwealth, the sum of *three hundred pounds*, in receipts on such constables and collectors in the counties of *Hampshire* and *Berkshire*, as are deficient in the payment of the tax granted in *October, 1781*, the said *Gilbert Dench* giving his bond to the Treasurer, with one sufficient surety, to repay the said *three hundred pounds* on or before the last day of *June* next.

*March 22, 1783.*

\* Not numbered in Session Pamphlet.

**Chapter 189.**

RESOLVE ENTITLING DAVID CUTLER TO HALF-PAY AS A SOLDIER. Chap.189

*Upon the representation of John Lucas, commissary of pensioners, in behalf of David Cutler, in Col. Shepard's regiment, in Capt. Moses Knap's company, in the service of the United States, who lost his hand, and is now discharged:*

*Resolved*, That the said *David Cutler* be intitled to one half part of pay, from the time of his discharge from the above said service, till the further order of this Court, or Congress.

*March 21, 1783.*

**Chapter 190.**

RESOLVE ON THE PETITION OF THE TOWN OF RUTLAND, TO NOTIFY JABEZ FAIRBANKS TO SHEW CAUSE, &c. Chap.190

*On the petition of the town of Rutland, praying that a resolve of the General Court, passed October 20, 1782, directing the town of Rutland aforesaid, to pay to Jabez Fairbanks, head of a class in the town of Sterling, the sum of ninety pounds, immediately may be repealed:*

*Resolved*, That the prayer of the said petition be so far granted, that the town of *Rutland* be, and hereby are directed, to notify the said *Jabez Fairbanks*, by serving him with an attested copy of said petition, and this order thereon, seven days at least before the second Wednesday of the next sitting of the General Court, to appear and shew cause (if any he has) why the prayer of the petition should not be granted; and that any action that has been or may be commenced in consequence of the aforesaid resolve, be stayed in the mean time.

*March 21, 1783.*

**Chapter 191.**

A GRANT OF SIXTEEN POUNDS SEVENTEEN SHILLINGS AND SIX PENCE TO CAPT. THOMAS JACKSON. Chap.191

*On the petition of Thomas Jackson, a Captain in Col. Crane's regiment of artillery, praying that he may be paid the depreciation of the new emission money he received in lieu of specie, for three months pay, in the year 1780:*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Capt. *Thomas Jackson*, sixteen pounds seventeen shillings and six pence, being the balance due to him for the depreciation of bills of the new emission, he received for three months pay, for the year 1780.

March 21, 1783.

### Chapter 192.

*Chap.192* RESOLVE ON THE PETITION OF *GEORGE LITTLE*, MAKING AN APPROPRIATION OF THE PRIZE MONEY IN HIS HANDS, AND ESTABLISHING THE PAY OF HIS OFFICERS AND MEN.

*On the petition of George Little, commander of the State sloop of war called the Winthrop, praying that the prize money in his hands, belonging to this Commonwealth, may be appropriated for the payment of the wages due to the officers and men belonging to the sloop aforesaid; also that the wages of the officers and men may be raised to the same pay as the officers and men are in the Continental navy:*

*Resolved*, That the prayer of the petition be granted, and that the prize money in Capt. *Little's* hands, be paid into the public treasury, the said Capt. *George Little* taking duplicate receipts therefor, one of which to be lodged in the Secretary's office, and that the Treasurer be, and he hereby is directed, to pay the wages due to the crew of the sloop *Winthrop*, out of the same.

It is further *Resolved*, That from and after this date, the officers and men belonging to the sloop aforesaid, be put on the same establishment as the officers and men are in the Continental navy, in vessels carrying the like number of guns.

March 22, 1783.

### Chapter 193.

*Chap.193* RESOLVE REQUESTING THE GOVERNOR TO ORDER SIXTEEN MEN, DOING DUTY AT *SPRINGFIELD*, TO *BOSTON*, AND TO DISCHARGE THE COMMANDING OFFICER THERE.

*Whereas it appears, by a letter from Major General Lincoln, laid before this Court by order of the Governor, that sixteen of the men who enlisted into the Continental Army, received the bounty, but not being then of full stature, were rejected, as unfit for the said service, and*

*ordered to be detained as a guard at Springfield, and that they are now no longer wanted there :*

*Resolved,* That the Governor be, and he hereby is requested, to give orders, that the said sixteen inlisted soldiers be supplied with ten days rations each, and marched to *Boston*, to do duty on Castle Island, as a part of the troops ordered to be stationed at that post until the time of their respective inlistments shall expire ; and that Capt. *Carpenter*, who now has the command of the said men, be thereupon discharged.

*March 3, 1783.*

### Chapter 194.

RESOLVE DISCHARGING THE TOWN OF *CHARLTON* OF A SUM IN THE BILLS OF THE OLD EMISSION, AND DIRECTING THE TREASURER TO CHARGE THE AMOUNT THEREOF IN SPECIE. Chap.194

*Whereas the town of Charlton was assessed in a tax act made and passed in the first Session of the General Court in the year 1779, the sum of eleven thousand eight hundred and nine pounds eleven shillings and four pence, in bills of the old emission, of which no return hath yet been made, and the said sum being reduced to the value thereof in specie amounts to three hundred and thirty-four pounds thirteen shillings.*

*Resolved,* That the said town of *Charlton* be discharged the said sum of *eleven thousand eight hundred and nine pounds eleven shillings and four pence*, bills of the old emission, and charged with the amount thereof in specie, being *three hundred thirty-four pounds thirteen shillings*, and the Treasurer is hereby directed to govern himself accordingly.

*March 24, 1783.*

### Chapter 195.

RESOLVE GRANTING A TAX OF *THREE HUNDRED POUNDS*, FOR DEFRAYING THE CHARGES OF THE COUNTY OF *BRISTOL*. Chap.195

*Resolve granting a tax of three hundred pounds for defraying the charges of the county of Bristol, to be assessed on the inhabitants of said county.*

*Whereas it appears from an estimate of the Justices of the Court of the General Sessions of the Peace for the county of Bristol, that the sum of three hundred pounds will be necessary for defraying the charges of the said county for one year next ensuing.*

*Therefore Resolved*, That there be and is hereby granted, a tax of *three hundred pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of this Commonwealth.

March 24, 1783.

### Chapter 196.

Chap.196

RESOLVE ON THE PETITION OF PHILIP CARRIER.

*On the petition of Philip Carrier, praying that he may be allowed the same depreciation of his wages as was granted to other soldiers in the Continental Army.*

*Resolved*, That the prayer of the petition be granted, and that the said *Philip Carrier* receive depreciation notes and wages as was allowed those soldiers who continued three years in the Continental Army.

March 24, 1783.

### Chapter 197.

Chap.197

RESOLVE ENTITLING THE WIDOW OF JONATHAN COGSWELL, TO ONE THIRD PAY FROM THE TIME HE WAS WOUNDED, TILL THE TIME OF HIS DEATH.

*On the representation of John Lucas, Commissary of Pensioners, in behalf of Jonathan Cogswell, a sail maker, on board the Continental ship of war Alfred, who was wounded in the service of the United States, by which he lost his right eye, and otherways much hurt, when engaged with two British Frigates, the Ariadne and Ceres, in March, 1777.*

*Resolved*, That the widow of the said *Jonathan Cogswell* be intitled to one third part of pay from the time he was wounded till the time of his death, which was the 20th of *March*, 1782, in *Halifax* prison.

March 24, 1783.

### Chapter 198.

Chap.198

RESOLVE ALLOWING EXTRA PAY TO THE HON. PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND GRANTING SIXTY POUNDS TO THE CLERKS OF THE SENATE AND HOUSE, EACH.

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to the Hon.

*Samuel Adams*, Esq; President of the Hon. Senate, the sum of *six shillings* per day; and also to the Hon. *Tristram Dalton*, Esq; Speaker of the House of Representatives, the sum of *six shillings* per day, for each day of their attendance on the General Court the present session, over and above their respective pay as members of the General Court.

And it is further *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to the Rev. Mr. *Joseph Eckley*, as Chaplain to the General Court, from the 28th day of *May*, to the end of the present General Court, the sum of *twelve pounds*, in full for his service.

It is further *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *William Baker*, jun., Clerk of the Hon. Senate, the sum of *sixty pounds*; and also *sixty pounds* to Mr. *George Richards Minot*, Clerk of the House of Representatives, which, with the sums already granted, shall be in full for their services as Clerks to the General Court, from the 28th day of *May*, 1782, to the end of the present General Court.

*March 25, 1783.*

### Chapter 199.

RESOLVE EMPOWERING JOHN HAVEN TO MAKE SALE OF THE REAL ESTATE MENTIONED IN HIS PETITION.

*Chap. 199*

*On the petition of John Haven, administrator on the estate of Prince Fredrick, late of Athol, deceased, and Anna Fredrick, widow of the said deceased, praying for liberty to make sale of all the real estate of said Prince, for reasons set forth in their petition:*

*Resolved*, That the prayer of the said petition be granted, and that he the said *John Haven* be, and he is hereby, in his said capacity, authorized and impowered, to make sale of all the real estate of the said deceased, mentioned in his petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, he observing the rules and directions of the law for the sale of real estates by executors and administrators, he first giving sufficient security to the Judge of Probate for the county of *Worcester*, that the interest of one third of the proceeds from the sale of the said estate, be paid annually to said widow, and so much as

is necessary of the other two thirds, be applied to discharge the debts due from the estate of the said deceased, and the remainder to be put on interest, for the benefit of the legal heir, and paid to the said heir at lawful age.

March 25, 1783.

### Chapter 200.

*Chap.200* RESOLVE RELATING TO DELINQUENT CLASSES IN THIS COMMONWEALTH, BY RESOLVES OF THE GENERAL COURT FOR RAISING THE STATE'S QUOTA OF THE CONTINENTAL ARMY, FOR THREE YEARS OR DURING THE WAR.

*Whereas by the resolves of the General Court, for raising this State's quota of the Continental Army, for three years or during the war, no provision is made to reimburse any member or members of a delinquent class, who have at their own expence procured a man for such class, after a warrant issued from the Treasurer of the Commonwealth, requiring the assessors to assess such class twenty per cent. more than the average cost of such men, and before execution from the said Treasurer upon such assessment, was satisfied: Therefore,*

*Resolved,* When any member or members of such delinquent class, shall produce to the said Treasurer proper evidence that he or they have procured and delivered a man for such class, after the assessors receipt of his warrant as aforesaid, and before execution as above-mentioned was satisfied, that the said Treasurer shall issue his execution, returnable in sixty days, against the constable or collector who had a warrant to collect the assessment of the average cost of the man, and *twenty per cent.* added thereto, for the whole amount of such assessment, after deducting the proportion of such member or members as procured the man as aforesaid, and the said Treasurer, upon receipt of the same, shall pay it to the person or persons who procured such men.

March 25, 1783.

### Chapter 201.

*Chap.201* RESOLVE EMPOWERING PETER BOYLSTON ADAMS, SAMUEL BASS, AND OTHERS, TO SELL THE ESTATE MENTIONED IN THEIR PETITION.

*On the petition of Peter Boylston Adams, Samuel Bass, John Billings and Samuel Cheney, guardians to Jonathan*



Rawson, Susannah Rawson, Mary Rawson, Stephen and Hannah Rawson, *all of Braintree, in the county of Suffolk, praying for liberty to make sale of the real estate belonging to said minors (in the town of Roxbury) for reasons in their petition set forth.*

*Resolved*, That the prayer of the petition be granted, and that the said *Peter Boylston Adams, Samuel Bass, John Billings* and *Samuel Cheney*, in their said capacity be, and they are hereby authorized and empowered, to sell the said estate mentioned in their petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, they observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the said county of *Suffolk*, that the proceeds by the sale of the said estate, be put on interest for the benefit of the heirs, and that both principal and interest be paid to each heir respectively, their legal proportion, as they shall arrive at full age. *March 25, 1783.*

### Chapter 202.

RESOLVE ON THE REPRESENTATION OF A PLANTATION CALLED *PEARSONTOWN*, IN THE COUNTY OF *CUMBERLAND*, DIRECTING *SIMON FRYE*, ESQ; TO NOTIFY THE INHABITANTS TO SHEW CAUSE, &c. *Chap.202*

*Whereas it has been represented to this Court, that the plantation called Pearsonstown in the county of Cumberland, is every way sufficiently qualified to be incorporated into a town, but neglect to apply for incorporation, only to avoid paying taxes.*

Therefore *Resolved*, That the inhabitants of the said plantation be notified to appear on the first Wednesday of *June* next, to shew cause, if any they have, why they should not be incorporated, and that *Simon Frye*, Esq; be directed to notify the said inhabitants, by leaving an attested copy of this resolve, with one of the principal inhabitants of the said plantation. *March 26, 1783.*

### Chapter 203.

RESOLVE ON THE PETITION OF *WALTER McFARLAND*, TO NOTIFY *SOLOMON WALKER* TO SHEW CAUSE. *Chap.203*

*On the petition of Walter McFarland, a Captain in a regiment detached by Col. Abner Perry, as a reinforce-*

*ment to the Continental Army, by a resolve of the 20th of June, 1780, praying that he may be empowered to draw the wages of Solomon Walker, a soldier in his company, for reasons mentioned in the said petition :*

*Ordered,* That the petitioner notify the said *Solomon Walker*, by serving him with an attested copy of the petition, and this order thereon, at least fourteen days before the second Wednesday of the next sitting of the General Court, to shew cause (if any he hath) on the said second Wednesday, why the prayer thereof should not be granted.

*March 26, 1783.*

### Chapter 204.

*Chap. 204* RESOLVE RESPECTING THE COMMON FIELD IN WEST SPRINGFIELD, EMPOWERING THE PROPRIETORS IN ANY LEGAL MEETING, TO EXCLUDE THE GORE MENTIONED.

*Whereas the proprietors of the common field lying in West Springfield, may be put to great inconvenience in inclosing the said field within the bounds and lines mentioned in the act of incorporation passed the twenty-seventh day of June last past, occasioned by the late destruction of the bridge across Agawam River, and the alteration of the road thereby.*

*And whereas in order to prevent the public road or high way from running across the said field, it will hereafter be necessary to leave out of the limits of the said field, a certain gore or angle of land lying near the place where the said bridge lately stood, until the same bridge shall be rebuilt and maintained.*

*Resolved,* That the proprietors of the said field be, and they hereby are authorized and empowered by vote of the said proprietors in any legal meeting, to leave out and exclude either said gore or angle of land out of the limits of the said common field, and also hereafter to include the same in like manner within the said field whenever the said bridge shall be rebuilt, and for so long time as the said bridge shall be maintained as shall hereafter be necessary, any thing in the said act to the contrary notwithstanding.

*March 26, 1783.*

### Chapter 204A.\*

*Ch. 204 A* RESOLVE DIRECTING THE SECRETARY NOT TO PUBLISH THE BILL TO PREVENT INTERCOURSE WITH THE ENEMY.

*Resolved,* That the Secretary be, and he hereby is, directed not to publish the Bill intitled "An Act limiting

\* Not printed in Session Pamphlet.

the continuance of certain Acts and Resolves for preventing intercourse with the enemy," after the same may pass into an act, nor this resolve, untill peace shall be actually declared by the Congress of the United States of America.

March 25, 1783.

### Chapter 205.

RESOLVE DIRECTING THE TREASURER TO RECEIVE OF GILBERT DENCH, ESQ; AND OTHERS, SEVENTEEN HUNDRED AND FORTY-FIVE DOLLARS OF THE NEW EMISSION OF MONEY, THEY TAKING OATH THEREON.

Chap.205

*On the memorial of Gilbert Dench, Lemuel Kollock, and Timothy Robinson, committee for transporting cannon, mortars, powder, &c. from Boston to North River, in June, 1781, praying for an order to the Treasurer to receive of the said committee or either of them, seventeen hundred and forty-five dollars of the new emission money of other States, which they received out of the treasury.*

*Resolved,* That the Treasurer of this Commonwealth be, and he hereby is directed, to receive of *Gilbert Dench, Lemuel Kollock and Timothy Robinson*, or either of them in whose hands the money is, *seventeen hundred and forty-five dollars*, of the new emission money of other States, they or either of them first making oath that the money so offered, is the money he or they received from the treasury of this Commonwealth for the purpose aforesaid, and that they have never availed themselves of any advantage from the said money, for which they are directed to take duplicate receipts, and lodge one of them in the Secretary's office.

March 25, 1783.

### Chapter 206.

RESOLVE EMPOWERING MOSES BULLARD, OF NEEDHAM, TO MAKE SALE OF THE REAL ESTATE MENTIONED.

Chap.206

*On the petition of Moses Bullard, of Needham, guardian to Daniel Saunders, a minor, son of Michael Saunders, late of Sturbridge, in the county of Worcester, yeoman, deceased, praying that he may be empowered to make sale of the said deceased's real estate, for reasons mentioned in his said petition:*

*Resolved,* That the prayer of the petition be granted, and that the said *Moses Bullard*, in his said capacity, be,

and he hereby is authorized and empowered, to make sale of the aforesaid real estate, and to make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, he observing the rules and directions of the law for the sale of real estates by executors and administrators, he first giving bond to the Judge of Probate for the county of *Worcester*, with sufficient sureties, to pay the interest of one third part of the money coming by the said sale, annually, to the widow of the said deceased, during her natural life, and at her decease, to pay the same to the heirs at law of said deceased, in such shares as they by law are intitled to, and the other two thirds, after deducting reasonable charges, to be paid to the heirs at law of the said deceased, in such shares as they by law are intitled to.

*March 26, 1783.*

### Chapter 207.

*Chap.207*

RESOLVE ON THE PETITION OF CAPT. ADAMS BAILEY.

*On the petition of Adams Bailey, Captain of the 2d regiment of Massachusetts line:*

*Resolved,* That his Excellency the Governor, with advice of Council, be requested to issue his warrant, directing the Treasurer of this Commonwealth to pay to Capt. *Adams Bailey*, the amount of a receipt obtained by him from the late Treasurer, *Henry Gardner*, in favour of *Prince Stetson*, for *thirteen hundred thirty-nine pounds sixteen shillings and eight pence*, bearing date *April 21, 1781*, which sum he did not nor could receive of the said *Stetson*. Said sum to be consolidated according to the scale of depreciation, and interest thereon, from the date of the said receipt.

*March 26, 1783.*

### Chapter 208.

*Chap.208*

RESOLVE ON THE PETITION OF MARY GRANGER, EMPOWERING HER TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of Mary Granger, administratrix on the estate of her husband, Aaron Granger, late of Westfield, deceased, praying to be empowered to make and execute a deed of a tract of land, containing about twenty-three acres, in order to discharge and take up an obligatory bond, which*

*the said deceased, in his life time, gave to Elijah Robbins, wherein he bound himself, his heirs, executors, and administrators, in the penal sum of fifty pounds, to make and execute a deed of the aforementioned land to said Robbins, for reasons set forth in her petition :*

*Resolved*, That the prayer thereof be granted, and that she, the said *Mary Granger*, in her capacity, be, and she is hereby authorized and empowered, to make and execute, to said *Elijah Robbins*, a good and lawful deed of that tract of land, which the said *Aaron* obliged himself, his heirs, &c. to do. And in case it is not made to appear to the Judge of Probate for the county of *Hampshire*, that a reasonable consideration has been received for the said land, by the said deceased, in his life time, the said *Mary* shall receive such consideration of the said *Robbins*, and give sufficient security to the said Judge of Probate for the just and legal disposal thereof.

*March 26, 1783.*

### Chapter 209.

RESOLVE DIRECTING THE TREASURER TO DISCHARGE THE WARRANTS DRAWN IN FAVOUR OF THE COUNCIL, SENATE, AND HOUSE OF REPRESENTATIVES, ON THE PAY-ROLL PASSED THE PRESENT SESSION, THREE-FOURTHS THEREOF OUT OF THE MONEY ARISING FROM THE SALE OF THE SHIP *TARTAR*, AND BY ORDERS ON THE REMAINDER.

*Chap.209*

*Resolved*, That the Treasurer be directed to discharge any warrant that may be drawn for the payment of the members of the Council, Senate, and House of Representatives, on the pay roll passed the present Session of the General Court, by paying three-fourths thereof out of the monies arising from the sale of the ship *Tartar*, and the remainder, if any member as aforesaid shall request it, by orders on the sheriffs of the several counties, or constables and collectors of the several towns as the case may require, payable out of the State tax, granted *October 2d, 1781*, or some preceding State tax.

*March 26, 1783.*

### Chapter 210.

RESOLVE EMPOWERING *HANNAH GOULD* TO MAKE SALE OF THE LAND MENTIONED.

*Chap.210*

*On the petition of Hannah Gould, administratrix on the estate of her husband, Jonathan Gould, late of Sutton, in*

*the county of Worcester, deceased, praying for liberty to make sale of the real estate of said deceased, for reasons set forth in her petition.*

*Resolved*, That the prayer of the petition be granted, and that she the said *Hannah Gould*, in her said capacity, be, and she is hereby authorized and empowered, to make sale of all the real estate of the said *Jonathan Gould*, deceased, for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, she observing the rules and directions of the law for the sale of real estates by executors and administrators, she first giving sufficient security to the Judge of Probate for the said county of *Worcester* in manner following, *viz.*: That the widow mother of said deceased, be supported out of the proceeds of the sale of the said estate, agreeable to the will of the father of the said *Jonathan*, deceased, and that the interest of one third of the proceeds, after deducting the support of the aged widow, be applied for the support of the said *Hannah Gould*, during her natural life, and that so much of the proceeds as shall be found necessary, be applied to discharge the just debts due from said estate, and the remainder (if any be) to be put on interest for the benefit of the heirs, and paid to them in legal proportion, as they shall severally arrive to lawful age, together with the remaining third after the decease of the said *Hannah*.

*March 26, 1783.*

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### Chapter 211.

*Chap. 211* RESOLVE FOR CREDITING TOWNS IN THIS COMMONWEALTH WHICH HAVE BEEN OVER TAXED IN THE LAST TAX ACT, ON APPLICATION TO THE GENERAL COURT.

*Whereas it appears to this Court that several towns in this Commonwealth have not received such credit in the last tax act as they were justly intitled to: Therefore*

*Resolved*, That where any error or mistake has arisen on the assessments made on any town or place in this Commonwealth, by the last tax act, from their not receiving such credit for men they have actually raised as they in justice and equity ought to have received, or from their not receiving such credit for the assessments made on the Quakers, agreeable to the militia act, which by law and

justice they were entitled to receive; and all other casualties, such town or place by applying to the General Court any time in the next sessions of the same, shall receive such redress as justice and equity shall dictate, the said tax act notwithstanding. *March 26, 1783.*

### Chapter 212.

RESOLVE ON A RESOLVE PASSED THE 14TH OF FEBRUARY LAST, MAKING PROVISION FOR THE THREE, FIVE, AND SIX MONTHS MILITIA. *Chap.212*

*Whereas the resolve on the Governor's message of the 4th of February, was passed the 14th, in the following words, viz.:*

*“Resolved, That no warrant be drawn on the public treasury, until the further order of this Court, for services or supplies to the United States, in favour of any person or persons, other than the Superintendant of Finance, or such person or persons as are or may be deputed by him to receive the monies which are or may be raised within this State, on requisitions of Congress, for Continental purposes.”*

*And whereas doubts have arisen, whether the fore-cited resolve does not preclude the drawing of any warrants on such muster rolls as have been already passed, or may be passed, in favour of the militia who have served in the three months, five months, and six months service: For the removal of such doubts, it is further*

*Resolved, That the abovementioned resolve is not intended to preclude the drawing warrants in favour of such militia: but the Governor, with advice of Council, is requested to proceed in that respect, in the same manner as he might have done, had the fore-cited resolve not been passed.*

*March 1, 1783.*

### Chapter 213.

RESOLVE EMPOWERING THE COMMITTEE FOR SETTLING THE BOOKS OF THE LATE TREASURER, TO EMPLOY A PERSON, IN THE RECESS OF THE COURT, TO ASSIST THEM IN THIS BUSINESS. *Chap.213*

*Resolved, That the committee for settling the books of the late Treasurer, be, and hereby are empowered, to*

employ a person, in the recess of the Court, to assist them in the business of their appointment, if they find it necessary.

March 26, 1783.

### Chapter 214.

*Chap.*214 RESOLVE REPEALING A RESOLVE PASSED THE 17<sup>TH</sup> OF MARCH, ON THE PETITION OF ANDREW GARDNER AND REBECCA GARDNER.

*Whereas, by the last will and testament of John Brown, late of Needham, in the county of Suffolk, deceased, Unite Brown and Rebecca Gardner, were appointed joint executors to the said last will and testament: And whereas, by a resolve passed this Court the 17th day of March current, on the petition of Andrew Gardner, and the said Rebecca Gardner, his wife, authorizing and empowering the said Rebecca, in her said capacity, to do and perform all and every legal act necessary for carrying the said will and testament into effect, in as full and ample a manner as the said Unite Brown, and Rebecca, are jointly authorized to do, by the said last will and testament: And whereas it appears to this Court, that the said Unite Brown was not served with a copy of the abovementioned petition, to shew cause (if any he had) why the prayer thereof should not be granted, which may be to the injury of the said Unite, and is contrary to the common usage of the General Court:*

Therefore *Resolved*, That the beforementioned resolve, with every clause, matter and thing, therein contained, be, and hereby is repealed, and made null and void.

March 26, 1783.

### Chapter 215.

*Chap.*215 RESOLVE DIRECTING THE TREASURER TO RECEIPT THE TOWN OF CHARLTON FOR SEVERAL TAXES DUE TO SAID TOWN, FOR THAT PART OF BROWN'S FARM (SO CALLED) LYING WITHIN THE SAME; AND TREASURER DIRECTED WHEN THE SEVERAL SHARES OR RIGHTS ARE SET OFF.

*A resolve directing the Treasurer of this Commonwealth to pay to the town of Charlton, the several taxes due to the said town, for that part of Brown's farm (so called) lying within the said town.*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to receipt the town of



*Charlton*, upon the several taxes due from the said town to this Commonwealth, the sum of *four hundred seventy nine pounds fourteen shillings and nine pence*, silver money, which sum is in full for the several species of taxes now assessed on the said land, not heretofore settled.

And it is further *Resolved*, That the several heirs or owners claiming the several rights or shares hereafter mentioned, in the farm aforesaid, do immediately pay into the treasury of this Commonwealth, each one severally, the sum set to his or her share, that sum being their equal part of the taxes aforesaid, *viz.* :

<i>Joseph Blaney, Esq; one hundred and three pounds eighteen shillings and ten pence,</i>	£.103	18	10
<i>Doctor Danforth and Elijah Dunbar, Esq; two hundred three pounds sixteen shillings and four pence,</i>	203	16	4
<i>Joseph Douce, or Lemuel Kollock, seventeen pounds six shillings,</i>	17	6	0
<i>Mrs. Elizabeth Danforth, eighteen pounds fifteen shillings,</i>	18	15	0

And it is further *Resolved*, That the Treasurer of this Commonwealth, be and he hereby is directed, so soon as the several shares or rights aforesaid shall be set off, and the bounds thereof ascertained, provided any of the aforesaid taxes remain unpaid, to issue his warrant immediately, against the delinquent proprietor or proprietors, to one of the constables or collectors of *Charlton* aforesaid, for the time then being, directing him immediately to collect of each delinquent proprietor, their respective deficiency, by selling so much of the said proprietors' land or lands, as will pay the same, together with all necessary intervening charges that may arise by selling the same, and to make and execute a deed or deeds of the same, he observing the same rules and regulations, as are by law established for the sale of non-resident proprietors' land, and to pay in the same to himself or his successor, within two months from the date of the said warrant. *March 26, 1783.*

### Chapter 216.

RESOLVE UPON THE PETITION OF NATHAN DAVIS, DIRECTING THE TREASURER TO RECEIVE THE MONEY MENTIONED, OR IN CLAIMS ALLOWED. *Chap. 216*

*Upon the petition of Nathan Davis.*

*Resolved*, That the prayer of the said petition be so far granted, that the Treasurer of this Commonwealth be,

and he hereby is authorized and directed, to receive of *Nathan Davis*, in specie, or in claims allowed by the Judge of Probate for the county of *Worcester*, against the estate of *John Murray*, Esq; an absentee, the sum due on the mortgage deed mentioned in the said petition, and the interest thereon, to be computed from the first of *February*, 1773, and give duplicate receipts for the same, one of which to be lodged in the Secretary's office, and on the others being produced to the committee on the sale of absentees estates, in the county of *Worcester*, the said committee be, and they hereby are authorized and empowered, to give a good and sufficient deed of the said land to the said *Davis*.

*March 26, 1783.*

### Chapter 217.

*Chap.217* RESOLVE ALLOWING *SALLY POOL* THE AMOUNT OF A CERTAIN NOTE OF HAND, WITH INTEREST.

*Whereas a resolve passed the General Court the present session, empowering and directing the committee for sales of absentees' estates in the county of Middlesex, to pay to Sally Pool, or order, the amount of a certain note of hand of sixteen pounds, with interest due thereon, from Joseph Thompson, absentee: And whereas the abovesaid committee have paid to the Treasurer of this Commonwealth (prior to the passing the above resolve) the balance that remained in their hands, proceeding from the sales of the said Thompson's estate:*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the said *Sally Pool*, the amount of the above note, with the interest due thereon, if the said Treasurer has a sufficient sum in his hands therefor, proceeding from the sales of the said *Thompson's* estate.

*March 26, 1783.*

### Chapter 218.

*Chap.218* RESOLVE REPEALING A RESOLVE PASSED *FEBRUARY* THE 13<sup>TH</sup> LAST, RESPECTING DELEGATES TO GO TO *HARTFORD*, AND REQUESTING THE GOVERNOR TO WRITE TO THE RESPECTIVE GOVERNORS TO INFORM THEM THEREOF.

*Whereas the chief design of the resolve of the General Court of the 13th day of February last, appointing delegates to meet in Convention at Hartford, with delegates*

*that might be appointed by the States of New Hampshire, Rhode Island, Connecticut and New York, on the last Wednesday of April next, for the purposes mentioned in the said resolve, is in a great measure frustrated, by means of two of the States beforementioned having refused to choose delegates to meet as aforesaid:*

It is therefore *Resolved*, That the said resolve of the 13th day of *February* last, be, and hereby is in every part thereof repealed; and his Excellency the Governor is hereby requested to write to the respective Governors of the States of *Connecticut* and *New York*, informing them of the purport of this resolve, and the reason inducing thereto.

*March 26, 1783.*

### Chapter 219.

RESOLVE REPEALING PART OF A RESOLVE, MAKING AN ESTABLISHMENT FOR THE SLOOP *WINTHROP*, PASSED THE 22<sup>d</sup> INSTANT, AND CONSIDERING THE RESOLVE PASSED THE 24<sup>TH</sup> INSTANT, FOR THE OFFICERS AND MEN OF ARMED VESSELS TO BE THE ESTABLISHMENT.

*Chap.219*

*Whereas by a resolve passed the 22d of this present March, it is directed that the officers and men belonging to the Sloop Winthrop, be put on the same establishment, as the officers and men are in the Continental navy, in vessels carrying the like number of guns; and whereas there are no such vessels in the Continental service, by which the said establishment can be ascertained:*

Therefore be it *Resolved*, That so much of the aforesaid resolve of the 22d instant, as directs the said establishment be, and the same is hereby repealed and rendered null and void: And it is further

*Resolved*, That from and after the passing this resolve, the establishment made and passed by a resolve of the 24th of *April*, 1781, for the officers and men of armed vessels, be considered as the establishment for the sloop *Winthrop*.

*March 26, 1783.*

### Chapter 220.

RESOLVE MAKING AN ESTABLISHMENT FOR A COMPANY OF GUARDS AT *SPRINGFIELD*.

*Chap.220*

*On the letter from Capt. Carpenter, to his Excellency the Governor:*

*Resolved*, That Capt. *John Carpenter*, and the men lately under his command, as a company of guards at *Springfield*, being part of the rejected recruits, receive the following pay, by the calendar month, *viz.*

Captain, *twelve pounds*; Serjeants, *two pounds eight shillings*; Corporals, *two pounds three shillings*; Privates, *two pounds*.

And be it further *Resolved*, That the said *Carpenter* make up in the pay roll, the said men, from the time they were received at *Springfield*, in their way to the army; and that where any exchange of the said men has taken place, that the persons now in actual service, be made up for the whole time that the persons, whose places they have taken, have served, where it shall appear to the said *Carpenter*, that there was such agreement between the parties. The amount of the said roll to be charged to the United States.

*March 26, 1783.*

### Chapter 221.

*Chap. 221* RESOLVE DISCHARGING A COMMITTEE APPOINTED THE 12<sup>TH</sup> OF NOVEMBER LAST, TO PURCHASE A VESSEL FOR THE SERVICE OF THIS COMMONWEALTH, AND DIRECTING THE LATE AGENT TO PAY FIFTEEN HUNDRED POUNDS, PART OF THE PROCEEDS OF THE SALE OF THE SHIP *TARTAR*, INTO THE TREASURY, AND GRANTING THE COMMISSARY-GENERAL TWELVE HUNDRED POUNDS, TO FIT OUT THE SLOOP *WINTHROP*.

*Whereas*, by a resolve passed the 12<sup>th</sup> of November last, *Caleb Davis*, *Samuel Allyne Otis*, and *Thomas Dawes*, *Esq's*. were appointed a committee to purchase a vessel for the service of this Commonwealth; and the said committee having requested to be excused from the said service:

*Resolved*, That the said committee be discharged accordingly, and that *Caleb Davis*, *Esq*; late Agent, be, and he is hereby directed, to pay the sum of *fifteen hundred pounds*, being part of the proceeds of the sales of the ship *Tartar*, which he was directed to detain in his hands, into the treasury of this Commonwealth, taking duplicate receipts for the same, one of which to be lodged in the Secretary's office.

And be it further *Resolved*, That there be paid out of the treasury of this Commonwealth, to *Richard Devens*, *Esq*; Commissary General, the sum of *twelve hundred*

*pounds*, out of the proceeds of the sales of the said ship *Tartar*, for the purpose of enabling him to fit out the sloop *Winthrop*, and the remainder of the said *twelve hundred pounds*, if any there shall be, to be appropriated to the equipment of the vessel and boat directed to be procured by the resolve of this day, he to be accountable.

March 26, 1783.

### Chapter 222.

RESOLVE ON THE PETITION OF THE JOINT COMMITTEES AND SELECTMEN OF THE COUNTY OF CUMBERLAND, EMPOWERING THE COMMISSARY GENERAL TO PROCURE A SMALL VESSEL AND A WHALE BOAT, TO CRUIZE ON THE EASTERN COAST, AND DIRECTING HIM TO COLLECT FIRE ARMS, &c. AND REQUESTING THE GOVERNOR TO COMMISSION A SUITABLE PERSON, AND TO CONTINUE THE GUARDS AT FALMOUTH AND CAPE ELIZABETH.

Chap. 222

*On the petition of the joint committee and selectmen of the county of Cumberland:*

*Resolved*, That *Richard Devens*, Esq; the Commissary General, be, and he hereby is impowered and directed, to procure, by hire or purchase, a small vessel, not exceeding thirty tons, and one whale boat, and equip them, for the purpose of cruizing against the enemies of the United States, in *Casco Bay*, and the Eastern shore, and that the said Commissary General be, and he hereby is impowered and directed, to collect the fire arms, and any other property that belongs to this Commonwealth, in the hands of any person or persons in the county of *Cumberland*, and dispose of the same, with the barrack that is at *Falmouth*, for the most it will fetch, either at public or private sale, and appropriate the same for fixing the said vessel and boat.

And be it further *Resolved*, That his Excellency the Governor be requested to commission some suitable person to command the said vessel and boat, and give orders for manning the same, with such a number of men, and for so long a time, as the Governor, with advice of Council, shall judge for the advantage of the Commonwealth.

And it is further *Resolved*, That his Excellency the Governor, be requested to give orders for continuing the guards at *Falmouth* and *Cape Elizabeth*, on the same establishment as last year, for so long a time as the Gov-

ernor, with the advice of Council, shall judge for the advantage and safety of this Commonwealth.

And it is further *Resolved*, That the Commissary General be, and he is hereby directed, to supply the officers and men belonging to the said vessel and boat, with the same rations as the officers and men on board the sloop *Winthrop* are entitled to receive, and the guards with the same rations as last year.

And it is further *Resolved*, That there be allowed and paid to each officer and mariner on board the said vessel and boat, such sums as the Governor with advice of Council, shall think proper, not exceeding the same wages as the officers and men receive on board the sloop *Winthrop*.  
*March 26, 1783.*

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### Chapter 223.

*Chap. 223* RESOLVE ABATING ONE THIRD PART OF ALL THE TAXES, BOTH FOR MONEY AND BEEF, SET UPON THE TOWN OF MERRYFIELD, IN 1781, AND DIRECTING THE TREASURER IN THIS CASE.

*Whereas it appears to this Court, that by a resolve of April the 3d, 1780, that there was an abatement of one third part of all the taxes set upon the plantation, called Merryfield, in the county of Hampshire; and as it appeareth reasonable to this Court, that the abatement should be continued until the last valuation took place.*

*Resolved*, That one third part of all the taxes, both for money and beef, that have been set upon the said plantation of *Merryfield*, previous to the valuation of 1781, be abated, and the Treasurer of this Commonwealth is directed to govern himself accordingly, in the settlement of the said taxes.  
*March 26, 1783.*

ACTS and LAWS  
OF THE  
COMMONWEALTH  
OF  
MASSACHUSETTS,  
PASSED BY THE  
GENERAL COURT, A. D. 1783.

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BOSTON:  
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M,DCC,LXXXIII.

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1890.





# ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS:  
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF  
SUFFOLK, ON WEDNESDAY THE TWENTY-EIGHTH DAY  
OF MAY, ANNO DOMINI, 1783.

## 1783. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR GRANTING A LOTTERY FOR THE REBUILDING AND  
REPAIRING THE PUBLIC BRIDGES, AND REPAIRING THE  
HIGHWAY IN THE TOWN OF WINCHENDON, WHICH LEAD  
TO CHARLESTOWN, IN THE STATE OF NEW HAMPSHIRE.

Chap. 1

*Whereas it appears of great utility, that the public  
bridges and highway, in the town of Winchendon, leading  
to the said Charlestown, should be rebuilt and repaired,  
and the said town hath represented their inability to  
accomplish the same, praying that a lottery may be  
granted for those purposes:*

Preamble.

*Be it therefore enacted by the Senate and House of  
Representatives, in General Court assembled, and by the  
authority of the same, That a sum not exceeding six hun-  
dred pounds, be raised by a lottery or lotteries, for the  
purposes aforesaid, and that Samuel Crosby and Abel  
Wilder, Esq's, and Mr. Levi Nichols, or any two of  
them, be Managers thereof, who shall be sworn to the  
faithful discharge of the trust, and shall, as soon as may  
be, publish a scheme of such lottery or lotteries, in such  
public newspaper as they may think most proper; and  
the said Managers shall keep just and regular accounts of  
their proceedings, and of the monies they may receive in  
their said capacity, which shall at all times be open to the  
inspection of the Treasurer of the said town of Winchen-  
don for the time being; and within one month after they  
shall be requested thereto by vote of the said town, shall  
compleat drawing any such lottery or lotteries, and shall  
pay the net proceeds thereof in such manner as shall be*

600l. to be raised  
by lottery, for  
repairing  
bridges, &c. in  
the town of  
Winchendon.  
Samuel Crosby,  
Esq; and  
others,  
Managers, to be  
sworn.

ordered by the said town, or their Committee, for such purpose to be chosen; and if the said Managers, or any of them, shall neglect payment as aforesaid, for the space of fourteen days after receipt of such order, the said Treasurer is hereby authorized and impowered to sue for and recover, for the use of the said town, such monies neglected to have been paid as aforesaid, by action in any Court proper to try the same; and furthermore, the said managers, within three months after the last drawing of the said lottery or lotteries, shall settle and finish their accounts of the said lottery or lotteries, and in case they, or either of them, shall neglect or refuse so to do, or shall refuse or neglect to finish drawing such lottery or lotteries, in manner as aforesaid, they shall severally forfeit the sum of one thousand pounds, for the use of the said town, and to be recovered by the said Treasurer in manner aforesaid.

*And be it further enacted by the authority aforesaid,* That the said town of *Winchendon* shall, in the most prudent and expeditious way and manner, apply all the net proceeds of the said lottery or lotteries, to the purposes of rebuilding and repairing the said bridges and highway; and in case the said town shall convert the said proceeds to any other use or purpose, or shall unreasonably delay to apply the same as is herein before directed, the said town shall forfeit and pay, to the use of the Commonwealth, the sum of fifteen hundred pounds, to be recovered by the Treasurer of the said Commonwealth, by action in any Court proper to try the same.

*And be it further enacted,* That all prizes drawn in the said lottery, shall be published in *Willis's Independent Chronicle*, within thirty days after drawing the same, and be paid without deduction, if demanded within six months after drawing, otherwise to be deemed as generously given for the purposes aforesaid.

*And be it also further enacted,* That if any person or persons shall forge, counterfeit, or alter any ticket issued by virtue of this act, or shall pass or utter any such forged, counterfeited or altered ticket, knowingly; or that shall counsel, advise or assist in forging, counterfeiting or altering the same; every such person or persons so offending, and being thereof convicted in the Supreme Judicial Court of this Commonwealth, shall be set on the gallows for the space of one hour, with a rope about his

Persons convicted of forgery.

Penalty.

neck, or shall pay a fine not exceeding one hundred pounds to the use of this Commonwealth, or be imprisoned not exceeding twelve months, or be publicly whipped not exceeding thirty-nine stripes, at the discretion of the Justices of the same Court, who are also hereby impowered to inflict one or more of the said punishments on such offenders, if they see fit.

June 16, 1783.

### 1783. — Chapter 2.

[May Session, ch. 2.]

AN ACT FOR GRANTING A LOTTERY FOR THE PURPOSE OF REBUILDING A BRIDGE ACROSS WESTFIELD RIVER, IN THE TOWN OF WESTFIELD, NIGH TO A PLACE CALLED WELLER'S MILLS.

Chap. 2

*Whereas it appears to this Court, that it is necessary for public accommodation that the bridge over Westfield river should be rebuilt, and the town of Westfield have requested the benefit of a lottery to assist them in the expense of erecting the said bridge:*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and hereby is granted, a lottery for raising a sum not exceeding three hundred and thirty pounds, the profits of which, after payment of the necessary expenses of managing the same, shall be in whole applied towards defraying the expences of erecting the said bridge in the place aforesaid.*

330l. to be raised by lottery, to rebuild a bridge over Westfield river.

*And be it further enacted, That Samuel Mather, Samuel Fowler, John Ingersoll, David Mosely, and Israel Ashley, or any three of them, be, and hereby are appointed sole Managers of the said lottery, whose business it shall be, to concert and publish a scheme or schemes for the purpose of such lottery, and to attend to the drawing the said lottery, and publish in the *Springfield* and *Worcester* news papers, a correct list of all prizes which may be drawn in the said lottery, within twenty days after the drawing thereof shall be completed, and shall pay to each possessor of a prize ticket therein, the full sum of such prize, within twenty days after such list is published, if demanded by the possessor of such ticket; and if it be not demanded within six months after the drawing the said lottery, it shall be deemed as generously given for building the said bridge, and applied accordingly.*

Samuel Mather, Esq; and others, appointed Managers.

Persons convicted of forgery.

*And be it further enacted,* That if any person shall forge, counterfeit, or alter any lottery ticket issued by virtue of this act, or shall pass or utter any such forged, counterfeited or altered ticket, knowing the same to be false, forged, counterfeited, or altered, or shall counsel, advise or assist in forging, altering or counterfeiting the same, every person so offending, and being thereof convicted before the Supreme Judicial Court of this Commonwealth, shall be punished by being set on the gallows for the space of one hour, with a rope about his neck, or shall pay a fine not exceeding one hundred pounds, to the use of this Commonwealth, or suffer not more than twelve months' imprisonment, nor less than two, or be publicly whipped not exceeding thirty-nine stripes, at the discretion of the said Supreme Judicial Court, according to the nature and circumstances of the offence.

Penalty.

Managers to give security to the Treasurer.

*Provided always,* That the said *Samuel Mather, Samuel Fowler, John Ingersoll, Israel Ashley, and David Mosely,* give security to the Treasurer of this Commonwealth, in the sum of six hundred pounds, to employ all the monies that shall be raised by the said lottery, in building a bridge over the said river. *June 18, 1783.*

### 1783. — Chapter 3.

[May Session, ch. 3.]

*Chap. 3* AN ACT FOR INCORPORATING A NUMBER OF THE INHABITANTS OF THE TOWN OF AMHERST, IN THE COUNTY OF HAMPSHIRE, INTO A SEPARATE PARISH, BY THE NAME OF THE SECOND PARISH IN THE TOWN OF AMHERST.

Preamble.

*Whereas a number of the inhabitants of the town of Amherst, in the said county, hereinafter named, have petitioned this Court to be incorporated into a separate parish. for reasons set forth in their petition.*

Nathan Dickinson and others, together with their estates, in Amherst, incorporated into a separate parish.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said petitioners, namely, *Nathan Dickinson, Moses Dickinson, John Billing, John Dickinson, Joseph Eastman, Ebenezer Mattoon, Timothy Green, Pelatiah Smith, Ebenezer Dickinson, Noah Dickinson, Hezekiah Belding, Ebenezer Williams, Henry Franklin, John Robins, Jacob Warner, Abijah Williams, Joseph Robins, James Mirick, second, Azariah Dickinson, John Ingraham, Andrew Kimbal, Samuel Henry, Nathan Perkins, Noahdiah Lewis, Noah Hawley,*

*Ebenezer Dickinson, third, Joseph Morton, Oliver Clapp, Lemuel Moody, Giles Church, Ebenezer Eastman, Nathan Dickinson, junior, Nathaniel Dickinson, second, Gideon Moore, Stephen Cole, Waitstill Dickinson, Thomas Marshall, Amariah Dana, John Eastman, Joseph Dickinson, David Cowls, David Rich, Simeon Cowls, Benanuel Leach, Elihu Dickinson, Abner Adams, Joseph Eastman, junior, Reuben Ingraham, Samuel Ingraham, Reuben Dickinson, Clement Marshall, Thomas Morton, Reuben Dickinson, junior, Ebenezer Dickinson, second, Ebenezer Mattoon, junior, Amos Ayres, Aaron Billing, Justus Williams, Adam Rice, Gideon Lee, Jacob Warner, junior, Solomon Dickinson, Levi Dickinson, Asa Dickinson, Ebenezer Ingraham, Nathan Perkins, junior, Eli Putnam, Zimri Dickinson, Joseph Williams, David Blodget, junior, Phineas Allen, Simeon Dickinson, and Gad Dickinson,* together with their estates, which they now have, or may hereafter have and possess, in their own right, in the said town of *Amherst*, be, and hereby are incorporated into a separate parish, by the name of the second parish in the town of *Amherst*.

*And be it further enacted by the authority aforesaid,* That the inhabitants of the said parish be, and hereby are vested, with all the privileges, powers and immunities, which parishes by the laws of this Commonwealth, are vested withal.

Inhabitants  
vested with  
certain powers.

*And be it further enacted,* That *Ebenezer Mattoon, Esq;* be, and hereby is empowered, to issue his warrant directed to some one principal inhabitant of the parish aforesaid, requiring him to warn a meeting of the inhabitants of the said parish, by law qualified to vote in parish affairs, to assemble at some proper time and place within the said parish, to be expressed in the same warrant, to choose such officers as are necessary to manage the affairs of the said parish, according to the powers and authority given by this act; and the inhabitants qualified by law to vote, being so assembled, shall be, and hereby are empowered, to choose such officers accordingly.

Eben. Mattoon, Esq;  
empowered to  
call a meeting.

*And be it further enacted,* That any other inhabitant of the town of *Amherst* shall have liberty to join himself to the said second parish, who shall, within three months from the date hereof, declare such his intention, by leaving a certificate with the Secretary of this Commonwealth.

Persons living  
in said town to  
have their  
choice.

*June 19, 1783.*

## 1783. — Chapter 4.

[May Session, ch. 4.]

*Chap. 4* AN ACT IN ADDITION TO THE SEVERAL ACTS OF THIS COMMONWEALTH ALREADY MADE, FOR THE PRESERVATION OF THE FISH CALLED ALEWIVES, AND FOR THE BETTER REGULATING THE RIVER CALLED *WEWEWANTETT* RIVER, IN THE COUNTY OF *PLYMOUTH*.

Preamble.

*Whereas the laws of this Commonwealth already made, for the preservation of the fish called Alewives, appear to this Court to be insufficient for the preservation of the said fish in the river called Wewewantett river, in the county of Plymouth; and for the better preservation of the said fish in the said river :*

Time fixed for catching fish.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, That no seine, dragnet or marshnet, be stretched, set or drawn in the said river, or in any of the branches, arms or creeks of the same, or in any of the dependencies thereof, above the rock in the said river called Toonsuk rock, from and after the first day of April until the first day of June, annually; and if any person or persons shall presume to set, stretch or draw any seine, dragnet or marshnet, in the said river, within the time aforesaid, he or they so offending, shall forfeit and pay the sum of fifty pounds for each offence, to be recovered by action of debt in any Court proper to try the same; the one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of the towns of Rochester, Plympton and that part of Wareham which was originally part of Rochester, and every such seine, dragnet or marshnet, with its appurtenances so set, stretched or drawn, shall be forfeited to the use of the said towns.*

Persons presuming to draw any seine.

Penalty.

How recovered.

No wares, &amp;c. to be made in said river.

*And be it further enacted, That no wares, kiddles or fish girths be made in the said river or any of the branches thereof, by any person or persons, on pain of forfeiting the sum of five pounds for each offence, to be recovered in manner aforesaid.*

Fish to be taken by certain instruments.

*And be it further enacted by the authority aforesaid, That no fish be taken in the said river or any of the branches thereof, with any other engine or instrument than a dipnet or scoopnet, on penalty of forfeiting the sum of ten pounds, to be recovered in manner aforesaid and for the uses aforesaid.*

*And be it further enacted,* That no stage or platform shall be erected for the purpose of taking the fish in the said river, but such as may be erected on the banks of the said river, and not to extend further than the water's edge, on penalty of ten shillings for every such offence, to be recovered by action of debt before any Justice of the Peace in the said county of *Plymouth*; one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of the said towns as abovesaid; and the materials of all such stage or stages, platform or platforms, so erected against this act, shall be forfeited to him or them who shall seize upon, demolish or take possession of the same; and if any action or actions shall be brought by any person or persons who thus erected the said stage or stages, platform or platforms as aforesaid, against him or them who thus seized or demolished the same, he or they against whom such action or actions are brought, may plead the general issue and give this act in evidence for his discharge.

No stages or platforms to be erected for taking fish in said river.

Penalty.

How recovered.

*And whereas the banks adjoining the said river, in many places are covered with wood and brush, and evil minded persons do frequently make obstructions in the said river under cover of the said wood and brush: For the prevention thereof in future,*

*Be it enacted,* That no obstructions shall be made to the fish in passing up or down in the said river, by placing stones, brush or other incumbrances, for the more safe and effectual taking the said fish, on penalty of five pounds, to be recovered in any Court proper to try the same, and to enure to the uses as is already by this act provided.

Persons obstructing the fish.

Penalty.

*And be it further enacted by the authority aforesaid,* That no person or persons shall hereafter, on any pretence whatsoever, presume to take any fish in the said river, at any time or at any place or places, other than such as shall be prefixed by one or more person or persons chosen by the towns of *Rochester, Plymouth* and *Wareham*, at their annual town meeting in the month of *March*; each of which towns is hereby authorized and empowered, at their said annual meeting, to make choice of one or more suitable person or persons to meet with others to be chosen for that purpose, to agree on the time or times when, and place or places where, fish in the said river shall be taken, on penalty of five pounds for each offence, to be recovered in the same way, and for the same purposes, as is already by this act provided.

No person to take any fish except at times prefixed by persons chosen.

Persons to be annually chosen by the towns of Rochester, Plymouth and Wareham.

*And whereas the fish usually passing up the said river to cast their spawn, are greatly obstructed by dams erected on the said river for the purpose of collecting water to carry mills, and in some places it is impracticable to make suitable and sufficient sluices or passages through the said dams for the said fish to pass up into the ponds to cast their spawn: For remedy whereof,*

No mill permitted to go on said river from April to June, unless.

*Be it enacted,* That no mill or mills, forge or furnace, or any water works whatsoever, be permitted to go or work on the said river, from the first day of *April* until the first day of *June*, annually, unless such sluices as hereafter are described in this act are kept open for the term of time aforesaid; and that the dams on the said river or the sluices belonging to such dams, shall be kept open ten feet in width, to the bottom of the natural stream of the said river, and shall lay open during the time aforesaid, on penalty of fifty pounds, to be recovered by action of debt of the possessors of such mills, forge or furnace, or water works, one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of the towns, or proprietors of the said river, in any Court proper to try the same.

No person disqualified to give evidence.

*And be it further enacted by the authority aforesaid,* That no person shall be disqualified from being a witness in any cause, for a breach of this act, by reason of his or her being an inhabitant of any of the towns aforesaid.

*June 23, 1783.*

## 1783. — Chapter 5.

[May Session, ch. 5.]

### Chap. 5

AN ACT FOR INCORPORATING THE PROPRIETORS OF MATTAKESSETT CREEKS (SO CALLED) IN THE TOWN OF EDGARTOWN, IN THE COUNTY OF DUKES COUNTY, INTO A BODY POLITIC, BY THE NAME OF THE PROPRIETORS OF MATTAKESSETT CREEKS; AND ALSO FOR THE REGULATING AND BETTER IMPROVING THE LOW GROUNDS AND MEADOWS ADJOINING THE SAID CREEKS AND GREAT POND (SO CALLED) IN THE SAID TOWN.

### Preamble.

*Whereas, the proprietors of the town of Edgartown, in the county of Dukes County, did formerly grant the privilege of the fishery in Mattakessett creeks, in the said town, unto John Butler, Enoch Coffin, Benjamin Smith, John Pease, Thomas Vinson, Brotherton Dagget, Timothy Dagget, Tristram Coffin, Gershom Dunham, and John Stuart, their heirs and assigns, forever, together*



*with such others as should from time to time be taken in with them: And whereas they, their heirs, assigns and associates, have been at considerable labour and expence in digging and keeping open a water passage for the fish called alewives, and other fish, from the sea into the pond called the great pond, being wholly within the bounds of the said town of Edgartown: And whereas the present owners and proprietors of the said fishery have represented to this Court, that their being incorporated into a body politic would remedy many inconveniences to which they are otherwise subject, and as it seems but reasonable and just that the present owners and proprietors of the said fishery should be vested with power to order, manage and regulate the same:*

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the present owners and proprietors of the said Mattakessett creeks, be, and they are hereby incorporated into a body politic, for the purpose aforesaid, under the name of the proprietors of Mattakessett creeks, in Edgartown.*

Owners and proprietors of Mattakessett creeks incorporated.

*And be it further enacted by the authority aforesaid, That when, and so often as the said proprietors shall judge a proprietors meeting necessary, five of them applying to a Justice of the Peace within the said county, the said Justice is hereby authorized and empowered to grant a warrant for calling the same, directed to one of the principal proprietors, to be posted up in some public place or places in the said town, fourteen days at least before the time appointed for holding such meeting, thereby signifying the time, place, and business thereof; and the major part of the proprietors so assembled, shall have full power to agree upon any other way or manner for calling meetings for the future, and also to chuse a Clerk and all other necessary officers, who shall be sworn to the faithful discharge of their respective trusts.*

In what manner meetings are to be called.

*And be it further enacted by the authority aforesaid, That the said proprietors, or the major part of them, in any legal meeting called therefor, may, and they are hereby authorized and empowered, from time to time, to make and agree upon such necessary rules, orders and by-laws, for the directing and ordering and managing the prudential affairs of the said proprietors, as they shall judge most conducing to the peace, good order and wel-*

Proprietors empowered to agree upon all necessary rules, orders, &c.

To annex penalties. fare of the same, and to annex penalties for the observance of the same, not exceeding twenty shillings for each offence, provided that they be not repugnant to the laws of this Commonwealth; and the penalties for the breach of any of them by any of the said proprietors, to be recovered by action of debt, before some Justice of the Peace in the said county not being a proprietor, one moiety thereof to him or them who shall sue for the same, and the other moiety to the poor of the said town.

How recovered. *And be it further enacted*, That no person or persons shall, on any pretence whatsoever, (without liberty first obtained of the major part of the said proprietors in a meeting called for that purpose) presume to set, draw, or stretch any seine or dragnet, or set up any wears, or make use of any other fishing engine, in any part of the said creeks or ponds adjacent on the said great pond, where the fish usually cast their spawn, or at or near the mouth of the said creeks, so as to take or obstruct the alewives or other fish that pass up or down the said creeks, on penalty of five pounds for each offence, to be recovered of every person thus offending, by action of debt in any Court proper to try the same, one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of the poor of the said town.

Persons prohibited to set any seine, &c. without leave.

Penalty.

Preamble. *And whereas there are divers tracts of low grounds and meadows adjoining the creeks and great pond aforesaid, which low grounds and meadows are owned by divers persons who are differently affected by the draining the water off from the said great pond and several smaller ponds adjacent to the aforesaid creeks; and as application has been made to this Court by the proprietors of the said creeks and the low grounds and meadows affected thereby: Wherefore, for the appointment of Commissioners of sewers for the better ordering and regulating the same.*

Governor & Council empowered to appoint Commissioners of sewers. *Be it further enacted*, That the Governor, with the advice of Council be, and hereby is empowered, from time to time, at the request of the major part of the said proprietors, to appoint three able and discreet persons to be Commissioners of sewers, whose business it shall be to meet and convene together from time to time, as occasion may require, and view the premises, and determine by what ways and means, at what times, and to what particular depth, the water shall be drained from off the great

pond aforesaid, having particular regard as well to the low grounds and meadows adjoining the great pond and creeks aforesaid, as to the fishery in the said creeks, and to determine according to the value and importance, and the advantages and benefits arising from each.

*And be it further enacted by the authority aforesaid,* That the said Commissioners shall determine what part or proportion of labour or expence the proprietors of the said low grounds and meadows, and the proprietors of said creeks, respectively, shall be at, in digging and keeping open the said creeks, or any other necessary expence arising from the same; and if by any order or procedure of the said Commissioners for the mutual benefit, it should so happen, that any individual should be damaged in his lands or propriety, the damage so done shall be recompensed by such proprietors as the said Commissioners shall order, having regard to each one's interest therein, or as shall be ordered by the Court of General Sessions of the Peace in the said county, upon enquiry into the same by a Jury summoned for that purpose; and in all other matters respecting the premises, the said Commissioners shall proceed agreeable to the laws of this Commonwealth, already made and provided for the direction of Commissioners of sewers.

Commissioners  
to apportion the  
expence.

In case.

Commissioners  
to proceed  
agreeable to  
law.

June 24, 1783.

## 1783. — Chapter 6.

[May Session, ch. 6.]

AN ACT TO CARRY INTO EXECUTION AN ACT MADE IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-EIGHT, ENTITLED, "AN ACT TO PREVENT THE RETURN TO THIS STATE OF CERTAIN PERSONS THEREIN NAMED, AND OTHERS, WHO HAVE LEFT THIS STATE, OR EITHER OF THE UNITED STATES, AND JOINED THE ENEMIES THEREOF."

Chap. 6

*Whereas by the act above mentioned it is provided, that certain persons therein named and described, should be sent out of this State by the Board of War, and the same Board hath since been discontinued, by means whereof there are no persons now in the Commonwealth who are impowered to carry the same act into effectual execution:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in case any person now stands committed by any Magistrate, or hereafter shall be com-

In case of com-  
mitment by two  
Justices of the

Peace, the Justices to certify the same to the Governor, who is to transport the person to some part of the British dominions.

Penalty in case of such person's return.

mitted to any goal in this Commonwealth, by two Justices of the Peace, in pursuance of the act aforesaid, such Magistrate or Justices shall immediately certify the same commitment to the Governor of the Commonwealth, who shall immediately, or as soon as may be, at the expence of the Commonwealth, cause such person so committed, to be transported to some part or place within the dominions of the King of *Great Britain*; and if such person so transported shall voluntarily return again to this Commonwealth, and be thereof convicted before the Supreme Judicial Court, such person shall suffer the same pains and penalty as are provided in the said act, in case any such person should return into this State after being transported out of the same by the Board of War, according to the directions of the said act.

No writ of replevin to be served.

Penalty.

*Be it further enacted*, That when any such person shall be committed by two Justices of the Peace, or taken into custody by order of the Governor, to be sent out of this State, no writ of replevin to replevy such person shall be served, nor shall any action on such writ be prosecuted, brought forward or supported, and every service of such writ shall be utterly void, and the officer who shall presume to execute the same, shall be liable to a fine of one hundred pounds, and be incapable forever hereafter of serving or executing any other writ or precept.

Limitation.

*And be it further enacted by the authority aforesaid*, That this act shall continue and be in force until the recommendation of Congress, mentioned in the preliminary articles agreed upon between the United States of *America* and *Great Britain*, shall be laid before the General Court, and a final determination be had thereon, and no longer.

July 2, 1783.

## 1783. — Chapter 7.

[May Session, ch. 7.]

### Chap. 7

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, OR NEAR EXPIRING.

Preamble.

*Whereas the several acts hereinafter mentioned, which are now expired, or near expiring, have been found useful and beneficial, viz. :*

One act made in the year of our Lord, one thousand seven hundred and forty-nine, intituled, “ An act to prevent any persons obstructing the fish in their passing up

into *Monatiquot* river, within the town of *Braintree*;" one act made in the year of our Lord one thousand seven hundred and fifty-one, intituled, "An act to impower the proprietors of the meeting house in the first parish in *Salem*, where the Rev'd. Mr. *John Sparhawk* now officiates, and also the proprietors of the meeting house in the third parish in *Newbury*, where the Rev'd. Mr. *John Lowell* officiates, to raise money for defraying ministerial and other necessary charges;" one act made in the year of our Lord one thousand seven hundred and sixty-three, intituled, "An act in addition to the act made and passed in the eighth year of the reign of her late Majesty Queen *Anne*, intituled, "An act for regulating of drains or common shores;" one act made in the year of our Lord one thousand seven hundred and seventy-three, intituled, "An act to enable and impower the inhabitants of new plantations within this province, enjoined and subjected by law, or that may hereafter be enjoined and subjected to pay province and county taxes, to assess, levy and collect the same;" two acts made in the year of our Lord one thousand seven hundred and eighty-one, one intituled, "An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers," the other intituled, "An act in addition to an act made and passed at the last session of the General Court, intituled, "An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers;" also the last paragraph of an act made in the year of our Lord one thousand seven hundred and eighty-three, intituled, "An act for reviving the act, intituled, "An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers;" also another act, intituled, "An act in addition to an act made and passed at the last session of the General Court, intituled, "An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers."

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the beforementioned acts, and also the said paragraph of an act, now expired, or near expiring, be revived and continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of *November*, one thousand seven hundred and eighty-five.

Reviving clause.

July 2, 1783.

## 1783. — Chapter 8.

[May Session, ch. 8.]

**Chap. 8** AN ACT TO INCORPORATE THE EAST PARISH OF *SOUTH BRIMFIELD*, IN THE COUNTY OF *HAMPSHIRE*, INTO A DISTRICT BY THE NAME OF *HOLLAND*.

Preamble.

*Whereas the inhabitants of the east parish in the said South Brimfield, have represented to this Court the many inconveniences they labour under, arising from their connection with the said South Brimfield: For the remedy thereof,*

South Brimfield east parish incorporated into a district by the name of Holland, and vested with certain powers.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all the lands and inhabitants of *South Brimfield* aforesaid, lying and being on the east side of the county road leading from *Brimfield* to *Union*, in the State of *Connecticut*, called and known as the *South Meadow road* there; be, and hereby are incorporated into a district by the name of *Holland*, and invested with all the powers, privileges and immunities, that districts in this Commonwealth are intitled to according to law, or do or may enjoy.

Abner Morgan, Esq.; empowered to call the first meeting.

*And it is further enacted by the authority aforesaid,* That *Abner Morgan*, of *Brimfield*, Esquire, be, and he hereby is empowered and required to issue his warrant, directed to some principal inhabitant within the said district of *Holland*, directing him to warn the inhabitants of the said district, qualified to vote in town affairs, to assemble at some convenient time and place in the same district, to choose all such town officers as by law are to be chosen annually in the month of *March*.

Inhabitants to pay their proportionable part of their taxes, until.

*Provided nevertheless,* The inhabitants of the said district of *Holland* shall pay their proportionable part of all such town, county and State taxes, as are already or may hereafter be assessed on the town of *South Brimfield* aforesaid, until the said district of *Holland* and the said town of *South Brimfield*, by their Selectmen or otherwise, shall agree upon the proportion of public taxes the said district of *Holland* and the said town of *South Brimfield*, shall respectively pay, and until the General Court shall lay a tax upon the said district of *Holland*.

Inhabitants intitled to receive their proportion of arms, ammunition, &c.

*And it is further enacted by the authority aforesaid,* That the inhabitants of the said district of *Holland* be intitled, and they hereby are enabled, to demand and receive of the said town of *South Brimfield*, their just pro-

portion of arms and ammunition and town stores, and of all public monies that have been assessed or collected for schooling or otherwise, for the public use of the said town of *South Brimfield*, and have not been expended for the purposes designed.

*And it is further enacted*, That the Selectmen of the said *South Brimfield*, fifteen days at least before the time of choosing a Representative for the said town, shall give notice of the time and place by them ordered for that purpose, to the Selectmen of the said district of *Holland*, in writing under their hands, to the intent the Selectmen of the said district may issue their warrant to the Constable or Constables of the said district to warn the inhabitants thereof to meet with the said town of *South Brimfield*, at time and place so appointed for the choice of a Representative.

Selectmen of S. Brimfield to give notice relative to the choice of a Representative.

July 5, 1783.

### 1783. — Chapter 9.

[May Session, ch. 9.]

AN ACT TO IMPOWER THE PROPRIETORS OF THE MEETING HOUSE IN THE EAST PARISH IN SALEM, TO RAISE MONEY BY A TAX ON THE PEWS AND SEATS IN THE SAID MEETING HOUSE, TO SUPPORT A COLLEAGUE TO THEIR PRESENT MINISTER, AND MAKING PROVISION FOR THE DISSOLUTION OF THE SAID PARISH.

Chap. 9

*Whereas application has been made to this Court, by the proprietors of the meeting house in the east parish in Salem, desiring that they may be empowered to raise money by taxes on the pews and seats in the said meeting house, to enable them to procure and settle in the work of the ministry in the said meeting house, a colleague to their present Minister:*

Preamble.

*Be it hereby enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the proprietors of the said meeting house be, and hereby are authorized and empowered, to raise by a tax on the pews and seats in the said meeting house, such sum or sums as the said proprietors, at a legal meeting called for that purpose, shall agree upon, for the purpose of procuring and settling a colleague to their present Minister; and after the decease of their present Minister, for defraying the ministerial and all other charges incident thereto; and that the first and future meetings of the proprietors of the said meeting-house, shall be called as directed in an act made in the year one thousand seven hundred and thirty-five, direct-

Proprietors empowered to tax pews, &c.

How meetings of proprietors are to be called.

ing how meetings of proprietors in wharves or other real estate may be called, and at such meetings to chuse all officers necessary to manage and transact all the business of the said propriety.

Pews and seats to be taxed according to their valuation.

*And be it further enacted*, That the said pews and seats shall be taxed and pay towards the said charges according to their valuation, having respect to their conveniency and situation, which valuation shall be put thereon from time to time by the said proprietors or their Committee, as may be found necessary; and all such taxes or assessments shall become payable in thirty days from the time the Collector shall give notice thereof to the proprietor or owner of the pew or seat assessed; and if such proprietor or owner shall not forthwith pay such tax or assessment, such proprietor or owner shall be liable to, and pay over and above the said tax or assessment, after the rate of six per cent. per annum thereon till paid; and if not paid in one year from such notice, the proprietors may, and they are hereby impowered, by themselves or their Committee, to sell or dispose of the pew or seat of such delinquent proprietor or owner, according to its valuation, and after deducting all taxes due thereon, and the said six per cent. per annum from the time the same became payable, and the charges of sale, the overplus (if any) shall be paid to the person so delinquent.

Taxes when payable.

In case.

When the parish shall cease, how the ministry is to be supported.

*And be it further enacted*, That from and after the death of the present Minister of the said parish, the same shall cease to be a parish, and the ministry shall thereafter be supported within such parts of the said town of *Salem* as constitute the said parish, by proprietorship, in the meeting house or meeting houses which is or may be therein, as in other parts of the said town of *Salem*.

Former laws declared null and void.

*And be it further enacted*, That all former laws enabling the said parish to lay any tax on the pews or seats in the said meeting house, be, and they are hereby declared null and void.

July 5, 1783.

### 1783. — Chapter 10.

[May Session, ch. 10.]

*Chap. 10* AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES IN CASES WHERE THE CONSTABLES OR COLLECTORS APPOINTED FOR THAT PURPOSE HAVE REMOVED OR MAY REMOVE THEMSELVES OUT OF THIS COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority*



*of the same*, That where any Constable or Collector in any town, precinct or parish, within this Commonwealth, shall have had any rates or assessments committed to him to collect, and has removed, or in the judgment of the Selectmen, Assessors, or Treasurer of the said town, or the Committee or Treasurer of the precinct or parish (as the case may be) is about to remove out of this Commonwealth before the time set in his warrant or warrants to make payment to the several Treasurers therein mentioned; or the time of payment be elapsed, and the Treasurer or Treasurers has thereupon issued his or their warrant or warrants of distress; that in either case it shall and may be lawful for the Selectmen of such town, or committee of such precinct or parish, on their own motion, or at the request of their respective Assessors or Treasurers, to call a town, precinct or parish meeting, in due form of law, setting forth in their warrant the cause of such meeting, and requiring the voters qualified by law at the said meeting, if the said voters shall think it proper, either by themselves or such person or persons as they shall appoint, to settle with the said Constable or Collector who is under either of the above mentioned circumstances, and who has or is about to remove as aforesaid, for the money he has received on the rate bill or bills that has been delivered to him, and demand and receive his said bill or bills, and give him a discharge therefor; and at the said meeting may proceed to the choice of another Constable or Collector, who upon non-acceptance shall be liable to the same fine as if he had been originally chosen in the month of *March*, and the town, parish or precinct, shall proceed to a new choice, and so *toties quoties*, until one is chosen who shall accept, and be sworn accordingly; and the Assessors shall make out a new warrant under their hands and seals, in due form of law, and shall deliver the warrant, together with the same bill or bills, to the person chosen as aforesaid, to collect and levy what shall be remaining due thereon; and the person so chosen is hereby vested with the same authority to levy and collect what shall then remain due on the same bill or bills, as the Constable or the Collector was to whom they were first committed.

*And be it further enacted by the authority aforesaid*, That if any Constable or Collector so removing or intending to remove himself out of this Commonwealth, shall refuse to deliver the bill or bills of rates or assessments

Where Constables or Collectors have had rates committed to them, and have removed, or are about to remove; in either case the Selectmen or Committees are to call a meeting, setting forth the cause.

Persons to be chosen to settle with Constables or Collectors who are under the above circumstances.

To choose another Constable or Collector.

Assessors to make out a new warrant.

In case of refusal.

committed to him to collect, and all monies collected by him thereon and remaining in his hands, when demanded by the Assessors or Selectmen, or the major part of them as aforesaid, to deliver the same; he shall pay a fine of sixty pounds to the use of the town, precinct or parish of which he was Constable or Collector, to be recovered by such town, precinct or parish, in an action of debt to be brought in any Court of law proper to try the same, and shall remain liable to pay what shall remain due upon the bill or bills committed to him to collect, as by the law of this Commonwealth is already provided. *July 5, 1783.*

### 1783.—Chapter 11.

[May Session, ch. 11.]

*Chap.* 11 AN ACT DETERMINING AT WHAT TIMES AND PLACES THE SUPREME JUDICIAL COURT, THE COURT OF GENERAL SESSIONS OF THE PEACE AND COURT OF COMMON PLEAS, SHALL BE HELD WITHIN AND FOR THE COUNTY OF *BERKSHIRE*.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the times and places for holding the Supreme Judicial Court, the Court of General Sessions of the Peace and Court of Common Pleas, within and for the county of *Berkshire*, from and after the first day of *January*, one thousand seven hundred and eighty-four, until the first day of *January*, one thousand seven hundred and eighty-six, be annually as followeth, — *that is to say,*

The Supreme Judicial Court, at *Great Barrington*, on the first Tuesday of *October*; the Court of General Sessions of the Peace and Court of Common Pleas, at *Pittsfield*, on the first Tuesday of *February* and on the second Tuesday of *May*; at *Great Barrington*, on the second Tuesday of *September* and on the third Tuesday of *November*, any law of this Commonwealth to the contrary notwithstanding. *July 9, 1783.*

### 1783.—Chapter 12.

[May Session, ch. 12.]

*Chap.* 12 AN ACT LAYING DUTIES OF IMPOST AND EXCISE ON CERTAIN GOODS, WARES AND MERCHANDIZE THEREIN DESCRIBED, AND FOR REPEALING THE SEVERAL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Preamble.

*Whereas it is an object of the first attention with every good government, to make the earliest and most effectual*

Times and places for holding Courts in the county of Berkshire.

*provision for the payment of their debts and for doing justice to their creditors by establishing ample and permanent funds, that thereby the fullest confidence may be placed in the public credit, and those evils be avoided which result from a want of this confidence: And whereas the laws already made in this government for the purpose aforesaid, are not adapted to the present state of the Commonwealth:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the last day of July instant, there shall be paid an impost of five per centum, ad valorem, on all nails, looking glasses, china, glass, earthen and stone ware, and an impost of two and an half per centum, ad valorem, at the time and place of importation, on all other goods, wares and merchandize that shall be brought into this Commonwealth by land or water (except hemp and salt and such articles as are the manufacture and growth of the United States of America) that shall be landed or unloaded within the same, to be collected as is hereinafter mentioned.*

Time prefixed  
for paying an  
impost.

*And be it further enacted by the authority aforesaid, That no discount or remission of the impost levied by this act shall be allowed on the aforesaid goods, wares and merchandize, after being entered or landed in any place within this Commonwealth, on account of their being exported, or intended for exportation out of this Commonwealth, or on any other account whatever. Provided nevertheless, That no duties or excise shall be paid on any goods that may be landed in this Commonwealth under the immediate care of the Naval Officer, Collector or Deputy, of the port where the same shall be landed for the purpose only of repairing any vessel from which the same shall be landed, and that shall be exported again in the same vessel, or in case such vessel shall be condemned as unfit for sea, in some other vessel provided for that purpose, and in both cases within sixty days from the time of entering the said goods; and provided also, that the master shall make oath before such Naval Officer, previous to the landing such goods, that they are to be landed solely for the purpose of repairing the vessel in which they were imported, or in case such vessel shall be condemned as unfit for sea, in some other vessel provided for that purpose, and without any design to evade the*

No discount  
to be allowed.

Proviso.

payment of duties, and at the same time shall give bond to the Collector of excise, or his Deputy, with one or more sufficient sureties, to reship and re-export the whole of the said goods (except so much as may be necessary to defray the expence of the repairs then to be made on the said vessel) to some port or place without the limits of this Commonwealth, within the said sixty days, or to pay the whole of the duties to the Collector or his Deputy within that time, and shall, in case of exportation within a reasonable time, to be expressed in the bond, produce and deliver to the Collector or his Deputy, from the proper officer of the port or place without this Commonwealth to which such goods may be exported, a certificate that the same have been, *bona fide*, landed there; and in every such case, the cargo so unloaded shall, during its continuance on shore, remain in the custody of such Naval Officer, Collector or Deputy, and no part shall be delivered for defraying the expences of repairs as aforesaid, unless the duties are first paid or secured to be paid thereon.

No imported articles or goods to be landed out of any vessel without a permit from the Naval Officer.

*Be it enacted by the authority aforesaid,* That from and after the last day of *July* instant, no imported articles or goods whatever, saving those herein before excepted, shall be landed out of any vessel or float, or transported from any one vessel or float to another, in any port, harbour, creek or inlet, within this Commonwealth, whether the same shall come from any foreign or neighbouring port, harbour, creek or inlet, without a permit therefor in writing being first had from the Naval Officer of the port, harbour, creek or inlet, into which such vessel or float shall come; or in case of no Naval Officer of such port, harbour, creek or inlet, then from the Collector of Excise for the county, or his Deputy, and where there shall be no Naval Officer, Collector or his Deputy, then from the Town Clerk, or one of the Selectmen of the town in which such port, harbour, creek or inlet is, on penalty of forfeiture of both vessel or float and cargo, with all their appurtenances. *Provided nevertheless,* If any sailor or officer (except the master) belonging to any vessel or float, or any passenger on board, shall land any goods of their own private property without the knowledge of the master or owner of the said vessel or float, before the said permit is obtained, in such case the vessel or float and cargo shall not be forfeited,

Or in case.

Proviso.

but the goods only so landed. And if any vessel and cargo shall be forfeited by a violation of this act, any owner or consignee of goods freighted on board the said vessel, except the master and owner or owners of the said vessel, proving his property by original invoices and bill of lading, and paying the duty thereon, shall have such goods exempted from forfeiture, any thing herein to the contrary notwithstanding. And no such permit for landing or transporting as aforesaid, shall be given by any Naval Officer, Town Clerk or Selectman, until the master of the vessel or float shall have lodged with him a manifest on oath, containing all the goods which were on board when he arrived in port, and the particular packages, bales, casks, chests, trunks, cases and boxes, with the marks and numbers thereof, and the contents, if known to him, and also the names of the owners of the said goods, or the persons to whom the same are consigned, if known to him; nor until such master, owner, or consignee shall bring a certificate from under the hand of the Collector of the county into which such vessel or float shall come, or his Deputy, specifying that the said master, owner or consignee has lodged with him, under oath, an invoice of all the dutied articles contained in those identical packages, bales, casks, chests, trunks, cases or boxes, for which he wants a permit for landing or transporting as aforesaid, specifying the quantity of each article, and that he or they have given bond, with one substantial surety, who shall be an inhabitant of this Commonwealth, to pay the duty thereon, one moiety thereof in two months, and the other moiety thereof in four months; and on producing such certificate, the Naval Officer shall give the necessary permit for landing or transporting the same as aforesaid, and not otherwise; and in case of no Naval Officer, the Collector or his Deputy shall give the permit, after receiving the bond as aforesaid.

*And be it enacted by the authority aforesaid,* That the value of those articles on which a duty of importation is to be raised, shall be estimated by the Collector or his Deputy, and the owner or consignee, and security taken by the Collector or his Deputy, in the name of the Collector, for the amount of the duty, agreeable to such estimate, payable one moiety thereof in two and the other in four months from the date thereof; or in case the Collector

In case of forfeiture of vessel and cargo, owners of goods freighted on board proving property and paying the duty thereon, to have such goods exempted.

No permits for landing to be given, until.

Value of dutied articles to be estimated by the Collectors & the owner or consignee, and security to be given for the amount.

When to be paid.

In case of non-agreement, two or three disinterested persons to be chosen to estimate the same.

In case of refusal, Selectmen to appoint three disinterested persons.

In all cases the persons estimating the value of goods, to declare on oath.

The amount estimated being certified, shall be the sum on which to raise the duties.

In case of dutied articles being transported, the owner or consignee to demand of the Collector a certificate of payment being made.

Owner or consignee to make oath.

Conductors of dutied goods by land, to proceed unmolested, provided he makes oath not to deliver the same, until.

or his Deputy and the owner or consignee cannot agree as to the value of such goods, then they shall chuse two or three disinterested persons of good character, who are acquainted with the value of such goods, to estimate the same; and in case the parties or either of them shall neglect or refuse to choose as aforesaid, or the person or persons chosen shall not determine the value of the said goods within twenty days after the arrival of the same, then, and in every such case, the Selectmen, or a major part of them, of the town into which such goods may be imported, shall on application from the Collector or his Deputy, appoint three disinterested persons of good character, to estimate the same: And in all cases, the persons estimating the value of goods for the purpose of determining the duties according to this act, shall, previous to their entering on such estimation, declare on oath, that they will faithfully perform the same, according to their best skill and judgment, without favour or partiality; and the amount of such estimation being certified under the hands of two of the persons so chosen, shall be the sum on which to raise the duties. And in case any of the dutied articles, on which the duties have been paid or security given for the payment thereof, shall be transported to any other port within this Commonwealth, the owner or consignee shall have a right to demand of the Collector or his Deputy, to whom the duties on such goods were paid, or security given for payment, a certificate of such security or payment being made, which shall intitle the said owner or consignee to a permit to land the same, from the Naval Officer of the port into which such goods shall come, without any other manifest or certificate; and in all such cases the owner or consignee shall make oath before the Collector or his Deputy, that the goods so to be transported, are the identical goods for which such security has been given, or payment made.

*And be it enacted by the authority aforesaid,* That every conductor of dutied articles brought into this State by land, shall proceed to the place unmolested, where he is to deliver the said dutied articles, provided he shall have made oath before a magistrate in this State, on his first entrance into it with the said dutied articles, that he will not deliver the same, or any part thereof, to the owner or consignee, or any other person, nor will he sell or dispose of the same, or any part thereof, until he shall

have lodged a manifest or invoice, in writing, with the Collector, or his Deputy, for the county where the said articles are to be delivered, and obtained his permission for the delivery of the same; provided also the said conductor shall have lodged with such magistrate a true manifest or invoice, containing a particular account of all such dutied articles, an attested copy of which manifest or invoice, shall, as soon as may be, by such magistrates, be transmitted to the Collector of the county, or his Deputy, where such dutied articles are to be delivered. And every conductor of such dutied goods producing a certificate from a magistrate as aforesaid, specifying such oath, shall pass unmolested to the place mentioned in such certificate; otherwise he shall forfeit such goods, and a fine equal to the value thereof.

Proviso.

*And be it enacted,* That a deduction of ten per centum on all dutied liquors and brown sugars, shall be allowed by the Collectors, for common and ordinary wastage.

Ten per cent. on all dutied liquors and brown sugar to be allowed.

*And whereas every evasion of the duties imposed by this act must operate injuriously to the fair trader, as well as to the public revenue: Therefore,*

Preamble.

*Be it further enacted by the authority aforesaid,* That the Collectors of Excise and Naval Officers, and their respective Deputies, or either of them, be, and they hereby are individually authorized and empowered, to seize any dutied liquors and teas, whenever imported, and any other dutied articles that have been imported since the passing of those acts by which the duties were imposed on them respectively, or that may be imported from and after the passing of this act, that shall be sold or offered for sale, or that shall be found on board any vessel or float (except on board the vessel or float in which the said dutied articles were brought into this State) or that shall be found on any land conveyance, or in any store, building or other place whatever, before the duty shall be paid, or security given to the Collector or his Deputy, for the payment thereof, agreeable to law. And whenever any dutied articles shall be seized as aforesaid, if the claimer or claimers shall not make it appear on trial, that the duty was paid, or security given as aforesaid for the payment thereof, before the seizure was made as aforesaid, the said goods shall be adjudged to be forfeited.

Collectors of Excise and Naval Officers empowered to seize.

In case of seizure.

*And be it further enacted,* That all goods which may at any time be seized within either of the counties in this

All goods seized to be labelled before the

Justices of the Court of Common Pleas.

Commonwealth, on account of the duties not being paid, or security not being given for the payment thereof, shall be libelled before the Justices of the Court of Common Pleas, in such county where the same shall be seized, and the causes shall be tried by a Jury of the said county; and an appeal shall be allowed to the libellant or claimant, from a judgment of any of the said Courts of Common Pleas, to the Supreme Judicial Court, as in other cases, any law or usage to the contrary notwithstanding.

An appeal to be allowed.

*And whereas it is necessary, in order to satisfy the numerous creditors to government, which the prosecution of the late war has occasioned, to make an additional provision by way of excise:*

Certain articles to pay a duty after the last day of July instant.

*Be it therefore further enacted by the authority aforesaid, That from and after the last day of July instant, there shall be paid on the following articles, the duty or excise to them respectively herein affixed, viz.*

For every gallon of Madeira Wine, eight pence.

For every gallon of other Wine, six pence.

For every gallon of Brandy, six pence.

For every gallon of Geneva, six pence.

For every gallon of West India Rum, six pence.

For every gallon of New England Rum, three pence.

For every gallon of other distilled Spirits, three pence.

For every pound of Bohea Tea, six pence.

For every pound of other India Tea, one shilling.

For every pound of Coffee, one penny.

For every pound of Cocoa, one penny.

For every pound of imported Chocolate, four pence.

For every pound of imported Loaf Sugar, four pence.

For every pound of other Sugar, half a penny.

For every box of Lemmons, containing four hundred, three shillings, and so in proportion for a greater or less quantity.

For every cask of Raisins, two shillings.

For every pound of imported Snuff, four pence.

For every gallon of draft Porter, Ale or Beer, three pence.

For every bottle of the same, one penny.

For every pound of imported Tobacco, one penny.

For every ounce of wrought Silver imported, one shilling.

For every ounce of wrought Gold imported, ten shillings.

For every imported Clock, twelve shillings.



For every Gold Watch imported into this State, twelve shillings.

For every other Watch imported into this State, six shillings.

For every Beaver or Beaveret Hat imported into this State, six shillings.

For every Caster Hat imported into this State, three shillings.

For every other imported Hat, one shilling.

*And be it enacted by the authority aforesaid*, That from and after the last day of *July* instant, every person that shall import into this government, by land or water, any of the excised articles herein before enumerated, or to whom any such articles may be consigned, shall be, and hereby is prohibited from selling the same, or any part thereof, without having a permit so to do from the Collector of Excise or his Deputy; and every person owning or possessing any of them, and every person distilling or manufacturing any of the said excised articles, shall be, and hereby are prohibited from selling the same, or any part thereof, from and after the last day of *July* instant, without a permit so to do from the Collector of Excise or his Deputy, on forfeiture of a sum not less than forty shillings, nor more than twenty pounds, and the value of the articles so sold, saving that such as are licenced by a Court of General Sessions of the Peace, may sell spirituous liquors, any thing herein to the contrary notwithstanding.

Persons importing excised articles by land or water, prohibited selling without a permit.

Persons distilling excise articles, prohibited selling without a permit.

Penalty.

*And it is further enacted*, That the Collector, or his Deputy, shall be, and hereby is impowered and required, to grant to every person applying for the same, and offering security therefor, a permit in writing for selling all or any of the excised articles herein before enumerated (except Wine, Rum, and other Spirits distilled, in a less quantity than twenty-five gallons) for a term not exceeding twelve months from the date hereof, on penalty of twenty pounds, to and for the use of the person making application. And the permit for liquors shall be in the form following :

Collectors impowered to grant permits to persons upon application, offering security, except.

Penalty.

You *A. B. of C.* in the county of *S.* are hereby permitted to sell Wine, Rum, and other distilled Spirits, or any of the said liquors, within the county of *S.* until the \_\_\_\_\_ day of \_\_\_\_\_, one thousand seven hundred and

Form of permit.

eighty—, in a quantity not less than twenty-five gallons to be delivered at one time, pursuant to an act of the Commonwealth of *Massachusetts*. Dated at *C.* this — day of —.

*J. H.* Collector (or Deputy Collector) of excise  
for the county aforesaid.

Permits in like form to be granted for the excised articles. Collectors fees.

And a permit in the like form, *mutatis mutandis*, shall be granted for the other excised articles aforesaid; and for each of the said permits the Collector shall be intitled to six pence, and no more, and the like sum for an entry made with him, and a like sum for certificate given by him.

Persons applying to give bond.

And every person applying to the Collector, or his Deputy, for a permit, shall give bond to the said Collector, with one or more sureties, living within the government, in a sum not exceeding one thousand pounds, nor less than fifty pounds, that he will render an account on oath, of the kind and full quantity of all excised articles that shall be by him, or any person in his behalf, sold or any way disposed of or delivered, and that he will pay the excise by law arising thereon, at the end of every six months, to the Collector or his Deputy, during the continuance of his permit: And if such person shall neglect or refuse to give such bond, the said Collector or his Deputy shall not be obliged to grant him a permit, any thing in this act to the contrary notwithstanding.

Persons neglecting to give bond, not to have a permit.

*And be it further enacted*, That every person hereafter licenced to be a taverner, innholder, or retailer of any Wine, Rum, or Spirits distilled, shall, on such licence being granted, not only become bound to keep good order as by law is already required, but shall also become bound, with sufficient sureties, by way of recognizance, to this Commonwealth, for the use of this government, in a sufficient sum, to be ordered by the Court that grants the licence, which shall not exceed three hundred pounds, nor be less than fifty pounds, conditioned that they shall keep and render such accounts, and pay such duties, as are by this law required.

Persons licenced as a taverner, &c. to be bound to keep good order, as well as to render such accounts and pay such duties as by law are required.

*And be it further enacted by the authority aforesaid*, That no innholder, taverner, or retailer, shall hereafter be licenced by the Justices of the General Sessions of the Peace, until such taverner, innholder or retailer, shall have rendered an account upon oath, and paid the duties to the Collector, or his Deputy, of the same county,

Innholders, &c. not to be licenced by the Justices of the General Sessions of the Peace, until.

agreeable to the requirements of this act, upon all the excised articles by him or her sold, or any way disposed of, and shall produce the Collector's certificate thereof; and the Collector is required to give such certificate upon the payment of the duties, without demanding any fee therefor: And if any person now licenced as an innholder, taverner or retailer, shall not apply for, or shall not obtain his or her licence at the next usual time of granting licence in the county to which he or she belongs, and shall refuse or neglect to render an account as aforementioned and pay the duties to the Collector as aforesaid, such innholder, taverner or retailer, thus refusing or neglecting, shall forfeit and pay a sum not less than fifty pounds nor more than two hundred pounds, and costs of prosecution, to be sued for and recovered by the Collectors of the county to which they respectively belong, in any Court proper to try the same, to be for the use of the Commonwealth.

Collectors required to give a certificate without fee.  
Persons now licenced not applying at the usual time, and refusing to render an account.

Penalty.

How recovered.

*And be it further enacted by the authority aforesaid,* That every retailer of Rum, Wine and other Spirits distilled, taverner and innholder, shall, on the first day of *August*, one thousand seven hundred and eighty-three, take a just account in writing, of all the rum, wine and other spirits distilled, then by him or her, or in his or her possession; and that every person who shall, after the last day of *July* instant, be licenced to be an innholder or retailer, or be permitted to sell any of the excised articles herein before enumerated, shall take a like account of all Wine, Rum and other Spirits distilled, and of all other excised articles herein before enumerated, by him or her, or in his or her possession, at the time of such licence or permit being granted. And every innholder, retailer, and other licenced and permitted person, shall make a fair entry in a book (to be by them respectively kept for that purpose) of all the excised articles herein before enumerated, which he or she, or any person or persons for him or her, shall buy, distill, manufacture, import, take in, or receive after such first account taken, and when, and of whom the same was bought, imported and taken in, and shall, at the times herein after provided, render to the Collector aforesaid, or his Deputy, an account on oath, of all the excised articles herein before enumerated, which were his or her property, or in his or her possession, on the first day of *August*, one thousand seven hun-

Retailers of distilled spirits, taverners and innholders, to take a true account of all duties articles on hand, on the first of *August*, 1783.

Innholders or retailers to take a like account.

Innholders, &c. to make a fair entry in a book of all excised articles, & render an account thereof on oath.

dred and eighty-three, and which have come to his or her hands or possession since the said first day of *August*, and which by him or her, or by any person in his or her behalf, have been sold, and which have been in his or her family consumed and expended, and the quantity of each article remaining on hand; which account shall express the particular quantity of each kind so sold, consumed or disposed of, and he or she shall pay therefor to the said Collector, or his Deputy, the excise duties aforesaid, excepting for so much as shall have been sold to persons duly licenced or permitted as aforesaid, and so much as shall remain on hand, and so much as shall have been exported out of the government for sale and consumption, in the manner hereinafter prescribed: And if any of the said excised articles shall have been sold to persons licenced or permitted as aforesaid, the said account shall mention the name of the person licenced or permitted, and the time when the same was so sold; and the person accounting shall exhibit a certificate under the hand of the licenced or permitted person purchasing, expressing the particular quantity of each excised article purchased, the time when, and the town and county wherein such licenced or permitted person lives or is resident, and shall lodge the said certificate with the said Collector or his Deputy; and for the articles mentioned in the said certificate, the said Collector or his Deputy shall not demand any duty, but shall transmit the said certificate, or an account thereof, to the Collector of the county wherein such licenced or permitted person who signed the same lives, which last mentioned Collector shall settle with such licenced or permitted person for the excise duties that may become due on the articles in the said certificate mentioned. And the form of the oath to be administered by the Collector or his Deputy to innholders or retailers of spirituous liquors, shall be as follows:

Collector to  
administer an  
oath.

Form.

You *A. B.* do swear, that the account by you now rendered, is to the best of your knowledge and judgment, a just and true account of all wines, rum and distilled spirits, you had in your possession on the first day of *August*, one thousand seven hundred and eighty-three; and also of all the Wines, Rum and distilled Spirits bought, taken in, imported or received by you, or by any person or persons for or under you, and that remain by you

unsold; and that there has not been by you, or by any person or persons for or under you, directly or indirectly, sold, used or consumed, any Wine, Rum or distilled Spirits, since the first day of *August*, one thousand seven hundred and eighty-three, besides what is contained in the account now by you rendered. *So help you GOD.*

And the same form, *mutatis mutandis*, shall be made use of by every person who shall be permitted to sell any other of the excised articles, when rendering an account thereof: And for every person that was not licenced on or before the first day of *August*, one thousand seven hundred and eighty three, the form of the oath shall be so varied as to express the time of their taking licence or permit; and upon any accounting anew, the time of exhibiting their last account shall be used.

*And be it further enacted*, That any person that shall, from and after the last day of *July* instant, bring or import into this government, or unto whom any of the said excised articles shall be consigned for sale or private consumption, shall within ten days, pay or secure to the Collector the excised duties due thereon; and in case of failure herein, shall forfeit and pay a fine not exceeding one hundred pounds, nor less than twenty pounds; two thirds to the use of this government, and one third to the prosecutor. *Provided nevertheless*, If such importer or consignee be a licenced or permitted person, then he shall only be held to report the same to the Collector; and at the time he renders his account, shall account for the same, and pay the excise that may become due thereon, as before directed; and all accounts of dutied articles rendered to the Collector or his Deputy shall be on oath. And any of the said excised articles imported by persons not licenced or permitted to sell the same, that shall not be reported to the Collector or his Deputy within ten days after such importation, shall be liable to a seizure and confiscation, one third to the Collector, and two thirds to the use of this government, to be determined in the Court of Common Pleas, either party aggrieved having liberty of appealing to the Supreme Judicial Court.

*And be it further enacted*, That every person that has been or hereafter may be appointed a Collector of the excised articles aforesaid, who shall from and after the last day of *July* instant, import into this government, or shall have by consignment or otherwise, or sell or dispose of

Persons importing excised articles after the last day of July inst. to secure the Collectors the duty within ten days; and in case.

Penalty.

Proviso.

Collector importing excised articles, to keep and render an account thereof to the Treasurer on oath.

any Wine, Rum or other excised articles, or shall use or consume the same, such Collector shall keep and render a like account thereof to the Treasurer or Receiver-General, on oath (who is hereby empowered to administer the same in the form prescribed) and to pay him the like excise thereon, as such person so appointed Collector would otherwise have been held and obliged to have taken, kept, rendered and paid to the Collector of the excise aforesaid; and that the same be done in like manner and time, and under the like pains and penalties in this act prescribed.

The times all licenced and permitted persons shall account and pay in the excise.

Where Collectors are to attend to receive and settle all accounts.

*And be it further enacted,* That the fifteenth day of *May* and the fifteenth day of *November*, annually, shall be the times all licenced and permitted persons shall account and pay in the excise aforesaid unto the Collector; and each Collector shall attend at some convenient place in each town in their several and respective counties, in order to receive and settle all accounts relating to the said excise, first giving seasonable and public notice of the time and place where the said business is to be transacted. And at the time of receiving any money for the excise on the aforesaid excised articles, he shall give two receipts of the same tenor and date mentioning what sum he hath received therefor; one of which receipts to be returned to the Court of Sessions at the next session of such Court, and the Clerk of the said Court shall, within thirty days, transmit the same to the Treasurer or Receiver-General.

Collectors empowered to demand, sue for and receive all sums due, and to render an account to the Treasurer upon oath.

*And be it further enacted,* That the said Collector shall carefully examine the accounts of every importer, licenced and permitted person, in their respective counties, and demand, sue for, and receive the several sums due from them by this act, and shall give the name of every importer, licenced and permitted person, and an account under their hands, of the particular sums they receive, and of whom received, unto the Treasurer, upon oath, which oath the Treasurer is hereby empowered and directed to administer in the words following, *viz.*

Form of the oath.

You *A. B.* do swear, that this is a true list of all the importers of dutied articles that have come to your knowledge, and of all the persons licenced and permitted by you to sell the same, and is a just and true account of all the impost and excise duties by you received, by virtue of an act, intituled, “ An act laying duties of impost and excise on certain goods, wares and merchandize therein described, and for repealing the several laws heretofore made for that

purpose;” and that you have not knowingly neglected swearing the several importers, licenced and permitted persons, from whom the same was received or secured, in manner and form as by the said act is prescribed. *So help you GOD.*

*And whereas the requirement of duties of excise on articles to be exported out of this State, may in some instances operate to the injury of trade and commerce: To prevent which manifest evils and the commission of fraud therein,*

Preamble.

*Be it further enacted,* That when any person shall ship or export by sea any of the excised articles aforesaid from this State, he shall report the same to the Collector of the county where such articles are, or to his Deputy, and give bond, with one or more sufficient sureties living within this State, to produce and deliver to the said Collector, or his Deputy, within a reasonable time to be expressed in the said bond, a certificate from the proper officer of the port or place to which the said articles may be exported without this State, that the same have been, *bona fide*, landed there; or within the time limited for producing and delivering the said certificate, to pay the excise duties due thereon, with interest from the date of the bond, within the time limited in the said bond for producing and delivering the said certificate; in which case the person who gave such bond shall not be held to account for any excise duties on the said goods, in any other manner than is provided in the said bond. And if the person giving such bond have not a licence or permit as aforesaid, then the Collector shall give a certificate discharging the person or persons of whom the excised articles specified in the said bond were purchased, from the excise due thereon; which certificate shall be in the form following:

Persons exporting excised articles, to report the same to the Collector; and give bond to procure a certificate thereof.

In which case.

This certifies that *J. S.* is hereby discharged from paying the excise due on ———, *A. B.* having this day made himself accountable to me therefor.

Form of the certificate.

And whenever any distiller or seller of any Rum manufactured within this Commonwealth, shall produce a certificate from a purchaser thereof, specifying the quantity sold, and that the same is designed to be exported by land into a neighbouring State, and such distiller or seller shall make oath before a Collector, that such Rum

Distillers or sellers of Rum, producing a certificate, and making oath that the same is designed for exportation, not subject to a duty.

was *bona fide* sold, and that he verily believes that the same is not designed to be again brought into any part of this Commonwealth, and shall also produce a certificate from the Collector of the State into which such Rum is carried, where there is any, and where there is none, from a Justice of the Peace, within sixty days, that the said Rum was actually carried into the said State, such Rum shall be subject to no duty.

Owners or possessors of carriages on the 15th May, to pay the duty required.

*Be it enacted*, That every owner or possessor of any of the carriages hereafter enumerated, shall pay, on or before the fifteenth day of *May*, yearly, the duty by this act required, for each carriage by him or her owned or possessed, *viz.* :

Duties on carriages.

For every Coach, five pounds.

For every Chariot, five pounds.

For every Phaeton, three pounds.

For every four wheel Chaise, three pounds.

For every fall back Chaise, fifteen shillings.

For every other Chaise, ten shillings.

For every Sulky and other Riding Chair, nine shillings.

Assessors to return under oath a list of all dutied carriages yearly.

*And be it enacted*, That the Assessors in the several towns and plantations in this State be, and they are hereby required and directed, to return in writing, under oath, to the Collector of Excise in their county, some time in the month of *April*, yearly, a list of all the dutied carriages within their respective towns and plantations, with the names of the owners or possessors of the same.

Penalty in case of neglect.

And if the Assessors of any town or plantation aforesaid shall neglect the due performance of their duty, as directed and enjoined upon them in this act, the Assessors of such town or plantation, so neglecting their duty, shall forfeit a sum not less than twenty pounds, nor more than three hundred pounds, for the use of this Commonwealth, to be recovered by action or complaint in any Court proper to try the same.

Collectors to make out and deliver to Constables a warrant of distress for the sum due.

*Be it enacted*, That the Collector of each county shall, within thirty days after the duties payable on carriages shall become due, make out and deliver to some Constable of each town in his county, an exact list of the delinquent persons' names (if any such there be) and the sums due from each of them with ten per cent. added thereto, together with a warrant of distress for the whole of the said sums, to be in the form prescribed by law to be used



by Assessors for collecting town taxes, *mutatis mutandis*, which warrant the said Collectors are hereby impowered to grant; and the said Constables shall proceed in the same manner as is by law prescribed in case of distraining for non-payment of taxes; and the said Constables, after deducting the additional sum of ten per cent. shall pay the remainder of the sum expressed in the warrant, to the Collector who granted the same, who shall give them a full discharge for the same.

Constables to deduct 10 per cent. and pay the remainder to the Collectors.

*Provided nevertheless*, That no duty shall be demanded from the stated Ministers of the Gospel, the President, Professors or Tutors of *Harvard* College, or Grammar School Masters, for any Chaises or Riding Chairs; nor shall any duty on any carriage aforesaid be demanded from any person who may make the same, and have it by him for sale only, and not for his own use, any thing in this act to the contrary notwithstanding.

Persons exempted paying duties; and no duty to be demanded for carriages on sale.

*And be it further enacted by the authority aforesaid*, That one Collector for each county within this Commonwealth, shall be annually appointed by the General Court, who shall be chosen by joint ballot of both Houses, who is hereby impowered to receive and collect all the duties mentioned in this act, and to sue for and recover all penalties, fines and forfeitures, which may arise from a non-compliance with or breach of the same, and shall once in three months pay into the treasury of this Commonwealth, all sums of money which he may collect or receive in consequence of this act, except such part thereof as is otherwise expressly appropriated, which is to be paid according to the appropriation, and every Collector shall, on or before the first day of *June*, annually, render to the Treasurer a fair and accurate account of all monies by him received in each particular town, of whom, and the time when received, and shall then settle and balance his accounts, under oath, with the Treasurer, who is directed to lay the said accounts before the General Court, on or before the tenth day of the same month; and the Collectors for the several counties already appointed, shall severally perform the same duties, and be vested with the same powers, until others shall be chosen and appointed in their room and stead.

Collectors to be appointed annually, and to receive and collect all duties.

Once in 3 months to pay the several sums of money collected, except.

Collectors to render an account to the Treasurer, of all monies received, and to balance their accounts annually.

*And be it enacted*, That the Collectors of Excise that are or shall be appointed, be, and they are hereby severally impowered, to appoint Deputies to do the business herein

Collectors impowered to appoint Deputies, and to be accountable for their conduct.

assigned to them, or any part thereof; and the said Collectors shall severally be accountable for the conduct of their respective Deputies, and pay them for their services out of their own commissions; and every Collector is hereby directed immediately to appoint a Deputy in every port where there is a Naval Officer (except such port wherein he shall reside himself) and in every such port the Collector or his Deputy shall keep a public office open from nine in the morning to one, and from three in the afternoon to sunset (Lord's days excepted) — and in case, by reason of the non-acceptance, death, or removal of any of the Collectors that have been or shall be chosen for the several counties, a vacancy shall arise, the Naval Officer in such sea port towns may grant permits in the manner this act directs, until a person shall be duly appointed and qualified for discharging the office of Collector; in which case, the Naval Officer shall take bond to the Treasurer of the Commonwealth, of the same tenor as is prescribed in this act, and shall transmit to the Collector who shall be next appointed in the same county, an account of each permit by him granted, together with the bonds taken therefor, — which Collector receiving such bonds from the Naval Officer, shall be as fully empowered to sue for and recover the same, as any other bonds which may be taken in his own name.

*Be it further enacted,* That every person who is or may be appointed Collector of duties in pursuance of this act, with his Deputies, shall, before they proceed in the execution of their office, be severally sworn to the faithful discharge thereof, before some Justice of the Peace, who is hereby empowered to administer the said oath, and is directed to return a certificate thereof to the Secretary of this Commonwealth, and every Collector shall become bound to the Treasurer of this Commonwealth, with sufficient sureties, in a sum not exceeding twenty thousand pounds, nor less than five thousand pounds, for the faithful discharge of the duties required of him by this act; and the Collectors already appointed, shall receive the same commission severally in reward for their services, as are established and allowed by a resolve of the Legislature, passed the tenth of *February*, one thousand seven hundred and eighty-three, and such Collectors as shall be hereafter annually appointed, shall receive such allowances for their services as shall be determined when they shall be so appointed.

When Collectors are to attend to receive duties.

And in case.

Collectors to be sworn, and give bonds.

*And be it enacted,* That in case a vacancy shall happen by reason of the death, resignation, removal out of the State, or non-acceptance of any person appointed, or that shall be appointed, Collector of Excise, or otherways, in any of the counties of this Commonwealth, in the recess of the General Court, or at so late a period in any session of the same Court, that the vacancy occasioned in any manner as aforesaid shall not be supplied in the same session thereof, the Governor, with the advice of the Council, shall be, and hereby is authorized and impowered, to appoint a Collector of Excise for the county where such vacancy shall happen; which Collector being qualified as in this act is directed, shall continue in office, and be vested with all the powers and privileges appertaining thereto, until the said Collector shall be confirmed in his office, or another shall be appointed by the General Court in his stead; and any Collector appointed or chosen as aforesaid, and also any Collector who hath been or shall be appointed or chosen in the room of any other Collector, shall be, and hereby is impowered and authorized to demand and receive of his predecessor, if living, or if dead, of his Executors or Administrators, and Deputies of the same Collector, all official bonds, notes, accounts and other papers, and give proper discharge for the same, and to commence and prosecute an action in his own name, upon any bond or security given to his predecessor in office, in the capacity of Collector of Excise, and to demand, prosecute, sue for, recover and receive any duties that were due, or penalties incurred before his appointment to the said office; and to do and perform all matters and things whatever, which his said predecessor could have done had he continued in office.

In case of a vacancy in the recess of the General Court, the Governor, with advice of Council, is impowered to appoint.

And to be vested with the same powers, until.

*And it is further enacted,* That all recognizances which shall be taken in consequence of this act, may be chancered down to the just debt and damage, where that can be known, as other bonds now may by law be chancered; provided it shall appear to the Court the party had no design to defraud the government of the duty.

All recognizances to be chancered down to the just debt and damage, as other bonds; proviso.

*Be it enacted by the authority aforesaid,* That every person taking out a licence as innholder, shall pay the sum of twenty-four shillings, and every person taking out a licence as a retailer of spirituous liquors, shall pay the sum of twelve shillings; and the Courts of General Sessions of the Peace in the respective counties, on granting

Persons taking out licence as innholders, to pay 24s. and retailers 12s.

licences, are hereby empowered and directed to demand and receive the last mentioned duties of each innholder and retailer accordingly, which duties shall be paid to the Clerk of the Peace, and by him on demand to the Collector of the county, who shall pay out of his commissions to the said Clerk, one per cent. for receiving and paying the said duties; and the said Collectors are hereby directed to prosecute all persons who shall sell spirituous or mixed liquors contrary to law.

To whom paid.

Collectors directed to prosecute.

Collectors, &c., giving permits contrary to law.

Penalty.

*And be it enacted by the authority aforesaid,* That if any Collector or his Deputy, Naval Officer, Town Clerk or Selectman, shall wittingly, willingly and corruptly, give any permit or certificate, contrary to the true intent and meaning of this act, and shall be thereof convicted, he shall be, and is hereby declared to be forever after incapable of holding any place of honor, trust or profit under this government, and shall pay a fine equal to double the value of the duties set by this act on the articles contained in such permit or certificate.

Collectors to have free recourse to the accounts and books of Naval Officers and other offices.  
From whence.

*And be it further enacted,* That the Collectors and their Deputies shall have free recourse, without fee, to the accounts and books of any Naval Officer or other public office, from whence they may expect to receive any evidence for the detection of fraud or the violation of this act.

Fees to Naval Officers, Town Clerks or Selectmen.

*And be it enacted,* That each Naval Officer, Town Clerk or Selectman, for his trouble in recording and receiving a manifest, and granting and entering a permit agreeable to this act, shall receive two shillings, and no more, and the Collector shall receive for his certificate (except such as by this act are to be given without fee) and for finding and filling up a bond, one shilling, and no more.

Naval Officers, &c., empowered to administer the oaths required.

*And be it enacted,* That the Naval Officers, Collectors, Deputies, Town Clerks or Selectmen, or either of them, are hereby empowered to administer the oaths required by this act to be taken in the execution of their respective offices.

Importers, consignees, &c., who have given bonds, to exhibit a true and fair invoice, under oath.

*And be it enacted,* That Importers, Consignees, Distillers and all other persons concerned, who have given bonds to any Collector or his Deputy for the payment of duties upon goods which may be on hand on the first day of *August* next, and shall exhibit a true and fair invoice of the same under oath to the Collector or his Deputy to whom they have thus given bonds, shall receive the bene-

fit of a remission or deduction on their bonds, agreeable to the principle and rates established in this act, except for such goods as were chargeable with a duty of five per centum.

*And be it enacted,* That all the monies arising from this act, shall be applied for the payment of the interest on government consolidated securities, and interest on the notes issued to the officers and soldiers of the *Massachusetts Line of the Army*, for the respective balances due to them for their services in the year one thousand seven hundred and eighty, and for that purpose only, save only the allowance to be made therefrom to the officers who may collect the duties.

Monies how to be appropriated.

*And be it enacted,* That in all cases where any action or actions shall be brought against any Naval Officer, either of the Collectors or their Deputies, upon any matter touching the prosecution of the duty or business assigned to them by this act, in all such cases the said Naval Officer, Collectors or their Deputies, shall be allowed to plead the general issue and give this act in evidence.

In case.

*And be it enacted,* That all acts heretofore made, laying duties of impost or excise upon any goods, wares and merchandize, whether of foreign manufacture and growth, or of the manufacture and growth of any other State whatsoever, shall, from and after the last day of the present month of *July*, be repealed and become null and void.

Former acts repealed.

*Provided nevertheless, and be it enacted,* That the acts abovementioned, which this act repeals, shall continue and be in force so far as to empower the Collectors to prosecute all past breaches of the said acts, which are or may be hereafter discovered, to settle the impost and excise accounts of all such persons as are or may be delinquents, agreeable to the said acts, from their last accounts to the time of the passing of this act, and to receive the excise due agreeable to the said acts, and also to receive the duty on the carriages agreeable to the said act, and to take such process as is therein described to recover the same, any thing herein to the contrary notwithstanding.

Proviso.

*And be it further enacted,* That when any Naval Officer in any port, or Collector in any county, shall suspect that the manifest exhibited to him by the master of any vessel, does not contain all the packages, bales, casks, chests,

Naval Officers or Collectors suspecting a fraud, are empowered in this case.

trunks, cases or boxes, imported in the said vessel, such Naval Officer or Collector shall be, and he hereby is authorized and directed to enter such vessel, and either by himself or some other person appointed by him for that purpose, shall take an account of all the packages, bales, casks, chests, trunks, cases or boxes, as they shall be unloaded; and if any part of the packages, bales, casks, chests, trunks, cases or boxes, shall be taken out of the said vessel after the Naval Officer or Collector shall have made known to the master or owner his suspicion of a false manifest, after sunsetting and before sunrising, or at any other time, without notice thereof being previously given to the Naval Officer or Collector, such conduct shall be deemed as sufficient evidence of fraud in the manifest.

Persons delivering a false manifest, &c. with design of fraud.

*And be it further enacted,* That if any person shall deliver to any Naval Officer, Collector, Deputy Collector, Town Clerk or Selectman, or Justice of the Peace, any false manifest, invoice, certificate, receipt, or bill of lading, with a design to defraud the government, he shall forfeit and pay a fine of one hundred pounds, and the value of the goods therein mentioned; and if any permit, manifest, invoice, certificate, receipt, or bill of lading, shall be forged, counterfeited or altered, the person forging, counterfeiting or altering the same, shall forfeit the sum of one hundred pounds, and the value of the goods mentioned therein, or landed in consequence thereof.

Penalty.

Persons giving information to Collectors or Naval Officers, of goods having been taken out of vessels, such Collectors, &c. are empowered to enter vessels, stores, &c.—and in case.

*And be it further enacted,* That when any person shall give information on oath, and shall lodge the same in writing with the Collector or Naval Officer, or either of their Deputies, that he has just cause to suspect that dutied goods have been taken out of any particular vessel or float, contrary to law, and put into any other vessel or float, store, building, or place whatever, such Collector, Naval Officer, or Deputy, is hereby authorized to enter, with proper assistance, in the day time only, into the vessel or float, store, building or place (dwelling houses excepted) and there to search for the said goods; and if he shall find any dutied goods in such search, to seize and secure the same for trial, and the dutied goods seized and secured as aforesaid, shall be adjudged forfeited, except those identical goods which on trial it shall be proved were not taken from such vessel or float, store, building or place, in the manner specified in the said information;

and any person giving information as aforesaid, shall, on the condemnation of the goods, receive twenty-five per cent. on the net proceeds; the Collector, Naval Officer or Deputy, making the seizure, shall receive twenty-five per cent. and the remainder shall be paid into the public treasury, and be applied solely for the purposes prescribed in this act.

*Provided nevertheless, and be it enacted by the authority* Proviso.  
*aforesaid,* That when any person shall have just cause to suspect that dutied goods have been brought into this Commonwealth and put into any dwelling house, the impost duties thereon not being paid, or security not being given for the payment thereof, and give satisfactory information thereof on oath, to any Justice of the Peace for the same county, such Justice may, and he is hereby authorized to issue his warrant, directed to the Collector of Excise in the same county, or either of his Deputies, therein specially named, commanding him to take with him the Sheriff of the county, or either of his Deputies, or any Constable of the town where such house is, and in the day time only, to enter such dwelling house, and there to search for the said goods; and if he shall find any such dutied goods in such search, to seize and secure the same for trial; and the like forfeitures shall be adjudged and proceedings thereon had as aforesaid: and the said Sheriff or his Deputy, or Constable, is hereby authorized and required, to aid and assist the said Collector or his Deputy in making such search, and to take with him proper assistance.

*Provided nevertheless,* That all articles which shall be Proviso.  
 seized by the Naval Officer or Collector, or his Deputy, shall be restored to the owner or consignee, upon his giving bond with sufficient sureties living within this Commonwealth, to pay the full value of such articles, if they shall be adjudged to be forfeited, within thirty days after final judgment thereon.

*And be it further enacted,* That all fines, forfeitures and penalties, which may arise or be incurred by virtue of this act, not otherwise expressly appropriated, shall be to and for the use of this Commonwealth, and paid into the public treasury thereof.

*And be it enacted,* That this act shall continue and be Limitation.  
 in force for three years, and no longer.

July 10, 1783.

## 1783. — Chapter 13.

[May Session, ch. 13.]

**Chap. 13** AN ACT FOR REGULATING PILOTAGE IN SEVERAL PORTS IN THIS COMMONWEALTH.

Preamble.

*Whereas frequent and heavy losses have been sustained, and navigation greatly injured, for want of a well regulated pilotage in the harbours hereafter mentioned:*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Governor, with advice of Council, be, and he hereby is empowered and requested, as soon as may be, to appoint suitable persons as Pilots for the several harbours and coasts hereafter mentioned, *viz.* three for the port of *Boston*; two for the port of *Salem*; two for the port of *Marblehead*; and two for the port of *Gloucester*; two for the port of *Newbury Port*; two for the port of *Plymouth*; four for the coasts of *Nantucket*; ten for the coasts of *Martha's Vineyard*; and to give to each of the said Pilots branches or warrants for the due execution of the duties of their respective offices, with power of substitution in certain cases to be therein prescribed. And such deputies as the said branch pilots shall severally depute, shall be by them reported to the Governor, for his approbation.

Governor, with advice of Council, to appoint suitable persons as Pilots.

The number of Pilots assigned for the several harbours and coasts.

Pilots to have warrants, with power of substitution.

Pilots to be under oath.

*And be it further enacted by the authority aforesaid,* That every Pilot and Deputy, appointed as aforesaid, shall, before his entering upon the business of his office, take the following oath or affirmation, before some Justice of the Peace, *viz.:*

Form of the oath.

You *A. B.* do swear, (or affirm, as the case may be) that you will from time to time, truly and faithfully perform the duties of a Pilot for the harbour or port of —, according to your best skill and judgment, agreeable to the laws of this Commonwealth. — *So help you GOD.*

Pilots to enter into bonds.

And each of the said branch Pilots shall enter into bonds, with sufficient sureties, to the Treasurer of this Commonwealth, in the sum of one thousand pounds, for the due performance of the trust reposed in him. And every branch Pilot being commissioned and qualified as aforesaid, is hereby impowered and directed, by himself or his Deputy, to take charge of any vessel or vessels drawing nine feet of water and upwards (coasting and fishing

Branch Pilots being duly authorized, to take charge of vessels drawing nine feet of water & upwards, except.



vessels excepted) bound into any of the ports aforesaid, and shall pilot such vessel or vessels into the port assigned to him, first shewing to the master or masters thereof, his branch or warrant, and acquainting him or them of his fees.

*And be it further enacted by the authority aforesaid,* That the districts of the several Pilots be, and they are hereby limited in manner following, *viz.*: The Pilots for the port of *Boston*, from the highlands of *Marshfield*, on the south, to what is usually called *Nehant Rock*, on the north; the Pilots for the ports of *Salem* and *Marblehead*, from the said *Nehant Rock*, on the south, to *Norman's Woe*, on the north; the Pilots for the port of *Gloucester*, from the said *Norman's Woe*, round the Cape, to *Jabackah Barr* (so called); the Pilots for the port of *Newbury Port*, from *Jabackah Barr*, on the south, to the *Isle of Shoals*, on the north; the Pilots for the port of *Plymouth*, from the highlands aforementioned, on the north, to the point of *Cape Cod*, on the south; the Pilots for the coasts of *Nantucket* and *Martha's Vineyard*, to take charge of any vessel or vessels on the coasts thereof that shall be bound over the shoals.

Districts of the several Pilots limited.

*And be it further enacted by the authority aforesaid,* That each of the said branch Pilots shall always keep one deck'd boat in good repair, except the Pilots for the coasts of *Nantucket*, who, as well as all other branch Pilots, shall at all times keep a sufficient number of suitable row boats, for the purposes aforesaid; and one of the boats for the port of *Boston*, shall be stationed at the *Light House Island*; one for the port of *Newbury Port*, at *Salisbury Point*, or *Plumb Island*; one for the port of *Plymouth*, in the harbour of *Plymouth*; two for the port of *Salem*, in the harbour of *Salem*; two at *Marblehead*; one in the harbour of *Gloucester*; and one in *Sandy Bay* (so called); four for the coasts of *Martha's Vineyard*, at *Gay Head*; four at *Holmes's Hole*; and two at *Edgarton*; and all the above mentioned boats shall cruize on the pilot ground of their respective stations, as often as the weather shall permit.

Pilots to keep one deck'd boat in good repair, except for the coast of *Nantucket*.

Boats where to be kept.

*And be it further enacted by the authority aforesaid,* That the Governor, with the advice of Council, be, and he hereby is impowered and requested, to determine and fix the fees of pilotage of the several Pilots, according as the circumstances of peace or war may require, and to

Governor, with advice of Council, to determine the fees.

Naval Officers  
to hang up a  
schedule of the  
fees in their  
offices.

Proviso.

specify the same in their respective warrants; and also to transmit to each Naval Officer in the ports and harbours aforesaid, a schedule of the said fees, to be by such Naval Officer hung up in his office, for public inspection.

*Provided nevertheless, and be it further enacted by the authority aforesaid,* That any master of a vessel who may chuse to hazard the pilotage of his own vessel into any port, shall be at liberty so to do, subject however to pay such Pilot of the said port as shall first come on board his vessel, one half pilotage according to the fees specified in his warrant; and such Pilot is hereby impowered, on refusal of the payment thereof, to sue for and recover the same.

Proviso.

*Provided also, and be it further enacted by the authority aforesaid,* That if any vessel shall be within the light house in the port of *Boston*, or within the chops of the harbours of *Salem*, *Marblehead* and *Gloucester*, or within the bar at the entrance of the harbour of *Newbury Port*, or within the gurnet at the entrance of the harbour of *Plymouth*, or within any barred harbour, before any Pilot shall go on board, and the master of such vessel shall then decline taking a Pilot, he shall be exempt from any fees of pilotage in the said ports.

In case of loss  
of any vessel  
thro' neglect,  
&c., Pilots liable  
to pay the just  
value.

*And be it further enacted,* That if any vessel, while under the charge and direction of a branch or warrant Pilot, or his Deputy, shall be lost, cast away, or run aground, through the unskillfulness or neglect of such branch or warrant Pilot, or his Deputy, then, and in that case, such branch or warrant Pilot shall be liable not only for himself but for his Deputy (provided the said Deputy shall be the Pilot of the said vessel at the time thereof) to pay the just value of the vessel and her cargo, or any proportionable damage which may be sustained thereby, to be sued for and recovered by the owner or owners, or insurer or insurers thereof, in any Court proper to try the same.

How recovered.

*And be it further enacted by the authority aforesaid,* That if it shall hereafter become necessary for any port or ports within this Commonwealth, not mentioned in this act, to have a Pilot or Pilots assigned them, the Governor, with the advice of Council, be, and he hereby is impowered and requested, to appoint and commission one or more Pilots for every such port or ports as to him shall appear necessary, in the same manner as the Pilots for the ports mentioned in this act, are directed to be appointed

Ports not men-  
tioned in this  
act to have  
Pilots.

Governor, with  
advice of  
Council,  
authorized to  
appoint.

and commissioned: And the Pilot or Pilots so appointed, are hereby vested with the same power and authority, and shall be under the same bonds, and subject to the same penalties, that are provided in this act for any of the Pilots before mentioned.

*And be it further enacted by the authority aforesaid,* That all vessels drawing nine feet of water and upwards, bound to sea, out of any of the ports aforesaid, except coasting and fishing vessels, shall be under the same restrictions, and liable to pay the same fees that vessels are under and liable to, that are bound into any of the same ports, and all Pilots of any outward bound vessels, shall be liable to similar actions for damages, and subject to the same penalties for their unskilfulness or neglect, that they would have been, if the same vessels had been bound into any of the ports aforesaid.

Outward bound vessels to be under the same restrictions.

And to the intent that a suitable check may be had upon the Pilots aforesaid, and that they may be excited to a due vigilance in the discharge of the duties assigned them:

*Be it enacted by the authority aforesaid,* That the Governor and Council be, and they hereby are impowered, to hear and determine all complaints exhibited against the said Pilots, or their Deputies, or either of them, for misconduct in the premises, and to suspend or remove them, or either of them, at their discretion, and to appoint others in their room, laying the reasons therefor before the General Court, at the next session after such suspension or removal.

Governor & Council impowered to hear and determine complaints exhibited, with power of suspension.

July 11, 1783.

### 1783.—Chapter 14.

[May Session, ch. 14.]

AN ACT FOR ALTERING THE LINE BETWEEN THE TOWNS OF STOW AND MARLBOROUGH.

Chap. 14

*Whereas the towns of Stow and Marlborough have heretofore had a difference respecting the perambulating the line betwixt the said towns, by reason of a very crooked line, and to end all controversy have agreed to straighten the line: And whereas the said towns have petitioned this Court, and earnestly requested that the following line may be established for the future:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the*

Boundaries.

*authority of the same*, That in future the dividing line between the said towns, shall be as follows, *viz.*: Beginning at a heap of stones in *John Smith's* orchard, being a boundary of *Stow*, *Marlborough* and *Bolton*; thence east, thirty degrees north, eighty-six rods, to a heap of stones, by the fence between the land of *John Woolley* and *Benjamin Whetcomb*; thence east, thirty-one degrees south, four hundred and seventy eight rods, to a heap of stones, near *Dunn's* chimneys; thence south, four degrees east, one hundred and eight rods, to a heap of stones, an old boundary between the said towns; thence east, twelve degrees north, one hundred and forty rods, to a white oak tree marked, by the river; thence by the river to where *Jewel's* brook empties into the river; thence by the said brook to a ditch; thence by the said ditch, running east, seven degrees south, fifty-six rods, to a white oak tree marked; thence east, four degrees south, one hundred and fifty-eight rods, to a pine stump and stones, northerly of *Ramshorn Meadow* (so called) an old boundary betwixt the said towns; thence east, twenty-six degrees south, four hundred and sixty rods, to a large pitch pine tree marked, in *Sudbury* town line.

Inhabitants and lands on the north side to belong to the town of *Stow*.  
Those on the south to belong to the town of *Marlborough*.

*And be it further enacted*, That all the inhabitants and lands therein, on the northerly side of the line aforesaid, shall be considered as belonging to the town of *Stow*; and all the inhabitants and lands belonging to the said towns, on the southerly side of the said line, shall be considered as belonging to the town of *Marlborough*, any law to the contrary notwithstanding.

Proviso.

*Provided nevertheless*, The inhabitants of the said towns shall pay their proportionable part of all taxes which are already assessed upon them, to the respective towns to which they have belonged.

*July 11, 1783.*

## 1783.—Chapter 15.

[May Session, ch. 15.]

**Chap. 15** AN ACT FOR THE ADMEASUREMENT OF BOARDS, AND REGULATING THE TALE OF SHINGLES, CLAPBOARDS, HOOPS AND STAVES, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Surveyor & Measurers of boards, &c. to be annually elected in towns and districts.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That there shall be one or more suitable persons elected in every town and district in this Common-

wealth, at their annual meeting in the month of *March*, to be Surveyors and Measurers of Boards, Plank, Timber and Slitwork, and Surveyors of Shingles, Clapboards, Staves and Hoops, who shall be sworn to the faithful performance of the trust reposed in them. And all Boards, Plank, Timber, or Slitwork, offered for sale, shall, previous thereto, be surveyed and also measured, by one of the said Surveyors, where he shall have any doubt of the measure, having due consideration for drying and shrinking; who shall also mark anew all such to the just contents thereof, making reasonable allowance for rots, knots and splits; and the buyer shall pay to the Surveyor six pence per thousand feet for viewing only, and six pence per thousand feet more for measuring and marking, and so in proportion for a lesser quantity.

All Boards, &c. to be surveyed before sale.

Fees for viewing and measuring.

*And be it further enacted by the authority aforesaid,* That no Pine Boards shall be shipped for exportation to foreign markets, but such as are square edged and not less than one inch in thickness, and not less than ten feet in length, on pain of being forfeited to the use of the town where they shall be shipped.

No Pine Boards to be exported, but of such dimensions.

*Be it further enacted by the authority aforesaid,* That no Shingles, Clapboards, Staves or Hoops, shall be offered for sale in any town in this Commonwealth, that shall be under the following dimensions, *viz.*: All Shingles shall be split crossways the grain and be eighteen inches long, unless those made for home use; pine Shingles shall be free from sap, and all Shingles shall be free from shakes and worm holes, and shall be half an inch thick at the butt end, when green, and full three-eighths of an inch when thoroughly seasoned, if for exportation to a foreign market; and not less than one-third of an inch thick at the butt when fully seasoned, if for home use, and four inches and an half wide on an average, and none less than three inches wide, and shall hold their width three-fourths the way to the thin end, and be well shaved; and each bundle shall contain two hundred and fifty Shingles, or if bound in square bundles, shall contain twenty-five courses and measure twenty-two inches and an half at the lay: And in case there shall be more than five Shingles in any one bundle that are under the above length, breadth or thickness, or five short in the tale of any one bundle of two hundred and fifty, the bundle which is so deficient, or in which such Shingles are contained, shall be

Dimensions of shingles, &c.

In case.

To be forfeited. forfeited, and the Shingles in each bundle which are not merchantable, shall be burnt and the residue sold, and the money arising from the sale shall be paid into the hands of the town Treasurer, for the benefit of the poor of such Town where the Shingles are condemned, first deducting therefrom the charge of culling and surveying. And all White Oak Butt Staves shall be at least five feet in length, five inches wide, and one inch and a quarter thick on the heart, or thinnest edge, and every part thereof. And all White Oak Pipe Staves shall be at least four feet and eight inches in length, four inches broad in the narrowest part, and not less than three-quarters of an inch thick on the heart, or thinnest edge. And all White Oak Hogshead Staves shall be at least forty-two inches long, and not less than half an inch thick on the heart, or thinnest edge. And all White Oak Barrel Staves, for a foreign market, shall be thirty-two inches long; and for home use shall be thirty inches long; and all shall be half an inch thick on the heart, or thinnest edge. And all White Oak Hogshead and Barrel Staves shall be at least, one with another, four inches in breadth, and none less than three inches in breadth, in the narrowest part; and those of the breadth last mentioned, shall be clear of sap. And all Red Oak Hogshead and Barrel Staves shall be of the same length, width and thickness, with the White Oak Hogshead and Barrel Staves above mentioned. And all Staves shall be well and proportionably split. And all Pine Clapboards that shall be exposed to sale, shall be made of good sound timber, clear of sap; and all Clapboards shall be free from shakes and worm holes and of the following dimensions, *viz.*: Full five-eighths of an inch on the back, or thickest part, five inches wide and four feet six inches long, and they shall be straight and well shaved. And all Hogshead Hoops that shall be exposed to sale, or exported, shall be from ten to thirteen feet in length, and shall be made of White Oak or Walnut and of good and sufficient substance, well shaved; those made of Oak shall be not less than one inch broad at the least end, and those made of Walnut shall be not less than three-quarters of an inch broad at the least end; each bundle shall consist of thirty Hoops; and all Hoops of ten, twelve and thirteen feet respectively, shall be made up in distinct bundles by themselves; and if any Hoops are packed of less dimensions than those prescribed by this law, or if

Dimensions of  
White Oak  
Staves.

Red Oak Staves  
to be of the  
same  
dimensions.

Dimensions  
of Pine  
Clapboards.

Hogshead  
Hoops.

any bundle shall contain less than thirty Hoops, such bundle shall be forfeited and sold for the benefit of the poor of the town where it is offered for sale.

Hoops not holding out in number to be forfeited.

*And be it further enacted,* That the Surveyor of Shingles and Clapboards shall be allowed by the buyer, six pence per thousand for surveying and telling, and before any Shingles are sent from the town where they are made, or at the place of first sale before their delivery, they shall be viewed, surveyed and measured by a sworn Surveyor, and the town brand set upon the hoop of the bundle; and all Shingles offered for sale without being surveyed and marked as aforesaid, shall be forfeited and disposed of as before provided in this act; and in each maritime town in this Commonwealth, from whence Staves or Hoops are usually exported beyond sea, there shall be two or more suitable persons chosen by such towns, some time before the twelfth day of *December* next, and forever afterwards at their annual meeting in *March*, to be Viewers and Cullers of Staves and Hoops, who shall be under oath, faithfully to discharge their office; and for their encouragement to accept this trust, they shall be allowed for their time and service as follows, *viz.*: one shilling and eight pence per thousand for Barrel Staves, two shillings per thousand for Hogshead Staves, two shillings and four pence per thousand for Pipe Staves, and two shillings and eight pence per thousand for Butt Staves, as well refuse as merchantable, the merchantable to be paid for by the buyer, the refuse by the seller; and the Culler shall be allowed three shillings per thousand for Hoops.

Fees for surveying and telling.

Shingles offered for sale without being surveyed, to be forfeited.

Viewers and Cullers of Staves and Hoops, to be annually elected in maritime towns.

Fees for viewing and culling Staves, &c.

*And be it further enacted by the authority aforesaid,* That from and after the twelfth day of *December* next, all Staves that shall be exported from this Commonwealth beyond sea, shall be first culled, and all Hoops first viewed and surveyed by one of the officers aforesaid, and a certificate given by the Culler or Surveyor, to the master or commander of the ship or vessel on board which they are laden, of the quantity by him so culled or surveyed; and the bands with which the bundles of Hoops are bound shall be sealed with the brand of the town from whence they are exported; and that all Shingles and Clapboards that shall be exported beyond sea, shall likewise be certified by one of the Surveyors already required by law to be chosen in each maritime town within this Commonwealth, to have been by him surveyed, viewed and approved, and

Staves exported to be first culled, and all Hoops first viewed, and a certificate thereof to be given.

Shingles and Clapboards for exportation, to be certified.

Sellers of  
Boards, Staves,  
&c. in case.

the number or quantity thereof; and any sellers of Boards, Staves, Hoops, Clapboards or Shingles, that shall deliver any of the said articles before they are culled or surveyed, shall forfeit the sum of twelve shillings per thousand, and any person purchasing any of the articles before mentioned, and who shall receive them before they are culled or surveyed, shall forfeit and pay the sum of twelve shillings per thousand, one half to the informer, who shall sue for the same in any Court of this Commonwealth proper to try the same, or before any magistrate within this Commonwealth in case the forfeiture does not exceed forty shillings; the other half to the poor of the town where such offence is committed.

Penalty.

Master or owner  
of any vessel  
having Staves,  
&c. on board,  
for exportation,  
to make oath,  
and a certificate  
thereof to be  
transmitted to  
the Naval  
Officer.

*And be it further enacted,* That from and after the said twelfth day of *December* next, the master or owner of any vessel having any Staves, Hoops, Boards, Clapboards or Shingles on board, for their cargo, and which shall be shipped for exportation to a foreign market, after the said twelfth day of *December* next, before such vessel shall be cleared at the Naval Office, a certificate of such Staves, Hoops, Clapboards, Boards, and Shingles, having been culled or surveyed, and shall likewise make oath before the Naval Officer (who is hereby required and empowered to administer the same) or before any Justice of the Peace, who shall give a certificate of the said oath, which shall by the master or owner be transmitted to the Naval Officer, that the Boards, Staves, Hoops, Clapboards and Shingles on board his vessel, are *bona fide* the same Boards, Staves, Hoops, Clapboards and Shingles, certified to have been culled or surveyed, and that he has no other on board, and that he will not take any others on board.

Persons pre-  
suming to ship  
off any Boards,  
&c. unless.

*And be it further enacted,* That from and after the twelfth day of *December* next, if any person shall presume to ship off any Boards, Staves, Hoops, Clapboards or Shingles, unless the same shall first have been culled or surveyed, and marked by a sworn Culler or Surveyor as aforesaid, he shall forfeit and pay the sum of twelve shillings per thousand, to be reckoned by feet or tale, according as the articles are usually sold, to be disposed of, one half to the poor of the town where the offence is committed, and the other half to the Surveyor, or any other person or persons who shall sue for the same, which he or they are hereby enabled to do, by action, bill, plaint or information, in any Court proper to try the same, or

Penalty.



before any Justice of the Peace if the forfeiture does not exceed forty shillings.

*And be it further enacted*, That in case any Culler or Surveyor, shall connive at, or allow of the breach of this act, or shall be guilty of any fraud or deceit in surveying or culling of Boards, Staves, Hoops, Clapboards, or Shingles, he shall forfeit and pay the sum of ten pounds for each offence; and in case of his refusal to attend the aforesaid service, when he shall be thereto requested, he shall forfeit and pay the sum of twenty shillings; the forfeitures and penalties in such cases to be recovered and disposed of as aforesaid.

Cullers or Surveyors guilty of fraud or deceit in surveying or culling.

Penalty.

And in case.

*And be it further enacted*, That if any person or persons, who shall be duly chosen to serve as a Surveyor of Boards, Clapboards or Shingles, or as a Culler of Staves or Hoops, shall refuse or neglect to take the oath for the faithful discharge of the office, or to serve therein, every such person or persons shall pay the sum of twenty shillings to the use of the poor of the town choosing such person or persons, and every such town shall proceed to the choice of other or others, in the room of any person so refusing or neglecting, and so *toties quoties*.

Persons chosen Surveyors or Cullers, neglecting to take the oath for the faithful discharge of the office.

Penalty.

*And be it enacted by the authority aforesaid*, That all acts heretofore made for the admeasurement of Boards, and for regulating the tale and dimensions of Shingles, Clapboards, Hoops and Staves, be, and they are hereby repealed.

All former acts repealed.

July 11, 1783.

## 1783.—Chapter 16.

[September Session, ch. 1.]

AN ACT TO INCORPORATE THE SECOND PARISH IN SPRINGFIELD, CALLED LONGMEADOW, INTO A TOWN BY THE NAME OF LONGMEADOW.

Chap. 16

*Whereas it is represented by the inhabitants of the said parish, that they labour under great burdens and inconveniences by reason of their situation and the separate interests in the said town; and it appears to this Court to be expedient that the said parish be incorporated into a separate town:*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the second parish in Springfield, called Longmeadow, in the county of Hampshire, and all that*

Boundaries.

tract of land known by that name, and bounded as follows, *viz.*: west on *Connecticut River*; south on the towns of *Somers* and *Enfield*; east on *Wilbraham*; and north beginning at the mouth of *Pecousuck Brook*, so called, and running east on the parish line to the town of *Wilbraham*; be, and hereby is incorporated into a town by the name of *Longmeadow*, with all the powers, privileges and immunities that towns within this Commonwealth have or do enjoy; and that the said town of *Longmeadow* pay its just proportion of public taxes assessed on the said town of *Springfield*, agreeable to the present valuation, and until a new valuation is taken, and bear its due proportion of the expence and charges towards the support of the present poor thereof, and pay its proportional part of the public debts now owed by the said town, and receive its share of public monies and debts now due to the said town, and the common stock thereof, in the same proportion that they paid to the last State tax assessed on the town of *Springfield*.

Town of Longmeadow to pay their just proportion of taxes, until.

Hon. John Bliss, Esq; to call the first meeting.

*And be it further enacted*, That the Honorable *John Bliss*, Esq; be, and he is hereby impowered, to issue his warrant to some principal inhabitant of the said town of *Longmeadow*, requiring him to call a meeting of the said inhabitants, in order to choose such officers as by law towns are impowered to choose in the month of *March* annually.

*October 13, 1783.*

## 1783.—Chapter 17.

[September Session, ch. 2.]

*Chap. 17* AN ACT FOR ERECTING THE SOUTHEASTERLY PART OF THE TOWN OF *WARWICK* AND A TRACT OF LAND CALLED *ERVINGSHIRE*, LYING ON THE NORTHERLY SIDE OF *MILLER'S RIVER*, IN THE COUNTY OF *HAMPSHIRE*; AND THE NORTHWESTERLY PART OF THE TOWN OF *ATHOL* AND THE SOUTHWESTERLY PART OF THE TOWN OF *ROYALSTON*, IN THE COUNTY OF *WORCESTER*; INTO A SEPARATE DISTRICT BY THE NAME OF *ORANGE*.

Preamble.

*Whereas the inhabitants of the southeasterly part of the town of Warwick, a tract of land called Ervingshire, lying on the northerly side of Miller's River, in the county of Hampshire; the northwesterly part of the town of Athol and the southwesterly part of the town of Royalston, in the county of Worcester; have represented to this Court the difficulties they labour under in their present*

situation; and apprehending themselves of sufficient number and ability, request that they may be incorporated into a district:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the southeasterly part of the town of *Warwick*, and a tract of land called *Ervingshire*, lying on the northerly side of *Miller's River*, in the county of *Hampshire*; and the northwesterly part of the town of *Athol*, the southwesterly part of the town of *Royalston*, in the county of *Worcester*; bounded as follows, *viz.*: beginning on the west line of the town of *Athol*, at *Miller's River*; thence on the said line to the road leading from *Ruggles's* farm to *West Hill*, so called; thence bounding on the said road, including the same, to the county road leading from *Athol* to *Warwick*; thence easterly on the said road to the south line of *Sherebiah Baker's* land; thence on the said south line and to extend the same course to *Tully River*; thence northerly on the east branch of the said *Tully River* to *Royalston* line; thence east on the said *Royalston* line to the southeast corner of lot number twenty-three; thence northerly on the east line of the same lot and lot twenty-two, dividing lot number twenty-six; thence westerly on the south end of lot number twenty; thence northerly on the east line of lot number six; thence westerly on the north line of the same lot; thence northerly on the westerly side of lot number nine; thence westerly on the south line of lot number eleven to the west line of the said town of *Royalston*; thence northerly on the said town line to the northeast corner of lot number forty-five, in the second division in *Warwick*; thence westerly on the north line of the same lot to the northwest corner thereof; thence southerly to the northeast corner of lot number forty-one; thence westerly to the northwest corner of the same lot; thence southerly to the northeast corner of lot number thirty-four to the northwest corner of the same; thence southeast to the northeast corner of lot number twenty-four; thence south to the northeast corner of lot number fifteen; thence south, including lot number thirteen, to *Warwick* south line; thence south ten degrees west across the land of *John Erving*, Esq; to *Miller's River*; thence easterly on *Miller's River* to the bounds first mentioned; be, and hereby are erected into a district by

Boundaries.

the name of *Orange*; and the inhabitants thereof hereby are invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy, that of sending a Representative to the General Court only excepted.

District of Orange to pay their proportion of taxes already granted.

*And be it further enacted by the authority aforesaid,* That the inhabitants of the said district of *Orange* shall pay their proportion of all taxes already granted to be raised in the several towns from which they were respectively taken.

The inhabitants of said district to pay their proportion of expences in maintaining two bridges.

*And be it further enacted by the authority aforesaid,* That the inhabitants of the said district of *Orange* be, and are hereby obliged for the future to be at such a proportion of the expence of maintaining the two bridges over *Miller's* and the *Tully Rivers* in the great road, as those inhabitants taken from *Athol* were set at in the last valuation made in the said town.

In case.

*And be it further enacted,* That in case *Aaron Smith* and his son, living on the same farm, shall at any time within one year return a certificate into the Secretary's office, of their desire to belong to the town of *Athol*, they, with their estates, shall be considered as belonging to the same.

The district to join with the town of *Warwick* in the choice of Representatives.

*And it is further enacted,* That the said district may join with the town of *Warwick* in the choice of Representatives; and the Selectmen of the said town of *Warwick* shall give notice annually, under their hands, in writing, of the time and place of meeting, to the Clerk of the said district, ten days at the least before the holding the same; the Representative may be chosen indifferently from the said town or district; the pay or allowance to be borne by the town and district, in proportion as they shall from time to time pay to the State tax; and that the said district shall be considered as part of and to belong to the county of *Hampshire*.

Samuel Williams, Esq; to call the first meeting.

*And it is further enacted,* That *Samuel Williams*, Esq; be, and hereby is impowered to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said district to assemble and meet, at some suitable time and place in the said district, to choose all such officers as towns by law are required to choose at their annual town meeting in the month of *March*.

*October 15, 1783.*

## 1783. — Chapter 18.

[September Session, ch. 3.]

AN ACT FOR GRANTING TO THE UNITED STATES IN CONGRESS ASSEMBLED, CERTAIN IMPOSTS AND DUTIES UPON FOREIGN GOODS IMPORTED INTO THIS STATE, AND FOR THE PURPOSE OF PAYING THE PRINCIPAL AND INTEREST OF THE DEBT CONTRACTED IN THE PROSECUTION OF THE LATE WAR WITH GREAT BRITAIN. Chap. 18

*Whereas the raising money sufficient to discharge this State's quota of the debt contracted in support of the war with Great Britain, by taxing the polls and estates of the people, appears to be impracticable; and it also appearing that impost duties, unless universally agreed to by all the States, cannot be managed by this State alone without great inconvenience:* Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and there hereby is, granted to the United States in Congress assembled, power to levy within this Commonwealth, for the use of the United States, the following duties upon goods imported into this State from any foreign port, island or plantation, — That is to say,* The United States in Congress assembled, empowered to levy certain duties upon imported goods.

Upon all Rum of Jamaica proof, per gallon, four-ninetieths of a dollar. Articles dutied.

Upon all other Spirituous Liquors, three-ninetieths of a dollar per gallon.

Upon every gallon of Madeira Wine, twelve-ninetieths of a dollar.

Upon every gallon of all other Wines, six-ninetieths of a dollar.

Upon every pound of common Bohea Tea, six-ninetieths of a dollar.

Upon every pound of other India Tea, twenty-four-ninetieths of a dollar.

Upon every pound of Pepper, three-ninetieths of a dollar.

Upon every pound of brown Sugar, half a ninetieth of a dollar.

Upon every pound of loaf Sugar, two-ninetieths of a dollar.

Upon every pound of all other Sugars, one-ninetieth of a dollar.

Upon every gallon of Molasses, one-ninetieth of a dollar.

Upon every pound of Cocoa and Coffee, one-ninetieth of a dollar.

Duties on all other imported articles five per centum ad valorem; and how to be collected.

And upon all other goods, a duty of five *per centum ad valorem*, at the time and place of importation; to be collected under such regulations as the United States in Congress assembled shall direct, provided such regulations do not extend so far as to subject any citizen of this Commonwealth to be carried out of the same for trial, or to compel him to answer to any action without the State, or to deprive him of a trial according to the constitution and laws of this Commonwealth, or to convict him criminally without a trial by Jury or his own voluntary confession in open Court, or to impose excessive fines, or to inflict punishments which are either cruel or unusual in this Commonwealth, or to break open any dwelling house, store or warehouse, at any other than the day time, and between the rising and the sitting of the sun, or then, without a warrant from a lawful magistrate, and issued upon the oath of the party requesting the same: And also provided, that the trial on all seizures and questions under this act, shall be before the Court of Common Pleas in the several counties within this Commonwealth where such seizures shall be made and such questions arise; and from the judgment of the said Court, either party shall be allowed an appeal to the Supreme Judicial Court of this Commonwealth, before whom a trial shall in all cases be final; and that in no case a forfeiture shall exceed the goods seized and the vessel in which such goods may be imported, with her cargo: And it is further provided, that the Collectors of the said duties shall be appointed by the General Court of this Commonwealth; which Collectors, when so appointed, shall be accountable to and removable by the United States in Congress assembled alone; and in case of the death, resignation, or removal of any Collector, a successor shall be appointed within thirty days after the United States in Congress assembled shall give notice for that purpose, by the General Court, if sitting, and if not, by the Governor and Council; and if in any case the General Court and the Governor and Council shall neglect to supply a vacancy occasioned as aforesaid, within the term of thirty days after notice as aforesaid, power is hereby given to the United States in Congress assembled, to supply and fill the same with some citizen of this Commonwealth. Provided also, that none

Proviso.

Parties allowed an appeal.

Collectors of duties to be appointed by the General Court.

To whom Collectors are accountable and removable.

In case.

Proviso.

of the said duties shall be applied to any other purpose than the discharge of the interest or principal of the debts contracted on the faith of the United States for supporting the late war, and that an annual account of the proceeds and application of the aforementioned revenue, shall be made out and transmitted to this State, distinguishing the proceeds of each of the specified articles, and the amount of the whole revenue received from each State, together with the allowances made to the several officers employed in the collection of the said revenue.

*And be it further enacted by the authority aforesaid,* That this act shall be in force and begin to operate, as soon as the United States in Congress assembled shall notify the General Court of this Commonwealth, that all the other States in the confederation have passed acts granting to the United States in Congress assembled like duties, to be appropriated in like manner, and for the space of twenty-five years; and that it shall continue in force from that time for the space of twenty-five years, in the nature of a grant, sacred and irrevocable by any one or more of them, without the concurrence of the whole, or of a majority of the United States in Congress assembled; provided that the monies arising from the said revenue, and other monies that may be appropriated for the like purposes, be not sufficient to discharge the said principal, debt and interest before the said term of twenty-five years is expired.

When this act is to operate.

Limitation.

*And be it further enacted,* That an act made in the year of our Lord, one thousand seven hundred and eighty-two, intitled, “An act for granting to the United States in Congress assembled, a permanent revenue for the purpose of discharging the debts which have arisen, or may arise, in prosecuting the present war with *Great Britain*,” be, and the same hereby is repealed and declared null and void.

A former act repealed.

October 20, 1783.

### 1783. — Chapter 19.

[September Session, ch. 4.]

AN ACT MAKING PROVISION FOR THE SUPPORT AND MAINTENANCE OF LIGHT HOUSES ON THE SEA COAST OF THIS COMMONWEALTH.

Chap. 19

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of*

Duty on vessels to be paid to the Naval Officers.

*the same*, That there shall be paid by the master or owner of any vessel not employed in the coasting or fishing business, from and after the first day of *November* next, into the hands of the Naval Officer where any vessel shall clear out for any port not in this Commonwealth, previous to the clearing of the said vessel, a duty of two pence per ton, to be computed agreeable to the rules of carpenter's measurement.

Measurement how computed.

Coasting vessels to pay every six months.

*And be it enacted by the authority aforesaid*, That from and after the said first day of *November*, the master or owner of any coasting or fishing vessel of thirty tons or upwards, shall every six months, pay unto the Naval Officer of the port where such master or owner may reside, a duty at the rate of four pence per annum for each ton the said vessel may measure, agreeably to the rules aforesaid; and if the master or owner of any such coasting or fishing vessel shall refuse to pay as aforesaid, the said Naval Officer is hereby empowered and directed, within thirty days after such payment may become due, to sue for and recover the same in the Court of Common Pleas for the county where the said Naval Officer may hold his office; and where the sum does not exceed forty shillings, before any Justice of the Peace for the said county. And the said Naval Officers are hereby directed to give a certificate for the receipt of the duties aforesaid, for which they shall receive one shilling, and no more.

In case of refusal.

Duties how to be recovered.

Proviso.

*Provided nevertheless*, That when any such coasting or fishing vessel may be employed in any voyages other than coasting or fishing, so much of the annual duty shall be allowed by the said Naval Officer, as shall be in proportion to the time they may have been thus employed.

Allowance to Naval Officers.

*And be it further enacted by the authority aforesaid*, That each Naval Officer shall be allowed two per cent. out of the duties he may collect as aforesaid, and the remainder thereof he shall every three months pay unto the Treasurer of this Commonwealth, and once in every year shall render unto the Treasurer aforesaid, an account on oath of the money he has so received, and make a settlement of the same. And the said Naval Officers shall each of them give bond to the Treasurer aforesaid, in the sum of one thousand pounds, for the faithful performance of the services required of them by this act.

Naval Officers to give bond.

Monies how appropriated.

*And be it further enacted by the authority aforesaid*, That all monies arising from the aforesaid duties, shall be appropriated to the purpose of building, supporting and



maintaining the light houses on the sea coast of this Commonwealth, and that the same be drawn out of the treasury for that purpose, by warrant under the hand of the Governor, with the advice and consent of Council, as often as occasion may require: And the Treasurer is hereby directed, once in every year, to lay before the General Court an account of the monies received for the said duties, with the expenditure of the same.

*And be it further enacted by the authority aforesaid,* That the persons who are or may be appointed from time to time to be keepers of the light houses on the sea coast of this Commonwealth, shall carefully and diligently attend their duty at all times, in kindling and keeping burning the lights from sun setting to sun rising, and placing them so as they may be most seen by vessels coming in or going out; and upon conviction of neglect of their duty before the Court of General Sessions of the Peace within the county, shall be liable to be fined according to the degree or circumstance of the offence, not exceeding one hundred pounds, one-third thereof to the use of this Commonwealth, and the other two-thirds thereof to the person or persons who shall inform of such neglect, and shall be also liable to an action of damage brought by any person who may suffer by such neglect, to be recovered in any Court proper to try the same.

Keepers of the light houses carefully to attend their duty.

Penalty.

October 22, 1783.

### 1783. — Chapter 20.

[September Session, ch. 5.]

AN ACT FOR RATIFYING AND CONFIRMING AN AGREEMENT BETWEEN THE TOWNS OF CONCORD AND LINCOLN, FOR THE MORE CONVENIENT BUILDING AND REPAIRING THE BRIDGES OVER THE GREAT RIVER IN THE SAID TOWNS.

Chap. 20

*Whereas in and by the act of the General Court, passed in April, one thousand seven hundred and fifty-four, for incorporating the town of Lincoln, provision is made that the said town of Lincoln shall pay their proportion (agreeable to what the inhabitants taken off from the town of Concord by the act aforesaid, paid in the then last tax) of the charges of building and repairing a bridge or bridges over the great river in the aforesaid towns of Concord and Lincoln:*

Preamble.

*And whereas it appears to this Court, that the aforesaid towns have entered into a mutual agreement, that for the future the town of Concord shall make and maintain the whole of the two lower bridges over the said river, with*

*their several buttments, and twenty one feet and nine inches of the westerly end of the most southerly bridge, with liberty of building the buttment at the said westerly end of the said bridge six feet and nine inches further into the river than the present, and build and maintain an arch fifteen feet long; which is to be considered as the full of Concord's part of the present bridges; and the town of Lincoln to build and for the future maintain the remainder of the most southerly bridge aforesaid, together with the east buttment of the same; the town of Lincoln having free liberty to bring the ends of their string pieces on the arch which the town of Concord shall build; which is to be considered as the town of Lincoln's full part of the present bridges:*

*And whereas it has been moved to this Court to ratify and confirm the aforesaid agreement:*

Towns of Concord and Lincoln to pay their respective proportions of certain bridges.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the aforesaid agreement shall be and hereby is ratified and confirmed, to all intents and purposes; and that each of the towns aforesaid shall be held and obliged to build and maintain their respective proportions of the bridges aforesaid, as specified therein, the aforesaid act notwithstanding.*

*And whereas the westerly buttment of the most southerly bridge before mentioned, which is allotted to the town of Concord to build and maintain, has been since the making the aforesaid agreement, built with stone six feet and nine inches farther into the river than the place where the old buttment then stood:*

*Be it therefore enacted by the authority aforesaid, That the stone buttment where it now stands, shall forever be the place from which the fifteen feet for the town of Concord to build and maintain an arch, shall be measured.*

*October 22, 1783.*

## 1783.—Chapter 21.

[September Session, ch. 6.]

**Chap. 21** AN ACT TO REGULATE THE CATCHING OF SALMON, SHAD AND ALEWIVES, AND TO REMOVE AND PREVENT OBSTRUCTIONS IN MERIMACK RIVER, AND IN THE OTHER RIVERS AND STREAMS RUNNING INTO THE SAME, WITHIN THIS COMMONWEALTH, AND FOR REPEALING SEVERAL ACTS HERETOFORE MADE FOR THAT PURPOSE.

Preamble.

*Whereas the salmon, shad and alewives, taken in Merimack River and streams running into the same, have been*

*of great service to the inhabitants of this Commonwealth; and as the fish in the said rivers and streams may hereafter be of great service to the people of this Commonwealth, as well as to those of New Hampshire, if proper care is taken to prevent the unnecessary destruction thereof; and whereas by constant fishing with seines, nets and pots, and erecting weirs and other incumbrances, to prevent the passage and facilitate the taking of the said fish, they are greatly diminished, and there is great danger of their being totally destroyed:*

*Therefore be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That an act passed in the fifth year of the reign of *George the third, King of Great Britain*, intituled, “An act to prevent the destruction of salmon and other fish in *Merimack River*,” and another act passed the sixth year of the said reign, intituled, “An act for amending the aforesaid act,” and one act, intituled, “An act in addition to the two acts aforesaid,” together with all the subsequent acts continuing the same, be, and they are hereby repealed.

Acts repealed.

*And be it further enacted by the authority aforesaid,* That no person or persons, whatever, be allowed from and after the passing this act, to catch any salmon, shad or alewives, in any part of *Merimack River*, or in any river or stream centering to or running into the same, within this Commonwealth, oftener or more than three days in a week; the days to be Tuesday, Wednesday and Thursday in each week, and from midnight preceding Tuesday to midnight succeeding Thursday; and if any person or persons shall catch any salmon, shad or alewives in *Merimack River*, or in any river or stream centering to or running into the same, or shall drag any seine or drag net, or set any pot or net, or any other machine, for the purpose of catching any of the said fish, at any other time or place than by this act is allowed, in the said rivers and streams, and within this Commonwealth, each and every person so offending, shall forfeit and pay for each and every such offence, the sum of five pounds, and the seine, net, pot or other machine, so used, shall be forfeited.

Persons not to catch fish in any part of Merimack River more than three days in a week.

In case.

Penalty.

*And be it further enacted by the authority aforesaid,* That all weirs, fences and other incumbrances now erected, or that shall hereafter be erected in any part of *Merimack River*, or the other rivers and streams center-

All obstructions for stopping the course of the fish to be demolished.

ing to or running into the same, within this Commonwealth, for stopping the course of the fish, or to facilitate the taking the said fish by seines, nets, pots or otherwise, shall be deemed common nuisance, and as such shall be pulled down and demolished; and any person or persons that shall hereafter erect any such weirs, fences or other incumbrance, or that shall continue such already erected, on due conviction thereof, shall forfeit and pay a sum not exceeding twenty pounds, nor less than five pounds.

Persons causing incumbrances, — on conviction; penalty.

Persons not to catch fish with seines, &c. at the entrance of any of the rivers.

*And be it further enacted by the authority aforesaid,* That no person or persons, from and after the passing this act, shall at any time catch any salmon, shad or alewives with seines, nets, pots or any other way, at the mouth or entrance of any of the aforesaid rivers or streams (or within eighty rods of the same) into which such fish usually go up to cast their spawn, nor in any ponds from which such rivers or streams proceed, nor in any brooks or rivulets that run into such ponds, on pain of forfeiting for each offence the sum of five pounds.

Penalty.

Persons not to catch salmon, &c. with seines or nets more than 18 rods in length.

*And be it further enacted by the authority aforesaid,* That no person or persons, whatsoever, from and after the passing this act, shall catch any salmon, shad or alewives, with seines or nets more than eighteen rods in length, in the said *Merimack River*, nor extend more than one seine or net at a time for the purpose of catching the said fish; and if any person or persons shall presume to fish with a seine or net exceeding the length aforesaid, or extend two or more seines or nets on the same fishing ground at one and the same time, he shall for each offence forfeit and pay the sum of ten pounds, and such seines or nets shall also be forfeited.

Persons presuming; penalty.

Persons annually to be chosen to see that this act is duly observed.

*And be it further enacted,* That from and after the passing this act, every town in this Commonwealth bordering on *Merimack River*, and in which there are any ponds, rivers or streams centering to or emptying themselves into *Merimack River*, where salmon, shad or alewives, would, if not obstructed, go up to spawn, shall at their annual *March* meeting annually choose, by ballot, at least four suitable and fit persons, whose duty it shall be, jointly or severally, to see that this act, and the acts for keeping open sluice ways in dams, be duly observed, and to inform against any person or persons that shall offend against the said acts, and to examine and measure the seines and nets used in catching the said fish, and to see that all obstruc-

tions in the rivers and streams aforesaid be removed, and to prosecute all breaches of the said acts; and all persons so chosen shall be sworn to the faithful discharge of their duty in such office: And if any person chosen as aforesaid shall refuse to be sworn, he shall forfeit and pay the sum of forty shillings, for the use of the poor of such town, to be recovered by the Town Treasurer, and such town shall proceed to a new choice, and so *toties quoties*; and any person who shall refuse or prevent the person or persons so chosen from measuring any seine or net which shall be used for the purpose of taking fish in the said river, shall forfeit and pay the sum of five pounds.

Persons chosen to be sworn.

Persons refusing to be sworn; penalty.

How to be recovered.

*And be it further enacted*, That on complaint made to any Justice of the Peace for the county where any offence against this act shall be committed, against any person or persons for breach of this act, or upon view of any Justice, such Justice is hereby empowered to issue his warrant to apprehend such offender or offenders, and cause him or them to find sufficient sureties for their appearance at the then next Court of General Sessions of the Peace for the said county, to answer for their said offence, and on failure of finding sureties as aforesaid, to commit him or them to the common goal of the said county; and such Justice is also required to bind over the witnesses against such offending person or persons.

On complaint to a Justice of the Peace.

*And be it further enacted*, That all fines and forfeitures incurred by breach of this act, shall be recovered by bill, plaint or information, in any of the Courts of Record within this Commonwealth proper to try the same; and all Grand Jurors are hereby enjoined diligently to inquire after and duly to present such offence.

How fines and forfeitures are to be recovered.

*And be it further enacted*, That all fines and forfeitures incurred by any offence committed against this act, shall enure the one moiety thereof to the poor of the town where the offence shall be committed, and the other moiety to him or them who shall make information of the same.

To whom fines & forfeitures shall enure.

*Provided always*, That the said fish may be taken in the mouth of *Concord River*, with pots, nets and seines, (within eighty rods of the same) two days in a week; the days to be Tuesday and Wednesday, from midnight preceding Tuesday to midnight succeeding Wednesday: *And provided also*, That the inhabitants of *Concord*, *Sudbury* and *East Sudbury*, may erect weirs within their respective towns, for taking fish in *Concord River*, on

Proviso.

Tuesday, Wednesday and Thursday of each week, as is provided in this act, but the said weirs to be kept open at all other times.

October 24, 1783.

### 1783. — Chapter 22.

[September Session, ch. 7.]

*Chap. 22* AN ACT TO PREVENT THE DESTRUCTION OF WHITE PINE TREES IN THIS COMMONWEALTH.

Persons destroying White Pine trees of certain dimensions without licence; penalty.

How to be recovered.

Proviso.

*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, after the publication of this act, shall cut, fell or destroy any White Pine tree, which is, or shall be at the time of felling or destroying the same, of the diameter of twenty-four inches, or upwards of twelve inches from the ground, growing or standing on any tract of land within any part of this Commonwealth, not the property of any private person or persons, without licence first had and obtained for so doing, from this Legislature; or be aiding and assisting therein, or in drawing away the same after so cut or felled; he shall forfeit the sum of thirty pounds, to be recovered by bill, indictment or information, in any Court of Record in this Commonwealth proper to try the same; two thirds thereof to the use of this Commonwealth, and one third thereof to the informer; and the sum of three pounds for any other White Pine tree on the land aforesaid, to be recovered as aforesaid, and to the uses before mentioned; provided such prosecution be commenced within two years from the time when the offence shall be committed.

October 24, 1783.

### 1783. — Chapter 23.

[September Session, ch. 8.]

*Chap. 23* AN ACT FOR ALTERING AND AMENDING ONE CLAUSE OR PART OF AN ACT MADE AND PASSED THE LAST SITTING OF THE GENERAL COURT, INTITLED, "AN ACT FOR REGULATING PILOTAGE IN SEVERAL PORTS IN THIS COMMONWEALTH."

Preamble.

*Whereas it is found by experience that keeping decked boats for the advantage of pilotage on the coasts of Martha's Vineyard, doth not answer the good design intended by the act aforesaid:*

*Therefore be it enacted by the Senate and House of Representatives in General Court assembled, and by the*

*authority of the same,* That the Branch Pilots for the coasts of *Martha's Vineyard* be, and they hereby are, severally exempted from that part of their duty required by the act aforesaid, which obliges them to be provided with decked boats.

Branch Pilots for the coasts of *Martha's Vineyard* exempted from providing decked boats.

*And it is further enacted by the authority aforesaid,* That in lieu of decked boats, each of said Pilots shall be provided with a suitable row boat. And the Branch Pilots for the coasts of *Martha's Vineyard* shall always hereafter jointly keep in good repair one small vessel, of about twenty tons, for the purpose mentioned in the aforesaid law.

In lieu thereof to be provided with suitable row boats.

*And be it further enacted,* That the Governor, with the advice of Council, be, and he is hereby impowered, to regulate and state the fees of the several Pilots on the coasts of this Commonwealth, and alter the same from time to time, as circumstances shall require.

Governor with advice of Council to regulate the fees of the several Pilots.

October 24, 1783.

### 1783. — Chapter 24.

[January Session, ch. 1.]

AN ACT PRESCRIBING THE MANNER OF DEVISING LANDS, TENEMENTS AND HEREDITAMENTS. Chap. 24

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That every person lawfully seized of any lands, tenements or hereditaments, within this State, in his or her own right, in fee simple, or for the life or lives of any other person or persons of the age of twenty-one years and upwards, and of sane mind, shall have power to give, dispose of and devise the same, as well by last will and testament in writing, as otherways by any act executed in his or her life time, to and among his or her children, or others, as he or she shall think fit.

Persons seized of lands, &c. impowered to dispose of and devise the same, as well by will as otherways.

*And be it further enacted by the authority aforesaid,* That all devises and bequests of any lands or tenements, shall be in writing, and signed by the party so devising the same, or by some person in his presence and by his express direction, and shall be attested and subscribed in the presence of the said devisor, by three or more credible witnesses, or else shall be utterly void and of no effect. And moreover, no devise in writing, of lands, tenements and hereditaments, or any clause thereof, shall be revocable, otherways than by some other will or codicil in writ-

All devises and bequests of lands &c. to be in writing, and signed by the party so devising the same, and attested.

No devise in writing, of lands &c. to be revocable otherways than.

ing, or other writing declaring the same, or by burning, cancelling, tearing or obliterating the same by the testator himself, or in his presence and by his direction and consent; but all devises and bequests of lands and tenements, shall remain and continue in full force until the same be burnt, cancelled, torn or obliterated by the testator, or his direction, in manner aforesaid, or unless the same be altered by some other will or codicil, or other writing of the devisor, signed in the presence of three or more witnesses, declaring such alteration.

No nuncupative will to be good, where the estate bequeathed shall exceed a certain value, that is not proved by witnesses.

*And be it further enacted*, That no nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of fifty pounds, that is not proved by the oath of three witnesses (at the least) that were present at the making thereof, nor unless it be proved that the testator at the time of pronouncing the same, did bid the persons present, or some of them, to bear witness that such was his will, or to that effect, nor unless such nuncupative will were made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she had been resident for the space of ten days or more, next before the making of such will; except where such person was unexpectedly taken sick, being from home, and died before he or she returned to the place of his or her habitation.

Probate of nuncupative wills.

*And be it further enacted*, That no letters testamentary, or probate of any nuncupative will, shall pass the seal of any Court of Probate, till fourteen days (at the least) after the decease of the testator be fully expired, nor shall any nuncupative will be at any time approved and allowed, unless process shall have first issued to call in the widow and other person or persons principally interested, if resident within the government, to the end they may contest the same if they please.

No testimony to be received to prove such will after 6 months, unless.

*And be it further enacted*, That after six months shall have passed after speaking any pretended testamentary words, no testimony shall be received to prove the same as a nuncupative will, unless the said words, or the substance thereof, were reduced to writing within six days after the same testamentary words were spoken.

No written will to be repealed, but by writing, except.

*And be it further enacted*, That no will in writing, concerning any goods, chattels or personal estate, shall be repealed, nor shall any clause or bequest therein be altered or changed by any words or will, by word of mouth only, except the same be in the life time of the testator com-



mitted to writing and read to the testator, and allowed by him in the presence of three credible witnesses at the least. *Provided always*, That notwithstanding this act, any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his moveables, wages and other personal estate, as he might have done before the making of this act.

Proviso.

*And be it further enacted*, That when any child shall happen to be born after the death of the father, without having any provision made in his will, every such posthumous child shall have right and interest in the estate of his or her father, in like manner as if the father had died intestate, and the same shall be assigned to him or her accordingly, and in every such case the Judge of Probate shall issue his warrant as in case of intestate estates, to assign to such posthumous child a share in his or her father's estate, equal to what he would have inherited if his or her father had died intestate, and the same shall be taken in proportion from the devisees and legatees who own the estate by virtue of such will.

Posthumous children to have a proportion.

*And be it further enacted*, That any child or children, or their legal representatives in case of their death, not having a legacy given him, her or them, in the will of their father or mother, shall have a proportion of the estate of their parents assigned unto him, her or them, as though such parent had died intestate, — provided such child, children or grandchildren, have not had an equal proportion of the deceased's estate bestowed on him, her or them, in the deceased's life time. And when any child, grandchild or other relation, having a devise of personal estate or real estate, and such devisee shall die before the testator, leaving lineal descendants, such descendants shall take the estate, real or personal, in the same way and manner such devisee would have done in case he had survived the testator, any law, usage or custom, to the contrary notwithstanding: Also the widow in all cases may waive the provision made for her in the will of her deceased husband, and claim her dower and have the same assigned her, in the same manner as though her husband had died intestate, in which case she shall receive no benefit from such provision, unless it appears by the will plainly the testator's intention to be in addition to her dower. And as it may sometimes happen that a will respecting lands and personal estate, through inattention, or otherwise,

Children not having legacies given in the will of their father, to have a proportion of the estate assigned.

Proviso.

may be attested and subscribed by a less number of credible witnesses than this act directs, for devising lands, tenements and hereditaments, which if approved and allowed as a testament of personal estate *only*, might defeat the original intention of the devisor respecting the settlement of his estate :

Wills in writing offered for probate not attested and subscribed, not to be approved and allowed.

*Be it therefore further enacted by the authority aforesaid,* That any will in writing hereafter offered for probate, which purports a disposition of both real and personal estate, that shall not be attested and subscribed as this act directs, for the devising of lands, tenements, and hereditaments, shall not be approved and allowed as a testament of personal estate *only*.

All estates real or personal not devised or bequeathed, how distributed.

*And be it further enacted,* That all such estate, real or personal, that is not devised or bequeathed in the last will and testament of any person, hereafter to be proved, shall be distributed in the same manner as if it were an intestate estate, and the executor or executors shall administer on the same as such. And whereas doubts may arise who are to be deemed and taken as legal and credible witnesses to wills :

Persons attesting the execution of wills, to whom, &c.

*Be it further enacted by the authority aforesaid,* That if any person hath attested or shall attest the execution of any will or codicil, to whom any beneficial devise, legacy, estate, interest, gift, or appointment of, or affecting any real or personal estate, other than and except charges on lands, tenements or hereditaments, for the payment of any debt or debts, shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment, shall, so far only as concerns such person attesting the execution of such will or codicil, or any person claiming under him, be utterly void, and such person shall be admitted as a witness to the execution of such will or codicil, such devise, legacy, estate, interest, gift or appointment, notwithstanding.

In case.

*And be it further enacted,* That in case, by any will or codicil already made or hereafter to be made, any lands, tenements, or hereditaments, are or shall be charged with any debt or debts, and any creditor whose debt is so charged hath attested or shall attest the execution of such will or codicil, every such creditor, notwithstanding such charge, shall be admitted as a witness to the execution of such will or codicil.

*And be it further enacted,* That if any person hath

attested or shall attest the execution of any will or codicil, to whom any legacy or bequest is or shall be thereby given, and such person, before he or she shall give his or her testimony concerning the execution of any such will or codicil, shall have been paid, or have accepted or released, or shall refuse to accept such legacy or bequest upon tender thereof, such person shall be admitted as a witness to the execution of such will or codicil, notwithstanding such legacy or bequest. *Provided always*, That the credit of such witnesses as aforesaid, shall be subject to the consideration of the Court or Jury before whom such witness or witnesses may be examined, or his or her testimony or attestation made use of, in like manner to all intents and purposes, as the credit of other witnesses in all other causes ought to be considered of and determined.

Persons attesting the execution of wills, &c. to whom legacies or bequests are given, how they are to be admitted as witnesses.

Proviso.

*And be it further enacted*, That in case any legatee as aforesaid, who hath attested the execution of any will or codicil already made, or shall attest the execution of any will or codicil which shall hereafter be made, shall have died in the life time of the testator, or before he or she shall have received or released the legacy or bequest so given him or her as aforesaid, and before he or she shall have refused to receive such legacy or bequest on tender made thereof, such legatee shall be deemed a legal witness to the execution of such will or codicil, within the intent of this act, notwithstanding such legacy or bequest.

In case legatees as aforesaid die in the life time of the testator.

*And be it further enacted*, That no person to whom any beneficial estate, interest, gift or appointment, shall be given or made, which is hereby enacted to be null and void as aforesaid, or who shall have refused to receive any such legacy or bequest on tender made as aforesaid, and who shall have been examined as a witness concerning the execution of such will or codicil, shall, after he or she shall have been so examined, demand or receive any profit or benefit of or from any such estate, interest, gift or appointment, so given or made to him or her in and by any such will or codicil; or demand, receive or accept, from any person or persons whatsoever, any such legacy or bequest, or any satisfaction or compensation for the same, in any manner whatever.

No person to whom beneficial estates, &c. are given, which are hereby enacted to be null and void, or who have refused to receive any legacies, shall demand, &c.

*And be it further enacted by the authority aforesaid*, That if any executor or executors of the will of any person deceased, knowing of their being so named and appointed, shall not within *thirty days* next after the

Executors to cause probate of wills to be made in thirty days next after the testator's death.

decease of the testator, cause such will to be proved and recorded in the Register of Probate's Office, of the same county where the deceased person last dwelt, or present the said will, and in writing declare his, her or their refusal; every executor so neglecting his or her trust and duty in that behalf, (without just excuse made and accepted by the Judge of Probate for such delay) shall forfeit the sum of five pounds a month, from and after the expiration of the said thirty days, until he, she or they shall cause probate of such will to be made, or present the same as aforesaid; every such forfeiture to be had and recovered by action of debt in the Court of Common Pleas, in the same county, one moiety for him or them that shall sue for the same, and the other moiety for the use of the legatees named in the same will; and upon any such refusal of the executor or executors, the Judge of Probate shall commit administration of the estate of the deceased, with the will annexed, unto the widow or next of kin to the deceased, or one or more of the devisees, or in case of their refusal, to one or more of the principal creditors, as he shall think fit. And if any person shall alienate or embezzle any of the goods or chattels of any deceased person, before he or she have taken out letters of administration and exhibited a true inventory of all the known estate of the person deceased, every such person shall stand chargeable and be liable to the actions of the creditors and other persons aggrieved, as being executors in their own wrong.

Penalty for neglect.

How recovered.

Executors to give bonds, and to return an inventory into the Probate office; unless.

*And be it further enacted,* That every executor named in a will hereafter to be proved, and taking upon him that trust by proving the same, shall give bond to the Judge of Probate, with sufficient surety or sureties, to return upon oath a true and perfect inventory of the testator's estate into the Probate office, within three months, and to render an account of his proceedings thereon, in the same manner administrators are by law obliged to be bound, unless such executor or executors are residuary legatees, in which case bonds may be given by him or them to pay the debts and legacies of the testator; and in case such executor or executors shall neglect or refuse, for the space of twenty days, to give bond as aforesaid, the Judge of Probate may commit administration of the estate of such testator, with the will annexed, to some other person, in like manner as he may grant the same when the

In case of neglect.

executor refuses the trust; and when the executor is under the age of twenty-one years at the time of proving the will, administration may be granted, with the will annexed, during the minority of such executor. And where there are divers persons named executors, in any will hereafter to be proved, none shall intermeddle and act as such, but those who actually give bond as aforesaid. And any executor being a residuary legatee, may bring an action of account against his co-executor or executors of the estate of the testator in his or their hands, and may also sue for and recover his equal and proportionable part thereof; and any other residuary legatee shall have like remedy against the executors. And any person having a legacy given in any last will, may sue for and recover the same at the common law.

Executor being residuary legatee may sue his co-executor.

*And be it further enacted by the authority aforesaid,* That when any testator in and by his last will and testament, hath given, or shall give, any chattels or real estate to any person or persons, and the same shall be taken in execution for the payment of the testator's debts, or shall be sold therefor as the law provides, in such case all the other legatees, devisees, and heirs, shall refund their average or proportional part of such loss to such person or persons from whom the bequest shall be so taken away, and he or they shall and may maintain a suit or action at law to compel such contribution.

*And be it further enacted by the authority aforesaid,* That when any executor or executors of any last will and testament, or administrator of an intestate estate, shall reside without the limits of this government, at the time of taking upon him that trust, or shall afterwards remove out of this government, and shall neglect or refuse after due notice from the Judge of Probate, to render his account and make a settlement of such estate with the creditors, legatees, or heirs, or their legal representatives; or when any executor or administrator shall become insane, or otherwise incapable of, or evidently unsuitable to discharge the trust reposed in him; the Judges of Probate in their respective counties within this government, are authorized and empowered in such cases, to grant letters of administration, with the will annexed, (or otherwise as the case may require) to such person within this government, as to the said Judge shall seem meet: And the administrator thus appointed, shall have the same

Executors or administrators residing without the government refusing to render their account.

Judges of Probate empowered in such cases.

power and authority to administer the estate of the deceased, not administered upon by such former executor or administrator, and be subjected to the same duties, in as full and ample a manner, as if the executor or administrator so removed or residing without this government as aforesaid, were actually dead. And when a *Femme sole* shall jointly with one or more persons, be appointed executrix or administratrix, and after such appointment shall, during the life of the other co-executor or co-administrator marry, such marriage shall not make the baron an executor or administrator in her right; but shall operate as an extinguishment or determination of such woman's power and authority: And the other executor or executors, administrator or administrators, may proceed in discharging the trust reposed in them, in the same way and manner as if such woman were naturally dead. And the executor of an executor, shall not in consequence thereof, become an executor of the first testator; but in every such case, administration may be granted (if the circumstances of the estate require it) upon the goods and estate of the first testator, unadministered upon, with the will annexed, to such person or persons as the Judge of Probate may think fit, any law, usage or custom to the contrary notwithstanding.

All laws relating to devising lands, &c. repealed.

*Be it further enacted*, That all the acts and laws of this Commonwealth now in force, so far as they relate to devising lands, tenements, hereditaments and chattels, be, and they are, hereby repealed and made null and void. This act to be in force from and after the first day of *June*, one thousand seven hundred and eighty-four.

*February 6, 1784.*

## 1783. — Chapter 25.

[January Session, ch. 2.]

### *Chap. 25* AN ACT TO ESTABLISH A BANK IN THIS STATE AND TO INCORPORATE THE SUBSCRIBERS THERETO.

Preamble.

*Whereas the establishment of a bank within this State will probably be of great public utility, and as it will be particularly beneficial to the trading part of the community, and many persons under the expectation of an act of incorporation from the legislature of this Commonwealth, have accordingly subscribed thereto; and whereas William Phillips, Isaac Smith, Jonathan Mason, Thomas*

Russell, John Lowell and Stephen Higginson, *Esquires*, in behalf of such subscribers, have applied for such an act:

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That William Phillips, Isaac Smith, Jonathan Mason, Thomas Russell, John Lowell and Stephen Higginson, Esquires*, so long as they shall continue to be proprietors in the said bank, together with all those who are, and those who shall become, proprietors to the said bank, shall be a corporation and body politic, under the name of the President and Directors of the *Massachusetts Bank*.

Proprietors of the bank incorporated.

*And be it further enacted by the authority aforesaid*, That the said corporation are hereby declared and made able and capable in law, to have, hold, purchase, receive, possess, enjoy and retain, lands, rents and tenements, to the amount of fifty thousand pounds and no more at any one time; and also monies, goods, chattels and effects, to the amount of five hundred thousand pounds and no more; and also to sell, grant, devise, alien, or dispose of, the same lands, rents, tenements, money, goods, chattels and effects. *Provided*, That the said President and Directors, nor any or either of them in their said capacity, nor any person or persons for or in behalf of the said corporation or body politic, shall at any time, directly or indirectly, use or employ any money or monies of the said corporation or body politic, in trade or commerce.

The corporation to be capable in law to have, hold, purchase, receive, possess, enjoy, & retain lands, &c. to a certain amount.

Proviso.

*And be it further enacted by the authority aforesaid*, That the said corporation shall be capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts of Record, or other Courts or places whatsoever; and to do and execute all and singular other matters and things, that to them shall or may appertain to do.

The corporation to sue and be sued.

*And be it further enacted by the authority aforesaid*, That for the well governing of the said corporation, and the ordering their affairs, they shall have such officers as they shall hereafter direct and appoint, and that such officers as shall be designated by the laws and regulations of the said corporation for the purpose, shall be capable of exercising such power, for the well governing and ordering the affairs of the said corporation and calling and holding such occasional meetings for that purpose, as

Officers to be appointed for the well governing and ordering the affairs of the said corporation.

shall be fixed and determined by the said laws and regulations.

*And be it further enacted by the authority aforesaid,*  
 That the said corporation may make, establish, and put in execution, such laws and regulations as may be necessary to the government of the said corporation, provided the same shall in no case be repugnant to the laws and constitution of this State.

*And be it further enacted by the authority aforesaid,*  
 That the said corporation shall have full power and authority to make, have, and use a common seal, and the same to break, alter, and renew at pleasure.

*And be it further enacted by the authority aforesaid,*  
 That *William Phillips, Isaac Smith, and Jonathan Mason*, Esquires, be empowered to call a meeting of the subscribers to the said bank, at such time and place as they may think convenient, by advertising the same in two of the *Boston* news papers, fifteen days before the time of holding the said meeting, at which, or any future meeting of the stockholders, all matters shall be determined by the major votes of persons present at such meeting, who are stockholders or who represent stockholders; the number of votes to be determined by the number of shares each voter holds or represents; save only, that nothing shall prevent the stockholders from determining, that the holders of a certain number of shares shall be present or represented at the transaction of any particular business.

*Provided always,* That any person specially appointed by the legislature of this State, for that purpose, shall have a right to examine into the affairs of the bank, and shall at all times have access to the bank books.

*February 7, 1784.*

## 1783. — Chapter 26.

[January Session, ch. 3.]

**Chap. 26** AN ACT FOR INCORPORATING CERTAIN PERSONS THEREIN NAMED, INTO A SOCIETY BY THE NAME OF THE *BOSTON* EPISCOPAL CHARITABLE SOCIETY.

Preamble.

*Whereas a number of persons, members of the Episcopal church, did in the year one thousand seven hundred and twenty-four, in the town of Boston, form themselves into a society for charitable purposes, which society still*



continuing, have raised a very considerable stock, out of which they have from time to time contributed to the laudable purposes aforesaid; and the persons so associated, finding themselves under difficulties for want of an incorporation, and having petitioned this Court for an act remedial of such difficulties; and the intentions of the said persons appearing to this Court deserving encouragement:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Rowe, Stephen Greenleaf, Ralph Inman, Daniel Hubbard, John Cutler, Richard Greene, John Haskins, Benjamin Greene, Nathaniel Greene, Joseph Greene, Thomas Ivers, James Perkins, Reverend Samuel Parker, Thomas Kast, John Amory, junior, William Turner, Oliver Smith, Samuel Dunn, junior, William Tudor, James Lloyd, Thomas Amory, George Lush, Jabez Hutch, James Freeman, Samuel Wallis, Joseph Head, and Samuel Smith, the members of the said society, be, and they hereby are, incorporated and made a body politic, for the aforesaid purposes, by the name of the *Boston Episcopal Charitable Society*, and that they, their associates and successors, have perpetual succession by the said name, and have power to make by-laws for the preservation and advancement of the said society, not repugnant to the laws of this Commonwealth, with penalties either of disfranchisement from the said society, or of a mulct not exceeding twenty shillings, or without penalties, as shall seem most meet.

And be it further enacted, That the said *Boston Episcopal Charitable Society*, be, and they hereby are, authorized and empowered, to make, appoint, and have a common seal; and are hereby made liable to be sued and enabled to sue and defend in their said corporate capacity, in any of the Courts of Record or other Courts of Law of this Commonwealth; and are hereby licenced and empowered to make purchases, and to receive grants and donations of real and personal estates, and to hold the same for the charitable purposes aforesaid, provided the rents of the real estate together with the interest of the personal estate, shall not exceed the sum of nine hundred pounds, and to manage and dispose of such estates as to the said corporation shall appear fit.

And be it further enacted by the authority aforesaid,

Members of the  
episcopal  
society, in-  
corporated into  
a body politic.

To make by-  
laws not repug-  
nant to the laws  
of this Com-  
monwealth.

Society to have  
one common  
seal and to sue  
and be sued.

Society im-  
powered to  
assemble and  
elect a Presi-  
dent, Vice  
President,  
Treasurer  
and six  
Trustees,  
and such other  
officers as they  
shall judge  
suitable.

Time fixed for  
meeting.

That the said society be, and they hereby are, invested with full power and authority to assemble on any one Tuesday in either of the months of *March* or *April* next, for the purpose of appointing a President, Vice President, Treasurer and six Trustees, together with such other officers as by them shall be adjudged suitable, and to appoint their common seal, and to make by-laws within the restrictions aforesaid; and the said officers so appointed, shall continue until others shall be appointed in their room. And the said society shall meet on any one Tuesday in either of the months of *March* or *April*, as they shall from time to time, or at any time, agree, annually, afterwards, at *Boston*, for the purpose of choosing a President, Vice President, Treasurer and six Trustees, and such other officers as they shall think proper; and to make, alter or annul their by-laws. And if by reason of any emergency, the business of this annual assembly cannot be completed on the said day, they may adjourn once to a short day to finish it, and no more; and the said society may assemble as often as they may agree on, for transacting all other business. And whenever any of the officers of the said society shall die, or be disabled, or remove out of this State, the members of the said society are hereby authorized and impowered, at their next meeting, to elect and appoint others in the room of the officers so removed. And all instruments which the said society shall lawfully make and execute, shall, when in the name of the said society and pursuant to the rules thereof, being signed and delivered by the President, Vice President or Treasurer, or such other person as the said society shall appoint, and sealed with their common seal, bind the said society and be valid in law.

Proviso.

*Provided always, and it is further enacted,* That the members of the said society shall at no time exceed the number of one hundred. And the Governor of this Commonwealth is hereby authorized and impowered, to give a charter of incorporation, under the seal of the Commonwealth, to the aforementioned persons and their associates accordingly.

Proviso.

*Provided also,* That nothing contained in this act shall be construed, as implying any degree of subjection of the society by this act incorporated, or of any other society in this Commonwealth, to any foreign potentate, prelate, or jurisdiction whatsoever.

*February 12, 1784.*

## 1783.—Chapter 27.

[January Session, ch. 4.]

AN ACT TO SET OFF JACOB SMITH, JOSEPH KINGSBURY, ISAAC SMITH AND ENOCH ELLIS, FROM THE TOWN OF WALPOLE, IN THE COUNTY OF SUFFOLK, AND ANNEX THEM TO THE THIRD PARISH IN THE TOWN OF DEDHAM, IN THE SAID COUNTY. Chap. 27

*Whereas* Jacob Smith, Joseph Kingsbury, Isaac Smith and Enoch Ellis, have petitioned this Court: That for their more conveniently attending the public worship of God, they with their polls and estates, may be set off from the town of Walpole and annexed to the third parish in Dedham; and the said third parish have signified their consent thereunto: Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the abovesaid Jacob Smith, Joseph Kingsbury, Isaac Smith and Enoch Ellis, with their polls and estates, be, and they hereby are, set off from the town of Walpole, and annexed to the third parish in the town of Dedham, and shall forever hereafter be considered as belonging thereunto, there to do duty and enjoy parish privileges. Jacob Smith and others set off from the town of Walpole, and annexed to the third parish, in Dedham.

*Provided nevertheless,* That the several persons abovenamed, shall pay their proportionable part of all taxes which are already assessed on the said town of Walpole, in like manner as though this act had not been made. Proviso.

February 12, 1784.

## 1783.—Chapter 28.

[January Session, ch. 5.]

AN ACT DECLARING AND CONFIRMING THE CITIZENSHIP OF JOHN GARDINER, ESQ; BARRISTER AT LAW, MARGARET GARDINER, HIS WIFE, AND OF ANY GARDINER, JOHN SILVESTER JOHN GARDINER AND WILLIAM GARDINER, THEIR CHILDREN. Chap. 28

*Whereas the said* John Gardiner was born in Boston, the metropolis of this Commonwealth, and while a minor, was by his father sent to Great Britain for his education, where for a succession of years he remained a distinguished friend to, and thro' a vicissitude of fortune hath continued an avowed and inflexible asserter of the rights and liberties of his native country, and a bold opposer of the enemies Preamble.

thereof; and having lately returned to reside in the said metropolis, and soon expecting his said wife and children, he and they ought to be declared free citizens of the said Commonwealth: Therefore

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said John Gardiner, Margaret Gardiner, John Silvester John Gardiner, and William Gardiner, are hereby declared to be, and they are, free citizens of this Commonwealth; and as such are, and hereafter shall be, considered, acknowledged and known, to all intents and purposes whatsoever, and intitled to all the privileges and immunities of free citizens to all intents and purposes, in as ample a manner as if they had been inhabitants in, and citizens of, the Commonwealth at the time of forming of the constitution of the same.*

*February 13, 1784.*

Intitling John Gardner, Esq; & his family, to the privileges and immunities of free citizens.

### 1783. — Chapter 29.

[January Session, ch. 6.]

#### Chap. 29

AN ACT FOR REGULATING THE MARKET IN BOSTON.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lower floor of Faneuil Hall, and the land around the same, bounded and described as follows, viz.: all that parcel of land lying on each side of Faneuil Hall, from Borland's store westerly to Gill's store; from Gill's store southerly on a curve line to the watch house; southerly across the street to Col. Jackson's corner; from thence continuing southerly to the corner of a house now improved by Thomas Beals; then easterly to a store formerly called Brattle's store; and from the said store northerly to the first mentioned bounds; as the same is now improved for market use, reserving for public use the streets leading through the said market square for public passing as usual; be, and they hereby are, set apart as markets for meats, vegetables and grain.*

*And be it further enacted by the authority aforesaid, That if any person bringing meats, vegetables or grain, to market or for sale in the town of Boston, shall be found in any other public place or street within the town aforesaid, with his or her team, cart, sled, slay, waggon or horse, with meat, vegetables or grain, waiting to market*

Boundaries.

Persons bringing provisions to market found in any other place in the town, unless—

or sell the same (unless while he or she shall be stopt by some person or persons offering to purchase such meat, vegetables or grain, or some part thereof) or detained by some accident, or shall leave his or her team, cart, sled, slay, waggon or horse, with such meat, vegetables or grain in any street or public place as aforesaid, for more than the space of one half of an hour, he or she so offending, shall forfeit and pay the sum of two shillings for every such offence. Penalty.

*And be it further enacted by the authority aforesaid,* That *Common Street*, so called, extending from the north end of the common burying place on the west side of the said street, to the south end of the common, or such other place that the town of *Boston* shall judge most convenient, if approved of by the Court of General Sessions for the county of *Suffolk*, together with the *Old North Square*, so called, be, and are, hereby set apart for a Hay, Wood and Lumber Market, where all persons bringing Hay, Wood, Barrels, Hoops, Staves, Boards, or any sort of Lumber, to market, or for sale, within the town of *Boston*, shall repair. Common Street and Old North Square set apart for Hay, Wood, Barrels, &c.

And if any person bringing either of the said articles to market, or for sale, shall be found in any other public place or street within the town, with his or her team, cart, sled, slay, or waggon, with Hay, Wood, Barrels, Hoops, Staves, Boards, or any sort of Lumber, waiting to market or sell the same, (unless while he or she shall be stopt by some person or persons offering to purchase such Hay, Wood, Barrels, Hoops, Staves and Boards, &c. or some part thereof) or detained by some accident, or shall leave his or her team, cart, sled, slay or waggon, with such Hay, Wood, Barrels, Hoops, Staves, Boards or Lumber, in any street, or public place, except the place assigned by this act, for more than the space of one half of an hour, he or she so offending, shall forfeit and pay the sum of three shillings for every such offence. Persons found in any other place or street.

*And be it further enacted by the authority aforesaid,* That it shall be the duty of each of the Constables, Grand Jurors, and Tything Men of the said town of *Boston*, to complain to some Justice of the Peace living within the said town, for every offence committed against this act, in their presence; and the above fines and forfeitures shall be recovered on the complaint of any person, made to any one of the Justices of the Peace residing in the town of *Boston*, and shall be paid into the treasury of the said Unless.

Penalty.

By whom complaint is to be made.

Fines how recovered.

town, and applied to defray the charges of cleaning the streets there, and for keeping the markets clear of mire and filth.

February 18, 1784.

### 1783. — Chapter 30.

[January Session, ch. 7.]

*Chap.* 30 AN ACT FOR APPORTIONING AND ESTABLISHING THE POSSESSIONS OF THE HEIRS AT LAW OF RICHARD KENT, SON OF RICHARD KENT, LATE OF NEWBURY, DECEASED, TO A CERTAIN ISLAND CALLED KENT'S ISLAND, IN NEWBURY AFORESAID.

Preamble.

*Whereas the said Richard Kent, the father, by his last will and testament, bearing date the sixth day of May, in the year of our Lord, One thousand seven hundred and forty, among other things did devise, That his son Richard abovesaid, should have and enjoy the whole of the island abovesaid, during his natural life, and after his decease, that his eldest son should have and enjoy the same as an estate, tail to him and the heirs male of his body forever, which said last will and testament was afterward duly proved and approved; and the said Richard the son, on the death of his father, entered into possession of the premises devised as aforesaid, and thereof died seized, leaving issue, Stephen Kent and Joseph Kent, twin brothers, and Moses Kent, a younger brother, his sole heirs, and thereupon the said Joseph and Stephen entered into the possession thereof, and still hold the same; and by reason of some singular and extraordinary circumstances attending the birth of the said Stephen and Joseph, it remains wholly uncertain which is the eldest son, altho' a suit at law and the verdicts of two juries have been had to determine the question: By which uncertainty great difficulty and contention may further happen among the heirs of the same Richard; to the utter ruin of the improvements and cultivation of so valuable an island, and to the disquiet of divers other good citizens: For preventing of which,*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the Supreme Judicial Court, on the application of the said Joseph, Stephen and Moses, or on the application of either of them, his or their heirs, shall cause partition of the said island to be made; and by like process as is prescribed for dividing of other real estates, on application to the said court, one third part of*

Justices of the Supreme Judicial Court, to cause a partition of Kent's island.

the said island shall be assigned and set out by proper metes and bounds to the said *Stephen Kent*, or his heirs; one third part to the said *Joseph Kent*, or his heirs; and one third part to the said *Moses Kent*, or his heirs; or to either of them or their heirs, who shall apply in manner aforesaid. And on the making and compleating any partition and assignment in manner aforesaid, the party to whom such assignment shall be made; or his or their heirs, in case of the death of such party, may enter into and take possession of the part so assigned, which possession taken as aforesaid, shall be deemed, taken and held, as a right and lawful possession in the party, person or persons taking the same as aforesaid, and in his or their heirs forever after.

*Provided always*, That this act shall never be deemed, construed or adjudged, any bar to any right or action of any person or persons claiming and demanding the aforesaid devised premises, or any part thereof, as eldest son of the said *Richard*, the devisee, or as heir male, or heirs male of the body of the said eldest son. Proviso.

*March 1, 1784.*

### 1783. — Chapter 31.

[January Session, ch. 8.]

AN ACT FOR REVIVING ONE LAW NOW EXPIRED, AND CONTINUING THE SAME, AND ANOTHER LAW NEAR EXPIRING. Chap. 31

*Whereas one act made in the year of our Lord one thousand seven hundred and forty-two, intituled "An act to prevent unnecessary law suits", is now expired; and another act made in the year of our Lord, one thousand seven hundred and seventy-nine, intituled "An act to prevent the destruction of salmon and other fish in Agawam or Westfield river", is near expiring, and the said laws have been found useful and beneficial:*

*Be it therefore enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the before mentioned act, now expired, be revived and continued, together with the before mentioned act, near expiring, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, one thousand seven hundred and eighty-five.*

Revival of two acts relative to Agawam or Westfield River.

*March 3, 1784.*

## 1783. — Chapter 32.

[January Session, ch. 14.]

*Chap. 32* AN ACT DIRECTING THE SETTLEMENT OF THE ESTATES OF PERSONS DECEASED, AND FOR THE CONVEYANCE OF REAL ESTATES IN CERTAIN CASES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That when the goods and chattels belonging to the estate of any person deceased, or that hereafter may decease, shall not be sufficient to answer the just debts which the deceased owed or legacies given, upon representation thereof, and the same being made to appear to the Supreme Judicial Court, at any term or sitting of the said Court, in any county in this Commonwealth, or the Court of Common Pleas in the county where the deceased person last dwelt, or in the county in which the said real estate lies, the said Courts are severally and respectively authorized to empower and licence the Executor or Administrator of such estate to make sale of all or any part of the houses, lands or tenements of the deceased, so far as shall be necessary to satisfy the just debts which the deceased owed at the time of his death, and legacies bequeathed in and by the last will and testament of the deceased, with incidental charges: And every Executor or Administrator being so licensed and authorized as aforesaid, shall and may, by virtue of such authority, make, sign and execute, in due form of law, deeds and conveyances for such houses, lands or tenements as they shall so sell, which instruments shall make as good a title to the purchaser, his heirs and assigns, forever, as the Testator or Intestate, being of full age, of sane mind and memory, in his or her life time, might or could for a valuable consideration. — *Provided always,* That the Executor or Administrator, before sale be made as aforesaid, give thirty days public notice, by posting up notifications of such sale in the town or plantation where the lands lie, as well as where the deceased person last dwelt, and in the two next adjoining towns, as also in the shire town of the county; and whosoever will give most, shall have the preference in such sale; and in case it be an insolvent estate, the whole produce of such sale shall be divided in due proportion to and among the creditors.

*And whereas, by the partial sale of real estates for the payment of debts or legacies as aforesaid, it often happens that the remainder thereof is much injured:*

Supreme Judicial Court empowered to licence Executors to make sale of lands, &c.

Proviso.



*Be it therefore enacted by the authority aforesaid,* That whenever it shall be necessary that Executors or Administrators shall be impowered to sell some part of the real estate of deceased Testators or Intestates, or for Guardians to sell some part of the real estate of minors or persons *non compos mentis*, for the payment of just debts, legacies or taxes, or for the support or legal expences of minors or persons *non compos mentis*, and by such partial sale the residue of such real estates would be greatly injured, and the same shall be represented and made to appear to the Justices of either of the aforesaid Courts, on petition and declaration filed, and duly proved therein, by the said Executors, Administrators, or Guardians, the Justices of the aforesaid Courts respectively, may authorize and impower such Executors, Administrators or Guardians, to sell and convey the whole or so much of such real estates, as shall be most for the interest and benefit of the parties concerned therein, at public auction, and good and sufficient deed or deeds of conveyance thereof to make and execute; which deed or deeds, when duly acknowledged and recorded in the registry of deeds for the county where the said real estate lies, shall make a compleat and legal title in fee to the purchaser or purchasers thereof; provided the said Executors, Administrators or Guardians, give thirty days public notice of such intended sale in manner and form hereinbefore prescribed; and provided also they first give bonds, with sufficient sureties, to the Judge of Probate for the county where the deceased Testator or Intestate last dwelt, and his estate inventoried, that he or she will observe the rules and directions of law for the sale of real estates by Executors or Administrators, and that the proceeds of the said sale, after the payment of just debts, legacies, taxes, and just debts for the support of minors, and other legal expences and incidental charges, shall be put on interest on good security, and that the same shall be disposed of agreeably to the rules of law.

*And be it further enacted,* That every representation to be made as aforesaid, shall be accompanied with a certificate from the Judge of Probate of the county where the deceased person's estate was inventoried, certifying the value of the real estate and the value of the personal estate of such deceased person, and the amount of his or her just debts; and also his opinion whether it be neces-

Executors, &c.  
impowered to  
sell real estates  
for payment of  
debts.

Representations  
made to be ac-  
companied with  
a certificate of  
the Judge of  
Probate.

Justices to  
notify the  
parties con-  
cerned.

In case.

sary that the whole or a part of the estate should be sold, or if part only, what part. And the said Justices, previous to their passing on the said representation, shall order due notice to be given to all parties concerned, or their guardians, who do not signify their consent to such sale, to shew cause, at such time and place as they shall appoint, why such licence should not be granted. And in case any person concerned in the said sale be not an inhabitant of this Commonwealth, nor have any Guardian, Agent or Attorney therein, who may represent him or her, the said Justices, may cause the said petition to be continued for a reasonable time; and the petitioner or petitioners shall give personal notice of the said petition to such absent person, his or her Agent, Attorney or Guardian, or cause the same to be published in some one of the *Boston* news papers, three weeks successively. And the said Justices, where they may think it expedient, may examine the said petitioner or petitioners, on oath, touching the truth of facts set forth in the said petition, and the circumstances attending the same.

*And whereas it may be often necessary to enable the representatives of persons deceased, to perform the engagements entered into by such deceased persons for the transfer of real estates:*

Justices to  
grant licence to  
Executors or  
Administrators  
to convey real  
estate in certain  
cases.

*Therefore be it further enacted,* That whenever it shall be represented and made to appear to the Justices of either of the aforesaid Courts, in form aforesaid, by any person or persons, contracted with by bond, covenant or other contract under seal, that a deceased Testator or Intestate in his or her life time, entered into such bond, covenant or contract, to convey some real estate to him or her, but was prevented by death; and that such person or persons, contracted with as aforesaid, have on his, her or their part performed, or stand ready to perform, the conditions of such bond, covenant or contract made with the deceased, the said Justices may, after due notice given to all concerned as aforesaid, in form aforesaid, and a full hearing had, grant licence to, and impower the Executors or Administrators of such deceased obligor, covenantor or contractor, to make and execute such conveyance or conveyances, to such person or persons contracted with as aforesaid, as it shall appear the said obligor, covenantor or contractor, would by his bond, covenant or contract, be obliged to make and execute, in case he, she or they,

were living at the time of the performance of the conditions of the bond, covenant or contract, by the contractees on their part making reasonable allowances for any alteration, improvements or injuries, that may be made or done in the same estate since such contract was made, as the said Justices may award; which conveyance or conveyances, when the instruments thereof are duly acknowledged and recorded in the registry of deeds for the county where such estate shall lie, shall be good and valid; and the monies or consideration paid for such estate, if not paid to the deceased contractor in his life time, shall be assets in the hands of the said Executors or Administrators, and be apportioned among the representatives of the deceased as other personal estate.

*Be it further enacted by the authority aforesaid,* That when it shall fully appear to the Justices of the Supreme Judicial Court aforesaid, by the petition and representation of the friends or guardians of minors interested in the real estate of any deceased Testator or Intestate, that it would be for the benefit of such minors, or persons *non compos mentis*, that their interest therein should be disposed of, and the proceeds thereof be put out and secured to them on interest, the said Justices last mentioned, after a full examination on the oath of the petitioner or otherwise, may authorize some suitable person or persons to sell and convey such estate or part thereof, by deed or deeds duly acknowledged and recorded in the registry of deeds as aforesaid; provided such person or persons first give bond, with sufficient sureties, to the Judge of Probate for the county where the said deceased person last dwelt, to observe the rules and directions of law in the sale of real estates by Executors or Administrators in the first enacting clause herein prescribed; and to account for and make payment of the proceeds of the said sale, agreeable to the rules of law. *Provided,* That the said Judge of Probate shall certify that the whole or a part of the said estate is, in his opinion, necessary to be sold, or if part only, what part.

*And be it further enacted,* That when it shall appear to the said Justices, on examination, that the said petition or petitions, in any of the foregoing applications, are unreasonable, the said Justices may award reasonable costs to such respondents as shall appear and object thereto.

*And be it further enacted,* That the real estate of any Testator or Intestate, is and shall be liable to be taken and

Justices of the Supreme Judicial Court, after full examination on the oath of petitioners, may authorize persons to sell and convey estates.

Proviso.

Justices to award reasonable costs.

Real estates liable to be taken and levied

upon execu-  
tions issuing.

levied upon by any execution issuing upon judgments recovered against Executors or Administrators, in such capacity, being the proper debts of the Testator or Intestate, and that the method of levying, appraising and recording, shall be the same as by law is provided respecting other real estates levied upon and taken in execution, and may be redeemed by the Executor, Administrator or Heir, in like time and manner.

Executors, &c.  
neglecting to  
raise mowey.

*And be it further enacted,* That when any Executor or Administrator shall neglect or unreasonably delay to raise money out of the Testator's or Intestate's estate, by collecting the debts due to such estate, and by selling the personal estate, or the real estate, if need be, (and he has power or can obtain licence to sell the same) or shall neglect to pay what he has in his hands, and by such neglect or delay shall subject the Testator's or Intestate's real or personal estate to be taken in personal execution, the same shall be deemed waste and unfaithful administration in such Executor or Administrator.

To be deemed  
waste, &c. in  
such Executor.

How writs of  
attachment and  
executions shall  
run.

*And be it further enacted,* That all writs of attachment and executions, shall run only against the goods or estate of the party deceased, in the hands of Executors or Administrators, and not against their bodies, nor shall any Executor or Administrator be held to special bail upon mesne process, nor his own proper goods or estate be attached, or his person be arrested or taken in execution for the debts or legacies of the Testator or Intestate, but upon suggestion of waste, founded on a return made by the Sheriff, that he could not find any goods or estate of the Testator or Intestate; in which case a writ commonly called *scire facias*, shall be issued out of the Clerk's office of the same Court, against such Executor or Administrator, which writ being duly served and returned, if the Executor or Administrator make default of appearance, or coming in, shall not shew cause sufficient to the contrary, execution shall be adjudged and awarded against him of his own proper goods and estate to the value of such waste, where it can be ascertained, otherways for the whole sum recovered; and for want of goods or estate, against the body of such Executor or Administrator.

In case of the  
death of an ap-  
pellant or  
appellee, before  
the sitting of  
the Court  
appealed unto.

*And be it further enacted,* That in case of the death of any party, either the appellant or appellee, before the sitting of the Court appealed unto, or where any action or suit is or shall be depending, either in the Court of Com-

mon Pleas, or in the Supreme Judicial Court, in any county of this Commonwealth, and it so happen that either party be taken away by death before final judgment, the Executor or Administrator of such deceased party, who was plaintiff, complainant or defendant, (in case the cause of action doth by law survive) shall have full power to prosecute or defend any such suit or action from Court to Court, until final judgment; and the defendants or appellees are hereby obliged to answer to such actions accordingly; and the Justices of the Court of Common Pleas and Supreme Judicial Court respectively, before whom such causes are or may be triable and depending, are hereby impowered and directed to hear and determine all such causes, proceed to judgment and award execution accordingly: And if it shall so happen that the Executor or Administrator of the deceased hath not suitable time in the judgment of the Court where such action or suit shall be pending and doth by law survive as aforesaid, to prepare for managing the cause, or to become duly qualified to prosecute or defend the same; in such case it shall and may be lawful for the Court to suspend the hearing and trying thereof until the next term. And if by the verdict of a Jury, or by the default or neglect of the Executor or Administrator, in prosecuting or defending such suit, after the Executor or Administrator shall have appeared and undertaken in his capacity to prosecute or defend the suit, judgment pass against the Executor or Administrator, the Supreme Judicial Court and Court of Common Pleas are hereby respectively authorized, impowered and directed, to enter up judgment for or against the estate of the deceased, in their hands and under their administration, as the case may require.

*And be it further enacted,* That each Judge of Probate within his county be, and hereby is, fully authorized and impowered, to call before him and to examine upon oath, any person suspected and complained of by any Executor or Administrator, Heir, Creditor, Legatee or other person, having lawful right or claim to the estate of any person deceased, to have concealed, embezzled or conveyed away any of the money, goods or chattels left by the Testator or Intestate, for the discovery of the same. — And if the person suspected and complained of as aforesaid, shall refuse to be examined, or to answer interrogatories, upon oath, respecting the estate which he or she may be suspected of concealing, embezzling or conveying away, it shall and

Judges of Probate impowered to examine upon oath persons suspected and complained of by Executors or Administrators.

may be lawful for, and the said Judge is hereby impowered to commit such person so refusing to be examined or answer interrogatories upon oath as aforesaid, unto the common goal of the county, there to remain until he or she shall consent to be examined and answer interrogatories upon oath as aforesaid, or be released by the consent of the person suspecting and complaining against him or her, or by order of the Supreme Judicial Court.

Judges of Probate impowered to convene before them any person entrusted with any estate of Testators or Intestates.

*And be it further enacted,* That the several Judges of Probate be, and hereby are impowered, to convene before them any person that has been or may hereafter be intrusted by any Executor or Administrator with any part of the estate of the Testator or Intestate (and to be assisting to such Executor or Administrator in the execution of their trust) who shall refuse, upon a citation issued from the Judge of Probate for that purpose, to appear before him, and render a full account, upon oath, of any money, goods or chattels, and of any bonds, accounts or other papers belonging to the estate of the Testator or Intestate, which he shall have taken into his hands or custody; and of his proceeding for and in behalf of such Executor or Administrator in his capacity as such. And if such person shall refuse to render account as aforesaid, such Judge may proceed against him in the way and manner before directed for persons suspected of concealment, who refuse to answer interrogatories upon oath.

Witnesses refusing to appear.

*And be it further enacted,* That when any person shall be cited to appear as a witness before the Judge of Probate in any cause or hearing, and such person shall refuse to appear or give evidence, he or she shall be liable to the like penalty or damage as such person would be liable unto for refusing to appear or give evidence in any Court of Common Pleas.

Penalty.

In cases where appraisers, &c. have been appointed.

*And be it further enacted,* That in all cases where the appraisers, commissioners or dividers, appointed by the Judge to perform any service respecting the estate of any person deceased, or persons appointed to set off the widow's dower therein, and are by law directed to be under oath, or sworn by the Judge of Probate, they may be sworn before a Justice of the Peace; and in case there be no Justice of the Peace in the same town, they may be sworn before the Town Clerk; a certificate of such oath to be returned to the Probate Office from whence the warrant or commission appointing them issued.

March 4, 1784.

## 1783. — Chapter 33.

[January Session, ch. 9.]

AN ACT FOR SETTLING THE ESTATE OF BENJAMIN WHITE, LATE OF BROOKLINE, YEOMAN, DECEASED, ACCORDING TO THE INTENDMENT OF THE LAST WILL AND TESTAMENT OF THE SAID BENJAMIN. Chap. 33

*Whereas Benjamin White, late of Brookline, in the county of Suffolk, yeoman, on the fifth day of November, in the year one thousand seven hundred and seventy-six, made his last will and testament, which will and testament hath been duly proved, approved and allowed; and therein, among other things, devised to Sarah his wife, a certain part of the income of his real estate, during her life, and ordered that his real estate should at the death of his said wife, be equally divided between his two sons Thomas and Benjamin: And whereas the said Sarah is now alive, and the said Thomas has lately deceased, leaving issue, lawfully begotten, Sarah White, Eleanor White, Elizabeth White and Thomas White his only children and heirs, and also leaving Luraina White, his widow; and it appearing that the said Thomas, deceased, did not take any estate by the will aforesaid in his life time, his said mother having survived him; and the guardians of his said children, his said mother, his widow, and all the heirs of the said Benjamin, deceased, having united in their petition and request to the General Court, that the share of the same estate which would have come to the said Thomas, deceased, if he had survived his said mother, shall, by an act of the General Court, be settled on the children aforesaid of the said Thomas, deceased: And whereas it appears by the certificate of the guardians of the said children, and by their petition exhibited, that the said Thomas, in his life time, for the consideration of five hundred pounds, lawful money, paid him by Benjamin White, of the said Brookline, his brother, agreed with the said Benjamin to release all his the said Thomas's right to the land mentioned and intended to be devised, to wit: all the real estate of the said testator mentioned in the will aforesaid, excepting a farm in the said Brookline, bounded as follows, viz.: one piece thereof bounded south on a town way leading to Newtown; westerly and southerly on lands of Isaac Childs; northerly on land of William Dudley and Isaac Childs; and also northerly on land of John Goddard and John Childs; and easterly on land of the heirs of Timothy Harris*

Preamble.

and Childs; one other piece of land in the said Brookline, bounded northerly upon the said way; easterly on land of the heirs of Timothy Harris and John Harris; southerly on the land of John Harris in part, and partly on a lane-leading to the said town way; north westerly on land of Isaac Childs, until it comes to the said town way; also two acres of salt marsh in the said Brookline, bounded northerly on Charles River; easterly on land of Benjamin White, Esq; southerly by a creek; westerly on land of John Childs; and it was also between the said Benjamin and Thomas, the sons of the said Benjamin, deceased, agreed that the afore described lands should be to the said Thomas and his heirs; all which makes it necessary that the General Court should attend to the case, and by consent of all concerned as above expressed, pass such an act as may vest the lands before described, in the children of the said Thomas deceased.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several tracts of land before described, shall be, and hereby are, vested in the said Thomas, Sarah, Eleanor and Elizabeth, the children of the said Thomas White, deceased, and that the same shall be distributed and divided to them, in the same manner as would have been done if the said Thomas had died seized of the same in fee simple, allowing also the said Luraina, the widow of the said Thomas, her dower therein, according to the laws of this Commonwealth; and that the residue of the real estate mentioned in the will aforesaid, of the said Benjamin White, deceased, shall be, and hereby is, vested in the said Benjamin, the son of the said testator, in fee simple.

March 5, 1784.

### 1783. — Chapter 34.

[January Session, ch. 10.]

*Chap. 34* AN ACT IN ADDITION TO AN ACT, INTITLED, "AN ACT TO INCORPORATE JONATHAN GARDNER, JUN. AND OTHERS, THEREIN NAMED, INTO A SOCIETY BY THE NAME OF THE MARINE SOCIETY, AT SALEM, IN THE COUNTY OF ESSEX, IN THE PROVINCE OF THE MASSACHUSETTS BAY, IN NEW ENGLAND."

Preamble.

Whereas in and by an act, intitled "An act to incorporate Jonathan Gardner, jun and others, therein named, into a society by the name of the Marine Society, at Salem,

The several tracts of land to be vested in Thomas, Sarah, and other children of Thos. White, deceased, to be divided to them.

The residue of the real estate in whom vested.



*in the county of Essex, in the Province of Massachusetts Bay, in New England”, it is among other things enacted, “That the said society shall have an annual meeting on the last Thursday of October, to choose such officers as they shall think proper; for the admission of new members, by a majority of the votes of the members then present; and to make, alter and annul their by-laws; and likewise that the said society shall meet at the said Salem, on the last Thursday of every other month, for conducting all other business.” And whereas the said society have represented to this Court, that the beneficial purposes of the institution thereof will be as effectually accomplished by having their meetings less frequent, and the admission of new members, conducted in another manner, than is described in the said act:*

*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 there shall be four quarterly meetings of the said society, viz.:* on the last Thursday of *October*, on the last Thursday of *January*, on the last Thursday of *April*, and on the last Thursday of *July*, annually; and at either of the said meetings, they are hereby authorized to perform all and every business they were impowered to perform at their annual meeting on the last Thursday of *October*, by the before recited act; excepting, that no person proposed to be a member of the said society, shall be admitted at either of those meetings, unless there be three-fourths of the votes of the members present at such meeting for his admission.

Times for meeting of the society.

*And be it further enacted by the authority aforesaid, That whenever any six members of the said society shall in writing, directed to the master of the said society, request a meeting may be called, other than the quarterly meetings before mentioned, the said master, on such application, shall call a meeting of the said society, and direct the clerk to notify the members thereof accordingly; at which meetings the said society are hereby impowered to do and perform, every matter they have hitherto been impowered to do and perform, at their monthly meetings before the passing of this act.*

Six members of said society impowered to call a meeting other than quarterly meetings.

*And it is further enacted, That all the clauses contained in the before recited act, so far as they relate to the matters contained in this act, be, and they are hereby repealed.*

Certain clauses repealed.

*March 9, 1784.*

## 1783. — Chapter 35.

[January Session, ch. 11.]

*Chap. 35* AN ACT FOR IMPOWERING CERTAIN PERSONS TO EXAMINE THE SALES THAT HAVE BEEN MADE BY THE MOHEAKUNNUK TRIBE OF INDIANS, AND FOR REGULATING THE FUTURE SALES AND LEASES OF ALL LANDS FROM THE SAID TRIBE OF INDIANS.

Commissioners appointed to examine the sales of all lands belonging to the Moheakunnuk tribe of Indians heretofore made

Sales to be confirmed in case.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Bacon, Juhleel Woodbridge, Esq's. and Mr. John Sargent, missionary to the said Indians, all of Stockbridge, be, and hereby are appointed Commissioners, to examine the sales of all lands heretofore made by any of the Indians belonging to the Moheakunnuk tribe, residing in Stockbridge, in the county of Berkshire, which have not been legally confirmed; and that the said Commissioners, or any two of them be, and they hereby are, authorized and impowered, if they shall judge such sales to have been justly and fairly made, and that the Indian or Indians making such sales, have received the just value thereof; in such case, and not otherwise, to confirm the same, by entering their approbation on the back of the deed conveying such lands, signed with their hands, in the presence of two witnesses; which approbation so signified and attested, together with the deed, shall be recorded by the register of the said county, and that such deed thus approved, shall be of equal force and validity, with a good and lawful deed made by any subject of this Commonwealth.*

Future sales to be approved by the Commissioners.

*Be it further enacted by the authority aforesaid, That any future sales or leases which the said Indians may make, of any lands or buildings to them belonging, shall, on their being approved by the said Commissioners in the manner aforesaid, to all intents and purposes, be good and valid in law, and not otherwise.*

Commissioners to lay before the Judge, annually, an account of land, the sale of which they have approved.

*And be it further enacted by the authority aforesaid, That the said Commissioners shall lay before the Judge of Probate, for the said county, some time in the month of May, annually, an account of all the lots and tracts of land, the sales or leases of which they have approved as aforesaid, signifying as near as may be, the quantity and quality of each lot, the price at which the same was sold or leased, and the term of the lease, together with the name or names of the Indians, selling or leasing, and*

the name or names of the person or persons, purchasing or hiring the same.

*And be it further enacted*, That the Judge of Probate for the said county, make an annual return of all the Commissioners' proceedings as aforesaid, that shall be lodged in his office, to the Treasurer of the Commissioners of the Company for Propagation of the Gospel in *New England*, and the parts adjacent, in *America*.

Judge of Probate to make an annual return of the commissioners proceedings.

*And be it further enacted*, That no Indians belonging to the said tribe, shall be liable to an action in law, for any debt which he may contract from and after the first day of *May* next ensuing, unless the said debt shall have been approved by the Commissioners, as by this act is directed on deeds.

No Indians liable to an action in law, unless.

*And be it further enacted*, That the Commissioners hereby appointed, shall, on their accepting the trust by this act reposed in them, and before they proceed to transact the business aforesaid, take an oath before the Judge of Probate, for the faithful performance of the trust and powers hereby reposed in them. *March 9, 1784.*

Commissioners to be under oath.

### 1783. — Chapter 36.

[January Session, ch. 12.]

AN ACT DIRECTING THE DESCENT OF INTTESTATE ESTATES, AND FOR IMPOWERING THE JUDGE OF PROBATE TO MAKE PARTITION IN CERTAIN CASES.

Chap. 36

*Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That when any person shall die seized of lands, tenements or hereditaments, not by him devised, the same shall descend in equal shares to and among his children, and such as shall legally represent them, (if any of them be dead) ; except the eldest son then surviving, who shall have two shares, if there is no issue of an older son, in which case such issue and lineal descendant, or descendants of such issue, shall have two shares in right of the father, although the father died before the grand father ; and in every case where children shall inherit by representation, it shall be in equal shares ; and where there are no children of the Intestate, the inheritance shall descend equally to the next of kin, in equal degree, and those who represent them, computing by the rules of the civil law — no person to be considered as a legal representative of

Lands not devised, how it shall descend.

collaterals beyond the degrees of brothers' and sisters' children; and for want of heirs the estate shall accrue to the Commonwealth. And when any of the children of an Intestate die before his arrival to the age of twenty-one years and unmarried, such deceased child's share shall descend equally among the surviving brothers and sisters, and such as legally represent them; but if such deceased child die after having arrived to the age of twenty-one years, unmarried and intestate, in the life time of the mother, every brother and sister shall inherit equally with the mother

Personal estate not bequeathed, how to be distributed.

*And be it further enacted,* That when any person shall die possessed of any chattels or personal estate, not by him bequeathed, the same shall be distributed among his heirs, in the same way and manner real estates descend by this act.

Proviso.

*Provided nevertheless, and it is enacted,* That such chattels or personal estate, shall stand chargeable with the payment of all the just debts and funeral charges of the deceased; and after the payment thereof, the surplusage (if any there be) shall, by the Judge of Probate, be decreed, one third part to the widow of the deceased forever, unless the Intestate died without issue, in which case she shall have one half thereof forever. And when the personal estate shall be insufficient to pay the debts and funeral charges of the deceased, the widow shall nevertheless be intitled to her apparel, and such other of the personal estate, as the Judge of Probate shall determine necessary, according to her quality and degree; and such part of the personal estate as the Judge may allow the widow, shall not be assets in the hands of the executor or administrator. And the real estate shall stand chargeable with all the debts of the deceased, over and above what the personal shall be sufficient to pay as aforesaid.

Widows intitled to their dower.

*And be it further enacted,* That the widow of the deceased shall in all cases be intitled to her dower in the real estate, (where she shall not have been otherways endowed before marriage) and to a recovery of the same, in manner as the law directs. And after the payment of debts, funeral expences and the charges necessarily incurred in the settlement of any estate, are deducted, the Judge of Probate of the county where the deceased was an inhabitant or resident, at the time of his death, shall cause the residue, whether it be situate in the county in

which he is Judge, or any other county in the government, to be divided, and partition thereof to be made among the children or heirs as this act directs; unless it shall so happen, that some one or more of the children or grand children, shall have portions of the Intestate assigned or delivered them by him in his life time; in which case such portions shall be taken into consideration, and deducted from their shares in such partition respectively.

*And be it further enacted,* That when a man and his wife shall be seized of lands, tenements or hereditaments, in her right in fee, and issue shall be born alive of the body of such wife, that may inherit the same, and such wife shall die, the husband shall have and hold such estate during his natural life, as tenant by the courtesy. *Provided always,* That when the real estate cannot be divided among all the children, or their legal representatives, without great prejudice to, or spoiling the whole, the Judge of Probate may order the whole to the eldest son, if he accept the same, or to any other of the sons successively, on his refusal, he paying unto the other children of the deceased, their equal and proportionable shares of the true value thereof, upon an appraisement to be made by three disinterested freeholders, appointed by the Judge for that purpose, and under oath; or giving good security to pay the same, in such convenient time as the said Judge shall limit and appoint, making reasonable allowance in the interim, not exceeding six per cent. per annum.

*And be it further enacted by the authority aforesaid,* That when the real estate of an Intestate will conveniently accommodate more of the children than the eldest son, or his legal representatives, the Judge of Probate may settle the same on as many of the children (preference being always given to the sons) as it will accommodate, without prejudice to, or spoiling the whole; or in case the Intestate left no issue, the same may be assigned to one or so many of the next of kin to the Intestate, in equal degree, or their legal representatives, as such estate will conveniently accommodate without prejudice to, or spoiling the whole, (preference being given to the male heirs among such as are of kin in equal degree). And to the end there may be some method prescribed for determining what shall be said to be advancing a child by settlement, in the life time of the Intestate:

When a man & his wife shall be seized of lands, &c. in her right, and she die, how it shall be held.

Proviso.

When real estates of Intestates will accommodate more than the eldest son, the Judge of Probate directed in this case.

What shall be deemed an advancement to children of lands or personal estate.

*Be it further enacted,* That any deed of lands or tenements made for love and affection, or where any personal estate delivered a child shall be charged in writing by the Intestate, or by his order, or a memorandum made thereof, or delivered expressly for that purpose, before two witnesses who were bid to take notice thereof, the same shall be deemed and taken an advancement to such child or children to the value of such lands, tenements or personal estate, within the intent of this act.

Persons dying intestate, administration to be granted to the widow, or next of kin, and an inventory to be taken of the estate.

*And be it further enacted,* That after the decease of any person intestate, administration of such Intestate's goods and estate shall be granted unto the widow, or next of kin to the Intestate, (upwards of twenty-one years of age) or both, as the Judge of Probate shall think fit, within thirty days, or sooner, and an inventory taken of all the estate of the deceased, within three months or sooner, by three suitable persons appointed by, and sworn before, the Judge of Probate, for the faithful discharge of that trust. And after the expiration of thirty days from the death of any person intestate, in case the widow or next of kin shall refuse or neglect to take out letters of administration, being cited before the Judge for that purpose, in case they are resident within the county, he may commit administration of any such estate to some one or more of the principal creditors, if accepted by them or others, as he shall think fit upon their refusal; and every administrator shall, before he or she shall enter upon the execution of that trust, give bond to the Judge of Probate, with good and sufficient sureties, upon condition among other things, to make and return a true inventory of the estate administered on, into the Probate Office within three months, and to render an account of administration, within one year from the time of taking administration, which bond shall be in the form following:

In case of refusal of the widow or next of kin, administration to be granted to some one of the principal creditors.

Administrators to give bond.

*Know all Men by these Presents,* That we within the Commonwealth of *Massachusetts*, are holden, and stand firmly bound and obliged unto \_\_\_\_\_ Esq; Judge of Probate of Wills, and granting administration within the county of \_\_\_\_\_ in the full sum of \_\_\_\_\_ pounds, in lawful money of said Commonwealth, to be paid unto the said \_\_\_\_\_ his successors in the said office, or assigns; to the true payment whereof, we do bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, for the whole and in

Form of the bond.

the whole, firmly by these presents. Sealed with our seals, dated the            day of            *Anno Domini*, one thousand seven hundred and

*The condition of this present obligation is such,* That if the above bounden            do make or cause to be made, a true and perfect inventory of all and singular, the goods, chattels, rights and credits, of the said deceased, which have, or shall come to the hands, possession or knowledge of the said            or into the hands and possession of any other person or persons for            and the same so made, do exhibit, or cause to be exhibited, into the Registry of the Court of Probate, for the said county of            at or before the            day of            next ensuing; and the same goods, chattels, rights and credits, and all other the goods, chattels, rights and credits, of the said deceased, at the time of            death, which at any time after shall come to the hands and possession of the said            or into the hands and possession of any other person or persons for            do well and truly administer according to law: And further do make or cause to be made, a just and true account of said administration, upon oath, at or before the            day of            which will be the year of our Lord, one thousand seven hundred and            . And all the rest and residue of the said goods, chattels, rights and credits, which shall be found remaining upon the said administrat account, (the same being first examined and allowed of by the Judge or Judges, for the time being, of Probate of Wills, and granting administrations within the county of            aforesaid) and shall deliver and pay unto such person or persons respectively, as the said Judge or Judges, by his or their decree or sentence, pursuant to law, shall limit and appoint: And if it shall hereafter appear, that any last will and testament was made by the said deceased, and the executor or executors therein named, do exhibit the same into the Court of Probate, for the said county of            making request to have it allowed and approved accordingly; if the said            within bounden being thereunto required, do render and deliver the said letter of administration (approbation of such testament being first had and made) into the said Court: Then the before written obligation to be void and of none effect, or else to abide and remain in full force and virtue. Sealed and delivered in presence of us.

Where two or more have letters of administration granted and one or more of them take all or part of the intestate estate, and refuse to account with the other administrator, the one aggrieved may bring his action.

*And be it further enacted,* That where two or more have letters of administration granted them of any intestate estate, and one or more of them take all or the greatest part of such estate into his or their hands, and refuse to pay the debts or funeral charges of such Intestate, or refuse to account with the other administrator, then and in such case it shall and may be lawful for such aggrieved administrator to bring his action of account against the other administrator or administrators, and recover his proportionable share of such Intestate's estate as shall belong or appertain to him.

No administration to be granted until.

*And be it further enacted,* That no administration of the goods or estate of any deceased person, not administered upon by a former administrator or executor, shall be granted until it shall evidently appear to the Judge of Probate, by the oath of the party applying therefor, or otherways, that there is such personal estate of the deceased, to the amount of five pounds, or upwards, or debts of the like or greater value, due from the deceased's estate unpaid. Nor shall administration be originally granted upon the estate of any deceased person, after the expiration of twenty years from the death of such person.

Judges of Probate impowered when they make out their warrants for a division of real estates, to direct the committee in this case.

*And be it further enacted,* That the respective Judges of Probate within this government be, and hereby are directed and impowered, when they make out their warrants for the division of the real estate of any person dying intestate, to and among the heirs, or for assigning the widow's dower, where such estate or any part thereof, lies in common or undivided with the real estate of any other person, to direct the committee named in such warrant, first to sever and divide the Intestate's estate from the estate with which it lies in common as aforesaid; the said committee to give timely notice to all parties interested, to be present if they see cause; and such division so made and accepted by the Judge, and duly recorded in the Probate Office for the same county, shall be binding on all persons interested. *Provided,* That where any minors or persons *non compos*, or otherwise incapacitated to take care of their estates, are interested in either estates, or out of the government, guardians shall be appointed over them, and some discreet person shall be appointed by the Judge to represent and act for such absent party before such division is made. *Provided also,* That before the order for such division issue, it be made to appear to

Providso.



the Judge of Probate, that the several persons interested in such estate, if living within this government, or the attorney of such as are absent, and have attorneys residing within this government, have been duly notified of such partition, and have had opportunity to make their exception to the same.

*And be it further enacted,* That when and so often as any devisee (or his guardian) who holds any real estate in partnership with any person or persons, by force of any last will and testament, shall make application to the Judge of Probate of Wills, &c. in the county where such estate lies, for a division thereof, it shall and may be lawful for such Judge of Probate to order the whole of the real estate so devised, (or that part of it the partition whereof is requested) to be divided to and among the devisees, in proportion according to the will of the testator, by five or three good and discreet freeholders of the same county, to be appointed by, and sworn before, the said Judge, to the due performance of that service; notice being first given to all parties concerned to be present at the making of such partition, if they see cause, which partition or division being returned into the Probate Office, and approved by the Judge, and there recorded, shall be valid in the law to all intents and purposes, unless upon the appeal of any party aggrieved at the partition so made, the same should be reversed or altered before the Supreme Court of Probate. And whereas it sometimes happens, that real estates devised by will, lie in common and undivided with other real estates :

*Be it further enacted,* That in every such case, it shall and may be lawful for the said Judge of Probate to order and direct the freeholders aforesaid, first to make partition between the estate given by will, and any other land or real estate lying in common therewith, in the same way and manner as is before provided for dividing intestate estates from any other estates, with which they may lay in common. *Provided* that no partition shall be made when the proportion belonging to the devisees, or any of them, shall by the tenor of the devisee, appear to be disputable and uncertain. *Provided also,* That where any of the interested are minors, or persons *non compos*, or otherways incapacitated to take care of their estates, or out of the government, guardians shall first be appointed for such minors or persons *non compos*, or otherways

When devisees make application for a division, it shall be lawful for the Judge of Probate to order the whole of the real estate to be divided.

Partition to be made between the estate given by will, & any other land.

Proviso.

incapacitated, and some discreet and disinterested person shall be appointed by the said Judge, to represent and act for such absent party.

Parties refusing to pay charges of division, the Judge of Probate to issue a warrant of distress.

*And be it further enacted,* That when partition or division shall be made by any Judge of Probate, of the real estate of any deceased person, agreeable to the method before prescribed, and any one or more of the interested party, shall neglect or refuse to pay their just proportion of the charge, which may attend such division or settlement, it shall and may be lawful for the Judge to issue a warrant of distress against any delinquent or delinquents interested as aforesaid, provided an account of such charge be first laid before the Judge, and the just proportion of the person interested, settled and allowed, they having been duly notified to be present at such settlement or allowance.

Proviso.

Settlements to be made when any message, &c. is of greater value than either parties' part.

*And be it further enacted,* That when any message, tract of land, or other tenement, shall be of greater value than either parties' part or share in the estate to be divided, and cannot at the same time be subdivided, or part thereof assigned to one and part to another, (without great inconvenience) the same may be settled or assigned to one of the parties, such party to whom the same shall be so assigned paying such sum or sums of money to such party or parties, as by means thereof have less than their share of the real estate, as the committee appointed to make partition shall award.

Justices of the Peace empowered to appoint the appraisers, in case.

*Be it further enacted,* That in case the estate of any person dying intestate, shall lay more than ten miles from the dwelling place of the Judge of Probate of the county in which such estate lies, then it shall and may be lawful for any Justice of the Peace to appoint the appraisers of such estate; and in case any part of the estate of any person dying testate or intestate, shall lay without the limits of the county of the Judge of Probate, to whom it appertains to act as such in the settlement of the same, then it shall and may be lawful for any Justice of the Peace to appoint the appraisers of such part of such estate; and in both the cases last mentioned, the Justice of the Peace appointing appraisers, shall administer to them the necessary oaths, and shall certify the same, together with the appointment, which shall be considered as valid and effectual in law as if such persons were appointed and sworn by the Judge of Probate, any thing in this act to the contrary notwithstanding.

*Provided nevertheless,* That every administrator shall Proviso. be held to account with the Judge of Probate for the personal estate of the deceased, as the same shall be appraised, unless the Judge shall think it will be more for the benefit of those concerned, otherwise to dispose of the same; in which case the said Judge shall order the same, or any part thereof, to be sold at public auction or at private sale, in such manner as he shall determine will best serve the interest of all persons concerned, and the administrator shall account for such estate as the same was sold.

*Whereas it sometimes happens, that for want of prudent management in executors, administrators or guardians, who are impowered to sell real estates, such estates are disposed of below their true value, to the great injury of the heirs and creditors:*

*Be it therefore enacted by the authority aforesaid,* That every executor, administrator or guardian, who may obtain a legal order for selling real estate, shall, previous to the sale, before some Justice of the Peace, take the following oath: Executors, &c. to be under oath previous to sales.

I A. B. do solemnly swear, that in disposing of the estate lately belonging to Form of the oath. now deceased, I will use my best skill and judgment in fixing on the time and place of sale; and that I will exert my utmost endeavours to dispose of the same in such manner as will produce the greatest advantage to all persons interested therein, and that without any sinister views whatever.

And the said executor, administrator or guardian, shall return to the Judge of Probate a certificate of the same, under the-hand of the Justice before whom such oath was taken.

*March 9, 1784.*

### 1783. — Chapter 37.

[January Session, ch. 13.]

AN ACT DIRECTING THE MODE OF TRANSFERRING REAL ESTATES BY DEED AND FOR PREVENTING FRAUD THEREIN. *Chap. 37*

*Whereas it is necessary (to prevent uncertainty, fraud and perjury in the transferring real estates) that a mode therefor should be established, easy, certain and notorious:* Preamble.

Parole leases, &c. to have the force of estates at will only.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That all leases, estates, interests of freehold, or terms of years, or any uncertain interests of, in or out of any messuages, lands, tenements or hereditaments, made or created by livery and seizin only, or by parole, and not put in writing, and signed by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing shall have the force and effect of leases or estates at will only; and shall not, either in law or equity, be deemed or taken to have any other, or greater force or effect; any consideration for making any such parole, leases, or estates, notwithstanding. And no leases, estates, or interests, either of freehold or term of years, or any uncertain interest of, in, to, or out of any messuages, lands, tenements, or hereditaments, shall at any time be assigned, granted, or surrendered, unless it be by deed or note in writing, signed by the party so assigning, granting or surrendering the same, or their agents thereunto lawfully authorized by writing, or by act and operation of law.

No actions to be maintained upon any contract, unless.

*And be it further enacted,* That no action shall hereafter be maintained upon any contract or sale of lands, tenements or hereditaments, or any interest in or concerning the same, unless the agreement upon which such action shall be brought, or some memorandum or note thereof shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized.

All grants, &c. of lands, to be manifested and proved by writing.

*And be it further enacted,* That all grants and assignments, as well as all declarations or creations of trusts or confidences of any lands, tenements or hereditaments, shall be manifested and proved by some writing signed by the party, who is by law enabled to grant, assign, or to declare such trust, or by his last will in writing, or else the same shall be utterly void and of no effect. *Provided always,* That where any conveyance shall be made of any lands, tenements or hereditaments, by which a trust or confidence shall or may arise or result, by the implication or construction of law, or be transferred or extinguished by an act or operation of law; then, and in every such case, such trust or confidence shall be of the like force and effect, as the same would have been if this act had not been made: any thing herein contained to the contrary notwithstanding.

Proviso.

*And be it further enacted by the authority aforesaid,* That all deeds or other conveyances of any lands, tenements or hereditaments, lying within this Commonwealth, signed and sealed by the party or parties granting the same, having good and lawful right or authority thereunto, and acknowledged by such grantor or grantors, before a Justice of the Peace in this State, or before a Justice of the Peace or Magistrate in some other of the United States of *America*, (or in any other State or Kingdom wherein the grantor or vendor may reside at the time of making and executing the deed) and recorded at length in the Registry of Deeds in the county where such lands, tenements or hereditaments, do lie, shall be valid to pass the same without any other act or ceremony in the law whatsoever. And no bargain, sale, mortgage or other conveyance, in fee simple, fee tail, or for term of life, or any lease for more than seven years from the making thereof, of any lands, tenements or hereditaments, within this Commonwealth, shall be good and effectual in law to hold such lands, tenements or hereditaments, against any other person or persons but the grantor or grantors, and their heirs only, unless the deed or deeds thereof be acknowledged and recorded in manner aforesaid. *Provided nevertheless,* That when any grantor or lessor as aforesaid, shall go beyond sea, or be removed out of this government, or be dead, before the deed or conveyance by him executed shall be acknowledged as aforesaid; in every such case the proof of such deed or conveyance, made by the oath of one or more of the witnesses whose names may be thereunto subscribed, before any Court of Record within this Commonwealth, shall be equivalent to the parties' own acknowledgment thereof before a Justice of the Peace as aforesaid.

Deeds executed by signing, sealing, &c. to be valid.

Proviso.

*And be it further enacted,* That if any grantor or lessor of any lands, tenements or hereditaments, shall refuse to acknowledge any bargain, sale, mortgage or other conveyance as aforesaid, it shall be lawful for such grantee or lessee to leave a copy of such deed or lease, compared with the original by the Register, in the Register's Office, and such copy so left shall be deemed sufficient caution to all persons against purchasing or extending execution thereon for the space of forty days from the time of leaving such copy. And any Justice of the Peace in the same county, after such refusal, at the request of the grantee or

Grantors refusing to acknowledge their deeds.

Justices of the Peace to issue a summons.

lessee, his heirs, executors, administrators or assigns, may issue a summons for such grantor or lessor to appear (if he see cause) at a certain time and place therein mentioned, to hear the testimony of the subscribing witnesses thereunto; which summons shall be served by the proper officer, seven days at the least before the time therein assigned for proving the deed; and at such time and place, whether the grantor or lessor be present or not, it being made to appear by the oath of one or more of the witnesses thereunto subscribed, that they saw the said grantor (or lessor) voluntarily sign and seal the deed, and that they subscribed their names as witnesses thereunto at the same time, such proceedings, and a certificate thereof under the hand of the Justice annexed to the deed, (wherein the presence or absence of the adverse party shall be noted) shall be equivalent to the acknowledgment of the grantor before a Justice of the Peace.

Proviso.

*Provided*, That nothing in this act shall be construed, deemed or extended, to bar any widow of any vendor or mortgagor of lands or tenements from her dower or right in or to such lands or tenements, who did not join with her husband in such sale or mortgage, or otherwise lawfully bar or exclude herself from such dower or right.

How mortgages shall be discharged.

*And be it further enacted*, That any mortgagee of any lands, tenements or hereditaments, his or her heirs, executors or administrators, having received full satisfaction and payment of all such sum or sums of money as are really due to him by such mortgage, shall, at the request of the mortgagor, his heirs, executors or administrators, acknowledge and cause such satisfaction and payment to be entered in the margin of the record of such mortgage, in the Register's Office, and shall sign the same, which shall forever after discharge, defect and release such mortgage, and perpetually bar all actions to be brought thereupon in any Court of Record. And if such mortgagee, his heirs, executors or administrators, shall not, within ten days next after request in that behalf made, and tender of his reasonable charges, sign and seal a discharge of the said mortgage, and release and quit claim to the estate therein mentioned to be granted, and acknowledge the same before a Justice of the Peace, or repair to the Register's Office, and there make and sign such discharge and acknowledgment as aforesaid, shall be liable to make good all damages for want of such discharge or release, to

be recovered by a special action of the case, in any Court of Record, together with treble costs of suit.

*And be it further enacted*, That all deeds of bargain, sale, mortgage, or other conveyance of real estate heretofore made and executed according to former laws and usage, shall be valid and effectual. *March 10, 1784.*

Former deeds valid.

### 1783. — Chapter 38.

[January Session, ch. 15.]

AN ACT IMPOWERING THE JUDGES OF PROBATE TO APPOINT GUARDIANS TO MINORS AND OTHERS.

Chap. 38

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the Judge of Probate in each county respectively when and so often as there shall be occasion, be, and hereby is impowered, to allow of Guardians that shall be chosen by Minors of fourteen years of age, and to appoint Guardians for such as shall be within or under that age, taking sufficient security of all such Guardians for the faithful discharge of their trust, and to account either with the Judge or Minor when such Minor shall arrive to the age of twenty-one years, or at such other time as the Judge upon complaint to him made shall direct. And when any Minor above the age of fourteen years shall be cited by the Judge of Probate to choose a Guardian, and such Minor shall refuse or neglect to appear, or when appearing shall refuse to choose a Guardian, or any Guardian chosen by such Minor shall be unable to give sufficient security, or shall refuse the trust, or when any Minor above the age of fourteen years shall be without this government, in every such case the Judge of Probate shall have the same power to appoint a Guardian as though such Minor were under the age of fourteen years.

Guardians to be allowed by the Judge of Probate.

*Provided nevertheless*, That when a Minor above the age of fourteen years, living more than ten miles distance from the Judge of Probate's dwelling house, shall choose a Guardian, such Minor may have that choice certified to the Judge by any Justice of the Peace in the same county, or by the Town Clerk, if no Justice shall dwell in such town, which choice so certified shall be deemed as good and valid as if done in the said Judge's presence.

Proviso.

Judges im-  
powered, upon  
request made by  
the friends of  
any idiot, &c. to  
direct the Select-  
men to make  
inquisition.

*And be it further enacted,* That it shall be in the power of the Judges for the Probate of Wills, within their respective counties, from time to time, (upon request made by the friends or relations of any idiot, *non compos*, or lunatic person, or by the overseers of the poor in such town where such idiot, *non compos*, or lunatic person lives or is an inhabitant) to direct the Selectmen of such town to make inquisition thereinto; and if the person said to be an idiot, lunatic, or distracted person, shall be adjudged by the Selectmen of the town (or the major part of them) where such person resides, to be incapable to take care of him or herself, and they shall certify the same under their hands, to the Judge, the said Judge of Probate shall be empowered to assign some suitable person or persons to be Guardian or Guardians to such idiot, lunatic, *non compos*, or distracted person, directing and empowering such Guardian or Guardians to take care of the person and estate, both real and personal, of such person, and to make a true and perfect inventory of the said estate, to be returned into and filed in the Probate Office in such county.

To be certified  
to the Judges.

Judges of  
Probate author-  
ized upon com-  
plaint of any  
heirs, &c.

*And be it further enacted,* That the Judges of Probate in their respective counties, are also fully authorized and empowered, upon the complaint of any heir, creditor or other person, having lawful right or claims in expectancy, to the estate of any idiot, lunatic, *non compos*, or distracted person, as well as the Guardian or Guardians, to proceed with any person or persons suspected of concealing, embezzling or conveying away any of the money, goods or chattels of such idiot, lunatic, *non compos*, or distracted person, in the same way and manner as is by law prescribed for persons suspected of concealing, embezzling, or conveying away the money, goods or effects of deceased persons.

Guardians to  
improve the  
estate of the  
idiot, &c. and to  
settle accounts.

*And be it further enacted by the authority aforesaid,* That the Guardian or Guardians appointed as aforesaid, shall improve frugally and without waste and destruction, the estate of the idiot, *non compos*, lunatic or distracted person, and apply the annual income and profits thereof for the comfortable maintenance and support of the said idiot, lunatic, *non compos* or distracted person, and also of his or her household or family, (if any such there be) and the said Guardian or Guardians are hereby empowered to settle accounts, receive, (and if need be) to sue for and



recover all just debts due to the said idiot, lunatic, *non compos*, or distracted person, from any person or persons whomsoever, and to manage, improve, or divide the real estate in as full and ample a manner as the said idiot, lunatic, *non compos* or distracted person might or could, were they restored to the full use of their rational faculties; and shall also be subject to the payment of all just debts owing by such person which were contracted before their distraction, out of their personal estate, or in case that be insufficient, then out of the real estate, being first impowered to make sale thereof by the Supreme Judicial Court, in the way and manner executors or administrators are impowered to make sale of the real estates of deceased persons. And in case the income or improvement of the personal and real estate of such persons shall not be sufficient to support them, the said Supreme Judicial Court may licence and authorize the Guardians to make sale of the whole or part of the real estate of such person for that purpose, as occasion may require. And in case any such idiot, lunatic, or distracted person shall be restored to the use of his reason, the residue and remainder of the estate, real and personal, shall be returned and delivered to him, or in case of his death to his heirs, executors, or administrators; the Guardian or Guardians having first such a reasonable allowance out of the same for their charge and trouble, as the Judge of Probate shall order.

In case.

*And be it further enacted*, That the Guardian or Guardians appointed as aforesaid, shall give bond to the Judge of Probate for the time being in a reasonable sum, with sufficient sureties for the faithful discharge of the trust reposed in them, and more especially for the rendering a just and true account of their guardianship, when and so often as they shall be thereunto required.

Guardians to give bond.

*And be it further enacted*, That the Judges of Probate in their respective counties may also, as occasion may require, appoint guardians for the children of lunatics, idiots, *non compos*, or distracted persons, in the same way and manner as though their parents were naturally dead.

Judges of Probate to appoint Guardians for the children of lunatics, &amp;c.

*And whereas*, to the dishonor of human nature and the great injury of society, individuals oftentimes spend, lessen and waste their estates by excessive drinking, gaming, idleness and debauchery, and thereby involve themselves and families in distress, misery and ruin; and subject the

*towns to which they belong to expence and charge for their maintenance and support:*

Selectmen to make complaint to the Judge of Probate, in case persons, by excessive drinking, &c. endanger the towns to which they belong to charge.

*Be it therefore enacted, by the authority aforesaid, That* when any person by excessive drinking, gaming, idleness or debauchery of any kind, shall so spend, waste or lessen his or her estate, as thereby to expose himself or herself, or his or her family, or any of them to want or suffering circumstances, or shall by thus spending, wasting, or lessening his or her estate, endanger or expose the town to which he or she belongs, in the judgment of the Selectmen thereof, to a charge or expence for the maintenance or support of him or her, or his or her family, or any of them, such Selectmen, or the major part of them, shall, in such case, lodge a complaint with the Judge of Probate for the county to which the person spending, wasting or lessening his estate as aforesaid, doth belong; and if it shall appear to the said Judge of Probate, that the person complained of comes within the description of this act, and has had due notice of the complaint exhibited against him or her, as the case may be, then, and in that case, the said Judge of Probate shall appoint the said Selectmen, or the major part of them, or some suitable and discreet person or persons, Guardian or Guardians to such person. And no sale or bargain of any real or personal estate, made by such person or persons, after the appointment of guardianship as aforesaid shall be held valid in law. And the Guardian or Guardians that may be thus appointed, shall, in discharging the duties of their appointment, pursue the same method, and be under similar obligations for a faithful discharge of their trust, as Guardians appointed for idiots, lunatics, or for persons *non compos mentis*.

Executors, &c. not compelled to plead specially.

*And be it further enacted, That* Executors, Administrators, and Guardians shall not be compelled to plead specially to any action or suit at law, brought against them in their said capacity; but may under the general issue give any special matter in evidence.

Judges of Probate to fix certain days for making & publishing their orders and decrees.

*And be it further enacted, That* the Judges of Probate in the respective counties of this State, shall have certain fixed days for the making and publishing their orders and decrees, and such days to be made known by public notifications thereof in the several counties. And no Judge of Probate shall be allowed or admitted to have a voice in judging and determining (nor shall he be admitted to plead or act as an attorney) in any civil action whatsoever,

which may depend on or have relation to any sentence or decree made or passed by him in his office aforesaid.

*March 10, 1784.*

### 1783. — Chapter 39.

[January Session, ch. 16.]

AN ACT FOR THE BETTER MANAGING LANDS, WHARVES, AND OTHER REAL ESTATE, LYING IN COMMON. *Chap. 39*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That when and so often as any five or a major part of the Proprietors of Lands, Wharves, or other Real Estate, lying in common in any part of this Commonwealth, shall judge a Proprietors' meeting to be necessary, they may make a written application to a Justice of the Peace through the Commonwealth, or to a Justice of the Peace within the county where such estate lies, for a warrant for the calling of a meeting, expressing the time, place and occasion thereof; and such Justice is hereby empowered to grant a warrant for such meeting accordingly, directed to one of the Proprietors asking the same, or to the Proprietor's Clerk, requiring him to notify the Proprietors of the meeting, and the time, place, and occasion of the same; which notification, in case such undivided estate lies in any incorporated town, shall be given in writing and posted up in some public place or places within such town, fourteen days at least before the day appointed for the meeting, and for the like time (at least) before such meeting, shall be advertised in one of the *Boston* weekly news papers, and in one of the news papers (if such there be) printed in the county wherein such real estate lies; or in case such undivided estate doth not, or shall not lie within any incorporated town, such written notification shall be given by advertising the same in any two of the said *Boston* news papers, and in one other news paper (if such there be) printed out of *Boston* in the county where such estate lies, at least four weeks successively before such meeting; or such meetings may be otherwise warned by posting up written notifications in some public place in each and every town and plantation where any one or more of the said Proprietors may reside, fourteen days at least before the time appointed for holding such meeting; and such and so many of the Proprietors as shall assemble

How meetings  
are to be called.

Fourteen days'  
notice for a  
meeting.

To choose a moderator, &c.

personally, or by their attorneys, and meet accordingly, shall have power by a major vote to choose a moderator, a clerk, a treasurer, a collector or collectors of taxes, a committee or committees, and any other needful officers to manage their affairs; which clerk shall enter and record all votes and orders that from time to time shall be made and passed in the Proprietors' meetings, who shall be sworn to the faithful discharge of his office; and to agree upon and appoint any other way or method of calling and summoning meetings for the future, that shall be most suitable and convenient to the Proprietors; as also to pass votes or orders for the settling, or encouraging the settling, managing, improving, or dividing such common Lands, Wharves, or other Real Estate, not before severed and divided; and to annex penalties to the breach and non observance of such orders; *Provided*, such penalty doth not exceed fifteen shillings for one offence: *Provided also*, That such orders so made with penalties annexed to them, be allowed and approved by the Court of General Sessions of the Peace for the county where such land or estate lies, and be not repugnant to the general laws of this Commonwealth; in which case such orders shall have such force and effect as that such Proprietors, by their treasurer, agent or agents, may recover the penalty thereto annexed against the breakers or non-observers thereof in any Court proper to try the same; such penalty to be disposed of as the Proprietors shall direct: And the votes shall always be collected and numbered according to the interest of the Proprietors present where the same is known. And no other affair shall be acted on at any meeting of the Proprietors, than what is expressed in the warrant or notification for such meeting.

Proviso.

Moderator im-  
powered.

*And be it further enacted by the authority aforesaid*, That the moderator chosen at any such meeting shall be thereby impowered to manage and regulate the business of that meeting: And where it shall so happen that any matter remains doubtful after a vote, the moderator is hereby directed and required to cause the same to be decided by the poll, if any one or more desire it; such polls to be numbered according to their interest.

No persons to  
speak without  
leave.

*And be it further enacted by the authority aforesaid*, That no person shall have right to speak before leave first obtained from the moderator, nor when any other is orderly speaking, and that all persons be silent at the

order of the moderator, under the penalty and forfeiture of five shillings for the breach of every such order; and if any person being by the moderator notified of such offence shall still persist in the same, then the moderator may order such person to withdraw from the said meeting: and such offender upon his refusal to do so shall forfeit and pay the sum of twenty shillings: The respective forfeitures to be recovered by the Clerk of such Proprietors, before any one of the Justices of the Peace for the county wherein such land or other estate lies, or such Clerk lives, to be disposed of, the one half for the use of the propriety, the other half to the said Clerk. And for the better enabling such Proprietors, and all Persons, Towns, Villages, Trustees for Schools and others (holding or claiming by any lawful title) to maintain, recover and defend their respective grants, lands, interests and estates:

Penalty.

How recoverable.

*Be it enacted by the authority aforesaid,* That it shall and may be lawful for all and every the said Persons, Towns, Villages, Precincts, Parishes, Trustees for Schools, and Proprietors in common and undivided lands, grants and other real estates or interests whatsoever, to sue, commence and prosecute any suits or actions in any Court proper to try the same, either by themselves or their agents or attorneys, and in like manner to defend all such suits and actions as shall be commenced against them or any of them; and at a legal meeting to choose such agents or attorneys to prosecute for, or defend them — such choice being certified by the Clerk of such Towns, Villages, Precincts, Parishes, Trustees or Proprietors, or by such other person as they shall respectively appoint.

Persons, Towns, &c. to sue or defend in any Court.

*Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Proprietors of any common and undivided lands or other real estate, or the major part of them according to the interests of the Proprietors present, by themselves or their lawful attorneys, at any legal meeting, to vote, grant, or order the raising of any suitable sum or sums of money that shall by them be thought sufficient for bringing forward, compleating the settlement of, or managing or improving such lands and estate; and to carry on and prosecute or defend any actions or suits that may be brought by or against them, or for carrying on, managing, or effecting any other affair for the common good of such Proprietors; and to levy and

Proprietors of common lands empowered to raise money.

apportion such sum or sums (raised for the ends and uses aforesaid) upon the Proprietors several rights in such common and undivided lands or estates, equally and rateably according to their several interests therein. And every Proprietor who shall neglect to pay to the collector, or treasurer, or committee of such propriety, his proportion of such sum or sums of money as have been, or from time to time shall be duly granted and voted to be raised and levied upon the Proprietors rights and shares in such lands and estate, for the space of six months with respect to those who live within this Commonwealth, and twelve months with respect to those who live out of it, after such grant, and his or their proportion thereof shall have been posted and published in the several news papers as in the case of notifications as aforesaid; then the committee of the Proprietors, or the major part of such committee, may, and are hereby fully impowered from time to time, at a public vendue, to sell and convey away so much of such delinquent Proprietor's right or share in such common land or estate as will be sufficient to pay and satisfy his tax or proportion of such grant, and all reasonable charges attending such sale, to any person that will give most for the same; notice of such sale and of the time and place thereof being given by posting as aforesaid, and publishing the same in at least two of the news papers aforesaid, five weeks successively before the time of such sale; and may execute a good deed or deeds of conveyance of the lands or estate so sold unto the purchaser thereof to hold in fee simple. *Provided nevertheless*, That the Proprietor or Proprietors whose right or share shall be so sold, shall have liberty to redeem the same at any time within twelve months after such sale, by paying the sum such right or share sold for and charges, together with the further sum of twelve pounds for each hundred pounds produced by such sale, and so *pro rata* for any less or greater sum.

*And be it further enacted by the authority aforesaid*, That when it shall happen that suit shall be brought against any Towns, Precincts, Parishes or Villages, or against the Proprietors of any common or undivided lands or other estate, the plaintiff bringing forward such suit shall cause the Clerk of such Towns, Villages, Precincts or Proprietors, or one or more of the principal inhabitants or proprietors respectively, to be served with a copy of the writ or summons, at least thirty days before

Proprietors neglecting to pay.

Committee of the Proprietors impowered in this case.

Proviso.

Writs to be served on Towns, Proprietors, &c. thirty days before the Court.

the day of the sitting of the Court to which the same shall be returnable.

*And be it further enacted by the authority aforesaid,* That the treasurer, assessors, collector or collectors, which at any time may be chosen by the Proprietors of any common and undivided lands or other real estate, shall be sworn before a Justice of the Peace to the faithful discharge of their respective trusts; and in case no Justice of the Peace shall be present at the meeting of such Proprietors, then any, or all the officers directed to be sworn by this act may be sworn by the moderator; and such treasurer is hereby impowered to demand, sue for, recover, and receive all such sums of money, debts and dues, as shall at any time belong to the said Proprietors, or be any ways due or coming to them, and make payment thereof according as he shall be lawfully ordered and directed by the Proprietors, and render his reasonable account thereof on demand; and such treasurer shall continue in his office till the Proprietors shall see cause to choose another.

Treasurer,  
assessors, &c.  
to be sworn.

Treasurer im-  
powered to sue  
for and recover  
money.

*And be it further enacted by the authority aforesaid,* That the Proprietors of such undivided land or estate where the same, hath been heretofore stated, and each one's proportion known, shall be, and hereby are, impowered to order, manage, improve, divide, or dispose of the same, in such way and manner as shall be concluded and agreed upon by the major part of the interested, present at any legal meeting, the votes to be collected and accounted according to the interests. And any Proprietor may vote as well by attorney specially appointed for that purpose as in person: And the Proprietors of all such undivided lands and estate not stated, nor the proportions known as aforesaid, shall be, and hereby are impowered to order, manage, improve, divide or dispose of the same, as hath been or shall be concluded and agreed on by the major part in number of such Proprietors present at any such meeting. *Provided always,* That the meetings of Proprietors that may be notified, or which may hereafter be held by adjournment or adjournments agreeable to former laws, shall not be affected by the passing this act: But such meetings and the transactions regularly made thereat, shall be as valid to every intent and purpose as though this act had never been made.

Proprietors im-  
powered to  
order, manage,  
&c. each one's  
proportion of  
land.

Proprietors  
may vote by an  
attorney, as in  
person.  
Lands and  
estate not  
stated, how to be  
improved.

Proviso.

Preamble.

*And whereas it is needful that provision be made for the preservation and safe keeping of the records of such Proprietors, after they have made a full and compleat division of their lands, or other real estate lying in common and undivided, and reduced the same to severalty:*

The last Clerk to continue to execute the office to which he was elected, the final division of lands and estate notwithstanding.

*Be it further enacted by the authority aforesaid, That the last Clerk chosen by the Proprietors of any common and undivided land, or other real estate in this Commonwealth, who are or have been, or may hereafter be impowered by law to hold meetings, choose a Clerk and other officers, shall continue to execute the office of Clerk to which he was appointed, notwithstanding the final and total division of such lands and estate, as fully, to all intents, constructions and purposes whatsoever, as though there had been no such division made, and until the same records shall be lodged with the Clerk of the town in which the land lies; and when the lands lie in several towns, they may be lodged with the Clerk of such town, as the Court of Sessions, upon application to them made for that purpose, shall order and direct; and the Clerk with whom they may be lodged, and his successors in office, shall be fully authorized to authenticate any copies therefrom, as from the records of the town of which he is Clerk.*

*March 10, 1784.*

### 1783. — Chapter 40.

[January Session, ch. 17.]

*Chap. 40* AN ACT FOR THE SPEEDY ASSIGNMENT OF DOWER, AND FOR THE PREVENTING OF STRIP AND WASTE BY TENANTS THEREIN.

Heir, &c. to render dower within one month next after demand.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when the heir or other person having the next immediate estate of freehold or inheritance, shall not within one month next after demand made, assign and set out to the widow of the deceased, her dower or just third part of and in all lands, tenements and hereditaments, whereof by law she is or may be dowable, to her satisfaction, according to the true intendment of law, then such widow may sue for and recover the same by writ of dower, to be brought against the tenant in possession, or such persons who have or claim right or inheritance in the same estate, in manner and form as the law prescribes.*



*And be it further enacted,* That upon rendering judgment for any woman to recover her dower in any lands, tenements or hereditaments, reasonable damage shall also be awarded to her from the time of the demand and refusal to assign to her, her reasonable dower. And a writ of seizin shall be directed to the sheriff of the county, his under sheriff or deputy, in manner and form as is by law prescribed; and the sheriff or other person unto whom by law such writ of seizin is directed, shall cause her dower in such estate to be set forth unto her by three disinterested freeholders of the same county, under oath, (to be administered by any Justice of the Peace) to set forth the same, equally and impartially, without favor or affection, as conveniently as may be.

Dower to be set forth by three disinterested freeholders, upon oath.

*And be it further enacted,* That of estates of which a woman is dowable, and that be entire, and where no division can be made by metes and bounds, dower shall be assigned thereof in a special manner, as of a third part of the rents, issues or profits, to be computed and ascertained in manner as aforesaid; and no woman that shall be endowed of any lands, tenements or hereditaments as aforesaid, shall commit or suffer any strip or waste thereon, upon penalty of forfeiting the part of the estate upon which such strip or waste shall be made, and the damages assessed for waste, to him or them that have the immediate estate of freehold or inheritance, in remainder or reversion, by an action of waste to be brought therefor. And all tenants in dower shall maintain the houses and tenements with the fences and appurtenances, whereof they may be endowed, in good repair during the term, and shall leave the same so at the expiration thereof. And the writs of dower and seizin, shall be in form following:

Estates where no division can be made, dower to be assigned as of one third part of the rents, issues or profits.

No strip or waste to be made.

COMMONWEALTH OF *Massachusetts*.

Writ of dower.

[L.S.] S——, ss.

*To the Sheriff of our county of S——, or his Deputy.* GREETING.

We command you, that you summon \_\_\_\_\_ of \_\_\_\_\_ in our said county of S——, if \_\_\_\_\_ may be found in your precinct, to appear before our Justices of our Court of Common Pleas next to be holden at \_\_\_\_\_ within and for our said county of S——, upon the \_\_\_\_\_ Tues-

day in next ; then and there in our said Court to  
 answer unto of in a plea of dower, for that

[*Here the declaration.*]

to the damage of the said as saith, the sum of  
 pounds, as shall then and there appear.

Witness *T.*—*N.*—, Esq; at *B.*—, the day of  
 in the year of our LORD,

*L. M.*—, Clerk.

[*Writ of seizin.*]

Writ of seizin.

COMMONWEALTH OF *Massachusetts.*

[L.S.] S—, ss.

*To the Sheriff of our said county of S—, or  
 his Deputy.* GREETING.

Whereas who was the wife of *E. D.*—, late of  
*B.*— in the county aforesaid, (addition) deceased,  
 before our Justices of our Court of holden at  
*B.*— for our county aforesaid, on the day of now  
 last past, did recover seizin against *A. B.* of *B.*— afore-  
 said, (addition) of one third part of a certain  
 messuage or tenement, with the appurtenances, situate in  
*B.*— aforesaid, in the possession of the said *A. B.*  
 (addition) as her dower of the endowment of  
 the said *E. D.* her certain husband, by our writ of dower,  
 whereof she hath nothing ; therefore WE command you,  
 that to the said full seizin of one third part of the afore-  
 said messuage or tenement with the appurtenances, you  
 cause to be had without delay, to hold to in severalty  
 by metes and bounds. We command you also, that of the  
 goods or chattels of the said *A. B.* within your precinct,  
 you cause to be paid and satisfied unto the said at  
 the value thereof in money, the sum of for damages  
 awarded her by our said Court, for her being held and  
 kept out of her dower aforesaid, and costs expended on  
 this suit, with shillings more for this writ ; and  
 thereof also to satisfy yourself your own fees ; and for  
 want of goods or chattels of the said *A. B.* to be by him  
 shewn unto or found within your precinct to satisfy the  
 same, WE command you to take his body, and to commit  
 him to the keeper of our goal in *B.*—, in our county  
 aforesaid, within the said prison, whom we likewise com-  
 mand to receive the said *A. B.* and him safely to keep

until he pay unto the said \_\_\_\_\_, the full sum above mentioned, and also satisfy your fees.

Hereof fail not, and make return of this writ, and how you shall have executed the same, to our next Court of \_\_\_\_\_ to be holden at B——, for our said county of S——, on the \_\_\_\_\_ day of \_\_\_\_\_ next. Witness, *E. H.*, Esq; at B——, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, \_\_\_\_\_.

Clerk.

March 11, 1784.

### 1783. — Chapter 41.

[January Session, ch. 18.]

AN ACT FOR THE MORE EASY PARTITION OF LANDS, OR OTHER REAL ESTATE. *Chap. 41*

*Whereas the partition of lands and other real estate among the persons interested, though much desired and of great advantage, is often hindered and delayed by reason that infants are interested, or that the parties concerned are numerous and live remote from each other, and sometimes in parts beyond seas, and are some of them unknown:* Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That any person or persons interested with others in any lot, tract of land, or other real estate, making application (either by themselves or their agents, attorneys or guardians) to the Supreme Judicial Court of this Commonwealth, or Court of Common Pleas, of the county in which such land or other real estate lies: the said Courts are severally authorized and empowered to cause Partition to be made of such lands or other real estate, and the share or shares of the party or parties applying for the same, to be set off and divided from the rest. The Partition to be made by five or three freeholders, under oaths, to be appointed by the said Court who shall order the Partition, and a return of such Partition to be made into the Clerk's office of the said Court; and the Partition or division so made being accepted by the said Court which ordered the division to be made, and there recorded, and also recorded in the Registry of Deeds in the county where such estate lies, shall be valid and effectual to all intents and purposes.

Supreme Judicial Court, or Court of Common Pleas, severally authorized to appoint five or three disinterested freeholders to make Partition of real estates.

*And be it further enacted by the authority aforesaid,* That when Partition shall be made as aforesaid, if any one Executions to issue on persons refusing to

pay charges on  
the division of  
estates.

or more of the interested parties applying, shall neglect or refuse to pay their just proportion of the charges which may attend such division, it shall and may be lawful for the said Court who ordered the Partition, to issue an execution against the delinquent or delinquents interested, and applying as aforesaid: provided an account of such charge be first laid before the said Court who ordered the Partition, and the just proportions of the persons interested, settled and allowed, they having been duly notified to be present at such settlement and allowance. And when any messuage, tract of land, or other real estate shall be of greater value than either party's purpart or share in the estate to be divided, and cannot at the same time be subdivided, and part thereof assigned to one, and part to another, without great inconvenience, the same may be settled or assigned to one of the parties, such party to whom the same shall be so assigned, paying such sum or sums of money to such party or parties as by means thereof have less than their share of the real estate, as the committee appointed to make Partition shall award.

Said Courts to  
notify persons  
concerned,  
before estates  
be divided.

*And be it further enacted,* That neither of the said Courts shall proceed to order such Partition, until it shall appear to them respectively, that the several persons interested in such estate, and living within the State, or the attorneys of such as are absent, and have attorneys residing in the State, have been duly notified of such petition (by being personally served with a copy thereof, or a copy left at their dwelling house, or last place of abode, or that the substance of the petition shall have been inserted three weeks successively, in one or more of the public news papers) and have had opportunity to make their exception to the granting the same.

Proviso.

*Provided nevertheless,* That before partition be made, where any infants, persons *non compos mentis*, or other ways incapacitated to take care of their estates are interested, guardians shall be appointed for all such persons according to law, if they live within this State, and if any person or persons interested in any such estate happen (at the time when such application shall be made) to have been beyond the sea, or out of this State for the space of one year, and not returned, and having no sufficient attorney within the same, in such case the said Court to whom application shall be made for Partition, shall appoint some discreet and disinterested person or persons, as agent or

agents for such absent party or parties, to be advising on his or their behalf in making such Partition; and due notice shall be given by the committee to all concerned (that are known and within the State) before such Partition be made, that so they may be present (if they see meet) at the time of making the same. *Provided also*, That no Partition be made where any partner shall be beyond sea, and shall not have been absent twelve months, and shall be expected to return within six months.

*Provided also*, That if any partner shall have a larger Proviso. share set off than is such partner's true and real interest, or if any share set off should be more than equal in value to the proportion it was set off for, then and in every such case, upon complaint (to the Court which caused such Partition to be made) within three years of the making thereof, by any aggrieved partner or partners, who at the time of making such Partition were out of the State, and not notified thereof as aforesaid, seasonably to be present at the same, the said Court shall cause Partition thereof to be made anew. And in such new Partition so much and no more shall be taken off from any share, as such share shall be adjudged, more than the proportion of the whole it was designed for, estimating such lands or real estate as in the state they were in when first divided; and in case any improvements shall be made on the part that may by such new Partition be taken off as aforesaid, the partner who made such improvements shall have reasonable satisfaction made him by the partner or partners to whose share the same shall be added, by the estimation of the freeholders employed in making such new Partition, or the major part of them. And the Justices of the same Court who ordered Partition, are also empowered to issue execution for such satisfaction, and for costs in such new Partition, the same being first taxed and allowed in the said Court.

*March 11, 1784.*

### 1783.—Chapter 42.

[January Session, ch. 19.]

AN ACT DESCRIBING THE POWER OF JUSTICES OF THE PEACE *Chap. 42*  
IN CIVIL ACTIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of*

Debts, trespasses, and other matters, not exceeding four pounds, to be tried by Justices of the Peace.  
Justices empowered to grant summons, &c.

Summons, &c. to be served seven days before trial.

In case of non-appearance, Justices to give judgment.

Proviso.

In action of trespass before a Justice of the Peace, if the defendant shall plead the title of himself, cause to be removed, and bond given.

Upon refusal to recognize, the Justice to render judgment.

*the same*, That all manner of debts, trespasses, and other matters not exceeding the value of four pounds, (and wherein the title of real estate is not in question) shall, and may be heard, tried, adjudged, and determined by any Justice of the Peace within this county, and the Justices are severally empowered to grant summons, capias and attachment, at the request of any person applying for the same, directed to some proper officer within the same county, empowered by law to execute the same. And such summons or capias and attachment shall be duly served by such officer, seven days at the least before the day therein set for trial, otherwise the party sued shall not be held to answer thereon; and if after such process shall be duly served, the party sued, after being duly called, shall not appear to answer to the same suit, the charge against him in the declaration shall be taken to be true, and the Justice shall give judgment against him for such damages as he shall find the plaintiff to have sustained, with costs; and if the person sued shall appear to defend the suit or oppose the same, the Justice shall award such damages as he shall find the plaintiff to have sustained, *Provided*, that no more damages than the sum of eighty shillings shall be awarded in any action originally brought or tried before a Justice of the Peace; but if the plaintiff shall not support his action, shall fail to prosecute or become non-suit, the Justice shall award to the party sued, his reasonable costs, taxed as the law directs. And upon all judgments given by a Justice of the Peace in civil actions, he shall award execution thereon in form by law prescribed.

*And be it further enacted*, That when an action of trespass shall be brought before any Justice of the Peace, and the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title of real estate in question. And when the defendant in any such action shall plead the title of himself or any other person in justification, the Justice, upon having such plea filed, shall order the defendant to recognize to the adverse party, in a reasonable sum, with sufficient surety or sureties, to enter the said action at the next Court of Common Pleas to be holden within the same county, and to prosecute the same in the same manner as upon an appeal from a Justice's judgment; and if such pleader shall refuse so to recognize, the Justice shall render judgment against him

in the same manner as if he had refused to make answer to the same suit. And either party in such cause shall be allowed to appeal from the judgment of the Court of Common Pleas in the same manner as if the suit had been originally commenced there. And every Justice of the Peace shall have power by public proclamation to adjourn the trial of any action brought before him, from time to time, when equity may require it; but he shall not be of counsel to either party, or undertake to advise or assist any party in suit before him.

Parties allowed to appeal.

*And be it further enacted*, That each Justice of the Peace shall keep a fair record of all his proceedings; and when any Justice of the Peace shall die before a judgment given by him is paid and satisfied, it shall be in the power of any Justice of the Peace in the same county to grant a *scire facias* upon the same judgment, to the party against whom such judgment was rendered up, for him to shew cause, if any he hath, why execution should not be issued against him. And although the cost and debt awarded by the deceased Justice, when added together, shall amount to more than eighty shillings, it shall be no bar upon such *scire facias*, but judgment shall be given thereon for the whole debt and cost, together with the cost arising upon the *scire facias*. *Provided always*, That either party may appeal from the judgment as in other personal actions, where judgment is given by a Justice of the Peace. And every Justice of the Peace who shall have complaint made to him, that a judgment given by a Justice of the same county, then deceased, remains unsatisfied, shall issue his summons to the person in whose possession the record of the same judgment is, directing him to bring and to produce to him the same record; and if such person shall contemptuously refuse to produce the same record, or shall refuse to be examined respecting the same, upon oath, the Justice may punish the contempt by imprisonment until he shall produce the same, or until he submits to be examined as aforesaid; and when the Justice is possessed of such record he shall transcribe the same upon his own book of records, before he shall issue his *scire facias*, and shall deliver the original back again to the person who shall have produced it, and a copy of such transcription attested by the transcribing Justice, shall be allowed in evidence in all cases where an authenticated copy of the original might be received.

Justices to keep a fair record of their proceedings.

Proviso.

Executors, &c. committing waste, the Justice to proceed against their goods and estate.

*And it is further enacted,* That when an executor or administrator shall be guilty of committing waste, whereby he is rendered unable to pay the judgment recovered before any Justice of the Peace, against the goods and estate of the deceased in his hands, out of the same, the Justice may proceed against the proper goods and estate of such executor or administrator, in the same manner as the Court of Common Pleas are empowered to do.

Justices to grant subpoenas for witnesses.

*It is also enacted,* That each Justice of the Peace may grant *subpoenas* for witnesses in all civil actions and causes pending before the Supreme Judicial Court, Court of Common Pleas, Court of General Sessions of the Peace, and before him or any other Justices, and in all civil actions and causes pending before arbitrators or referees.

Party aggrieved to appeal.

*And be it further enacted,* That any party aggrieved at the judgment of any Justice of the Peace in a civil action, where both parties have appeared and pled, may appeal therefrom to the next Court of Common Pleas to be held within the same county; and shall, before his appeal is allowed, recognize with a surety or sureties in such reasonable sum as the Justice shall order, not exceeding ten pounds, to pay all intervening damages and costs, and to prosecute his appeal with effect, and shall be held to produce a copy of the whole case at the Court appealed to, and both parties shall be allowed to offer any evidence upon the trial at the Common Pleas, in the same manner as if the cause had been originally commenced there. And no other appeal or review shall be had on such action, after one trial at the Court of Common Pleas. And the Court of Common Pleas, when any person recognized as before mentioned to bring forward an action of trespass, doth neglect to do it, upon complaint thereof made in writing by the plaintiff, shall give judgment for such sum in damages as the plaintiff hath declared for, together with all reasonable costs which accrued both in the same Court, and before the Justice. And the Court of Common Pleas shall, when any appellant thereto shall fail to prosecute his appeal, or if he shall neglect to produce a copy of the case, affirm the former judgment upon the appellee's complaint, and award such additional damages as shall have arisen in consequence of the said appeal and cost.

Party appealing to bring the whole case.

In all civil actions triable before a Justice of the Peace, except.

*Be it further enacted by the authority aforesaid,* That in all civil actions triable before a Justice of the Peace, except such actions of trespass wherein the defendant



means to avail himself, by pleading the title of himself or any other person, under whom he claims in justification of the trespass or trespasses alleged to be committed on real estate; the defendant shall be entitled to all evidence under the general issue, which by law he might avail himself of under any special plea in excuse or justification; any law, usage, or custom to the contrary notwithstanding.

The defendant to be intitled to all evidence under the general issue.

*Be it further enacted by the authority aforesaid,* That no action shall be sustained in any Court of Common Pleas within this Commonwealth, where the damage demanded shall not exceed the sum of four pounds, unless by an appeal from a Justice of the Peace, saving such actions wherein the title to real estate may be concerned; and if upon any action originally brought before the Court of Common Pleas, judgment shall be recovered for no more than four pounds, debt or damage, in all such cases the plaintiff shall be entitled for his costs, to no more than one quarter part of the amount of the debt or damage so recovered.

No action to be sustained where the damage demanded shall not exceed the sum of four pounds, unless.

*Provided nevertheless, and be it further enacted by the authority aforesaid,* That all actions already commenced, or which may be commenced before the first day of *June* next, shall be proceeded upon, heard, and determined in the same manner as they might have been before the passing of this act, any thing herein to the contrary notwithstanding.

Proviso.

*March 11, 1784.*

### 1783. — Chapter 43.

[January Session, ch. 20.]

AN ACT DESCRIBING THE DUTY AND POWER OF CORONERS.

*Chap. 43*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That every Coroner within the county for which he is appointed, shall serve all writs and precepts when the sheriff or either of his deputies shall be a party to the same, and shall, if present in Court, return jurors *de talibus circumstantibus* in all causes where the sheriff of the county shall be interested or related to either party; they shall take inquests of violent deaths committed, and casual deaths happening within their respective counties, and shall, before they enter upon the duties of their office, be sworn to the faithful discharge thereof, and give security

Coroners to serve writs, &c.

before they proceed to act, in the same manner as sheriffs by law are obliged to do.

Coroner to  
make out war-  
rants for jurors.

*And be it further enacted by the authority aforesaid,*  
That each Coroner shall, as soon as he shall be certified of the dead body of any person, supposed to have come to his death by violence, or casualty, found or lying within his county, make out his warrant directed to the constable of the town where the dead body is found or lying, or to the constables of one or more of the three or four next adjacent towns, requiring them forthwith to summon a jury of good and lawful men of the same town or towns, sufficient to make up eighteen in all, to appear before him at the time and place in such warrant mentioned and expressed; which warrant shall be in form following:

Form of the  
warrant.

[L.S.] *Suffolk, ss.*

*To either of the constables of B—, in the said  
county of S—, GREETING.*

These are in the name of the Commonwealth of *Massachusetts*, to require you immediately to summon and warn good and lawful men of the said town of *B—*, to appear before me, one of the Coroners of the said county of *S—*, at the dwelling house of \_\_\_\_\_ or at a place called \_\_\_\_\_ within the said town of *B—*, at the hour of \_\_\_\_\_, then and there to inquire upon the view of the body of \_\_\_\_\_ there lying dead, how and in what manner he came to his death.

Fail not herein at your peril. Given under my hand and seal, at *B—*, the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our LORD, \_\_\_\_\_ W. G.

Constables to  
execute the  
Coroner's war-  
rant.

And every constable to whom such warrant shall be directed and delivered, shall forthwith execute the same, and shall repair to the place where the dead body is, at the time mentioned, and make return of the warrant with his doings thereon, unto the Coroner that granted the same. And every constable failing unnecessarily of executing such warrant, or of returning the same as aforesaid, shall forfeit the sum of three pounds; and every person summoned as a juror as aforesaid, that shall fail of appearance without having reasonable excuse therefor, shall forfeit forty shillings, which forfeitures shall be recovered by action of debt, before any Court that can take cognizance of the same, and shall be applied to the

use of the county. And the Coroner shall swear twelve or more of the jurors that shall appear, and shall give the foreman (by him appointed) his oath upon view of the body, in form following :

You solemnly swear, that you will diligently inquire and true presentment make on behalf of this Commonwealth, how and in what manner *A. B.* who lies here dead, came to his death : and You shall deliver up to me, one of the Coroners of this county, a true inquest thereof, according to such evidence as shall be laid before you, and according to your knowledge. *So help you God.* Jurors' oath.

And then shall swear the other jurors, in form following :

Such oath as your foreman hath taken, You, and each of you, shall well and truly observe and keep. *So help you God.*

And the jurors being sworn, the Coroner shall give them a charge upon their oaths, to declare of the death of the person, whether he died of felony, or of mischance or accident ; and if of felony, who were principals, and who were accessaries, with what instrument he was struck or wounded, and so of all prevailing circumstances which may come by presumption ; and if by mischance or accident, whether by the act of man, and whether by hurt, fall, stroke, drowning or otherwise : To inquire of the persons who were present, the finders of the body, his relations and neighbours, whether he was killed in the same place where he was found, and if elsewhere, by whom, and how he was brought from thence ; and of all circumstances relating to the said death : And if he died of his own felony, then to inquire of the manner, means or instrument, and of all circumstances concerning it. And the jury being charged shall stand together, and proclamation shall be made for any person that can give evidence, to draw near and that they shall be heard. And every Coroner is further impowered to send out his warrant for witnesses, commanding them to come before him to be examined, and to declare their knowledge concerning the matter in question, and he shall administer an oath to them in form following :

You solemnly swear, that the evidence which you shall give to this inquest, concerning the death of *A. B.* here Witnesses' oath.

lying dead, shall be the truth, the whole truth, and nothing but the truth. *So help you God.*

Witnesses to be  
recognized.

\* The evidence of such witnesses shall be in writing subscribed by them: And if they relate to the trial of any person concerned in the death, then shall the Coroner bind such witnesses by recognizance in a reasonable sum, for their personal appearance at the next Supreme Judicial Court, to be holden within or for the same county, there to give evidence accordingly, and commit to the common goal of the county such witness or witnesses as shall refuse to recognize as aforesaid, and shall return to the same Court the inquisition, written evidence, and recognizance by him taken. And the jury having viewed the body, heard the evidence, and made all the inquiry within their power, they shall draw up and deliver unto the Coroner their verdict upon the death under consideration, in writing, under their hands and seals, in form following:

Inquisition.

*Suffolk.* ss.: An inquisition taken at *B*—within the said county of *S*—, the            day of           , in the year of our Lord           , before *W. G.* Gentleman, one of the Coroners of the said county of *S*—, upon the view of the body of *A. B.* there lying dead, by the oaths of            yeomen, good and lawful men, who being charged and sworn to enquire for the Commonwealth, when, how, and by what means the said *A. B.* came to his death, upon their oaths do say

[*Then insert how, when, and by what means, with what instrument he was killed, and if it appears that he hath been murdered by a person known, then the inquisition shall be concluded in this form:*] viz.:

And so the jurors aforesaid, upon their oaths aforesaid, do say, that the aforesaid *A. B.* in manner and form aforesaid, then and there of his malice aforethought, did kill and murder, against the peace and dignity of the Commonwealth, and the laws of the same.

[*If it appears to be self murder, then shall the inquisition be concluded thus:*]

And so the jurors aforesaid, thus upon their oaths aforesaid, do say, that the said *A. B.* in manner and form aforesaid, then and there voluntarily and feloniously

as a felon of himself, did kill and murder himself, against the peace.

[*And if it appears that the death was by misfortune*]

And so the Jurors aforesaid, upon their oaths say, that the said *A. B.* in manner aforesaid, came to his death by misfortune.

[*If innocently by the hands of any person*]

The Jurors upon their oaths aforesaid do say, that the aforesaid *D. R.* the aforesaid *A. B.* by misfortune, and against and contrary to the will of him the said *D. R.* in manner and form aforesaid, did kill and slay. In witness whereof the said Coroner and Jurors to this inquisition have set their hands and seals, the day and year above-said.

And upon an inquisition found before any Coroner of the death of any person, by the felony or misfortune of another, he shall speedily inform one or more of the Justices of the same county thereof, to the intent that the person killing or being any way instrumental to the death, may be apprehended, examined, and secured in order for trial.

Upon an inquisition found, the Coroner to inform one or more Justices thereof.

March 12, 1784.

## 1783. — Chapter 44.

[January Session, ch. 21.]

AN ACT DEFINING THE GENERAL POWERS AND DUTIES, AND REGULATING THE OFFICE OF SHERIFFS.

Chap. 44

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Sheriff of each county in this Commonwealth shall have power, and it shall be his duty, and the duty of each of his Deputies, to serve and execute within his county, all writs and precepts to him or them directed and committed, issued from good and lawful authority; and the Sheriff of each county shall have the custody, rule, and charge of the goal or goals therein, and of all prisoners within such goal or goals, and shall keep the same himself personally, or by his Deputy, for whom he shall be answerable; and every Sheriff shall give sufficient security at the discretion of the Court of Common Pleas, in his county, unto the Treasurer of the Commonwealth, for his faithful performance of the duties of his office, and

Sheriffs to have the custody of the goals.

To give security.

to answer the malfeasance and misfeasance of all his Deputies; and if any Sheriff shall neglect to give such security at the Court of Common Pleas which shall be held in his county, next after his being commissioned, all services done by him afterwards, and before he shall give such security, shall be null and void.

*And be it further enacted by the authority aforesaid,* That the Clerk of the Supreme Judicial Court, and each Clerk of the Peace, shall, within fifty days after the end of their Courts respectively, return into the office of the Treasurer of the State, a certificate of all fines, amerciaments, issues, and forfeitures arising or imposed to the use of the Commonwealth, by their respective Courts, on penalty of twenty pounds for each and every neglect, to be disposed of as follows, *viz.*: the one moiety to him or them who shall sue for the same, and the other moiety to the benefit of this Commonwealth. And the Attorney General, as well as such persons as may from time to time be appointed by the Courts of General Sessions of the Peace within their respective counties, be, and hereby are especially directed and enjoined to give information of, and prosecute for the recovery of all such fines and forfeitures as may be incurred by the Clerks aforesaid, in consequence of their breach of this act: And the said Clerks shall respectively return a like certificate into the Secretary's office, that the General Court may thereby be enabled to settle with the Treasurer; and each Clerk of the Peace shall certify to the Treasurer of his county, the fines arising to the county from time to time, from convictions in the Court of General Sessions of the Peace. And the Supreme Judicial Court, and the Court of General Sessions of the Peace, shall audit and settle the Sheriff's accounts for such fines as shall have been by them imposed, and for forfeitures arising in them respectively, and thereupon grant the Sheriff a full discharge.

*And be it further enacted,* That no Sheriff or Deputy Sheriff shall be suffered to appear in any Court, or before any Justice of the Peace, as attorney to, or in behalf of, or as-isting, or advising to any party in a suit, nor shall any Sheriff or his Deputy be allowed to draw, make or fill up any plaint, declaration, writ or process, or to draw or make any plea for any other person; but all such acts done by either of them shall be void. And if any Sheriff or his Deputy shall unreasonably neglect or refuse to pay

A certificate of all fines, &c. to be returned to the Treasurer.

Penalty for neglect.

Fines how to be recovered.

No sheriff to appear as an attorney.

to any person, any money received by him upon execution to the use of such person, upon demand thereof being made, he shall forfeit and pay to such person five times the lawful interest of such money, so long as he shall so unreasonably detain the same after such demand is made.

Penalty for detaining money.

*And be it further enacted by the authority aforesaid,* That no sheriff shall have his body arrested upon mesne process, or upon an execution awarded upon a judgment consequent upon a civil action, and that when judgment shall be rendered against any person holding the office of Sheriff, either in his official or private capacity, for any sum of money, the execution thereof shall be issued against his goods, chattels, and lands, but not against his body; and if any execution issued against the goods, chattels, or lands of a person who holds the office of Sheriff, shall be returned not satisfied, the creditor may file before the Governor and Council an attested copy of such execution and return, and also serve such Sheriff with a copy of such copy filed, attested by the Secretary, together with notice under the hand of the Secretary, of the day of filing such copy. And if such Sheriff shall not, within forty days next after his being served with such copy and notice, pay the creditor the full of his debt, together with reasonable costs of the copies and notifications aforesaid, the Governor, with the advice of Council, shall remove such Sheriff from his office, and shall appoint some other person to the same.

Sheriffs not to have mesne bodies arrested.

Executions issued against the goods of the sheriff, returned not satisfied, the creditor to file an attested copy of the same.

And all Sheriffs, when removed from their office, as well as their Deputies, shall have power to execute all such precepts as may be in their hands at the time of their removal from office: And such Sheriff shall be held answerable for the delivery over to their respective successors, of all prisoners which may be in their custody at the time of their removal, and for that intent shall still retain the keeping of the goal or goals in their respective counties, and the prisoners therein, until their successors shall be appointed and qualified as the law directs. And when a Sheriff shall be removed from his office, the Clerk of the Court from whence executions have been issued and returned not satisfied, shall be impowered as soon as another Sheriff shall be appointed and legally qualified, to make out alias executions in common form, as well against the body as the goods, chattels, and lands of such person so removed.

Sheriffs when removed from their office, to execute certain precepts.

Sheriffs answerable for the delivery of prisoners.

March 12, 1784.

## 1783. — Chapter 45.

[January Session, ch. 22.]

**Chap. 45** AN ACT FOR ERECTING PART OF THE TOWN OF BERNARDSTON, INTO A DISTRICT BY THE NAME OF LEYDEN.

Preamble.

*Whereas the inhabitants of the said town of Bernardston have represented to this Court, the great difficulties and inconveniences they labor under in their present situation, and requested that the same may be divided:*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That that part of the said town of Bernardston, and the inhabitants thereof included within the following lines and boundaries, viz.: beginning at the north-west corner of the said town, from thence to run east ten degrees south, three miles and two hundred and eighty rods on the *New Hampshire* line (so called) to a beech tree; then south to the south line of the said town; then west on the line between the said *Bernardston* and *Greenfield* to *Green River*, (so called) which is the boundary between the said *Bernardston* and *Colerain*; then north-erly along by the said *Green River* to the northwest corner of the said *Bernardston* first mentioned; be, and hereby is, set off and erected into a separate district, by the name of *Leyden*; and that the said district be invested with all the powers, privileges and immunities, that other towns in this Commonwealth do enjoy, except that of sending a representative.*

Boundaries.

To join with Bernardston in the choice of a representative; and to pay their proportion of taxes already granted.

*Provided nevertheless, and be it further enacted, That the said district of *Leyden* shall be annexed to the said town of *Bernardston*, in the choice of a representative to represent them in the General Court of this Commonwealth, and that the said district of *Leyden* shall pay their proportion of all town, county, State, or Continental taxes, set on or granted to be raised by the said town of *Bernardston*, as if this act had not been made, and that that part set off by this act, in all future taxes that shall be assessed on the present valuation, shall pay fifteen thirty-seventh parts of the whole sum to be assessed on the said town.*

David Smead, Esq; to call a meeting.

*And be it further enacted, That *David Smead*, Esq; be, and he is hereby impowered, to issue his warrant directed to some principal inhabitant in the said district of *Leyden*, requiring him to notify and warn the inhabitants of the said district, qualified by law to vote in town affairs, to*



meet at such time and place, as shall be therein set forth, to choose all such officers as shall be necessary to manage the affairs of the said district.

*Be it further enacted*, That the Selectmen of the said town of *Bernardston* shall annually give notice to the clerk of the said district, of the time and place of holding meetings for the choice of representatives, to represent the said town and district in the General Court, fifteen days at least before the time of such choice. *March 12, 1784.*

Selectmen to give notice of meetings.

### 1783. — Chapter 46.

[January Session, ch. 47.]

#### AN ACT FOR ESTABLISHING COURTS OF PROBATE.

#### Chap. 46

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That a Court of Probate shall be held within the several counties in this Commonwealth, and there shall be in the manner the constitution directs, some able and learned person in each county within this Commonwealth, appointed or to be appointed Judge for taking the Probate of Wills, and granting administrations on the estates of persons deceased, being inhabitants of, or resident in the same county at the time of their decease; for appointing guardians to minors, idiots, and distracted persons; for examining and allowing the accounts of executors, administrators or guardians; and for such other matters and things, as the Courts of Probate within the several counties shall, by the laws of the Commonwealth, have cognizance and jurisdiction of; who shall have full power and authority to make out such process or processes, as may be needful for the discharge of the trust reposed in him; and all sheriffs, deputy sheriffs and constables, are required, duly to serve and execute all legal warrants or summons to them directed by any Judge of Probate. And contempt of authority in any cause or hearing before any Judge of Probate, shall and may be punished in like manner, as such contempt of authority in any Court of Common Pleas may, or can by law be punished.

Court of Probate to be held within the several counties.

Judge of Probate to be appointed.

Sheriffs required to serve legal warrants of any Judge of Probate.

*And be it further enacted*, That there shall be in manner as the constitution directs, a suitable person in each county within this Commonwealth, appointed or to be

Register of wills to be appointed.

appointed Register of wills, administrations, accounts, decrees, orders, determinations, and other writings which shall be made, granted, or decreed upon by the Judges of Probate of Wills, in their respective counties, which Register shall be sworn to the faithful performance of the duties of his office, and have the care, custody, and keeping of all files, papers and books, to the Probate Office belonging; and in case of the death, sickness, or necessary absence of the Register, it shall and may be lawful for the Judge of Probate to nominate and appoint some meet person to officiate as a Register, to be sworn as aforesaid, until the standing Register shall be able to attend his duty, or till a new one shall be appointed by the Governor and Council.

To be sworn.

Supreme Judicial Court to be the Supreme Court of Probate.

*Be it further enacted*, That the Supreme Judicial Court shall be the Supreme Court of Probate within this Commonwealth, who shall have the appellant jurisdiction of all matters determinable by the Judges of Probate in their respective counties; and all appeals from any order or decree of a Judge of Probate which shall be made after the passing of this act, shall be to the said Court accordingly; and that the said Supreme Court of Probate shall also have cognizance in the first instance of all matters wherein the Judge of Probate of any county is a party or interested.

An appeal allowed.

*And be it further enacted*, That any person aggrieved at any order, sentence, decree, or denial of any Judge of Probate in any county within this Commonwealth, may appeal therefrom to the Supreme Court of Probate aforesaid: *Provided*, The appeal be claimed within one month from the time of making such order, sentence, decree, or denial, and bonds be given and filed in the Probate Office by the appellant, within ten days after such appeal shall be claimed and granted, for the prosecution thereof to effect, at the next Supreme Court of Probate, and for paying all intervening costs and damages, and such costs as the Supreme Court of Probate shall tax against him. And such appeal shall be taken notice of, and proceeded upon at the term of the Supreme Judicial Court, which shall be holden next after the expiration of twenty days after such appeal shall be made, within and for the county where such order, sentence, decree, or denial was made; and the appellant shall file the reasons of appealing in the Probate Court appealed from, within ten days after the

Proviso.

Time when the appeal shall be taken notice of.

Appellant to file the reasons in the Probate Court.

security is given, and shall serve the adverse party or parties with an attested copy of such reasons, fourteen days at least before the sitting of the said Supreme Court of Probate, at which the trial is to be had. And when it shall appear from the reasons of appeal, that the sanity of the testator or the attestation of the witnesses in his presence as the law directs, is the question in controversy on any will or codicil, the said Supreme Court of Probate may, for the determination thereof, direct a real or feigned issue to be tried before a jury in the same Court at the expence of the appellant, in case the issue be found against him.

And in case the party or parties appealing, fail in the prosecution of the said appeal to effect, then the adverse party, or any person interested in the sentence or decree so appealed from, shall have the benefit of the same, by filing a complaint before the Supreme Court of Probate, in like manner as is provided by law for affirming the judgment of the Court of Common Pleas in the Supreme Judicial Court; and the Supreme Court of Probate may assess reasonable costs in all cases that may be brought before them, by way of appeal from the respective Judges of Probate, and in case the appellee or appellees shall neglect or refuse to pay the costs that may be so assessed against him or them, the appellant may bring an action of debt therefor, or prosecute the bonds given for appealing. *Provided always*, That any person beyond sea, or out of the United States, who shall have no sufficient attorney within this government at the time of such order, sentence, decree or denial, shall have one month after his or her return, or constitution of such attorney, to claim and prosecute their appeal as aforesaid.

Party appealing failing to prosecute to effect, adverse party to have the benefit of the same.

Proviso.

*Be it further enacted by the authority aforesaid*, That whenever there shall be an appeal from any order or decree of any Judge of Probate of any county within this Commonwealth, to the Supreme Court of Probate aforesaid, and the appellant shall file in the Probate Office the reasons of his appeal, and give bonds to prosecute the same with effect according to law, and shall notify the adverse party thereof, in that case all further proceedings in consequence of such order or decree, shall be stayed until a final determination shall be had thereon in the said Supreme Court of Probate.

In case of an appeal, further proceedings to cease until final determination.

March 12, 1784.

## 1783. — Chapter 47.

[January Session, ch 23.]

*Chap.* 47 AN ACT TO INCORPORATE THE SOUTH PARISH IN THE TOWN OF BOLTON, TOGETHER WITH DAVID TAYLOR, SILAS CARLEY, JOB SPAFFORD, AND JOHN BRIGHAM, INHABITANTS OF MARLBORO', WITH THEIR ESTATES, INTO A DISTRICT BY THE NAME OF BERLIN.

Preamble.

*Whereas it appears on representation to this Court, that it would be productive of public good, and to the benefit and satisfaction of the inhabitants and proprietors of the South Parish, in the town of Bolton, and the above named inhabitants of the town of Marlboro' should they be incorporated into a distinct district, and that all persons immediately concerned are agreeing thereto :*

Boundaries.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands hereafter described and included within the following boundaries, with the inhabitants thereof, be, and hereby are, incorporated into a district, by the name of Berlin, beginning at a rock, a corner between the towns of Marlboro', Northboro', and Bolton, and running on Northboro' line two miles and one half and forty four rods to a stake and stones, a corner between Lancaster and Bolton; thence northwardly on Lancaster original line, three miles and one half and sixty-two rods, to a stake and stones; thence east twenty-four degrees south, one mile and a half and forty rods to a heap of stones; thence east thirty-seven degrees south, three miles and forty rods to a heap of stones on Marlboro' town line; thence west thirty-one degrees south, on the said Marlboro' line to a stump and stones, a monument on Bolton line; thence south thirty degrees east, thirty-seven rods to a heap of stones; thence east thirty-one degrees south, twenty-one rods to a stump and stones; thence south thirty-two degrees east, forty-two rods to a heap of stones; thence south forty degrees west, forty-six rods to a black oak; thence west twenty degrees north, twenty-eight rods to a heap of stones; thence west forty-one degrees south, sixty-eight rods to a heap of stones; thence east four degrees south, thirty-six rods to a red oak by the river; thence south twenty degrees east, forty-nine rods to a heap of stones; thence twenty-two rods by a town way; thence twenty rods by the said way; thence*

angling six rods; thence south seventeen degrees west, twenty-four rods; thence south forty-four degrees east, thirteen rods to a heap of stones; thence west twenty-seven degrees south, fifty-six rods to a heap of stones; thence north eight degrees west, forty-eight rods to a heap of stones; thence west forty rods to a heap of stones; thence west thirty-five degrees south, fifty-nine rods; thence south thirty-one degrees west, sixteen rods to a red oak, a corner of *Joseph How's* land; thence south twenty-eight degrees west, eighteen rods to a white oak; thence south twenty-nine degrees west, thirty rods to a heap of stones on the east side the river; thence thirty rods on the said river to a heap of stones; thence twelve rods by the said river to a swamp oak; thence south forty degrees west, one hundred and sixteen rods to a pine stump; thence west twenty-eight degrees north, seventy-eight rods to a heap of stones; thence west thirty degrees south, twenty-eight rods to a stake and stones by *Joel Brigham's* meadow; thence north thirty degrees west, one hundred and forty-six rods to the bounds first mentioned. And the said district of *Berlin* shall be, and hereby is, invested with all the privileges and immunities of any district within this Commonwealth.

*Provided always, and be it further enacted by the authority aforesaid,* That the said district of *Berlin* shall be subjected to pay their proportionable part of all public debts owing by the town of *Bolton*, at the time of passing this act, according to the present taxable property of the town of *Bolton* and the district of *Berlin*, exclusive of that part of the said district of *Berlin*, which, before the passing this act, was part of the town of *Marlboro'*.

To pay their proportion of public debts.

*And be it further enacted by the authority aforesaid,* That the said district of *Berlin* shall be at their proportionable part of the expence of supporting the poor belonging to the said town of *Bolton*, previous to the passing this act, to be apportioned in like manner as is expressed in the foregoing proviso; and any poor which in time to come may be turned on the said town of *Bolton*, or shall be received and supported by that town, or by the said district, in which soever such poor had their local situation.

And expence of poor.

*And be it further enacted by the authority aforesaid,* That the said district of *Berlin*, shall have a good right to claim and receive one equal third part of all public stock

To receive their proportion of public stock.

of arms and ammunition, belonging, before the passing this act, to the town of *Bolton*.

To join with  
Bolton in choos-  
ing a represent-  
ative.

*And be it further enacted by the authority aforesaid,*  
That the said district of *Berlin* may join with the town of *Bolton* in the choice of a representative, which representative may be an inhabitant of the town of *Bolton*, or of the district of *Berlin*, and shall be paid by the town of *Bolton* and the district of *Berlin*, in the same proportion as they pay other public charges, and the selectmen of *Bolton* shall annually, at the usual time for issuing a warrant for notifying the voters to assemble for coming to the choice of a representative, issue their warrant directed to some constable or constables of the district of *Berlin*, to warn the voters of the said district to assemble with the said town of *Bolton* for that purpose.

Those who  
belonged to  
Marlboro' to pay  
part taxes to  
said town.

*And be it further enacted by the authority aforesaid,*  
That the inhabitants and proprietors of land, which, before the enacting hereof, belonged to that part of the district of *Berlin*, which was part of the town of *Marlboro'* shall be holden to pay all taxes already assessed on them by the town of *Marlboro'* any thing in this act to the contrary notwithstanding.

Samuel Baker,  
Esq; to call a  
meeting.

*And be it further enacted by the authority aforesaid,*  
That *Samuel Baker*, Esq; is hereby authorized to issue his warrant directed to some principal inhabitant of the district of *Berlin*, requiring him to notify the inhabitants of the said district, qualified by law to vote in town affairs, to assemble at such time and place as he therein shall direct, to choose all such officers as districts within this Commonwealth are directed and required by law to choose in the month of *March* annually; and the said district of *Berlin* shall be considered as belonging to the county of *Worcester*, and the easterly boundaries thereof shall be the boundaries between the counties of *Middlesex* and *Worcester*.

*March 16, 1784.*

## 1783. — Chapter 48.

[January Session, ch. 24.]

*Chap. 48* AN ACT FOR INCORPORATING A NUMBER OF THE INHABITANTS OF THE FIRST PARISH IN MENDON, IN THE COUNTY OF WORCESTER, INTO A SOCIETY IN THE NAME OF THE FIRST CONGREGATIONAL SOCIETY IN MENDON.

Preamble.

*Whereas a number of the inhabitants of the first parish in Mendon, in the said county hereinafter named,*

have petitioned this Court, setting forth, that they have raised by subscriptions the sum of thirteen hundred and twenty-four pounds, for the purpose of laying a fund, the annual interest of which, or so much thereof as may be necessary, to be appropriated for the support of a learned Protestant Congregational Minister, for the benefit of the congregational church in the said parish, as also for the benefit of the said petitioners, their heirs and successors, being inhabitants of the said parish, of the same denomination and religious persuasion, forever; and praying amongst other things, that this Court would incorporate them into a society, by the name of *The First Congregational Society in Mendon* :

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said petitioners, namely, *Joseph Dorr, Peter Peanniman, John Tyler, Henry Penniman, John Albee, John Penniman, Zebulon Goss, William Thayer, jun. Increase Thayer, Calvin Smith, Josiah Adams, Samuel Fairbanks, Stephen Torrey, Abraham Staples, Jacob Ellis, Andrew Peters, Hezekiah Hayward, John Hayward, Levi Rawson, William Torrey, Joseph Adams, John Hayward, jun. Philip Ammidon, Otis Whipple, Josiah Adams, jun. Seth Wheelock, John Crooks, Josiah Penniman, Saul Ramsdell, Moses Smith, Calvin Smith, jun. Peter Thayer, jun. Aquilla Robbins, Mathew Hill, Alexander Thayer, Stephen Wood, Grindal Wood, David Ellis, Barlow Carpenter, Oliver Carpenter, Thomas Rawson, Nathaniel Torrey, Stephen Johnson, Seth Davenport, Samuel Fairbanks, jun. Elijah Hayward, George Staples, John Craggin, Seth Taft, Artemas Taft, John Torrey, Benjamin Staples, Jacob Aldrich, jun. and John Hill*; together with their estates which they now have, or may hereafter have and possess in their own right in the said first parish in *Mendon*, be, and hereby are incorporated into a society, by the name of *The First Congregational Society in Mendon*.

And be it further enacted by the authority aforesaid, That any person or persons being inhabitants of the said first parish in *Mendon*, who shall hereafter subscribe or contribute to the said fund, shall have liberty to join himself or themselves to the said society : And upon any person or persons subscribing as aforesaid any valuable sum, and giving proper and satisfactory security for the same,

Joseph Dorr,  
Esq; and others,  
incorporated.

Qualification of  
persons to be  
admitted.

to the Trustees hereinafter named, or to their successors in trust; then the said Trustees or their successors shall forthwith transmit a certificate to the Secretary of this Commonwealth, signifying the desire of the person or persons subscribing as aforesaid, to become members of the said society, upon which such person or persons shall become incorporated with the said society, and be entitled to all the privileges that the aforesaid petitioners are entitled to by virtue of this act. *Provided nevertheless*, That the said petitioners, and all persons who shall hereafter become incorporated with the said society, shall be held to pay all arrears of taxes legally assessed on them by the said parish before their incorporation.

Proviso.

Interest of money subscribed, to be applied to supporting a minister.

*And be it further enacted by the authority aforesaid*, That the income or annual interest of the sum already subscribed, or that may hereafter be subscribed to the said fund, or so much thereof as may be necessary, shall be appropriated to the support of a learned Protestant Congregational Minister, for the benefit of the said church, and for the benefit of the aforesaid petitioners, their heirs and successors, being of the same religious persuasion or denomination, and inhabitants within the said parish, forever.

Trustees empowered to receive subscriptions, &c.

*And be it further enacted by the authority aforesaid*, That *Peter Penniman, John Tyler, and Henry Penniman*, the present committee or Trustees of the said society, and their successors in the said trust, be, and hereby are, invested with sufficient power to receive all such subscriptions, donations, securities, and monies now in the hands of the said society, and also all such grants, appropriations, and donations, either real or personal, that have been made, or that shall hereafter be made for the purpose aforesaid. *Provided*, the whole sum do not exceed the sum of three thousand pounds; and the said Trustees or their successors in the said trust, are hereby authorized and directed to put the same out to interest on good securities at lawful interest, for the purpose aforesaid.

Proviso.

Proviso.

*Provided nevertheless*, That the said petitioners be allowed to pay in present money, or give their own securities on lawful interest to the said Trustees or their successors in the said trust, as shall be most convenient; and also the said petitioners shall be allowed either to pay in specie or consolidated securities of this Commonwealth, at their option, such only excepted as have subscribed, or may hereafter subscribe specially to pay in specie.



*And be it further enacted by the authority aforesaid,* That all bonds, mortgages, or other lawful securities, made to the said *Peter Penniman, John Tyler, and Henry Penniman,* and their successors in the said trust, are hereby declared good and valid; and the said Trustees and their successors may sue and be sued, and are hereby fully authorized, by themselves or by their agents or attorneys, to appear, plead and defend in any action or suit brought by or against them in their said capacity, and the same to prosecute to final judgment and execution, in any Court within this Commonwealth proper to try and determine the same.

Trustees to sue and be sued, &c.

*And be it further enacted by the authority aforesaid,* That the annual interest arising from the said fund, or so much thereof as the said society may direct, shall be, by the said Trustees and successors, paid to a minister of the Congregational church, resident and officiating in the work of the ministry in the said society, forever.

Annual interest of the fund to be paid to the resident minister.

*And whereas the said town of Mendon, in a public town meeting on the tenth day of November, 1783, did by vote give their full consent that the meeting house in the said first parish in Mendon, together with the ground properly appertaining thereto, might be granted to the said society and church in the said parish, reserving liberty to all and every of the inhabitants of the said parish, to meet in the said meeting house for public worship with the said society; and also reserving liberty to the said inhabitants of the town, to meet in the said meeting house on all other necessary occasions, forever. And whereas the said first parish did on the same tenth day of November, one thousand seven hundred and eighty-three, in parish meeting assembled, vote their consent in favour of the said grant, in the same manner and form as the said town of Mendon had done: Therefore,*

*Be it further enacted by the authority aforesaid,* That the meeting house in the said first parish in *Mendon,* together with the ground properly appertaining thereto, be, and is, hereby confirmed to the said church and society forever. *Provided nevertheless,* That all and every of the inhabitants of the said parish shall have liberty to meet in the said meeting house for public worship, with the said society, forever: and also the inhabitants of the said town of *Mendon* shall have liberty to meet in the said meeting house, on all other necessary occasions, forever.

Grant to the meeting house, confirmed to the society.

Proviso.

Ministry money granted to the society.

*And be it further enacted by the authority aforesaid,* That the ministry money (so called) belonging to the said parish, be, and hereby is, granted to the said society; and the annual interest arising therefrom shall be applied toward the support of the minister as aforesaid, forever.

Surplus money to be appropriated for building or repairing a meeting house.

*And be it further enacted by the authority aforesaid,* That if at any time hereafter it shall so happen that there shall be no settled minister in the said church and society for any length of time, and by that means or otherwise, the annual income of the said fund, grants, appropriations, donations, or subscriptions shall amount to a greater sum than shall be sufficient to defray the expence of supplying the said church and society with preaching, in such case the said Trustees and their successors as aforesaid, be, and hereby are, directed and empowered, to put such overplus monies to interest, on lawful interest, on new and good securities, for the purpose of building or repairing a meeting house for the benefit and use of the said church and society, and for other necessary uses as aforesaid, forever.

Or supporting a school.

*And be it further enacted by the authority aforesaid,* That if there shall remain any sum of money arising by the interest of the said fund, over and above what shall be sufficient to answer the purposes aforesaid, in such case the said Trustees and their successors in the said trust, be, and hereby are, authorized and directed, to appropriate and apply the said surplus for the support of a school for the benefit of the said society, and in such manner as the said society shall direct.

Trustees to call a meeting yearly to choose Trustees, &c.

*And be it further enacted by the authority aforesaid,* That the said Trustees and their successors in the said trust, be, and hereby are, authorized and directed to call a meeting of the said society, yearly and every year, on the third Wednesday of *March*, annually, by a notification from under the hands of the said Trustees, or their successors, or a major part of them, to choose Trustees, and transact any necessary business that respects the policy of the said society; the articles to be acted upon to be inserted in the said notification, and posted up at the meeting house of the said society in the said parish, at least seven days before the said meeting.

The society vested with the powers of parishes, in case.

*And be it further enacted by the authority aforesaid,* That if at any time hereafter it shall be by the said society found necessary, to have a special meeting called for any purpose whatever, and a notification therefor cannot be obtained from their said Trustees or successors, in manner

aforesaid, in that case the said society hereby are invested with the same powers and privileges, that precincts or parishes within this Commonwealth do or may by law enjoy.

*And be it further enacted by the authority aforesaid,* That the said Trustees and their successors shall be accountable to the said society, and may by them, for any misdemeanor in their said office and trust aforesaid, be removed from the said trust, in which case, and also in case of death or other removal of any one or more of the said Trustees, others may be appointed in their stead at a special meeting called for that purpose.

Trustees to be accountable.

March 16, 1784.

### 1783.—Chapter 49.

[January Session, ch. 25.]

AN ACT FOR APPOINTING SPECIAL JUSTICES OF THE COURTS OF COMMON PLEAS. *Chap. 49*

*Whereas by an act made and passed in the year of our Lord, one thousand seven hundred and eighty-two, intituled, "An act establishing Courts of Common Pleas", it is provided and enacted, that there shall be held and kept within each county of this Commonwealth, at the times and places by law appointed, a Court of Common Pleas, by four substantial, discreet and learned persons, each one of whom to be an inhabitant of the county wherein he is appointed; but no provision is made for the appointment of special Justices to sit in and hold the said Court, when any of the standing Justices thereof shall be interested, or necessarily absent:*

Preamble.

*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 from time to time be a suitable number of Special Justices of the Courts of Common Pleas, appointed by the Governor, with the advice and consent of Council, as the constitution directs, each one of whom to be an inhabitant of the county for which he may be appointed; and when it shall so happen that so many, not exceeding two, of the standing Justices of the Court of Common Pleas shall be absent at the time appointed by law for holding the said Court, or at any adjournment of the same in any county, so that there cannot be a quorum of the standing Justices of the same

Governor, with advice of Council, to appoint Special Justices.

Senior Special Justice to sit with two standing Justices.

Court to proceed to business, then and in such case the senior Special Justice of the said county present, shall sit in the room of one of those absent, with the two of the standing Justices present, and shall have all the powers and authorities in such case, as a standing Justice hath by the laws of the State.

His powers.

Writ to bear test of his name, when all the standing Justices shall be parties.

The three senior Special Justices to sit when all the Justices are interested.

And so many of them as shall make a quorum where only a part of the standing Justices are interested.

*And be it further enacted,* That when all the standing Justices of the Court of Common Pleas within any county, shall be parties in a cause at the time of bringing the suit, the writ shall bear test of the name of the senior Special Justice of the county; and when all the said standing Justices shall be interested in the event of any suit brought in the Court whereof they are Justices, and thereby shall be rendered unsuitable to sit and give judgment in such suit, then the three senior Special Justices present, who shall not be interested in the event of each suit, shall take the seat of Justice, and have all the power and authority in such suit as the standing Justices have in any other case; and when such cause shall be decided, the standing Justices shall reassume their seat, and proceed to the other business of the county, without any formalities of opening the Court anew. And when so many of the standing Justices of the Court of Common Pleas in any county, shall be interested in the event of any suit, or related to any person interested therein, and thereby shall be rendered unsuitable to sit and give judgment in such suit, then in such cases so many of the senior Special Justices present, as may be necessary to make a quorum of the said Court, shall take the seat of Justice, and with him or them who are not interested in such suit, or related to any person interested therein, shall proceed to try the cause whereon such suit is brought, and give judgment in the same manner as the Court of Common Pleas are authorized to do in other suits.

*March 16, 1784.*

### 1783. — Chapter 50.

[January Session, ch. 26.]

*Chap. 50* AN ACT IN ADDITION TO THE ACT PROVIDING FOR THE PAYMENT OF COSTS IN CRIMINAL SUITS.

Preamble.

*Whereas in the said act, no provision is made for the payment of costs, when the party or parties prosecuted, decease before the time of trial, or shall depart in contempt*

*of the Court, before trial or sentence, notwithstanding by such departure the party charged hath incurred or may incur a forfeiture of his recognizance:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That when any person charged on a criminal prosecution in the Supreme Judicial Court, or in any Court of General Sessions of the Peace in any county within this Commonwealth, hath deceased, or shall decease before the time of trial or sentence; or has departed or shall depart in contempt of the Court, and thereby avoid trial or sentence; or the Attorney General or other person prosecuting in the name and behalf of the Commonwealth, hath discontinued, or shall with the advice of the Court discontinue the prosecution; in every such case the Court may tax costs for the witnesses and others necessarily concerned in such prosecution, as the case shall appear to require, not exceeding the fees that are or may by law be stated, to be paid in the same manner the costs mentioned in the said act are directed to be paid.*

*March 16, 1784.*

When any person under prosecution shall die, or depart in contempt of the Court, or the prosecution be discontinued, the Court may tax legal costs for witnesses and others.

### 1783. — Chapter 51.

[January Session, ch. 27.]

AN ACT VESTING CERTAIN POWERS IN JUSTICES OF THE PEACE  
IN CRIMINAL CASES.

*Chap. 51*

*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 within the power, and be the duty of every Justice of the Peace within his county, to punish by such fine as is by the statute law of the Commonwealth provided, all assaults and batteries that are not of a high and aggravated nature, and to cause to be stayed and arrested all affrayers, rioters, disturbers and breakers of the peace, and to bind them by recognizance to appear at the next Supreme Judicial Court or Court of General Sessions of the Peace, to be held within or for the same county, at the discretion of the Justice; and also to require such persons to find sureties for their keeping the peace, and being of good behaviour until the sitting of the Court they are to appear before, and to commit such persons as shall refuse so to recognize and find such surety or sureties. And the Justices of the Peace shall*

Duty of Justices of the Peace.

examine into all homicides, murders, treasons and felonies, done and committed in their counties, and commit to prison all persons guilty or suspected to be guilty of manslaughter, murder, treason or other capital offence. And to hold to bail all persons guilty or suspected to be guilty of lesser offences which are not cognizable by a Justice of the Peace, and require sureties for the good behaviour of dangerous and disorderly persons; and shall take cognizance of, or examine into all other crimes, matters and offences, which by particular laws are put within their jurisdiction.

Justices to grant subpoenas for witnesses.

*And it is also enacted by the authority aforesaid,* That Justices of the Peace within their respective counties, be, and they are, hereby authorized and impowered, to grant *subpoenas* for witnesses in all criminal causes pending before the Supreme Judicial Court and Court of General Sessions of the Peace, and before themselves or any other Justice. And all Sheriffs, Constables and other Officers, are directed and impowered to serve any warrant issuing from a Justice of the Peace; and each Justice shall have authority to command the assistance of every Sheriff, Deputy Sheriff, Constable, and all other persons present at any affray, riot, assault or battery, and may fine any person refusing such assistance, in a sum not exceeding forty shillings, to be disposed of for the use of the town where the offence shall be committed, and levied by warrant of distress on the offender's goods and chattels, and for want thereof, on his body.

Persons aggrieved allowed an appeal from the sentence of any Justice to the Court of Sessions.

*And be it further enacted by the authority aforesaid,* That any person aggrieved at the sentence given against him by any Justice of the Peace, may appeal therefrom to the next Court of General Sessions of the Peace, to be held within the same county, and shall, before his appeal is granted, recognize to the Commonwealth in such reasonable sum, not less than five pounds, as the Justice shall order, with sufficient surety or sureties for his prosecuting his appeal, and shall be held to produce the copy of the whole process, and of all writings filed before the Justice at the Court appealed to. And if he shall not there prosecute his appeal, and produce the copies as aforesaid, the Court shall order his default to be noted upon their record, and shall certify the same recognizance with the record of the default in the performance of the condition thereof, to the Court of Common Pleas, to the

Persons failing to prosecute their appeal, how to be proceeded against.

intent that a *scire facias* may be thereupon issued for the recovery of the penalty. And the said Court of General Sessions of the Peace, may order the same case to be laid before the Grand Jury, or may issue an attachment against the body of such appellant, and cause him thereby to be brought before them, and when he is so in Court, shall affirm the sentence of the Justice against him with all additional costs.

*And be it further enacted*, That the Justices of the Peace shall account annually with the Treasurer of the Commonwealth, the Treasurer of their respective counties, and the town Treasurer, as the case may be, for all fines by them received or imposed, upon pain of forfeiting the sum of ten pounds, to be sued for and recovered by the Treasurer of the Commonwealth, the county or town Treasurer for the time being, to which the said fines may respectively belong.

Justices of the Peace to account annually for all fines received.

March 16, 1784.

## 1783. — Chapter 52.

[January Session, ch. 28.]

AN ACT TO PREVENT COPARCENERS, JOINT TENANTS, AND TENANTS IN COMMON, FROM COMMITTING WASTE, AND FOR MAKING PARTITION OF THEIR INTEREST, AND FOR ABOLISHING THE PRINCIPLE OF SURVIVORSHIP IN JOINT TENANCY.

Chap. 52

*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 being a Tenant in Common of any lands, shall cut down, destroy, or carry away any trees, wood or underwood whatsoever, standing or laying on such lands, or make any other strip or waste thereon, without first giving notice in writing under his or their hands, unto all the persons interested therein, or to their agents, factors or attorneys, forty days beforehand, setting forth, that he or they have occasion for, and shall enter upon and improve such lot or lots of land lying in common as aforesaid, shall forfeit and pay the sum of forty shillings for every tree measuring one foot diameter at the distance of two feet from the ground; and for all trees of greater dimensions, three times the value thereof, besides forty shillings as aforesaid; and twenty shillings for every tree or pole under the dimensions of one foot diameter; and for other wood or underwood, treble the value thereof; and treble damage for other strip or waste; the said for-

Tenants in Common not to commit strip or waste on forfeiture.

Forfeitures,  
how to be  
recovered.

feiture to be recovered by any one or more of the persons interested, who shall prosecute and sue for the same in an action of trespass in his or their own names, as well on the behalf of the other Tenants in Common, as of him or themselves, (who are hereby authorized and impowered so to do) one moiety of the aforesaid penalty to be for the use of such person or persons who shall sue for the same, and the other moiety to and for the use of the rest of the Tenants in Common aforesaid.

Coparceners,  
Joint Tenants,  
&c. may be  
compelled to a  
division by  
writ of parti-  
tion.

*And be it further enacted by the authority aforesaid,* That all persons having or holding, or that hereafter shall have or hold any lands, tenements or hereditaments, as Coparceners, Joint Tenants, or Tenants in Common, may be compelled by writ of partition at the common law to divide the same; and when any writ shall be brought and served at the suit of any one or more persons interested in any lot or lots of land, tenements or hereditaments, held in common or undivided, or a petition shall be pending in the Supreme Judicial Court for a division and partition of the same; no person or persons whatsoever having a right to, or interest in, any such lands, tenements or hereditaments, or holding any part or share of the same in common as aforesaid, (whilst such suit or petition is depending) shall or may cut down, destroy, or carry away any trees, timber, wood or underwood whatsoever, standing, growing, or lying on such lands, or shall otherwise hurt or damnify any such lands, tenements or hereditaments, until partition can be made of the same according to law, on pain that every person or persons so offending, shall incur the like forfeitures and penalties as are before in this act mentioned, to be recovered in like manner as before named, and for such uses as are before mentioned and declared.

No person  
interested, to cut  
trees, &c. after  
the service of  
such writ, on  
penalty.

And to prevent any doubts hereafter, respecting the manner heirs are to prosecute in the courts of law, for possession of inheritances descended to them from a common ancestor:

Heirs may bring  
real actions  
jointly or  
severally.

*Be it further enacted,* That in actions of waste, ejectment or other real actions, where possession of the inheritance alleged to have descended, is the object of the suit, they may all or any two or more of them join, or each one may prosecute for his particular share, any law, usage, or custom to the contrary notwithstanding.

*And whereas the principle of survivorship established by*



*the rules of the common law, in cases where lands or other real estate are, or may be held in Joint Tenancy, has been found by experience to work great injustice in various instances: And whereas the reasons upon which the said principle was originally founded, have long ceased to exist:*

*It is therefore further enacted,* That the said principle of survivorship shall no longer be in force in this Commonwealth, and all devises of lands, or other real estate that may hereafter be made, in manner prescribed by law by any Joint Tenant, shall have all the force and effect of devises duly and legally made and executed by any Tenant or Tenants who may hold lands or other real estate in severalty.

Principles of survivorship in cases of Joint Tenancy abolished.  
In devises.

*And it is further enacted,* That where no disposition shall be made of any real estate held in Joint Tenancy in the life time of the Tenant, the same shall descend to his or their legal representative or representatives, in the same manner as real estates held in severalty do or may by law descend.

In descents.

March 16, 1784.

### 1783. — Chapter 53.

[January Session, ch. 29.]

AN ACT TO PREVENT FRAUDS ON THE MASSACHUSETTS BANK.

Chap. 53

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That if any president, director, officer, or servant of the *Massachusetts Bank*, shall Secrete, Embezzle, or Convert to his own use, any Note, Bill, Obligation, Security, Money, or Effects, belonging to the said bank, or deposited there by any other person, every person so offending and being thereof convicted before the Supreme Judicial Court, shall be set upon the gallows with a rope about his neck, or be set in and upon the pillory, for the space of two hours, shall forfeit all his personal estate and the issues and profits of his real estate during life, to the use of the Commonwealth, (after deducting such sum as shall indemnify the Bank for the loss they may have sustained by means of the said fraud) and shall ever after be rendered infamous and incapable of sustaining any office either civil or military.

Officers of the bank embezzling any money, &c.; their punishment.

*And be it enacted by the authority aforesaid,* That if any person shall Forge, Counterfeit, or Alter any Bill, Note, or Obligation, made, signed, or given for or in the

Persons who shall counterfeit any bank note, &c.; their punishment.

name of the president, directors, cashier, or other person in behalf of the said Bank, or shall Forge, Counterfeit, or Alter any indorsement on such Bill, Note, or Obligation, or shall Forge, Alter, or Counterfeit any Order or Check drawn by any person on the said president, directors, or cashier; every person so offending, and being thereof convicted before the Supreme Judicial Court, shall suffer the pains, penalties, forfeitures, and disabilities as aforesaid, and shall be subjected to hard labor within this Commonwealth, during the term of seven years; to be disposed of by the directors of the said Bank, in such manner and under such confinement as they shall direct, for the use and benefit of the said Bank.

Persons who shall knowingly pass counterfeit bank notes, &c.; their punishment.

*And be it enacted by the authority aforesaid,* That if any person shall utter, pass, tender in payment, or offer to pass any Forged, Altered, or Counterfeited Bill, Note, or Obligation, made, signed, or given in the name of the said president, directors, cashier or other person, in behalf of the said Bank, or any order or check drawn by any person on the said president, directors, or cashier, knowing such Bill, Note, Obligation, or Check to be so forged, altered, or counterfeited; every person so offending, and being convicted as aforesaid, shall suffer the pains, penalties, forfeitures, and disabilities as aforesaid, and shall be subjected to hard labor in manner and for the purpose as aforesaid.

Persons who shall counterfeit instruments to convey shares of bank stock; their punishment.

*And be it enacted by the authority aforesaid,* That if any person shall Forge, Alter, or Counterfeit any Letter of Attorney, Order or other Instrument, to transfer or convey any share or shares of stock in the said Bank, or to receive the same or any dividend or part thereof, or shall knowingly and fraudulently demand to have such share or shares, dividend, or any parts thereof, transferred, conveyed, or received by virtue of such Forged, Altered, or Counterfeited Letter of Attorney, Order or other Instrument, or shall falsely and deceitfully personate any true and lawful proprietor or proprietors of any share or shares of stock or dividend, or money, or other property deposited in the said Bank; thereby transferring or endeavouring to transfer the said stock, dividend, money, or other property, or receiving or endeavouring to receive the said stock, dividend, money, or other property, in every such case the person so offending and being thereof convicted as aforesaid, shall suffer the pains, penalties, forfeitures,

and disabilities as aforesaid, and shall be subjected to hard labor in manner and for the purpose as aforesaid.

March 16, 1784.

### 1783. — Chapter 54.

[January Session, ch. 30.]

AN ACT IN ADDITION TO AN ACT, INTITLED, "AN ACT FOR THE ADMEASUREMENT OF BOARDS, AND REGULATING THE TALE OF SHINGLES, CLAPBOARDS, HOOPS AND STAVES, AND FOR OTHER PURPOSES THEREIN MENTIONED."

Chap. 54

*Whereas it is the wisdom of every commercial country to prevent an abuse in the manufacture of those articles intended for exportation, in such a manner as that they may preserve their credit with foreigners, and thereby render their exports as permanent and beneficial as possible: And whereas the above mentioned act does not sufficiently provide for carrying the good intentions thereof into effect:*

Preamble.

*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 January next, wherever the restriction upon the shipping of any kind of Lumber is mentioned in any of the clauses of the before recited act, to or for any foreign market, or beyond sea; the same shall be considered and understood to extend to any port or place not within this Commonwealth, and that, previous to any Naval Officer's clearing out any vessel with Lumber to any port or place not within this Commonwealth, the like certificate of such Staves, Hoops, Clapboards and Shingles, having been culled or surveyed shall be produced, and the same oath administered, as is required to be produced and administered by the aforesaid act for the exportation of lumber to a foreign market.*

Any port or place not within this Commonwealth, to be considered as a foreign market, as to the restrictions on shipping of lumber.

*And be it further enacted by the authority aforesaid, That from and after the first day of January next, (in addition to the penalty of twelve shillings per thousand, as mentioned in the said act for the shipping of Lumber otherwise than is therein prescribed, to be reckoned by feet or tale according as the articles are usually sold) whenever it shall appear that any of the kinds of Lumber mentioned in the said act have been exported in any vessels whatever out of this Commonwealth, to any port or place*

Additional penalty for exporting Lumber not being first surveyed.

not within the same, unless the said Lumber has been first culled or surveyed agreeable to the said act; the master or owner of such vessel shall, for the first offence, forfeit and pay the sum of fifty pounds, and for the second offence the vessel so carrying the said Lumber as aforesaid, being afterwards found in any part of this Commonwealth, shall be forfeited, to be recovered and applied in like manner as is provided by the said act, for recovering and applying the penalty of twelve shillings per thousand as aforesaid.

*And whereas some persons from consulting their private convenience, in preference to the commercial benefit of the public, may endeavour to evade the good intentions of the before recited act, by clearing out or exporting the kinds of Lumber mentioned therein, without the same being culled or surveyed agreeable to the said act, by calling it by some other name than what it is usually known by:*

*Be it therefore enacted by the authority aforesaid, That from and after the first day of January next, no Naval Officer, in any case whatever, shall presume to clear any vessel for any port or place not within this Commonwealth, that may have any Lumber of the kind on board, mentioned in the before recited act, under the specious pretence of its being Chips, Wood, or Refuse Lumber, or by whatever name it may be called, otherwise than what it is usually known by; and if it can be made to appear that any Naval Officer shall knowingly clear any vessel with Lumber on board, of the kind as mentioned in the aforesaid act, to or for any port or place not within this Commonwealth, without a certificate being produced previous to his clearing the said vessel, of the said Lumber's being culled or surveyed agreeable to the said act, or shall clear the same under any other name whatever; the said Naval Officer for such neglect of duty, shall forfeit and pay for every such offence, one hundred pounds, to be disposed of, one half to the poor of the town where such offence is committed, and the other half to the Surveyor, or any other person who shall sue for the same; which they are hereby enabled to do by action, bill, plaint, or information, in any Court proper to try the same. And on information's being given to the said Naval Officer, by any two or more credible witnesses (upon oath if thereto required) of such vessel's having such Lumber on board, previous to his clearing the same; such information so*

Naval Officer not to clear any vessel loaded with Lumber mentioned in a former act, under pretence of its being Chips, &c.

Nor without a certificate of its being surveyed.

On penalty.

given to the said Naval Officer, shall be deemed his having sufficient knowledge of the same.

*And be it further enacted*, That when any Naval Officer shall connive at any breach of this or the before recited act, or when information is properly given to him, with sufficient evidence of any violation thereof, and he neglects to inquire into and prosecute the same as his duty requires, upon proof being exhibited of such neglect, before the Court of General Sessions of the Peace, for the county where the said officer may reside; shall, if convicted of the said neglect before the said Court, be adjudged by the said Court as incapacitated from any further exercise of his office. And in case of the removal of such officer for such neglect, the Naval Officer of the port nearest the place from whence the said officer may be removed, shall do and exercise all the duties of the said office until another may be appointed in his stead.

Penalty for a Naval Officer's conniving at any breach of the case.

*Be it further enacted by the authority aforesaid*, That a proper allowance shall be made for the drying and shrinking of Pine Boards, and that such as shall be seven-eighths of an inch thick after being fully seasoned, or in the same proportion as to thickness, being partly seasoned, and that any Shingles being four inches in width on an average shall be accounted merchantable, and may be sold here as such, or shipped or exported to any market. *Provided*, That such Boards and Shingles shall, in all other respects, be conformable to the said act; and all Naval Officers, Surveyors, and other persons concerned, are directed and required to govern themselves accordingly; any thing in this or the act aforesaid to the contrary notwithstanding.

Allowance for drying & shrinking of Pine Boards, &c.

Proviso.

*And be it further enacted*, That the operation of the act aforesaid, and every article and clause thereof, be and hereby is suspended until the first day of *January*, which will be in the year of our Lord, one thousand seven hundred and eighty-five.

Operation of an act suspended.

March 16, 1784.

## 1783.—Chapter 55.

[January Session, ch. 31.]

AN ACT FOR THE RESTRAINING THE TAKING OF EXCESSIVE USURY. Chap. 55

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority*

Six per cent.  
interest per  
annum for loan  
of money.

*of the same*, That no person or persons upon any contract hereafter made, shall take directly or indirectly for loan of any Monies, Wares, Merchandize, or other Commodities whatsoever, above the value of six pounds, for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all Bonds, Contracts, Mortgages, and Assurances whatsoever, made for the payment of any principal or money lent, or covenanted to be lent, upon or for Usury, whereupon or whereby there shall be reserved or taken above the rate of six pounds in the hundred as aforesaid, shall be utterly void; and that all and every person and persons who shall upon any contract take, accept, and receive by way and means of any corrupt bargain, loan, or exchange, or by covin or deceitful conveyance, or by any other ways or means whatsoever, for the forbearing or giving day of payment for one whole year, of and for their money, or other thing or things, above the sum of six pounds, for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; shall forfeit and lose for every such offence the full value of the Goods and Monies, or other things so lent, exchanged, bargained, sold or agreed for, to be recovered by indictment, or action of the case; one moiety thereof to the use of this Commonwealth, and the other moiety to him or them who prosecutes, complains, or sues for the same, any custom, usage, or law to the contrary notwithstanding.

Penalty for con-  
tracting for  
more.

Proof to be  
made by the  
debtor's oath.

*And be it further enacted*, That when and so often as any person or persons are or shall be sued on any Bond, Contract, Mortgage, or Assurance whatsoever, for the payment of any Monies, Wares, Merchandize, or other Commodities whatsoever, whereby or wherein any sum is given, secured, or taken for the forbearing, or giving day of payment for a longer or shorter time; then and in such case, (the creditor being alive) if the debtor or debtors shall come into Court where the said cause is to be tried, and shall offer to make oath, and if required by the Court, shall actually swear to the same, that there is taken, reserved, or secured by such Bond, Contract, or Assurance, above the rate of six pounds in the hundred, for the forbearance of the property actually lent or sold, whether it be in money or other things, for one year, and so after

that rate for a greater or lesser sum, or for a longer or a shorter time ; or that the creditor or creditors have received more than at the rate of six pounds in the hundred, for the loan or forbearance of the monies or other things actually lent or sold ; such Bond, Contract, Mortgage, or Assurance shall be utterly void, and the debtor fully and absolutely discharged from the payment of any Monies, Goods, or other things lent, exchanged, bargained, sold, or agreed for as aforesaid, unless the creditor or creditors will swear that he, she, or they have not directly or indirectly, wittingly taken or received more than after the rate of six pounds in the hundred, for forbearance or giving day of payment ; and that by such Bond, Contract, Mortgage, or Assurance, there is not reserved, secured, or taken, more than after the rate of six per cent, for forbearance or giving day of payment for the Goods, Monies, or other things actually lent or sold, any law, usage, or custom to the contrary notwithstanding.

Unless the creditor will discharge himself upon oath.

*Provided*, Nothing in this act shall extend to the letting of cattle, or other usages of the like nature in practice amongst farmers, or maritime contracts among merchants, as Bottomry, Insurance, or course of Exchange, as hath been heretofore accustomed.

Proviso.

March 16, 1784.

### 1783. — Chapter 56.

[January Session, ch. 32.]

AN ACT FOR REPEALING CERTAIN PARTS OF ONE ACT REGULATING PILOTAGE, AND FOR REPEALING AN ACT FOR ALTERING AND AMENDING THE SAME.

Chap. 56

*Whereas one act made and passed the eleventh day of July last, intituled, “ An act for regulating Pilotage ”, has not been found productive of the good effects thereby intended, so far as the same respects the establishing and regulating of Pilots and Pilot Boats for the coast of Martha’s Vineyard :*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said act, so far as the same respects the appointing and regulating of Pilots and Pilot Boats for the coast aforesaid, together with one other act made and passed the twenty-fourth day of October last, for the amendment of the same, be, and hereby is repealed and made null and void.*

Part of an act for regulating Pilotage, and an additional act repealed.

March 16, 1784.

## 1783. — Chapter 57.

[January Session, ch. 33.]

**Chap. 57** AN ACT DIRECTING THE ISSUING, EXTENDING AND SERVING OF EXECUTIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the party obtaining Judgment in a civil action, in any Court of Judicature within this Commonwealth, shall be intitled to have his Execution thereon at any time after the expiration of twenty-four hours after judgment rendered, and within one year next after the entering up of such judgment, *provided*, that there is no appeal granted or bond given for review. And Execution issuing from the Common Pleas, shall be made returnable to the next Court of Common Pleas to be held within the county, excepting where there are but two or three Courts in a year, in which case they shall be made returnable within three months, unless the Court of Common Pleas shall sit within that time, and in that case it shall be made returnable to the next Court and those issuing from the Supreme Judicial Court shall, in such counties as have two Supreme Judicial Courts established to be holden annually in them, be made returnable to the next Court; and in those counties where the said Court is held but once a year, the Executions therefrom shall be made returnable at the end of six months, unless the Supreme Judicial Court shall sit in the said county within that time, and in that case it shall be returnable to the same; and those issuing from a Justice of the Peace, shall be made returnable within sixty days from the day of issuing them, and when such Executions shall be returned without any satisfaction made or satisfied only in part, the Clerk of the Court from whence, or Justice from whom, such Execution issued, shall, upon application of the creditor, make out an *alias* or *pluries* Execution for the whole or the remainder, as the case may be, till the judgment shall be fully satisfied: But if the party shall neglect for the space of one year next after obtaining Judgment, to take out his Execution, or shall not within one year next after his Execution shall be returned not satisfied, take out his *alias* or *pluries*, he shall sue out his writ of *scire facias*, and shall cause the adverse party to be served with the same personally, or by leaving an attested copy thereof at

Party obtaining Judgment intitled to his Execution in twenty-four hours.

Proviso.

Executions when returnable.

If returned not satisfied, *alias* to be granted.

If not taken out within a year, writ of *scire facias* to be sued out.



his last and usual place of abode, fourteen days before the sitting of the Court, notifying him to shew cause, if any he hath, why Execution ought not to be done; and upon his nonappearance or not shewing sufficient cause, the Court shall award Execution for what remaineth, with additional costs.

*And be it further enacted by the authority aforesaid,* That when any person shall obtain Judgment in any Court within this Commonwealth, for any sum of money or other specie, and the person or persons against whom the Judgment is, does not satisfy such Judgment by money or other specie, and the creditor can find no personal estate to his acceptance wherewith to satisfy his Execution, and shall think proper to levy his Execution upon the debtor's real estate; then the officer to whom the Execution is directed and delivered, shall cause three disinterested and discreet men, being freeholders in the county, one to be chosen by the creditor or creditors, one by the debtor or debtors, whose land is to be taken, if they see cause, and a third by the officer; and in case the debtor or debtors shall neglect or refuse to choose as aforesaid, the officer shall appoint one for such debtor or debtors, to be sworn before one of the Justices of the Peace of the same county, faithfully and impartially to appraise such real estate as shall be shewn to them who shall appraise the same, to satisfy the same execution with all fees, and shall set out such estate by metes and bounds, and the officer shall deliver possession and seizin thereof to the creditor or creditors, his or their attorney. And when the real estate of the debtor or debtors shall be held in joint tenancy, in coparcenary or tenancy in common with the real estate of other persons, then the said officer may extend Execution on such debtor or debtors' real estate held as aforesaid, or part thereof, describing the same with as much precision as the nature and situation thereof will admit of, and give the creditor or creditors, his or their attorney, seizin or possession of such debtor or debtors' real estate held as aforesaid, or part thereof, to hold in common with the said other persons; which Execution being returned with the doings thereon into the Clerk's Office, and before such return into the Clerk's Office or afterwards, and within three months, the same shall be recorded in the Registry of Deeds in the county where the land lays; shall make as good title to such creditor or creditors, his or their heirs and assigns as the debtor had therein.

Real estate of debtors liable to be taken by Execution.

Equity of  
redemption  
allowed within  
one year.

*And it is further enacted,* That when any tenement or lands in part or in whole shall be taken in Execution for debt, it shall and may be lawful to and for the person, his heirs or assigns, executors, or administrators whose estate is so taken in Execution, within the space of one year next following the extending Execution thereon and not afterwards; to tender the creditor or the tenant in possession under his title by the Execution, the full of the debt for which the same tenement was taken, with interest from the time of the extending the Execution and the reasonable and necessary charges and disbursements laid out and expended thereon in repairing or bettering the same, over and above what the rents, profits and improvements thereof, shall fall short of reimbursing; such charges and interest to be accounted for by the party for whom the same was taken, or the tenant in possession under his title; which disbursements, expences, rents, profits, and improvements may be settled by any three Justices of the Peace in the county where the land lays, at the charge and expence of the debtor; one to be chosen by the debtor, and the other by the creditor, if he shall see cause to choose one, otherwise they may be both chosen by the debtor, and the third by the two Justices so chosen by the parties, or one of them as above directed, and which third shall be chosen before the other two proceed to a consideration of the business; and if the creditor or the tenant in possession as aforesaid, upon having a tender made of the sum certified under the hands of the said Justices chosen as aforesaid, or either two of them, to be due to him upon the Execution, shall refuse to execute a good and lawful deed of release to the debtor or his heirs, (in case of his decease) of the land or tenement so taken in his Execution, the debtor or his heirs, executors, or administrators who shall make such tender, may bring his action of ejectment against the creditor, or the tenant in possession under his title; and upon lodging in Court the money tendered, shall recover the title and possession of the land, as fully as the debtor held the same before the extending the Execution upon it, together with his cost of suit.

*Provided nevertheless,* That if the creditor or the tenant in possession under him as aforesaid, shall before the bringing the action, have offered the debtor or his heirs, executors or administrators, to make and execute such deed of release, and shall plead the same with disclaimer

to the premises ; then and in such case, upon the plaintiff's producing in Court the money so tendered, judgment shall be given for the plaintiff to recover possession of the lands so taken in Execution, and the defendant shall recover his cost. And when it so happens that the real estate extended upon, cannot be divided and set out by metes and bounds as before prescribed, or by the description before mentioned ; then Execution shall be extended upon the rents of such real estate, and the officer shall give seizin thereof to the creditor or creditors, his or their attorney ; and also in case of extending Execution on rents as aforesaid, shall cause the person in possession and improvement, to attorn and become tenant to such creditor or creditors, and to pay the rent to him or them accordingly ; and upon refusal thereof, to turn the person so refusing out of possession, and give seizin and possession of the same to the creditor, to hold and enjoy the same until it shall be redeemed, as by this act is provided. *Provided always*, That in such case it shall and may be lawful for any debtor or debtors, his or their executors, administrators or assigns, at any time before the debt with interest is fully satisfied, to tender and pay to the creditor or the tenant in possession under him, the full remainder of his debt, interest and charges, to be liquidated by the Justices of the Peace in manner before provided in this act, and to recover the possession of the same as before provided.

When real estate cannot be divided, &c. Execution to be extended upon the rents.

Proviso.

*And it is further enacted by the authority aforesaid*, That all rights in equity of redeeming lands, mortgaged reversions, or the remainders, shall be liable to be taken by *Capias* or Attachment upon mesne process, and by Execution upon Judgment recovered for the payment of the just debts of the mortgagor or owner ; and any person at whose suit such right in equity of redeeming such mortgaged lands is taken in execution, shall have the same and as full and ample right and power of redeeming such lands as the mortgagor himself had or ought to have, and may procure and receive a discharge of mortgages, in the same manner as the original mortgagor might have done, saving always to widows their dower in all lands taken from their husbands by Execution.

Right of redeeming lands liable to be taken by Attachment and Execution.

*And be it further enacted*, That when any goods or chattels shall be taken to satisfy an Execution issuing upon a Judgment obtained, such goods or chattels shall be safely kept by the officer, at the expence of the debtor, for the

Goods taken by Execution, to be sold at public vendue.

space of four days next after they are so taken; and if within that time the owner shall not redeem the same, by otherwise satisfying the Execution, such goods and chattels shall be sold at public vendue to the highest bidder; having first been advertized by the posting up notifications of the time and place of sale, forty-eight hours before the expiration of the four days, in the town or place where the sale is to be; and the money arising upon such sale shall be applied to the paying charges and the satisfying the Execution, and the officer shall return the overplus (if any there be) to the debtor. And the officer who is possessed of the Execution, shall make return of the same with his doings therein, particularly describing the goods taken and sold, and the sum for which each article was struck off; and if any officer shall be guilty of any fraud in the sale or in the return, he shall be liable to the debtor to pay him five times the sum defrauded, to be recovered by action of the case.

March 17, 1784.

### 1783. — Chapter 58.

[January Session, ch. 34.]

#### Chap. 58 AN ACT PRESCRIBING THE METHOD OF SATISFYING JUDGMENTS IN FAVOUR OF THIS COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That upon all Judgments already recovered, which remain unsatisfied, or that may hereafter be recovered, in the name or for the use and benefit of this Commonwealth, for any sum or sums of money, in any of the Courts of Law within this Commonwealth a Warrant of Distress reciting such Judgments respectively, shall issue thereon, which shall be directed to such officer or officers as Writs of Execution are by law to be directed to, who shall be thereby directed to levy the monies mentioned and expressed in such Warrant of Distress on the money, goods, or estate of such debtor or debtors, and for want thereof on his or their body or bodies, and to commit him or them unto the common goal in the county where apprehended; and in all such cases the said sum or sums of money mentioned and expressed in such Warrant of Distress, (where the same can be done) shall be satisfied out of the monies or personal estate of the debtor or debtors.

Warrant of Distress to be issued upon all Judgments recovered in favour of the Commonwealth.

*And be it further enacted,* That before sale be made of any personal estate by virtue of a Warrant of Distress to be issued as aforesaid, notice shall be given of the time and place of sale, by posting up notifications thereof, by the officer executing such Warrant, in two or more public places in the town or plantation where the Warrant is executed, (within which the sale shall be) four days at the least before the time of sale.

Notice to be given of the sale of goods taken by Warrant of Distress.

*And be it further enacted by the authority aforesaid,* That when it shall be necessary to dispose of real estate to satisfy such Warrant of Distress, in whole or in part; the officer executing the same is hereby fully authorized, impowered and directed, to make, execute, acknowledge, and deliver to the highest bidder, good and sufficient deed or deeds of any real estate sold at public vendue, in manner as hereafter expressed.

Real estate taken by Warrant of Distress, to be sold to the highest bidder.

*Provided always, and it is enacted by the authority aforesaid,* That the officer executing such Warrant of Distress, when real estate shall be taken as aforesaid, shall give public notice of the time and place of sale, by posting up notifications thereof in two or more public places in the town or plantations where the real estate lies, thirty days before the time of sale, and also in two or more public places in two adjoining towns. And where it shall so happen, that the sum for the satisfaction of which a Warrant of Distress shall be levied on any real estate as aforesaid, shall amount to the sum of one hundred pounds, the officer executing the same, shall, in addition to the notifications aforesaid, cause an advertisement of the time and place of such sale, to be published in some public news paper printed in the county where such real estate lies, three weeks successively before the day of sale, if any such news paper shall be there printed, but if not, then said officer shall cause advertisement in manner aforesaid, to be published in a news paper printed in the Commonwealth nearest the county where such land lies. And in case the estate notified for sale as aforesaid, shall not be disposed of at the time and place appointed, the officer shall adjourn the vendue, not exceeding three days, and so from time to time until the sale shall be completed.

Proviso.

*And be it further enacted by the authority aforesaid,* That deeds made and executed as aforesaid, shall be as effectual to all intents and purposes, to convey the debtor's

Deeds executed in pursuance of this act, to be effectual.

title in such real estate to the vender, his heirs, executors, or administrators, as if the same had been made or executed by such debtor or debtors.

Equity of redemption allowed within one year.

*Provided always, and be it enacted by the authority aforesaid,* That every such debtor shall have liberty to redeem such real estate, within the term of one year from the time of executing deed or deeds thereof in manner aforesaid, by paying the sum at which the same may be sold, together with the interest thereof, to the person who purchased the same, or to his heirs or assigns.

Warrants of Distress to be sealed, &c. in the same manner as other judicial writs.

*And be it further enacted by the authority aforesaid,* That all Warrants of Distress to be issued as aforesaid, shall be under the seal of the Court from whence they issue, be signed by the Clerk, and bear test the chief or first Justice thereof, and be made returnable in the same time and manner other judicial writs are, or by law may be. And whenever any such Warrant of Distress shall be returned satisfied in part only, an *alias* or *pluries* Warrant of Distress for the sum remaining due shall issue; and the Clerks of the respective Courts shall be intitled to take and receive the same fees for the said Warrants of Distress, as for Writs of Execution, and no more.

Proviso where Judgments are recovered against debtors to persons whose estates may be confiscated to the Commonwealth.

*Provided always, and be it further enacted by the authority aforesaid,* That in all cases where Judgment as aforesaid shall be recovered against any person or persons, as debtor or debtors to any person or persons where estate or estates have been or may be confiscated, become forfeit, or be otherwise transferred to the use of the Commonwealth, Executions shall be levied in the same manner as is or may be by law provided in case of Judgment, recovered by one individual against another in their private capacities respectively, any thing herein contained to the contrary notwithstanding.

Attorney General vested with all the powers of the creditors in such cases.

*And be it further enacted,* That the Attorney General of the said Commonwealth for the time being, or any person who may be by him appointed for the purpose, or any agent who may be specially appointed by the General Court, shall respectively be vested with all the powers in extending and levying Executions on the persons or estates of any such debtor or debtors, as the creditor or creditors would have had, provided no such confiscation, forfeiture, or transfer had taken place.

March 17, 1784.

## 1783.— Chapter 59.

## Chap. 59

[January Session, ch. 35.]

AN ACT TO AUTHORIZE THE COURTS OF LAW TO ENTER UP JUDGMENT AGAINST THE GOODS AND ESTATE OF DECEASED PERSONS, WHEN THE EXECUTOR OR ADMINISTRATOR NEGLECTS OR REFUSES TO PROSECUTE OR DEFEND.

*Whereas the Courts of common law, when the plaintiff or defendant, appellant or appellee, die before judgment, are not authorized to render judgment against the estate of the deceased, unless the executor or administrator does voluntarily appear and become a party to the suit :*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in all actions now pending, or that may be hereafter pending in the Supreme Judicial Court, or in any Court of Common Pleas in this Commonwealth, by appeal, continuance or otherwise, and the plaintiff or defendant, appellant or appellee, complainant or respondent shall die before final judgment, and the Executor or Administrator of the deceased party, after taking upon himself the said trust, shall neglect or refuse to become a party to the suit ; the Court before whom such cause shall be pending, in case the cause of action does by law survive, may enter up Judgment against the goods and estate of the deceased party, in the same way and manner Judgment might have been, in case the executor or administrator had voluntarily after such death made himself a party to the suit. *Provided always,* That such Executor or Administrator be duly served with a notification from the Clerk of the Court where such suit is pending, fourteen days beforehand.*

Where parties to actions die, and the administrator refuses to prosecute, &c. judgment to be made up as in case of voluntary appearance.

Proviso.

*And be it further enacted by the authority aforesaid, That when any goods or estate are attached upon any writ or process which shall be pending as aforesaid, the same shall not be released or discharged, by reason of the death of either party, but be held good to respond the judgment to be given on such suit or process, in the same manner as by law they would have been if such deceased person had been living ; any law, usage or custom, to the contrary notwithstanding. *Provided always,* That where any estate attached as aforesaid, shall by the Executor or Executors, or Administrator or Administrators of the same, be represented as insolvent, and a commission of insolvency*

Estates attached not to be discharged by the death of the party.

Proviso.

shall thereupon issue; in all such cases attachments made as aforesaid shall have no force or efficacy after the death of the original defendant or defendants in the action.

Executors, &c.  
intituled to a  
continuance.

*And be it further enacted,* That all Executors and Administrators of any estate, shall, upon motion to the Court where any suit is or may be depending against them in their said capacity, be intituled to continuance of the same until the next term of the said Court. *March 17, 1784.*

### 1783.—CHAPTER 60.

[January Session, ch. 37.\*]

*Chap. 60* AN ACT FOR THE MORE SAFE KEEPING THE REGISTRY OF DEEDS AND CONVEYANCES OF LAND AND FOR APPOINTING THE TIME AND MANNER OF CHOOSING REGISTERS.

A Register to be  
chosen in each  
county in March,  
1786.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That there shall be chosen in each county within this Commonwealth, by the written votes of such persons as are by the constitution qualified to vote for representatives in the several towns, at their respective annual town meetings in the month of *March*, one thousand seven hundred and eighty-six, some discreet, suitable person, having a freehold within the same county, of the annual income of ten pounds at the least; the votes to be counted and sorted in the town meeting by such persons as shall be chosen to count and sort the votes for that meeting; the names of the persons voted for, and the number of votes each person had, shall be recorded by the Town Clerk, in the town book, and an attested copy of such record shall be transmitted under seal to the next Court of General Sessions of the Peace, to be held within and for the county, on the first day of the Court's sitting there, to be opened and compared with the like returns from the several towns in such county. And the person having the majority of the said votes, and accepting of the said office, after being sworn to the faithful discharge of the trust before the Supreme Judicial Court, or Court of Common Pleas, Court of Sessions, or two Justices of the Peace within the county *quorum unus*; and giving bond to the Clerk of the Court of General Sessions of the Peace in the said county, with two sureties in the sum of five hundred pounds, for the faithful discharge of his trust,

To be sworn &  
to give bond.

\* No chapter 36 in Session pamphlet.



shall be and continue in the said office five years, and until some other person shall be chosen and qualified in like manner in his stead, unless sooner removed or displaced by order of the Court of General Sessions of the Peace in such county, for misconduct in the discharge of his duty; and the person so chosen and qualified as aforesaid, shall reside and keep his office daily open in the shire town of the county, and therein keep the books, records, files, and papers to the said office belonging.

*And be it further enacted*, That upon the death, resignation, or removal of any Register of Deeds, two or more Justices of the Peace *quorum unus*, living in or near the shire town of the same county, shall issue their warrants directed to the Selectmen of the several towns within such county, ordering them forthwith to convene the inhabitants of their respective towns, qualified as the constitution provides, to vote for representatives, and proceed to the choice of some meet person qualified as aforesaid to fill up the vacancy; and the said Justices shall make their warrants returnable to themselves at a certain day, as soon as conveniently may be, ordering the Selectmen to seal up and transmit a transcript of the record of the number of votes and person or persons voted for in their respective towns as before directed, together with the warrants; and the above said Justices shall at the same time give out their notifications to the other Justices of such county of their proceedings therein, notifying them to meet upon the day appointed for the return of the said warrants, at some certain place in the shire town; and the major part of the Justices of such county, who shall meet at the time and place assigned as aforesaid, shall open and compare the returns made as before directed, and the person having the majority of votes after being sworn and giving bonds as aforesaid, shall be the Register of Deeds for such county, until the time appointed by this act for the election of Registers of Deeds throughout the Commonwealth, unless sooner removed by the Court of General Sessions of the Peace of the same county, for misconduct in the discharge of his duty.

*And be it further enacted by the authority aforesaid*, That upon any second or subsequent removal of any Register of Deeds, for either of the causes aforesaid, or in case any vacancy shall happen in the office of Register of Deeds, in any county within this Commonwealth, before

Mode of choosing in case of a vacancy.

Same mode of choosing to be adopted in case of a vacancy before March, 1786.

the month of *March*, one thousand seven hundred and eighty-six, the same mode of procedure as is hereinbefore provided in case of the death, resignation, or removal of any Register of Deeds, shall be constantly observed in order for a new choice, from time to time, until some discreet and meet person, qualified as aforesaid, shall be chosen to the said office by the majority of the votes returned, in which case the person so chosen, after being sworn and obliged as aforesaid, shall be Register of Deeds for such county, until some other shall be chosen.

Clerk of the  
Common Pleas  
to act as Register  
in the time of a  
vacancy.

*And be it further enacted*, That upon a vacancy in the office of Register of Deeds in any county, the Clerk of the Court of Common Pleas of such county being first sworn before two Justices of the Peace, *quorum unus*, for the faithful discharge of the trust, shall take into his custody the several books wherein the deeds and conveyances of land are recorded, together with the deeds and other papers to the said office belonging. And the said Clerk shall receive all deeds and other papers brought to be recorded during such vacancy, and he shall note thereon the time of their being received, and the record shall bear date accordingly, for which he shall be allowed six pence for each deed or paper, and no more; and such Clerk is also impowered, during such vacancy, to make out attested copies of any such deeds and other papers and records to him committed as aforesaid, which copies shall be valid to all intents and purposes, as though the same had been made out by any Register chosen, qualified, sworn and obliged as aforesaid, for which copies the said Clerk shall be allowed the same fees as are or may be provided for Registers in similar cases. And upon the appointment of a Register as aforesaid, he shall deliver up the said books, deeds and papers, into his hands.

Registers to be  
chosen every  
five years suc-  
cessively.

*And be it further enacted by the authority aforesaid*, That the qualified voters as aforesaid in each respective town within this Commonwealth, at their annual meeting in *March*, seventeen hundred and ninety-one, and every five years from thence successively following, forever, at their several town meetings in *March*; shall be, and hereby are, impowered and required, to proceed to choose a Register of Deeds for each county respectively within this Commonwealth, qualified as in this act is directed; the manner and determination of the choice, initiation into office, and the duties and obligations he shall be under

while in office, to be the same as in this act is before expressed.

*And be it further enacted*, That if upon comparing the votes that may be collected in *March*, one thousand seven hundred and eighty-six, or in the month of *March* at any period five years afterwards, no person shall be chosen by a majority of the whole votes returned; the Court of Sessions shall issue their warrants to the Selectmen of the several towns, to call a meeting of their respective towns to vote a second time for the choice of a Register, and make their warrants returnable at the then next Court of General Sessions of the Peace to be held in the same county, and so *toties quoties*, until some one person shall be elected by the majority voting. And to the end there may not be too great a risque of fire by keeping more public records, papers, and files in one house or under one roof than is necessary:

If no person has a majority of all the votes, the Court of Sessions to call another meeting.

*Be it further enacted*, That no Clerk of any Court of Common Pleas, or of the Supreme Judicial Court, shall at the same time be the Register of Deeds for any county.

Clerk of Common Pleas or Supreme Judicial Court not to be a Register.

*March 17, 1784.*

## 1783. — Chapter 61.

[January Session, ch. 38.]

AN ACT FOR THE APPOINTING AND IMPOWERING COMMISSIONERS, ON THE PART OF THIS COMMONWEALTH, IN CONJUNCTION WITH SUCH AS ARE OR MAY BE APPOINTED BY THE STATE OF NEW YORK, TO ASCERTAIN THE BOUNDARY LINE BETWEEN THE COMMONWEALTH AND STATE AFORESAID, EASTWARD OF HUDSON'S RIVER.

*Chap. 61*

*Whereas, in the year one thousand seven hundred and seventy-two, a Boundary line on the eastern extremity of the late Province, now State of New York, and extending from the southern to the northern Boundary of the late Province, now Commonwealth of Massachusetts, was mutually agreed upon by Commissioners appointed and authorized for the said purpose, by the legislatures of the said Provinces respectively: And whereas it appears that the said line has never been ascertained pursuant to the said agreement:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Joseph Hawley, Caleb Strong,*

Commissioners appointed.

*Timothy Edwards*, and *Theodore Sedgwick*, Esquires, be, and they hereby are appointed Commissioners on the part of this Commonwealth, for the ascertaining the line aforesaid; and the said Commissioners, or any three of them, are hereby authorized and impowered to meet such Commissioners as are or may be appointed, and vested with similar powers for the above purpose by the legislature of *New York*, and in conjunction with them to ascertain, run, and mark the said Boundary line; which line, when so ascertained, shall forever afterwards be held and considered to be the true and just Boundary line of Jurisdiction between that part of this Commonwealth and the State aforesaid.

Their powers.

*And it is further enacted*, That the Commissioners aforesaid on the part of this Commonwealth, or any three of them, are authorized and impowered to employ a surveyor or surveyors, and a sufficient number of chain-bearers, to ascertain the said line as aforesaid; and in conjunction with such Commissioners as are or may be appointed by the legislature of *New York* as aforesaid, to agree upon and confirm the titles of individuals to such lands as they may now respectively hold, in virtue of any grant or grants made by either of the said governments, upon such terms and in such manner as they may judge reasonable.

To be commissioned by the Governor.

*And it is further enacted*, That the Commissioners aforesaid on the part of this Commonwealth, shall, prior to their proceeding on the business herein assigned them, receive a commission from the Governor with the seal of the Commonwealth thereto affixed, agreeable to the powers with which they are vested in and by this act.

*March 18, 1784.*

## 1783. — Chapter 62.

[January Session, ch. 39.]

*Chap. 62* AN ACT FOR PREVENTING IN PART THE OPERATION OF AN ACT MADE IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND SEVENTY, INTITLED, "AN ACT FOR THE REPEALING THE SEVERAL LAWS NOW IN FORCE, WHICH RELATE TO THE LIMITATION OF PERSONAL ACTIONS, AND FOR THE LIMITATION OF PERSONAL ACTIONS FOR THE FUTURE, AND AVOIDING SUITS AT LAW."

Preamble.

*Whereas in the present state of our public affairs, the limitation of suits and actions according to the provision*

*made in and by the said act, would probably be the means of much injustice to many persons who are now absent from their respective homes, and occasion a multiplicity of law suits, contrary to the intention of many creditors, and to the great grievance of many indigent debtors :*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said act made and passed as aforesaid, for the Limitation of Personal Actions, and every clause thereof, so far as the same respects the Limitation of Personal Actions, is and shall be stayed and suspended until the first day of November, which will be in the year of our Lord, one thousand seven hundred and eighty-eight ; and that any actions or suits now pending, or that may hereafter be commenced in any Court of Record, or before any Justice of the Peace within this Commonwealth, during the time aforesaid, may be prosecuted and pursued to final judgment and execution, in like manner as they might have been commenced and prosecuted in case the said act, or any of the acts or laws relating to the Limitation of Personal Actions which are repealed by the said act, had never been made.*

*March 19, 1784.*

Act for Limitation of Personal Actions suspended.

### 1783. — Chapter 63.

[January Session, ch. 40.]

AN ACT IN ADDITION TO, AND FOR REPEALING CERTAIN PARTS OF AN ACT, MADE AND PASSED THE THIRD DAY OF JULY, A. D. ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO, INTITLED, "AN ACT TO REMOVE THE OBSTRUCTIONS AND OPEN PASSAGE WAYS FOR THE FISH CALLED ALEWIVES, SHAD, AND OTHER FISH, UP NEPONSET RIVER, AND FOR MAKING MORE EFFECTUAL PROVISION FOR THE PASSING OF THE SAID FISH."

Chap. 63

*Whereas in and by the said act, passage ways for the said fish were to be made over two dams, from the mouth of the said river to the ponds therein mentioned, among which was the dam at Mr. Andrew Gillespie's mills, and the dam at Daniel Leeds's and other mills ; which passage ways over the two dams above mentioned, prove ineffectual for the purpose for which they were designed : Therefore,*

Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such parts of the said act as make provision for the passing of fish through or over the dams of Andrew Gillespie and Daniel Leeds, and others, be, and they are, hereby repealed and made null and void.*

Act providing for the passing of fish up Neponset river repealed.

Manner of a passage way to be opened for that purpose.

*Be it further enacted by the authority aforesaid,* That a sufficient passage way be made for the said fish to pass up the said river *Neponset*, in the following manner, *viz.*: at the dam of Mr. *Daniel Leeds* there be a sluice or passage way made on the south side of the saw mill, the said sluice to be four feet wide, the upper end thereof about eight feet distant from the said mill, the lower end to be brought down near the corner of the said mill, and to be well built with stone or timber, so as that the said mill may not be endangered by the water that runs in the said sluice; and to be constructed in such manner as not to draw off the water less in depth than three feet and nine inches in the said *Leed's* flume, when it runs nine inches in depth at the head of the said sluice; and the said sluice or way always to be kept open after the twentieth day of *April*, in every year, until the fifteenth day of *June*; and if it shall so happen that there be not a sufficiency of water to carry all the mills on the said dam when the said sluice is open, the said *Leed's* grist mill shall have the preference.

Another passage way to be opened.

*And be it also further enacted by the authority aforesaid,* That a passage way for fish be opened at the southerly end of Mr. *Andrew Gillespie's* dam, the same width, and to run in the sluice or way the same depth as in the aforementioned sluice, and to be so constructed as not to draw the water out of his pond less than two feet and nine inches in his flume, and he shall not draw off the water so as that there shall not be nine inches depth of water in the said sluice; and the said sluice or passage way to be kept open always the same time provided as in the foregoing enacting clause; and that the two aforesaid passage ways be made at the expence of the towns of *Stoughton, Sharon and Walpole*, and ever after to be kept in repair by the owners of the said dams.

Penalty for taking fish at other times than those legally appointed.

*Be it further enacted,* That whosoever shall presume to take any of the kinds of fish in the said act enumerated, (whether with scoop nets or otherwise) in the said river or stream, within or adjoining to any of the towns above-mentioned, at any other time or place than such as shall be limited and appointed by the said towns, such offender or offenders shall forfeit and pay the sum of ten pounds for each offence, one moiety thereof to be for the use of the poor of the town where the offence shall be committed, the other moiety to be to him or them who shall inform and sue for the same before any Court proper to try the same.

*March 19, 1784.*

## 1783.—Chapter 64.

[January Session, ch. 41.]

AN ACT TO INCORPORATE A NEW PLANTATION CALLED *ASHUELET EQUIVALENT*, IN THE COUNTY OF *BERKSHIRE*, INTO A TOWN BY THE NAME OF *DALTON*. Chap. 64

*Whereas it has been represented to this Court, that the inhabitants of the new plantation called Ashuelet Equivalent, in the County of Berkshire, labor under many inconveniences, and also that difficulties arise with regard to assessing the said inhabitants: For the remedy whereof,* Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the lands and inhabitants of Ashuelet Equivalent aforesaid, bounded west partly on Pittsfield, and partly on Lanesborough; north on Windsor; east partly on Partridgefield, and partly on the east line of Jones's Grant (so called) to the north line of Washington; thence westward on the same line to the east line of Pittsfield, be, and hereby are, incorporated into a town by the name of Dalton, and invested with all the powers, privileges and immunities, that towns in this Commonwealth are entitled to according to law, or do or may enjoy.* Dalton incorporated.

*And be it further enacted by the authority aforesaid, That Charles Goodridge, Esq; be, and he hereby is, impowered and required, to issue his warrant to some principal inhabitant of the said town of Dalton, directing him to warn the inhabitants thereof qualified to vote in town affairs, to assemble at some convenient time and place in the said town, to choose all such officers as by law are to be chosen annually in the month of March. March 20, 1784.* Charles Goodridge, Esq; to call a meeting.

## 1783.—Chapter 65.

[January Session, ch. 42.]

AN ACT TO UNITE THE FIRST AND THIRD PRECINCTS IN THE TOWN OF *PLYMOUTH*, BY THE NAME OF THE FIRST PRECINCT. Chap. 65

*Whereas it is represented to the General Court, that the cause of religion and virtue may be promoted, by uniting the First and Third Precincts in the town of Plymouth:* Preamble.

*Be it therefore 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 First and Third Precincts in the said town of Plymouth be united into one, by the name of the First* First and Third Precincts united by the name of the First Precinct.

Precinct; and that all authority and jurisdiction exercised by the said Third Precinct while in their separate corporate capacity, be transferred to, and vested in the said First Precinct; any law heretofore made to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid,* That the Treasurer of the said First Precinct for the time being, be, and he is, hereby fully authorized and empowered, to demand and recover all debts of what nature soever that may be due to the said Third Precinct, and that the said First Precinct united as aforesaid, be responsible for the payment of all debts due from the said Third Precinct to any person or persons whatsoever.

March 20, 1784.

### 1783. — Chapter 66.

[January Session, ch. 44.\*]

*Chap. 66* AN ACT TO ENABLE THE INHABITANTS OF THE SEVERAL TOWNS AND PLANTATIONS WITHIN THIS COMMONWEALTH, TO ASCERTAIN FROM TIME TO TIME THE AMOUNT OF MONIES RECEIVED BY THEIR RESPECTIVE COLLECTORS OF PUBLIC TAXES, AND WHAT PAYMENTS THEY HAVE MADE TO THE TREASURER OF THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the several Collectors of Public Taxes shall, once every two months at least, exhibit to the Selectmen, and where there are no Selectmen, to the Assessors of the respective towns or plantations to which they belong, a just and true account of all the monies they have received on the several taxes committed to them, and produce the Treasurer's receipts for all the monies by them respectively paid into the treasury.

*And be it further enacted by the authority aforesaid,* That if any Collector of Public Taxes shall neglect to exhibit his accounts in manner aforesaid, he shall forfeit and pay for every neglect, the sum of two and a half per cent. on the sum or sums committed to him to collect, to the use of the town or plantation of which he is or has been a Collector, to be recovered by such town or plantation in any Court of Law proper to try the same.

*And be it further enacted by the authority aforesaid,* That whenever the time fixed by law for collecting any tax shall have expired, the Treasurer of this Common-

Treasurer of the First Precinct to recover debts due to the Third.

Collectors to exhibit to the Selectmen, once in two months, an account of monies received, &c.

Collectors neglecting. Penalty.

When the time fixed by law for collecting any

\* No chapter 43 in Session pamphlet.



wealth shall, and he is, hereby authorized and impowered, at the request of the Selectmen or Assessors of any town or plantation, to issue his execution against any Collector or Collectors of their respective towns or plantations, without any further order from the General Court; any law or resolve to the contrary notwithstanding.

tax is expired,  
Treasurer to  
issue execution.

March 23, 1784.

### 1783.—Chapter 67.

[January Session, ch. 45.]

AN ACT TO INCORPORATE AN ACADEMY IN THE TOWN OF LEICESTER, BY THE NAME OF LEICESTER ACADEMY. Chap. 67

*Whereas the encouragement of literature in the rising generation has ever been considered by the wise and good, as an object worthy of the most serious attention, as the safety and happiness of a free people ultimately depend upon the advantages arising from a pious, virtuous, and liberal education:*

Preamble.

*Whereas it appears that Ebenezer Crafts, of Sturbridge, in the county of Worcester, and Jacob Davis, of Charlton, in the said county, Esquires, for the purpose of promoting piety and learning, have generously given the large and commodious mansion house, lands and appurtenances, in Leicester, lately occupied by Aaron Lopez, deceased, for the use of an Academy: And it further appears, that the sum of one thousand pounds is generously subscribed for the support of the said Academy; the interest thereof, together with what may hereafter be raised by donations, with the income or rent of all real estate, to be appropriated to the use and benefit of the said Academy forever, as Trustees to be appointed shall think most expedient. And as it will be necessary that the said Trustees and their successors be vested with authority to commence and prosecute actions at law, and transact such other matters in their corporate capacity, as the interest of the said Academy shall require:*

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be, and there hereby is, established in the town of Leicester, in the county of Worcester, an Academy by the name of Leicester Academy, for the purpose of promoting true piety and virtue, and for the education of youth in the English, Latin, Greek, and French languages, together with writing,*

Academy estab-  
lished in  
Leicester.

arithmetic, and the art of speaking; also practical geometry, logic, philosophy and geography; and such other of the liberal arts and sciences or languages as opportunity may hereafter permit, and as the Trustees hereinafter provided shall direct.

Trustees appointed and incorporated into a body politic.

*Be it further enacted by the authority aforesaid, That Ebenezer Crafts, of Sturbridge, and Jacob Davis, of Charlton, Esquires, the Honorable Moses Gill, of Princeton, Samuel Baker, of Bolton, and Levi Lincoln, of Worcester, Seth Washburn, of Leicester, and Rufus Putnam, of Rutland, Esq'rs. Joseph Allen, Esq; and the Reverend Thaddeus Maccarty, of Worcester, the Reverends Joseph Sumner, of Shrewsbury, Joshua Paine, of Sturbridge, Benjamin Conklin, of Leicester, Archibald Campbell, of Charlton, Joseph Pope, of Spencer, all in the county of Worcester; and the Honorable Timothy Danielson, Esq; of Brimfield, in the county of Hampshire; be, and they hereby are, nominated and appointed Trustees of the said Academy; and they are hereby incorporated into a body politic, by the name of the Trustees of Leicester Academy, and they and their successors shall be, and continue a body politic and corporate, by the same name forever.*

Lands, &c. heretofore subscribed, confirmed to the Trustees.

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

To have one common seal.

*And be it further enacted by the authority aforesaid, That the said Trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the said office of Trustees of the said Academy, and they shall have power and authority to break, change and renew, the said seal, from time to time as they shall see fit, and they may sue and be sued*

To sue and be sued.

in all actions, real, personal, and mixed, and prosecute and defend the same until final judgment and execution, by the name of the Trustees of *Leicester Academy*.

*And be it further enacted by the authority aforesaid,* That the said *Ebenezer Crafts, Jacob Davis,* and others, the Trustees aforesaid, and their successors, the longest lived and survivors, be the true and sole Visitors, Trustees and Governors of the said *Leicester Academy*, in perpetual succession forever, to be continued in the way and manner hereafter specified; with full power and authority to elect such officers of the said Academy as they shall judge necessary and convenient, and to make and ordain such laws, orders and rules, for the good government of the said Academy, as to them the Trustees, Governors and Visitors aforesaid, and their successors, shall from time to time, according to the various occasions and circumstances, seem most fit and requisite; all which shall be observed by the officers, scholars and servants of the said Academy, upon the penalties therein contained; *Provided notwithstanding,* That the said rules, laws and orders, be no ways contrary to the laws of this Commonwealth.

Trustees to be the true and sole Visitors, &c. of said Academy.

To make laws, &c.

Proviso.

*And be it further enacted by the authority aforesaid,* That the number of the Trustees aforesaid and their successors, shall not at any one time be more than fifteen nor less than eight, a major part of whom shall constitute a *quorum* for transacting business, and a major part of the members present at any legal meeting, shall decide all questions that shall come before them, except in the instances hereinafter excepted, that the principal instructor for the time being shall ever be one of them, that the major part shall be laymen and respectable freeholders; also, that a major part shall consist of men who are not inhabitants of the town where the seminary is situate. And to perpetuate the succession of the said Trustees:

Number of Trustees not to be more than fifteen, nor less than eight.

Major part to constitute a quorum.

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

When any Trustee shall die, or be rendered incapable, surviving Trustees to elect another.

Trustees capable in law to receive by gift, &c. real or personal estate.

Proviso.

*Be it further enacted by the authority aforesaid,* That the Trustees aforesaid, and their successors, be, and they hereby are, rendered capable in law, to take and receive by gift, grant, devise, bequest or otherwise, any lands, tenements, or other estate, real and personal. *Provided,* That the annual income of the said real estate shall not exceed the sum of five hundred pounds, and the annual income of the personal estate shall not exceed the sum of two thousand pounds, both sums to be valued in silver, at the rate of six shillings and eight pence by the ounce, to have and to hold the same to them, the said Trustees and their successors, on such terms and under such provisions and limitations, as may be expressed in any deed or instrument of conveyance to them made. *Provided always,* That neither the said Trustees, nor their successors, shall ever receive any grant or donation, the condition whereof shall require them or any others concerned, to act in any respect counter to the design of the first grantors, or of any prior donations; and all deeds and instruments which the said Trustees may lawfully make, shall when made in the name of the said Trustees, and signed and delivered by the Treasurer, and sealed with the common seal, bind the said Trustees and their successors, and be valid in law.

Proviso.

Trustees empowered to remove the seminary.

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

March 23, 1784.

## 1783. — Chapter 68.

[January Session, ch. 48.]

AN ACT FOR NATURALIZING THOMAS HOPKINS.

### Chap. 68

Preamble.

*Whereas* Thomas Hopkins, late of Devonshire in Great Britain, and now residing at Falmouth, in the county of Cumberland and Commonwealth of Massachu-

setts, has petitioned the General Court that he may be naturalized, and be thereby intitled to all the rights, liberties, and privileges of a free citizen of this Commonwealth:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said *Thomas Hopkins*, upon his taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices or the Peace, shall be deemed, adjudged, and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he the said *Thomas* had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

Thomas Hopkins naturalized.

And it is further enacted, That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's Office, to be placed on the records of this Commonwealth. *March 23, 1784.*

Certificate of oaths to be recorded.

## 1783. — Chapter 69.

[January Session, ch. 46.]

AN ACT FOR REPEALING TWO LAWS OF THIS STATE, AND FOR ASSERTING THE RIGHT OF THIS FREE AND SOVEREIGN COMMONWEALTH, TO EXPEL SUCH ALIENS AS MAY BE DANGEROUS TO THE PEACE AND GOOD ORDER OF GOVERNMENT.

Chap. 69

Whereas it is necessarily incident to every free, sovereign and independent State, to hold the right of expelling from the dominions thereof, all aliens who possess dispositions, or hold principles incompatible with the safety or sovereignty of the State: And whereas all those persons who have since the fifth day of October, in the year one thousand seven hundred and seventy-four, and before the making the present form of Government of this Commonwealth, gone off to, and taken the protection of the government, or fleet, or army of Great Britain, are considered, and justly held, to be aliens to this Commonwealth: And whereas those of them who are named and mentioned in an act of this State, passed in the year one thousand seven hundred and seventy-nine, intitled "An act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late Province, now

Preamble.

*State of Massachusetts Bay*”; and all others of them who have borne arms in the late war, against this or either of the United States, or against the allies of the said States, or have lent money to the government of Great Britain to carry on the late war; are justly deemed to hold principles, and possess dispositions, incompatible with the safety of the Commonwealth, and therefore ought to be excluded from this Commonwealth: And it being evident that an indiscriminate admission of the other descriptions of those unhappy people, at this period, might be attended with disagreeable and dangerous consequences; but the laws made for their exclusion being not calculated to produce those measures which are suitable to a state of peace and tranquility:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act made and passed in the year one thousand seven hundred and seventy-eight, intituled, “An act to prevent the return to this State of certain persons therein named, and others who have left this State, or either of the United States, and joined the enemies thereof”; and also another act passed in the year one thousand seven hundred and eighty-three, intituled, “An act to carry into execution an act made in the year one thousand seven hundred and seventy-eight, intituled “An act to prevent the return to this State of certain persons therein named, and others who have left this State, or either of the United States, and joined the enemies thereof”; be, and they both are hereby repealed.

And be it enacted, That if any of the persons aforesaid who have left this State, and gone off to, and taken the protection of the government, fleet, or army of *Great Britain*, and are named in the act aforesaid, intituled, “An act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late Province, now State of *Massachusetts Bay*”; or have borne arms, or been joined to the said fleet, army, or to any volunteer corps of the King of *Great Britain*; shall presume to return to this State to reside therein, it shall be the duty of every Justice of the Peace to give notice thereof to the Governor, and if such person shall not immediately upon the Governor’s giving order therefor, depart the State; it shall be the duty of every Justice of the Peace to whom complaint shall be made thereof, to

Two acts  
repealed.

Persons named  
in a certain act  
or who have  
borne arms, &c.  
presuming to  
return to this  
State.

Duty of Justices  
in this case.

apprehend such person, and him commit to the common goal of the county where he may be, to be sent off by the order of the Governor with advice of Council.

*And be it enacted*, That no one of any other description of the said absentees shall be allowed to reside in this State, until such person shall obtain a licence therefor from the Governor with advice of Council; and if any one of the said persons shall presume to reside within this State without such licence, he shall be treated in the same manner as is provided by this act, respecting those who have borne arms against these States. *Provided also*, That no licence so given by the Governor with advice of Council, shall have any force after the end of the next session of the General Court after the same licence shall be granted; and that the person who shall obtain the same, unless an act of naturalization shall be passed in his favor, or the said licence shall be approved at the said session of the General Court, shall be treated in the same manner as if the said licence had not been obtained.

No absentee to reside in this State without a licence from the Governor.

Proviso.

*And whereas by the sixth article of the treaty, lately made between the United States and the King of Great Britain, it is provided that no further confiscations shall be made:*

Preamble.

*Be it therefore enacted, by the authority aforesaid*, That the lands and buildings which any of the persons aforementioned held in fee simple, or by a lesser estate, on the nineteenth day of *April*, one thousand seven hundred and seventy-five, and which have not by the aforesaid act, intituled, “An act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late Province, now State of *Massachusetts Bay*”, or by judgment had on due process of law on such estates, been confiscated; nor have been pledged by Government for money borrowed, or sold by agents according to the laws of the State, for the payment of debts due from the absentees; or have been made liable to pay an annual charge for the support of any poor person; shall be delivered up to the persons who respectively owned such lands or buildings last before the nineteenth of *April*, 1775, or to any persons claiming under them respectively, *Provided* such claimers are not included in the act aforesaid, made in the year one thousand seven hundred and seventy-eight; who shall have the privilege of disposing of the same, at any time within the space of

Lands held on the 19th April, 1775, which have not been confiscated, &c. to be delivered up.

Proviso.

Deeds made  
thereof to be  
held valid in  
law.

three years next coming; and any deed or other conveyance made thereof, to any citizen of this or either of the United States, shall be held good and valid in law, to convey the same to all intents and purposes, as fully and amply as if such grantor was a free citizen of this Commonwealth; any law of this Commonwealth to the contrary notwithstanding.

*March 24, 1784.*



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RESOLVES  
OF  
MASSACHUSETTS.

1783.

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RESOLVES  
OF THE  
GENERAL COURT  
OF THE  
COMMONWEALTH OF MASSACHUSETTS,  
IN NEW-ENGLAND:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,  
ON WEDNESDAY, THE TWENTY-EIGHTH DAY OF  
*MAY*, (BEING THE LAST WEDNESDAY IN  
SAID MONTH) AND IN THE YEAR OF  
OUR LORD, 1783.

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M,DCC,LXXXIII.

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1890.

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# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY, THE TWENTY-EIGHTH DAY OF *MAY*, ANNO DOMINI, 1783.

*The following are the Names of the Gentlemen who compose the two Branches of the GENERAL COURT, viz.:*

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President.

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Samuel Niles,  
John Pitts,  
Cotton Tufts, Esquires.

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Honorable TRISTRAM DALTON, Esq; Speaker.

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<i>Stow</i> . No choice.	

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*Merryfield*.  
*Buckland*, Capt. T. Maxwell.  
*Cummington*, Capt. Wm. Ward,  
Mr. Ebenezer Snell.

*County of PLYMOUTH.*

- Plymouth*.  
*Scituate*, Israel Vinal, Esq;  
*Duxborough*, Capt. Sam. Loring.  
*Marshfield*, Mr. Daniel Lewis.  
*Bridgewater*, Capt. N. Mitchel.  
*Middleboro'*.  
*Rochester*, Col. Eben. White.
- Plympton*, Capt. Francis Shirliff.  
*Pembroke*, Capt. Seth Hatch  
*Kingston*, Capt. Eben. Washburne.  
*Abington*, Mr. Samuel Brown.  
*Hanover*, Mr. Benjamin Bass.  
*Halifax*, Mr. Moses Inglee.  
*Wareham*.

*County of BARNSTABLE.*

- Barnstable*, Shearjashub Bourn,  
Esq;  
Capt. Samuel Hinckley.  
*Sandwich*, Joseph Nye, Esq;  
*Yarmouth*. No choice.  
*Eastham*, Mr. Nathan Doane.
- Harwick*, Capt. Kimball Clark.  
*Wellfleet*.  
*Falmouth*, Nath. Shiverick, Esq;  
*Truro*.  
*Chatham*.  
*Province Town*.

*County of BRISTOL.*

- Taunton*, Job Smith, Esq;  
*Rehoboth*, Stephen Bullock, Esq.  
Daniel Carpenter, Esq;  
*Swansey*.  
*Dartmouth*, Edw. Pope, Esq;  
*Attleborough*, Elisha May, Esq;  
Stephen Richardson, Esq;
- Norton*, Mr. Abraham White.  
*Dighton*, Mr. Abiezer Phillips.  
*Freetown*, Jesse Bullock, Esq;  
*Rainham*, Capt. Noah Hall.  
*Easton*, James Perry, Esq;  
*Mansfield*, Capt. Samuel White.  
*Berkley*, Samuel Tobey, Esq;

*County of YORK.*

<i>York</i> , Col. Edward Grow.	<i>Lebanon</i> .
<i>Kittery</i> , John H. Bartlet, Esq;	<i>Sandford</i> .
<i>Wells</i> , Capt. Joshua Bragdon.	<i>Coxhall</i> .
<i>Berwick</i> , John Hill, Esq;	<i>Fryeburgh</i> .
<i>Arundel</i> .	<i>Massabesek</i> .
<i>Biddeford</i> .	<i>Limerick</i> .
<i>Pepperrelboro'</i> , J. Scamman, Esq;	<i>Brownfield</i> .
<i>Buxton</i> , Mr. Jacob Bradbury.	<i>Little Falls</i> .

*County of DUKES COUNTY.*

<i>Edgartown</i> , Eben. Smith, Esq;	<i>Chilmark</i> , Capt. Samuel Norton.
<i>Tisbury</i> , Shubael Cottle, Esq;	

*County of NANTUCKET.*

<i>Sherburne</i> , Capt. Alex. Coffin.	Mr. Peleg Coffin, jun.
Stephen Hussey, Esq;	

*County of WORCESTER.*

<i>Worcester</i> , Samuel Curtis, Esq;	<i>Bolton</i> , Ephraim Fairbanks, Esq;
<i>Lancaster</i> , Hon. John Sprague, Esq;	<i>Sturbridge</i> .
<i>Woodstock</i> .	<i>Hardwick</i> , Mr. Ichabod Dexter.
<i>Mendon</i> , Capt. Peter Penniman.	<i>Western</i> , Col. James Stone.
<i>Brookfield</i> , Capt. Benj. Rice	<i>Leominster</i> , Hon. I. Nichols, Esq;
<i>Oxford</i> , Eben. Learned, Esq;	<i>Holden</i> , John Child, Esq;
<i>Charlton</i> , Mr. Caleb Ammidown.	<i>Douglass</i> .
<i>Sutton</i> , Amos Singletary, Esq;	<i>Grafton</i> , Dr. Joseph Wood.
<i>Leicester</i> , Hon. S. Washburne, Esq;	<i>Petersham</i> , Capt. Wing Spooner.
<i>Spencer</i> , Mr. Isaac Jenks.	<i>Royalston</i> , John Frye, Esq;
<i>Rutland</i> , Mr. Jonas Howe.	<i>Westminster</i> .
<i>Oakham</i> .	<i>Athol</i> .
<i>Hubbardston</i> .	<i>Templeton</i> , Capt. Ezek. Knowlton.
<i>New Braintree</i> , Major J. Bowman.	<i>Princeton</i> , Asa Wheteomb, Esq;
<i>Southborough</i> , Capt. S. Newton.	<i>Ashburnham</i> , Mr. W. Wheteomb.
<i>Westborough</i> .	<i>Winchendon</i> , Abel Wilder, Esq;
<i>Northborough</i> , Mr. S. Rice, jun.	<i>Upton</i> .
<i>Shrewsbury</i> , Mr. Jonas Temple.	<i>Dudley</i> , Edward Davis, Esq;
<i>Lunenburg</i> , Capt. Josiah Stearns.	<i>Paxton</i> .
<i>Fitchburg</i> , Thomas Cowdin, Esq;	<i>Barre</i> , Col. Nathan Sparhawk.
<i>Uxbridge</i> , Capt. Bezaleel Taft.	<i>Ward</i> , Capt. John Prentiss.
<i>Northbridge</i> .	<i>Milford</i> .
<i>Harvard</i> , Mr. John Munroe.	<i>Sterling</i> , William Putnam, Esq;

*County of CUMBERLAND.*

<i>Falmouth</i> .	<i>New Gloucester</i> , I. Parsons, Esq;
<i>North Yarmouth</i> , Ed. Russell, Esq;	<i>Gray</i> .
<i>Scarboro'</i> , Col. Benj. Laraby.	<i>Bakerstown</i> .
<i>Gorham</i> , Mr. Josiah Thatcher.	<i>Sylvester</i> .
<i>Cape Elizabeth</i> , Mr. Geo. Deake.	<i>Bridgetown</i> .
<i>Brunswick</i> .	<i>Pearsonstown</i> .
<i>Harpwell</i> .	<i>Raymondtown</i> .
<i>Windham</i> .	<i>Royalborough</i> .

*County of LINCOLN.*

<i>Pownalboro'</i> , Mr. Abiel Wood.	<i>Woolwich</i> .
<i>Georgetown</i> , Mr. Nath. Wyman.	<i>Topsham</i> .
<i>New Castle</i> , Mr. Jona. Jones, jun.	<i>Bowdoinham</i> .



*County of LINCOLN* — Concluded.

<i>Boothbay</i> , Capt. Paul Reed.	<i>Bath</i> .
<i>Bristol</i> , William Jones, Esq ;	<i>Pittston</i> .
<i>Vassalborough</i> .	<i>St. George's</i> .
<i>Winthrop</i> , Mr. Jona Whiting.	<i>Meduncook</i> .
<i>Winslow</i> .	<i>Walpole</i> .
<i>Waldoboro'</i> , Capt. Jacob Ludwig.	<i>Howardstown</i> .
<i>Edgecombe</i> .	<i>Norwich Walk</i> .
<i>Hallowell</i> .	<i>Sterlington</i> .
<i>Belfast</i> .	<i>Lewistown</i> .
<i>Warren</i> .	<i>Ballstown</i> .
<i>Thomastown</i> .	<i>Wales</i> .

*County of BERKSHIRE*.

<i>Sheffield &amp; Mt.</i> } Theo Sedgwick,	<i>Becket</i> .
<i>Washington</i> , { J. Fellows, Esqrs	<i>Gageborough</i> .
<i>Great Barrington</i> , Maj. W. King.	<i>Hancock</i> , Sam. Hand, Esq ;
<i>Partridgefield</i> , Mr. Eben. Peirce.	<i>Richmond</i> , Mr. William Lusk.
<i>New Marlboro'</i> , Mr Noah Church.	<i>Loudon</i> .
<i>Williamstown</i> , Mr. Thompson J.	<i>Washington</i> .
Skinner.	<i>West Stockbridge</i>
<i>Lanesborough</i> .	<i>Alford</i> .
<i>Pittsfield</i> .	<i>Adams</i> , Jacob Stafford, Esq ;
<i>Lenox</i> .	<i>Ashwclot-Equivalent</i> .
<i>Stockbridge</i> , Hon. John Bacon, Esq ;	<i>New Ashford</i> .
<i>Egremont</i> , Capt. Oliver Pier.	<i>Lee</i> .
<i>Tyringham</i> , Capt. Ez. Herrick.	<i>Windsor</i> , Capt. L. Grosvenor.
<i>Sandisfield</i> , Mr. James Ayrault.	

By the Return of the Votes of the qualified Electors in the several Towns within this Commonwealth, it appeared, that

His Excellency JOHN HANCOCK, Esq ;

was chosen GOVERNOR, and

His Honor THOMAS CUSHING, Esq ;

LIEUTENANT-GOVERNOR, — by a Majority of Votes.

The two Branches of the General Court made choice of the following Gentlemen, Councillors, to advise the Governor for the current Year, viz. :

Hon. Jeremiah Powell,	Hon. Timothy Danielson,
Walter Spooner,	Nathan Cushing,
Benjamin Chadbourne,	Jonathan Greenleaf,
James Prescott,	Aaron Wood, Esquires.
Moses Gill, Esquires.	

And JOHN AVERY, Esq ; was elected Secretary.

The Honorable the Senate made choice of Mr. WILLIAM BAKER, jun for their Clerk ; and the Honorable House of Representatives made choice of Mr. GEORGE R. MINOT, to be their Clerk.

## Chapter 1.

- Chap. 1* RESOLVE DIRECTING THE TREASURER TO FORWARD CERTAIN PAPER MONEY TO PHILADELPHIA.

*Whereas, in obedience to a late resolve of the General Court, Seven hundred and sixty-three thousand, nine hundred and thirty-eight dollars, of the emissions of May 20, 1777, and April 11, 1778, were delivered to Thomas Ivers, Esq; Treasurer of the Commonwealth, subject to the order of Michael Hillegas, Esq; Continental Treasurer; and the said Hillegas hath ordered the said dollars to be forwarded to Philadelphia:*

*Resolved, That the said Thomas Ivers do immediately forward the same to the said Michael Hillegas, at Philadelphia, and that he take duplicate receipts therefor, one of which to be lodged in the Secretary's office.*

*May 30, 1783.*

## Chapter 2.

- Chap. 2* RESOLVE DISCHARGING THE COMMITTEE APPOINTED TO TAKE UP MONEY ON ABSENTEES' ESTATES, AND A COMMITTEE FOR SALE OF ABSENTEES' ESTATES IN THE COUNTY OF SUFFOLK, AND THE LATE AGENT, FROM ALL SUMS THEY HAVE RECEIVED IN THEIR SEVERAL CAPACITIES.

*Resolved, That Caleb Davis, James Prescott, Thomas Dawes, Ebenezer Wales, and Samuel Henshaw, Esquires, a committee to take up money on the credit of Absentees' Estates; and Caleb Davis, Ebenezer Wales, Samuel Henshaw, and Richard Cranch, Esquires, a committee for sale and leasing Absentees' Estates in the county of Suffolk; and Caleb Davis, Esq; late agent of this Commonwealth, be, and they hereby are discharged, from all sums of money belonging to this Commonwealth, they have received in their several capacities, they having made it appear to this Court, that the same has been paid to the Treasurer of this Commonwealth.*

*June 4, 1783.*

## Chapter 3.

- Chap. 3* RESOLVE DIRECTING NAVAL OFFICERS TO ENTER AND CLEAR OUT ALL BRITISH VESSELS, GOODS, WARES AND MERCHANTIZE, &c.

*Whereas there is a prospect that the definitive treaty of peace between the United States of America and Great*

Britain, may soon arrive; and it appears necessary that until a treaty of commerce shall be settled and concluded upon, it is expedient provision should be made for the entrance and clearance of vessels that have arrived, or may arrive, from any part of the dominions of Great Britain, into any of the ports or places of this Commonwealth:

Therefore *Resolved*, That permission be granted for the entry and clearing out of all vessels that have arrived, or may hereafter arrive, within this Commonwealth, from any port or place under the dominion of the King of Great Britain; and that all Naval Officers be, and they are hereby authorized and impowered, to admit such vessels to be entered and cleared out of their respective offices; and to give permission for the landing of the goods, wares or merchandize imported in them, the masters or commanders thereof complying with all the laws and regulations of this Commonwealth, respecting trade and navigation; and all goods, wares or merchandize, imported in such vessels, may be sold any where within this Commonwealth, the duties thereon, in common with those of any other nation, being first secured to government, any law or resolve of the General Court to the contrary notwithstanding.

June 4, 1783.

#### Chapter 4.

A GRANT OF THREE POUNDS TO COMFORT JONES, FOR THE LOSS OF A GUN, AND EMPOWERING SAMUEL HAND, ESQ; TO RECEIVE THE WAGES DUE TO GARDNER HILL, DECEASED. Chap. 4

*On the petition of Comfort Jones, praying allowance for a gun, which was lost in the battle of Stone Arabia, on the 19th of October, 1780, as set forth in the said petition: and that some person may be impowered to receive the wages of Gardner Hill, who was slain in the said battle:*

*Resolved*, That the prayer of the said petition be granted; and that there be paid out of the public treasury of this Commonwealth, unto the said *Comfort Jones*, three pounds, in full for said gun.

And it is further *Resolved*, That *Samuel Hand*, Esq; be, and he is, hereby impowered, to receive the wages that were due to the said *Gardner Hill*, deceased, for the benefit of the heirs of the said deceased, and give a proper discharge therefor.

June 4, 1783.

## Chapter 5.

*Chap. 5* RESOLVE DIRECTING THE COMMISSARY GENERAL TO SELL THE SLOOP *WINTHROP* AT PUBLIC AUCTION.

*Resolved*, That *Richard Devens*, Esq; Commissary General, be, and hereby is, directed to sell at public auction, (after giving suitable notice thereof) the sloop *Winthrop*, with all her appurtenances, except her guns and military stores, for the most the same will fetch; and pay the proceeds into the public treasury of this Commonwealth, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office; the said proceeds to remain for the further order of the General Court.

*June 4, 1783.*

## Chapter 6.

*Chap. 6* RESOLVE ON THE PETITION OF *EPHRAIM ELLIS*, MISSIONARY TO THE *HERRING POND INDIANS*, EMPOWERING *SETH FREEMAN*, ESQ; TO SELL PART OF THE LAND, FOR THE PURPOSES MENTIONED.

*On the petition of Ephraim Ellis, Missionary to the Herring Pond Indians, which said petition is presented at the request of the said Indians, praying for liberty to sell so much of the lands belonging to the said Herring Pond Indians, lying in the town of Plymouth, as will produce about one hundred pounds, for the purposes set forth in the said petition:*

*Resolved*, That the prayer of the petition be granted, and that *Seth Freeman*, of *Sandwich*, Esq; be, and hereby is, fully authorized to sell and convey, by a lawful deed or deeds to the purchaser or purchasers, so much of the aforesaid lands as will fetch *one hundred pounds*, lawful money; the said land to be sold at public or private sale, as shall be thought by the aforesaid *Seth Freeman*, most for the benefit of the said Indians; taking care not to inroach on the said Indians house lots, nor sell any of their wood lands that lay most convenient for their own use: And the money arising by the sale of the said land, after paying charges of sale, shall be first applied to the purpose of paying the aforesaid Missionary for services done in preaching to the said Indians, and if any shall remain after such payment be made, the same shall be applied for the purpose of paying such Protestant Teacher

as shall hereafter be appointed to preach among the said Indians; he the said *Seth Freeman*, first giving bond to the Judge of Probate for the county of *Barnstable*, that the money arising by the said sale shall be applied to the purposes aforesaid.

June 5, 1783.

### Chapter 7.

RESOLVE ON GENERAL WASHINGTON'S LETTER, APRIL 14, 1783, ENCLOSING SUNDRY QUERIES FROM THE PAYMASTER OF THE ARMY, RESPECTING THEIR SETTLEMENT, REQUESTING THE GOVERNOR TO WRITE TO HIS EXCELLENCY UPON THE SUBJECT, AND TO ENCLOSE HIM THE ANSWER TO HIS QUERIES BY THE COMMITTEE FOR SETTLING WITH THE ARMY. Chap. 7

*The Committee to whom was referred the queries of the Paymaster General to the States, report the following answers, which are submitted.*

In answer to the first query, the Committee say :

1st. The State of *Massachusetts*, by a Committee of the General Court, in conjunction with a Committee from the *Massachusetts Line of the Army*, adopted the following principles for a settlement with them for their three years' service, from *January 1st, 1777*, to *December 31, 1779*.

That the officers and soldiers of the Line and Staff of said State, should have credit for the amount of their wages for the whole of the said three years, in solid money.

That they should be charged with the value of the nominal sum received from the Continent; supposing in the settlement they have received the whole nominal sum for the three years' service in old money. The rate at which the State settled and charged the value of the old money they received, was determined by a scale adopted by the two Committees aforesaid, and confirmed by the General Court.

They were not charged with cloathing or any other articles received from the Continent (except their wages) in the said settlement. The balance due to them for the said three years' service, they received in four Treasurer's notes, for equal sums, on interest, payable at certain periods, the value being fixed in said notes.

2d and 3d. They considered the army as paid in old money, for 1780, no further than to the time returned by the Paymaster General to this Court's Committee for settling with the army, which was various; some regiments

received six months' pay, from *January 1st* to *July 1st*, 1780; some only three months' pay, to *April 1st*, 1780; and other regiments have received no pay for 1780, in old money; and the Army, in their settlement with this State for 1780, have been charged according to said returns.

The sum charged, is at the rate of *seven pence*, solid money, for every *forty shillings* received in paper, according to the *Massachusetts* Scale of Depreciation, at the time they received the same.

4th. No depreciation or allowance has been made by the State of *Massachusetts*, in their settlement with the Army, either in the three years' settlement or the settlement for 1780, for subsistence money or back rations.

5th. The State of *Massachusetts* have settled with their quota of the Army, both Line and Staff, for the whole of the year 1780, agreeable to principles adopted by a Committee of the General Court, in conjunction with a Committee from the Army. They have given them credit for twelve months' wages in solid money; they have also credited them for omissions made in the three years' settlement, *viz.*: additional pay to the Staff Officers, which they have not credit for in the three years' settlement; depreciation on the delay of payment of their wages, *viz.*: the difference between the value of their pay *when* it became due, and the time they received it, and interest on the above omissions. The last three months' pay in 1780, they received in hard money, and for the balance of the other nine months, after deducting *seven pence* for every *forty shillings* they received in old money towards their wages for said year, they have received three Treasurer's Notes, of equal sums, payable at certain periods, for specie, with interest till paid.

6th. The Army have not accounted with the State of *Massachusetts*, for any pay or articles received of the Continent, after *August 1st*, 1780.

#### COMMONWEALTH OF *Massachusetts*.

In SENATE, *June 5th*, 1783.

Read and accepted, and thereupon *Ordered*, That his Excellency the Governor be requested to write to his Excellency General *Washington*, in reply to his letter of the 14th of *April* last, enclosing the foregoing answers to the several queries of the Paymaster General, therein

contained, and informing him that several Officers and Soldiers have been overpaid, in their settlement for 1780, which it will be necessary to charge in their settlement for 1781; and that a list of the names of such Officers and Soldiers, with the sums they are severally indebted, will be transmitted to the Paymaster General by the next post, as also an account of small stores delivered to the *Massachusetts* Line by the Commissary of this State, in the year 1781.

June 5, 1783.

### Chapter 8.

A GRANT OF SEVENTY-FOUR POUNDS SIX SHILLINGS AND FOUR PENCE TO JUNIPER BERTHIAUME, RECOLLET, INSTRUCTOR TO THE PENOBSCOT TRIBE OF INDIANS; ALSO FORTY-EIGHT SHILLINGS FOR DEFRAYING SAID JUNIPER'S BOARD. Chap. 8

*On the petition of Juniper Berthiaume, Recollet, Instructor to the Penobscot tribe of Indians:*

*Resolved,* That there be allowed and paid out of the public treasury of this Commonwealth, to *Juniper Berthiaume, Recollet,* Instructor to the *Penobscot* tribe of Indians, *Seventy-four pounds six shillings and four pence,* which sum shall be in full for his wages and rations to the first day of this instant, *June;* also the sum of *forty-eight shillings* to defray the said *Juniper's* board. The said sums to be charged to the United States; and that he be discharged from any further service.

June 5, 1783.

### Chapter 9.

RESOLVE ON THE PETITION OF THREE INDIANS, IMPOWERING THE COMMISSARY GENERAL TO DELIVER CERTAIN ARTICLES, AND GRANTING THEM TWELVE POUNDS. Chap. 9

*On the petition of three of the Indian Chiefs of the Penobscot tribe:*

*Resolved,* That the Commissary General be, and he hereby is, empowered and directed to deliver each of the petitioners, one Blanket, one Shirt, one pair of Shoes, cloth for one pair of Stockings, one Hat, one Musket, two pounds of Powder, four pounds of Shot, and six Flints. And he is further directed, to send *Ezekiel Puttee, Esq;* six Muskets, one hundred pounds of Powder, four hundred pounds of Shot, twenty Blankets, twenty Shirts, two hundred Flints,

fifty Knives and twenty Hatchets, to be distributed among the *Penobscot* tribe of Indians, to enable them to procure a sustenance.

Be it further *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to the three Indian Chiefs aforesaid, a sum not exceeding *Twelve pounds*, in order to enable them to pay their board while in this town, and to pay their passage on their return.

*June 5, 1783.*

### Chapter 10.

*Chap. 10* RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH THE COMMITTEES OF ABSENTEES' ESTATES, TO APPLY TO SAID COMMITTEES FOR A SETTLEMENT OF THEIR ACCOUNTS AND TO REQUIRE THEM TO PAY THEIR BALANCES.

*Resolved*, That the Committee for settling with the Committees on Absentees' Estates, be, and they are hereby directed, to apply, in the most expeditious and pointed manner, to the said Committees in the different counties, for a settlement of their accounts, and to require them to pay the balances which may be coming to the Commonwealth, into the hands of the Treasurer, on or before the first day of *August* next; and if not then discharged, they are directed to furnish the said Treasurer with a list of the delinquents, who is hereby impowered and ordered to prosecute them to final judgment.

*June 5, 1783.*

### Chapter 11.

*Chap. 11* A GRANT OF TWO POUNDS TO THE ASSESSORS OF THE TOWN OF STURBRIDGE, IN DISCHARGE OF THEIR ACCOUNT OF FEES.

*On the petition of the Assessors of the town of Sturbridge, setting forth, that through a mistake an execution issued against said town, from the late Treasurer of this Commonwealth, for the deficiency of one man, for the three years' service; on which execution, the said Assessors paid the sheriff's fees, although said fine was remitted to said town by a resolve of the General Court.*

Therefore *Resolved*, That there be paid out of the public treasury of this Commonwealth, to the Assessors of the said town of *Sturbridge*, the sum of *forty shillings*, in full discharge of their account for the said fees.

*June 5, 1783.*



## Chapter 12.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF PEMBROKE, IMPOWERING ALEXANDER SOPER TO COLLECT THE TAXES COMMITTED TO INCREASE ROBINSON TO COLLECT. Chap. 12

*On the petition of the Selectmen of the town of Pembroke, setting forth, that in the month of March, 1782, one Increase Robinson was chosen Collector of Taxes in said town, for the year then next ensuing, but has since removed out of the said town, by means whereof part of the taxes committed to him to collect, are left uncollected; and therefore praying, that Alexander Soper may be impowered to collect the same.*

*Resolved, That Alexander Soper be, and he hereby is, impowered to collect all such taxes as were committed to Increase Robinson to collect from the inhabitants of the town of Pembroke, and left by him uncollected; in as full and ample a manner, as the said Robinson might have done, by virtue of any warrants, assessments, or other powers, which may have been given to him; and that the said Alexander Soper shall be in all respects answerable touching the collection and payment of such taxes, in the same manner as the said Robinson now is, or would have been, if this resolve had not passed: And all Treasurers are hereby authorized and impowered to issue their executions against the said Soper, for said taxes, or any part of them, as may remain due and unpaid, as they might heretofore have issued against the said Robinson.*

*June 5, 1783.*

## Chapter 13.

RESOLVE ON THE MEMORIAL OF CAPT. PEREZ CUSHING, GRANTING FORTY-TWO POUNDS OUT OF THE TAX GRANTED IN MARCH LAST, FOR APPREHENDING SEVEN SOLDIERS. Chap. 13

*On the memorial of Capt. Perez Cushing, praying that he may be allowed bounties for apprehending and securing seven soldiers, who were inlisted and mustered for the Continental army, viz.: John Veals, David Truman, Isaac Hathaway, Francis Stuben, Elisha Cole, Samuel Cumstock and Silas Baker.*

*Resolved, That the prayer of the said memorial be granted, and that there be paid out of the public treasury of this Commonwealth, unto the said Perez Cushing, the*

sum of *Forty-two pounds*, out of the tax granted in *March* last, in full compensation for the said service; and that the said sum of *Forty-two pounds* be charged to the United States, and an account thereof transmitted by the Secretary of this Commonwealth, to the Secretary of War, in order that the same may be deducted out of the wages of the aforesaid deserters.

*June 5, 1783.*

#### Chapter 14.

*Chap. 14* RESOLVE ON THE PETITION OF JOHN KING, ALLOWING TWO POUNDS, FIVE SHILLINGS AND FIVE PENCE, FOR TAXES COMMITTED TO HIM TO COLLECT, IN THE YEAR 1772.

*On the petition of John King, praying that he may be allowed Eight pounds, fourteen shillings and ten pence, it being part for taxes committed to him to collect in the year 1772; and which sum he paid to a committee in the town of Norton, agreeable to a resolution of the Provincial Congress; and that the aforesaid sum was carried to the credit of the said town, but omitted to be passed to the credit of the said King, in the Treasurer's books; and that by reason thereof, an execution was issued against the said King, in the year 1778, and he thereby obliged to pay the aforesaid sum of Eight pounds, fourteen shillings and eight pence, a second time: Therefore,*

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to the said *John King*, Two pounds, five shillings and five pence, in full compensation for the aforesaid sum of *Eight pounds, fourteen shillings and eight pence*, which sum was paid by the said *King* into the Treasury, in the year 1778.

*June 6, 1783.*

#### Chapter 15.

*Chap. 15* RESOLVE ON THE PETITION OF ABIAH HALL, EXECUTOR TO BRIAN HALL, DECEASED, IMPOWERING HER TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of Abiah Hall, Executor to the last will and testament of Brian Hall, late of Norton, in the county of Bristol, deceased, praying that she may be impowered to make sale of so much of the said deceased's real estate, as will be sufficient to discharge his just debts and charges, for reasons set forth in the said petition:*

*Resolved*, That the prayer of the petition be granted, and that the said *Abiah Hall* be, and she is, hereby authorized and impowered to make sale of so much of that part of the said deceased's real estate, that was given in his last will to his three sons, *viz.*: *John, Brian and Silas*, as may be sufficient to pay all the said *Brian's* just debts, that remain unpaid, and all intervening charges; to be sold where it will be least prejudicial to the remaining part of the said estate, and to give a good and lawful deed or deeds of the same to the purchaser or purchasers thereof; she, the said *Abiah*, observing the rules and directions of the law for the sale of real estates by executors and administrators, and giving bond, with sufficient sureties, to the Judge of Probate for the county of *Bristol*, for the faithful performance of the said trust.

June 7, 1783.

### Chapter 16.

RESOLVE ALLOWING AN ABATEMENT ON THE TOWN OF DARTMOUTH, OF EIGHT THOUSAND THREE HUNDRED NINETY-THREE POUNDS AND SIX PENCE, OUT OF THE TAX OF MARCH, 1783.

Chap. 16

*On the petition of the town of Dartmouth, setting forth, that they were fined in the last Tax Act, for a number of three years' men, which they supposed they raised, agreeable to orders of the General Court, of the 2d of December, 1780, and praying an abatement of the said fines:*

*Resolved*, That the sum of *Eight thousand three hundred ninety-three pounds and six pence*, be, and hereby is, abated to the town of *Dartmouth*, for the fines and allowance of the average prices of thirty-nine men; the average cost of which, with ten per cent. added thereto, was assessed on the denomination of Christians, called Quakers, in the said town, as appears by a certificate from the Assessors, agreeable to the Militia Act of this Commonwealth. And the Treasurer is directed to allow the said town of *Dartmouth* the above sum out of the tax of *March* last.

June 7, 1783.

### Chapter 17.

RESOLVE ON THE PETITION OF DAVID BENTON, GRANTING HIM A SMALL TRACT OF LAND, UPON CERTAIN CONDITIONS.

Chap. 17

*On the petition of David Benton, praying for a grant of a small tract of land, in the said petition mentioned.*

*Resolved*, That the said tract of land, be, and the same hereby is, granted unto the said *David Benton*, his heirs and assigns, provided the same interfere with no former grant, and provided the said *David Benton* shall pay unto the Treasurer of this Commonwealth, what the said tract of land shall be apprized at, on oath, by *John Ashley* and *John Fellows*, Esq'rs. who are hereby impowered for that purpose, on or before the first day of *May*, which will be in the year of our Lord, one thousand seven hundred and eighty-four.

*June 10, 1783.*

### Chapter 18.

*Chap. 18* RESOLVE ON THE PETITION OF ZEBEDIAH WYMAN, IMPOWERING THE JUDGES OF THE SUPREME JUDICIAL COURT, TO INQUIRE INTO A JUDGMENT BY THEM GIVEN AT THE COURT AT CONCORD, UPON THE COMPLAINT OF THE SAID WYMAN, AGAINST JONATHAN STICKNEY, AND OTHERS.

*On the petition of Zebediah Wyman, praying that the Judges of the Supreme Judicial Court may be impowered to rectify a mistake in a judgment given upon an action brought by him against Jonathan Stickney, Benjamin Bowers and Josiah Bowers, and in which action they were defaulted:*

*Resolved*, That the Judges of the Supreme Judicial Court, at a Court by them to be holden at *Ipswich*, within and for the county of *Essex*, on the third Tuesday of *June* inst. or at any other term, be, and they hereby are, impowered to inquire into a judgment by them given at the Supreme Judicial Court holden at *Concord*, within and for the county of *Middlesex*, on the second Tuesday of *April* last past, upon the complaint of said *Wyman*, against the said *Stickney*, *Benjamin Bowers* and *Josiah Bowers*; and also to inquire into the judgment of the Court of Common Pleas appealed from in the said case, and to enter up judgment for any such sum as may appear to them to have been omitted in either of said judgments, and which ought to have been by law considered in rendering the same judgments, or either of them, and to issue execution thereon, in due form of law.

*June 12, 1783.*

## Chapter 19.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO DISPOSE OF SUNDRY ARTICLES, AND TO PAY THE PROCEEDS INTO THE TREASURY. Chap. 19

*Resolved*, That the Commissary General of this Commonwealth be, and he is, hereby directed to sell all the flat bottom boats belonging to this State, except two, and all the public stores enumerated in a return made by him to the General Court, on the 31st of *May* last, except the articles specified in the annexed schedule; in such manner as to him shall appear most for the interest of the Commonwealth; and to pay the proceeds into the public treasury, taking duplicate receipts therefor, one of which to be lodged with and recorded by the Secretary.

## SCHEDULE.

Cannon, with their carriages and apparatus,	Match rope,
Blunderbusses,	30 barrels Beef,
Ball,	20 barrels Pork,
Shott,	120 gallons Molasses,
Shells,	150 lb. Soap,
Flints,	90 lb Candles,
Powder horns,	50 bushels Salt.

*June 14, 1783.*

## Chapter 20.

RESOLVE ON THE PETITION OF JANE TACANASH, IMPOWERING EBENEZER SMITH TO SELL PART OF THE ESTATE MENTIONED, AFTER THE ACCOUNTS ARE ALLOWED. Chap. 20

*On the petition of Jane Tacanash, an Indian woman:*

*Resolved*, That the prayer of the said petition be so far granted, that the petitioner be allowed to make out her accounts for the service done, as mentioned in the said petition, and present the same to the Judge of Probate for the county of *Dukes County*, to be by him examined; and that such sum as appears to the said Judge to be due to the petitioner, be allowed.

And be it further *Resolved*, That after the examination and allowance of the said account, either in whole or in part, by the said Judge; *Ebenezer Smith*, Esq; be, and is, hereby authorized and empowered, to make sale of so much of the real estate of the deceased *Peter Paul's*, as shall satisfy the said debt, and to give good and

sufficient conveyance thereof to any purchaser or purchasers; he, the said *Ebenezer Smith*, Esq; first giving bond, with sufficient sureties, to the said Judge of Probate, that the neat proceeds of such sale shall be applied for the purposes aforesaid. *June 14, 1783.*

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### Chapter 21.

*Chap. 21* RESOLVE ON THE PETITION OF THE TOWN OF *RUTLAND*, DECLARING NULL AND VOID A RESOLVE PASSED THE 20<sup>TH</sup> OF *FEBRUARY*, 1782, DIRECTING SAID TOWN TO PAY THE TOWN OF *STERLING* NINETY POUNDS.

*On the petition of the town of Rutland:*

*Resolved*, That a resolve of the General Court, of the 20th day of *February*, in the year one thousand seven hundred and eighty-two, directing the said town of *Rutland* to pay unto the town of *Sterling*, the sum of *ninety pounds*, be, and the said resolve is hereby repealed and declared null and void. *June 16, 1783.*

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### Chapter 22.

*Chap. 22* RESOLVE ENTITLING MAJOR *WILLIAM LITHGOW*, TO ONE THIRD PAY AS A WOUNDED OFFICER.

*Upon the representation of John Lucas, Commissary of Pensioners, in behalf of Major William Lithgow, of Col. Francis's regiment, who was wounded in the Army, the 19th of September, 1777, and by means thereof hath lost the use of one of his arms:*

*Resolved*, That the said *William Lithgow* be intitled to one third part of pay, from the time of his discharge from the Army, until the further order of this Court, or the Congress of the United States. *June 16, 1783.*

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### Chapter 23.

*Chap. 23* RESOLVE ON THE PETITION OF *MOSES INGLEE*, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *HALIFAX* FOR A FINE SET UPON SAID TOWN.

*On the petition of Moses Inglee, in behalf of the town of Halifax, in the county of Plymouth:*

*Resolved*, That for special reasons appearing to this Court, the Treasurer be, and he is, hereby directed to

credit the said town of *Halifax*, in the last State Tax, the sum of *twenty pounds, eight shillings and four pence*, being the fine set upon the said town for not sending a Representative to the General Court last year.

*June 16, 1783.*

### Chapter 24.

RESOLVE DIRECTING *HUGH ORR, ESQ;* AND OTHERS, A COMMITTEE TO SELL OR LEASE THE FURNACE, &c., AT *BRIDGEWATER*, TO PAY THE GOVERNMENT SECURITIES THEY HAVE RECEIVED TO THE TREASURER.

*Chap. 24*

*Whereas a resolution passed the General Court in February last, directing Hugh Orr, Esq; and others, (a Committee to sell or lease the Furnace, or any part of the stock thereof at Bridgewater,) to pay the money they might receive therefor, into the public treasury; but no direction was given to the said Committee to pay the government securities which they were impowered to receive, by which means the Treasurer does not think himself authorized to receive the said securities:*

*Resolved, That the said Hugh Orr, Esq; and others, be, and they are, hereby directed to pay the government securities they have or may receive, for the lease or sale of the Furnace, or of any part of the stock thereof, at Bridgewater, into the public treasury, and take duplicate receipts therefor, specifying the interest due on the said securities, one of which to be lodged in the Secretary's office.*

*June 16, 1783.*

### Chapter 25.

RESOLVE ALLOWING THE ACCOUNTS OF THE COUNTY TREASURER FOR THE COUNTY OF YORK.

*Chap. 25*

*Whereas it appears, upon examination of the Treasurer's accounts for the county of York, that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, from June 26, 1781, to January, 1783, including January term, were for such purposes and appropriations, as by law the said Court were impowered to grant:*

*Therefore Resolved, That the said accounts be accepted and allowed.*

*June 17, 1783.*

## Chapter 26.

*Chap. 26* RESOLVE DIRECTING THE COMMISSIONERS FOR COLLECTING THE CONTINENTAL TAX, BY A RESOLVE OF JULY 4<sup>TH</sup>, 1782, TO RENDER ACCOUNTS AND DISCHARGING SAID COMMISSIONERS.

*Resolved*, that the Commissioners appointed by a resolve of the General Court, of July 4<sup>th</sup>, 1782, for expediting the payment of the Continental Tax, be, and they are, hereby severally directed, to render to the Treasurer of this Commonwealth, on or before the 20<sup>th</sup> day of July next, an account of the monies they have received on the said tax; the names of the persons from whom they received the same, and the towns to which they respectively belonged; and to pay into the said Treasurer, such sum or sums of money as they may have on hand. And in case any of the said Commissioners have not made any collections, they are hereby directed to certify the same to the said Treasurer, on or before the said 20<sup>th</sup> day of July.

*And whereas it is not expedient that the said appointment shall any longer be continued:*

It is further *Resolved*, That the said Commissioners be, and they are, hereby discharged from any further execution of their respective commissions. And the Secretary is hereby directed to notify the Commissioners above-mentioned of this resolve, by inclosing the same in a letter to them respectively.

*June 19, 1783.*

## Chapter 27.

*Chap. 27* RESOLVE DIRECTING THE COMMISSARY GENERAL TO RECEIVE THE STORES AT THE LABORATORY, AND DISCHARGING THE FIRE WORKER AND CLERK.

*Resolved*, That the Commissary General be, and he hereby is directed to receive the stores at the Laboratory, and to transport such of them as he is not directed by the resolve of the 14<sup>th</sup> instant to make sale of, to the Castle, there to be deposited with the other public stores.

*Resolved further*, That the fire worker and clerk be discharged as soon as the Commissary General shall have received the stores aforesaid.

*June 19, 1783.*



## Chapter 28.

RESOLVE DIRECTING THE TREASURER TO BORROW MONEY TO PAY THE MASSACHUSETTS LINE OF THE ARMY THEIR THREE MONTHS' PAY, IN 1780, AGREEABLE TO PROMISE.

Chap. 28

*Whereas there is a number of distressed soldiers in the town of Boston, honorably discharged from the Continental Army, and on their return to their respective homes, who have not received their three months' wages in money, for the year 1780, as agreed for with this Commonwealth:*

*Resolved, That the Treasurer of this Commonwealth be, and he is, hereby authorized and directed, to borrow a sum of money sufficient to pay the three months' wages due to a number of the Massachusetts Line of the Continental Army who have not as yet received the same, as by agreement with this Commonwealth, for the year one thousand seven hundred and eighty; and repay the said borrowed monies from the first monies that come into the treasury, not already appropriated.* June 20, 1783.

## Chapter 29.

RESOLVE ON THE PETITION OF ANNE DOANE, AND ISALAH DOANE, FOR THE REMOVAL OF ALL PAPERS RELATIVE TO THE ESTATE OF ELISHA DOANE, ESQ; DECEASED, FROM THE PROBATE OFFICE IN THE COUNTY OF BARNSTABLE, TO THE PROBATE OFFICE IN THE COUNTY OF SUFFOLK.

Chap. 29

*Whereas Anne Doane, of Wellfleet, in the county of Barnstable, widow; and Isaiah Doane, of Boston, in the county of Suffolk, merchant; Administrators on the estate of Elisha Doane, Esq; late of Wellfleet, in the county of Barnstable, deceased; have represented that great part of the real estate of the said Elisha, lies in the town of Boston, and but a small part in the said town of Wellfleet; and that it will be much for the advantage of the heirs to the said estate, to have all the estate settled in the Probate Office for the county of Suffolk:*

*Therefore Resolved, That authenticated copies of all the papers relative to the estate of Elisha Doane, Esq; late of Wellfleet, in the county of Barnstable, deceased, be removed from the Probate Office in the county of Barnstable, to the Probate Office in the county of Suffolk; and the Administrators to the said estate, are hereby empowered and directed to lodge the same with the Judge of Probate for the county of Suffolk, who is hereby*

authorized and impowered, to receive and pass upon the same, and proceed to settle the said estate, any law to the contrary notwithstanding. June 20, 1783.

### Chapter 30.

*Chap. 30* RESOLVE ON THE PETITION OF PAUL DUDLEY SARGENT, APPOINTING A COMMITTEE TO AGREE WITH SAID SARGENT TO MAKE A DIVISION OF THE ESTATE MENTIONED.

*On the petition of Paul Dudley Sargent, setting forth, that he is seized in his own right of certain real estate in the town of Salem, in the county of Essex; being in common with an estate lately belonging to Samuel Brown, Esq; deceased, but now by forfeiture the property of this Commonwealth; and praying that his part may be set off in severalty:*

Wherefore Resolved, That Larkin Thorndike, Israel Hutchinson, and Dummer Jewett, Esq's, or any two of them, be a Committee on the part of this Commonwealth, to agree with the said Sargent, in the appointment of some indifferent persons, who are freeholders, to make a just division of the said estate, according to the property of each party, and to make report of their doings to the General Court, for acceptance. June 21, 1783.

### Chapter 31.

*Chap. 31* RESOLVE ON THE PETITION OF THE TOWNS OF BARNSTABLE, SANDWICH AND FALMOUTH, DIRECTING THE TREASURER TO STAY EXECUTIONS AGAINST SAID TOWNS, UNTIL THE NEXT SITTING OF THE GENERAL COURT.

*On the petition of the towns of Barnstable, Sandwich and Falmouth, setting forth their incapacity to raise and collect the taxes which have been laid upon them; also that the resolve of the 28th of October last, for abating the deficiencies of men and beef to the several towns in the county of Barnstable, did not afford the relief to the said towns which was intended; and praying the consideration of the General Court:*

Resolved, That the prayer of the petition be so far granted, as that the Treasurer of this Commonwealth be, and he is, hereby directed to stay executions against the said towns of Barnstable, Sandwich and Falmouth, for two thirds of the taxes now lying against them, until the

next sitting of this Court; and that the further consideration of the said petition, be referred in the mean time.

*June 23, 1783.*

### Chapter 32.

RESOLVE ON THE PETITION OF JOHN EPHRAIM, IMPOWERING JOSIAH STONE, ESQ; AND OTHERS, TO SELL THE LANDS MENTIONED. Chap. 32

*On the petition of John Ephraim, of Natick, Indian planter:*

*Resolved,* That the prayer of the said petition be so far granted, that *Josiah Stone, Esq; Joseph Twitchell and Eleazer Kingsbury,* Guardians to the said Indians, be, and they are, hereby authorized and impowered to sell so much of the lands mentioned in the said petition, for the most it will fetch, as may be sufficient to discharge the debts that are mentioned in the said petition, and all the cost that shall arise in consequence of the said sale, and to make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers; and the deed or deeds so executed, shall be good and valid in law, any law or resolve to the contrary notwithstanding.

*June 23, 1783.*

### Chapter 33.

RESOLVE ON THE PETITION OF JAMES PRESCOTT, ESQ; AND OTHERS, CONFIRMING THE PROCEEDINGS OF A COMMITTEE OF THE PROPRIETORS OF A TOWNSHIP OF LAND, GRANTED TO SAMUEL WHITTEMORE. Chap. 33

*On the petition of James Prescott, Esq; and others, a Committee appointed by the Proprietors of a new Township of land, granted by the General Court to Capt. Samuel Whittemore, and others, in February, 1774, praying that the doings of the said Proprietors, at a meeting holden at Cambridge, on the 29th day of August, 1780, may be established, notwithstanding their proceeding to business before the hour of the day at which they were, through mistake, notified to meet, and also the subsequent proceedings thereon:*

*Resolved,* That the prayer of the petition be so far granted, that the doings and proceedings of the said Proprietors, at their meeting aforesaid, together with their

doings and proceedings at any subsequent meeting, held by adjournment; shall be deemed, held, and considered as valid in law, in the same manner they would have been, if the said proprietors had not proceeded to business before the hour at which they were, through mistake, notified to meet.

*June 23, 1783.*

### Chapter 34.

*Chap. 34* A GRANT OF ONE HUNDRED AND FIFTY POUNDS TO ELBRIDGE GERRY, ESQ; A DELEGATE TO REPRESENT THIS COMMONWEALTH IN CONGRESS.

*Whereas the Honorable Elbridge Gerry, Esq; hath signified to this Court his determination soon to repair to Philadelphia, to attend his duty as a Delegate from this Commonwealth to Congress:*

*Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Honorable Elbridge Gerry, Esq; the sum of One hundred and fifty pounds, he to be accountable for the same.*

*June 23, 1783.*

### Chapter 35.

*Chap. 35* RESOLVE ON THE PETITION OF WILLIAM MAREAN, IN BEHALF OF THE TOWN OF HUBBARDSTON, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR FINES.

*On the petition of William Marean, in behalf of the town of Hubbardston, setting forth, that they were fined for five three years' men in the last State Tax, and praying that the said town of Hubbardston may be abated the said fines, and allowed the bounties, for reasons set forth in the petition.*

*Whereas it appears to this Court, by a return of an execution issued against the Assessors of Hubbardston, that the above said five men, for which the said town was fined, were raised and delivered agreeable to the resolve of the 2d day of December, 1780, and subsequent resolves therefor:*

*Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to credit the town of Hubbardston with one thousand and seventy pounds, twelve shillings and six pence, in the last State Tax, being the fines and bounties for five three years' men. And the Assessors of the said town of Hubbardston are to govern themselves accordingly in assessing the said tax.*

*June 24, 1783.*

## Chapter 36.

RESOLVE ON THE PETITION OF JOHN BANE, DIRECTING THE COMMISSARY GENERAL TO PAY HIM IN SUNDRY ARTICLES, FOR SUPPLIES TO THE TROOPS IN THE EASTERN DEPARTMENT. Chap. 36

*On the petition of John Bane, praying for payment for sundry provisions supplied the troops in the Eastern Department:*

*Resolved,* That the Commissary General be, and he is, hereby directed to pay to *John Bane*, fourteen hundred and twenty-two pounds of Beef, twenty-one bushels of Corn, one bushel of Peas, and ten pounds of Fish, balance of his account, with four hundred weight of Beef for his time and expence in transporting the same; and the whole be charged to the United States. June 24, 1783.

## Chapter 37.

RESOLVE ON THE PETITION OF JESSE BULLOCK, IN BEHALF OF THE TOWN OF FREETOWN, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH FOUR HUNDRED TWENTY-EIGHT POUNDS, FIVE SHILLINGS. Chap. 37

*On the petition of Jesse Bullock, in behalf of the town of Freetown, praying that said town may be excused from a fine laid upon said town, for the deficiency of two three years' men.*

*Whereas it appears to this Court, by the Superintendent's returns of the county of Bristol, that the said town of Freetown did actually raise and march the whole number of men required by the resolve of the 2d of December, 1780:*

*Resolved,* That the Treasurer of this Commonwealth be, and he hereby is, directed to credit the town of *Freetown*, the sum of *Four hundred and twenty-eight pounds, five shillings*, in the State Tax granted in *March* last, it being the fines and bounties for two men.

*June 24, 1783.*

## Chapter 38.

RESOLVE ON THE PETITION OF THE TOWN OF ASHBURNHAM, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR FINES AND BOUNTIES. Chap. 38

*On the petition of William Whetcomb, in behalf of the town of Ashburnham, praying that the said town may be*

*abated the fines of two three years' men, in the last State Tax, for reasons set forth in his petition.*

*Whereas it appears to this Court, by the Superintendent's receipts, that the town of Ashburnham did actually raise the whole number of men proportioned upon them by the resolve of the 2d of December, 1780 :*

*Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to credit the said town of Ashburnham, Four hundred and twenty-eight pounds, five shillings, being the fines and bounties for two three years' men. And the Assessors of the said town are to govern themselves accordingly in assessing the said tax.*

*June 24, 1783.*

### Chapter 39.

**Chap. 39** RESOLVE DIRECTING THE COMMISSARY GENERAL TO DELIVER ONE WEEK'S RATIONS TO SAMUEL PAYNE JONES, AND NINETY OTHER NON-COMMISSIONED OFFICERS OF THE MASSACHUSETTS LINE OF THE ARMY.

*On the petition of Samuel Payne Jones, Jeremiah Mahony, and James Fleming, praying for some relief for themselves, and ninety-five other non-commissioned officers and privates, belonging to the Massachusetts Line of the Army :*

*Resolved, That the Commissary of this Commonwealth be, and he hereby is, directed to supply the petitioners with one week's rations for themselves and the ninety-five other persons petitioned for, said petitioners making out a roll for the same, with each person's name, regiment and company he belongs to, and giving said Commissary duplicate receipts therefor, one of which to be lodged in the Secretary's Office.*

*June 24, 1783.*

### Chapter 40.

**Chap. 40** RESOLVE REQUESTING THE GOVERNOR TO ORDER THE COMMANDER OF THE CASTLE TO DISCHARGE THE REJECTED TROOPS DOING DUTY THERE AND TO MAKE UP SAID MEN IN HIS NEXT MUSTER ROLL; AND DIRECTING THE COMMISSARY GENERAL TO SUPPLY THEM WITH CLOATHING; AND REQUESTING THE GOVERNOR TO DISCHARGE CAPT. AMOS LINCOLN AND HIS COMPANY.

*Resolved, That the Governor be, and he hereby is, requested to give orders to the Commander of the Castle, immediately to discharge the (fourteen) soldiers which*

were formerly under the command of Capt. *Carpenter*, doing duty at *Springfield*, and were ordered to do duty at the Castle; and the Commander of the Castle aforesaid, is hereby directed to make up the said men in his next Muster Roll, from the time they were put under his command, until the time of their discharge.

Also *Resolved*, That *Richard Devens*, Esq; Commissary General, be, and he hereby is directed, to supply each of the said (fourteen) soldiers with a suit of cloaths, in the same manner he has supplied the men under the command of Capt. *Amos Lincoln*.

*Resolved*, That the Governor be, and he hereby is, requested to discharge Capt. *Amos Lincoln* and the officers and men under his command. And the Commissary General of this Commonwealth be, and he hereby is, directed to take effectual measures for the securing the stores which are deposited at the several posts where the company to be discharged as aforesaid have been doing duty, either by removing them to the Castle, or in such other way as he may think best, taking care to keep such of the said stores as are the property of the United States, by themselves.

*June 24, 1783.*

### Chapter 41.

RESOLVE IMPOWERING THE GOVERNOR AND COUNCIL TO FURNISH THE NON-COMMISSIONED OFFICERS AND SOLDIERS OF THE MASSACHUSETTS LINE, THAT MAY ARRIVE IN TOWN, WITH RATIONS, AND DIRECTING THE COMMISSARY GENERAL TO KEEP AN ACCOUNT THEREOF.

*Chap. 41*

*Resolved*, That the Governor, with the advice of Council, be, and hereby is, impowered from time to time, as it shall be found necessary, to give orders to the Commissary General of this Commonwealth, to furnish the non-commissioned officers and private soldiers of the *Massachusetts* Line of the Army, which in their retirement therefrom may daily arrive in the town of *Boston*, with any number of rations, not exceeding ten to be delivered to one person, having due regard to the distance of such persons from their several and respective homes, and other circumstances.

And it is further *Resolved*, That the Commissary General be, and hereby is, directed to keep an account of the names of all persons to whom he may deliver rations,

with the company and regiment to which they severally belonged when they left the army, with the number of rations delivered each; and that all rations so delivered, be charged to the United States. *June 25, 1783.*

### Chapter 42.

*Chap. 42* RESOLVE RECOMMENDING TO SAMUEL HENSHAW, ESQ; AND OTHERS, TO DISCHARGE THE BRIGANTINE *FEARNOUGHT*, ON CONDITION THE MASTER SHALL ENTER THE VESSEL AND CARGO.

*Whereas it appears to this Court, that James Salles, the owner of the Brigantine Fearnought, who lately arrived from Amsterdam, failed in entering the whole of the cargo, in consequence of which failure or omission, Samuel Henshaw, Esq; Collector of Excise for the county of Suffolk, seized the said vessel and cargo, which now remains under that restraint: But whereas it appears probable, that at the time of the entry aforesaid, the said James was either delirious or ignorant of his duty:*

Therefore *Resolved*, That it be, and hereby is, recommended to the said *Samuel Henshaw, Esq;* and all others concerned in the seizure of the said Brigantine and cargo, to discharge the same, on condition the master thereof shall truly enter the said vessel, with the whole of the cargo, at the Naval Office, and proper security be given, either by the master or the owners, or consignees of the cargo, to the said Collector, for the payment of the duties due thereon, according to law, together with the expences which have arisen on the said seizure. *June 21, 1783.*

### Chapter 43.

*Chap. 43* RESOLVE ON THE PETITION OF THE HON. JOHN SPRAGUE, ESQ; IN BEHALF OF THE TOWN OF LANCASTER.

*On the petition of the Hon. John Sprague, Esq; for and in behalf of the town of Lancaster, praying for the abatement of a fine, and allowance of a bounty, to the said town, for reasons set forth in the said petition.*

*Whereas by the last Tax Act, the town of Lancaster was charged with a fine, for the deficiency of one man, required of the said town by a Resolve of the General Court of the 2d of December, 1780; and it appears by a certificate of*



*the Hon. Seth Washburne, Esq; late Superintendent for the county of Worcester, that the town of Lancaster have procured the whole of the men required by the resolve aforesaid:*

*Resolved*, That the town of *Lancaster* be abated the fine, and allowed the bounty, amounting to the sum of *Two hundred and fourteen pounds, two shillings and six pence*, in the last Tax Act; and that the Treasurer of this Commonwealth be, and he hereby is, directed to govern himself accordingly.

*June 25, 1783.*

#### Chapter 44.

A GRANT OF SIXTY-FIVE POUNDS, ELEVEN SHILLINGS AND HALF PENNY, TO JOHN FELLOWS, ESQ; Chap. 44

*On the petition of John Fellows, Esquire:*

*Resolved*, That there be paid out of the Public Treasury, unto the said *John Fellows, Esq;* the sum of *Sixty-five pounds, eleven shillings and half penny*, in full of his account for service in alarms, paying expresses, waggoners, and for Brigade Major, Aide de Camp, &c. and that the same sum be charged to the United States.

*June 26, 1783.*

#### Chapter 45.

RESOLVE ON THE PETITION OF DAVID BLACK, AUTHORIZING THE GOAL KEEPER TO LIBERATE HIM, IN ORDER FOR TRANSPORTATION. Chap. 45

*On the petition of David Black, praying for leave to return to New York:*

*Resolved*, That *David Black*, now confined in *Boston Goal*, as being one of those named in the Act of the General Court, passed in 1778, respecting Refugees and Absentees, be returned to some part of the dominion of the King of *Great Britain*, in the schooner commanded by Capt. *John Black*: And the Goal Keeper is hereby authorized to deliver the said *David Black* on board of the said schooner, for the purpose of being transported to some part of the said dominions, he paying all charges that may have arisen from his being so confined. *June 26, 1783.*

## Chapter 46.

- Chap. 46 RESOLVE ON THE PETITION OF *ELIZABETH FREEMAN*, IMPOWERING HER TO MAKE SALE OF A CERTAIN HOUSE AND LAND.

*On the petition of Elizabeth Freeman, wife (or widow) of Isaac Freeman, of Boston, Mariner; representing that her said husband has been absent three years, and in all probability is lost, and she left with four children to support, and nothing but her labours and industry to depend upon; and prays for leave to sell a house, and about thirty acres of poor land, in the town of Harwich, in the county of Barnstable, which is a constant bill of charge to her, and is so out of repair, that it will not let at any rate:*

*Resolved, That the prayer of the petition be granted, and that she shall have full power and authority to make sale of the house and land mentioned in the said petition; and that she give bonds, with sufficient sureties, to the Judge of Probate for the county of Suffolk, that she will apply the proceeds of sale of the said house and land, to the support and maintenance of herself and family, mentioned in the said petition, if the said Judge shall determine their circumstances to require such relief; but if he shall adjudge otherwise, that then she shall account for the said proceeds to her husband, named in the said petition, if he shall be evidently living, or return in three years; or if he shall appear to be dead and intestate, in that time, said proceeds to be subject to the like distribution, as by law takes place on the estate of all other deceased intestates.*

*June 27, 1783.*

## Chapter 47.

- Chap. 47 RESOLVE ON THE PETITION OF *JOSEPH GUILD*, IN BEHALF OF THE TOWN OF *DEDHAM*, ABATING A FINE, AND ALLOWING THE BOUNTY, FOR A DEFICIENCY OF A MAN REQUIRED OF SAID TOWN.

*On the petition of Joseph Guild, in behalf of the town of Dedham, praying for the abatement of a fine charged to said town in the last Tax Act, for reasons set forth in said petition.*

*Whereas it appears the town of Dedham was fined for the deficiency of one man, required of said town by a Resolve of Court of the 2d of December, 1780; and it also appears, by a certificate from the late Superintendent for the county*

of Suffolk, that the town of Dedham procured the whole of the men required by the resolve aforesaid :

*Resolved*, That the town of *Dedham* be abated the fine, and allowed the bounty, amounting in the whole to *Two hundred and fourteen pounds, two shillings and six pence*, in the last Tax Act, and the Treasurer be, and he is, hereby directed to govern himself accordingly.

June 27, 1783.

### Chapter 48.

RESOLVE ON THE PETITION OF *THOMAS LEARNED*, IMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF *SUFFOLK*, TO CAUSE THE COMMISSIONERS ON THE ESTATE OF *ELIAKIM HUTCHINSON*, ESQ; AN ABSENTEE, TO SIT AGAIN.

Chap. 48

*On the petition of Thomas Learned :*

*Resolved*, That the Judge of Probate for the county of *Suffolk* be, and he hereby is, empowered and directed to cause the Commissioners, by him heretofore appointed to examine the claims against the estate of *Eliakim Hutchinson*, Esq; an Absentee, deceased; to sit again and examine the claim of the said *Thomas Learned* against the said estate, and certify the just amount thereof, if any there be, in order to his being paid the same; the time allowed by the said Judge to the said Commissioners for receiving the said claims, being elapsed, or any Act or Resolve of this Court to the contrary notwithstanding.

June 27, 1783.

### Chapter 49.

RESOLVE ON THE PETITION OF THE SELECTMEN OF *BRAINTREE*, EXCUSING SAID TOWN FROM CERTAIN FINES.

Chap. 49

*On the petition of the Selectmen of the town of Braintree, praying that the said town may be excused from certain fines therein mentioned, for reasons set forth in the said petition: And,*

*Whereas the said town, in the last Tax Act, was fined for the deficiency of two men, required of the said town, for three years, and also for four men for five months: and it appearing to this Court, by proper certificates, that the said men were procured by the said town, agreeable to the several Resolves of the General Court:*

Therefore *Resolved*, That the town of *Braintree* be abated, in the tax aforesaid, the sum of *Five hundred and thirteen pounds, three shillings and six pence*, in full for the said fines and bounties ; and the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

June 28, 1783.

### Chapter 50.

*Chap. 50* RESOLVE ON THE PETITION OF JOHN WOODWARD, IN BEHALF OF THE TOWN OF NEWTOWN.

*On the petition of John Woodward, in behalf of the town of Newtown, praying for abatement of a fine, for reasons mentioned in the said petition.*

*Whereas the town of Newtown is charged in the last Tax Act, with a fine for the deficiency of two men, required of the said town by a Resolve of the General Court of the 2d of December, 1780, and it appearing by a certificate from the Secretary, that the said town procured the whole of the men required by the Resolve aforesaid :*

Therefore *Resolved*, That the town of *Newtown* be abated the fine and allowed the bounty, amounting in the whole to *Four hundred and twenty-eight pounds, five shillings*, in full (on the last Tax Act) and that the Treasurer of this Commonwealth be, and hereby is, directed to credit the said town accordingly.

June 28, 1783.

### Chapter 51.

*Chap. 51* RESOLVE APPROVING OF THE NOMINATION OF WILLIAM IMLAY, ESQ; TO BE A COMMISSIONER TO SETTLE THE ACCOUNTS BETWEEN THIS STATE AND THE UNITED STATES.

*Resolved*, That this Court do approve of the nomination of *William Imlay, Esq*; to be a Commissioner to settle the accounts between this State and the United States, and to liquidate and settle, in specie value, all certificates given by public officers to individuals in this State, and all other claims by such individuals against the United States, agreeably to an act of Congress, of the 20th of *February, 1782*; and that the Governor be, and hereby is, requested to write to *Robert Morris* and *William Imlay, Esq*'rs. and inform them of this approbation.

June 28, 1783.

## Chapter 52.

RESOLVE ON THE REPRESENTATION OF JOHN LEWIS, ESQ; AND OTHERS, A COMMITTEE FOR THE SALE OF PART OF THE REAL ESTATE OF FRANCIS WALDO, ESQ; AN ABSENTEE, CONFIRMING THE DOINGS OF SAID COMMITTEE, AND DIRECTING THEM TO PAY A CERTAIN SUM INTO THE TREASURY. Chap. 52

*Whereas it appears to this Court, by the representation of John Lewis, Esq; and others, a Committee for the sale of part of the real estate of Francis Waldo, Esq; an Absentee, with the papers accompanying the same, that the said Committee have disposed of part of the said real estate, amounting to Two hundred and eighty-three pounds, and have paid the demands on the said estate, amounting to Two hundred and fifty-four pounds, seventeen shillings and eight pence, and that there remains in the hands of the said Committee, Twenty-eight pounds, two shillings and four pence :*

Therefore *Resolved*, That this Court do approve and confirm the doings of the said Committee; and they are hereby directed to pay the aforesaid sum of *Twenty-eight pounds, two shillings and four pence*, into the Treasury of this Commonwealth, taking duplicate receipts therefor, one of which to be lodged in the Secretary's Office.

*June 30, 1783.*

## Chapter 53.

RESOLVE ON THE PETITION OF THE TOWN OF FALMOUTH, IN THE COUNTY OF BARNSTABLE, ALLOWING PAY TO A GUARD STATIONED IN SAID TOWN, IN THE YEAR 1782. Chap. 53

*On the petition of the town of Falmouth, in the county of Barnstable, praying that an allowance may be made to twenty-eight men, who served as a guard in the said town, from the 10th day of June, to the 15th day of November, in the year 1782 :*

*Resolved*, That there be allowed to the twenty-eight men who served as a guard in the town of *Falmouth* in the year 1782, *One pound, ten shillings* per month to each man; and that the Selectmen of the said town of *Falmouth*, make up the Pay Roll for the said men for the term of time they severally served, accordingly, and present the same upon oath, to the Governor and Council, to be examined and passed; and that the amount of the Pay Roll which shall be so examined and passed, be allowed and paid by receipts of the Treasurer of this Common-

wealth, upon the collectors of the tax granted in *March* last, and assessed upon the said town of *Falmouth*.

*June 30, 1783.*

### Chapter 54.

*Chap. 54* RESOLVE ON THE PETITION OF JAMES STONE, IN BEHALF OF THE TOWN OF WESTERN.

*On the petition of James Stone, in behalf of the town of Western, praying for abatement of a fine, for reasons set forth in the said petition:*

*Resolved*, That the prayer of the said petition be granted, and the Treasurer of this Commonwealth be, and he hereby is, directed to credit the town of *Western*, in the last Tax Act, the sum of *Two hundred and fourteen pounds, two shillings and six pence*, in full for the fine and bounty mentioned in the said petition, it appearing by a certificate from the Secretary's Office, that the said town have procured the whole number of men required by a Resolve of the General Court, of the second of *December, 1780.* *July 1, 1783.*

### Chapter 55.

*Chap. 55* RESOLVE ON THE PETITION OF THE INHABITANTS OF SOUTHBOROUGH, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A DEFICIENCY OF THREE THREE YEARS' MEN.

*On the petition of the inhabitants of Southborough, setting forth, that they are fined in the last State Tax, for a deficiency of three three years' men, praying that the same may be abated, for reasons set forth in their petition:*

*Whereas it appears to this Court, by the Superintendent's returns for the county of Worcester, that the said town of Southborough did actually raise and march the whole number of men required of the said town by the Resolve of the second of December, 1780:*

*Resolved*, That the Treasurer of this Commonwealth, be, and he hereby is, directed to credit to the town of *Southborough*, *Six hundred and forty-two pounds, seven shillings and six pence*, in the last State Tax, it being the fines and bounties for three three years' men; and the Assessors of said town are to govern themselves accordingly in assessing the said tax.

*July 1, 1783.*

## Chapter 56.

RESOLVE APPOINTING A COMMITTEE TO RECEIVE, EXAMINE AND PASS, ON ALL ACCOUNTS EXHIBITED FOR SERVICES PERFORMED. *Chap. 56*

*Resolved*, That *Ephraim Starkweather*, *Charles Turner* and *Joseph Hosmer*, Esquires; *Mr. Joseph Bradley Varnum* and *Mr. Thomas Clark*; be a Committee to receive, examine and pass, on all accounts that are now or may be exhibited, for the support of such indigent persons as are the proper charge of the State, and all other accounts (those only excepted that are or may be committed to a special Committee) that shall be exhibited for services performed, cash advanced, or property sold for the use of this Commonwealth, by order of the General Court, or any person or persons authorized to incur such expence, where the same are properly vouched: And the Committee are hereby vested with the same powers, and are directed to observe the same rules, which are prescribed in a Resolve of the General Court, passed the fifteenth day of *March* last, appointing a Committee to examine and pass on accounts; provided that the said Committee do not sit on the business of their appointment at any time in the recess of the General Court, excepting the three weeks next succeeding their present sitting. *July 1, 1783.*

## Chapter 57.

RESOLVE ON THE PETITION OF ASABEL WHEELER, IN BEHALF OF THE TOWN OF SUDBURY, DIRECTING THE TREASURER TO CREDIT SAID TOWN. *Chap. 57*

*On the petition of Asabel Wheeler, in behalf of the town of Sudbury, setting forth, that the said town was fined in the last State Tax, Two hundred and twenty-two pounds, six shillings, for their deficiency of the three years' Continental men: praying that they may be abated the aforesaid sum, for reasons set forth in the said petition:*

*And whereas it appears to this Court, by the Secretary's certificate that the town of Sudbury have procured fifteen men to fill the Continental Army, agreeable to a Resolve of the second of December, 1780, which was their full quota of the said Army:*

*Resolved*, That the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the town of *Sudbury*,

*Three hundred and sixty-nine pounds, fourteen shillings,*  
in the last State Tax, it being the fines and bounty for the  
deficiency of the said town. *July 1, 1783.*

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### Chapter 58.

*Chap. 58* RESOLVE ON PETITION OF *DEBORAH KNIGHT*, GIVING HER  
LEAVE TO DISPOSE OF A PIECE OF LAND, ON CERTAIN  
CONDITIONS.

*On the petition of Deborah Knight, of Boston, in the  
county of Suffolk, praying for liberty to dispose of a piece  
of land, as mentioned in the petition:*

*Resolved*, That the prayer of the petition be so far  
granted, that the petitioner have leave to sell and dispose  
of the land therein described, for the purposes there men-  
tioned; and that she be empowered to give and execute a  
good and sufficient deed or deeds for the conveyance  
thereof to the purchaser or purchasers; she giving bond to  
the Judge of Probate, &c. for the county of *Suffolk*, to  
apply the proceeds of the sale to the purposes prayed for  
in the said petition. *July 1, 1783.*

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### Chapter 59.

*Chap. 59* RESOLVE DIRECTING *RICHARD DEVENS*, ESQ; COMMISSARY  
GENERAL, TO OBTAIN AN ACCOUNT OF ALL BARRACKS AND  
OTHER BUILDINGS, BELONGING TO THIS COMMONWEALTH,  
AND MAKE A RETURN OF THE SAME TO THE GOVERNOR  
AND COUNCIL, AND TO DISPOSE OF SAID BARRACKS, &c.  
EXCEPTING.

*Whereas there are a number of Barracks and other Build-  
ings in various parts of the Commonwealth, and which  
have been erected during the war, at the expence thereof;  
but are not wanted for the public service, and will be lost  
to government if measures are not adopted to prevent the  
same:*

Therefore *Resolved*, That *Richard Devens*, Esq; Com-  
missary General of this Commonwealth, be, and he is,  
hereby directed, as soon as possible, to obtain an account  
of all the Barracks and other Buildings which belong to this  
Commonwealth, also the places where they are, and make  
return of the same to the Governor and Council, who are  
hereby requested to consider and determine which of them  
(if any) are necessary to be reserved for the public service.



And the Commissary aforesaid is further authorized and directed, (after giving suitable notice thereof) to sell at public auction, all the Barracks, Store Houses and Bake-houses, excepting such as the Governor, with the advice of Council, shall order to be reserved, and excepting also such of them as the Committee appointed to build a Light House at the entrance of *Boston Harbour* shall want for said purpose. The money arising from the sale of said Barracks and other Buildings, the Commissary aforesaid is hereby directed to pay into the Treasury of this Commonwealth, and take duplicate receipts therefor, one of which to be lodged in the Secretary's Office.

July 1, 1783.

### Chapter 60.

RESOLVE APPOINTING SAMUEL OSGOOD, ESQ; AND MR. EDWARD WAINE, A COMMITTEE TO SETTLE THE ACCOUNTS OF THE LATE BOARD OF WAR. Chap. 60

*Whereas it is of great importance that the accounts of the late Board of War should be settled as soon as possible, in order that the claims of the Commonwealth against the United States, may be finally ascertained, and the debts of many individuals may be known:*

Therefore Resolved, That Samuel Osgood, Esq; and Mr. Edward Waine, be, and hereby are, appointed a Committee to settle the accounts of the late Board of War, as speedily as may be; and it is recommended to the said Committee to apply to any of the late members of the said Board of War, or to any of their clerks, for such information as they shall judge necessary. The said Committee to be allowed for their service, at the rate of *Ten shillings* each day, and eight hours to be accounted a day.

July 1, 1783.

### Chapter 61.

RESOLVE ON THE PETITION OF ABEL BLISS, CHILEAB B. MERRICK, AND OTHERS, HEADS OF SEVERAL CLASSES IN THE TOWN OF WILBRAHAM. Chap. 61

*On the petition of Abel Bliss, Chileab B. Merrick, James Warriner, and Samuel Sexton, heads of several classes in the town of Wilbraham, setting forth, that they respectively procured a good, able bodied, effective man, to the acceptance of the Muster Master residing at Springfield, to serve in*

*the Continental Army for the term of three years, in consequence of the Resolve of the General Court of the 17th of March, 1782, praying that the fine set upon each class may be remitted:*

*And whereas it appears to this Court, that each of the classes aforesaid did procure a good, able bodied, effective man, previous to a Resolve of the General Court passed March 11, 1783, directing towns in this Commonwealth that have made no return of men raised agreeably to the Resolves of December 2d, 1780, and March 7th, 1782, and they are now in actual service:*

*Resolved, That the prayer of the petitioners be so far granted, as that the Treasurer of this Commonwealth, be, and he is, hereby directed to give a receipt upon the several Constables or Collectors of Wilbraham, to whom the said classes' rates were committed to collect, in favour of Abel Bliss, Chileab B. Merrick, James Warriner, and Samuel Sexton, and the classes they respectively belong to, the sum of Forty-four pounds each, any law or resolve to the contrary notwithstanding.* July 2, 1783.

## Chapter 62.

*Chap. 62* RESOLVE ON THE PETITION OF WILLIAM BROWN, IN BEHALF OF THE TOWN OF FRAMINGHAM, ABATING SAID TOWN, IN THE LAST TAX ACT, THE SUM OF ONE THOUSAND FOUR HUNDRED AND NINETY-EIGHT POUNDS, SEVENTEEN SHILLINGS AND SIX PENCE.

*On the petition of William Brown, in behalf of the town of Framingham, praying for the abatement of a fine set to the said town, for reasons set forth in the said petition:*

*Whereas it appears that the town of Framingham is charged with a fine in the last Tax Act, for the deficiency of seven men, required of the said town by a Resolve of the General Court of the second of December, 1780; and it appearing by proper certificates, that the whole of the said men were procured:*

*Therefore Resolved, That the town of Framingham be abated, in the last Tax Act, the sum of Fourteen hundred and ninety-eight pounds, seventeen shillings and six pence, in full for the fines and bounties aforesaid; and the Treasurer of this Commonwealth be, and he hereby is, directed to govern himself according to this resolve.*

*July 2, 1783.*

## Chapter 63.

RESOLVE ON THE PETITION OF WILLIAM BODMAN, IN BEHALF OF THE TOWN OF WILLIAMSBURGH, DIRECTING THE TREASURER TO CREDIT SAID TOWN IN THE LAST TAX. Chap. 63

*On the petition of William Bodman, in behalf of the town of Williamsburgh, setting forth, that the said town was fined in the last State Tax, for a deficiency of one three years' man, and praying that the same may be abated, for reasons set forth in the said petition:*

*Whereas it appears to this Court, by the Superintendent's receipts, that the said town of Williamsburgh did actually raise and march the whole number of men required by the Resolve of the second of December, 1780:*

*Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to credit the said town of Williamsburgh, Two hundred and fourteen pounds, two shillings and six pence, in the last State Tax, it being the fine and bounty for one three years' man; and the Assessors of the said town of Williamsburg are to govern themselves accordingly.*

*July 2, 1783.*

## Chapter 64.

RESOLVE FOR CELEBRATING THE ANNIVERSARY OF THE INDEPENDENCE OF THE UNITED STATES OF AMERICA. Chap. 64

*Resolved, That the Legislature, preceded by the Governor, the Lieutenant Governor, and the Council of the State, if his Excellency and their Honors shall see cause to attend, will on Friday next, at ten of the clock in the forenoon, that day being the Anniversary of the Independence of the United States of America, repair to some suitable place for public worship; and there, in a solemn and public manner, render thanks to Almighty GOD, for his great and unmerited mercy to these States, in supporting them through a dangerous, long and expensive war; — in raising them to rank among the nations of the earth; — in establishing them as an independent Republic; — in finally bestowing on them the long wished for blessing of a cessation of hostilities; — and in affording them reason to hope, that they will speedily receive a definitive treaty of peace; and also to implore the divine benediction on the government and public concerns of these States.*

And the Governor and Council are requested to order such preparations in the Senate Chamber, at twelve of the clock on that day, as hath been usual on such occasions; and that the Governor would direct such demonstrations of joy, by the discharge of cannon, &c. as he shall think proper.

*Resolved*, That *John Pitts*, Esq; *Mr. Phillips*, and *Col. Dawes*, be a committee to procure a place for the said meeting, and to acquaint the *Rev. Doctor Cooper*, the Chaplain of the two Houses, that they expect he will take the lead in the devotion of the day. *July 2, 1783.*

### Chapter 65.

*Chap. 65* RESOLVE ON THE PETITION OF *JONAS DIX*, ESQ; IN BEHALF OF THE TOWN OF *WALTHAM*, DIRECTING THE TREASURER TO CREDIT SAID TOWN IN THE LAST TAX ACT, *TWENTY-ONE POUNDS, ONE SHILLING AND ELEVEN PENCE.*

*On the petition of Jonas Dix, Esq; in behalf of the town of Waltham, setting forth, that the town was fined in the last State Tax, for a deficiency of one three months' man, praying that the same may be abated, for reasons set forth in his petition:*

*Whereas it appears to this Court, that the town of Waltham did actually raise and march the whole number of men required of the said town by a Resolve of the 30th of June, 1781:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is, directed to credit the town of *Waltham*, *Twenty-one pounds, one shilling and eleven pence*, in the last State Tax, it being the fine and bounty for one three months' man. *July 2, 1783.*

### Chapter 66.

*Chap. 66* RESOLVE ON THE PETITION OF *RUTH OTIS*, EXECUTRIX OF THE LAST WILL OF *JAMES OTIS*, ESQ; DECEASED.

*On the petition of Ruth Otis, Executrix of the last will and testament of James Otis, late of Boston, Esq; deceased, praying that she may be empowered, in her capacity, to execute a good and sufficient deed of a certain tract of land, lying in Murrayfield Equivalent, containing about one hun-*

*dred and eighty acres, which the said James Otis, in his life time, covenanted to sell to one James Gloyd :*

*Resolved,* That the prayer of the petition be granted, and the said *Ruth Otis*, in her capacity of Executrix as aforesaid, is hereby authorized and empowered, to make and execute a good and lawful deed of the land aforesaid, to the said *James Gloyd*; she first giving security to the Judge of Probate for the county of *Suffolk*, to dispose of the monies arising from the sale of the same, agreeable to law.

*July 2, 1783.*

### Chapter 67.

RESOLVE GRANTING TO OLIVER PHELPS, ESQ; ONE HUNDRED FORTY-FIVE POUNDS, ELEVEN SHILLINGS AND EIGHT PENCE, BEING THE BALANCE DUE UPON SETTLEMENT, AND HOLDING HIM ACCOUNTABLE FOR CERTAIN SUMS OR ARTICLES; AND FOUR HUNDRED AND NINETY-SIX POUNDS, FIVE SHILLINGS. FOR HIS SERVICES; AND DIRECTING THE TREASURER TO RECEIVE A SUM OF MONEY IN THE OLD EMISSION.

Chap. 67

*Resolved.* That there be allowed and paid out of the Public Treasury, to *Oliver Phelps*, Esq: late Superintendent of purchases, the sum of *One hundred and forty-five pounds, eleven shillings and eight pence*, being the balance due to him upon the settlement of his accounts with the Committee appointed therefor, in behalf of this Commonwealth, as appears by the report of the said Committee; the said *Oliver Phelps* to be held accountable notwithstanding, for any quantities of Beef, or other specific Articles, or Sums of money, which may hereafter appear to have been delivered to him or to his agents, and not already accounted for by him; and also to proceed with all possible dispatch in bringing the accounts of his agents to a close, for which service he shall be intitled to a reasonable compensation.

*Resolved.* That there be allowed and paid out of the Public Treasury, to the said *Oliver Phelps*, the further sum of *Four hundred and ninety-six pounds, five shillings*, in full for the services and expences of himself and his clerk, from the 29th of *January*, 1781. to the 15th of *April*, 1782; being the time he was employed as Superintendent of Purchases, as also for his time and expences in performing several journeys, and attending upon the settlement of

his accounts, agreeable to the orders of the General Court, since the expiration of his superintendency.

*And whereas it appears to this Court, that there are in the hands of the said Oliver Phelps, Seventeen thousand eight hundred dollars, in bills of the old emission, which were received by him and his agents, in lieu of Beef, whilst authorized thereto by the Resolves of the General Court:*

Therefore *Resolved*, That the Treasurer be, and he hereby is, directed to receive of the said *Oliver Phelps, Seventeen thousand eight hundred dollars*, of the old emission, which were taken by him and his agents, in lieu of Beef, and for which he is credited by the Committee aforesaid, giving duplicate receipts therefor, one of which to be lodged in the Secretary's Office. *July 2, 1783.*

### Chapter 68.

*Chap. 68* RESOLVE ON THE REPRESENTATION OF JOHN WOODWARD, ESQ; IN BEHALF OF THE TOWN OF NEWTOWN.

*On the representation of John Woodward, Esq; in behalf of the town of Newtown, setting forth, that executions have issued against two classes in the said town of Newtown, for not raising the men agreeable to a Resolve of the General Court, passed in March, 1782; and further setting forth, that the said two classes did absolutely raise their men before the executions were returnable; mustered and delivered them to the Continental Muster Master, for whom they took his receipts; that the said classes did not return the said receipts to the Treasurer within the time limited for him to take them in discharge of the executions, — praying that the Treasurer may be directed to take the said receipts in discharge of the above said executions, in the same manner that he would have done, provided they had been returned before the first of May last.*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is, directed to receive the above mentioned Muster Master's receipts in full discharge of the above mentioned executions; the delinquent classes bearing the official costs of the same, provided the said receipts are presented to the Treasurer, on or before the tenth day of *July* instant, any law or resolve to the contrary notwithstanding. *July 2, 1783.*

## Chapter 69.

RESOLVE DIRECTING RICHARD DEVENS, ESQ; COMMISSARY GENERAL, TO BUILD AND COMPLEAT A LIGHT HOUSE AND OTHER BUILDINGS, AT THE ENTRANCE OF BOSTON HARBOUR, AND GRANTING HIM ONE THOUSAND POUNDS TO EXECUTE THE BUSINESS; AND MAKING PROVISION FOR THE REPAIRING THE LIGHT HOUSES ON THATCHER'S ISLAND, NANTUCKET AND THE GURNET. Chap. 69

*Resolved*, That *Richard Devens*, Esq; Commissary General of this Commonwealth be, and he is, hereby authorized and directed, with all possible dispatch, to build and compleat a Light House and other necessary buildings, at the entrance of *Boston Harbour*, on the same island where a Light House was formerly erected; the said Light House to be nearly of the same dimensions of the former Light House on the said island; and the Commissary aforesaid, is also directed, to make the necessary repairs on the wharves at the said island.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to *Richard Devens*, Esq; the sum of *One thousand pounds*, to enable him to execute the business assigned him by these Resolves; *Three hundred pounds* of which, to be paid out of the proceeds of the barracks which have been ordered to be sold, and the other *Seven hundred pounds*, out of the tax granted the last sessions of the General Court.

And the Commissary aforesaid is further authorized and directed, to make use of any of the barracks or other buildings on *Noddle's Island* or *Hull*, which shall be necessary for erecting the Light House and other buildings.

And he is also further authorized and directed, to demand and receive from any person or persons, any articles or materials which belonged to the former Light House or other buildings on the said island.

*Resolved*, That *Peter Coffin*, Esq; be, and he hereby is, appointed a committee to repair and put in order the Light Houses on *Thatcher's Island*, near *Cape Ann*; and the said *Peter Coffin*, Esq; is hereby authorized and directed to demand and receive from any person or persons, (who may have the same in possession) all articles which belong to the said Light Houses, to be applied for repairing the same; and the said *Peter Coffin* is hereby further directed, to execute the said business with all possible dispatch, and lay his accounts before the General Court, for allowance and payment.

*Resolved*, That *Stephen Hussey*, Esq; be, and he is, hereby appointed a Committee to repair and put in proper order, the Light House on the island of *Nantucket*, and lay his accounts before the General Court for allowance and payment.

*Resolved*, That *William Drew*, Esq; be, and he is, hereby appointed a Committee to repair and put in proper order, the Light House on the *Gurnet*, near *Plymouth*, and lay his accounts before the General Court for allowance and payment.

And it is also further *Resolved*, That the Commissary aforesaid, and the several Committees appointed by these Resolves to erect and repair the Light Houses aforesaid, be, and they are hereby severally directed, to compleat the same, with all possible dispatch, and when compleated, to make the report thereof to the Governor, who is hereby authorized, with the advice of Council, to appoint suitable persons to attend and take care of the same, under such rules and regulations as the Governor, with advice of Council, shall judge necessary and best calculated to answer the important purposes for which they are intended.

July 2, 1783.

### Chapter 70.

*Chap. 70* RESOLVE ON THE MEMORIAL OF NATHANIEL HEARD, AND A NUMBER OF OTHERS, APPOINTING A COMMITTEE TO ADJUST THE ACCOUNTS MENTIONED, AND DIRECTING THE ATTORNEY GENERAL TO COMMENCE A PROCESS AGAINST BENJAMIN GOULD.

*On the memorial of Nathaniel Heard, and a number of others, praying for their money due to them for three months' service, under the command of Capt. Benjamin Gould, in the year 1780 :*

*Whereas by a Resolve of the General Court, of February 12, 1782, the Treasurer was directed to pay to Capt. Benjamin Gould, the money due to his company; and the said Gould did receive the same, but hath paid only a small part to the men; and as the said Gould was ordered to appear on the second Wednesday of the present sitting of the General Court, but hath not appeared nor exhibited his accounts, by reason whereof it doth not appear what is the just balance due to the company under his command :*

Therefore *Resolved*, That the Hon. *Stephen Choute*,



Esq; *John Choate*, Esq; and Mr. *John Crocker*, be a Committee to settle and adjust the accounts between Capt. *Benjamin Gould* and the men under his command, borne on the roll lodged in the Treasury Office; and that the said Committee give notice to the said *Gould* and the men under his command, of the time and place when they will meet in order to make such settlement, that he and they may be present: But if the parties, or either of them, do not appear, the said Committee, or the major part of them, are to proceed, *ex parte*, and find the balance, in the best way they can; and report the same on the second Wednesday of the next sitting of the General Court, in order for payment of the balances that shall appear to be due on the said rolls: And that the Attorney General be, and he is, hereby directed to commence a process against the said *Benjamin Gould*, for the balance that shall appear to be due to government, agreeable to the settlement that shall be made by the Committee aforesaid, unless the said *Gould*, shall, within one month after the second Wednesday of the next sitting of the General Court, pay the same unto the Treasurer of this Commonwealth.

*July 3, 1783.*

### Chapter 71.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO COMMENCE AN ACTION ON THE BOND GIVEN BY ZEBEDEE SPROUT, AGENT ON THE ESTATES OF PETER OLIVER AND PETER OLIVER, JUN., ABSENTEES. Chap. 71

*Whereas it appears to this Court, that Zebedee Sprout, Agent on the estates of Peter Oliver and Peter Oliver, jun., Absentees, unreasonably neglects to pay into the Treasury of this Commonwealth, the proceeds of the sales of the personal estates of the said Peter Oliver and Peter Oliver, jun:*

Therefore *Resolved*, That the Attorney General be, and he is, hereby directed to commence an action on the bond given by him, the said *Zebedee Sprout*, for the faithful discharge of his said agency, and to pursue the same to final judgment and execution.

*July 4, 1783.*

## Chapter 72.

- Chap. 72* A GRANT OF SEVEN HUNDRED AND EIGHTY-THREE POUNDS, FOUR SHILLINGS AND THREE PENCE THREE FARTHING, TO THE HON. SAMUEL OSGOOD, ESQ; FOR EXPENDITURES AND WAGES AS A MEMBER OF CONGRESS.

*Resolved*, That there be paid out of the Treasury of this Commonwealth, to the Hon. *Samuel Osgood*, Esq; the sum of *Sixty-four pounds, four shillings and three pence, three farthings*, balance due on expenditures; and the further sum of *Seven hundred and nineteen pounds*, in full for two years' wages, deducting eleven days; the said sums being in full for expenditures and wages to this time.

*July 4, 1783.*

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## Chapter 73.

- Chap. 73* RESOLVE MAKING AN ESTABLISHMENT FOR THE PAY OF THE MEMBERS OF THE GENERAL COURT.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to each member of the Hon. Council, the sum of *Eight shillings* per day; and also to the members of the General Court, as follows, *viz.* to each member of the Hon. Senate, *Seven shillings and six pence* per day, and to each member of the House of Representatives, *Seven shillings* per day, for each day they have attended their duty respectively in the General Court, from the twenty-eighth day of *May* last to the tenth day of *July* current; and that their travel pay be in proportion thereto, as pointed out by the Constitution.

*July 4, 1783.*

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## Chapter 74.

- Chap. 74* A GRANT OF FIFTY POUNDS TO WILLIAM BAKER, MESSENGER TO THE GENERAL COURT, FOR THREE MONTHS' SERVICE, ENDING THE TWENTY-FIFTH DAY OF MAY LAST.

*On the petition of* William Baker, Messenger to the General Court:

*Resolved*, That there be paid out of the Public Treasury of this Commonwealth to Mr. *William Baker*, Messenger of the General Court, *Fifty pounds*, being in full for three months' service, ending the twenty-fifth day of *May* last.

*July 4, 1783.*

## Chapter 75.

RESOLVE ON THE PETITION OF JOHN FLORANCE, ADMINISTRATOR ON THE ESTATE OF HENRY FLORANCE, LATE OF MARBLEHEAD. Chap. 75

*On the petition of John Florance, Administrator on the estate of Henry Florance, late of Marblehead, deceased, setting forth, that he is liable to a loss on paper currency, which he received for the effects of the said estate, without the interposition of this Court, and praying for liberty to sell part of the said estate:*

*Resolved, That the Judge of Probate for the county of Essex, be, and he is, hereby impowered and directed to settle the administration account of the said John Florance, on the principles of equity and justice, and to make such allowance for the depreciation of the paper currency, as shall appear just: And the said Administrator is hereby authorized and impowered, to make sale of so much of the real estate of the said Henry Florance, deceased, as shall be sufficient to pay the sum which shall appear to be due, on a settlement of his administration account, and to make and execute a good and sufficient deed or deeds thereof, to the purchaser or purchasers; he observing the rules of law for the sale of real estates by executors or administrators, and giving security to the Judge of Probate for the county of Essex, that the proceeds arising from such sale, shall be applied to the payment of the debts against the said estate.*

*July 5, 1783.*

## Chapter 76.

RESOLVE ALLOWING THE ESTIMATE OF ONE HUNDRED AND TWENTY POUNDS, FOR DEFRAYING THE CHARGES OF THE COUNTY OF YORK, AND GRANTING A TAX. Chap. 76

*Whereas it appears that the Treasurer's accounts for the county of York, were under such circumstances, that the Justices of the General Sessions of the Peace in that county, could not, at their sessions preceding the first day of January last past, lay an estimate of their county charges for the present year, before the General Court, agreeable to an act passed November 2, 1781, for which reason it is necessary to afford them relief and aid:*

*Therefore Resolved, That the estimate of One hundred and twenty pounds, now laid before this Court, for*

defraying the charges of the said county of *York* for the current year, be, and it is, hereby allowed; and a tax for the said sum of *One hundred and twenty pounds*, is hereby granted, and laid upon the said county of *York*, for the purposes of defraying the charges of the present year; and that the Justices of the General Sessions of the Peace in the said county, at their next session, and all other officers concerned, are hereby authorized and impowered, to proceed in the affair in the same manner as if the estimate had been laid before the General Court before the first day of *January* last past, any thing in the aforesaid act to the contrary notwithstanding. July 7, 1783.

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### Chapter 77.

*Chap. 77* RESOLVE ON THE PETITION OF THE SELECTMEN OF SWANZEY, DIRECTING THE TREASURER TO CREDIT SAID TOWN.

*On the petition of the Selectmen of Swanzey, setting forth, that the said town was fined, in the last State Tax, for a deficiency of nineteen three years' men, praying that the same may be abated, for reasons set forth in their petition:*

*Whereas it appears to this Court, by the Superintendent's receipts, that the town of Swanzey did actually raise and deliver twelve of the above mentioned men, for which they were fined; and it further appears, by a certificate from the Treasurer's Office, that the said town of Swanzey have assessed the average price, with ten per cent. added, on seven Quaker Classes, agreeable to the Militia Law, making in the whole nineteen:*

*Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to credit the town of Swanzey, Four thousand and sixty-eight pounds, seven shillings and six pence, in the last State Tax, it being the fines and bounties of nineteen men; and the Assessors of the town of Swanzey are to govern themselves accordingly in assessing said tax.* July 7, 1783.

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### Chapter 78.

*Chap. 78* A GRANT OF TWENTY-FIVE POUNDS, TO THOMAS WILLIAMS AND CALEB KIMBALL.

*On the petition of Thomas Williams and Caleb Kimball, setting forth, that they apprehended one John Dawson, who was thereupon convicted before the Supreme Judicial*

*Court, of making molds and other instruments, with design to counterfeit the true Spanish milled dollars and the facts as set forth appearing to be true:*

*Resolved*, That there be allowed and paid out of the Public Treasury of this Commonwealth, to the said *Thomas Williams* and *Caleb Kimball*, the sum of *Twenty-five pounds*, lawful money, out of the appropriation for contingencies, made in the last Tax Act, it being in full for the above service and expences of the said *Williams* and *Kimball*.

*July 7, 1783.*

### Chapter 79.

RESOLVE ON THE PETITION OF *JOHN PREBLE*, FOR THE PAYMENT OF A ROLL OF *COL. JOHN ALLAN*, EASTERN DEPARTMENT.

*Chap. 79*

*On the petition of John Preble, praying that the Pay Roll of Col. John Allan, Eastern Department, may be passed, for reasons set forth in the said petition:*

*Resolved*, That the prayer of the said petition be granted, and that his Excellency the Governor, with advice of Council, be, and he is, hereby requested to grant his warrant on the Treasurer, for the sum of *Nine hundred and ninety-seven pounds, thirteen shillings and eight pence*, which appears due on the said roll, for himself and men, and charge the same to the United States.

*July 7, 1783.*

### Chapter 80.

RESOLVE ON THE PETITION OF *ELISHA HEDGE*, GRANTING HIM *TEN POUNDS, SIX SHILLINGS*, OUT OF THE ESTATE OF *DANIEL MURRAY*, LATE OF *RUTLAND*, IN THE COUNTY OF *WORCESTER*, AN ABSENTEE.

*Chap. 80*

*On the petition of Elisha Hedge, praying that he may be allowed his claim, out of the estate of Daniel Murray, late of Rutland, in the county of Worcester, an Absentee:*

*Whereas it appears to this Court, that there is a promissory note, signed by the said Daniel Murray, bearing date June 24, 1771, for the sum of Six pounds, and the interest of the same for twelve years, amounting to Four pounds, six shillings, now the property of the said Elisha Hedge, the principal and interest of the said note being Ten pounds, six shillings; but the said Elisha not living in the said county, missed of having notice to exhibit his claim to the*

*Commissioners on the estate of the said Absentee, and the said estate being now sold, and the neat proceeds thereof paid into the Public Treasury, amounting to One thousand and seventy pounds, and the said Elisha hath made oath to the truth of his claim aforesaid, but there being no Commissioners on the said Absentee's estate now existing, to receive the same:*

Therefore *Resolved*, That there be allowed and paid out of the Public Treasury, to the said *Elisha Hedge*, the sum of *Ten pounds, six shillings*, in full of his claim on the estate of the said Absentee; and the said *Elisha* is hereby required to leave the note aforementioned in the Treasurer's Office, on his receiving the allowance aforesaid, any law or resolve to the contrary notwithstanding.

July 8, 1783.

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### Chapter 81.

Chap. 81 RESOLVE ON THE MEMORIAL OF JONATHAN BROWN, IN BEHALF OF THE TOWN OF WATERTOWN, DIRECTING THE TREASURER TO CREDIT SAID TOWN.

*On the memorial of Jonathan Brown, in behalf of the town of Watertown:*

*Whereas it appears to this Court, that the said town was fined, in the Tax Act of March last, for deficiency of six Continental men, required to be raised for three years, when at the same time they should have been credited; and that they were in the said Tax Act charged the sum of Eleven pounds, eighteen shillings, for the pay of a Representative, more than they ought to have been:*

Therefore *Resolved*, That the Treasurer of the Commonwealth, be, and he hereby is, directed to credit the said town of *Watertown*, in the aforesaid tax, the sum of *Twelve hundred and ninety-six pounds, thirteen shillings*, it being in full of what the said town was overcharged as aforesaid, in the said tax.

July 8, 1783.

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### Chapter 82.

Chap. 82 RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE AND COURT OF COMMON PLEAS, TO BE HOLDEN AT GREAT BARRINGTON IN THE COUNTY OF BERKSHIRE, TO THE SECOND TUESDAY OF SEPTEMBER NEXT.

*Whereas it is found to be inconvenient, that the Court of General Sessions of the Peace and Court of Common*

*Pleas, which by law should be holden at Great Barrington, within and for the county of Berkshire, on the third Tuesday of August next, should then sit:*

*Resolved*, That the said Courts be, and they hereby are, adjourned from the said third Tuesday of *August* until the second Tuesday of *September* next; and that all actions, of whatever nature or kind, all recognizances, writs, processes, matters and things whatsoever, which by law are continued unto, or returnable at, and which should be heard, judged of, determined and acted upon in the Courts aforesaid, on the said third Tuesday of *August*, at *Great Barrington* aforesaid; shall have day, be continued unto, heard, judged of, and acted upon, in and by the Courts next aforesaid, on the second Tuesday of *September*, at *Great Barrington* aforesaid, any law of this Commonwealth to the contrary notwithstanding. *July 8, 1783.*

### Chapter 83.

RESOLVE ON THE PETITION OF PHILLIPS PAYSON, IN BEHALF OF THE TOWN OF CHELSEA, ABATING SAID TOWN ELEVEN SHILLINGS AND SIX PENCE ON THE LAST VALUATION, UNTIL THE FURTHER ORDER OF THE GENERAL COURT.

Chap. 83

*On the petition of Phillips Payson, in behalf of the town of Chelsea, praying for a redress of grievances, as set forth in said petition:*

*Resolved*, That the fine of *Twenty-eight pounds, five shillings*, laid on said town for not sending a Representative to the General Court the last year, be remitted.

*And whereas upon examination it appears, that the town of Chelsea is raised by the last valuation, Eighteen shillings and one penny farthing on the thousand pounds, from what it paid in the year 1772: And whereas it further appears, that said town has suffered in the diminution of their buildings at Point Shirley, and received great damages in the year 1775:*

*Resolved*, That until the further order of the General Court, the town of *Chelsea* be abated on the last valuation of 1781, *Eleven shillings and six pence* on the thousand pounds, from what it now stands, and that the same be laid on the county of *Suffolk*; and that the tax granted in *March* last be abated in that proportion; and the Treasurer be, and he hereby is, directed to credit the town of *Chelsea* the above sum, amounting in the whole to *Three*

*hundred and sixty-two pounds, fourteen shillings, any former order notwithstanding. July 8, 1783.*

### Chapter 84.

*Chap. 84* RESOLVE REQUESTING THE GOVERNOR TO INFORM MR. MORRIS, THAT GOVERNMENT HAVE PASSED EVERY NECESSARY RESOLUTION FOR THE COLLECTING TAXES APPROPRIATED FOR THE USE OF CONGRESS, AND THAT THE LEGISLATURE DISAPPROVE OF THE METHOD PROPOSED FOR THE PAYMENT OF THREE MONTHS' WAGES TO THE AMERICAN ARMY.

*The Committee of both Houses, appointed to consider the letter of Robert Morris, Esq; dated June 5, beg leave to report:*

That the Governor be requested to inform Mr. *Morris*, that the Legislature of this Commonwealth have already passed every necessary Resolution, for the purpose of collecting the taxes appropriated for the use of Congress, and that the usual compliance on the part of the people is to be expected; and that his Excellency be further requested to observe, that the Legislature, disapproving of the method proposed for the payment of three months' wages to the American Army, have signified the same to the Delegates of this Commonwealth, now at Congress, and instructed them to use their best exertions to prevent the execution of a measure that must unavoidably be attended with great injury to the soldiers of the American Army.

*July 8, 1783.*

### Chapter 85.

*Chap. 85* RESOLVE ON THE PETITION OF JONATHAN EDDY, IN BEHALF OF THE TOWN OF SHARON, DIRECTING THE TREASURER TO RECEIPT THE CONSTABLES OR COLLECTORS OF THE SAID TOWN, THIRTY-SIX POUNDS, THREE SHILLINGS, IN THE LAST TAX ACT.

*On the petition of Jonathan Eddy, in behalf of the town of Sharon, setting forth, that there is a mistake in the last Tax Act, making abatement to the said town of Sharon, in consequence of the said town's being overtaxed previous to the settlement of the last valuation; as in the said Tax Act the said town of Sharon is abated only One hundred and nineteen pounds, nineteen shillings and seven pence, when their just proportion would be One hundred and fifty-six pounds, two shillings and seven pence:*



Therefore *Resolved*, That the Treasurer be, and he is, hereby directed to receipt the Constables or Collectors of the said town of *Sharon*, *Thirty-six pounds, three shillings*, on the said tax, in full for the said mistake.

July 9, 1783.

### Chapter 86.

RESOLVE ADDING SAMUEL WHITTEMORE, ESQ; TO THE COMMITTEE FOR REPAIRING THE LIGHT HOUSE ON *THATCHER'S ISLAND*.

Chap. 86

*Resolved*, That *Samuel Whittemore*, Esq; be, and he hereby is, added to the committee for repairing the Light House on *Thatcher's Island*, and that the said *Whittemore* act in conjunction with *Peter Coffin*, Esq; in prosecuting that business.

July 9, 1783.

### Chapter 87.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *LYNN* AND DISTRICT OF *LYNNFIELD*, DIRECTING THE TREASURER TO CREDIT SAID TOWN AND DISTRICT.

Chap. 87

*On the petition of the selectmen of the town of Lynn and district of Lynnfield, setting forth, that the said town and district were fined, in the last State Tax, for a deficiency of ten three years' men, praying that the same may be abated, for reasons set forth in their petition:*

*Whereas it appears to this Court, by a certificate from the Superintendent of the county of Essex, that the said town of Lynn have raised and delivered eighteen men, agreeable to the resolve of the second of December, 1780: And it further appears, by a certificate from the Treasurer's Office, that the town of Lynn have assessed the average price on four Quaker Classes, with the addition of ten per cent., agreeable to the Militia Law, which amounts to the whole quota required of the town of Lynn and district of Lynnfield, excepting five men:*

*Resolved*, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is, directed to credit the said town of *Lynn* and district of *Lynnfield*, in the last State Tax, the sum of *One thousand and seventy pounds, twelve shillings and six pence*, in proportion as they severally stand charged in the said tax; it being the fines and bounties for five

three years' men : and the Assessors of the said town and district are to govern themselves accordingly in assessing the said tax.  
*July 9, 1783.*

### Chapter 88.

*Chap. 88* RESOLVE ON THE PETITION OF RICHARD TRITTEN, JUN. RENDERING NULL AND VOID A DECREE OF CONDEMNATION. AND GIVING HIM LIBERTY TO ENTER HIS CLAIM TO THE BRIGANTINE JANE AND CARGO.

*On the petition of Richard Tritten, jun., praying for liberty to enter his claim to the Brigantine Jane and her cargo, and that a late decree thereon, by the Judge of the Maritime Court, may be rendered null and void :*

*Resolved,* for reasons set forth in the petition, That the decree of condemnation aforesaid, be, and hereby is, rendered null and void ; that the default mentioned in the petition be taken off ; that the said *Richard Tritten, jun.*, have liberty to enter his claim to the said *Brigantine Jane* and her cargo, at the Maritime Court next to be holden in and for the middle district of this Commonwealth, and that such process be had thereon, as is required by the laws in such case made and provided ; the said petitioner first serving the libellants with an attested copy hereof, at least fifteen days before the sitting of the said Court.

*July 10, 1783.*

### Chapter 89.

*Chap. 89* RESOLVE ON THE PETITION OF PETER COFFIN AND SAMUEL WHITEMORE, IN BEHALF OF THE TOWN OF GLOUCESTER, APPOINTING A COMMITTEE TO REPAIR TO SAID TOWN AND VIEW THEIR SITUATION, AND REPORT.

*On the petition of Peter Coffin and Samuel Whittemore, in behalf of the town of Gloucester, setting forth the inability of the said town to pay the taxes laid on them, and praying that a Committee may be appointed to repair to the said town, at the expence of the same, and to view the situation and circumstances :*

*Resolved,* That *Stephen Choate, Joseph Hosmer, and James Bancroft, Esq's.* be a Committee, in the recess of the General Court, to repair to the said town of *Gloucester*, view their situation and circumstances, and report a state of facts at the next session of the General Court,

provided the said town, in the first instance, pay the  
 expence of the said Committee. *July 10, 1783.*

### Chapter 90.

A GRANT OF FOUR HUNDRED AND NINE POUNDS, THREE SHILLINGS AND SIX PENCE, TO JOHN SCOLLAY, ESQ; AND OTHERS, SELECTMEN OF BOSTON, BEING THE BALANCE OF THEIR ACCOUNT FOR QUARTERS FURNISHED THE OFFICERS AND SOLDIERS OF THE FRENCH ARMY. *Chap. 90*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to *John Scollay, Esq;* and others, Selectmen of the town of *Boston*, *Four hundred and nine pounds, three shillings and six pence*, being the balance of their account for quarters furnished certain officers and soldiers of the French Army, under the command of his Excellency the Baron de *Viomesnil*, by sundry inhabitants of the said town; the said sum to be by them paid to the persons to whom it is due, and that the same be charged to the United States. *July 10, 1783.*

### Chapter 91.

RESOLVE DIRECTING THE SECRETARY TO EXAMINE THE RECEIPTS OF BEEF RETURNED UPON THE SEVERAL REQUISITIONS OF THE GENERAL COURT, AND TO STATE AN ACCOUNT THEREOF. *Chap. 91*

*Whereas by three Resolves of the General Court, passed one on September 25, 1780, one on December 4, 1780, and one on June 22, 1781, requiring the several towns in this Commonwealth to furnish provisions for the Army, and deliver the same to the Superintendents who were authorized to receive the same: and as there are a number of towns who have not paid the whole of their proportions agreeable to the said Resolves, and it being inconvenient to make a final settlement with the Superintendents or their agents, until it is fully known what each town has paid:*

*Therefore Resolved*, That the Secretary be directed to examine the receipts lodged in his office, and find the pounds of Beef due from each town, in consequence of the afore-recited Resolves, making allowance for any county or town that may have been abated the whole or any part thereof; and to make two lists of such delinquent towns, with the pounds of Beef in which they are respectively deficient, and keep one of the said lists in his office, and

deliver the other to the Treasurer of this Commonwealth, who is hereby directed to estimate the Beef such towns are deficient, at *four pence* per pound, and set the sum against each town, and advertise the same in *Nathaniel Willis's* news paper, three weeks successively; and if any towns shall neglect to pay the respective balances that shall appear to be due from them, in consequence of the afore-recited requisitions for Beef and Provisions, by the first day of *November* next; that then the Treasurer of this Commonwealth be, and he hereby is, impowered and directed to issue executions against all towns that shall then be delinquent.

*July 10, 1783.*

## Chapter 92.

*Chap. 92* RESOLVE ON THE PETITION OF STEPHEN SMITH, ALLOWING HIM PAY FOR SERVICES AS TRUCK MASTER FOR THE EASTERN INDIANS, AND IMPOWERING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO SETTLE HIS ACCOUNTS.

*On the petition of Stephen Smith, praying for an allowance for his service as Truck Master for the Eastern Indians, and for a settlement of his accounts as Truck Master and also for the settlement of his accounts as Commissary in the Eastern Department; under the command of Col. John Allan.*

*Resolved,* That the said *Stephen Smith* be allowed and paid *Eight pounds* per month as Truck Master, and two rations per day; and *Four pounds* per month, and one ration per day for his Clerk, while necessarily employed in that service.

And it is further *Resolved,* That the Committee for Settling and Methodizing the Public Accounts be, and they are, hereby impowered and directed, during the time it shall appear to the said Committee that he was Truck Master in the said department, to settle the said *Smith's* accounts as Truck Master, for what he has received of the Treasurer, the late Board of War, or any other public office, as a Truck Master in this Commonwealth, and also his Commissary accounts in the aforesaid Eastern Department; and the aforesaid Committee are hereby directed, to charge the United States with all those articles delivered to the Indians by order of the Superintendent, together with such part of the Truck Master's time, rations and expences, as they shall think proper, and also his Com-

missary accounts, and report the balance due to or from this Commonwealth, to the General Court, at their next session.  
*July 10, 1783.*

### Chapter 93.

RESOLVE ON THE PETITION OF *EPHRAIM FAIRBANK*, IN BEHALF OF THE TOWN OF *BOLTON*, DIRECTING THE TREASURER TO CREDIT SAID TOWN *TWO HUNDRED AND FOURTEEN POUNDS, TWO SHILLINGS AND SIX PENCE*, IN THE SAID STATE TAX. Chap. 93

*On the petition of Ephraim Fairbank, in behalf of the town of Bolton, setting forth, that the said town was fined in the last State Tax, for a deficiency of one three years' man, praying that the same may be abated, for reasons set forth in his petition:*

*Whereas it appears to this Court, by the Superintendent's returns, that the town of Bolton did actually raise and deliver the whole number of men required of them by the Resolve of the second of December, 1780:*

*Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to credit the town of Bolton, Two hundred and fourteen pounds, two shillings and six pence, in the last State Tax, it being the fine and bounty for one three years' man; and the Assessors are to govern themselves accordingly in assessing said tax. July 10, 1783.*

### Chapter 94.

RESOLVE ON THE PETITION OF *JAMES SWAN*, ESQ; EXECUTOR TO THE LAST WILL OF *WILLIAM DENNIE*, OF *BOSTON*, MERCHANT, DECEASED, GRANTING *TWO THOUSAND FIVE HUNDRED AND FIVE POUNDS, SIXTEEN SHILLINGS AND TEN PENCE*, FOR MERCHANTIZE SUPPLIED THE LATE BOARD OF WAR. Chap. 94

*On the petition of James Swan, Esq; Executor to the last will and testament of William Dennie, late of Boston, Merchant, deceased:*

*Resolved, That there be paid out of the Treasury of this Commonwealth, from the monies arising out of the present tax, the sum of Two thousand three hundred and sixty-five pounds, sixteen shillings and ten pence, principal, and the further sum of One hundred and forty pounds, interest, to James Swan, Esq; Executor to the last will and testament of William Dennie, late of Boston, Merchant, deceased;*

which sum is in full for merchandize supplied the late Board of War; the aforesaid sum of *Two thousand three hundred and sixty-five pounds, sixteen shillings and ten pence* being the balance due to the said *William*, in specie, as appears by an adjustment of the books, *July, 1782.*

*July 10, 1783.*

### Chapter 95.

*Chap. 95* A GRANT OF TWENTY-TWO POUNDS, SIX SHILLINGS AND NINE PENCE, TO SAMUEL BAKER, ESQ; AND OTHERS, A COMMITTEE TO TAKE A SURVEY OF THE ANCIENT GORE OF LAND, LYING BETWEEN LEICESTER AND OTHER TOWNS IN THE COUNTY OF WORCESTER.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to *Samuel Baker*, Esq; and others, a Committee appointed to take a survey of the ancient gore of land, lying between *Leicester*, *Spencer*, *Brookfield*, *Charlton* and *Oxford*, in the county of *Worcester*, the sum of *Twenty-two pounds, six shillings and nine pence*, in full for their service.

*July 10, 1783.*

LETTER OF THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, TO HIS EXCELLENCY, GENERAL WASHINGTON.

#### COMMONWEALTH OF MASSACHUSETTS.

Boston, July 10, 1783.

SIR, The Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled, take this Opportunity of congratulating you on the happy return of Peace. Your Excellency, we are assured, will join with us in the Warmest Expressions of Gratitude to the Supreme Ruler of the Universe, under whose Influence and Direction the Struggles of a virtuous and free People have terminated in a Revolution which excites the Admiration of the World. Guided by His all wise Providence, your Country early fixed her eyes upon you: And confiding in those eminent qualities which you possessed, appointed you to the Command of her Armies.

The Wisdom of your Conduct in the discharge of that important Trust, has given a compleat Sanction to the Appointment, and crown'd the most heightened Expectations. In every Stage of the arduous Conflict, what trying Scenes have you not passed through! What Hardships have you not endured! What Dangers have you

not encountered! May Heaven reward your unremitting Exertions! May you long live, beloved by a grateful Country, & partaking largely in the Enjoyment of those inestimable Blessings, which you have been so eminently instrumental in securing for us! While Patriots shall not cease to applaud that sacred Attachment which you have constantly manifested to *the Rights of Citizens*—too often violated by Men in Arms, your Military Virtues and Achievements will be deeply recorded in the Breasts of your Countrymen and their Posterity, and make the brightest Pages in the History of Mankind.

We are with every Sentiment of Respect and Esteem, In the Name and behalf of the General Court, Your Excellency's

Most Ob'd't. and very humble Serv'ts.

S. ADAMS,

*President of the Senate.*

TRISTRAM DALTON,

*Speaker of the House of Representatives.*

To His Excellency

GEN'L. WASHINGTON.

## Chapter 96.

GRANTS TO THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE. *Chap. 96*

*On the memorial and petition of the President and Fellows of Harvard College:*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to the Rev. *Joseph Willard*, President of *Harvard College*, the sum of *One hundred and fifty-six pounds*, on account of his services done and to be done, he to be accountable for the same.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to the Rev. *Edward Wigglesworth*, *Hollisian Professor of Divinity at Harvard College*, the sum of *One hundred and five pounds*, in part for his services, he to be accountable for the same.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to the Rev. *Samuel Williams*, *Hollisian Professor of Mathematicks and Natural Philosophy at Harvard College*, the sum of *One hundred and five pounds*, in part for his services, he to be accountable for the same.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to *Stephen Sewall*, Esq; *Hancock* Professor of the Hebrew and other Oriental Languages at *Harvard* College, the sum of *One hundred and five pounds*, in part for his services, he to be accountable for the same.  
*July 11, 1783.*

### Chapter 97.

*Chap. 97* RESOLVE DIRECTING THE COMMITTEE ON ACCOUNTS, TO SETTLE CERTAIN ACCOUNTS, AND CLOSE THE SAME, AND TO CERTIFY THE BALANCE TO THE TREASURER, AND TO TRANSMIT TO THE COMMITTEE FOR COLLECTING ACCOUNTS AGAINST THE UNITED STATES, AN ACCOUNT OF ALL MONIES AS SHALL APPEAR DUE BY SAID ACCOMPTANTS, &c.

*Whereas the Committee for collecting accounts against the United States, have represented to this Court the necessity of settling and closing the accounts with Joseph Foster, and others, named in a list exhibited by the said Committee, which persons, in the said list so named, have been intrusted with public monies for certain purposes:*

Therefore *Resolved*, That the Committee on Accounts, be, and they are, hereby authorized and directed, to settle the accounts with the several persons named in the aforesaid list, and close the same, and state balances, if any there be, in the hands of the accomptants, and certify the same to the Treasurer, as soon as may be; and the said accomptants are hereby directed to pay the said balances to the Treasurer, taking duplicate receipts for the same, one of which to be lodged in the Secretary's Office.

And be it further *Resolved*, That the Committee on Accounts transmit to the Committee for collecting accounts against the United States, an account of all such monies as shall appear on the said settlement to have been by the said accomptants expended in the service of the United States, together with the proper vouchers, that the same may be charged accordingly.

And be it further *Resolved*, That if any of the aforesaid accomptants, shall, for the space of forty days from and after the passing this Resolve, refuse or neglect to settle their accounts respectively, in every such case the Committee on Accounts are hereby directed to certify every such delinquent to the Attorney General, who is hereby directed to prosecute to final judgment and execution the



delinquents aforesaid. And the Committee on Accounts are hereby directed to sit in the recess of the General Court, to attend the business assigned them by this Resolve. *July 11, 1783.*

### Chapter 98.

RESOLVE DIRECTING THE TREASURER TO PAY THE MEMBERS OF THE GENERAL COURT. *Chap. 98*

*Resolved,* That the Treasurer of this Commonwealth, be, and he is, hereby directed to pay out of the Public Treasury, to the members of the General Court, the respective sums due to them for their travel and attendance on the General Court the present session; and in case there should not be a sufficiency of unappropriated money in the Treasury to pay the whole, then the Treasurer is hereby directed to pay to the several members the unappropriated money in the Treasury, in proportion to the several sums set against their respective names in the pay rolls. *July 11, 1783.*

### Chapter 99.

RESOLVE GIVING DIRECTIONS TO THE COMMITTEE APPOINTED BY A RESOLVE OF MAY 1, 1781, TO EXAMINE INTO ALL TRESPASSES AND ILLEGAL ENTRIES ON THE UNAPPROPRIATED LANDS BELONGING TO THIS COMMONWEALTH. *Chap. 99*

*Resolved,* That the Committee appointed by a Resolve of the General Court of *May 1, 1781*, to examine into all trespasses and illegal entries on the unappropriated lands belonging to this Commonwealth, be, and they are, hereby directed to compleat in the county of *York*, with all possible dispatch, the business assigned them by the said Resolve, and to settle and agree with all such (who are disposed to settle and agree) as have, before the said first day of *May, 1781*, illegally entered upon or taken possession of any of the said lands, or committed any trespass or trespasses thereon; and against all such as shall not apply to, and settle with the said Committee, agreeable to the provision made in the said Resolve, the said Committee are hereby directed to proceed and commence such actions as may be necessary, and prosecute the same to final judgment and execution; and against all such as have since the first day of *May, 1781*, illegally entered upon,

or taken possession of, any of the said unappropriated lands, or committed trespass or trespasses thereon, the said Committee are directed to commence a legal process, and prosecute the same to final judgment and execution; and in case any of the illegal possessors afore-mentioned, shall agree with the said Committee and make payment to them of the sum or sums agreed upon, or shall give good and sufficient security to the Treasurer of this Commonwealth for the payment thereof, in a time not exceeding eighteen months from the time of agreement, with lawful interest for the same, in such case the said Committee are hereby empowered to give a good and sufficient deed of conveyance.

And it is further *Resolved*, That the said Committee be, and they are, hereby directed to apprise such pieces or strips of the said lands in the county of *York*, as are not large enough for a township, and to make report of their apprizement of each strip or piece, together with a plan and the contents of each, the same having been surveyed under their direction: And the said Committee are also directed, to lay out such of the said unappropriated lands in the said county of *York*, as lay below *Frybury*, into townships of six miles square each, or thereabouts, and cause the said townships to be surveyed by a surveyor and chainmen, under oath; a plan of each of which, with the contents and boundaries, the quality of the soil of each, the growth, goodness and kind of wood on each, its distance from any settlement or navigable river, whether rocky, mountainous, plain, or abounding with brooks or streams; the said committee are directed to report to the General Court, at their next sessions, and to complete their business in the county of *York*, and if possible, to pursue and accomplish in the counties of *Cumberland* and *Lincoln*, the business assigned them by the said Resolve of the first of *May*, 1781, and to make report of the whole at the next sitting of the General Court.

And the Secretary of this Commonwealth is directed to furnish the said Committee with a copy of the foregoing Resolves.

*July 11 1783.*

## Chapter 100.

RESOLVE THAT THE COMMITTEE FOR METHODIZING AND STAT-  
ING PUBLIC ACCOUNTS, BE A COMMITTEE FOR SETTTLING WITH *Chap.100*  
THE ARMY, AND DIRECTING THEM TO PROCEED IN PREPAR-  
ING ACCOUNTS AND VOUCHERS FOR THE DEMANDS OF THIS  
STATE AGAINST THE UNITED STATES, FOR SETTLEMENT; AND  
IMPOWERING THEM TO PROCURE CLERKS, AND MAKING AN  
ESTABLISHMENT FOR SAID COMMITTEE.

*Resolved*, That the Committee for Methodizing and Stat-  
ing Public Accounts, be also a Committee for compleating  
the settlements of the accounts with the officers and sol-  
diers of the *Massachusetts* Line of the Army, for the first  
three years' service, and also for the year 1780, and they  
are hereby directed to compleat the same accordingly.

*And whereas a Commissioner is daily expected, to settle all  
accounts now subsisting between this and the United States:*

*Resolved*, That the said Committee, be, and they hereby  
are, impowered and directed to proceed in preparing  
accounts and vouchers for the demands this State has  
against the United States, and when the said Commis-  
sioner shall be ready to enter on the business, to exhibit  
the said accounts to him for approbation and allowance;  
and in case any difficulty or dispute should arise in the  
prosecution of the said business with the said Commis-  
sioner, in the recess of the General Court, they are  
directed to apply to the Governor and Council for advice  
how they shall proceed, who are hereby requested, on  
their application, to advise them accordingly.

*And whereas it may be necessary that Clerks should be  
employed to expedite this business and the settlement with  
the Army, with the Committees on Absentees' Estates, the  
Committee of Sequestration, and other Public accounts:*

*Resolved*, That the said Committee be, and they hereby  
are, impowered to procure one or more Clerks, as they  
shall find necessary to assist them in the business, to be  
paid by government.

*And whereas the various branches of business in which  
the said Committee are to be employed, will require the  
greatest care and attention, and the said business is in-  
tricate in its nature, and of the greatest importance to this  
Commonwealth:*

*Resolved*, That each of the said Committee be allowed  
and paid out of the Public Treasury, *Sixteen pounds*,  
lawful money, per month, for each and every month they

shall be employed in said service, the pay to commence the first instant; and that each Clerk they shall employ, shall be allowed and paid *Seven shillings* per day, for as many days as they shall be employed in the said service: And the Governor, with advice of Council, is hereby requested, on their application, to grant warrants on the Treasurer for the same, they producing certificates from the said Committee, of the time they have been employed in the said service.

*July 11, 1783.*

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### Chapter 101.

*Chap.101* RESOLVE IMPOWERING THE TREASURER TO BORROW SIX HUNDRED POUNDS.

*Resolved*, That the Treasurer of this Commonwealth, be, and he is, hereby impowered and directed to borrow *Six hundred pounds*, lawful money, for the use of this Commonwealth, and give his note or notes for the same, on interest, at six per cent. per annum, and payable out of the money arising from the last State Tax.

*July 11, 1783.*

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### Chapter 102.

*Chap.102* RESOLVE ALLOWING THE COMMITTEE FOR SALE OF ABSENTEES' ESTATES IN THE COUNTY OF HAMPSHIRE, THREE MONTHS LONGER TO BRING IN THEIR ACCOUNTS, AFTER THE FIRST DAY OF AUGUST NEXT, AND DIRECTING THE COMMITTEE TO PAY THE MONIES THEY RECEIVE INTO THE TREASURY.

*Resolved*, That the Committee for selling Absentees' Estates in the county of *Hampshire*, have three months longer allowed them, from and after the first day of *August* next, to collect and bring in their accounts, any law or resolve to the contrary notwithstanding: And the said Committee are hereby directed to pay into the Treasury of the Commonwealth, any monies which may come into their hands in the mean time.

*July 11, 1783.*

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### Chapter 103.

*Chap.103* RESOLVE ALLOWING EXTRA PAY TO THE HON. PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES, AS ALSO A GRANT OF *THIRTY POUNDS* TO EACH OF THE CLERKS.

*Resolved*, That there be allowed and paid out of the Public Treasury of this Commonwealth, to the Hon. *Sam-*

*uel Adams*, Esq; President of the Hon. Senate, the sum of *Six shillings* per day; and also to the Hon. *Tristram Dalton*, Esq; Speaker of the House of Representatives, the sum of *Six shillings* per day; for each day of their attendance on the General Court the present session, over and above their respective pay as members of the General Court.

And it is further *Resolved*, that there be allowed and paid out of the Public Treasury of this Commonwealth, to Mr. *William Baker*, jun., Clerk of the Hon. Senate, the sum of *Thirty pounds*; and also to Mr. *George Richards Minot*, Clerk of the House of Representatives, *Thirty pounds*; they to be accountable. *July 11, 1783.*

#### Chapter 104.

RESOLVE EXPLAINING A RESOLVE, PASSED THE FIRST DAY OF JULY CURRENT, RELATIVE TO PAY ROLLS. *Chap.104*

*Whereas a Resolution passed this Court the first day of July current, appointing a Committee to receive, examine and pass, on all accounts, but it was not the design of this Court, that the Pay Rolls of officers and soldiers should be included in the said Resolution:*

Therefore *Resolved*, That such Pay Rolls as remain yet unpaid, be exhibited at the Secretary's Office, well authenticated, to be laid before the Governor and Council, for examination and payment. *July 11, 1783.*

#### Chapter 105.

RESOLVE REPEALING A RESOLVE PASSED THE FIRST DAY OF JULY INST. AND IMPOWERING THOMAS IVERS, ESQ; MR. PETER ROE DALTON AND MR. EDWARD WAINE, TO SETTLE THE ACCOUNTS OF THE LATE BOARD OF WAR. *Chap.105*

*Whereas a Resolution passed the General Court the first day of July instant, appointing the Hon. Samuel Osgood, Esq; and Mr. Edward Waine, a Committee to settle the accounts of the late Board of War; and as it is expedient that the said accounts be settled as soon as possible, and one of the aforesaid gentlemen having declined the service:*

*Resolved*, That the resolve of the first day of July current, appointing the Hon. *Samuel Osgood*, Esq; and Mr. *Edward Waine*, a Committee to settle the accounts of the late Board of War, be, and is, hereby repealed.

And it is further *Resolved*, That *Thomas Ivers*, Esq; *Mr. Peter Roe Dalton*, and *Mr. Edward Waine*, be, and they are, hereby authorized and impowered, to settle the accounts of the late Board of War. *July 11, 1783.*

### Chapter 106.

*Chap. 106* RESOLVE ALLOWING AN ANNUAL INTEREST OF SIX PER CENT. ON THE CAPITAL SUM OF SEVENTY-FIVE POUNDS, TO LOVE ADAMS, AND ORDERING THE COMMITTEE FOR THE SALE OF ABSENTEES' ESTATES IN THE COUNTY OF MIDDLESEX, TO PAY THE AFORESAID SUM INTO THE TREASURY.

*Whereas a Resolve passed the General Court in February last, for allowing and paying out of the Treasury of this Commonwealth, to Mrs. Love Adams, wife of Doctor Joseph Adams, late of Lincoln, an Absentee, an annual interest of six per cent. on one third part of the sum for which the estate of her late husband has been sold, from the time of sale, during her abode in any of the United States, in lieu of her dower: And whereas it is reasonable, in order to do justice between the Commonwealth, the said Love Adams, and the creditors to the estate of the said Joseph Adams, that allowance should be made for some personal estate left in the possession of the said Love Adams, by the agent appointed on the said estate; and also that she should have an allowance out of the said estate, not only from the time of sale, but from the time when the said agent first took the same into his possession:*

Therefore *Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to the aforesaid *Love Adams*, an annual interest of six per cent. on the capital sum of *Seventy-five pounds*, being the first proportion of the sum for which the aforesaid estate has been sold, from the first of *April, 1778*, during her abode in any of the United States, in lieu of her dower; and the Governor, with the advice of Council, is authorized and requested to issue his warrant for the payment of such interest for the time past, and annually afterward.

And it is further *Resolved*, That the Committee for the sale of Absentees' Estates in the county of *Middlesex*, be, and hereby are, ordered to pay into the Treasury of this Commonwealth, the aforesaid sum of *Seventy-five pounds*, and that when the interest aforesaid shall cease, the before mentioned creditors shall receive their just demands out

of the said sum. And the aforesaid Resolve of *February* last, is hereby repealed and made null and void.

*July 11, 1783.*

### Chapter 107.

RESOLVE REQUESTING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO TAKE SUITABLE MEASURES FOR TAKING POSSESSION OF THE POST AT *PENOBSCOT* AND PLACES ADJACENT, UPON THE EVACUATION OF THAT POST, AND TO MAKE INQUIRY WITH REGARD TO CERTAIN HULKS IN SAID RIVER. Chap.107

*Resolved*, That the Governor, with advice of Council, be requested to take such measures as he may judge best for the honor and advantage of the Commonwealth, for taking possession of the post at *Penobscot*, and places adjacent, upon the British troops evacuating the same; also that inquiry be made with regard to the hulks in the river of *Penobscot*, the barracks, and such large masts as may be in the county of *Lincoln*, belonging to this Commonwealth.

*July 11, 1783.*

### Chapter 108.

RESOLVE REQUESTING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO GIVE ORDERS RELATIVE TO THE REMOVAL OR SELLING PUBLIC STORES AT THE POST OF *MACHIAS*. Chap.108

*Whereas by a resolve of the General Court, of July 3, 1783, on the memorial of Col. John Allan, no provision was made for that part of the memorial that respected the artillery, ordinance stores, buildings, and persons now in service at the post at Machias:*

Therefore *Resolved*, That his Excellency, the Governor, with advice of Council, be, and they hereby are, requested to give such orders relative to the removing or selling the said public stores, and discharging the said persons, as shall appear most for the interest of this Commonwealth.

*July 11, 1783.*

### Chapter 109.

RESOLVE APPOINTING THE HONORABLE *JAMES BOWDOIN*, *SAMUEL ADAMS* AND *JOHN LOWELL*, ESQ'RS., A COMMITTEE TO EXAMINE AND STATE THE CLAIMS TO LANDS LYING WEST OF *HUDSON'S RIVER*. Chap.109

*Resolved*, That the Honorable *James Bowdoin*, *Samuel Adams* and *John Lowell*, Esq'rs., be, and hereby are,

appointed a Committee to examine and state the claims of this Commonwealth to lands lying west of *Hudson's River*, and report to the General Court at their next sessions.

*July 11, 1783.*

### Chapter 110.

*Chap.110* STEPHEN METCALF, ESQ; ELECTED ONE OF THE COMMITTEE ON ACCOUNTS.

Mr. *Thomas Clark* having signified his resignation of his appointment as one of the Committee on Accounts, the House proceeded to the choice of a gentleman in his room, by ballot, and *Stephen Metcalf*, Esq; was chosen.

*July 11, 1783.*

### Chapter 111.

*Chap.111* RESOLVE ON THE PETITION OF JAMES PERRY.

*On the petition of James Perry, praying that he may have a further time allowed him for the payment of One hundred and eighty pounds, which appears to be due from the said Perry to the Committee on the sale of Absentees' Estates in the county of Bristol:*

*Resolved*, That for reasons set forth in the said petition, the prayer thereof be so far granted, as to allow the said *Perry* three months from the date of this Resolve, for the payment of the said *One hundred and eighty pounds*, with the interest for the same; and provided further, that the said *Perry* shall give the said Committee good and sufficient security therefor; and the Committee on the sale of Absentees' Estates aforesaid, are hereby directed to govern themselves accordingly.

*July 11, 1783.*



# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY, THE TWENTY-EIGHTH DAY OF MAY, ANNO DOMINI, 1783; AND FROM THENCE CONTINUED, BY ADJOURNMENT, TO WEDNESDAY, THE TWENTY-FOURTH DAY OF SEPTEMBER FOLLOWING.

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1783. — SEPTEMBER SESSION.

### Chapter 1.

RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO ADJUST THE ACCOUNTS OF WATERMAN THOMAS, ESQ; Chap. 1

*Resolved*, That the Committee for Stating and Methodizing Public Accounts, are hereby directed to examine and settle the accounts of *Waterman Thomas*, Esq; late Commissary and Assistant Quarter Master General in the Eastward Department. September 25, 1783.

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### Chapter 2.

GRANT OF THREE POUNDS TO PEARSON EATON. Chap. 2

*On the petition of Pearson Eaton, of Lunenburg, praying for mileage due to him and his son Benjamin Eaton:*

*Resolved*, That there be paid out of the Treasury of this Commonwealth, unto *Pearson Eaton*, the sum of *Three pounds*, in full for mileage money due to him and his said son *Benjamin*. September 27, 1783.

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### Chapter 3.

RESOLVE ON THE PETITION OF JOSEPH PERRY AND ERASTUS WOLCOTT, JUNIOR. Chap. 3

*On the petition of Joseph Perry and Erastus Wolcott, jun. of East Windsor, in the county of Hartford, and State*

of Connecticut, *praying for liberty to make sale of a tract of unimproved land, containing about one hundred and sixty acres, lying in the town of Ashby, in the county of Middlesex, and Commonwealth of Massachusetts, for reasons set forth in the said petition :*

*Resolved,* That the prayer thereof be granted, and that he, the said *Erastus Wolcott, jun.*, Guardian to the children and heirs of the Reverend *Joseph Perry*, late of the said *East Windsor*, deceased, be, and he hereby is, authorized and impowered, to sell, for the most it will fetch, the land set forth in his petition, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof; he observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving bond, with sufficient security, to the Judge of Probate for the county of *Middlesex*, that the proceeds by sale of the said estate, be applied for the discharging the debt of the said Rev. *Joseph Perry*, deceased; and that the overplus, if any be, after paying the said debts and charge of sale, be put on interest for the benefit of the heirs, and that the principal and interest be paid to them severally, at the time and in the manner as the law directs.

*September 29, 1783.*

#### Chapter 4.

Chap. 4 RESOLVE DIRECTING THE COMMITTEE FOR SELLING ABSENTEES' ESTATES IN THE COUNTY OF BRISTOL, TO PAY TO CORY DURFEE, SEVEN POUNDS, EIGHT SHILLINGS AND EIGHT PENCE, FROM THE SALES OF THOMAS GILBERT'S ESTATE, AN ABSENTEE.

*On the petition of Cory Durfee, of Freetown, praying that he may be allowed payment on a note of hand given by Thomas Gilbert, an Absentee, to Hope Durfee, and indorsed by her to said Cory Durfee :*

*Resolved,* That the Committee for selling Absentees' Estates in the county of *Bristol*, pay to the said *Cory Durfee*, *Seven pounds, eight shillings and eight pence*, it being the principal and interest of the aforesaid note, out of the money arising from the sales of the said *Thomas Gilbert's* estate, he giving bond to the Judge of Probate in the said county of *Bristol*, as other creditors are required.

*September 29, 1783.*

## Chapter 5.

RESOLVE INTITLING THOMAS BOWLING TO ONE THIRD PAY AS GUNNER'S MATE. *Chap. 5*

*On the representation of John Lucas, Commissary of Pensioners, in behalf of Thomas Bowling, Gunner's Mate on board the Sloop Tyrannicide, belonging to this State, and who lost his left hand whilst in the service, by a swivel gun, on the fifth day of July, 1777, as appears by a certificate:*

*Resolved, That the said Thomas Bowling be, and he hereby is, intitled to receive one third pay as a Gunner's Mate, from the day of his discharge, which was the 20th of February, 1777, until the further orders of this Court.*  
*September 30, 1783.*

## Chapter 6.

A GRANT OF ONE HUNDRED SIXTY-THREE POUNDS, FIFTEEN SHILLINGS AND SIX PENCE ONE FARTHING, TO STEPHEN SMITH, TRUCK MASTER AND COMMISSARY AT MACHIAS, AND DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO MAKE UP HIS PAY. *Chap. 6*

*Resolved, That there be paid out of the Treasury of this Commonwealth, One hundred and sixty-three pounds, fifteen shillings and six pence one farthing, to Stephen Smith, Truck Master and Commissary at the post of Machias, being the balance due to him, as appears by the certificate and representation of the Committee for Methodizing and Liquidating the Public Accounts, and that the same be charged to the United States.*

*And it is further Resolved, That the Committee for settling with the Army be, and they are, hereby authorized and impowered, to make up the pay to Stephen Smith, Truck Master and Commissary at the post of Machias, in the same manner as they have, by order of the General Court, made up to the officers in Col. John Allan's department at the said post.*  
*September 30, 1783.*

## Chapter 7.

A GRANT OF ONE THOUSAND SIX HUNDRED AND FOURTEEN POUNDS, NINETEEN SHILLINGS, TO COL. JOHN ALLAN, TO ENABLE HIM TO DISCHARGE SEVERAL DEBTS. *Chap. 7*

*Resolved, That there be paid out of the Treasury of this Commonwealth, the sum of One thousand six hundred and*

*fourteen pounds, nineteen shillings, to Col. John Allan, in order to enable him to discharge the debts due from him to several creditors named in his memorial, to the said amount; the aforesaid sum being the balance due to the said Allan, as appears by the certificate and representation of the Committee for Methodizing and Liquidating the Public Accounts, and was expended in the Eastern Department; and that the said sum of One thousand six hundred and fourteen pounds, nineteen shillings, be charged to the United States.*

*September 30, 1783.*

### Chapter 8.

- Chap. 8* RESOLVE ON THE PETITION OF MARY OBSCO, A NATICK INDIAN, IMPOWERING THE HONORABLE JOSIAH STONE, ESQ; AND OTHERS, TO SELL THE LANDS MENTIONED.

*On the petition of Mary Obsco of Natick, Indian woman, praying for liberty to sell certain lands in her petition mentioned, for reasons therein set forth.*

*Resolved, That the prayer of the said petition be so far granted, that the Honorable Josiah Stone, Esq, Eleazer Kingsbury and Joseph Twitchell, Guardians to the Natick tribe of Indians, be, and hereby are, fully authorized, in their said capacity, to sell so much of the lands belonging to the said Mary, as they shall find necessary to discharge the debts mentioned in the petition, and cost of sale, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, and apply the money arising by the said sale, solely to the purposes aforesaid.*

*October 2, 1783.*

### Chapter 9.

- Chap. 9* RESOLVE ON THE PETITION OF AGNES THOMPSON, APPOINTING JUSTUS DWIGHT GUARDIAN TO THE SAID AGNES, AND DIRECTING PROVISION TO BE MADE FOR HER.

*On the petition of Agnes Thompson, of Palmer, in the county of Hampshire, setting forth, that she is a poor, indigent person, destitute of any subsistence, and has been supported at the public expence for upwards of forty years, under the direction of Mr. Aaron Lyman, of Belchertown, who is now deceased; and praying that Mr. Justus Dwight, of the said Belchertown, may be appointed her Guardian, to provide for her under her peculiar circumstances.*

Therefore, *Resolved*, That the prayer of the said petition be granted, and Mr. *Justus Dwight*, of *Belchertown*, be, and he hereby is, appointed Guardian to the aforesaid *Agnes Thompson*; and the said Guardian is hereby directed to provide for the comfortable support of the aforesaid *Agnes Thompson*, and to lay his accounts before the General Court once a year, for allowance and payment.

*September 30, 1783.*

### Chapter 10.

RESOLVE GRANTING FOUR HUNDRED AND FOUR POUNDS, TWELVE SHILLINGS TO KNOTT PEDRICK, AND BURRIL DEVEREUX. *Chap. 10*

*On the memorial of Burril Devereux and Knott Pedrick, attorneys to the Administratrix on the estate of John Pedrick, late of Marblehead, Esq; deceased, praying for payment for a certain Brigantine, which was taken and made use of by order of government, by the Committee appointed for the purpose of fortifying the harbor of Boston :*

*Resolved*, That there be granted and paid out of the Treasury of this Commonwealth, to *Burril Devereux* and *Knott Pedrick*, attorneys to the Administratrix on the estate of the said *John Pedrick*; the sum of *Four hundred and four pounds, twelve shillings*, in full for the appraised value of the said Brigantine, and the interest due thereon to this time; the same to be paid in government securities, similar to the securities called consolidated notes, payable at like times and with the like interest.

*October 2, 1783.*

### Chapter 11.

RESOLVE ON THE PETITION OF THE INHABITANTS OF WESTMINSTER. *Chap. 11*

*On the petition of the inhabitants of the town of Westminster, setting forth, that the said town was required, by the Resolve of the second of December, A. D. 1780, for raising men for the service of the Continent, to raise twelve men for the said service; that as a town they procured seven of the said men, and that the other five men were procured and raised by five-twelfth parts of the said town, in polls and estates, agreeable to a vote and an agreement of the said*

*town, requesting them so to do, and promising them an exemption from any costs or charge of procuring the said seven men; and praying that the assessments made, or that shall be made by the Assessors or Selectmen of the said town, for defraying the costs and charges of procuring the said seven men, on the polls and estates of the inhabitants of the said town, exclusive of the said five-twelfth parts, may be confirmed:*

*Resolved,* That any assessment or assessments made, or that shall be made and duly proportioned by the said Selectmen or Assessors, on the polls and estates of the inhabitants of the said town, or non-resident proprietors of lands therein, exclusive of the said five-twelfth parts, for the purpose of defraying the costs and charges of procuring the said seven men, be, and hereby are, confirmed and made good and valid, to all intents and purposes.

*Provided however,* That this Resolve shall in no wise affect any contract made by the said town with any of the said seven men, or any other person of whom money or other property was had, hired or borrowed, for the purpose of procuring the said seven men by the said town; but on failure of the said town to perform and fulfil any such contract, the party injured shall have his remedy against the inhabitants of the said town, as in other cases.

*Provided also,* That no right of action already accrued, by reason of any distress already taken, or sale made of any non-resident's land in the said town, in the collection of the said assessments, shall be affected or barred in any wise by this Resolve.

*October 2, 1783.*

## Chapter 12.

### Chap. 12 RESOLVE DIRECTING THE ATTORNEY GENERAL TO SURCEASE ANY PROSECUTION AGAINST BERIAH NORTON.

*Whereas it has been represented to this Court, that there was a balance due to this Commonwealth from the said Beriah Norton, and that the Attorney General was directed to commence an action against the said Norton, for the recovery thereof; and as it since appears that the said Norton is not indebted to this Commonwealth:*

*Therefore Resolved,* That the Attorney General surcease any prosecution against the said Norton.

*October 3, 1783.*

## Chapter 13.

RESOLVE ALLOWING A BALANCE OF FIVE POUNDS, SEVEN SHILLINGS AND FIVE PENCE, TO THE TREASURER OF THE COUNTY OF MIDDLESEX. Chap. 13

The Committee appointed to examine the accounts of the Treasurer of the county of *Middlesex*, find that the monies have been applied to such uses as the law allows; but that there is a mistake of *Nine pounds, fourteen shillings and nine pence half-penny*, in casting the said account, and that the balance due to the said Treasurer, upon his settlement, is *Five pounds, seven shillings and five pence two farthings*, which is submitted. October 4, 1783.

## Chapter 14.

RESOLVE DIRECTING THE SEVERAL COMMITTEES FOR SALE OF ABSENTEES' ESTATES, TO SURCEASE THE SALE OF SAID ESTATES TILL FURTHER ORDER, AND TO LAY THEIR PROCEEDINGS BEFORE THE GENERAL COURT, AND TO OBSERVE THEIR RESOLUTION RELATING TO LEASING SAID ESTATES. Chap. 14

*On the petition of the Committee for the sale of Absentees' Estates in the county of Berkshire, praying for the direction of this Court respecting their further proceeding on the business of their commission, for the sale of the lands of the said Absentees, as set forth in their petition:*

*Resolved*, That the several Committees appointed to make sale of the estates of Absentees, lying within their respective counties, be, and hereby are directed, to surcease the sale of the said estates until the further order of the General Court, any resolve or order to the contrary notwithstanding.

And the said Committees are hereby respectively further directed, to lay their proceedings respecting the sale of such estates as they have already made, before the General Court, as soon as may be.

And it is further *Resolved*, That the said Committees observe the Resolution of the General Court relating to the leasing of the Estates of the Absentees which remain unsold. October 4, 1783.

## Chapter 15.

- Chap. 15* RESOLVE ON THE PETITION OF CHARLES CHANDLER AND OTHERS, IMPOWERING THEM TO TAKE POSSESSION AND IMPROVE THAT PART OF THE REAL ESTATE OF THEIR FATHER, IN WORCESTER, THAT WAS SET OFF TO THEIR MOTHER.

*On the petition of Charles Chandler, and others :*

*Resolved, That Charles Chandler, Samuel Chandler, Sarah Stanton, Mary Chandler, Lucretia Chandler, Thomas Chandler and Elizabeth Chandler, be, and they are, hereby authorized and impowered, to take possession of, and improve, for their advantage, that part of the real estate of their father, John Chandler, Esq; late of Worcester, an Absentee, lying in the town and county of Worcester, that was set off to their mother, now deceased, for the support of her and the children, as set forth in their petition, until the further order of the General Court. October 4, 1783.*

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## Chapter 16.

- Chap. 16* RESOLVE DIRECTING THE SELECTMEN OF TOWNS TO MAKE RETURNS OF BOUNTIES PAID TO SOLDIERS SERVING IN THE ARMIES OF THE UNITED STATES, AND ALLOWING THEM FOUR SHILLINGS PER DAY.

*Whereas it is necessary that the Legislature should be furnished with an account of all bounties paid to soldiers during the war, in order that a charge thereof may be made against the United States :*

*Therefore Resolved, That the Selectmen of the several towns and districts, and Committees of plantations, within this Commonwealth, be, and they hereby are, directed and required, to collect the receipts or other the best vouchers they can, of all bounties paid by their respective towns, districts or plantations, or by classes or individuals, to soldiers enlisted to serve in, or to recruit or reinforce the Armies of the United States; excepting of the bounties paid to those raised for three years, by the Resolve of January 26, 1777; for six months, by the Resolve of June 5, 1780; for three years, by the Resolve of December 2, 1780; for three and five months, by the several Resolves of June, 1781; and for three years, by the Resolve of March, 1782; whose bounties are already ascertained, and to transmit accounts of such bounties, together with the receipts or vouchers which shall be thus*



collected, to the Secretary's Office, on or before the first day of *February* next.

*Resolved*, That the Selectmen and Committees aforesaid, shall be severally paid out of the treasury of the town, district or plantation to which they belong, the sum of *Four shillings* per day, for each and every day they shall be necessarily employed in performing the aforementioned service.

*Resolved*, That the Secretary be, and he hereby is, directed forthwith to procure a sufficient number of printed copies of these Resolves, and, without delay, to transmit one of the same to the Selectmen of each town and district, and to the Committees of each plantation within this Commonwealth.

*Resolved further*, That the Secretary be, and he hereby is, directed to collect an account of the dates of all the Resolves of the General Court, and orders of Council, for raising or detaching men to serve in, recruit or reinforce the army, since the commencement of the war, (excepting the Resolves above excepted,) and cause the same to be inserted in the copies aforementioned. *October 6, 1783.*

### Chapter 17.

RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF OXFORD FOR TWO HUNDRED AND FOURTEEN POUNDS, TWO SHILLINGS AND SIX PENCE, BEING FOR A FINE AND BOUNTY LAID ON SAID TOWN.

*Chap. 17*

*On the petition of Ebenezer Learnard, in behalf of the town of Oxford, setting forth, that the said town was fined for a deficiency of one three years' man, praying that the same may be abated, for reasons set forth in the said petition:*

*Whereas it appears to this Court, by a certificate from the Superintendent of the county of Worcester, that the town of Oxford did actually procure the whole number of men required of them by the Resolve of the second of December, 1780:*

*Resolved*, That the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the town of *Oxford*, the sum of *Two hundred and fourteen pounds, two shillings and six pence*, in the last State Tax, it being the fine and bounty for one three years' man. *October 7, 1783.*

## Chapter 18.

## Chap. 18 RESOLVE FOR EXTENDING THE TIME FOR ISSUING EXECUTIONS.

*Whereas the time is expired limiting the Treasurer, by the Resolve of November 2, 1782, and March 18, 1783, to issue execution in favour of persons who are possessed of receipts upon Collectors and Constables; and many persons living in the remote parts of the Commonwealth, did not come to the knowledge of the said Resolves at a period early enough to reap the advantage of the same, and are still possessed of such receipts, without the power of collecting what is justly due to them thereon:*

Be it therefore *Resolved*, That the time limited in the said Resolves is extended to the first Wednesday in *March* next; and in the mean time the aforesaid Resolves shall have the same force and validity, in all respects, until the said first Wednesday of *March*, as they had during the time prescribed in the said Resolves. *October 9, 1783.*

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## Chapter 19.

## Chap. 19 RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF ROWLEY FOR THE DEFICIENCY OF ONE MAN.

*On the petition of Thomas Mighill, in behalf of the town of Rowley, praying for abatement of a fine charged on the said town in the last Tax Act, for reasons set forth in the said petition:*

*Whereas by the last Tax Act, the town of Rowley was fined for the deficiency of one man, required of the said town by a Resolve of the General Court of the second of December, 1780; and it also appears that a certain class in the said town is assessed for the same deficiency, which assessment is returned into the Treasurer's Office:*

Therefore *Resolved*, That the Treasurer of this Commonwealth, be, and he is, hereby directed to credit the said town of *Rowley*, the sum of *One hundred and twenty-eight pounds, nine shillings and six pence*, in the last Tax Act, and receive the sum assessed on the said deficient class in the said town in lieu thereof; and that the assessment laid on the inhabitants of the town of *Rowley*, by virtue of a warrant from the Treasurer in consequence of the aforesaid last Tax Act, shall be deemed legal and valid to all intents, notwithstanding it is for *One hundred and*

*twenty-eight pounds, nine shillings and six pence less than the sum contained in the Treasurer's warrant.*

*October 9, 1783.*

### Chapter 20.

RESOLVE ADJOURNING THE SUPREME JUDICIAL COURT IN THE COUNTY OF BRISTOL. Chap. 20

*Whereas the Supreme Judicial Court holden at Worcester, within and for the county of Worcester, after sitting one week, adjourned to Tuesday, the fourteenth day of October instant; and to the end there may be time at the said adjournment for the Justices of the same Court to hear and determine the weighty and important matters now pending therein, before the sitting of the said Court at Taunton:*

*Resolved, That the Supreme Judicial Court, by law appointed to be holden at Taunton, within and for the county of Bristol, on the Tuesday next preceding the last Tuesday of October instant; and all matters and things, civil or criminal, pending, or that may be pending thereat; be, and hereby are, adjourned to the last Tuesday of November next; of which jurors, witnesses, parties, and all others interested, are to take notice and govern themselves accordingly.*

*October 9, 1783.*

### Chapter 21.

RESOLVE REMITTING A FINE SET ON CERTAIN CLASSES IN THE TOWN OF BRIDGEWATER. Chap. 21

*On the petition of Timothy Fobes, and Jeremiah Thayer praying that a fine set on the Classes number one and three, be remitted them, for reasons set forth in their petition:*

*Resolved, That the Classes number one and three, in the town of Bridgewater, be abated the sum of Fifty-five pounds, to the Class number one; and the sum of Fifty-three pounds, to the Class number three; and that the Treasurer of this Commonwealth be, and he hereby is, directed to credit the said Classes accordingly.*

*October 9, 1783.*

## Chapter 22.

*Chap. 22* RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF ATTLEBOROUGH, FOR THE DELINQUENCY OF ONE MAN.

*On the petition of Stephen Richardson, in behalf of the town of Attleborough, setting forth, that said town was fined for a delinquency of one three years' man, praying the same may be abated, for reasons set forth in said petition:*

*Whereas it appears to this Court, by a certificate from the Superintendent for the county of Bristol, that the said town of Attleborough, as aforesaid, did actually procure their full number of men required of them by the Resolve of December the second, 1780:*

*Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the town of Attleborough, the sum of Two hundred and fourteen pounds, two shillings and six pence, in the last State Tax, it being the fine and bounty for one three years' man.*

*October 9, 1783.*

## Chapter 22A.\*

*Ch. 22A* RESOLVE RELATIVE TO TAKING POSSESSION OF THE POST AT PENOBSCOT.

*On His Excellency's message of October 8th:*

*Resolved, That the Governor be requested to take such measures as may be effectual for carrying into execution the Resolution of the two Houses of 11th July last, respecting the taking possession of the post at Penobscot and places adjacent, upon the British troops evacuating the same.*

*October 9, 1783.*

## Chapter 23.

*Chap. 23* RESOLVE DIRECTING THE COMMISSARY GENERAL TO DELIVER RICHARD WARD, LATE COMMISSARY AT SALEM, A QUANTITY OF FLOUR.

*Resolved, That Richard Devens, Esq; Commissary General, be, and hereby is, directed to deliver to Mr. Richard Ward, late Commissary at Salem, Twenty-six hundred and two quarters of flour, it being in full for Thirty-two hundred, one quarter and twenty-seven pounds*

\* Not printed in Session pamphlet.

of rice, advanced by him to the troops stationed at *Salem*, as appears by a certificate from the committee on accounts.

*October 9, 1783.*

### Chapter 24.

RESOLVE EMPOWERING THE ASSESSORS OF THE TOWN OF SANDWICH, IN THE COUNTY OF BARNSTABLE, TO ASSESS ON THE POLLS AND ESTATES OF CERTAIN CLASSES FOR DEFICIENCIES. Chap. 24

*Resolved*, That the assessors of the town of *Sandwich*, in the county of *Barnstable*, be and hereby are empowered and directed, to levy and assess on the polls and estates of such persons as compose the deficient classes in the said town, who have not complied with the resolve of *December*, 1780, for raising this Commonwealth's proportions of the Continental Army, such sum or sums upon each of the said deficient classes, as shall be found equal to the average price which has been given or engaged by those classes in the said town who have procured their men agreeable to the said resolve; and that the said assessors, in making the said assessment, observe the same proportions and directions specified by a resolve of *April* 26, 1781; and the said assessment, so made, they are to commit to the constables or collectors of the said town of *Sandwich*, to collect, and issue their warrants, *mutatis mutandis*, in the same form and manner as is usual in the collection of town taxes.

And it is further *Resolved*, That the money so assessed and collected, shall be paid into the treasury of the said town of *Sandwich*, and shall be applied by a vote of the said town, for the relief of the inhabitants, in such manner as they shall judge most equitable.

*October 9, 1783.*

### Chapter 25.

RESOLVE ON THE PETITION OF PETER SAVORY, GRANTING HIM THREE HUNDRED AND NINETY-TWO POUNDS SIX SHILLINGS AND ONE PENNY, DUE TO MESSIEURS PENET AND COMPANY, AND DIRECTING THE TREASURER TO RECEIVE A NUMBER OF LOAN OFFICE CERTIFICATES. Chap. 25

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to *Peter Savory*, the sum

of three hundred and ninety-two pounds six shillings and one penny, in full for the balance due to Messieurs *Penet, Decosta, Brothers, and Co.* from the late Board of War.

And be it further *Resolved*, That the Treasurer be, and he hereby is directed, to receive of *Peter Savory*, ninety Continental Loan Office Certificates, bearing date the eighth of *February*, 1777, each for four hundred dollars, making in the whole, with two years and one month's interest due thereon, *twelve thousand one hundred and fifty pounds*; and that the Treasurer be further directed to deliver to the said *Savory*, in behalf of Messieurs *Penet, Decosta, Brothers, and Co.* his promissory note for *thirteen thousand one hundred and thirty-two pounds sixteen shillings*, on interest at six per cent. which sum will be in full for the ninety Loan Office Certificates, and in full for the sum of *nine hundred and eighty-two pounds sixteen shillings*, the amount of a further allowance of two and a half per cent. commissions on *six hundred eighty-eight thousand and forty-five livres tournois*, the cost of sundry parcels of goods shipped in the year 1776, by the said *Penet, Decosta, Brothers and Co.* by order of the then Board of War, on account of this Commonwealth; the said notes to be made payable at four annual equal payments.

October 10, 1783.

## Chapter 26.

*Chap. 26* RESOLVE ON THE PETITION OF JOSEPH BUFFAM, AUTHORIZING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO TAKE COGNIZANCE OF THE APPEAL MENTIONED.

*Whereas it appears to this Court, that Joseph Buffam, at the Inferior Court of Common Pleas holden at Worcester, within and for the county of Worcester, on the second Tuesday of June, A. D. 1774, recovered judgment against John Campbell, of Oxford, in the said county, blacksmith, for the sum of twenty-one pounds four shillings, damages and cost taxed at one pound nineteen shillings and eight pence; that the said John Campbell appealed from the said judgment to the then next Superior Court of Judicature, which was to have been holden at Worcester, within and for the county of Worcester, in September, 1774, which Court, by reason of the peculiar circumstances of the times, was not held:*

*And whereas the said Joseph Buffam has represented to*

*this Court, that by reason of his absence from this Commonwealth, he was unacquainted with the laws of the General Court which have since intitled him to a remedy, and has prayed this Court for relief:*

Therefore *Resolved*, That the Justices of the Supreme Judicial Court be, and they are hereby fully authorized, at their next sessions within and for the aforesaid county of *Worcester*, to take cognizance of the aforesaid appeal, and that the same proceeding may be had thereon, in as full and ample a manner as if the same had been prosecuted within the time limited by the laws or resolves of the General Court providing remedy in similar cases, the time therein specified being elapsed notwithstanding.

*October 11, 1783.*

### Chapter 27.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF MARBLEHEAD, APPOINTING A COMMITTEE TO REPAIR TO SAID TOWN, AND VIEW THEIR SITUATION.

*Chap. 27*

*On the petition and memorial of the selectmen of the town of Marblehead, setting forth their distressed situation, and praying for relief from the heavy burdens they labour under on account of taxes, and for many other weighty reasons, as set forth in their said petition and memorial:*

*Resolved*, That *Jabez Fisher*, Esq; *Solomon Lovell*, Esq; and the Hon. *Timothy Danielson*, Esq; be a joint committee to repair to the town of Marblehead, and make particular inquiry whether the property they possessed at the time of taking the last valuation, has been since lost, and if so, how much; whether the collectors have not at this present time got money in their hands unaccounted for, and how much; whether some persons have not paid the whole of their taxes, and others none; whether they have returned more poor people and widows than really belonged to them, or not; and whether their situations in general be as set forth in their said petition and memorial, and make report of their doings to this Court, as soon as conveniently may be.

*October 11, 1783.*

## Chapter 28.

- Chap.* 28 RESOLVE ON THE PETITION OF MOSES INGLEE, IN BEHALF OF A CERTAIN CLASS IN THE TOWN OF HALIFAX, DIRECTING THE TREASURER TO RECEIVE THE MUSTER MASTER'S RECEIPT.

*On the petition of Moses Inglee, in behalf of class number two, in the town of Halifax, setting forth, that the said class procured a man agreeable to a resolve of the General Court, passed in March, 1781, but the Muster Master having neglected to make return of the said man into the Secretary's office the said class are liable to have an execution issued against them, praying that the Treasurer may be directed to receive the Muster Master's receipt in discharge of the said class, the time limited for receiving them being expired notwithstanding:*

*Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to receive the above mentioned Muster Master's receipt for the said man, in full discharge of the said class, provided it be offered to the Treasurer on or before the twentieth day of October instant, any law or resolve to the contrary notwithstanding.*

*October 11, 1783.*

## Chapter 29.

- Chap.* 29 RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF DUDLEY FOR DEFICIENCY OF MEN, FOR REASONS SET FORTH IN THE PETITION OF EDWARD DAVIS, ESQ;

*On the petition of Edward Davis, in behalf of the town of Dudley, setting forth, that the said town was fined in the last State tax, for a deficiency of two five months men, and one three months man, which they had raised, praying they may be abated the fines and allowed the bounties for the said men:*

*Whereas it appears to this Court, by returns made into the Secretary's office, that the said town of Dudley did actually raise and march the above mentioned two five months men, and one three months man, agreeable to the resolves for raising the same:*

*Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of Dudley the sum of sixty-three pounds eleven shillings, in the last State Tax, it being the fines and bounties for two five months and one three months man.*

*October 11, 1783.*



## Chapter 30.

RESOLVE ON THE PETITION OF RICHARD CARY, AGENT FOR THE EXECUTORS OF THE LAST WILL, ETC. OF DENNIS DE BERDT, ESQ; LATE OF LONDON, DECEASED. Chap. 30

*Upon the petition of Richard Cary, agent for the executors of the last will and testament of Dennis de Berdt, Esq; late of London, deceased, and formerly agent for the Honorable House of Representatives, praying for payment of a balance of three hundred and sixteen pounds fifteen shillings and eight pence sterling, which was voted to be paid to the executors aforesaid, by the Honorable House of Representatives, and concurred in Council in June, 1774, and which doth not appear to have been paid:*

*Resolved, That the prayer of the said petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to make out and deliver to the petitioner, in his capacity aforesaid, a note in behalf of this Commonwealth, payable in the same manner as the consolidated notes are, for the sum of six hundred and fifty pounds eleven shillings, lawful money, that being equal to the aforesaid sum of three hundred and sixteen pounds fifteen shillings and eight pence sterling, with interest; the said note to be in full for the services of the said de Berdt, in his capacity aforesaid. And the said Treasurer be further directed to allow such premium on the said sum of six hundred and fifty pounds eleven shillings, as by law is allowed for the consolidating of governmental securities.*

*October 13, 1783.*

## Chapter 31.

RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF PELHAM, FOR THE FINE AND BOUNTY OF ONE DEFICIENT MAN. Chap. 31

*On the petition of the selectmen of the town of Pelham, setting forth, that said town was fined in the last State tax, for a deficiency of one three years man, praying that the same may be abated, for reasons set forth in their petition:*

*Whereas it appears to this Court, by the superintendant's returns of the county of Hampshire, that the town of Pelham have actually procured the whole number of men required of the said town by the resolve of the second of December, 1780:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *Pelham* two hundred and fourteen pounds two shillings and six pence, in the last State tax, it being the fine and bounty for one three years man.

October 13, 1783.

### Chapter 32.

*Chap. 32* RESOLVE GRANTING A TAX OF SIX HUNDRED POUNDS, TO BE LEVIED ON THE POLLS AND ESTATES WITHIN THE COUNTY OF MIDDLESEX, FOR THE PURPOSE OF DEFRAYING THE CHARGES OF SAID COUNTY.

*Whereas it appears to this Court, from the representation and estimate of the Justices of the Court of General Sessions of the Peace for the county of Middlesex, that it is necessary that the sum of six hundred pounds should be raised in the said county, for the purpose of defraying the charges necessary for the administration of justice:*

Therefore *Resolved*, That there be, and there hereby is granted, a tax of six hundred pounds, to be levied on the polls and estates, both real and personal, within the said county of *Middlesex*; and the Clerk of the Court of General Sessions of the Peace for the said county, is hereby empowered to apportion the said sum upon the several towns and districts within the said county, in the manner pointed out by the law of this Commonwealth; and to issue his warrants to the assessors of the said towns and districts for the assessment of the same.

October 13, 1783.

### Chapter 33.

*Chap. 33* RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF RUTLAND FOR THE FINE AND BOUNTY OF ONE DEFICIENT MAN.

*On the petition of Jonas How, in behalf of the town of Rutland, setting forth that the said town was fined in the last tax act, one hundred and twenty-eight pounds, for a deficiency of one three years man, praying that the same may be abated, for reasons set forth in his petition:*

*Whereas it appears to this Court, by the superintendant's returns for the county of Worcester, that the said town of Rutland have procured the whole number of men required of them by the resolve of the second of December, 1780:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of *Rutland* the sum of *two hundred and fourteen pounds, two shillings and six pence*, in the last State tax, it being the fine and bounty for one three years man.

*October 13, 1783.*

### Chapter 34.

RESOLVE GRANTING A TAX OF ONE HUNDRED POUNDS TO BE APPORTIONED ON THE INHABITANTS OF *DUKES COUNTY*, FOR DEFRAYING THE CHARGES OF SAID COUNTY. Chap. 34

*Whereas it appears, from an estimate of the Justices of the General Sessions of the Peace for the county of Dukes County, that the sum of one hundred pounds will be necessary for defraying the charges of the said county, for one year next ensuing :*

Therefore *Resolved*, That there be, and is hereby granted, a tax of *one hundred pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of this Commonwealth.

*October 13, 1783.*

### Chapter 35.

RESOLVE IMPOWERING *ISABEL MERCHANT*, GUARDIAN TO *HANNAH WARD*, TO MAKE SALE OF THE REAL ESTATE MENTIONED. Chap. 35

*On the petition of Isabel Merchant, guardian to Hannah Ward :*

*Resolved*, That the petition be so far granted, as that the petitioner be, and hereby is authorized and impowered, in her said capacity, to make sale of that part of the real estate of the said *Hannah Ward*, mentioned in the said petition, and laying in the town of *Dartmouth*, within this Commonwealth, for the most the same will fetch, and make and execute a good deed or deeds thereof, she observing the rules of the law for the sale of real estates by executors or administrators, and giving caution to the Judge of Probate for the county of *Bristol*, that the proceeds of the said sale be applied to the support of the said *Hannah*, and that if any monies arising from the said sale remain in the hands of the said *Isabel Merchant*, at the

decease of the said *Hannah Ward*, that she account with the legal heirs of the said *Hannah* therefor.

*October 14, 1783.*

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### Chapter 36.

*Chap. 36* RESOLVE ON THE APPLICATION OF *RUGGLES WOODBRIDGE*, ESQ; DIRECTING THE TREASURER TO RECEIVE A CERTAIN SUM OF MONEY OF THE OLD EMISSION, AND THE COMMITTEE ON ACCOUNTS TO RECEIPT SAID SUM.

*Whereas Ruggles Woodbridge, Esq: has made application to this Court to receive a sum of Continental money of the old emission, being the balance of a sum put into his hands in the year 1780, as Muster Master of the county of Hampshire; and it appears to this Court, that the said money was ever ready for payment, when called for; that he sent down the said money in the month of May or June, 1781, to the committee for liquidating accounts, who declined receiving it without the order of Court; and that the said Woodbridge has not received any advantage by the depreciation thereof:*

*Resolved, That the Treasurer be, and he hereby is directed, to receive of Ruggles Woodbridge, the sum of fifteen hundred and fifty pounds, old emission money, giving him a receipt therefor; and the committee on accounts are hereby directed to receive said receipt of said Ruggles, in part of the money, which said Ruggles stands charged with in the year 1780.*

*October 14, 1783.*

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### Chapter 37.

*Chap. 37* A GRANT OF FOUR THOUSAND POUNDS TO THE COMMITTEE ON ACCOUNTS.

*Resolved, That there be paid out of the treasury of this Commonwealth, to the committee on accounts, the sum of four thousand pounds, to enable them to pay such accounts as they have passed, or may hereafter pass upon; they to be accountable for the same.*

*October 14, 1783.*

## Chapter 38.

RESOLVE ON THE PETITION OF *KATHERINE WILLARD* AND OTHERS, IMPOWERING THE LATE COMMISSIONERS ON THE ESTATE OF *ABEL WILLARD*, TO REVISE ALL ACCOUNTS AND CLAIMS HERETOFORE ALLOWED BY THEM, FOR REASONS MENTIONED. *Chap. 38*

*On the petition of Katherine Willard and others, suggesting, that errors have happened in the allowance of sundry claims by the commissioners appointed upon the estate of Abel Willard, Esq, late of Lancaster, in the county of Worcester, an absentee, deceased, and praying for a remedy in this behalf:*

*Resolved*, That *William Greenleaf* and *Josiah Wilder*, Esq's, and *Mr. Ephraim Wilder*, late commissioners on the estate of the said *Abel*, be, and they hereby are authorized and fully empowered, to revise all accounts and claims by them heretofore allowed, which they shall judge necessary; and where upon such revision, it shall appear to the said commissioners that any errors have heretofore happened, in any allowance of such accounts and claims, that such former allowance shall be, and hereby is declared to be null and void; and such allowance as shall be made on such revision, shall be of the same effect and force, as though such former allowance had never been made.

*Provided*, That all such persons, whose accounts and claims are intended to be revised by the said commissioners, be by them notified of the time and place of their intended revision, ten days at least previous thereto.

And it is further *Resolved*, That in every case where, in consequence of such former allowance of the said commissioners, any sum or sums of money have been paid and satisfied to any person or persons, or the appointee or appointees of such person or persons whose claims or accounts have been allowed by the said commissioners, and upon a revision of the said claims or accounts, such former allowance shall be found to be erroneous in whole or in part, the commissioners shall return a certificate of the same, with the evidence thereof, to the Attorney General, who is hereby directed, in behalf of this Commonwealth, to institute such suit or suits for the recovery back of any such sum or sums so paid in consequence of such former allowance, as justice may require; and such suit or suits to prosecute to final judgment and execution.

*October 14, 1783.*

## Chapter 39.

- Chap. 39* RESOLVE ON THE PETITION OF JOSIAH MOOR, TO NOTIFY EDWARD AND HEPHZIBAH RAYMOND TO SHEW CAUSE, AND STAYING EXECUTION IN THE MEAN TIME.

*On the petition of Josiah Moor, praying, for reasons set forth in his said petition, for the interposition of the General Court relative to a judgment on an action commenced against him by Edward and Hephzibah Raymond, at the Court of Common Pleas held at Worcester, in and for the county of Worcester, in March, 1781 :*

*Resolved,* That the prayer of the petition be so far granted, that the petitioner notify the said *Edward and Hephzibah Raymond*, by serving them with an attested copy of his petition and this order thereon, fifteen days at least before the second Wednesday of the next session of the General Court, that they may shew cause (if any they have) why the prayer thereof should not be granted; and that execution be stayed in the mean time.

*October 14, 1783.*

## Chapter 40.

- Chap. 40* A GRANT OF TWELVE POUNDS TO JONATHAN REED, ESQ; FOR THE USE OF THE TOWN OF LITTLETON, BEING AN ABATEMENT IN PART OF THE FINE LAID ON SAID TOWN.

*On the petition of Jonathan Reed, Esq; praying that twelve pounds, granted to the town of Littleton, by a resolve of the General Court of June 16, 1774, as an abatement in part of a fine laid on said Littleton, for not sending a Representative, may be paid to said town :*

*Resolved,* That there be allowed and paid out of the public treasury, to the said *Jonathan Reed*, for the use of the town of *Littleton*, twelve pounds, in full discharge of the abatement aforesaid.

*October 15, 1783.*

## Chapter 41.

- Chap. 41* RESOLVE ON THE PETITION OF SOLOMON CLERK AND JOHN WHITE, OF A PLANTATION CALLED CANAAN OR HOWARDSTOWN, IMPOWERING THE TREASURER TO RECALL HIS EXECUTIONS, IF ANY HAVE ISSUED AGAINST SAID PLANTATION, AND IMPOWERING SAID PLANTATION TO RAISE MONEY FOR THE SUPPORT OF A GOSPEL MINISTER.

*On the petition of Solomon Clerk and John White, of a plantation called Canaan or Howardstown, praying for*

*relief with regard to their late taxes, and that the said plantation may be incorporated, or otherwise enabled to raise, assess, and collect taxes:*

*Resolved*, That the Treasurer of this Commonwealth be directed to recall his executions, if any has issued for taxes against the said plantation, and stay the issuing any executions for the future, until the further order of the General Court.

And it is further *Resolved*, That the said plantation is further empowered to assess themselves for such sum or sums of money as they shall find necessary for the support of a gospel minister in the plantation aforesaid.

October 15, 1783.

### Chapter 42.

RESOLVE INTITLING AARON ROWLEY TO ONE FOURTH PART OF PAY AS A MAJOR. Chap. 42

*On the representation of John Lucas, Commissary of Pensioners, in behalf of Lieutenant-Colonel Aaron Rowley, who was wounded in his left ankle, on the twenty-fifth of October, one thousand seven hundred and eighty-one:*

*Resolved*, that the said Aaron Rowley be intitled to one fourth part of pay as a Major, from the fifteenth day of November, in the year one thousand seven hundred and eighty-one, until the further order of the General Court or Congress.

October 15, 1783.

### Chapter 43.

RESOLVE ON THE PETITION OF CAPT. JAPHETH DANIELS, IN THE SIXTH MASSACHUSETTS REGIMENT. Chap. 43

*On the petition of Japheth Daniels, Captain in the sixth Massachusetts regiment:*

*Resolved*, That there be paid out of the treasury of this Commonwealth, the sum of six pounds, to Japheth Daniels, being in full for the depreciation on the sixty-seven pounds ten shillings he received in bills of the new emission for three months wages, as appears by a certificate from the Treasurer's office, June 26, 1782, signed by the late Treasurer, agreeable to a resolve of the General Court for the said purpose.

October 15, 1783.

## Chapter 44.

*Chap. 44* RESOLVE ON THE PETITION OF JOSHUA PLUMER, ADMINISTRATOR ON THE ESTATE OF HIS FATHER, SAMUEL PLUMER, ESQ; LATE OF GLOUCESTER, IN THE COUNTY OF ESSEX, DECEASED.

*On the petition of Joshua Plumer, administrator on the estate of his father, Samuel Plumer, Esq; late of Gloucester, in the county of Essex, deceased, setting forth, that his said father received of Thomas Harris, of the said town, a deed of eleven acres and one half of land in the said town of Gloucester, for a certain debt; and after the decease of the said Thomas, promised Sarah Harris, widow of said Thomas, that if she would pay the money which was due to him, he would give her a deed of the same land; and that his father did receive the money of the said Sarah, but did not give her a deed, and praying he may have liberty to give to the said Sarah Harris, a deed of said land, agreeable to his father's promise:*

Therefore *Resolved*, That the prayer of the petition be granted, and that he the said *Joshua Plumer*, in his capacity as administrator, in consideration of the money received by his father, be, and he is hereby authorized and empowered, to make and execute to the said *Sarah Harris*, a good and lawful deed of the eleven acres and half of land set forth in his petition, in order that she the said *Sarah* may henceforth enjoy the said premises as fully, to all intents and purposes, as if the deed given by the said *Thomas Harris* had not been given.

*October 15, 1783.*

## Chapter 45.

*Chap. 45* RESOLVE ON THE PETITION OF THE COMMITTEES OF THE TOWNS OF WESTBOROUGH AND NORTHBOROUGH, IMPOWERING A COMMITTEE TO MAKE SALE OF CERTAIN LANDS.

*On the petition of the committees of the towns of Westborough and Northborough, and the minister of Northborough, praying for liberty to sell certain lands granted by the proprietors of Marlborough, on the thirteenth day of March, A. D. 1709-10, for the benefit of the ministry in the westerly end of the said Marlborough, called Chauncy Village, which village now constitutes the aforesaid towns of Westborough and Northborough:*



*Resolved*, That the prayer of the petition be granted, and that *James Hawes*, Esq; of *Westborough*, and Mr. *Seth Rice*, jun. of *Northborough*, be, and they hereby are appointed a committee to make sale of the aforesaid lands by public auction, they giving reasonable notice of the time and place of sale, by posting the same in the towns of *Marlborough*, *Westborough* and *Northborough*; and to make and execute a good and lawful deed or deeds to the purchaser or purchasers. And the said committees are hereby directed to deliver the money arising by the sale of the said lands, in equal shares, to the selectmen of the towns of *Westborough* and *Northborough*.

And be it further *Resolved*, That the selectmen of the towns of *Westborough* and *Northborough* respectively, for the time being, and their successors in the said office as selectmen, forever, be a committee for the purpose of receiving their share of the above said money, belonging to each town: and they are hereby directed to put the same on interest, with good security, and to appropriate the income arising therefrom annually, for the support of the ministry in their towns respectively. The said selectmen to render an account of their proceedings relative to the premises, to their respective towns, at their *March* meetings, annually.

October 15, 1783.

### Chapter 46.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO COMMENCE A PROCESS AGAINST CAPT BENJAMIN GOULD, OF LANCASTER, FOR THE RECOVERY OF A SUM OF MONEY DUE TO THIS COMMONWEALTH.

Chap. 46

*Whereas it appears to this Court, by the report of a committee of both Houses, appointed to adjust and settle accounts between Capt. Benjamin Gould, of Lancaster, and the men under his command, that there is a balance due to this Commonwealth, from the said Capt. Gould, of four hundred eighty-one pounds four shillings and one penny:*

*Resolved*, That the Attorney General be, and he hereby is directed and required, to commence a process against the said Capt. *Benjamin Gould*, of *Lancaster*, in the county of *Worcester*, for the recovery of the aforesaid sum of *four hundred eighty-one pounds four shillings and one penny*, and to pursue the said prosecution to final judg-

ment and execution, provided the aforesaid Capt. *Gould* does not pay the said sum into the public treasury, on or before the first day of *November* next.

And it is further *Resolved*, That the Secretary be, and he hereby is directed, to furnish the Attorney General with attested copies of this resolution, and all such papers in his office as may be necessary to afford evidence in the course of the said process. *October 11, 1783.*

### Chapter 47.

*Chap. 47* RESOLVE GRANTING FOUR HUNDRED EIGHTY-ONE POUNDS FOUR SHILLINGS AND ONE PENNY, TO A NUMBER OF MEN BORNE ON THE ROLL OF CAPT. BENJAMIN GOULD, FOR THREE MONTHS SERVICE IN 1780.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, the sum of *four hundred eighty-one pounds four shillings and one penny*, to the men, in proportion to the sum set against their respective names, contained in the schedule hereunto annexed ; which sum appears to be due for their service for the term of three months, in the Continental army, in the year 1780, under the command of Capt. *Benjamin Gould*, which shall be in full for the said service.

The following is the schedule referred to in the above Resolve.

Nathaniel Story, *twelve pounds nine shillings and three pence.*  
 Nathaniel Treadwell, *nine pounds twelve shillings and three pence.*  
 Isaac Howard, *nine pounds twelve shillings and three pence.*  
 Ammi Burnam, *nine pounds twelve shillings and three pence.*  
 William Dodge, *nine pounds nine shillings and two pence.*  
 Elijah Cummings, *eight pounds seventeen shillings and eleven pence.*  
 Stephen Cree, *eight pounds seventeen shillings and eleven pence.*  
 William Baker, *eight pounds seventeen shillings and eleven pence.*  
 Abel Bordman, *eight pounds seventeen shillings and eleven pence.*  
 Jonathan Burnam, *eight pounds seventeen shillings and eleven pence.*  
 John Burnam, *eight pounds seventeen shillings and eleven pence.*  
 David Burnam, *eight pounds seventeen shillings and eleven pence.*  
 William Dodge, *eight pounds seventeen shillings and eleven pence.*  
 John Phipps, *eight pounds seventeen shillings and eleven pence.*  
 Isaac Gidderge, *eight pounds seventeen shillings and eleven pence.*  
 Aaron Goodhue, *eight pounds seventeen shillings and eleven pence.*  
 William Holms, *eight pounds seventeen shillings and eleven pence.*  
 Thomas Jones, *five pounds seventeen shillings and eleven pence.*  
 Nathaniel Kimball, *eight pounds seventeen shillings and eleven pence.*  
 Jonathan Kimball, *eight pounds seventeen shillings and eleven pence.*  
 Isaac Lummus, *eight pounds seventeen shillings and eleven pence.*

Joseph Lord, *eight pounds seventeen shillings and eleven pence.*  
 Aaron Lord, *eight pounds seventeen shillings and eleven pence.*  
 Moses Lord, *eight pounds seventeen shillings and eleven pence.*  
 Francis Merrifield, *eight pounds seventeen shillings and eleven pence.*  
 Joseph Pindor, *eight pounds seventeen shillings and eleven pence.*  
 William Potter, *eight pounds seventeen shillings and eleven pence.*  
 Phineas Richardson, *eight pounds seventeen shillings and eleven pence.*  
 Ephraim Smith, *eight pounds seventeen shillings and eleven pence.*  
 James Smith, *eight pounds seventeen shillings and eleven pence.*  
 John Smith, *eight pounds seventeen shillings and eleven pence.*  
 Philemon Smith, *eight pounds seventeen shillings and eleven pence.*  
 Prince Story, *eight pounds seventeen shillings and eleven pence.*  
 Robert Stocker, *eight pounds seventeen shillings and eleven pence.*  
 Jabez Woodbury, *eight pounds seventeen shillings and eleven pence.*  
 William Whipple, *eight pounds seventeen shillings and eleven pence.*  
 Jacob Woodbury, *eight pounds seventeen shillings and eleven pence.*  
 William Farley, *eight pounds seventeen shillings and eleven pence.*  
 John Cogswell, *eight pounds seventeen shillings and eleven pence.*  
 Nathaniel Farley, *eight pounds seventeen shillings and eleven pence.*  
 Peter Knowlton, *eight pounds seventeen shillings and eleven pence.*  
 John Crocker, *eight pounds seventeen shillings and eleven pence.*  
 Daniel Day, *eight pounds seventeen shillings and eleven pence.*  
 Peter Low, *eight pounds seventeen shillings and eleven pence.*  
 Joshua Orne, *eight pounds fifteen shillings and two pence.*  
 Bernard Poland, *eight pounds fifteen shillings and two pence.*  
 Stephen Brown, *eight pounds fifteen shillings and two pence.*  
 Joseph Lefavor, *seven pounds nineteen shillings and eleven pence.*  
 Isaac Patch, *eight pounds seventeen shillings and eleven pence.*  
 Isaac Adams, *eight pounds seventeen shillings and eleven pence.*  
 John McNeil, *eight pounds seventeen shillings and eleven pence.*  
 Nathaniel Heard, *eight pounds seventeen shillings and eleven pence.*  
 Benjamin Edwards, *eight pounds fifteen shillings and two pence.*  
 Asa Farland, *eight pounds seventeen shillings and eleven pence.*  
 Total. *Four hundred eighty-one pounds four shillings and one penny.*

October 15, 1783.

### Chapter 48.

RESOLVE REQUIRING THE HON. SAMUEL DEXTER, ESQ; DOCTOR WILLIAM GORDON, AND OTHERS, POSSESSED OF CERTAIN LETTERS OF THE LATE THOMAS HUTCHINSON, ESQ; TO RETURN THE SAME INTO THE SECRETARY'S OFFICE. Chap. 48

*Whereas in the year 1775, certain letter swere found in the Mansion House of Thomas Hutchinson, Esq; late Governor of the Province of the Massachusetts Bay, written by the said Hutchinson to persons of public character, and others, in England and elsewhere; which letters tend to the discovery of the plans which had been secretly laid*

*for the destruction of the rights, liberties and privileges, of the then British colonies: And whereas the said letters were committed to the care of the Hon. Samuel Dexter, Esq; with permission to the Reverend Doctor William Gordon to take and select such of them as he shall judge proper for immediate publication:*

*And whereas it is highly expedient that papers, so adapted as the said letters appear to be, to mark the leading principles and characters in the late happy American Revolution, should be safely kept among the archives of this Commonwealth, that so the historian and others may avail themselves thereof, under the direction of the General Court:*

*Resolved, That the said Samuel Dexter, Esq; Doctor William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esq; be, and they hereby are required, to return the same into the Secretary's office without delay.*

*Ordered, That the Secretary serve the said Samuel Dexter, Esq; and Doctor William Gordon, with an attested copy of the foregoing resolution, and also publish the same in one of the Boston, the Salem, Worcester and Springfield newspapers.*

*October 15, 1783.*

### Chapter 49.

*Chap. 49* RESOLVE ON THE PETITION OF EZRA HOIT, HEAD OF A CLASS IN THE TOWN OF LANESBOROUGH, DIRECTING THE TREASURER TO CREDIT SAID HOIT WITH THE SUM OF FIFTY-FIVE POUNDS.

*On the petition of Ezra Hoit, head of a class in the town of Lanesborough, setting forth, that he procured a good able bodied man, to the acceptance of the Muster Master residing at Springfield, to serve in the Continental Army for the term of three years, in consequence of the resolve of the General Court of the seventeenth of March, 1782, praying that the fine set upon said class may be remitted:*

*And whereas it appears to this Court, that the said Hoit, head of the aforesaid class, did procure a good able bodied effective man, previous to a resolve of the General Court passed March the eleventh, 1783, directing the towns in this Commonwealth, that have made no return of men raised agreeable to a resolve of December the second, 1780, and March the seventh, 1782; and the said man is now in actual service:*

*Resolved*, That the prayer of the petition be so far granted, as that the Treasurer of this Commonwealth be and he is hereby directed, to credit the said *Hoit* the sum of *fifty-five pounds*, any law or resolve to the contrary notwithstanding.

October 16, 1783.

### Chapter 50.

RESOLVE DIRECTING THE TREASURER TO CHARGE WILLIAM TYNG, LATE SHERIFF FOR THE COUNTY OF CUMBERLAND, WITH CERTAIN RECEIPTS, AND TO RECEIVE TWO PIECES OF PLATE BELONGING TO SAID TYNG'S ESTATE, AND REPEALING A RESOLVE OF FEBRUARY 17TH LAST. Chap. 50

*Whereas it appears, by the late Treasurer Gardner's books, that upon his issuing executions against the following constables, they respectively produced receipts from William Tyng, late sheriff for the county of Cumberland, for the same sums; and it does not appear that the said Tyng ever accounted with the late Treasurer Gray for the same, viz.*

		£.	s.	d.
Of Isaac Hisley, of Falmouth, collector of taxes	1769,	91	11	10 $\frac{3}{4}$
John Starbird, ditto,	1771,	55	0	0
Jeremiah Jordan, Cape Elizabeth,	1769,	105	11	10
James Leach, ditto,	1770,	43	17	6
William McClallen, Gorham, ..	1769,	39	15	6
		£. 335	16	8 $\frac{3}{4}$

Therefore *Resolved*, That the Treasurer of this Commonwealth charge the aforesaid *William Tyng* with the aforesaid receipts, amounting to *three hundred and thirty-five pounds sixteen shillings and eight pence half penny*, and give the aforesaid constables credit for the sums they have respectively paid.

*Resolved*, That a resolution of the General Court, which passed the 17th of *February* last, empowering *Samuel Cobb* to receive from the Treasurer of this Commonwealth a silver tankard and a large silver cup, belonging to the estate of *William Tyng*, an absentee, and empowering the said *Cobb* to make sale of part of the said *Tyng's* real estate, be, and hereby is repealed.

*Resolved*, That Doctor *Joseph Gardner*, administrator on the estate of the late Treasurer *Gardner*, be, and hereby is directed, to deliver unto the Treasurer of this Commonwealth, a silver tandard and a large silver cup, which

belonged to *William Tynng*, an absentee, or the amount thereof in money, at the rate of *seven shillings* per ounce, taking duplicate receipts therefor, and lodging one receipt in the Secretary's office.

*Resolved*, That the Treasurer credit the aforesaid *William Tynng* with the money he shall receive for the aforesaid tankard and cup.

October 16, 1783.

### Chapter 51.

*Chap. 51* RESOLVE ON THE PETITION OF *OLIVER WOOD*, OF *NORRIDGEWALK* PLANTATION, IN THE COUNTY OF *LINCOLN*, DIRECTING *JOSHUA CHAMBERLAIN* TO BE NOTIFIED TO APPEAR TO SHEW CAUSE, &c. AND STAYING EXECUTION IN THE MEAN TIME.

*On the petition of Oliver Wood, of Norridgewalk plantation, in the county of Lincoln, Esq;*

*Resolved*, That the petitioner be, and hereby is directed, to notify *Joshua Chamberlain*, of a place called *Seven Mile Brook*, in the county aforesaid (being the adverse party) to appear on the second Wednesday of the next session of the General Court, and shew cause, if any he has, why the prayer in the said petition should not be granted, by leaving an attested copy of the said petition, and this order thereon, at the usual place of abode of the adverse party, thirty days before the said second Wednesday.

And it is further *Resolved*, That all executions of, and proceedings upon or in consequence of the judgment mentioned in the said petition, be suspended and stayed in the mean time, and that all persons who may be concerned therein, govern themselves accordingly.

October 17, 1783.

### Chapter 52.

*Chap. 52* A GRANT OF *THREE POUNDS EIGHTEEN SHILLINGS AND SIX PENCE*, TO *SAMUEL HINCKLEY*.

*Resolved*, That the sum of *three pounds eighteen shillings and six pence*, be allowed and paid out of the public treasury, to *Samuel Hinckley*, in full for his service in conveying letters from the sheriff of the county of *Hampshire*, and others, to the General Court, at the time of the insurrection in the same county, in *June* last.

October 17, 1783.

## Chapter 53.

RESOLVE GRANTING *FOUR POUNDS* TO THE SELECTMEN OF THE TOWN OF *GRAFTON*, FOR THE USE OF *GEORGE GEYER*, A PENSIONER. Chap. 53

*On the petition of the selectmen of the town of Grafton, in behalf of George Geyer, who was maimed in the public service in the army, in the last French war :*

*Resolved*, That there be paid out of the public treasury of this Commonwealth, the sum of *four pounds*, into the hands of the said selectmen, for the use of the said *George Geyer*, in full for the said *Geyer's* pension from *June 1781*, at which time his last grant determined, unto *June 1783*.

*October 17, 1783.*

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## Chapter 54.

RESOLVE ON THE PETITION OF *ISAAC ADAMS*, AND OTHERS, IN BEHALF OF THE TOWN OF *BOXFORD*, ABATING A FINE FOR NOT SENDING A MEMBER IN THE YEAR 1782. Chap. 54

*On the petition of Isaac Adams, Jonathan Foster and Nathan Wood, in behalf of the town of Boxford, setting forth, that the said town was fined in the last State tax act, fifty-eight pounds six shillings and six pence, for not sending a member in the year 1782, to represent them in the General Court, praying that the above said fine be remitted :*

*Therefore Resolved*, That the town of *Boxford* be abated in the tax aforesaid, the sum of *twenty-eight pounds six shillings and six pence*, part of the said fine, for reasons set forth in the petition; and that the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

*October 17, 1783.*

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## Chapter 55.

RESOLVE ON THE PETITION OF *JAMES SPROUT*, AND OTHERS, HEADS OF CERTAIN CLASSES IN THE TOWN OF *MIDDLEBOROUGH*, DIRECTING THE TREASURER TO RECEIVE THE MUSTER MASTER'S RECEIPTS IN DISCHARGE OF SAID CLASSES. Chap. 55

*On the petition of James Sprout, Jacob Thomas and Peter Vaughan, heads of classes number two, four and eleven, in the town of Middleborough, setting forth, that they have procured their men respectively, agreeable to the resolve of the General Court, passed in March 1782, but*

*the Muster Master having neglected to make return into the Secretary's office of the said men, the above said classes are liable to have executions issued against them; praying that the Treasurer may be directed to receive the Muster Master's receipts in discharge of the above said classes, the time limited for receiving them being expired notwithstanding:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to receive the said Muster Master's receipts, in full discharge of the above said classes, any law or resolve to the contrary notwithstanding, provided that the said receipts be offered to the Treasurer on or before the first day of *November* next.

*October 17, 1783.*

### Chapter 56.

*Chap. 56* RESOLVE ON THE REPRESENTATION OF JOSEPH BUFFAM, DIRECTING THE JUSTICES OF THE SUPREME JUDICIAL COURT, NOW SETTING AT WORCESTER, TO TAKE COGNIZANCE OF THE APPEAL MENTIONED.

*Whereas it appears to this Court, that Joseph Buffam, at the Inferior Court of Common Pleas holden at Worcester, within and for the county of Worcester, on the second Tuesday of June, A. D. 1774, recovered judgment against John Campbell, of Oxford, in the said county, blacksmith, for the sum of twenty-one pounds and four shillings, damages and costs taxed at one pound nineteen shillings and eight pence; that the said John Campbell appealed from the said judgment to the next Superior Court of Judicature, which was to have been holden at Worcester within and for the county of Worcester, in September 1774, which Court, by reason of the peculiar circumstances of the times, was not held:*

*And whereas the said Joseph Buffam has represented to this Court, that by reason of his absence from this Commonwealth, he was unacquainted with the laws of the General Court which have since intitled him to a remedy, and has prayed this Court for relief:*

*Therefore Resolved*, That the Justices of the Supreme Judicial Court be, and they hereby are fully authorized, at their present session within and for the said county of Worcester, to take cognizance of the aforesaid appeal, and that the same proceeding may be had thereon, in as full and ample a manner as if the same had been prosecuted



within the time limited by the laws or resolves of the General Court, providing remedy in similar cases, the time therein specified being elapsed notwithstanding, any former law or resolve to the contrary notwithstanding.

October 17, 1783.

### Chapter 57.

RESOLVE ON THE PETITION OF MARTHA SYMMES, GRANTING THIRTY-FIVE POUNDS FIVE SHILLINGS AND SIX PENCE ONE FARTHING, BEING THE AMOUNT OF COMPOUND INTEREST DUE ON A CERTAIN SUM, OUT OF THE PROCEEDS OF JOHN MURRAY, ESQ'S. ESTATE.

Chap. 57

*On the petition of Martha Symmes, praying that she may be refunded the sum of thirty-five pounds five shillings and six pence one farthing, silver money, which sum it appears she did pay to the committee for the sale of absentees estates in the county of Worcester, by reason of their exacting compound interest in discharge of a mortgage deed and bond of a certain tract of land, with the buildings thereon, which was given to John Murray, Esq; an absentee:*

*Resolved, That the prayer of the said petition be granted, and that there be allowed and paid out of the treasury of this Commonwealth, to the said Martha Symmes, the sum of thirty-five pounds five shillings and six pence one farthing, in full of the amount of the compound interest of two hundred and ninety pounds two shillings and one penny, for the term of eight years and one month, out of the proceeds of the estate of John Murray, Esquire.*

October 18, 1783.

### Chapter 58.

A GRANT OF ONE HUNDRED AND TWENTY POUNDS TO GEORGE PARTRIDGE, ESQ; TO ENABLE HIM TO PROCEED TO CONGRESS.

Chap. 58

*Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Honorable George Partridge, Esq; one hundred and twenty pounds, lawful money, to enable him to proceed to Congress, and that he be accountable for the same.*

October 18, 1783.

## Chapter 59.

- Chap.* 59 RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF *GLOUCESTER* A CERTAIN SUM, AND IMPOWERING THE ASSESSORS IN THIS CASE.

*Whereas a resolve of the two Houses passed this day, abating the town of Gloucester the sum of two hundred and twenty-five pounds three shillings and one penny, out of the last tax act:*

Therefore *Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *Gloucester* the sum of *two hundred and twenty-five pounds three shillings and one penny*, on the last tax act, and that the assessors of the said town of *Gloucester* be, and they are hereby empowered, to assess the inhabitants of the said town the aforesaid sum of *two hundred and twenty-five pounds three shillings and one penny* short of the sum required of the said town in the tax aforesaid, which assessment shall be valid, any law or resolve notwithstanding.

*October 18, 1783.*

## Chapter 60.

- Chap.* 60 RESOLVE ON THE PETITION OF *SETH FREEMAN* AND OTHERS, IN BEHALF OF THE TOWN OF *SANDWICH*, ABATING A FINE IN THE LAST TAX ACT.

*On the petition of Seth Freeman, John Smith and Sylvanus Nye, in behalf of the town of Sandwich, setting forth, that the said town was fined in the last State tax act, forty pounds ten shillings, for not sending a member the last year to represent them in the General Court, praying that the above said fine may be remitted:*

Therefore *Resolved*, That the town of *Sandwich* be abated in the tax aforesaid, the sum of *forty pounds ten shillings*, in full for the said fine, for reasons set forth in the petition; and the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

*October 18, 1783.*

## Chapter 61.

RESOLVE ON THE PETITION OF ABRAHAM HOBBS, IN BEHALF OF THE TOWN OF TOPSFIELD, ABATING A FINE OF SIXTEEN POUNDS, SET ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE.

Chap. 61

*On the petition of Abraham Hobbs, in behalf of the town of Topsfield, praying for the abatement of a fine set on the said town for not sending a Representative the last year, for reasons set forth in their petition:*

*Resolved, That the prayer of the said petition be so far granted, that there be allowed and paid out of the public treasury of this Commonwealth, the sum of sixteen pounds, to the said town of Topsfield. October 18, 1783.*

## Chapter 62.

RESOLVE ON THE PETITION OF MELZER SAMPSON, DIRECTING THE COMMITTEE TO SETTLE ACCOUNTS FOR THE LOSS OF VESSELS, &c. ON THE PENOBSCOT EXPEDITION, TO MAKE UP THE NUMBER OF DAYS MENTIONED.

Chap. 62

*On the petition of Melzer Sampson:*

*Resolved, That the committee appointed to settle the accounts for loss of vessels, &c. on the Penobscot expedition, be, and they are hereby directed, to make up the fourteen days and disbursements of Melzer Sampson, as it appears that said Melzer was in the service of this Commonwealth fourteen days after the destruction of the fleet at Penobscot, and that the disbursements were in consequence of orders received from Brigadier-General Wadsworth. October 18, 1783.*

## Chapter 63.

RESOLVE DIRECTING THE TREASURER TO CREDIT THE TOWN OF NORTH YARMOUTH, IN THE LAST STATE TAX, WITH TWENTY-ONE POUNDS THREE SHILLINGS, BEING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE.

Chap. 63

*On the petition of Edward Russell, in behalf of the town of North Yarmouth, praying for the remission of a fine of twenty-one pounds three shillings, set upon the said town for not sending a Representative to the General Court in the year 1781: And whereas it appears that the facts set forth in the petition are true:*

*Resolved*, That, for reasons set forth in the said petition, the Treasurer be, and he is hereby directed, to credit the town of *North Yarmouth*, in the last State tax, the sum of *twenty-one pounds three shillings*, being the fine set on the said town for not sending a Representative to the General Court in the year 1781. October 18, 1783.

### Chapter 64.

*Chap. 64* RESOLVE ON THE REPRESENTATION OF JOHN DEMING AND OTHERS, A COMMITTEE FOR SETTLING WITH THE COMMITTEE ON ABSENTEES ESTATES, DISCHARGING THEM OF A CERTAIN SUM OF MONEY.

*On the representation of John Deming, Thomas Walley, and Peter Boyer, a committee for settling with the committees on absentees estates in the several counties in this Commonwealth, setting forth, that they have received of the Committees of the Counties of Middlesex, Essex, Bristol, Worcester and York, the sum of five hundred and eighty-four pounds sixteen shillings and ten pence, and paid the same to Thomas Ivers, Esq: Treasurer of this Commonwealth, and praying that they may be discharged the above said sums:*

*Resolved*, That *John Deming, Thomas Walley and Peter Boyer*, be, and are hereby discharged the sum of *five hundred and eighty four pounds sixteen shillings and ten pence*, they having produced sufficient vouchers that they have paid the said sum into the hands of the treasurer of this Commonwealth. October 18, 1783.

### Chapter 64A.

*Ch. 64A* RESOLVE ON THE PETITION OF JOB SMITH, IN BEHALF OF NOAH DEAN, CHAIRMAN OF THE FIFTH CLASS IN THE TOWN OF TAUNTON.

*On the petition of Job Smith, in behalf of Noah Dean, chairman of the fifth class in the town of Taunton, setting forth, that the said class did procure their man agreeable to the resolve of the General Court passed in March 1782, but the Muster Master having neglected to make return into the Secretary's office of said man, the above said class is liable to have execution issued against them, praying that the Treasurer may be directed to receive the Muster Master's receipts in discharge of the above said class, the time lin-*

ited for receiving the said receipts being expired notwithstanding:

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to receive the said Muster Master's receipt in full discharge of the above said class, any law or resolve to the contrary notwithstanding, provided that the said receipt be offered to the Treasurer on or before the first day of *November*.  
October 18, 1783.

### Chapter 65.

RESOLVE DIRECTING THE SECRETARY TO DELIVER *ANDREW AND REBECCA GARDNER* A NOTE OF HAND AND OTHER PAPERS. Chap. 65

*On the memorial and petition of Andrew and Rebecca Gardner*:

*Ordered*, That the secretary of this Commonwealth be, and he hereby is directed, to deliver to the said *Andrew Gardner*, a note of hand, bond and mortgage deed, which accompanied a petition presented to this Court in *January* last, and are now lodged in his office; the said note, bond and mortgage deed, being necessary to the settlement of an estate in which *Rebecca* the wife of the said *Andrew*, is interested as executrix.  
October 18, 1783.

### Chapter 66.

A GRANT OF *FOUR HUNDRED AND FIFTY POUNDS* TO *RICHARD DEVENS*, ESQ; COMMISSARY-GENERAL, FOR THE COMPLEATING OF THE LIGHT-HOUSE AND WHARF AT THE ENTRANCE OF *BOSTON HARBOUR*. Chap. 66

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, unto *Richard Devens*, Esq; (for the purpose of so far completing the repairs of the light house and wharf at the entrance of *Boston* harbour, as to have a light as soon as possible, and to put the work already done in a state of security from the storms of the approaching winter) the sum of *four hundred and fifty pounds*, out of any money which the Treasurer may have in his hands, he replacing the said sum out of any other money which he may receive from the taxes due to this Commonwealth; the said *Devens* to be accountable for the same.  
October 18, 1783.

## Chapter 67.

*Chap.* 67 RESOLVE ON SEVERAL PETITIONS FROM THE INHABITANTS OF *MACHIAS* AND OTHERS, IN THE EASTERN PART OF THIS COMMONWEALTH.

*Whereas several petitions from the inhabitants of Machias and others, have been presented to the General Court, being in substance, as follows, viz.*

That the Legislature of this Commonwealth would impower two or more Justices of the Peace, to try causes to the amount of twenty pounds and under, and establish at *Machias*, in the county of *Lincoln*, a Court of Probate of Wills, a Register of Probate, a Register of Deeds, a Court of General Sessions of the Peace, a Court of Common Pleas, with a right of appeal to the Supreme Judicial Court held at *Boston*; the said officers to exercise their respective offices, and the said Courts to have jurisdiction to the eastward of *Penobscot River*.

*Ordered*, That the substance of the said petition as afore mentioned, be published in three of the *Boston* newspapers, for three weeks successively, which shall be considered as a notification to the several towns in the said county of *Lincoln*, to shew cause (if any they have) on the second Wednesday of the first sessions of the next General Court, why the prayer of the said petition should not be granted: And the Secretary is hereby directed to publish the same accordingly.

*October 20, 1783.*

## Chapter 68.

*Chap.* 68 RESOLVE ON THE PETITION OF SEVERAL TOWNS IN THE COUNTY OF *DUKES COUNTY*, POSTPONING THE CONSIDERATION THEREOF TO THE NEXT SESSION; SAID TOWNS TO MAKE RETURNS OF THEIR LOSSES BY THE *BRITISH*; AND TREASURER DIRECTED TO STAY HIS EXECUTIONS.

*On the memorial and petition of the Representatives of the several towns in the county of Dukes County, on the island of Martha's Vineyard:*

*Ordered*, That the further consideration of the said memorial be postponed to the second Wednesday of the next sitting of the General Court, and that the petitioners at that time, lay before said Court a true estimate of their losses, distinguishing the loss of ships of every kind destroyed in their harbours; their loss by stock in trade, household furniture, cattle of all kinds, damage done fences

and crops; and that they furnish an account of all monies and merchandize they have received of the *British* government and others, in compensation of such losses, together with the number of sheep and other cattle still remaining in the several towns within the said county, and that the Treasurer be directed in the mean time, to stay his executions against said towns for deficient taxes.

*October 20, 1783.*

### Chapter 69.

RESOLVE ON THE PETITION OF *JACOB WALKER*, DIRECTING THE TREASURER TO MAKE OUT A CONSOLIDATED NOTE IN HIS FAVOUR, TO A CERTAIN AMOUNT.

*Chap. 69*

*On the petition of Jacob Walker, setting forth that he engaged in the Continental army on the fourteenth of October, 1777, for the term of three years, and was mustered by the Muster Master for the county of Hampshire; but by reason of the Muster Master's not having any bounty notes on hand, he was prevented from receiving his bounty, being the sum of fifteen pounds and ten shillings.*

*Whereas it appears to this Court, by a certificate from the Muster Master for the county of Hampshire, that the aforesaid Jacob Walker has not received his bounty of fifteen pounds ten shillings, as set forth in his petition:*

*Therefore Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to make out a consolidated note in favour of the said Jacob Walker, to the amount of the sum that he would have been intitled to, provided he had received his bounty notes at the time he engaged in the Continental army. October 20, 1783.*

### Chapter 70.

RESOLVE ON THE PETITION OF *SAMUEL TOBEY*, ONE OF THE COMMITTEE FOR SELLING ESTATES OF ABSENTEES IN *BRISTOL* COUNTY, AND DIRECTING THE TREASURER TO STAY HIS EXECUTION.

*Chap. 70*

*On the petition of Samuel Tobey, one of the committee for selling the estates of absentees in the county of Bristol, in behalf of the said committee:*

*Whereas it appears to this Court, from the representation of the said Samuel Tobey, that the said committee stand charged to this Commonwealth, with the sum of seventeen*

hundred and sixty-seven pounds two shillings and four pence, *being the balance of the proceeds of the sales of the said estates in the said county; but that the said committee have not as yet been able to effect the payment of divers sums of money of the purchasers of some of the said estates, to the amount of the said balance:*

Therefore *Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to stay his execution against the said committee for the said balance of *seventeen hundred and sixty-seven pounds two shillings and four pence*; and that the said committee again make sale of such lands as remain unpaid for by former purchasers, unless prevented by their immediate payment, and to pay the proceeds of such sales into the treasury of this Commonwealth, agreeably to the resolves of the General Court.

*October 20, 1783.*

### Chapter 71.

*Chap. 71* RESOLVE ON THE PETITIONS OF WARREN, MEDUMCOOK, NEWCASTLE, WALDOBOROUGH AND BRISTOL, DIRECTING THE TREASURER TO STAY EXECUTIONS UNTIL.

*On the petitions of the towns of Warren, Medumcook, Newcastle, Waldoborough and Bristol, praying for a release of their back taxes:*

*Resolved*, That the prayer of the said petitions be so far granted, that executions be stayed; and the Treasurer of this Commonwealth is hereby directed to stay his executions against the said towns accordingly, till the first day of *November, 1784.*

*October 20, 1783.*

### Chapter 72.

*Chap. 72* RESOLVE GRANTING EIGHT POUNDS TWO SHILLINGS TO JONATHAN WARNER AND JOHN ASHLEY, ESQ'S.

*Whereas it appears to this Court, that there is an error in the settlement of accounts of Jonathan Warner and John Ashley Esq's, a committee appointed by the General Court for the purpose of paying the gratuity granted to the Massachusetts line of the Continental army, amounting to the sum of eight pounds two shillings, to the prejudice of the said Warner and Ashley:*

Therefore *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to the afore-



said *Jonathan Warner* and *John Ashley*, Esq's. the sum of *eight pounds and two shillings*, in full compensation for the error aforesaid. *October 21, 1783.*

### Chapter 73.

RESOLVE ON THE MEMORIAL OF *JONATHAN WARD*. ESQ; *Chap. 73*  
GRANTING HIM *TWO HUNDRED POUNDS* FOR SERVICES PERFORMED IN DETECTING PERSONS WHO UTTERED COUNTERFEIT MONEY.

*On the memorial of Jonathan Ward, Esq; setting forth the services performed and money expended in consequence of his appointment to detect persons who made and uttered counterfeit money, praying an allowance for the same:*

*Resolved.* That there be allowed and paid out of the treasury of this Commonwealth to *Jonathan Ward*. Esq; *two hundred pounds*, in full for his faithful services as above mentioned, and his expences therein. *October 21, 1783.*

### Chapter 74.

RESOLVE ABATING A FINE LAID ON THE TOWN OF *HALIFAX*. *Chap. 74*  
FOR THE DEFICIENCY OF TWO MEN.

*On the petition of Moses Inglee, in behalf of the town of Halifax, praying for abatement of fines set on the said town in the last tax act, for the deficiency of two five months soldiers, it appearing to this Court that the said town did raise all their quota of the said men:*

Therefore *Resolved.* That there be allowed and paid out of the treasury of this Commonwealth, to the town of *Halifax*, out of the last state tax, *forty-two pounds nine shillings and three pence*, in full for the abatement of said fine and average price allowed for raising the said two men.

*October 21, 1783.*

### Chapter 75.

A GRANT OF *THIRTEEN POUNDS SIX SHILLINGS AND EIGHT PENCE* TO *JOSEPH BARNARD*, FOR SERVICES AS POST RIDER FROM *FALMOUTH*, IN THE COUNTY OF *CUMBERLAND*. *Chap. 75*

*On the petition of Joseph Barnard:*

*Resolved.* That there be allowed and paid out of the treasury of this Commonwealth, to *Joseph Barnard*, the

sum of *thirteen pounds six shillings and eight pence*, for the reasons set forth in his petition, in full, with what he has otherways received, for his service as post rider unto the 5th of *April*, 1783. *October 21, 1783.*

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### Chapter 76.

**Chap. 76** RESOLVE INTITLING JOHN BARBERICK TO ONE-THIRD PAY AS A PENSIONER, UNTIL FURTHER ORDER.

*Upon the representation of John Lucas, Commissary of Pensioners, in behalf of John Barberick, who was Corporal in Capt. Child's company, in Colonel Greaton's regiment, who by dislocation of his left shoulder while in the army, is unable to get a livelihood, as otherwise he would have been:*

*Resolved*, That the said *Barberick* be intitled to one third pay from the time of his discharge from the army until the further order of this Court, or the Congress of the United States. *October 21, 1783.*

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### Chapter 77.

**Chap. 77** RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THE LEGISLATURE OF THE STATE OF NEW YORK, RELATIVE TO ASCERTAINING THE DIVIDING LINE BETWEEN THE UNAPPROPRIATED LANDS LYING TO THE WESTWARD OF HUDSON'S RIVER.

*Whereas in compliance with a recommendation from the United States in Congress assembled, the legislature of this Commonwealth is disposed to cede a part of their unappropriated lands lying to the westward of Hudson's River, and bounded by the westerly line of the State of New York, for the general benefit of the United States: And whereas, previous to such cession, it is necessary that the dividing line should be precisely ascertained:*

*Therefore Resolved*, That three commissioners shall be appointed on behalf of this Commonwealth, who shall be chosen by joint ballot of both Houses, to join with such commissioners as may or shall be appointed by the legislature of the State of *New York*, in running and ascertaining the dividing line between the said State of *New York*, and the unappropriated land belonging to this Commonwealth, lying to the westward of *Hudson's River*.

And it is further *Resolved*, That the Governor of this Commonwealth be requested to transmit an attested copy of this resolve to the Governor of the State of *New York*, to be laid before the legislature thereof, requesting that they would appoint commissioners on their part for speedily ascertaining the aforesaid line.

And it is further *Resolved*, That the Governor of this Commonwealth be requested to inform Congress of the disposition of the legislature of this Commonwealth to cede a part of their said unappropriated land to the United States, for their general benefit, as soon as the said line shall be precisely ascertained.

*October 22, 1783.*

### Chapter 78.

RESOLVE RESPECTING<sup>d</sup> DIVERS TRACTS OF VALUABLE UNIMPROVED LANDS CONFISCATED, LYING IN PEPPERELLBOROUGH, AND OTHER PLACES IN THE COUNTY OF YORK, LATE BELONGING TO SIR WILLIAM PEPPERELL'S ESTATE, AN ABSENTEE.

*Chap. 78*

*Whereas it appears that this Commonwealth is vested with the fee of divers tracts of valuable unimproved lands, by virtue of the confiscation of the estate of Sir William Pepperell, an absentee, lying in Pepperellborough, and other places in the county of York, while a right of use for life remains in Lady Mary Pepperell and her daughter, which lands, as well as other lands under similar circumstances, by constables and collectors within this Commonwealth, have been considered as liable to be sold for the payment of taxes, to the great detriment of the Commonwealth:*

Therefore *Resolved*, That the several constables and collectors of taxes within this Commonwealth be, and hereby are directed, not to sell or dispose of any lands under the circumstances above described, for the payment of taxes, until the further order of the General Court; and all such sales which may be made, are hereby declared to be void and of no effect, any law or resolve to the contrary notwithstanding.

And it is further *Resolved*, That the committee of the General Court, appointed by a resolve of the eighteenth of *March*, 1783, to treat with the said Lady and her daughter, &c. be, and hereby are directed, from time to time, to examine all taxes upon lands in the county of *York*, under

the circumstances aforesaid, and certify the several amounts of the said taxes, or so much thereof as the said committee, or the major part of them, shall judge reasonable, to the Treasurer of this Commonwealth, which shall be allowed and paid out of the public treasury to the constable or collector presenting the same.

And *Ordered*, That the said committee, appointed and impowered to treat with Lady *Mary Pepperell* and her daughter, on the subject aforesaid, proceed in the further prosecution of the business of their appointment.

*October 22, 1783.*

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### Chapter 79.

*Chap. 79* A GRANT OF ONE HUNDRED AND TWENTY-FIVE POUNDS TO LEWIS DE MARESQUELLE, FOR HIS SALARY; PART ON THE WAR AND PART ON THE PEACE ESTABLISHMENT.

*On the petition of Lewis de Maresquelle :*

*Resolved*, That there be paid out of the treasury of this Commonwealth, to Colonel *Lewis de Maresquelle*, the sum of *seventy-five pounds*, in full for his salary from the fifth of *February* to the fifth of *May*, 1783 ; and also the further sum of *fifty pounds*, in full for his salary (on the peace establishment) from the said fifth of *May* to the fifth day of *August* last.

*October 22, 1783.*

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### Chapter 80.

*Chap. 80* RESOLVE ESTABLISHING THE PAY OF THE HONORABLE COUNCIL, SENATE AND HOUSE OF REPRESENTATIVES.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to each member of the Honorable Council, the sum of *eight shillings* per day ; and also to the members of the General Court, as follows, *viz.* — To each member of the Honorable Senate, *seven shillings and six pence* per day ; and to each member of the House of Representatives, *seven shillings* per day, for each day they have attended their duty respectively, from the twenty-fourth day of *September* last, to the end of the present session, and that their travel pay be in proportion thereto, as pointed out by the constitution.

*October 22, 1783.*

## Chapter 81.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF FRANKLIN, RELATIVE TO CAPTAIN NATHAN THAYER, APPOINTING JOSIAH STONE, AND OTHERS, A COMMITTEE TO ADJUST THE ACCOUNTS AND ASCERTAIN THE BALANCES DUE TO THE MEN MENTIONED, WITH DIRECTIONS TO THE ATTORNEY GENERAL IN THIS CASE. Chap. 81

*On the petition of the selectmen of the town of Franklin, and the representation of others, setting forth, that Captain Nathan Thayer commanded a company of men enlisted to serve three months in the Continental service, in the year 1780; and that the said Thayer has since made up his muster roll according to order, and received out of the public treasury the whole sum due to the men borne on the said roll, but refuses to pay the amount due to each man, and retains a part in his own hands, to the prejudice of the said men, and of such towns as by agreement are intitled to a part of their wages.*

*Whereas the said Captain Thayer was by order of Court notified to appear on Friday the seventeenth instant, at ten o'clock in the morning, to render an account of the expenditure of the money he received out of the treasury, in payment of his muster roll, and the reasons for retaining any part of the money due to the men borne on the said roll in his own hands; but the said Thayer has neglected to render the account and reasons required by the said order, and it does not therefore appear what is the balance justly due to the men borne on the said roll:*

*Therefore Resolved, That Josiah Stone, Esq; Lemuel Kollock, Esq; and Mr. John Baxter, be a committee to settle and adjust the accounts, and ascertain the balances that may be still due to the men borne on the said roll, which was lodged in the Treasurer's office, and paid to the said Thayer; and that the said committee give timely notice to the said Thayer, and to the men borne on the said muster roll, and to the selectmen or town treasurers of such towns as may be interested, by virtue of any agreements made with any of the men as aforesaid, of the time and place when and where they shall meet in order to make such settlement, that he and they may be present; but if either of the parties shall neglect to appear, the said committee, or the major part of them, are to proceed *ex parte*, and find the balances in the best way they can, and report the same to the General Court, on the second Wednesday*

of the next sitting of the said Court, in order for payment of the balances that may appear to be still due on the said rolls.

And it is further *Resolved*, That the Attorney General be, and he is hereby directed, to commence a process against the said *Nathan Thayer*, for the balance that shall appear to be due to government, agreeable to the settlement that shall be made by the committee aforesaid, unless the said *Thayer* shall immediately pay the same into the hands of the said committee, for the use of those to whom it shall be found due, or to the Treasurer of this Commonwealth, within one month after the second Wednesday of the next sitting of the General Court. *October 22, 1783.*

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### Chapter 82.

*Chap. 82* RESOLVE ON THE PETITION OF JOSEPH RUSSELL, AUTHORIZING THE TREASURER TO RECEIVE A CERTAIN WARRANT, DRAWN APRIL 1783, IN PART PAY OF A SUM HE IS INDEBTED TO GOVERNMENT.

*On the petition of Joseph Russell :*

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby authorized and directed, to receive a warrant drawn on him, indorsed in favour of *Joseph Russell*, April 2, 1783, for the sum of *four hundred and fifty pounds five shillings and nine pence*, in part pay of *six hundred and thirty pounds*, which he is indebted to this Commonwealth, for the reasons set forth in his petition.

*October 22, 1783.*

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### Chapter 83.

*Chap. 83* RESOLVE ON THE PETITION OF JOHN AND MARTHA BISHOP, IMPOWERING THEM TO MAKE SALE OF THE STORE, WHARF AND LAND MENTIONED.

*On the petition of John Bishop and Martha Bishop ; the said Martha in her capacity of guardian to Anna Dogget, a minor, praying for leave to sell one-sixth part of a certain store, wharf and land, lying in Rehoboth, belonging to the said minor :*

*Resolved*, That the prayer of the said petition be granted, and that the said petitioners be, and they are hereby authorized and empowered, to make sale of the said one-sixth part of the store, wharf and land, mentioned in their peti-

tion, for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser, they observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Bristol*, that the money arising by the sale of the said estate (the necessary charges of the said sale being first paid) be put on interest for the benefit of the minor, and the principal, with the interest, be paid to the said minor, when she shall arrive to lawful age. *October 23, 1783.*

### Chapter 84.

RESOLVE ON THE PETITION OF THE SELECTMEN OF *BEVERLY*,  
IMPOWERING *ZACHARIAH GAGE* TO MAKE SALE OF THE  
LAND MENTIONED. *Chap. 84*

*On the petition of the selectmen of Beverly, and others, setting forth that Andrew and Jonathan Gage are seised after an estate for life, in remainder of two undivided seventh parts of about one acre of land, situate in the said Beverly, and praying that some proper person may be impowered to sell the same, for reasons set forth in the said petition:*

*Resolved*, That *Zachariah Gage* be, and he is hereby impowered, to make sale of the said two undivided seventh parts, for the most they will fetch, he observing in the sale thereof the rules and directions of law in the sale of real estates by executors and administrators, and giving bond, with sufficient sureties, to the Judge of Probate for the county of *Essex*, to account for the proceeds of the said sale; to pay one-half thereof, with lawful interest, to the said *Jonathan*, his heirs, executors or administrators, on demand; and of the other half and interest that may become due thereon, to pay *twelve pounds* annually, in quarterly payments, to the said selectmen, for the support and maintainance of the said *Andrew's* family, until the said half and interest be expended, or until he shall return home, which may first happen; and the residue of the said half and interest that shall remain due and unpaid at his said return, to pay to him, or in case of his death, to his heirs, executors or administrators, on demand, and to execute good and sufficient deed or deeds of conveyance thereof in fee to the purchaser or purchasers.

*October 23, 1783.*

## Chapter 85.

- Chap.* 85 RESOLVE ON THE PETITION OF NATHAN BENT, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. AND STAYING EXECUTION IN THE MEAN TIME.

*On the petition of Nathan Bent, setting forth that Elijah Bent unduly obtained a judgment against him, at the Court of Common Pleas held at Concord, within and for the county of Middlesex, on the second Tuesday of September last, and praying that the said execution may be stayed, for reasons set forth in the said petition :*

*Resolved,* That the petitioner notify the adverse party, by serving him with an attested copy of the said petition, and this order thereon, fourteen days previous to the third Wednesday of the next session of the General Court, to shew cause (if any he shall have) on the said day, why the prayer of the said petition should not be granted ; and that the said execution be stayed in the mean time.

*October 23, 1783.*

## Chapter 86.

- Chap.* 86 RESOLVE GRANTING EXTRA PAY TO THE PRESIDENT AND SPEAKER, AND THIRTY POUNDS TO EACH OF THE CLERKS OF THE GENERAL COURT.

*Resolved,* That there be allowed and paid out of the public treasury of this Commonwealth, to the Honorable *Samuel Adams*, Esq ; President of the Honorable Senate, the sum of *six shillings* per day ; and also to the Honorable *Tristram Dalton*, Esq ; Speaker of the House of Representatives, the sum of *six shillings* per day, for each day of their attendance on the General Court the present session, over and above their respective pay as members of the General Court.

And it is further *Resolved,* That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *William Baker*, jun. Clerk of the Honorable Senate, the sum of *thirty pounds* ; and also to Mr. *George Richards Minot*, Clerk of House of Representatives, *thirty pounds*, they to be accountable.

*October 23, 1783.*



## Chapter 87.

GRANT OF FIFTY POUNDS TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT. Chap. 87

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to *William Baker*, fifty pounds, in full for one quarter's salary, due to him the 25th day of *August* last. *October 23, 1783.*

## Chapter 88.

RESOLVE ON THE MEMORIAL OF HIS HONOR THOMAS CUSHING, ESQ; DISCHARGING HIM FROM ANY DEMAND ON ACCOUNT OF FURNITURE DELIVERED HIM IN 1776. Chap. 88

*On the memorial of his Honor Thomas Cushing, Esq; praying that the value of certain articles of furniture, with the use of which out of the estates of absentees he hath been indulged, may be discounted against what is or may be due to him:*

*Resolved*, That the prayer of the said memorial be so far granted, that the aforesaid articles, amounting, as by appraisement, to the sum of *one hundred and ten pounds two shillings and eight pence*, lawful money, be granted to his Honor the said *Thomas Cushing, Esq;* in full compensation for his services as Speaker of the House of Representatives for the year 1774, and also for his services and care in taking charge of and bringing from *Philadelphia*, on account of this State, about *four hundred and fifty thousand dollars*, Continental money, in the year 1776; for which services it appears he has had no reward.

And be it further *Resolved*, That he be, and hereby is discharged from any demand from this State on account of said articles of furniture. *October 23, 1783.*

## Chapter 89.

RESOLVE DIRECTING THE TREASURER TO FURNISH MONEY ON LOAN TO PROCURE OIL FOR LIGHT HOUSES. Chap. 89

*Whereas it is necessary that the several light houses ordered to be erected, should be supplied with oil, as soon as they shall be ready to be lighted; and the present season being the most proper to make such purchases:*

Therefore *Resolved*, That there be paid out of the treasury of this Commonwealth, unto *Richard Devens, Esq;*

Commissary General, the sum of *three hundred pounds*, for the purpose of purchasing suitable oil for the lamps to be lighted in the several light houses in this Commonwealth.

*Resolved*, That the Treasurer of this Commonwealth replace the aforesaid sum of *three hundred pounds* out of the first monies that shall be paid into the treasury by the several Naval Officers, agreeably to an act of the General Court providing a maintainance and support of the light houses erected within this Commonwealth.

October 23, 1783.

### Chapter 90.

*Chap. 90* RESOLVE REQUESTING THE GOVERNOR, TO TAKE MEASURES RELATIVE TO ANY SUBJECTS OF THE KING OF GREAT BRITAIN TAKING POSSESSION OF ANY LANDS BELONGING TO THIS COMMONWEALTH.

*Resolved*, That his Excellency the Governor, with advice of Council, be, and he hereby is requested, to take proper and necessary measures for ascertaining a true state of facts relative to any of the subjects of the King of *Great Britain* taking possession of any of the lands belonging to this Commonwealth, and within the limits of the United States, and lay the same before the General Court; and if it shall appear to him that the facts are ascertained as they have been represented to him, to communicate the same to Congress.

October 23, 1783.

### Chapter 91.

*Chap. 91* RESOLVE GRANTING THREE HUNDRED POUNDS TO THE HON. WILLIAM CUSHING, NATHANIEL PEASLEE SARGEANT, AND JAMES SULLIVAN, ESQUIRES, AND TWO HUNDRED AND TWENTY POUNDS TO THE HON. DAVID SEWALL, ESQ; IN NOTES, FOR SERVICES, &c; AS JUSTICES OF THE SUPREME JUDICIAL COURT.

*On the memorial of the Justices of the Supreme Judicial Court:*

*Resolved*, That there be allowed and paid out of the public treasury, to the Honorable *William Cushing*, Esq. the sum of *three hundred pounds*; to the Honorable *Nathaniel Peaslee Sargeant*, Esq; the sum of *three hundred pounds*; to the Honorable *James Sullivan*, Esq; the sum

of three hundred pounds; and to the Honorable *David Sewall*, Esq; the sum of two hundred and twenty pounds, in notes issued by the Treasurer of this Commonwealth, bearing date the first day of *February*, one thousand seven hundred and eighty-two, and of the same form, and payable both principal and interest in the same way, and at the same periods with those commonly called consolidated notes: And the Treasurer is hereby directed, in his said capacity, to issue his notes accordingly; which notes, when paid, shall be in full of all the services and expenditures of the said Justices, from the time of their several respective appointments to the time when the salaries of the said Justices were established by law.

*October 24, 1783.*

### Chapter 92.

RESOLVE AUTHORIZING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO BE HOLDEN AT NORTHAMPTON, TO EXAMINE THE PREMISES, AND ENTER UP JUDGMENT IN FAVOUR OF JAMES FREELAND.

*Chap. 92*

*Whereas it appears to this Court, by a certificate from the Clerk of the Court of Common Pleas in the county of Hampshire, that in the said Court of Common Pleas held at Northampton, in the said county, on the second Tuesday of November, A. D. 1781, in an action then pending between James Freeland, plaintiff, and Silas Rice and Daniel Fisk, defendants, on a note of hand bearing date July 21, 1778, promising the payment of the sum of four hundred pounds lawful money to the said James, that by a mistake judgment was rendered for the sum of thirty-seven pounds sixteen shillings and eleven pence damage only, and two pounds nineteen shillings and four pence cost, and that there was no indorsement on the said note; from which judgment the said Silas and Daniel appealed to the Supreme Judicial Court to be holden at the said Northampton, in and for the said county of Hampshire, on the last Tuesday of April then next following:*

*And whereas the said James has represented, that at the said Supreme Judicial Court the said judgment was affirmed, after which the aforesaid mistake was discovered by the said James, who has prayed the interposition of this Court: and the adverse party being notified and not appearing to shew cause why the prayer of the said James should not be granted:*

Therefore *Resolved*, That the prayer of the petition be so far granted, that the Justices of the Supreme Judicial Court to be holden at *Northampton*, within and for the county of *Hampshire*, on the fourth Tuesday of *April* next, be, and hereby are fully authorized and impowered to examine the premises and enter up judgment in favour of the said *James Freeland*, against the said *Silas and Daniel*, for so much as shall appear to be justly due to the said *James* on the note aforesaid, the former judgment notwithstanding.

*October 24, 1783.*

### Chapter 93.

*Chap. 93* RESOLVE ENTITLING SAMUEL BROWN (AN OFFICER) WOUNDED ON THE HEIGHTS OF CHARLESTOWN, IN JUNE 1775, TO ONE THIRD PAY AS A PENSIONER, UNTIL FURTHER ORDER.

*Upon the representation of John Lucas, commissary of pensioners, in behalf of Samuel Brown, second Lieutenant in Capt. Bancroft's company, in Colonel Bridge's regiment, who was wounded on the heights of Charlestown, the 17th of June, 1775, in his left shoulder, and by means thereof is unable to get his living by labour as usual:*

*Resolved*, That the said *Brown* be intitled to one third pay from the time of his discharge, which was *January 3d 1777*, until the further order of this court or the Congress of the United States.

*October 27, 1783.*

### Chapter 93A.\*

*Ch. 93 A* RESOLVE REGARDING THE TAKING POSSESSION OF THE POST AT PENOBSCOT WHEN EVACUATED BY THE BRITISH TROOPS

*Whereas a small armed force may be necessary to support the measures to be taken by the Governor for carrying into execution the Resolves of this Court of July 11th and October 9th, for taking possession of the Post at Penobscot, when evacuated by the British Troops: Therefore*

*Resolved*, That the Governor with advice of Council, detach from the Militia of this Commonwealth in such part of the county of *Lincoln* as he shall judge most expedient a sufficient number of Men for the purpose aforesaid, not exceeding sixty-eight, including proper officers.

\* Not printed in Session pamphlet.

And it is further *Resolved*, That pay and rations agreeable to the Continental establishment, shall be allowed to the officers and private soldiers, that shall be detached as aforesaid, during the time they shall be necessarily employed in the service aforesaid. *October 27, 1783.*

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### Chapter 94.

RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THE LEGISLATURE OF THE STATE OF *NEW HAMPSHIRE*, UPON THE SUBJECT MATTER OF AN ACT FOR REGULATING THE CATCHING OF SALMON, &c. AND TO INCLOSE A COPY OF THE SAME, AS ALSO AN ACT PASSED IN 1735, AND REQUESTING THEM TO ADOPT SIMILAR MEASURES. Chap. 94

*Whereas this Court have passed an act the present sitting, to prevent the destruction of fish in Merrimack River, and the other rivers and streams emptying into the same, within this Commonwealth, and as it is the opinion of this Court that said act cannot have its desired effect unless similar measures are adopted in the State of New Hampshire :*

Therefore *Resolved*, That his Excellency the Governor be requested to write to the legislature of the State of *New Hampshire*, inclosing a copy of the before recited act, together with one act passed 1735, making provision to prevent the destruction of fish by mill-dams, &c. and signify to them the earnest desire of this Court that they would adopt effectual measures to prevent the destruction of fish in the said rivers and streams within their State.

*October 27, 1783.*

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### Chapter 95.

RESOLVE DIRECTING THE TREASURER TO CALL ON AUCTIONEERS FOR A SETTLEMENT OF THEIR ACCOUNTS, AND PROSECUTE THEIR BONDS ON NEGLECT THEREOF, BY THE 1ST OF *DECEMBER* NEXT; ALSO DIRECTING THE ADMINISTRATOR OF THE LATE TREASURER TO DELIVER AUCTIONEERS BONDS IN HIS CUSTODY TO THE PRESENT TREASURER. Chap. 95

*Whereas it appears to this Court, that many of the auctioneers within this Commonwealth have neglected to settle their accounts with the Treasurer, agreeably to law :*

Therefore *Resolved*, That the Treasurer be, and he hereby is directed, to call upon all auctioneers who have

neglected to adjust and settle their accounts agreeably to the law of this Commonwealth, forthwith to come to a settlement of the same, and to commence a process upon the bonds of all such of the said auctioneers as shall not have settled their accounts on or before the first day of *December* next.

*Resolved further*, That the administrator upon the estate of *Henry Gardner*, Esq; late Treasurer of this Commonwealth, be, and he hereby is directed, to deliver to the present Treasurer, all the bonds given by auctioneers to the said *Henry Gardner*, which are now in the custody of the said administrator.

*October 27, 1783.*

### Chapter 96.

*Chap. 96* RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS. TO TAKE MEASURES FOR STOPPING IN THE TREASURY, AND DEDUCTING FROM THE CONTINENTAL TAX FOR 1782, THE SEVERAL SUMS OR MONEY ORDERED TO BE PAID IN FAVOUR OF THE UNITED STATES, SINCE *OCTOBER*, 1781, IN CONSEQUENCE OF CERTAIN APPLICATIONS.

*Resolved*, That the Committee for stating and methodizing public accounts be, and they hereby are directed, to make such applications and take such other measures as may be necessary for the orderly stopping in the treasury of this Commonwealth, and deducting from the Continental tax for the year 1782, the several sums of money which have been ordered to be paid out of the said treasury in favour of the United States, since the twentieth of *October*, 1781, in consequence of applications from the Superintendent of finance, the Secretary at war, the Commissaries of pensioners and prisoners, and other advancements for Continental purposes; which sums of money were designed to be stopped in the treasury, and deducted out of the Continental tax for the year 1782, which will appear by the resolves of the General Court passed at the several different periods hereafter mentioned, *viz.* Resolves passed *October* twenty-seventh and twenty-ninth, 1781; resolves passed *February* fifteenth and twenty-third, *March* first, *April* seventeenth, twenty-seventh and twenty-ninth, *June* third and twenty-first, *November* twelfth, 1782, and *March* eighth, 1783, and other similar resolves.

*October 27, 1783.*

## Chapter 97.

RESOLVE DIRECTING NAVAL OFFICERS OF THIS COMMONWEALTH TO OMIT CERTAIN WORDS AND CLAUSES IN REGISTERS AS RESTRICT TRADE WITH THE SUBJECTS OF GREAT BRITAIN. Chap. 97

*Whereas a treaty of commerce, regulating the foreign trade of these United States, has not yet arrived, and the acts of trade for this Commonwealth being calculated for a time of war, and laying certain restrictions on trade, which are since the peace become unnecessary:*

Therefore *Resolved*, That the Naval Officers of this Commonwealth be, and they hereby are directed, to omit all such words and clauses contained in registers, bonds and clearances, as restrict the citizens of this Commonwealth in their trade with the subjects of the King of Great Britain.

October 28, 1783.

## Chapter 97A.\*

RESOLVE RELATIVE TO TAKING POSSESSION OF THE POST AT PENOBSCOT. Ch. 97A

*Resolved*, That it be left discretionary with the Governor to detach the armed force destined by a Resolve of the General Court of the 27th instant to take possession of the British Post at *Penobscot*, from the Militia of the Counties of *Suffolk* or *Lincoln*, as he with the advice of Council shall judge most conducive to the public service, anything in the said Resolve of the 27th inst. to the contrary notwithstanding.

And it is further *Resolved*, That the inhabitants who have been driven from *Penobscot* by the enemy, be permitted to return to their former possessions without any previous examination of their right of claims; and that the said detachment continue no longer at that place after the British garrison have moved off, than will be necessary to secure or bring away such public stores, the property of the United States, as may be there found.

October 28, 1783.

\* Not printed in Session pamphlet.

## Chapter 98.

*Chap. 98* RESOLVE RELATIVE TO ENGINE MEN IN THE TOWN OF BOSTON, AUGMENTING THE NUMBER, AND REPEALING A RESOLVE PASSED FEBRUARY 16TH, 1778.

*Whereas a resolve of the General Court passed February sixteenth, 1778, the number of men exempted from military duty, and allowed for the engines in the town of Boston, was reduced to one hundred and thirty eight, on account of the war; and as it is not now necessary that the said resolve should remain in force:*

Therefore *Resolved*, That the resolve aforesaid be, and it is hereby repealed, and the number of one hundred and seventy-one men be allowed for the several engines in the town of *Boston*, and to be subject to the same regulations, and entitled to the same exemptions, as they were before the commencement of the late war with *Great Britain*.

*October 28, 1783.*

## Chapter 99.

*Chap. 99* LETTER TO CONGRESS, RELATIVE TO THE OLD EMISSION OF MONEY, PENOBSCOT EXPEDITION, AND BOUNTIES.

SIR,

The legislature of the Commonwealth of *Massachusetts*, sensibly impressed with the idea of their duty to those free citizens with whose important concerns they are intrusted to inquire, on proper occasions, into those great and national measures that attract their attention and essentially affect their political being, are lead to address Congress on several important subjects — feeling a full confidence in the understanding, the virtue, and the candor of their constituents, that they will ever chearfully acquiesce in all public measures, and the determinations of Congress, calculated for the public weal, when sufficiently explained and understood. In the free and republican government adopted by these States, and resting on the virtue and suffrages of the people, they conceive that matters of public importance and national extent cannot be transacted for the general good without an open and free communication of the several States with the Federal Head. The legislature of this Commonwealth, as well as their constituents, are not insensible of the expediency, good policy, and necessity of delegating to those who are intrusted



with their best interests, their protection, their honor and safety, sufficient powers, and means adequate to the discharge of the trust reposed in them; at the same time, they think they have a reciprocal right, a right founded in the federal union, to expect in return a just and impartial account of the use of them. Influenced, Sir, by these principles and these considerations, essential, as they conceive, to the preservation of that system of government which these confederated Republics have agreed to; anxiously concerned that the measures and establishments lately proposed by Congress for the discharge of the national debt, when not opposed to the internal police and constitutions of the States, should be carried into effect, the legislature of this Commonwealth address that honorable body, and ask for a fuller explanation of some articles that compose a part of the national debt, and of the determinations of Congress relative to the money of the old emission still remaining in the hands of the subjects of this State not yet redeemed—the expedition against *Penobscot*—and the bounties allowed by this State in recruiting the army.

The legislature of this Commonwealth, Sir, wish to be informed, Why one hundred and ninety thousand dollars should be charged to the national debt, to be funded for the payment of the interest on loan certificates for the year 1781, when that sum originally designed for the same purpose still remains in *France*, unaccounted for? Why six hundred eighty-seven thousand, eight hundred and twenty-eight dollars should be charged to the said national debt, for the payment of interest on loan certificates for the year 1782, when the requisition upon each State to raise their proportion of the sum necessary for that purpose, still continues; and if the interest is to compose a part of the said national debt, to what use is the above requisition on each State to be applied?

Congress called upon the States for eight millions of dollars, to defray the expences of the year 1782. The whole amount of the expences for that year, as ascertained, was four millions, six hundred sixty-five thousand, five hundred dollars, of which the pay of the army for that year is two millions, three hundred eighty-seven thousand, two hundred and nine dollars. Why the pay of the army should be carried to the said national debt, when the eight million dollars called for by Congress (and which

the several States are now collecting to defray the expences of that year) exceed by a considerable sum the whole expences of that year? And if the pay of the army is carried to the national debt, to what purpose is the eight million dollars to be applied, especially when the pay of the army is the only debt incurred for that year unsatisfied, and it is supposed there still remains seven-eighths of the eight million dollars uncollected? Whether the estimation of the two million dollars for the deficiencies of the year 1783, was made on the supposition of the war's continuing? And as peace commenced early in the year, whether the two million dollars is a debt really incurred, and consequently if there is any propriety in its being charged to the national debt?

The legislature of this Commonwealth, Sir, cannot think the accounts exhibited by the Financier are sufficiently explicit; for they cannot suppose that a charge of a large amount under the term of contingences, without furnishing the particulars that compose it, can be satisfactory.

These are the doubts and difficulties, Sir, which the legislature are desirous, for the public satisfaction, and for expediting public measures, to see further explained and illustrated.

The great and unequal quantity of the Continental bills of the old emission (so called) now remaining in the hands of the good people of this Commonwealth, is so grievous, and therefore a matter so important to them, that this legislature is constrained repeatedly to remonstrate it to your honorable body.

The several States were earnestly called upon by Congress to redeem their respective proportions of those bills, at a time when the existence of the army, and the very cause the United States were contending for, was threatened by their great and rapidly increasing depreciation. We would with all due deference urge the attention of Congress to a matter so interesting to us. Permit us, Sir, to ask, Were not all the States equally obliged to redeem their quotas? Did they all fulfil that obligation? Are there not *some* States who have not redeemed one farthing? Has not *this* State redeemed its *full* proportion as charged upon it by Congress. They have done it at the rate of forty for one, agreeable to the recommendation. Can it be expected, that while so great a share of their property lies dead in their coffers, the people will be able to yield

their aid for the future supply of the public treasury? And how long can it be supposed it will be, before a manly and free people, sensible of such unequal burdens, will hearken to the dictates of their own feelings, and even refuse to advance more till they are relieved? The Congress: the legislatures of the States; wise and virtuous men, see the importance of maintaining the national honor and faith: And is not the national honor and faith concerned in this matter? It is said that Congress are bound to fulfil every contract made (the half pay or commutation for instance) that they have pledged their faith and cannot recall it? And is not the public faith as strongly pledged and as irrevocable in this case as in any other? We appeal to the resolutions of Congress. And we rely upon it, that the representative body of the United States will speedily afford relief to *that* State which perhaps has discovered itself the most forward in its duty in this particular case, and come to a decision, which public justice and public faith and honor shall point out and require.

To other subjects of no less importance, this Commonwealth would again, Sir, call the attention of Congress: The vast expence this State was at in forming and carrying on the expedition against *Penobscot*. True it is, that this expedition was engaged in by this State; but when such a measure is pursued, that in its consequences must affect the whole union, they conceive it to be of national concern, and therefore ought to be a national debt.

In the exigences of our affairs in the late arduous contest, this State, on this and other occasions, often thought it to be her duty to seize every advantage that could advance the common cause, to part with her property and render her services, relying on the goodness of her cause, the necessity of the measure, and the assurances of Congress that there should be a day of equal retribution.

The enemy were then advantageously posted for the purpose of extending their depredations by land, and still better situated to annoy the commerce of the United States. With a view to prevent these evils, this Commonwealth engaged in the undertaking, which Congress, she then believed, would have readily recommended, had not their attention at that time been drawn to other and more important scenes, the operations of the enemy in the other States. As the States were all interested in this expedition, Congress will not let the whole burden of it

fall an intolerable load on those who generously engaged in it, because in the chance of war it proved unfortunate.

This expence, added to the large bounties allowed and given by this State in recruiting that army that fought in defence of the whole, is a source of great uneasiness. For the Commissioner for settling the accounts of this Commonwealth with the United States, not thinking himself authorized by the resolves of Congress and by his instructions to allow those bounties, and consequently in his settlements taking no notice of them, excites the fears and apprehensions of the people of this Commonwealth that this is to be another source of inequality. This construction of the resolves, and these proceedings, create the greater dissatisfaction in their minds, as they are contrary to what they and their legislature ever supposed to be the spirit and meaning of them, and of all their federal engagements of this general extent: For in all matters of war and peace, and other general concerns, these United States ought to be considered as one compact nation, engaged in one common cause, and every part and individual of it to be rewarded as far as practicable, in proportion to the service performed.

This Commonwealth would, Sir, not only call the attention of Congress to the large proportion of troops furnished by this State, but to the large bounties they were obliged to give because many of their subjects were engaged on the seas in the common cause, and because a large proportion of them were constantly employed in the land service of the Continent.

This Commonwealth, Sir, on these considerations, and many more that might here be recited, do think it just and equitable, their just right and claim, that the Commissioner appointed for the purposes above mentioned, should, in settling with this State, have more explicit instructions to allow the several bounties given by it in recruiting the army, as a charge against the United States.

*To his Excellency the* PRESIDENT of CONGRESS.

### Chapter 100.

*Chap.100* INSTRUCTIONS TO THE DELEGATES REPRESENTING THIS COMMONWEALTH IN CONGRESS.

GENTLEMEN,

Although the delegation of power necessarily implies a confidence equal to a right exercise of the same, and

although the legislature of this Commonwealth have a reliance on your faithful and unremitting services, as great as your trust is dignified and important, yet we think it a duty to ourselves and our constituents ever to communicate to our Representatives in Congress, what we suppose may conduce to promote the liberties and happiness of *America*, and what you, as acting in our behalf, are under indispensable obligation to make the line of your conduct.

When the public attention was solely engrossed in the late war, for the establishment of the liberties and independence of these States, it can be matter of no surprize, that we were less careful to avoid any evils which concerned the internal police thereof, than we were to resist the invasions of a foreign enemy, for to have pursued the one to the neglect of the other, would have been grasping at the shadow and relinquishing the substance; but at a time when that nation which threatned our very existence, has become weary of its pursuits, and we rest in quiet possession of the independence we have so arduously contended for, not to examine minutely the principles upon which we are acting, would be evidencing to the world<sup>d</sup> that we have made unparallel'd exertions for the attainment of the greatest object; but having attained it, we have not virtue and wisdom to improve it.

Under these considerations, the General Court, in the present session have looked into the estimate of the national debt, the expenditure of public money, the great and insupportable burthens of this State, from a delay of the other States to redeem their proportion of the old emission currency, and the neglect of Congress in not passing the expence of the *Penobscot* expedition to the national account, and have made proper representations, accompanied herewith, relative thereto.

Besides the foregoing representations immediately made to Congress, to which you will pay a serious attention, we *subjoin for your government the following instructions*:

That you use your *unremitting* endeavours to have the office of Superintendant of Finance abolished, and a Board of Treasury, consisting of three persons, annually chosen from different States, with proper powers, instituted in its stead; for history invariably evinces, that the public revenue naturally begets influence to the person to whom the disposal of it is committed; and it must be our wisdom to diminish that bane of all free governments, by placing

it in such a manner as to have the least possible effect. However pressing and justifiable the reasons might have been for instituting the office of Superintendant of Finance, and intrusting such extensive powers thereto; or however faithfully and impartially they may have been exercised, we conceive such reasons do now cease, and in a time of general tranquility cannot operate for its continuance. If you should fail in your application for the abolition of that office, you are by all means to endeavour to procure an abridgement of its powers, so far as relates to the great controul over public officers, and in the settlement of public accounts.

You are always to oppose the expenditure of any part of the public revenue for purposes different from those to which it was particularly appropriated.

The difficulties which occur in our deliberations on Continental concerns, arise in a great measure from our ignorance of the state of facts. The natural and constitutional channel of information must be through our Representatives in Congress; and in order to obtain this necessary intelligence, you are instructed to write an official letter to the Governor once in every fortnight, and inform him of every transaction, and every matter in contemplation, which you may conceive expedient for this legislature to be acquainted with, in order that the same be laid before the General Court.

*To Elbridge Gerry, Esq; and others, Delegates in Congress from this Commonwealth.*

### Chapter 101.

*Chap.*101 RESOLVE DIRECTING THE TREASURER TO SUSPEND ISSUING HIS EXECUTIONS AGAINST ANY OF THE TOWNS AND PLANTATIONS IN THE COUNTY OF LINCOLN, FOR NOT PROCURING BEEF, FOR THREE MONTHS.

*Whereas it is represented to this Court, that many towns and plantations in the county of Lincoln, have delivered to the superintendant appointed to receive it in that county, a considerable part of the quota of beef required of them by the several resolves of the General Court for procuring beef for the use of the army; but from an ignorance of their duty in that respect, have neglected to make returns of the quantities of beef by them respectively delivered as aforesaid, by which means such towns and plantations are now*

*subject to execution for much larger sums than are in fact due from them to the public: For the prevention whereof, and in order that such towns and plantations may have an opportunity of making proper returns of the quantities of beef by them respectively supplied as aforesaid,*

*Resolved,* That the Treasurer of this Commonwealth be, and he is hereby directed, to suspend issuing executions against any of the towns and plantations in the aforesaid county for the sums respectively assessed upon them, in consequence of their not having procured the beef respectively required of them by the aforesaid several resolves, for the term of three months from the passing this resolve, any resolve to the contrary notwithstanding.

*October 28, 1783.*

### Chapter 102.

RESOLVE RELATIVE TO THE UNAPPROPRIATED LANDS WITHIN THE THREE EASTERN COUNTIES, DIRECTING THE COMMITTEE APPOINTED MAY FIRST, 1781, IN THIS CASE, AND CHOOSING A COMMITTEE TO REPAIR TO THE COUNTY OF LINCOLN, TO EXECUTE CERTAIN BUSINESS.

*Chap.102*

*Whereas the committee who were appointed by a resolve of the General Court, of May first, 1781, for examining into all trespasses and illegal entries on the unappropriated lands belonging to this Commonwealth, cannot execute the business that may arise in all the eastern counties, with necessary dispatch: It is the opinion of your committee, that the last mentioned committee be excused from attending to any concerns that may fall within their commission in the county of Lincoln, and that a committee be appointed specially for the said county of Lincoln, to do and execute all that in the said county, which the committee appointed by the resolve aforesaid were impowered to do and execute in the said county of Lincoln: Your committee therefore report the following resolves, viz.*

*Resolved,* That the committee appointed by a resolve of the General Court, of *May* the first, 1781, for examining into all trespasses and illegal entries on the unappropriated lands belonging to this Commonwealth, be enjoined to compleat, without delay, in the counties of *York* and *Cumberland*, the business assigned them by said resolve, and one other resolve of *June* the eleventh, 1783; and the said committee be, and they are hereby directed, to lay out one

or more townships in the county of *Cumberland*, if they shall judge it expedient, and make report of the same at the next session of the General Court.

*Resolved*, That the aforesaid committee be, and they are hereby discharged of any further execution of their commission in the said county of *Lincoln*, and no further.

*Resolved*, That a committee, to consist of three persons, be appointed for the purpose of doing and executing all that in the said county of *Lincoln*, or relating thereto, which a committee appointed by a resolve of the General Court of *May* first, 1781, were impowered to do and to execute therein, or relative thereto; and that the committee now appointed be vested with all the powers and authorities, so far as the same may apply to the county of *Lincoln*, that the said committee of *May* first, 1781, were vested with, reference thereto being had.

*Resolved*, That one or more of the committee appointed by the foregoing resolve, repair immediately to the said county of *Lincoln*, to enquire into the trespasses, illegal entries, possessions and encroachments taken or made by any person or persons, or by any body or bodies of men; also to enquire into the state and condition of such townships or lands as have been granted or sold either by the late province of the *Massachusetts Bay*, or since the year 1775; how far the grantees or vendees have complied with the conditions of the grant or sale, and whether the quantity by them taken in, exceed the quantity granted or sold; and also to enquire into and ascertain the limits of the land allowed the Indians for hunting ground; and also to consider the expediency and advantage of laying out a number of townships on the eastern part of the said county of *Lincoln*, bordering on the river *St. Croix*, or in any other parts of the said county.

*Resolved*, That the said committee, as well as the committee appointed by a resolve of *May* first, 1781, heretofore mentioned, be, and they are hereby respectively directed, to consider and report what lands it may be necessary to reserve for the use of the Commonwealth, for timber and other public uses, in the counties for which they are respectively appointed; and in like manner to make report of their other proceedings at each session of the General Court (and if possible at the beginning of each session) until the said committees shall have accomplished the business assigned them. And the said com-



mittees are directed to lay their accounts before the General Court, from time to time, for allowance and payment.

And the Secretary is directed to furnish each of the said committees with a copy of these resolves.

October 28, 1783.

### Chapter 103.

RESOLVE APPOINTING A COMMITTEE FOR ASCERTAINING THE DIVIDING LINE BETWEEN THE UNAPPROPRIATED LANDS LYING TO THE WESTWARD OF HUDSON'S RIVER, TO BE JOINED BY COMMISSIONERS FROM THE STATE OF NEW YORK. Chap.103

*Whereas the Honorable Timothy Danielson, Caleb Strong and Samuel Phillips, jun. Esq's. were, on the 27th of October instant, chosen commissioners, by the joint ballot of both Houses of the legislature, on behalf of this Commonwealth, to join with such commissioners as may or shall be appointed by the legislature of the State of New York, in precisely ascertaining the dividing line between the unappropriated lands lying westward of Hudson's River, and belonging to this Commonwealth and the said State of New York:*

Therefore *Resolved*, That his Excellency the Governor be, and he hereby is requested, to commission the persons aforesaid according to the tenor of the resolve for appointing such commissioners, and to inform the Governor of *New York* of the proceedings of this government relative to the ascertaining of the boundaries aforesaid.

October 28, 1783.

### Chapter 104.

RESOLVE ON THE PETITION OF STEPHEN DAVIS, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. AND STAYING EXECUTIONS IN THE MEAN TIME. Chap.104

*On the petition of Stephen Davis and others, praying for a new trial in the case wherein Beriah Tree was plaintiff against them, before the last Supreme Judicial Court held in the county of Berkshire, for reasons set forth in the said petition, and that in the mean time execution may be stayed:*

*Resolved*, That the prayer thereof be so far granted, as that the adverse party be notified to appear and shew

cause (if any he has) why the prayer thereof should not be granted, on the third Wednesday of the next sitting of the General Court, and that execution be stayed in the mean time accordingly; and that the said *Davis* be, and he hereby is directed, to serve the said *Beriah Tree* with an attested copy of the said petition, and this resolve, thirty days at least previous to the said day.

*October 28, 1783.*

### Chapter 105.

*Chap.105* A GRANT OF THIRTY-SIX POUNDS TO ROBERT MILLER, A PENSIONER, TO 21<sup>st</sup> JANUARY, 1783.

*On the petition of Robert Miller, setting forth that he lost an arm in the siege at Louisburg, in the year 1745, while in the service of this then Province, for which loss a pension of nine pounds was granted him by this government, and that he has received no part thereof since March, in the year 1779, and then received only fifty pounds paper money, and praying he may be paid the full of said pension for four years, and allowed for the depreciation of the paper money:*

*Resolved*, That the prayer of the petition be so far granted, as that he be allowed and paid out of the public treasury of this Commonwealth, the sum of *thirty-six pounds*, in full of his pension to the twenty-first day of *January*, one thousand seven hundred and eighty-three.

*October 28, 1783.*

### Chapter 106.

*Chap.106* RESOLVE DIRECTING THE TREASURER TO TAKE MONIES ARISING FROM VENDUES, TO PAY THE MEMBERS OF COURT, AND TO REPLACE THE SAME FROM THE LAST STATE TAX.

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby impowered and directed, to take of the monies arising from vendues, and other money he may have now in the treasury, for the purpose of paying the members of the General Court, severally, two-thirds of their travel and attendance the present session, and replace the same out of the last State tax, as soon as may be, any resolve to the contrary notwithstanding.

*October 28, 1783.*

## Chapter 107.

RESOLVE ON THE PETITION OF *JONAS TEMPLE*, IN BEHALF  
OF THE TOWN OF *SHREWSBURY*, DIRECTING THE TREASURER TO STAY EXECUTION AGAINST SAID TOWN UNTIL. Chap.107

*On the petition of Jonas Temple, in behalf of the town of Shrewsbury, praying that they may be relieved from the execution which they are exposed to, for not procuring their quota of beef, for reasons set forth in his petition:*

*Resolved*, That the prayer of the said petition be so far granted, as that the Treasurer of this Commonwealth be, and he is hereby directed, to stay the execution from the town of *Shrewsbury* until the second Tuesday of the next sitting of the General Court, so that they may be enabled to obtain *Jacob Davis*, Esq; his receipts, as set forth in the said petition.

*October 28, 1783.*

## Chapter 108.

RESOLVE REQUESTING THE GOVERNOR TO TAKE MEASURES  
FOR PROCURING AN ORDER UPON *JAMES LOVELL*, ESQ; TO  
PAY FOUR THOUSAND SIX HUNDRED AND TEN POUNDS,  
BEING A BALANCE DUE UPON A NOTE OF HAND IN HIS  
EXCELLENCY'S POSSESSION, GIVEN BY *MICHAEL HILLEGAS*,  
ESQ; Chap.108

*Resolved*, That his Excellency the Governor be, and hereby is requested, to take such steps as he shall think proper, for procuring an order upon *James Lovell*, Esq; to pay out of the second moiety of the Continental tax, now collecting, the sum of *four thousand six hundred and ten pounds*, being the balance due upon a note of hand given by *Michael Hillegas*, Esq; Treasurer of the United States, to him, in behalf of this Commonwealth, bearing date the sixteenth day of *April*, one thousand seven hundred and seventy-six, and now in his possession; and as the said note was payable on demand, and not intended to remain unpaid but a short space of time, to use his endeavours likewise that interest be allowed upon the said balance, from the date of the said note.

And he is further requested, upon the receipt of the said order, to transfer the said note to the Treasurer of this Commonwealth, taking his receipt therefor, and lodging the same in the Secretary's office.

*October 28, 1783.*

## Chapter 109.

*Chap.*109 RESOLVE ON THE PETITION OF THE SELECTMEN OF GREENWICH, DIRECTING THE TREASURER TO ABATE A FINE SET AGAINST SAID TOWN.

*On the petition of the selectmen of the town of Greenwich, praying for an abatement of a fine laid on said town in the last tax act, for a deficiency of six men to serve in the Continental army for the term of three years: And whereas it appears to this Court, that the said town of Greenwich did actually procure their full quota of the said requisition:*

Therefore *Resolved*, That the Treasurer be, and he hereby is directed, to credit the said town of Greenwich the sum of *twelve hundred eighty-four pounds and fifteen shillings*, in full for the fine and average price of the said men, in the last State tax.

*October 28, 1783.*

# RESOLVES

OF THE

## GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF  
*SUFFOLK*, ON WEDNESDAY, THE TWENTY-EIGHTH DAY  
OF *MAY*, ANNO DOMINI, 1783; AND FROM THENCE  
CONTINUED, BY ADJOURNMENT AND PROROGATION, TO  
WEDNESDAY, THE TWENTY-FIRST DAY OF *JANUARY*,  
1784.

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1783. — JANUARY SESSION.

### Chapter 1.

RESOLVE GIVING DAY TO ALL BILLS, RESOLVES, &c. WHICH WERE TO HAVE DAY THE PRESENT SESSIONS. *Chap. 1*

RESOLVED, That all bills, petitions and other matters, which had day in the last session of the General Court, be, and they hereby are revived, and shall have day accordingly, in the present session of the said Court, a prorogation of the same having taken place notwithstanding.

*January 23, 1784.*

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### Chapter 2.

A GRANT OF THIRTY POUNDS TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT, TO PURCHASE FUEL, &c. *Chap. 2*

*Resolved*, That there be paid out of the public treasury, to Mr. *William Baker*, messenger of the General Court, *thirty pounds*, to enable him to purchase fuel and candles for the use of the General Court, during their present session, he to be accountable for the same.

*January 24, 1784.*

## Chapter 3.

*Chap. 3* RESOLVE ON THE PETITION OF *BARNABAS BRIGHAM*, EMPOWERING THE SUPREME JUDICIAL COURT, AT THEIR NEXT SESSION IN AND FOR THE COUNTY OF *WORCESTER*, TO TAKE COGNIZANCE OF THE ACTION MENTIONED.

*On the petition of Barnabas Brigham, praying that he may have liberty to enter a complaint at the Supreme Judicial Court in the county of Worcester, against James Nichols, for his failing to prosecute an appeal by him made from a judgment rendered by the Court of Common Pleas held at Worcester, in and for the said county of Worcester, on the last Tuesday of March last, in favour of the said Brigham, for reasons set forth in the said petition:*

*Resolved*, That the Supreme Judicial Court of this Commonwealth, at their next session in and for the county of *Worcester*, be, and they hereby are authorized and empowered, to take cognizance of the said action, and that the same proceedings may be had thereon, and execution issue, in the same manner as if the said complaint had been entered at the said Court, at their session in and for the said county, in *April* last, any law to the contrary notwithstanding.

*January 24, 1784.*

## Chapter 4.

*Chap. 4* RESOLVE ON THE PETITION OF *ISAAC SMITH, ESQ.*

*On the petition of Isaac Smith, Esq; praying that a bond given by him to the Collector of excise for the county of Suffolk, for the payment of duties on a cargo of salt imported from Portugal, and consigned to him, may be cancelled:*

*Resolved*, That the said *Isaac Smith* be, and he is hereby discharged from the payment of any duty on the salt mentioned in his petition, and that the Collector of excise for the county of *Suffolk*, be, and he is hereby directed, to cancel the bond given by the said *Smith* for that purpose, it not being the intent of the Legislature that salt should be included among the articles subject to a duty.

*January 24, 1784.*

## Chapter 5.

GRANT OF SIX THOUSAND POUNDS TO THE COMMITTEE ON ACCOUNTS. Chap. 5

*Resolved*, That there be paid out of the treasury of this Commonwealth, *six thousand pounds*, to the committee on accounts, to enable them to pay such accounts as have been or may be by them examined and allowed, they to be accountable for the expenditure of the same.

*January 26, 1784.*

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## Chapter 6.

RESOLVE FOR THE PAYMENT OF THE ACCOUNTS OF THE COMMITTEE FOR REPAIRING THE LIGHT HOUSE ON THATCHER'S ISLAND. Chap. 6

*Resolved*, That the sum of *four hundred and eighty-four pounds, six shillings and one penny half penny*, be paid out of the public treasury of this Commonwealth, to *Peter Coffin* and *Samuel Whittemore, Esq;* in full for their accounts of repairs on the light house on *Thatcher's Island*, agreeable to an order of the General Assembly the last session.

*January 26, 1784.*

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## Chapter 7.

RESOLVE ON THE PETITION OF JOSEPH HAMILTON, AND OTHERS, SELECTMEN OF THE TOWN OF PELHAM, REMITTING A FINE LAID ON SAID TOWN. Chap. 7

*On the petition of Joseph Hamilton, and others, selectmen of the town of Pelham, praying that a fine laid on said town of Pelham, for not sending a Representative to the General Court in the year 1782, may be abated, for reasons set forth in the said petition:*

*Resolved*, That the fine mentioned in the said petition be, and hereby is remitted; and the Treasurer of this Commonwealth be, and he is hereby accordingly directed, to credit the said town of *Pelham* on the last State tax, of *March, 1783*, in which the said fine was laid, the sum of *twenty pounds eight shillings and four pence*, in full of the said fine.

*February 2, 1784.*

## Chapter 8.

- Chap.* 8 RESOLVE GRANTING A TAX OF THREE HUNDRED AND FIFTY POUNDS, TO BE ASSESSED ON THE INHABITANTS OF THE COUNTY OF HAMPSHIRE, FOR DEFRAYING THE CHARGES OF SAID COUNTY.

*Whereas it appears, from an estimate of the Justices of the Court of General Sessions of the Peace for the county of Hampshire, made on the second Tuesday of November, 1783, that the sum of three hundred and fifty pounds will be necessary for defraying the charges of the said county for one year then next ensuing :*

Therefore *Resolved*, That there be, and hereby is granted, a tax of *three hundred and fifty pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates laying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

*January 28, 1784.*

## Chapter 9.

- Chap.* 9 RESOLVE GRANTING A TAX OF THREE HUNDRED POUNDS, TO BE ASSESSED ON THE INHABITANTS OF THE COUNTY OF YORK, FOR DEFRAYING THE CHARGES OF SAID COUNTY.

*Whereas it appears, from an estimate of the Justices of the Court of General Sessions of the Peace for the county of York, made on the second Tuesday of October, 1783, that the sum of three hundred pounds will be necessary for defraying the charges of the said county, for one year then next ensuing :*

Therefore *Resolved*, That there be, and hereby is granted, a tax of *three hundred pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates laying within the same, and be collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

*January 28, 1784.*

## Chapter 10.

- Chap.* 10 RESOLVE ON THE MEMORIAL OF RICHARD DEVENS, ESQ; DIRECTING THE COMMITTEE APPOINTED TO EXAMINE HIS ACCOUNTS, TO ALLOW CUSTOMARY WASTAGE OF PROVISIONS.

On the memorial of *Richard Devens, Esq* ; Commissary General :

*Resolved*, That the committee appointed to examine and



settle the accounts of *Richard Devens*, Esq; Commissary General, are hereby authorized and empowered, to make such allowances for wastage on the articles of provisions delivered in small quantities by the said Commissary General, as is customary in such case, in order that the accounts may be adjusted, and the balance struck between the said Commissary General and this Commonwealth.

*January 28, 1784.*

### Chapter 11.

RESOLVE ON THE PETITION OF ISAAC STEARNS, AND OTHERS, PROPRIETORS OF THE PLANTATION CALLED NEW SUNCOOK, ALLOWING THE PROPRIETORS A FURTHER TIME TO COMPLETE THEIR SETTLEMENT. Chap. 11

*On the petition of Isaac Stearns, and others, proprietors of the plantation called New Suncook, setting forth, that the time limited for settling thirty families in the said township, by a resolve of the General Court passed on the 13th day of April, 1779, is near expired, praying that they may have a further time allowed them to complete the settlement of the number of families required by the grant of the said township, for reasons set forth in their petition:*

*Resolved*, That there be, and hereby is allowed, to the proprietors of the township called *New Suncook*, lying on the eastern side of *Saco River*, the further time of three years, from the last of *February* next, to complete the settlement of the number of families required by the grant of the said township, any law or resolve to the contrary notwithstanding.

*January 29, 1784.*

### Chapter 12.

RESOLVE ON THE PETITION OF A NUMBER OF INHABITANTS OF THE TOWN OF ROXBURY, EMPOWERING THE SELECTMEN OF SAID TOWN TO APPOINT A NUMBER OF ENGINE MEN, AND ENTITLING THEM TO THE SAME PRIVILEGES AS THOSE IN THE TOWN OF BOSTON. Chap. 12

*On the petition of a number of inhabitants of the town of Roxbury:*

*Resolved*, That the prayer of the petition be granted, and that the selectmen of the said town of *Roxbury* be, and hereby are empowered, to appoint a number of engine men, not exceeding seventeen, who shall be entitled to

the same privileges and exemptions, and subject to the same regulations, to which engine men are subjected in the town of *Boston*.  
*January 29, 1784.*

### Chapter 13.

*Chap. 13* RESOLVE ENTITLING JOEL BULLARD, A SOLDIER, TO ONE-THIRD PAY, FROM JANUARY, 1776, TILL FURTHER ORDER.

*On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Joel Bullard, a soldier in Capt. John Black's company, in Col. Jonathan Brewer's regiment, who was wounded on the seventeenth day of June, one thousand seven hundred and seventy-five:*

*Resolved, That the said Joel Bullard be intitled to one-third part of pay as a soldier, from the first day of January, one thousand seven hundred and seventy-six, till the further order of the General Court, or Congress.*

*January 30, 1784.*

### Chapter 14.

*Chap. 14* RESOLVE ON THE PETITION OF BENJAMIN GOODRIDGE, DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF WORCESTER, TO GRANT HIS WARRANT TO THE COMMISSIONERS FOR SETTLING THE ESTATE OF AARON WILLARD, TO CONTINUE THE BUSINESS OF THAT APPOINTMENT.

*On the petition of Benjamin Goodridge:*

*Whereas it appears to this Court, that there are several claims against the estate of Aaron Willard, Esq; late of Lunenburg, in the county of Worcester, deceased, that were not exhibited to the Commissioners appointed for examining and allowing the claims of the creditors to the said estate, until their term was expired; and just dues from the said estate are liable to be lost, if a further time for exhibiting claims be not permitted, for reasons therefor:*

*Resolved, That the Judge of Probate of Wills, &c. for the county of Worcester, be, and he is hereby authorized, to allow the Commissioners appointed to examine the claims on the said estate, the further time of one month for the purpose aforesaid (at the expence of those creditors that may exhibit their claims within the term last mentioned, any law to the contrary notwithstanding.*

*January 31, 1784.*

## Chapter 15.

RESOLVE ON THE PETITION OF JOHN TORREY.

Chap. 15

*On the petition of John Torrey :*

*Resolved*, That *George Fechem*, named in the petition, be notified by the petitioner, by serving him with a copy of his said *Torrey's* petition, and this order of Court thereon, three weeks before the next sitting of the General Court, to shew cause, on the second Tuesday of the said Court's sitting, why the prayer of the said petition should not be granted ; and that in the meantime the alias execution on the judgment therein recited, and all further process thereon, be stayed and suspended.

*January 31, 1784.*

## Chapter 15 A.\*

RESOLVE RESPECTING THE ARTILLERY AND THE GARRISON AT PENOBSCOT AND REQUESTING THE GOVERNOR TO GIVE ORDERS FOR SECURING PUBLIC STORES.

Ch. 15 A

*Whereas it is necessary that measures should be immediately taken for securing the public property at the post at Penobscot, of late occupied by the British Troops. —*

It is therefore *Resolved*, That the Governor be, and he hereby is requested forthwith, to give orders to some officer in the County of *Lincoln*, to repair to the post aforesaid and to take into his Custody all such public property as he shall find there, or thereabouts, to take an exact list of all such property and make return of the same to the Governor. — And also to give order for detaching such a number of the militia in the said County (if any may be necessary) as shall be sufficient to carry this resolve into execution.

*Resolved*, further, that the officer who shall be appointed for the purpose aforesaid, shall have allowance made by the General Court for his services and those of his assistants.

*February 2, 1784.*

## Chapter 16.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF NEW SALEM, REMITTING A FINE LAID ON SAID TOWN.

Chap. 16

*On the petition of the selectmen of the town of New Salem, in the county of Hampshire, praying that they may*

\* Not printed in Session pamphlet.

*be eased of a fine set upon the said town in the last tax-act, for not sending a Representative:*

*Resolved,* That the sum of *twenty pounds thirteen shillings*, one half part of a fine set upon the town of *New Salem* in the county of *Hampshire*, by the General Court, in the last tax act, for not sending a Representative, be, and hereby is remitted to the said town; and the Treasurer of this Commonwealth is hereby directed to discount with the constable of *New Salem* aforesaid, the said sum of *twenty pounds thirteen shillings*, in full of one half part of the fine aforesaid.

*February 2, 1784.*

### Chapter 17.

*Chap. 17* RESOLVE ON THE PETITION OF *BEZALEEL TAFT*, IN BEHALF OF THE TOWN OF *UXBRIDGE*.

*On the petition of Bezaleel Taft, in behalf of the town of Uxbridge:*

*Resolved,* That the Treasurer be, and he is hereby directed, to credit the town of *Uxbridge* the sum of *one hundred and twenty-eight pounds nine shillings and six pence*, being a fine laid on the said town in the tax assessed on the inhabitants of this Commonwealth in *March* last, for being deficient one man in their quota assigned for the Continental army, by a resolve of the second of *December*, 1780, the said town having found the man supposed to be deficient, as appears by a certificate of the Superintendent for the county of *Worcester*.

*February 2, 1784.*

### Chapter 18.

*Chap. 18* RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *PEMBROKE*, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A FINE LAID ON SAID TOWN.

*On the petition and memorial of Seth Hatch, and John Turner, jun. selectmen of the town of Pembroke, praying for an abatement of the fine laid on the said town of Pembroke, for their not returning a Representative the last year:*

*Resolved,* That the prayer of the said petition be so far granted, that the Treasurer of this Commonwealth be, and is hereby directed, to credit the said town of *Pembroke* on the last Commonwealth tax, the sum of *twenty-two pounds*

*ten shillings*, it being one half of the said fine, any law or resolve to the contrary notwithstanding.

*February 3, 1784.*

### Chapter 19.

RESOLVE ON THE PETITION OF *GIDEON BATY*, EXECUTOR TO THE TESTAMENT OF *RICHARD BURTON*, DECEASED. Chap. 19

*On the petition of Gideon Baty, executor to the testament of Richard Burton, deceased, praying that he may be enabled to discharge himself of a sum of money in his hands in his said capacity:*

*Resolved*, That if *John Young*, mentioned in the said petition, or any other person having a demand against the said *Gideon*, in his capacity aforesaid, shall not within three months next after he or they shall be personally served with an attested copy of the foregoing petition, and this order thereon, bring his or their action or actions against the said *Gideon*, to recover the same, any sum of money paid by the said *Gideon* to the said *Mary Burton*, legatee to the will aforesaid, shall not be considered as assets in the hand of the said executor, but he may plead his having administered the said sum so paid to the said *Mary*, in bar to such action or actions.

*February 3, 1784.*

### Chapter 20.

RESOLVE DIRECTING THE COMMISSARY-GENERAL TO SUPPLY THE LIGHT HOUSE AT THE ENTRANCE OF *BOSTON HARBOUR*, AND *THATCHER'S ISLAND*, WITH WOOD AND CANDLES, AND LAY HIS ACCOUNT BEFORE THE GOVERNOR AND COUNCIL. Chap. 20

*Resolved*, That the Commissary General be, and he is hereby directed, to supply the keepers of the lighthouses at the entrance of *Boston harbour* and *Thatcher's Island*, with a sufficient quantity of wood and candles, not exceeding twelve cords of wood, and *thirty pounds* of candles each, for one year, and present his account for the cost thereof to the Governor, who, with advice of Council, is hereby requested to issue his warrant for the same, to be paid out of the revenue which may arise from the light money.

*February 3, 1784.*

## Chapter 21.

- Chap. 21* RESOLVE AUTHORIZING HUGH ORR, ESQ; TO SELL THE AIR-FURNACE AT BRIDGEWATER, TOGETHER WITH THE STOCK, &c.

*Resolved*, That *Hugh Orr*, Esq; be, and he is hereby authorized and directed, to sell (either at public or private sale, as he shall judge best) the air-furnace and blast-furnace belonging to this Commonwealth, at *Bridgewater*, together with all the land, stock and appurtenances thereto belonging, and give and execute a good and lawful deed or deeds of the same, in behalf of this Commonwealth, and pay the proceeds thereof into the treasury of this Commonwealth, taking duplicate receipts therefor, one of which he is directed to lodge in the Secretary's office, and make report to the General Court of his proceedings, as soon as may be.

*February 4, 1784.*

## Chapter 22.

- Chap. 22* RESOLVE ON THE PETITION OF EBENEZER LEARNED, ESQ; IN BEHALF OF THE TOWN OF OXFORD, FOR STAYING EXECUTION AGAINST SAID TOWN FOR BEEF.

*On the petition of Ebenezer Learned, Esq; in behalf of the town of Oxford:*

*Whereas the said town of Oxford stands as indebted to this Commonwealth, for eleven thousand and sixty-two pounds of beef, being the said town's quota required by a resolve of the General Court of the 4th of December, 1780: And whereas it appears to this Court, by the certificate of Jacob Davis, agent of Oliver Phelps, Esq; that the said town furnished the said beef:*

*Therefore Resolved*, That the execution issued against the said town of *Oxford*, for the said *eleven thousand and sixty-two pounds* of beef, be stayed, and that no further process be had thereon.

*February 4, 1784.*

## Chapter 23.

- Chap. 23* RESOLVE ON THE PETITION OF JONATHAN CLARK, OF SOUTHAMPTON, DIRECTING THE TREASURER TO CREDIT SAID TOWN TO AN OVER-TAX.

*On the petition of Jonathan Clark, of Southampton, praying for an abatement in the sum set on the said town in the last tax act:*

*Whereas it appears to this Court, that there is a mistake in the casting of the last tax act, whereby the town of South-ampton is taxed the sum of ten pounds more than is just:*

*Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to credit the town of South-ampton the sum of ten pounds in the last state tax, it being the sum the said town was over taxed in the said tax-act.*

*February 4, 1784.*

### Chapter 24.

RESOLVE ON THE PETITION OF THE INHABITANTS OF PART OF *CARLISLE*, EMPOWERING THE ASSESSORS OF SAID DISTRICT TO RECEIVE OF THE ASSESSORS OF THE TOWN OF *CONCORD*, AN ASSESSMENT MADE UPON SAID INHABITANTS. *Chap. 24*

*On the petition of the inhabitants of that part of Carlisle which was taken from the town of Concord, praying that they may be enabled to collect of the said inhabitants, each one his respective proportion of the public debts due from the said Concord, at the time of the incorporating the said district, agreeable to the rateable polls and estates they were then possessed of:*

*Resolved, That the prayer of the petition be granted; and the assessors of the district of Carlisle are hereby empowered to receive of the assessors of the town of Concord, an assessment made upon the inhabitants of that part of the district of Carlisle which was taken from Concord, of their respective proportions of the public debt due from the said town of Concord, at the time of the district being incorporated, and commit the same unto a constable or collector of the said district, together with a warrant under their hands and seals, to empower him to collect the same.*

*February 4, 1784.*

### Chapter 25.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO ERECT A LIGHT HOUSE, &c. AT *SANDY-POINT, NANTUCKET*, AND GRANTING *THREE HUNDRED POUNDS* FOR THAT PURPOSE. *Chap. 25*

*On the petition of Alexander Coffin, and Peleg Coffin, praying that a light house may be erected on the Island of Nantucket:*

*Resolved, That Richard Devens, Esq; Commissary General of this Commonwealth, be, and he is hereby*

authorized and directed, to agree and contract with some suitable person or persons to erect a wooden building of proper height and dimensions for a light house, together with a small building for the keeper of the said light house, on the Point called *Sandy Point* on the island of *Nantucket*; and that he provide lamps and other utensils necessary for the said light house; and as soon as the same is ready to be lighted, the Commissary aforesaid is further directed to make report thereof to the Governor, who is hereby requested, with advice of Council, to appoint some suitable person to light and take care of the same.

And it is further *Resolved*, That there be paid out of the treasury of this Commonwealth, to the said *Richard Devens*, Esq; out of the money arising from the revenue of light money, the sum of *three hundred pounds*, to enable him to execute the order aforesaid, he to be accountable for the expenditure of the same, and to present his account and report his proceedings in this business, before the General Court, as soon as may be. *February 5, 1784.*

### Chapter 26.

*Chap. 26* RESOLVE GRANTING TWO HUNDRED EIGHTY POUNDS ELEVEN SHILLINGS AND FOUR PENCE, TO HON. STEPHEN HIGGINSON, ESQ.

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to the Hon. *Stephen Higginson*, Esq; late a delegate from this state to the Congress of the United States of *America* the sum of *two hundred and eighty pounds eleven shillings and four pence*, which, with the sum of *one hundred and ninety-six pounds two shillings and five pence* he has already received, to enable him to proceed to *Philadelphia*, is in full for his services and expences while at Congress, viz. from the 10th day of *February* to the 26th day of *September*, 1783, being one hundred and ninety-five days, exclusive of Sabbaths.

And it is further *Resolved*, That the said *Stephen Higginson*, Esq; be, and he hereby is discharged from the aforesaid sum of *one hundred and ninety-six pounds two shillings and five pence*, which he has received as aforesaid.

*February 5, 1784.*



## Chapter 27.

RESOLVE FOR STAYING AN EXECUTION UPON THE JUDGMENT RECOVERED BY *BERIAH TREE*, AGAINST *STEPHEN DAVIS* AND OTHERS, TILL THE COURT SHALL PASS FINALLY UPON THE PETITION OF SAID *STEPHEN DAVIS*. Chap. 27

*Whereas upon the petition of Stephen Davis and others, praying for a new trial in a case wherein Beriah Tree was original plaintiff, and the petitioners, defendants, a resolve passed this General Court, in their last session, that the said Beriah Tree should be notified by the petitioners, by serving him with an attested copy of their said petition, and the resolve thereon, thirty days before the third Wednesday of the present session of this General Court, then to appear, and shew cause, why the prayer of the said petition should not be granted; and that the execution upon the judgment recovered by the said Tree, should stay until the said third Wednesday of the present session: And whereas the said Tree hath not appeared at the time fixed as aforesaid, to shew cause as aforesaid, but may have been providentially prevented: And whereas the time fixed for staying the said execution has elapsed:*

*Resolved*, That the said execution upon the said judgment, recovered by the said *Beriah Tree*, against the said *Stephen Davis* and others, stay until this Court do pass finally upon the said petition. *February 5, 1784.*

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## Chapter 28.

RESOLVE ON THE PETITION OF *THOMAS POOR*, IN BEHALF OF THE TOWN OF *METHUEN*, REMITTING A FINE ON SAID TOWN. Chap. 28

*On the petition of Thomas Poor, in behalf of the town of Methuen, setting forth that the said town was fined, in the last State tax, for a deficiency of twelve three and five months men, ten of which they sent into the army, as appears by certificate from the officers under which they served:*

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby directed to credit the said town of *Methuen* the sum of *two hundred and eleven pounds six shillings*, upon the state tax of *March* last, it being the fines and bounty for ten five and three months men.

*February 5, 1784.*

## Chapter 29.

*Chap. 29* RESOLVE ON THE PETITION OF OLIVER WOOD, DIRECTING HIM TO NOTIFY JOSHUA CHAMBERLAIN, TO SHEW CAUSE &c. AND STAYING EXECUTION IN THE MEAN TIME.

*Whereas on the petition of Oliver Wood, Esq; praying that all further proceedings upon a judgment recovered against him by one Joshua Chamberlain, of a place called Seven Mile Brook, in the county of Lincoln, at a Court of Common Pleas, held at Pownalborough, within and for the said county, on the first Tuesday of June last, should be suspended until the further order of the General Court, for reasons mentioned in the said petition, an order of the said General Court did issue on the 17th day of October last, directing the petitioner to notify the adverse party to appear and shew cause, &c. on the second Wednesday of the present session of the General Court: And whereas it appears that the said Chamberlain has not had a sufficient opportunity to appear and make his defence: It is therefore*

*Resolved*, That the said petitioner be, and he is hereby directed, to notify the said Chamberlain to appear, on the second Wednesday of the first session of the next General Court, if he see fit, to shew cause, if any he has, why the prayer of the said petition should not be granted, by leaving an attested copy of the said petition, and this order thereon, at the usual place of abode of the adverse party, thirty days at least before the said second Wednesday of the first session of the next General Court.

And it is further *Resolved*, That all executions or proceedings upon or in consequence of the said judgment, be suspended and stayed in the mean time, and until the General Court shall take further order thereon, and that all persons who may be concerned therein, govern themselves accordingly.

*February 6, 1784.*

## Chapter 30.

*Chap. 30* RESOLVE ON THE PETITION OF NATHANIEL WELLS, ESQ; IN BEHALF OF THE TOWN OF SANFORD, DIRECTING THE TREASURER NOT TO ISSUE HIS EXECUTION AGAINST SAID TOWN FOR DEFICIENCIES OF BEEF, FOR A LARGER SUM THAN FIFTY-ONE POUNDS NINETEEN SHILLINGS AND FOUR PENCE.

*On the petition of Nathaniel Wells, Esq; in behalf of the town of Sanford, setting forth, that execution has been*

issued against the said town for a larger sum of money for the said town's deficiency of beef required by the resolves of the General Court, than is due from the said town:

*Resolved*, That the Sheriff of the county of York, return the execution now in his hands against the said town of Sanford, for their deficiency of beef, to the Treasurer of this Commonwealth.

And it is further *Resolved*, That the Treasurer aforesaid be, and hereby is directed, not to issue his execution against the said town of Sanford, for a larger sum than *fifty-one pounds nineteen shillings and four pence*, as it appears to this Court that the said sum is the just balance due from the said town for their deficiency of beef required as aforesaid.

February 9, 1784.

### Chapter 31.

RESOLVE INTITLING BENONI SIMMONS TO ONE-HALF PAY, *Chap. 31*  
FROM AUGUST, 1777.

*On the representation of John Lucas, Esq; commissary of pensioners, in behalf of Benoni Simmons, jun. who lost his left arm in the service of the United States:*

*Resolved*, That the said *Benoni Simmons, jun.* be intitled to one-half pay as a gunner, from *August*, one thousand seven hundred and seventy-seven, until the further order of the General Court, or Congress.

February 6, 1784.

### Chapter 32.

RESOLVE ON THE PETITION OF THE TOWN OF WESTHAMPTON, *Chap. 32*  
DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR  
THE DEFICIENCY OF ONE MAN.

*On the petition of the town of Westhampton, setting forth, that the said town was fined for a deficiency of one man, to serve as a soldier in the Continental army for the term of three years, agreeable to a resolve of the General Court of December the second, 1780, which man was raised and delivered to the superintendant for the county of Hampshire, as appears by his certificate:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of Westhampton the sum of *two hundred and fourteen pounds two shil-*

*lings and six pence*, upon the State tax of *March* last, in full of the fine and bounty for the said man; and the assessors of the said town are directed to govern themselves accordingly.

*February 7, 1784.*

### Chapter 33.

*Chap. 33* RESOLVE ON THE PETITION OF *LYDIA WHITE*, DIRECTING THE TREASURER TO DELIVER THREE NOTES IN LIEU OF THREE LOST, GIVEN TO HER LATE HUSBAND, CAPT. *WILLIAM WHITE*.

*On the petition of Lydia White, of Springfield, in the county of Hampshire :*

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby authorized and directed, to make out and deliver three notes to *Lydia White* aforesaid, or her order, in lieu of three notes delivered by the said *Lydia* to Lieut. *Samuel Buffington*, who upon oath declares he lost the same going to *Boston*. The said notes were of the following numbers and amount, *viz.*

No. 8925,	for £. 3291 13	payable in	1782.
4612,	1600		1783.
9112,	3285		1784.

And were given to her late husband, *William White*, a Captain in the seventh *Massachusetts* regiment, who was killed at the siege of *York Town*.

And it is also *Resolved*, That the Treasurer be, and he is hereby directed, to pay the interest due on the said notes, they not having been consolidated notwithstanding.

*And whereas it appears from certificates from the Treasurer's office, and the committee for checking government securities, that the aforesaid notes are not come to hand :*

It is further *Resolved*, That the Treasurer be, and he is hereby directed, to cause the No. of the said notes, the amount and times of payment, to be posted up in the several apartments in his office, in order for a check, if at any time they should be offered for consolidation or payment.

*February 9, 1784.*

## Chapter 34.

RESOLVE AUTHORIZING THE ASSESSORS OF THE TOWN OF WATERTOWN, TO MAKE OUT NEW LISTS OF SUCH PARTS OF THE STATE AND TOWN TAXES, FOR THE YEAR 1780, AND TO COMMIT SAID LISTS FOR COLLECTION. Chap. 34

*Whereas the town of Watertown, in the year one thousand seven hundred and eighty, did chuse a collector to collect the taxes ordered by the General Court to be levied on the said town, and likewise the town taxes for the said year, and did commit the lists of the said taxes to him to collect; and whereas the said collector did proceed to collect the said taxes, so far as to satisfy the demand the Treasurer of this Commonwealth had for taxes on the said town for that year, but being incapable of finishing the collection of the said taxes to him committed, by reason of his being at this time an absconding debtor:*

*Resolved.* That the assessors of the town of Watertown, be, and they are hereby fully authorized, to make out new lists of such parts as are now outstanding of the State and town taxes, for the year one thousand seven hundred and eighty, and commit the said lists to any person chosen by the said town, legally to receive the same, and they are hereby fully authorized to grant their warrant, enabling the said person so chosen to collect whatever may be due on the said lists, in as full a manner as collectors of taxes are empowered to do and perform, any law to the contrary notwithstanding.

*February 9, 1784.*

## Chapter 35.

RESOLVE ON THE PETITION OF THE TOWN OF DARTMOUTH, EMPOWERING THE TREASURER TO ISSUE HIS WARRANT TO DANIEL HOWLAND, JUN. OF SAID TOWN, TO COLLECT THE SEVERAL SUMS MENTIONED. Chap. 35

*On the petition of the honourable Walter Spooner, and Edward Pope, Esq's, in behalf of the town of Dartmouth, praying, that the Treasurer may be empowered and directed to issue his warrant to Daniel Howland, jun. and Robert Earl, to collect the taxes assessed on part of the said town in the year 1782:*

*Resolved,* That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is empowered and directed, to issue his warrant to Daniel Howland, jun. of the said Dartmouth, to enable

him to collect all such sums of money as were assessed on the village of *Apponeganset*, in the said *Dartmouth*, in the year 1782, and returns thereof, made into the said Treasurer's office by the assessors of the said town; and also to issue his warrant to *Robert Earl*, of said *Dartmouth*, to enable him to collect all such sums of money as were assessed on the village of *Accoaxet*, in the said *Dartmouth*, and returns thereof made into the said Treasurer's office, for the year 1782, in the same manner as if the said *Daniel* and *Robert* had been legally chosen by the said town, and returned by the Assessors thereof, any law to the contrary notwithstanding.

February 9, 1784.

### Chapter 36.

*Chap. 36* RESOLVE ON THE PETITION OF *RICHARD PERKINS*, IN BEHALF OF THE INHABITANTS OF THE WEST PRECINCT OF *BRIDGEWATER*, EMPOWERING HIM TO MAKE SALE OF THE LAND MENTIONED.

*On the petition of Richard Perkins, in behalf of the inhabitants of the West Precinct of Bridgewater, setting forth, that it would greatly accommodate the said Precinct, to have liberty and be empowered to sell three several lots of land, which were granted and given for the use of the congregational ministry, within the said Precinct, and that the Reverend John Reed, their present pastor, hath relinquished his claim to the said three lots of land, by giving them a quit claim deed of the same: — Therefore*

*Resolved*, That the prayer of the said petition be granted, and that the Precinct Committee, be, and they are hereby empowered, to make sale of the three lots of land, aforesaid, provided Mr. *John Reed*, their present Pastor, may consent thereto, and to execute good and lawful deeds of the same, the Precinct Committee aforesaid first giving sufficient bonds to the Judge of Probate, for the county of *Plymouth*, that the monies arising from the said sale shall be faithfully kept as a fund, and the annual interest arising from the same, be forever applied to the support of the congregational ministry in the said Precinct, agreeable to the true intent and meaning of the original donors.

February 9, 1784.

## Chapter 37.

RESOLVE ON THE PETITION OF THOMAS COWDEN, IN BEHALF OF THE TOWN OF FITCHBURG. *Chap. 37*

*On the petition of Thomas Cowden, in the name and behalf of the town of Fitchburg, praying, that the rate made by the assessors of the said town for the first moiety of the Continental tax, may be established, for reasons set forth in the said petition :*

*Resolved,* That the prayer of the said petition be so far granted, as that the rates made by the assessors of Fitchburg, for the first moiety of the Continental tax, shall be good and valid in law, as though the same had been made at the time required of the said town to make the said tax, and the inhabitants of the said town shall be holden to pay their respective proportions accordingly, except those polls which may have paid their respective proportions of the same tax in any other town, any law or resolve of the General Court to the contrary notwithstanding.

*February 9, 1784.*

## Chapter 38.

RESOLVE DIRECTING STEPHEN CHOATE, ESQ; TO PAY INTO THE TREASURY, A SUM OF MONEY HE RECEIVED FOR RENT OF THATCHER'S ISLAND. *Chap. 38*

*On the representation of Stephen Choate, Esq; agent for the Commonwealth of Massachusetts, praying for direction in what manner he may be discharged the sum of thirteen pounds ten shillings, which he received of Barnabas Dodge, and others, in behalf of the said Commonwealth, as rent for the improvement of Thatcher's Island, in the year 1783 :*

*Ordered,* That the said Stephen Choate, Esq; be directed to pay into the Treasurer's office the said sum of *thirteen pounds ten shillings*, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office.

*February 9, 1784.*

## Chapter 39.

RESOLVE ON THE PETITION OF PEGGY LOOMISS, EMPOWERING HER TO SELL THE REAL ESTATE MENTIONED. *Chap. 39*

*On the petition of Peggy Loomiss, widow of Asher Loomiss, late of Southampton, deceased, and guardian to*

*the only child of the said deceased, praying for liberty to sell the real estate of the said deceased, for reasons set forth in her petition:*

*Resolved,* That the prayer of the petition be granted, and that she the said *Peggy Loomiss* be, and she hereby is empowered, to sell, for the most it will fetch, all the real estate of the said *Asher Loomiss*, deceased, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, she observing the rules of law provided for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate for the county of *Hampshire*, that the proceeds by the sale of the said estate, after paying all necessary charges, be kept on interest for the benefit of the said heir, except the interest of one-third, which she the said *Peggy* shall reserve to herself, during her natural life; the other two-thirds, both principal and interest, to be paid to the said legal heir, when he shall arrive to full age, together with the widow's third, after her decease.

*February 9, 1784.*

### Chapter 40.

*Chap. 40* RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF *HANCOCK*, DIRECTING THE TREASURER TO RECALL HIS EXECUTION, AND CREDIT SAID TOWN IN THE BEEF TAX.

*On the petition of the selectmen of the town of Hancock, praying, for reasons set forth in the said petition, that the execution issued against the said town on account of beef required of the said town by the resolves of the General Court of September 1780, and December 1780, may be recalled; and also that equal justice may be done them in regard to a surplus of beef the said town actually procured, over and above the just proportion required of them:*

*Resolved,* That the prayer of the petition be granted, and that the Treasurer be, and he is hereby directed, to recall his said execution, and to credit the said town of *Hancock* the sum of *sixteen pounds ten shillings*, on the last State tax, in full for one thousand pounds of beef which the said town procured, over and above their just proportion.

*February 9, 1784.*



## Chapter 41.

RESOLVE ON THE PETITION OF JAMES NICHOLS, AN ASSISTANT COMMISSARY OF PURCHASES, GRANTING HIM ONE HUNDRED AND TEN POUNDS FOURTEEN SHILLINGS AND SEVEN PENCE, FOR LOSSES SUSTAINED BY THE PUBLIC, IN NOT PAYING HIM SEASONABLY. Chap. 41

*On the petition of James Nichols, an assistant commissary of purchases, praying for a compensation for certain losses he has sustained, as mentioned in his petition :*

*Resolved, That the prayer of the said petition be so far granted, as that there be allowed and paid out of the public treasury of this Commonwealth, to the said James Nichols, the sum of one hundred and ten pounds fourteen shillings and seven pence, in full of his account.*

*February 10, 1784.*

## Chapter 43.\*

RESOLVE ON THE PETITION OF JOSEPH BRADLEY VARNUM, DIRECTING THE TREASURER TO CREDIT THE TOWN OF DRACUT FOR A FINE LAID ON SAID TOWN. Chap. 43

*On the petition of Joseph Bradley Varnum, in behalf of the town of Dracut, praying for the abatement of the fine laid on the said town for their not chusing a Representative the last year :*

*Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said town of Dracut twenty-five pounds five shillings and ten pence, on the last State tax, it being the fine laid on the said town, any law or resolve to the contrary notwithstanding.*

*February 10, 1784.*

## Chapter 44.

RESOLVE ON THE PETITION OF JOHN MUNROE, IN BEHALF OF THE TOWN OF HARVARD, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A FINE LAID ON SAID TOWN. Chap. 44

*On the petition of John Munroe, in behalf of the town of Harvard, setting forth, that the said town was fined in the last tax act, for the deficiency of three soldiers, for the term of five months, in the year 1781, which soldiers were raised, as appears by the returns of the muster master,*

\* No chapter numbered 42 in Session Pamphlet.

and from the officers pay-roll under which the said men served:

*Resolved*, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *Harvard* the sum of *sixty three pounds thirteen shillings and nine pence*, in the State tax of *March* last, in full of the above mentioned fine, and the average price for procuring the said men.

*February 11, 1784.*

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### Chapter 45.

*Chap. 45* RESOLVE ON THE PETITION OF *PETER PENNIMAN*, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *MENDON*, FOR A FINE LAID ON SAID TOWN.

*On the petition of Peter Penniman, in behalf of the town of Mendon:*

*Resolved*, That the prayer of the said petition be so far granted, that the Treasurer of this Commonwealth be, and is hereby directed, to credit the said town of *Mendon*, on the last State tax, *eighteen pounds three shillings*, it being one-half of the fine laid on the said town, for their not sending a Representative the last year.

*February 11, 1784.*

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### Chapter 46.

*Chap. 46* RESOLVE ON THE PETITION OF *JOHN FAXON*, DIRECTING THE TREASURER TO PAY *TWENTY-ONE POUNDS ELEVEN SHILLINGS AND TWO PENCE*, HE GIVING SECURITY TO REIMBURSE SAID SUM.

*On the petition of John Faxon, praying, that the Treasurer of this Commonwealth may be directed to pay him the sum of twenty-one pounds eleven shillings and two pence, he having received a receipt for that sum on a collector, which has been accidentally destroyed:*

*Resolved*, That there be allowed and paid out of the public treasury to the petitioner, the said sum of *twenty-one pounds eleven shillings and two pence*, the petitioner giving security to the Treasurer to reimburse the said sum, if the said receipt should be hereafter offered in the Treasurer's office for allowance.

*February 9, 1784.*

## Chapter 47.

RESOLVE ABATING A FINE LAID ON THE TOWN OF LITTLE-  
TON, FOR NOT SENDING A REPRESENTATIVE. Chap. 47

*On the petition of the committee of the town of Littleton :  
Resolved, That the sum of forty-seven pounds seventeen  
shillings and eight pence, be abated out of the last tax to  
the town of Littleton, the said sum being for two fines  
assessed on the said town, for not sending a Representative  
to the General Court, for reasons set forth in the said peti-  
tion.*

*February 11, 1784.*

## Chapter 48.

RESOLVE ON THE REPRESENTATION OF LIEUTENANT WIL-  
LIAM CLARK, DIRECTING THE COMMISSARY TO DELIVER Chap. 48  
HIM CERTAIN ARTICLES FOR SUPPLIES IN 1780.

*Whereas it appears to this Court, from a certificate under  
the hand of Brigadier General Wadsworth, that in the  
year 1780, Lieutenant William Clark did supply twelve  
men in the Continental service with thirteen days rations,  
and some other articles, and has not received any pay:—  
Therefore*

*Resolved, That the Commissary General of this Com-  
monwealth be, and he is hereby directed to deliver to  
Lieutenant William Clark, one hundred and sixty-nine  
Continental rations, six pounds and a half of gun powder,  
nineteen and a half pounds of lead, and two dozen of flints,  
in full for his supplying twelve men in the year 1780, who  
were then in the service of the United States of America,  
with the said rations, and the other enumerated articles,  
and to charge the same to the said United States.*

*February 11, 1784.*

## Chapter 49.

RESOLVE ENTITLING JONATHAN WARNER TO RECEIVE ONE-  
THIRD PAY AS A LIEUTENANT. Chap. 49

*On the representation of John Lucas, Commissary of  
Pensioners, in behalf of Jonathan Warner, who served in  
Colonel Israel Chapin's regiment as a Lieutenant, was  
wounded at Saratoga, October 11, 1777, by which wound  
he was disabled for five months following performing the  
business of his occupation, as appears by his certificates :*

*Resolved*, That the said *Jonathan Warner* be, and he hereby is intitled to receive one-third part pay as a Lieutenant, from the time of his discharge, which was on the 19th *October*, 1777, until the 19th *October*, 1778.

*February 11, 1784.*

### Chapter 50.

*Chap. 50* A GRANT OF TWELVE POUNDS TWO SHILLINGS TO SCIPIO PURNAM.

*On the petition of Scipio Purnam :*

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the public treasury of this State, *twelve pounds two shillings*, in full for his nursing and victualing *Samuel Lancaster*, a soldier in Captain *William H. Ballard's* company, who was wounded at *Bunker Hill*, and *Robert Marshal*, a soldier in Captain *Ezra Lunt's* company, who was wounded at *Plow'd Hill*, eight weeks.

*February 11, 1784.*

### Chapter 51.

*Chap. 51* RESOLVE APPOINTING MESSRS. JOHN DEMING, THOMAS WALLEY, AND PETER BOYER, TO RECEIVE OF WILLIAM WAIT, THE SUM OF FOUR HUNDRED THIRTY-ONE POUNDS, OLD CONTINENTAL CURRENCY, BEING A BALANCE OF HIS ACCOUNT AS COMMISSARY AT WINTER HILL.

*Resolved*, That Messrs. *John Deming*, *Thomas Walley*, and *Peter Boyer*, be, and they hereby are appointed a committee to receive the sum of *four hundred and thirty-one pounds*, in old Continental currency, of *William Wait*, late a commissary at *Winter Hill*, being the balance of his account; and give the said *Wait* a receipt therefor, and pay the same into the treasury of this Commonwealth, taking duplicate receipts for the said sum, one of which to be lodged in the Secretary's office.

*February 12, 1784.*

### Chapter 52.

*Chap. 52* RESOLVE ON THE PETITION OF THE TOWN OF SANDWICH, EMPOWERING NATHAN NYE, JUN. TO COLLECT ALL TAXES ASSESSED ON THE SAID TOWN.

*Upon the petition of the town of Sandwich, praying that Nathan Nye, jun. may be empowered to collect the taxes assessed on the said town for the year 1782 :*

*Resolved*, That *Nathan Nye*, jun. be, and hereby is established as collector of all the taxes assessed on the inhabitants of the said town of *Sandwich* for the year 1782; and the Treasurer of this Commonwealth is hereby directed to issue his warrants to the said collector, in order to enable him to collect the said taxes, in the same manner as if the time had not elapsed wherein the said town ought to have chosen collectors for the said year, any law to the contrary notwithstanding.

*February 12, 1784.*

### Chapter 53.

RESOLVE ON THE PETITION OF *JOHN READ*, AND OTHERS, AGENTS FOR THE TOWN OF *BEDFORD*, ABATING A FINE SET ON SAID TOWN. *Chap. 53*

*On the petition of John Read, John Webber, and John Meriam, agents for the town of Bedford, praying for the abatement of a fine set on the said town, for not sending a Representative the last year:*

*Resolved*, That the prayer of the said petition be granted, and that the Treasurer be directed to credit the said town of *Bedford*, the sum of *eleven pounds*, being for the fine set on the said town.

*February 12, 1784.*

### Chapter 54.

RESOLVE APPOINTING A COMMITTEE TO DISPOSE OF THE MANUFACTORY HOUSE IN *BOSTON*. *Chap. 54*

*Resolved*, That *Samuel Phillips*, jun. *Caleb Davis* and *John Rowe*, Esquires, be a committee to make sale of the Manufactory house, so called, in the town of *Boston*, with the land thereto belonging, being the property of this Commonwealth, at public auction, or by private sale, as they shall judge will be most for the public advantage: and receive and pay the monies arising from such sale, into the treasury of this Commonwealth, taking duplicate receipts therefor, and lodging one of the said receipts in the Secretary's office. And the said committee are hereby authorized and empowered to give a good and sufficient deed or deeds of the same, in behalf of this Commonwealth.

*February 13, 1784.*

## Chapter 54 A.\*

- Ch. 54 A RESOLVE REQUESTING THE GOVERNOR, TO TAKE MEASURES FOR RECOVERY OF RECORDS OF PROBATE OFFICE, SUFFOLK COUNTY SAID TO BE IN POSSESSION OF FOSTER HUTCHINSON.

*Resolved*, That the Governor of this Commonwealth, be requested to take such Measures for the Speedy Recovery of the Records of the Probate Office, of the County of *Suffolk*, said to be in the Possession of *Foster Hutchinson Esq*, of *Halifax*, as he may judge necessary.

*February 13, 1784.*

## Chapter 55.

- Chap. 55 RESOLVE ON THE PETITION OF A COMMITTEE IN BEHALF OF THE TOWN OF NEW BRAINTREE, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A FINE LAID ON SAID TOWN.

*On the petition of a committee in behalf of the town of New Braintree, setting forth, that the said town was fined in the last State tax for not sending a Representative in the year 1782, praying that the same may be abated, for reasons set forth in their petition:*

*Resolved*, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of *New Braintree eleven pounds*, in the last State tax, being about half the fine laid on the said town for not sending a Representative in the year 1782.

*February 16, 1784.*

## Chapter 56.

- Chap. 56 RESOLVE ON THE PETITION OF BENJAMIN BROWN, IN BEHALF OF THE TOWN OF LEXINGTON, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A FINE.

*On the petition of Benjamin Brown, in behalf of the town of Lexington, setting forth, that the said town was fined in the last tax act, the sum of thirty-two pounds, for not sending a Representative for the year 1782, and praying an abatement of the said fine:*

*Resolved*, That the prayer thereof be granted, and the Treasurer of this Commonwealth is directed to credit the

\* Not printed in Session Pamphlet.

town of *Lexington* the aforesaid sum of *thirty-two pounds*,  
on the last State tax.

*February 16, 1784.*

### Chapter 57.

RESOLVE ON THE PETITION OF *SETH NEWTON*, IN BEHALF Chap. 57  
OF THE TOWN OF *SOUTHBOROUGH*, ABATING A FINE LAID  
ON SAID TOWN.

*On the petition of Seth Newton, in behalf of the town of Southborough, setting forth, that the said town was fined in the last tax act, the sum of twenty-seven pounds, for not sending a Representative for the year 1782:*

*Resolved.* That the prayer thereof be so far granted, that the said town of *Southborough* be abated one-half of the fine set on them for not sending a Representative for the year 1782; and the Treasurer of this Commonwealth is directed to credit the said town of *Southborough* the sum of *thirteen pounds ten shillings*, out of the last State tax.

*February 16, 1784.*

### Chapter 58.

RESOLVE DIRECTING THE COMMITTEE FOR EXAMINING AND Chap. 58  
SETTLING THE ACCOUNTS OF THE LATE TREASURER *GARDNER*. TO CARRY OUT IN SPECIE THE BALANCE DUE FROM  
SEVERAL TOWNS CONTAINED IN THEIR REPRESENTATION,  
ESTIMATING CERTAIN BALANCES IN PAPER MONEY, AND  
TO GIVE NOTICE TO DELINQUENT TOWNS.

*Resolved.* That the committee for examining and settling the accounts of the late Treasurer *Gardner*, be, and they are hereby directed, to carry out in specie the balance due from the several towns, as contained in the representation made by the said committee to the General Court, in their present sessions, estimating such balances as were due in paper currency, agreeable to the scale of depreciation, at the time they became due, and deliver the same, as soon as may be, to the Treasurer of the Commonwealth, who is hereby directed to charge himself with such balances, and give immediate notice to such towns as shall appear to be delinquent, and to issue his execution against the collectors of such of the said towns as shall neglect or delay to pay into the treasury their respective balances, within three months after notice given as aforesaid.

*February 16, 1784.*

## Chapter 60\*.

- Chap. 60* RESOLVE ON THE PETITION OF *BAZALEEL TAFT*, IN BEHALF OF THE INHABITANTS OF THE TOWN OF *UXBRIDGE*, ABATING SAID TOWN *SIXTEEN POUNDS SEVENTEEN SHILLINGS AND ONE PENNY*, IN THEIR LAST TAX.

*On the petition of Bazaleel Taft, in behalf of the inhabitants of the town of Uxbridge :*

*Resolved*, That the town of *Uxbridge* be abated the sum of *sixteen pounds seventeen shillings and one penny*, being one-half the fine that was laid upon the said town for not sending a member to the General Court the last year ; and that the Treasurer be, and he hereby is directed, to remit the aforesaid sum to the said town of *Uxbridge* in the last State tax accordingly. *February 16, 1784.*

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## Chapter 61.

- Chap. 61* RESOLVE GRANTING A TAX OF *TWO THOUSAND POUNDS*, TO BE ASSESSED ON THE POLLS AND ESTATES WITHIN THE COUNTY OF *SUFFOLK*, FOR DEFRAYING THE CHARGES OF SAID COUNTY.

*Whereas it appears to this Court, from the representation and estimate of the Justices of the Court of General Sessions of the Peace for the county of Suffolk, that it is necessary that the sum of two thousand pounds should be raised in the said county, for the purpose of discharging the debts and defraying the charges of the said county :*

Therefore *Resolved*, That there be, and hereby is granted, a tax of *two thousand pounds*, to be levied on the polls and estates, both real and personal, within the said county of *Suffolk*. And the clerk of the Court of General Sessions of the Peace for the said county, is hereby empowered to apportion the said sum upon the several towns and districts within the said county, in the manner pointed out by the law of this Commonwealth, and to issue his warrants to the assessors of the said towns and districts for the assessment of the same. *February 16, 1784.*

\* No chapter numbered 59 in Session Pamphlet.



## Chapter 62.

RESOLVE ON THE PETITION OF *LYDIA TRASK*, ADMINISTRATRIX ON THE ESTATE OF *JOSEPH TRASK*, EMPOWERING HER TO MAKE SALE OF CERTAIN LAND. Chap. 62

*On the petition of Lydia Trask, administratrix of the goods and estate of Joseph Trask, late of Sudbury, deceased, intestate, praying for liberty to sell about one acre of land, lying in Beverly, in the county of Essex, for reasons set forth in the said petition:*

*Resolved*, That the prayer of the said petition be granted, and that the said *Lydia* be, and is hereby empowered, to make sale of the said land for the most the same will fetch, she observing the rules and directions of the law to executors and administrators for sale of lands, and giving bonds to the Judge of Probate for the county of *Essex*, that the monies arising from the said sale (except so much as is necessary to pay the said *Joseph's* debts, and her own proportion thereof) be paid to the heirs of the said *Joseph*, in due proportion, when they shall respectively arrive to be of the age of twenty-one years, together with the interest thereof, and to execute a good and sufficient deed or deeds of the said land accordingly, the petitioner first making it appear to the Judge of Probate for the county of *Essex*, that she is the lawful administratrix of the goods and estate of the said *Joseph Trask*.

*February 16, 1784.*

## Chapter 63.

RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF THE COUNTY OF *SUFFOLK*. Chap. 63

*Whereas it appears from an examination of the Treasurer's accounts for the county of Suffolk, that all the monies granted and allowed by the Court of General Sessions of the Peace, for the said county, were for such purposes and appropriations as the law impowered said Court to grant, and that the said accounts are right cast and well vouched:*

*Therefore*

*Resolved*, That the said accounts be allowed.

*February 16, 1784.*

## Chapter 64.

*Chap.* 64 RESOLVE ON THE PETITION OF JUDITH FRANCIS, ADMINISTRATRIX UPON THE ESTATE OF COLONEL FRANCIS, DECEASED, DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS TO CREDIT SAID ESTATE WITH A CERTAIN SUM OF MONEY IN THE SETTLEMENT OF HIS ACCOUNT.

*On the petition of Judith Francis, administratrix upon the estate of Colonel Ebenezer Francis, deceased:*

*Whereas the estate of the late Col. Ebenezer Francis, stands charged to this Commonwealth, the sum of eleven hundred and sixty-seven pounds three shillings and ten pence, being money he received for the use of the regiment which was under his command: And whereas the said Col. Francis was killed in the battle of Hubbardston, and his baggage and papers fell into the hands of the enemy, wherefore it is not in the power of the said administratrix to exhibit the proper vouchers of the payment of the said money; but it appears to this Court, from papers accompanying the said petition, that the said Col. Francis, previous to his death, had applied the greatest part of the said money to the purposes for which he received it, and that the remainder must have fallen into the hands of the enemy:*

Therefore Resolved, That the committee for methodizing and stating the public accounts be, and they hereby are directed, to place to the credit of the estate of the said Col. Francis, the said sum of eleven hundred and sixty-seven pounds three shillings and ten pence, and to govern themselves accordingly in the settlement of the accounts with the said estate, the said administratrix first lodging with the said committee, such certificates as it may be in her power to obtain from the officers who belonged to the regiment which was commanded by the said Colonel Francis, at the time he was killed, that they received their subsistence money of him. And the Secretary is also hereby directed, to deliver to the said committee the papers accompanying the petition aforesaid, to be used by them as vouchers in the settlement of the accounts of this Commonwealth against the United States. *February 16, 1784.*

## Chapter 65.

RESOLVE EMPOWERING COLLECTORS OF TAXES PREVIOUS TO 1775, TO COLLECT THE TAXES COMMITTED TO THEM TO COLLECT BY HARRISON GRAY, ESQ; TREASURER; WITH DIRECTIONS TO THE PRESENT TREASURER HOW TO PROCEED AGAINST SUCH DELINQUENT COLLECTORS, DEFICIENT TOWNS, &c. &c. Chap. 65

*Whereas it appears, from the books of Harrison Gray, Esq; late Treasurer of the Province of the Massachusetts-Bay, now Commonwealth of Massachusetts, that certain collectors who were, by warrants issued under the seal of the said Province, empowered and directed to collect public taxes granted previous to the year 1775, have neglected to compleat their respective collections, and to make a final settlement of their accounts with the Treasurer of this Commonwealth.*

*Resolved,* That all collectors within this Commonwealth, who were empowered and directed to collect public taxes granted previous to the year one thousand seven hundred and seventy-five, by warrants issued under the seal aforesaid, be, and they hereby are as fully and amply authorized and empowered to compleat their respective collections of the same, by virtue of the said warrants, as collectors now are authorized and empowered to collect public taxes by virtue of warrants issued under the seal of this Commonwealth.

*Resolved,* That the Treasurer of this Commonwealth be, and he hereby is empowered and directed, to proceed in the same manner against such deficient collectors, in order to bring them to a settlement of their accounts, as against other deficient collectors.

*And whereas returns have not as yet been made into the Treasurer's office (according to law) that certain taxes, granted and apportioned upon divers towns, districts, and plantations within this Commonwealth, previous to the year one thousand seven hundred and seventy-five, have ever been assessed upon the inhabitants of such towns, districts, and plantations, by the assessors thereof: — Therefore*

*Resolved,* That the Treasurer be, and he is hereby directed, to ascertain the sums which are due from the deficient towns, districts and plantations, which have made no returns as aforesaid, and to issue his warrant to the assessors of each of the said towns, districts and plantations, for the time being, by an assessment to apportion on

the said towns, districts and plantations, the sums due from them respectively, according to the rules prescribed by the last State tax act, excepting that in the said assessment a sum shall be set on each poll greater or less than the sum set on a poll by the said tax act, in proportion as the sum, in regard to which each of such towns, districts or plantations, shall be found deficient, shall be greater or less than the said towns, districts or plantations, proportion of *two hundred thousand pounds*, as apportioned on them by the said act, the Treasurer in his said warrants, to direct that returns be made into the Treasurer's office, of such assessments, and of the names of the persons to whom the collection thereof is committed, without delay; and the Treasurer is hereby further directed to order in his said warrants, that, in case any of the sums aforementioned have been already assessed, returns be made into the Treasurer's office of such assessment or assessments, and of the names of the persons to whom the collection thereof has been committed, as soon as may be practicable.

February 18, 1784.

### Chapter 66.

*Chap. 66* RESOLVE FOR DIVIDING THE COUNTY OF ESSEX INTO TWO DISTRICTS, AND FOR APPOINTING COLLECTORS OF EXCISE FOR EACH DISTRICT, &c.

*Whereas there is a great extent of sea coast, and many considerable maritime towns in the county of Essex, and it appears probable that more monies would come into the treasury of this Commonwealth, from the duties of impost and excise, in a collection thereof, by having two Collectors in the said county, than by the present mode by one Collector only:*

*Resolved, That the said county of Essex, so far only as the collection of the duties of impost and excise is concerned, from and after the 15th day of May next, ensuing, be, and hereby is declared to be divided into two districts, viz. an eastern and a western district, and that the towns of Salisbury, Amesbury, Newburyport, Newbury, Bradford, Haverhill, Rowley, Ipswich, Methuen, and Boxford, be, and hereby are declared to be the Eastern district, and that the towns of Salem, Marblehead, Lynn, Lynnfield, Danvers, Beverly, Wenham, Andover, Gloucester, Manchester, Middletown, and Topsfield, be, and hereby are declared to*

be the Western district, and that there be annually chosen and appointed, a suitable person as a Collector of the duties of impost and excise for each of the said districts, agreeably to the laws of this Commonwealth, for the choice and appointment of Collectors of the duties of impost and excise, for the several counties within the same, and that each of the said Collectors for the said districts, in the said county of *Essex*, from and after the said fifteenth day of *May* next, shall be subject in all things to similar obligations, and vested with similar powers and privileges in his said office of a Collector, to those of the several Collectors of the duties of impost and excise, chosen and appointed to, and in the several counties of this Commonwealth, except that until the fifteenth day of *May* next, the present Collector of Excise for the said county, or whoever else may be appointed for the western district in his room, shall have the same power of receiving all monies which may become due, or for which bond may be given in the said county, for the duties of impost and excise, and of settling all his accounts, and to be accountable in every respect for every matter that has any relation to his office, that may occur before the said fifteenth day of *May* next, in the same manner as though the county had not been divided into districts as aforesaid. *February 18, 1784.*

### Chapter 67.

LETTER TO THE DELEGATES FROM THIS STATE IN CONGRESS, RESPECTING CONDUCTORS OF OX TEAMS, IN THE YEAR 1781; AND REQUESTING THE GOVERNOR TO SIGN AND FORWARD A COPY TO THE DELEGATES. *Chap. 67*

GENTLEMEN,

The conductors of ox teams belonging to this Commonwealth, who were employed by the Quarter Master General of the army, at the particular request of the Commander in Chief, in the campaign of 1781, by their memorial of the 22d ultimo, addressed to the Legislature of this Commonwealth, represent, that notwithstanding more than two years have elapsed since they were entitled to the benefit of their contracts with the said Quarter Master General; and though regular applications have been made in the interim to Congress, and to the Superintendent of Finance, for the above purpose, yet they have never been able to obtain any compensation for their ser-

vices, though the citizens of other States, who were employed in the business of transportation for the army in the same year, and for the same important and successful expedition at *York Town*, have long since received the stipulated reward for their services and losses, through the said Superintendent of Finance; and in terms equally just and affecting, describe the pointed distresses arising from various causes, which they have already experienced, particularly from their being so long deprived of their just dues, and from the pressing importunity of the under contractors, very many of whom have instituted suits at law against the said conductors, in order to compel them to a discharge of the debts due to them for teaming, and others of the said under contractors threaten them with a similar fate, which must inevitably involve them and their families in total ruin, unless they are very speedily enabled to pay off the said under contractors; and conclude by praying, that the sums due to them respectively, agreeable to their several contracts with the said Quarter Master General, amounting in the whole to something more than *fifteen thousand pounds*, may be paid them out of the public treasury of this Commonwealth, and charged to the United States: But though conscious of the important services rendered the United States by the said teams, and deeply impressed by a sense of the complicated distresses to which the said conductors and their families are likely to be reduced, from this delay of public justice; yet, in the present state of our internal finance, the Legislature are unable to grant them the wished for relief, in any other way than by deducting the amount of the sums due to them respectively, out of this State's quota of the Continental tax, now coming into the treasury. You are therefore directed to propose and urge this measure to Congress, as a tribute due to justice and to merit; but if it should be rejected as inadmissible, you are then to use your utmost influence with that honorable body, that some immediate and efficacious step may be taken for the relief of those unhappy sufferers.

Read and accepted, and thereupon *Ordered*, That a fair copy of the above letter be taken; and that the Governor be requested to transmit the same, directed to the Delegates of this Commonwealth in Congress.

*February 18, 1784.*

## Chapter 68.

RESOLVE ON THE PETITION OF NATHANIEL WAIT, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, THE SECOND WEDNESDAY OF THE NEXT GENERAL COURT. Chap. 68

*On the petition of Nathaniel Wait, setting forth, that George Fecham unduly obtained a judgment against him, at the Court of Common Pleas held at Cambridge, in and for the county of Middlesex, in November last, and praying that the said execution may be stayed, for reasons set forth in the said petition:*

*Resolved,* That the petitioner notify the adverse party, by serving him with an attested copy of the said petition, and this order thereon, fourteen days previous to the second Wednesday of the next sitting of the General Court, to shew cause (if any he should have) on the said day, why the prayer of the said petition should not be granted; and that the said execution be stayed in the mean time.

*February 20, 1784.*

## Chapter 69.

RESOLVE ON THE PETITION OF DAVID MEAD, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. THE SECOND TUESDAY OF MARCH NEXT. Chap. 69

*On the petition of David Mead, praying for a new trial on a certain reference therein mentioned, for reasons set forth in the said petition:*

*Resolved,* That *David Mead* serve *Matthew Mead* and *Joshua Mead* (named in his said petition) with an attested copy of his petition, and this order thereon, six days at least before the second Tuesday of *March* next, that they may shew cause, (if any they have) on the said Tuesday, why the prayer of the said petition should not be granted; and that the execution issued in consequence of the said judgment, be stayed till the final decision of the General Court on the premises.

*February 20, 1784.*

## Chapter 70.

*Chap. 70* RESOLVE ON THE PETITION OF JONATHAN BROWN, IN BEHALF OF THE TOWN OF WATERTOWN, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN EIGHTEEN POUNDS, ON THE STATE TAX, BEING HALF OF THE FINE LAID UPON THE SAID TOWN FOR NOT SENDING A REPRESENTATIVE THE LAST YEAR.

*On the petition of Jonathan Brown, in behalf of the town of Watertown :*

*Resolved,* That the Treasurer of this Commonwealth be, and he is hereby authorized and directed, to credit to the town of *Watertown*, the sum of *eighteen pounds* on the last State tax, being one-half of the fine laid upon the said town, for not sending a representative the last year to the General Court.

*February 21, 1784.*

## Chapter 71.

*Chap. 71* RESOLVE ON THE PETITION OF JOHN DUNSMORE, ALLOWING HIM FIFTY POUNDS TO ENABLE JABEZ HATCH, ESQ; LATE D. Q. M. G. OR SOME OTHER PERSON APPOINTED BY HIM, TO PROCEED TO CONGRESS, TO SOLICIT PAYMENT FOR CERTAIN DEBTS CONTRACTED IN THE TRANSPORTATION OF STORES TO THE ARMY, AND TO GIVE HIS OBLIGATION TO REPAY THE SAME.

*On the petition of John Dunsmore and Joseph McClintock, late conductors of teams, shewing their peculiar difficulties and distresses, in consequence of a number of executions gone forth against them, in favour of sundry persons whom they had employed in the Continental Army as teamsters, and for services done for the Continent, for which they gave their personal obligations, and have not been able to this day to obtain any pay for the same, and therefore praying under their great distress, that this General Court would afford them relief or grant them a sum of money, that they might thereby be enabled to proceed to Congress to solicit the payment of their just debts :*

*Resolved,* That the prayer of the petition be so far granted, that there be allowed and paid out of the public treasury, the sum of *fifty pounds* unto *Jabez Hatch*, late Deputy Quarter Master General, to enable him, or such person as he shall appoint, to proceed to Congress for the purpose of soliciting payment of the debts mentioned in the petition, and those referred to in a letter from this Court, to the delegates in Congress on the subject ; the



said *Jabez Hatch*, or the petitioners, giving to the Treasurer of this Commonwealth his or their obligation, to repay the same within three months from the date hereof.

*February 21, 1784.*

## Chapter 72.

RESOLVE DIRECTING TOWNS WHO HAVE NOT RETURNED DUPLICATE RECEIPTS OF BEEF, TO EXHIBIT THEM TO THE GOVERNOR AND COUNCIL, AND ALLOWING A FURTHER TIME FOR SAID RETURN IN CASE OF NEGLECT.

*Chap. 72*

*Whereas it appears to this Court, that several towns in this Commonwealth, have actually procured, in part or in full, their quotas of beef, required by the several resolves of September the 25th, and December the 4th, 1780, and June the 22d, 1781, but through inattention or mistake, have not returned the necessary duplicate receipts into the Secretary's office, as pointed out in the several resolves for apportioning the same, which neglect has occasioned executions being issued against the said towns, by the Treasurer of this Commonwealth: — Therefore*

*Resolved, That those towns who have heretofore neglected to return their duplicate receipts into the Secretary's office, as aforesaid, have liberty to exhibit them to the Governor and Council, (the resolve of July the 10th, 1783, limiting the time of exhibiting the said duplicate receipts to the first day of November then following, notwithstanding, provided such receipts are so exhibited on or before the first day of July next) and the Governor and Council are hereby empowered to receive and examine the same, and when, and so often as it shall appear to them that any town has either in part or fully complied with the requisitions aforesaid, that in every such case the Governor with advice of Council be, and hereby is empowered, to give the said town a certificate for the sum such town shall have actually paid, which has not been already considered and credited, which certificate shall be received by the Sheriff in discharge of the execution, in part or in full, as the case may be, and the Treasurer is directed to govern himself accordingly; such negligent town paying the cost which has arisen in consequence of such neglect, excepting only in such cases where the said executions have been occasioned by mistake in the apportioning of such beef, in every such case the cost of*

execution shall be paid by the Commonwealth, any resolve to the contrary notwithstanding. *February 21, 1784.*

### Chapter 73.

*Chap. 73* RESOLVE ON THE PETITION OF JAMES WITHERELL, AND JOSHUA PRAY, EMPOWERING THE COURT OF SESSIONS IN THE COUNTY OF YORK, RELATIVE TO TAXES.

*On the petition of James Witherell, and Joshua Pray :*

*Whereas it appears to this Court, that there remains due to James Witherell, collector of Lebanon, in the county of York, for the year one thousand seven hundred and seventy-nine, and one thousand seven hundred and eighty, the sum of seventy three pounds sixteen shillings and five pence, from the inhabitants of the plantation of Shapleighton, and that there remains due to John Pray, collector of the same town, for the years one thousand seven hundred and eighty-one, and one thousand seven hundred and eighty-two, the sum of three hundred and sixty-four pounds thirteen shillings and four pence, from the said inhabitants, who, in all the years aforesaid, were taxed as adjacents to the said town of Lebanon: And whereas it appears that the said collectors are, and have been unable to collect the sums aforesaid, to them respectively committed, which inability as has been represented to this Court, arises from the said inhabitants being over rated in the years aforesaid, by the said town. Therefore*

*Resolved,* That execution against the said collectors as to the sum aforesaid, to them respectively due as aforesaid, be suspended until the first day of *November* next. And it is further

*Resolved,* That the Court of General Sessions of the Peace within and for the said county, are authorized and empowered, upon application to them made by any of the said inhabitants, (at or before their sessions in the month of *October* next) who have not paid their taxes due as aforesaid, to abate him or them so applying the whole or such proportion of his or their taxes respectively, as the said Court may judge equitable, notwithstanding the neglect of the said inhabitants or any of them, in not giving in their valuation to the assessors of the said town. And it is further

*Resolved,* That all such sums as may be abated the said inhabitants as aforesaid, shall be assessed upon the inhabi-

tants of the said town of *Lebanon*, in the next tax which may be assessed upon the people of this Commonwealth, by the General Court after the said session of the Court of General Sessions of the Peace aforesaid, or as soon afterwards as may be convenient, in addition to the said town's ordinary proportion of such tax: In order to which assessment, it is further

*Resolved*, That the Clerk of the said Court of General Sessions of the Peace, is hereby directed to keep an exact account of all sums that may be abated the said inhabitants, or any of them as aforesaid, and transmit an attested copy thereof as soon as may be, to the Secretary of this Commonwealth. And it is further

*Resolved*, That the said collectors nor either of them, shall collect any of the taxes aforesaid, from any of the said inhabitants, unless by their own consent, until after the close of the said session of the Court of General Sessions of the Peace.

*February 23, 1784.*

#### Chapter 74.

RESOLVE ON THE PETITION OF NATHANIEL DICKENSON, JUN. *Chap. 74*  
IN BEHALF OF THE TOWN OF AMHERST, ABATING A FINE  
LAID ON THE SAID TOWN.

*On the petition of Nathaniel Dickenson, jun. in behalf of the town of Amherst, setting forth, that the said town of Amherst was fined in the last State tax, the sum of twenty-eight pounds six shillings and eight pence, praying that the same may be abated, for reasons set forth in his petition:*

*Resolved*, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said town of *Amherst*, in the last State tax, one-half of the sum laid on said town, for not sending a representative in the year 1782.

*February 23, 1784.*

#### Chapter 75.

RESOLVE ALLOWING WILLIAM BUCKMINSTER, A PENSIONER *Chap. 75*  
ONE EIGHTH PAY, TO COMMENCE THE 22d FEBRUARY, 1782.

*On the representation of John Lucas, Commissary of Pensioners, in behalf of William Buckminster, Lieutenant-Colonel, who on the 17th of June, 1775, on the*

*heights of Charlestown, received a wound in his right shoulder, whereby he has in a great measure lost the use of the said shoulder joint:*

*Resolved*, That the said *William Buckminster*, be allowed a pension of one-eighth pay, to commence the 22d of *February*, A. D. 1782, the said pension to continue until the further order of the General Court, or order of Congress.

*February 23, 1784.*

### Chapter 76.

**Chap. 76** RESOLVE ON THE PETITION OF JOSEPH BOWMAN, ESQ; IN BEHALF OF THE TOWN OF NEW BRAINTREE, ABATING A FINE LAID ON THE SAID TOWN.

*On the petition of Joseph Bowman, Esq; in behalf of the town of New Braintree, setting forth, that the town was fined in the last State tax for a deficiency of two five months men, praying that the same may be abated, and they allowed the bounty for the said two men, for reasons set forth in his petition:*

*Whereas it appears to this Court, that the town of New Braintree did actually raise and march the whole number of men required of the said town, by a resolve of the 30th of June, 1781:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *New Braintree* forty-two pounds nine shillings and three-pence, in the last State-tax, it being the fine and bounty for two five months men.

*February 23, 1784.*

### Chapter 77.

**Chap. 77** RESOLVE ON THE PETITION OF JAMES STONE, IN BEHALF OF THE TOWN OF WESTERN, REMITTING A FINE LAID ON SAID TOWN.

*On the petition of James Stone, in behalf of the town of Western, setting forth, that the said town was fined in the last State tax, the sum of forty-three pounds eight shillings, for not sending a Representative, praying that the same may be abated, for reasons set forth in his petition:*

*Resolved*, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of *Western* in the last State tax, the sum of fourteen pounds nine shillings and four pence, being one-third part of the above said fine.

*February 23, 1784.*

## Chapter 78.

RESOLVE ON THE PETITION OF JONATHAN WORTHINGTON. *Chap. 78*

*On the petition of Jonathan Worthington, praying that he may be enabled to enter his action mentioned in his petition, against Joseph Pease, the same being discontinued:*

*Resolved,* That the said *Jonathan* serve the said *Joseph* with a copy of his petition, and this resolve on the same (the said service to be made by delivery thereof to him, or leaving them at his last and usual place of abode) fourteen days before the next sitting of the Court of Common Pleas in the county of *Hampshire*, at which term (the said *Joseph* being served with the said copy in manner as aforesaid) the Justices of the said Court, on the motion of the said *Jonathan*, shall order the entry of the said action, unless the said *Joseph* shall then and there make it appear to the said Justices that such entry is inconsistent with the evident principles of justice and equity; and on entry of the said action, the said Justices shall proceed therein to final judgment and execution, and may consider of the report of the referees, in as ample a manner as they might have done, had the said action never have been discontinued.

*February 23, 1784.*

## Chapter 79.

RESOLVE ON THE PETITION OF THE TOWNS OF BARNSTABLE, SANDWICH AND FALMOUTH, DIRECTING THE TREASURER *Chap. 79*

TO STAY EXECUTIONS AGAINST SAID TOWNS, FOR HALF THEIR TAXES, TO THE FIRST OF JANUARY NEXT; AND AGAINST THE CONSTABLES AND COLLECTORS OF YARMOUTH, AND OTHER TOWNS, FOR THREE FOURTHS, UNTIL.

*Resolved,* That the Treasurer of this Commonwealth be, and he is hereby directed, to stay executions against the constables and collectors of the towns of *Barnstable*, *Sandwich* and *Falmouth*, for one half of each of the public taxes now against them, until the first day of *January* next.

And it is further *Resolved,* That the said Treasurer is directed to stay execution against the constables and collectors of the towns of *Yarmouth*, *Eastham*, *Chatham*, *Harwich* and *Truro*, for three-fourths of each of the public taxes now against them, until the first day of *January* next, any act or resolve to the contrary notwithstanding.

*February 24, 1784.*

## Chapter 80.

*Chap. 80* RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF PLYMOUTH.

*On the accounts of the Treasurer of the county of Plymouth :*

*Whereas it appears to this Court, that the monies mentioned in the said accounts, have been appropriated agreeably to the law :*

Therefore *Resolved*, That the said accounts be, and they hereby are allowed. *February 25. 1784.*

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## Chapter 81.

*Chap. 81* A GRANT OF THREE HUNDRED POUNDS, FOR THE PURPOSE OF DEFRAYING THE EXPENCE OF THE PUBLIC ENTERTAINMENT ON FRIDAY NEXT.

*Resolved*. That his Excellency the Governor be, and he hereby is requested, with the consent of Council, to make his warrant on the Treasurer of this Commonwealth, for the payment of a sum not exceeding *three hundred pounds*, to defray the expence of the public entertainment on Friday next. *February 25. 1784.*

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## Chapter 82.

*Chap. 82* RESOLVE ON THE PETITION OF THOMAS JONES, IN BEHALF OF THE TOWN OF HULL, ABATING ONE-HALF THE DEFICIENCIES OF BEEF LAID ON SAID TOWN.

*Upon the petition of Thomas Jones, in behalf of the town of Hull, praying that the said town may be abated their deficiency of the several requisitions for beef, for reasons set forth in his petition :*

*Resolved*. That the prayer be so far granted, as that the sum of *twenty eight pounds and sixteen shillings*, be abated the said town of *Hull*, the same being one-half of what is still due from the said town of *Hull*, on account of the several requisitions made on them for beef; and that the Treasurer be, and he is hereby directed, to credit the said town of *Hull* with the aforesaid sum of *twenty-eight pounds and sixteen shillings*, accordingly. *February 26. 1784.*

## Chapter 83.

A GRANT OF FOUR POUNDS TEN SHILLINGS TO JOHNSON MOULTON, ESQ; SHERIFF OF THE COUNTY OF YORK. *Chap. 83*

*On the petition of Johnson Moulton, Sheriff of the county of York, setting forth, that four British prisoners having been committed to him, taken at Biddeford, were by him committed to the goal in York, in said county, and there kept them two days, and afterwards conveyed said prisoners to the goal in Newbury Port, and praying to be allowed ten pounds four shillings and six-pence :*

*Resolved,* That the prayer of the petition be so far granted, as that *four pounds ten shillings* be allowed and paid out of the treasury of this Commonwealth, to the said *Johnson Moulton*, as a full reward for the above mentioned service.

*February 26, 1784.*

## Chapter 84.

A GRANT OF TEN POUNDS TO SIMEON ANDRES, FOR SERVICE IN CAPTAIN LINCOLN'S COMPANY. *Chap. 84*

*On the petition of Simeon Andres, praying for wages due to him for his service as a soldier, in Captain Lincoln's company :*

*Resolved,* That there be allowed and paid to *Simeon Andres*, out of the treasury of this Commonwealth, the sum of *ten pounds*, in full for his service while in *Captain Lincoln's* company, his being left out of the pay roll notwithstanding.

*February 26, 1784.*

## Chapter 85.

A GRANT OF TWENTY TWO POUNDS NINE SHILLINGS TO BENJAMIN HOOPER, IN BEHALF OF THE TOWN OF BIDDEFORD. *Chap. 85*

*On the petition of Benjamin Hooper, in behalf of the town of Biddeford, setting forth, that in the year 1782, five British prisoners were taken and brought into the said town, one of whom was wounded, and was at the expence of the said town attended with a surgeon, nurse, and necessaries, for the time of eight weeks, that four of the said prisoners were sent to the goal of the said county, for which service the petitioner prays that the town may be paid out of the treasury, the sum of thirty two pounds three shillings :*

*Resolved*, That the prayer of the petition be so far granted, as that there be allowed and paid out of the treasury of this Commonwealth, to the said town of *Biddeford*, *twenty two pounds nine shillings*, in full for the said service respecting the said five prisoners, and charge the same to the United States of *America*. *February 26, 1784.*

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### Chapter 86.

*Chap. 86* RESOLVE DIRECTING THE TREASURER TO CONSOLIDATE GOVERNMENT SECURITIES TILL JUNE NEXT.

*Whereas the business of consolidating government securities is now almost brought to a close:*

*Resolved*, That the Treasurer be, and he hereby is directed, to continue the business of consolidating government securities, and to allow the premium of four per cent. ordered by government, until the fifteenth day of *June* next, and no longer.

*Ordered*, That the Secretary publish the foregoing Resolve in Independent Chronicle printed in Boston and in the Salem, Worcester and Springfield News papers.

*February 26, 1784.*

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### Chapter 87.

*Chap. 87* RESOLVE ON THE PETITION OF *ALEXANDER CRAWFORD*, AND *JAMES BELL*, EMPOWERING THEM TO MAKE SALE OF THE ESTATE MENTIONED.

*On the petition of Alexander Crawford, and James Bell, administrators on the estate of Margaret Crawford, late of Rutland, deceased, praying for leave to sell the said estate:*

*Resolved*, That the said *Alexander* and *James*, be, and they are hereby empowered, to make sale of the said estate for the most it will fetch, and by good and sufficient deed or deeds, to convey the same to the purchaser or purchasers, in as ample a manner as it was held by the said *Margaret*, provided that the said *Alexander*, and *James*, do first give such bond to the Judge for Probate of wills, and granting administration in the county of *Worcester*, as he shall deem sufficient, conditioned that the said *Alexander*, and *James*, in the sale of the said estate, shall conform to and proceed according to the laws of this Commonwealth, touching the sale of real estates by administrators, and also to pay the proceeds of such sale into the treasury of



the said Commonwealth, except what may be accounted for on the settlement of the said estate, and the reasonable expences of sale allowed by the said Judge, and the proceeds of sale so paid into the treasury, shall be for the use of the said Commonwealth, until the heirs of the said *Margaret* shall appear.

*February 28, 1784.*

### Chapter 88.

RESOLVE ON THE PETITION OF *GEORGE WILLIAMS*, IN BEHALF OF THE TOWN OF *SALEM*, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN FOR A FINE. Chap. 88

*On the petition of Mr. George Williams, in behalf of the town of Salem, setting forth, that the said town is fined for six men, and that the said town by a resolve of Court, March 7, 1782, were ordered to raise thirty three men, and have produced receipts for twenty nine men:*

*Resolved, That the Treasurer be, and he hereby is ordered, to credit the town of Salem the sum of one hundred forty-eight pounds three shillings and four pence, being for a wrong charge of two men, as by receipts fully appears.*

*February 28, 1784.*

### Chapter 89.

RESOLVE ON THE PETITION OF *MOSES BROWN*, GIVING DIRECTIONS TO THE TREASURER IN CONSOLIDATING CERTAIN NOTES. Chap. 89

*On the petition of Moses Brown, setting forth, that he received of the Board of War, in part payment for the brig Defence, employed by this State, and lost in the expedition against Penobscot, the sum of eleven thousand six hundred and sixty-six pounds thirteen shillings and four pence, in twenty notes, dated August the fifteenth, 1779, from N<sup>o</sup>. 1. to N<sup>o</sup>. 20. inclusive, signed by H. Gardner, Treasurer, payable September the first, 1785, and designated by these words, "committee war," printed at the top thereof, and that the same were dated as aforesaid by mistake, and that the same notes ought to have been dated July 6, 1779, the day the said brig was appraised, and praying that in consolidating the same, they may be calculated and allowed, as bearing date the said sixth day of July:*

*Resolved, That the Treasurer of this Commonwealth be, and he is hereby impowered and directed, in consolidating*

the said notes, when presented therefor, to compute, allow, and calculate them in the same manner as though they bore date, or had been dated the said sixth day of *July, A. D. 1779*, and new notes to give accordingly.

*February 28, 1784.*

### Chapter 90.

- Chap. 90* RESOLVE ON THE PETITION OF *LUTHER BAILEY*, GRANTING HIM SIX POUNDS FOR DEPRECIATION ON HIS THREE MONTHS PAY FOR 1780.

*On the petition of Luther Bailey, late Captain in the second Massachusetts regiment, praying for the depreciation on his three months pay for 1780, which was received in bills of the new emission, to be made up:*

*Resolved*, That there be paid out of the public treasury of this Commonwealth, to the said *Luther Bailey*, six pounds, in full of the depreciation on the said pay.

*February 28, 1784.*

### Chapter 91.

- Chap. 91* RESOLVE ON THE PETITION OF *BENJAMIN LINCOLN, JUN.* IN BEHALF OF *THEODORE MAN*, PERMITTING HIM TO FILE HIS COMPLAINT AT THE SUPREME JUDICIAL COURT, NOW SITTING IN *BOSTON*.

*On the petition of Benjamin Lincoln, jun. in behalf of Theodore Man, setting forth, that at an Inferior Court of Common Pleas held at Boston, in the county of Suffolk, in July, one thousand seven hundred and seventy-four, the said Man recovered judgment against one Edward Brinley, of Weston, in the county of Middlesex, for the sum of eighteen pounds, lawful money, with costs of suit; from which judgment the said Edward appealed, but never prosecuted the same; and that the said Man, for reasons mentioned in his said petition, neglected to file his complaint at the Superior Court for affirmation of judgment, and praying therefore that he may now have permission to enter such complaint:*

*Resolved*, That the prayer of the said petition be granted, and that the said *Man* now have permission to enter his complaint for the affirmation of the said judgment, at the Supreme Judicial Court now holden at *Boston*, in and for the county of *Suffolk*; which Court is hereby

authorized and empowered to sustain the said complaint, and affirm the aforesaid judgment, as though the said complaint had been seasonably entered according to law.

February 28, 1784.

### Chapter 92.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF ESSEX. Chap. 92

*On the accounts of the Treasurer of the county of Essex : Whereas it appears to this Court, that the monies mentioned in the foregoing accounts, have been appropriated agreeably to the law :*

Therefore *Resolved*, That the said accounts be, and they hereby are allowed.

February 27, 1784.

### Chapter 93.

RESOLVE ON THE PETITION OF ZEBEDEE SPROUT, AGENT ON THE ESTATES OF PETER OLIVER, AND PETER OLIVER, JUN. ABSENTEES, DIRECTING THE TREASURER TO RECEIVE THE BALANCE OF HIS AGENCY. Chap. 93

*On the petition of Zebedee Sprout, agent on the estates of Peter Oliver and Peter Oliver, jun. absentees ; praying for liberty to discharge himself of the balance due from the said agent, unto this Commonwealth, on the monies vested in his hands, arising on the sales and leasing of those estates in paper money, in bills of the old emissions, the time for the said bills being in circulation, and for said agent's settling his balance therewith, being elapsed, notwithstanding, for reasons set forth in the said petition, and papers accompanying the same :*

*Resolved*, That Zebedee Sprout, agent, as aforesaid, do pay into the treasury of this Commonwealth, the full balance of his accounts in his said agency, as it shall appear to the said Treasurer, by a certificate from the Judge of Probate, of the county of *Plymouth*, for all sales actually made of those estates, during the time that paper money was a circulating currency, in this Commonwealth, in paper money of the old emission, and thereupon shall be finally discharged for the said balance of accounts, provided he pays the full amount of the said balance within thirty days from the passing this resolve.

March 1, 1784.

## Chapter 94.

- Chap.* 94 RESOLVE GRANTING A TAX FOR THE COUNTY OF ESSEX, OF SIX HUNDRED AND NINETY POUNDS, TO BE LEVIED ON THE POLLS AND ESTATES OF SAID COUNTY, FOR DEFRAYING CHARGES.

Resolve granting a tax of *six hundred and ninety pounds*, to be levied on the polls and estates within the county of *Essex*, for the purposes of defraying the charges of the said county.

*Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace, for the said county, that the sum aforesaid, will be necessary for defraying the charges of the said county, for one year next ensuing, the first Tuesday of December last:*

*Resolved*, That there be, and hereby is granted a tax of *six hundred and ninety pounds*, to be apportioned and assessed on the polls and estates within the said county of *Essex*, and collected, paid and applied for the use of the said county, according to the laws of this Commonwealth.

*March 1, 1784.*

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## Chapter 95.

- Chap.* 95 RESOLVE GRANTING A TAX OF ONE HUNDRED AND EIGHTY POUNDS ON THE POLLS AND ESTATES WITHIN THE COUNTY OF CUMBERLAND, AND FOR DEFRAYING THE CHARGES OF SAID COUNTY.

*Whereas it appears upon examination of the estimate of the Court of General Sessions of the Peace for the county of Cumberland, holden at Falmouth, in the said county, October, 1783, that the sum of one hundred and eighty pounds is necessary to be raised, to defray the charges of the said county, for the year 1784:*

*Resolved*, That the Court of General Sessions of the Peace for the county of *Cumberland*, be, and hereby are fully authorized and empowered to levy the aforesaid sum of *one hundred and eighty pounds*, upon the polls and estates, in the county aforesaid, for the purposes above-mentioned.

*March 1, 1784.*

## Chapter 96.

RESOLVE GRANTING A TAX OF TWO HUNDRED POUNDS, TO BE LEVIED ON THE POLLS AND ESTATES WITHIN THE COUNTY OF PLYMOUTH, TO DEFRAY THE CHARGES OF SAID COUNTY. Chap. 96

*Whereas it appears to this Court, from the representation and estimate of the Justices of the Court of General Sessions of the Peace, for the county of Plymouth, that it is necessary that the sum of Two hundred pounds should be raised in the said county, for the purpose of defraying the charges necessary for the administration of justice, within the said county: Therefore*

*Resolved, That there be, and hereby is granted a tax of Two hundred pounds, to be levied on the polls and estates, both real and personal, within the said county of Plymouth; and the Clerk of the Court of General Sessions of the Peace, for the said county, is hereby impowered to apportion the said sum, upon the several towns within the said county, in the manner pointed out by the law of this Commonwealth. and to issue his warrants to the Assessors of the said towns, for the assessment of the same.*

*March 1, 1784.*

## Chapter 97.

RESOLVE ON THE PETITION OF THE CHURCH OF CHRIST, IN WALPOLE, IMPOWERING THEM TO MAKE SALE OF THE FARM MENTIONED. Chap. 97

*On the petition of the Church of Christ in Walpole, setting forth, that Deacon Ezekiel Robbins did, in his last will and testament, bequeath to the said church forever, his homestead farm, buildings and appurtenances thereof, for the purpose of supporting an "Orthodox Congregational Minister," in the said town; and having come into possession of the said premises, agreeable to the said will, and representing that the necessary repairs will be so expensive, that it would be much for the interest of the said church, if they could obtain liberty to sell the said farm, and apply the interest of the proceeds arising by the sale, for the purpose aforesaid, for reasons set forth in the said petition: and further having made it appear that the said church have discharged the legacies ordered in the said will, as a condition in the said bequest:*

*Resolved*, That the prayer of the petition be granted, and that the said church in *Walpole* be, and they are hereby authorized and impowered, in their whole body, or by a committee whom they shall appoint, (the church being duly notified for the purpose of chusing such committee) to sell, for the most the said farm and buildings will fetch, and make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof; and such deed or deeds, so made and executed, shall be good and valid to such purchaser or purchasers; and the said church shall appoint some person or persons from time to time, as the case may require, in whom they can confide, with the greatest assurance as to their abilities and fidelity, to receive the proceeds arising by the sale of the said farm, (and the whole of the proceeds, after deducting the sums paid as legacies ordered by the donor in his will as aforesaid) and the same to be put on interest, and constantly and perpetually kept on interest, without any diminution, and the interest arising to be appropriated entirely for the support of an orthodox, learned, Congregational Minister, except so much as may be necessary for the support of the negro man of the said *Robbins*, agreeable to his will: and the whole to be conducted in such manner, as that the will of the said *Robbins* may be fully answered, without any equivocation or evasion, to all intents and purposes, as could have been had not the premises been sold.

*March 1, 1784.*

### Chapter 98.

*Chap. 98* RESOLVE ON THE PETITION OF *NATHAN BRIGHAM*, GRANTING HIM *TWENTY-FIVE POUNDS*, FOR PROSECUTING TO CONVICTION ONE *NATHAN HOLBROOK*, FOR COUNTERFEITING MONEY IN 1773.

*On the petition of Nathan Brigham:*

*Resolved*, That there be paid out of the public treasury, to *Nathan Brigham*, the sum of *Twenty-five pounds*, being a premium allowed to him for prosecuting to conviction one *Nathan Holbrook*, for counterfeiting and uttering sundry pieces in imitation of Spanish milled dollars; he, the said *Nathan Brigham*, first lodging in the Secretary's Office, the warrant he received for the same sum, and for the same service, under the hand of *Thomas Hutchinson*, Esq; Governor of the then Province of the *Massachusetts*-

*Bay*, bearing date the twenty-first day of *December*, 1773, payment thereof not having been made.

*March 2, 1784.*

### Chapter 99.

RESOLVE ON THE PETITION OF AMOS SINGLETARY, IN BEHALF OF THE TOWN OF SUTTON, ALLOWING PAYMENT FOR TWO FIELD PIECES, AND TRANSPORTING THE SAME. Chap. 99

*On the petition of Amos Singletary, Esq; in behalf of the town of Sutton, praying that the Treasurer of this Commonwealth may be directed to pay him for two field pieces, which the said town purchased at Salem, and for the transportation of the same from Salem to the said town of Sutton, which said pieces were taken into the use of the State in the year 1775, and have not yet been paid for:*

*Resolved*, That there be paid out of the public treasury, to Amos Singletary, Esq; the sum of *Thirty pounds*, which shall be in full for the said two field pieces, and the further sum of *Forty shillings*, in full for the transportation of the said field pieces to *Roxbury*.

*March 2, 1784.*

### Chapter 100.

RESOLVE ALLOWING PAY TO A NUMBER OF MEN BORNE ON THE ROLL OF CAPT. NATHAN THAYER. Chap. 100

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, the sum of *Fifty-five pounds, six shillings and two pence*, to the men, or their order, in proportion to the sum set against their names respectively, contained in the annexed schedule; which sum appears to be still due for their three months service in the Continental Army in the year 1780, under the command of Capt. *Nathan Thayer*, which shall be in full for the said service.

*The following is the schedule referred to in the above Resolve.*

Sergeants,	{	Moses Gage, <i>ten pounds eight shillings and nine pence</i> ,
		Aaron Fales, <i>two pounds six shillings and nine pence</i> ,
		Moses Hartshorn, <i>two pounds six shillings and nine pence</i> ,
		Cyrus Thompson, <i>two pounds six shillings and nine pence</i> .

Corporals, { Liffe Smith, *seven shillings and seven pence,*  
 John Hartshorn, *seven shillings and seven pence,*  
 Simeon Partridge, *seven shillings and seven pence,*  
 Daniel Cook, *seven shillings and seven pence.*

Asa Adams, *six shillings and nine pence,*  
 Timothy Adams, *six shillings and nine pence,*  
 Reuben Adams, *six shillings and nine pence,*  
 Phineas Allen, *six shillings and nine pence,*  
 Newton Adams, *six shillings and nine pence,*  
 Benajah Allen, *six shillings and nine pence,*  
 Isaac Boyden, *six shillings and nine pence,*  
 Jonathan Boyden, *six shillings and nine pence,*  
 Joel Boyden, *seven pounds four shillings and nine pence,*  
 Jacob Boyden, *six shillings and nine pence,*  
 Levi Cheney, *six shillings and nine pence,*  
 Daniel Clap, *six shillings and nine pence,*  
 Elijah Clark, *six shillings and nine pence,*  
 Oliver Cutler, *six shillings and nine pence,*  
 Samuel Cudworth, *six shillings and nine pence,*  
 Moses Darling, *six shillings and nine pence,*  
 Daniel Draper, *six shillings and nine pence,*  
 Asa Ellis, *six shillings and nine pence,*  
 Jacob Gould, *six shillings and nine pence,*  
 Elias Hayward, *six shillings and nine pence,*  
 Ichabod Haws, *six shillings and nine pence,*  
 Benjamin Hewes, *six shillings and nine pence,*  
 Isaac Hickson, *six shillings and nine pence,*  
 Samuel Hills, *six shillings and nine pence,*  
 William Jackson, *six shillings and nine pence,*  
 Samuel Morse, *six shillings and nine pence,*  
 Obediah Morse, *six shillings and nine pence,*  
 Timothy Petty, *six shillings and nine pence,*  
 Lot Perry, *six shillings and nine pence,*  
 Zebulon Pond, *six shillings and nine pence,*  
 John Prat, *six shillings and nine pence,*  
 Ephraim Smith, *six shillings and nine pence,*  
 Timothy Smith, *six shillings and nine pence,*  
 John Smith, *six shillings and nine pence,*  
 Asa Smith, *six shillings and nine pence,*  
 Nathaniel Stearns, *six shillings and nine pence,*  
 Samuel Tamblin, *six shillings and nine pence,*  
 Ezekiel Thayer, *six shillings and nine pence,*  
 Moses Thompson, *six shillings and nine pence,*  
 David Kilkerson, *six shillings and nine pence,*  
 Richard Darling, *six shillings and nine pence,*  
 Samuel Darling, *six shillings and nine pence,*  
 Paul Ware, *seven pounds four shillings and nine pence,*  
 Elias Adams, *six shillings and nine pence.*

To be paid to the town of *Wrentham* by agreement.

Comfort Dickerman, *six shillings and nine pence,*  
 A Clark Falls, *six shillings and nine pence,*  
 Thomas Fortune, *six shillings and nine pence,*  
 Benajah Grant, *six shillings and nine pence,*  
 Otis Gile, *six shillings and nine pence,*



James Haws, *six shillings and nine pence*,  
 Henry Holbrook, *six shillings and nine pence*,  
 Abijah Ware, *six shillings and nine pence*,  
 Jacob Hart, *six shillings and nine pence*.

To be paid to the town of *Franklin*, by agreement.

Lieut Samuel Metcalf, *eighteen shillings*,  
 Paul Dean, *seven shillings and seven pence*,  
 James Baker, *six shillings and nine pence*,  
 Joel Daniels, *six shillings and nine pence*,  
 Eli Darling, *six shillings and nine pence*,  
 Seth Fisher, *six shillings and nine pence*,  
 Aaron Fisher, *six shillings and nine pence*,  
 Thomas Grover, *six shillings and nine pence*,  
 Amos Haws, *six shillings and nine pence*,  
 Titus Metcalf, *six shillings and nine pence*,  
 Nathan Woodward, *six shillings and nine pence*,  
 Benjamin Metcalf, *six shillings and nine pence*.

Total. *Fifty-five pounds, six shillings and two pence*.

March 3, 1784.

### Chapter 101.

RESOLVE GRANTING TO HENRY COVEL, A SOLDIER, TWENTY-SIX POUNDS FOURTEEN SHILLINGS AND EIGHT PENCE.

Chap.101

*On the petition of Henry Covell, a soldier in Captain Samuel Clark's company, setting forth, that he was taken by the enemy October 25, 1781, and carried to Quebec, and returned in a cartel to Boston, from said Quebec, November 29, 1782, as by certificate appears, and eight days to go to his home, which was one hundred and sixty miles from Boston, which makes the time of discharge to be December seventh, 1782:*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the said *Henry Covell*, *Twenty-six pounds, fourteen shillings and eight pence*, being for thirteen months and eleven days, the time of his captivity as aforesaid, at *forty shillings per month*, and that the same be charged to the account of the United States.

March 3, 1784.

## Chapter 102.

*Chap.*102 RESOLVE DIRECTING THE ATTORNEY GENERAL TO COMMENCE A PROCESS AGAINST CAPTAIN NATHAN THAYER OF MEDWAY; AND SECRETARY DIRECTED IN THIS CASE.

*Whereas it appears to this Court, by the report of a committee of both Houses to adjust and settle the accounts between Captain Nathan Thayer, of Medway, and the men under his command, that there is a balance due to this Commonwealth, from the said Captain Thayer, of Fifty-five pounds, six shillings and two pence :*

*Resolved,* That the Attorney General be, and he hereby is, directed and required, to commence a process against the said Captain *Nathan Thayer*, of *Medway*, in the county of *Suffolk*, for the recovery of the aforesaid sum of *Fifty-five pounds, six shillings and two pence*, and to pursue the said prosecution to final judgment and execution, provided the aforesaid Captain *Thayer* does not pay the said sum into the public treasury, on or before the twenty-fifth day of *March*, current.

And it is further *Resolved*, That the Secretary be, and he hereby is, directed to furnish the Attorney General with attested copies of this resolution, and all such papers in his office, as may be necessary to afford evidence in the course of the said process.

*March 3, 1784.*

## Chapter 103.

*Chap.*103 RESOLVE ON THE PETITION OF SAMUEL HAND, IN BEHALF OF THE TOWN OF HANCOCK.

*On the petition of Samuel Hand, in behalf of the town of Hancock, and of the Selectmen of the said town, setting forth the great difficulties with which the said town is embarrassed, particularly with respect to the collection of taxes, by reason of the unsettled condition of the eastern boundary of New York, so far as it joins on this State; and praying for the interposition of this Court :*

*Resolved,* That the Treasurer be, and he is, hereby ordered and directed, to recall his executions issued against *Ephraim Bowman*, one of the Constables of the said town, and not to issue others against the said *Bowman*, till the further order of the General Court. And it is also

*Resolved,* That the Treasurer be, and he is, hereby

directed, not to issue his execution against any other Constable or Collector, of the said town of *Hancock*, for more than two-thirds of the taxes committed to such Collector to collect, till the further order of this Court.

*March 3, 1784.*

### Chapter 104.

RESOLVE CONFIRMING THE DOINGS OF *JONATHAN GARDNER, JUN., DANIEL KING AND WILLIAM GOODHUE, ESQ'RS.*, RELATIVE TO THE DIVISION OF THE ESTATE OF *SAMUEL BROWN*, SET OFF TO *PAUL DUDLEY SARGENT*. *Chap. 104*

*Resolved*, That the doings and proceedings of *Jonathan Gardner, jun., Daniel King and William Goodhue*, duly appointed a committee to assign and set off to *Paul Dudley Sargent, Esq*; the one-third part of the estate lately belonging to *Samuel Brown, Esq*; deceased, be, and they are, hereby accepted and confirmed. And it is further

*Resolved*, That the same be recorded in the office of the Register of Deeds, for the county of *Essex*.

*March 3, 1784.*

### Chapter 105.

RESOLVE ON THE PETITION OF THE SELECTMEN OF *MARBLE-HEAD*. *Chap. 105*

*On the petition of the Selectmen of the town of Marblehead, in behalf of the said town:*

*Resolved*, That the Treasurer be, and he hereby is directed, to receive of the Collectors of the town of *Marblehead*, *Seventeen thousand and fourteen pounds, nine shillings and three pence*, in bills of the old emission, and warrants on the Treasurer, on pay rolls for sea-coast men; and also *Twenty-five pounds, four shillings* in bills of the new emission; which sums the said collectors have in their hands, and upon the receipt thereof to discharge the said town of all the public taxes and fines, which have been assessed upon it, and remain unpaid, except the said town's proportions of the second moiety of the Continental Tax, and of the Tax granted in *March, 1783*, for the use of this Commonwealth.

*Provided, nevertheless*, That the Collectors of the said town shall have full power and authority, and shall be held and obliged to collect all the taxes, which are

assessed upon such of the inhabitants of the said town, as shall be deemed by the assessors thereof of sufficient ability to pay the same, and which shall not be abated by the said Assessors, and to pay the same, when collected, into the hands of the overseers of the poor of the said town, to be by them laid out and expended in the support and maintainance of the said poor; anything in this resolve to the contrary notwithstanding.

*March 4, 1784.*

### Chapter 106.

*Chap.106* RESOLVE ON THE PETITION OF *SIMEON BARTLET*, AND OTHERS, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *AMESBURY*, WITH A CERTAIN SUM, AND DIRECTING SAID TOWN TO CREDIT CERTAIN CLASSES.

*On the petition of Simeon Bartlet, and others:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to credit the town of *Amesbury*, the sum of *Ninety-four pounds, ten shillings*, on the last Tax Act.

And be it further *Resolved*, That the said town of *Amesbury* be, and is, hereby directed to credit the classes number five, eight and eleven, in the east parish, in the said town, classed in consequence of a Resolve passed the General Court, *December 2, 1780*, for raising recruits for the Continental Army; and that the aforesaid sum be equally divided between the three classes, aforesaid, and that the respective classes credit each individual, according to the sums they have respectively paid.

*March 4, 1784.*

### Chapter 107.

*Chap.107* A GRANT OF *NINETY POUNDS* TO *WILLIAM BAKER*, MESSENGER TO THE GENERAL COURT.

*On the petition of William Baker, Messenger to the General Court:*

*Resolved*, That there be paid out of the treasury of this Commonwealth, to *William Baker*, Messenger of the General Court, *Ninety pounds*, being in full for six months service, from the twenty-fifth day of *August* to the twenty-fifth day of *February* last. *March 5, 1784.*

## Chapter 108.

RESOLVE ON THE PETITION OF RICHARD HEARD, IN BEHALF OF THE TOWN OF EAST SUDBURY. Chap.108

*On the petition of Richard Heard, in behalf of the town of East Sudbury, praying for the remittance of a fine, of One hundred and sixty-two pounds, two shillings and six pence, set on the said town in the last Tax Act, for a deficiency in raising men to reinforce the Continental Army, agreeable to a Resolve of the General Court of December the second, 1780 :*

*Whereas it appears to this Court, that the said town was (by a Resolve of the twenty-sixth of April, 1782, for reasons therein mentioned) excused from all deficiencies in the above said requisition :*

*Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to credit the town of East Sudbury the sum of One hundred and sixty-two pounds, two shillings and six pence, in the last State Tax, it being the fine laid on the said town as above said.*

*March 6, 1784.*

## Chapter 109.

RESOLVE ON THE PETITION OF ELIJAH WIMPEY, AND OTHERS, DIRECTING THE COMMISSARY GENERAL TO DELIVER CERTAIN ARTICLES TO THE HON. TIMOTHY EDWARDS, ESQ; AND TO FURNISH SAID ONEIDA INDIANS WITH HORSES, &c. Chap.109

*On the petition of Elijah Wimpey, and others, on behalf of themselves and a number of other Indians, who were obliged in the late war to fly from their homes at Oneida, to Richmond and West Stockbridge, and are now in suffering circumstances :*

*Resolved, That the Commissary General be, and he is, hereby directed to send with all convenient expedition, forty-eight linen shirts and forty-eight blankets, to the Hon. Timothy Edwards, Esq; in Stockbridge, who is hereby requested to distribute them among the said Indians, in such manner as he shall judge most convenient.*

*Resolved, That the Sheriff of the county of Berkshire be, and he is, hereby directed to furnish the said Indians with a wagon and two horses, for their assistance in their return to their possessions in the Oneida country; and also with such provisions as may be necessary for them on*

their journey; and to lay his account before the General Court, for examination, allowance and payment.

March 6, 1784.

### Chapter 110.

*Chap.110* RESOLVE ON THE PETITION OF MARY THOMAS, ADMINISTRATRIX ON THE ESTATE OF DANIEL THOMAS OF NATICK.

*On the petition of Mary Thomas, administratrix on the estate of Daniel Thomas, late of Natick, in the county of Middlesex, Indian, deceased, praying for a grant of the estate of Easter Sodock, to her and her daughter Hannah, for reasons set forth in the said petition:*

*Resolved,* That the prayer of the petition be granted; and the Guardians of the *Natick* Indians be, and hereby are, directed, to pay unto *Mary Thomas*, the petitioner, *Twenty-four pounds, four shillings and four pence*, being part of the money mentioned in the said petition, for the purpose of discharging the debts of her late husband, *Daniel Thomas*, deceased, she to be accountable to the Judge of Probate for the county of *Middlesex*, for the same: and the remaining sum of *Ten pounds, fifteen shillings and eight pence*, together with the land in the said petition mentioned, shall be, and hereby is, granted to *Hannah Thomas*, daughter of the petitioner, *Mary Thomas*, to rest in the hands and under the care of the said Guardians, for the use of the said *Hannah*, as she may stand in need; the said Guardians to be accountable to the General Court for their proceeding in the premises. March 6, 1784.

### Chapter 111.

*Chap.111* RESOLVE ON THE PETITION OF WILLIAM BURBECK AND SON, AND JOSHUA BENTLEY, ALLOWING THEM GRANTS FOR RETAINED RATIONS.

*On the petition of William Burbeck, John Burbeck and Joshua Bentley:*

*Resolved,* That there be paid out of the public treasury, to *William Burbeck*, the sum of *Seventy-seven pounds, eight shillings*; to *John Burbeck*, *Sixty-five pounds, eighteen shillings*; and to *Joshua Bentley*, *Sixty-one pounds, eighteen shillings*, in full of their rations, retained by a Resolve of the General Court of the thirteenth of *January*, 1780.

March 6, 1784.

## Chapter 112.

RESOLVE ON THE PETITION OF ANDREW PARKER, ISAAC TOBEY, DAVID FISK AND JOSEPH FARRAR, REMITTING A FINE LAID ON THE TOWN OF BARRE. Chap.112

*On the petition of Andrew Parker, Isaac Tobey, David Fisk and Joseph Farrar, Selectmen of the town of Barre, setting forth, that the said town of Barre was fined in the last Tax Act, the sum of Forty-nine pounds, ten shillings, for not sending a member in the year 1782 to represent them at the General Court; praying that the above sum be remitted: Therefore*

*Resolved, That the town of Barre be abated in the Tax aforesaid, the sum of Nine pounds, ten shillings, part of the said fine, for reasons set forth in the petition; and the Treasurer of this Commonwealth is hereby directed, to govern himself accordingly.* March 6, 1784.

## Chapter 113.

RESOLVE ON THE PETITION OF PETER HARWOOD, DISCHARGING HIM OF A MORTGAGE DEED. Chap.113

*On the petition of Peter Harwood, of Brookfield, in the county of Worcester, praying, that he might be discharged, from a mortgage deed, given by him to Colonel William Brattle, late of Cambridge, an Absentee, of Eighty-one acres of land, for reasons set forth in the said petition:*

*Resolved, That the prayer of the said petition be so far granted, as that the Treasurer of this Commonwealth be, and he is, hereby empowered and directed, to receive of the said Peter Harwood, the receipt of Mr. James Allen, agent on the said Brattle's estate, to the amount of Two hundred and twenty-two pounds, eight shillings, giving duplicate receipts, one of which to be lodged in the Secretary's Office, discharging him the said Peter Harwood, the aforesaid sum of Two hundred and twenty-two pounds, eight shillings, on account of the aforesaid mortgage deed and bond.* March 6, 1784.

## Chapter 114.

RESOLVE ON THE PETITION OF THOMAS WILLINGTON, ESQ; TO NOTIFY AND SHEW CAUSE, &c. Chap.114

*Whereas it is represented to this Court by Thomas Willington, Esq; that previous to the late revolution, one*

John Drury, of Shrewsbury, in the county of Worcester, recovered judgment against the said Willington, for the sum of Ten pounds; Five pounds of which has been returned satisfied, upon an execution issued upon the said judgment, and the residue has been since paid; but that notwithstanding such payment, the said Drury has since brought his action upon the said judgment, and recovered against the said Willington the said Five pounds so paid, with costs of Court: And whereas it appears that the above representation is probably true: Therefore,

*Resolved*, That the said Willington notify the adverse party, by serving him, in person, or by leaving at his last or usual place of abode, an attested copy of his petition, and this order thereon, twenty days at least before the second Wednesday of the first session of the next General Court, to appear on the said second Wednesday, and shew cause (if any he has) why execution should be issued on the judgment last mentioned; and that execution in the mean time shall not be served upon the said Willington, or upon his goods, chattels or lands, for satisfying the said last mentioned judgment; in order to which, the said Willington is also directed to serve the officer who may have such execution in possession, in manner as above-said, with an attested copy of the said petition, and this order thereon, as soon as may be. *March 8, 1784.*

### Chapter 115.

*Chap. 115* RESOLVE ON THE PETITION AND MEMORIAL OF JOSEPH RUGGLES, DIRECTING THE COMMITTEE FOR METHODIZING ACCOUNTS, TO CHARGE THE WARRANT MENTIONED TO THE UNITED STATES.

*On the petition and memorial of Joseph Ruggles, praying that the balance due on an order of Congress, of the fifteenth day of April, 1780, for One million, nine hundred thousand dollars, payable to Jeremiah Wadsworth, Esq; and indorsed to the said Joseph Ruggles, with the interest due thereon, may be allowed and paid to him:*

*Whereas by an act of this Commonwealth, passed the fifteenth day of May, 1781, it was enacted, that the Treasurer of this Commonwealth be directed, on the credit thereof, to issue his notes, payable the first day of May, 1782, to draw interest at six per cent. per annum, not to exceed the sum of Fifteen thousand pounds; and it appear-*



ing to this Court that a warrant from his Excellency the Governor, dated the fifteenth day of August 1781, was drawn on the Treasurer, for Eight thousand pounds only, in part of the aforesaid sum of Fifteen thousand pounds; and it appearing that the said Ruggles received in notes, the sum of Five thousand five hundred and ninety-seven pounds, eight shillings and eight pence half penny, only, at that time: and the remaining sum of Two thousand four hundred and two pounds, eleven shillings and three pence half penny, to compleat the said warrant, not until the third day of December, 1782, whereby the sum of Seven thousand pounds, together with Four hundred and seventy-two pounds, ten shillings, interest thereon, to this day; and also Two hundred seventy-two pounds, eight shillings and seven pence, for interest on Two thousand four hundred and two pounds, ten shillings and eleven pence, the balance of the aforesaid warrant, which was not paid in season; amounting in the whole to Seven thousand seven hundred twenty-one pounds, eighteen shillings and seven pence, is now due to the said Ruggles:

Wherefore Resolved, That the aforesaid sum of Seven thousand seven hundred and twenty-one pounds, eighteen shillings and seven pence, be paid out of the public treasury of this Commonwealth (from the proceeds of the State Tax next to be granted) to the said Joseph Ruggles, or order, which is in full discharge of the said debt, both interest and principal.

And it is further Resolved, That the Committee for Stat-  
ing and Methodizing public Accounts be, and they hereby are, directed to charge the said warrant of Congress to the United States, the date of the said charge to commence at the time the aforesaid order of Congress was accepted by this Commonwealth. *March 8, 1784.*

### Chapter 116.

RESOLVE ON THE PETITION OF DANIEL CARPENTER, IN BEHALF OF THE PROPRIETORS OF A TOWNSHIP OF LAND GRANTED TO WILLIAM BULLOCK, ESQ; ALLOWING A FURTHER TIME TO THE SAID PROPRIETORS TO FULFIL THEIR ENGAGEMENTS.

*Chap.116*

*On the petition of Daniel Carpenter, in behalf of the proprietors of a township of land granted to William Bullock, Esq; and others, lying in the county of Berkshire, pray-*

*ing that a further time of seven years may be allowed to the said proprietors to fulfil the conditions on which the said township was granted, for reasons set forth in the said petition :*

*Resolved, That the prayer of the petition be so far granted, that there be a further time of six years allowed to the aforesaid proprietors, for the purpose of their fulfilling the conditions on which the said township was granted.*

*March 8, 1784.*

### Chapter 117.

*Chap.117* RESOLVE ON THE MEMORIAL OF WILLIAM WAIT, DIRECTING THE TREASURER TO RECEIVE A SUM IN PAPER MONEY.

*On the memorial of William Wait, late Commissary at Winter Hill, praying that the Treasurer be directed to receive of the said memorialist, into the treasury of this Commonwealth, the sum of Four hundred and thirty-one pounds, in old Continental money, which he received out of the treasury in the year 1777 :*

*Resolved, That the Treasurer receive the said sum of Four hundred and thirty-one pounds, into the treasury of this Commonwealth, giving duplicate receipts therefor, one of which to be lodged in the Secretary's Office.*

*March 9, 1784.*

### Chapter 118.

*Chap.118* GRANT TO THE HON. FRANCIS DANA, ESQ; OF ONE HUNDRED AND TWENTY POUNDS.

*Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the honourable Francis Dana, Esq ; One hundred and twenty pounds lawful money, he being about to proceed to Congress, and that he be accountable for the same.*

*March 10, 1784.*

### Chapter 119.

*Chap.119* RESOLVE GRANTING ONE HUNDRED POUNDS TO THE TOWN OF COHASSET, TO BE DEDUCTED FROM THE NEXT STATE TAX.

*Whereas the town of Cohasset was set too high in the last valuation, and has since been abated, in consequence of which the said town ought to be refunded the several*

*sums then have overpaid, in the taxes of October, 1781, and April, 1782: Therefore*

*Resolved*, That the said town of *Cohasset*, be credited *One hundred pounds*, which sum shall be deducted from the said town's proportion of the next State Tax.

*March 11, 1784.*

### Chapter 120.

RESOLVE ON THE PETITION OF *LEMUEL COLLINS*, AND OTHERS, ADMINISTRATORS ON THE ESTATE OF *JOSEPH MERVIN*, IMPOWERING THEM TO EXECUTE A DEED OF THE LAND MENTIONED. Chap.120

*On the petition of Lemuel Collins, Raphael Cook, and Anna Cook, administrators on the estate of Joseph Mervin, late of Lenox, in the county of Berkshire, deceased, setting forth, that the said Joseph, in his life time, sold a tract of land lying in the said Lenox, to Oliver Wheaton, of the said Lenox, and gave him a bond obliging himself to make and execute a warrantee deed of the same, to the said Wheaton, but never executed it in his life time: Therefore*

*Resolved*, That the prayer of the said petition be granted, and that they the said *Lemuel Collins, Raphael Cook, and Anna Cook*, in their said capacities of administrators, be, and they are, hereby authorized and empowered, to make and execute to the said *Oliver Wheaton*, a good and lawful deed of the land mentioned in the said petition; which deed so made and executed, shall be as good and valid in law, as if the same had been made and executed by the said *Joseph Mervin*, in his life time; any law or resolve to the contrary notwithstanding.

*March 12, 1784.*

### Chapter 121.

RESOLVE ON THE PETITION OF *LUCY BIGELOW*, IMPOWERING HER TO MAKE SALE OF THE REAL ESTATE MENTIONED. Chap.121

*On the petition of Lucy Bigelow, executrix, to the last will and testament of Joseph Bigelow, late of Shrewsbury, in the county of Worcester, deceased, praying for liberty to sell the real estate bequeathed by the said deceased to the children and heirs of Charles Bigelow, deceased, for reasons set forth in said petition:*

*Resolved*, That the prayer of the said petition be granted, and that she, the said *Lucy Bigelow*, in her said capacity, be, and she is, hereby authorized and impowered, to make sale, for the most it will fetch, of all the real estate set forth in her petition; and to make and execute a good and lawful deed or deeds to the purchaser or purchasers thereof, she observing the rules and directions of the law for the sale of real estates by executors and administrators, first giving sufficient security to the Judge of Probate, for the county of *Worcester*, that the proceeds arising by the sale of the said estate, after paying all debts of the testator agreeable to his will, be put on interest for the use and benefit of the widow and children; and that the said widow receive the interest of one third part of the proceeds, during the time she remains the widow of her said late deceased husband, and that the other two-thirds, both principal and interest, be paid to each legatee respectively, as they shall arrive to lawful age, in shares agreeable to the will aforesaid; and when the time shall expire, that the said widow shall no longer receive the interest of her third, as by the said will bequeathed, then that third also shall be paid to each heir in due proportion, agreeable to the will of the said testator.

*March 12, 1784.*

## Chapter 122.

*Chap. 122* RESOLVE ON THE PETITION OF THE HONOURABLE ROBERT TREAT PAINE, ESQ; GRANTING HIM THIRTY-ONE POUNDS, SIXTEEN SHILLINGS, FOR THE PORK AND RYE MENTIONED IN HIS PETITION.

*On the petition of the Honorable Robert Treat Paine, Esq; praying for payment for six barrels of pork and thirty-nine bushels of rye, taken out of the store of William M'Kinstry, an Absentee, by the Committee of Correspondence, of Taunton, and by them delivered to Mr. Aaron Blaney, then a Commissary at Roxbury, for the use of the Provincial Army:*

*Resolved*, That the prayer of the said petition be granted, and that there be allowed and paid out of the treasury of this Commonwealth to the Honorable *Robert Treat Paine*, Esq; the sum of *Thirty-one pounds sixteen shillings*, out of the next State Tax which may be granted, which is in full for the said pork and rye.

*March 12, 1784.*

## Chapter 123.

GRANT OF THREE HUNDRED AND FIFTY-FOUR POUNDS SIXTEEN SHILLINGS AND SIX-PENCE, TO THE HON. SAMUEL HOLTEN, ESQ. Chap.123

*On the accounts of the honourable Samuel Holten, Esq:*

*Resolved*, That there be paid out of the treasury of this Commonwealth, to the honourable *Samuel Holten, Esq*; the sum of *Three hundred and fifty-four pounds, sixteen shillings and six pence*, in full discharge of his expenditures and attendance as a delegate for this Commonwealth, at Congress, from the sixth day of *January*, 1783, to the twenty-fifth day of *November* last.

*March 12, 1784.*

## Chapter 124.

RESOLVE DIRECTING THE JUSTICES OF THE SUPREME JUDICIAL COURT, TO PROCEED TO LIQUIDATE, &c., THE NOTES GIVEN TO MAKE UP THE DEPRECIATION OF THE MONEY TO THE ARMY. Chap.124

*Whereas the Justices of the Supreme Judicial Court, are appointed to adjust the principal and interest due upon the notes given to make up the depreciation of the money to the army, and are directed to liquidate the same, according to the returns from the several parts of the State, of the average price of Sheeps Wool, Sole leather, Indian Corn, and Beef; but there being a deficiency of returns from the various counties, and it being necessary that the said principal and interest of the notes due on the first of March, 1784, should be settled: — Therefore*

*Resolved*, That the said Justices proceed to liquidate the said principal and interest, by such returns as have already been made, taking into consideration at the same time, whatever certain information they may be able to obtain from the different parts of this Commonwealth, from whence there are no returns made into the Secretary's Office, as was directed.

*March 12, 1784.*

## Chapter 125.

*Chap.125* RESOLVE ON THE PETITION OF PHINEAS WARE, DIRECTING THE TREASURER TO MAKE OUT NEW NOTES FOR THE SUMS MENTIONED.

*On the petition of Phineas Ware, praying for an allowance for two consolidated State notes, which were consumed by fire with his dwelling house:*

*Resolved,* That the Treasurer be, and he hereby is, directed to make out and deliver to the said *Phineas Ware*, two notes of equal value and bearing equal dates with the abovesaid notes, viz. : one for *Eleven pounds, ten shillings*, dated *April* the first, 1782, the other for *twelve pounds, thirteen shillings and six pence*, dated *June* the first, 1783; and with the like numbers, on his (making oath that the said notes were actually consumed from the best of his knowledge) giving bonds, with sufficient sureties to the Treasurer of this Commonwealth, promising to account for the same, should they ever appear; and the Treasurer is further directed, to detect the original notes if presented for payment. *March 12, 1784.*

## Chapter 126.

*Chap.126* RESOLVE ON THE PETITION OF RICHARD HUNNEWELL, IMPOWERING THE JUSTICES OF THE COURT OF COMMON PLEAS, FOR MIDDLESEX COUNTY, TO ENQUIRE INTO THE JUDGMENT BY THEM GIVEN, AS MENTIONED.

*On the petition of Richard Hunnewell, praying that the Justices of the Court of Common Pleas, in and for the county of Middlesex, may be empowered to rectify a mistake in a judgment rendered on an action brought by him, the said Richard, against William Hunnewell, on the fourth Tuesday of December, 1782:*

*Resolved,* That the Justices of the Court of Common Pleas, for the county of *Middlesex*, at a Court by them to be holden at *Groton*, on the third Tuesday of *May* next, be, and hereby are empowered, to enquire into a judgment by them given at a Court of Common Pleas, holden at *Cambridge*, within and for the said county of *Middlesex*, on the fourth Tuesday of *December*, 1782, wherein *Richard Hunnewell* was plaintiff, and *William Hunnewell* was defendant; and to enter up judgment for any such sum as may then appear to have been omitted in their judgment, and which ought to have been by law considered in ren-

dering the judgment aforesaid, and to issue execution thereon in due form of law.

March 12, 1784.

### Chapter 127.

RESOLVE ESTABLISHING THE PAY OF THE COUNCIL, SENATE, *Chap.127*  
AND MEMBERS OF THE HOUSE.

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to each of the members of the honorable Council, the sum of *Eight shillings* per day; to each member of the honorable Senate, *Seven shillings and six pence* per day; and to each member of the honorable House of Representatives, *Seven shillings* per day; for each day they have attended their duty respectively, in their said capacities, the present session of the General Court; and that their travel pay be in the usual proportion thereto.

March 12, 1784.

### Chapter 128.

RESOLVE EXTENDING A RESOLVE PASSED NOVEMBER 2, 1782, *Chap.128*  
RESPECTING RECEIPTS UPON COLLECTORS AND CONSTABLES, TO THE FIRST DAY OF JULY NEXT.

*Whereas by a Resolve of the General Court passed the second day of November, 1782, persons possessed of receipts on Collectors and Constables, given by the late Treasurer Gardner, were allowed a certain time for returning the same into the Treasurer's Office, which time, by a subsequent Resolve, was extended to the first day of March, instant; but many of the possessors of such receipts have not been able to obtain their dues of the Collectors or Constables; and for want of obtaining seasonable information of the Resolves aforesaid, have failed of returning their receipts into the said office: — Therefore*

*Resolved*, That if the possessors of such receipts shall return them into the Treasurer's Office, at any time before the first day of *July* next, they shall have the full benefit intended by the said Resolve, of the second day of *November*, 1782; but if the said receipts shall not be returned before the said first day of *July* next, the possessors of them shall be forever afterwards precluded from the privilege of returning them; and the Secretary is hereby directed, to publish this Resolve in all the newspapers printed in this Commonwealth.

March 13, 1784.

## Chapter 129.

*Chap.129* RESOLVE INTITLING NATHANIEL BAKER TO ONE FOURTH PART OF PAY AS A SOLDIER, FROM THE 1ST OF JANUARY, 1776, TILL FURTHER ORDER.

*On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Nathaniel Baker, a soldier, who was wounded in the service of the United States:*

*Resolved*, That the said *Nathaniel Baker* be intitled to one fourth part of pay as a soldier, from the first day of *January*, One thousand seven hundred and seventy-six, till the further order of the General Court or Congress.

*March 15, 1784.*

## Chapter 130.

*Chap.130* RESOLVE GRANTING ADDITIONAL PAY TO THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE; AND GRANTS TO THE CLERKS OF THE SENATE AND HOUSE.

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to the Hon. *Samuel Adams*, President of the honorable Senate, the sum of *Six shillings* per day; and to the Hon. *Tristram Dalton*, Speaker of the House of Representatives, the sum of *Six shillings* per day, for each day they have respectively attended on the General Court the present session, over and above their pay as members thereof.

And it is further *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *William Baker*, jun., Clerk of the honorable Senate, *seventy pounds*; and to Mr. *George Richards Minot*, Clerk of the House of Representatives, *seventy pounds*; which sums, together with what they have already received, shall be in full for their service as Clerks to the General Court, from the twenty-eighth of *May*, 1783, to the end of the present session.

*March 15, 1784.*

## Chapter 131.

*Chap.131* RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE ON ACCOUNTS.

*Resolved*, That there be allowed and paid to each member of the Committee on Accounts, *One shilling* per day, over and above their pay as members of the General Court.

*March 15, 1784.*



## Chapter 132.

RESOLVE RESPECTING AGENTS ON ABSENTEES ESTATES FOR THE SETTLEMENT OF SAID ESTATES, AND TO PROHIBIT THE FURTHER SALE OF THEM; AND DIRECTING THE SECRETARY IN THIS CASE. Chap.132

*Whereas it is necessary that the accounts of the agents upon the estates of Absentees, should be settled as soon as possible:*

It is therefore *Resolved*, That the Registers of Probate in the several counties of the Commonwealth, be, and they hereby are, directed to return into the Secretary's Office, upon or before the tenth day of *June* next, the state of all the accounts of the agents aforesaid, appointed within their several counties, as the same lie in their respective offices, that the said accounts may be inspected by the General Court.

And it is also *Resolved*, That the Judges of Probate in the several counties within this Commonwealth, be, and they hereby are, directed to put in suit all the bonds of agents upon Absentees Estates, who shall not make a compleat settlement of their agency, on or before the twentieth day of *June* next, except in such cases as is herein provided.

*Provided nevertheless*, That where any agent shall make a return to the Judge of Probate, by the time last mentioned, of his accounts of agency, so far as they can be completed, and shall make it appear, to the satisfaction of the said Judge, that by reason of some legal impediment, he was unable to make a compleat settlement thereof in time and manner as is before directed; in that and all such cases the Judges of Probate in their several counties are hereby directed not to proceed in the suit of such agents bonds for their not having made a compleat settlement of their agency as is before directed; and such accounts, although incompleat, shall be returned by the Register of Probate, in time and manner before directed, as though they had been completed.

And it is further *Resolved*, That all Committees on Absentees Estates, which have been appointed in the different counties in this Commonwealth, and who have neglected to settle their accounts, be, and they hereby are, directed to make a return into the Secretary's Office of their doings thereon, on or before the tenth day of *June* next; the said return to shew the whole of the estate that

has come to their hands, and what part they have sold, and the particular price each part sold for; also a particular inventory of what remains unsold, and the value thereof, as near as they can conveniently ascertain. And the Secretary of this Commonwealth is hereby directed to make a report to the Attorney General, of all committees who shall refuse or neglect to make a return as is herein directed.

And it is further *Resolved*, That the Attorney General be, and he hereby is, directed to prosecute all persons who shall be reported to him by the said Secretary as aforesaid.

It is further *Resolved*, That there be no further sales made of the said Absentees Estates, or any part or parts thereof, until the further order of the General Court.

*Ordered*, That the Secretary send a copy of this Resolve to each Judge of Probate appointed on Absentees Estates, and to each committee in the several counties in this Commonwealth.

March 16, 1784.

### Chapter 133.

*Chap.133* GRANT OF FORTY POUNDS TO LIEUT. JOSEPH M'CLELLAN.

*On the petition of Lieut. Joseph M'Clellan, praying for an allowance of his expences in taking up and committing to goal a person inimical to the United States of America, by the order of Gen. Wadsworth:*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to *Joseph M' Clellan*, the sum of *forty pounds*, in full of his expences as aforesaid.

March 16, 1784.

### Chapter 134.

*Chap.134* GRANT OF TWENTY POUNDS TO JOHN PEIRCE, A SOLDIER IN GENERAL HAZEN'S REGIMENT, BEING FOR BOUNTY ALLOWED IN 1776.

*On the petition of John Peirce, a soldier in Brigadier General Hazen's regiment, praying for the bounty of Twenty pounds, allowed by this State in the year 1776 to the non-commissioned officers and soldiers who should enlist for three years or during the war, which he never received:*

*Resolved*, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is, directed to pay out of the public treasury, to the said *John Peirce*, the sum of *Twenty pounds*, in full discharge of the said bounty.

*March 16, 1784.*

### Chapter 135.

RESOLVE ON THE PETITION OF *GEORGE DANA*, IMPOWERING HIM TO SELL THE LAND MENTIONED. *Chap.135*

*On the petition of George Dana, of Ashburnham, setting forth that his father, Caleb Dana, Esq; late of Cambridge, deceased, did, by his last will and testament, give and bequeath unto him, the said George, all his lands lying in Ashburnham aforesaid, (amounting to upwards of two thousand acres) during his life only; but without impeachment of waste; and after his decease to be distributed amongst his children, in such proportion as he shall order and direct, to be by them held in fee simple, praying for liberty to sell the said lands, or some part thereof, for reasons set forth in his petition:*

*Resolved*, That the prayer of the petition be so far granted, that the said *George Dana* be, and he hereby is, authorized and empowered, to make sale of one half of the afore mentioned lands, which remain unimproved, for the most that the same will fetch, and give and execute a good and lawful deed or deeds, to the purchaser or purchasers of the said lands, he first giving bonds to the Judge of Probate for the county of *Worcester*, with sufficient sureties, that the proceeds of the sale of the said lands (after deducting the whole amount of the taxes that have already arisen on the whole of the said lands) be applied as was defined by the above mentioned testator, any law or resolve to the contrary notwithstanding. *March 16, 1784.*

### Chapter 136.

RESOLVE IMPOWERING THE ASSESSORS OF THE DISTRICT OF *LYNNFIELD* TO ASSESS THE TWO CLASSES MENTIONED. *Chap.136*

*Whereas it appears to this Court, that Joseph Gowing and Nathaniel Sherman were, in consequence of a Resolve of the General Court of February 1781, appointed heads of*

*two classes, in the town of Lynn, to procure two men to serve in the Continental Army, for three years, which men they accordingly procured, and are now indebted to them for their hire: And whereas, since procuring the said men as aforesaid, the said Joseph Gowing and Nathaniel Sherman, with their classes, are incorporated into the district of Lynnfield, by means whereof debates and difficulties have arisen with regard to assessing the said two classes for the hire of the two men procured as aforesaid:*

Therefore Resolved, That the Assessors of the district of *Lynnfield* be, and hereby are, authorized and impowered, to assess the said two classes, or any individuals of the same, for paying the said two men their hire, in the same way and manner as the Assessors of *Lynn* might or could have done, in virtue of the Resolve aforesaid, had not the said *Joseph Gowing, Nathaniel Sherman*, and their classes, been set off to the said district of *Lynnfield*.

March 16, 1784.

### Chapter 137.

Chap.137 RESOLVE INTITLING LIEUT. BARTLETT HINDS TO A PENSION OF ONE FOURTH PART OF HIS PAY.

*On the representation of John Lucas, Commissary of Pensioners, in behalf of Bartlett Hinds, a Lieutenant in the tenth Massachusetts regiment, who was wounded by a ball passing through his lungs, in the battle at Still Water, on the nineteenth of September, A. D. 1777; which wound renders him in a great measure incapable of business:*

Resolved, That he, the said Lieut. *Bartlett Hinds*, be intitled to a pension of one fourth part of his pay, from the twelfth of *September, 1780*, until the further order of the General Court or of Congress.

March 17, 1784.

### Chapter 138.

Chap.138 GRANT OF ONE POUND FOURTEEN SHILLINGS AND TWO PENCE TO FRANCIS MARDELE, FOR SERVICES AT PENOBSCOT.

*On the petition of Francis Mardelé, of Boston, praying that he may be allowed pay out of the State treasury, for his services in the year 1779, at Penobscot, in Col. McCobb's regiment and Captain Patten's company:*

*Resolved*, That the prayer of the petition be granted, and that there be paid out of the public treasury to *Francis Mardelé*, the sum of *one pound, fourteen shillings and two pence*, in full for his services at *Penobscot*, in the year One thousand seven hundred and seventy-nine.

*March 17, 1784.*

### Chapter 139.

RESOLVE INTITLING *WILLIAM PAY* TO A PENSION.

*Chap.139*

*On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of William Pay, a soldier, who was wounded in the service of the United States:*

*Resolved*, That the said *William Pay* be intitled to one-fourth part of pay as a soldier, from the ninth day of *January, 1780*, till the further order of the General Court or Congress.

*March 17, 1784.*

### Chapter 140.

RESOLVE PENSIONING *SIMEON STEPHENS*.

*Chap.140*

*Upon the representation of John Lucas, Commissary of Pensioners, in behalf of Simcon Stephens, a serjeant in Captain Stickney's company and Col. Bridge's regiment, who was wounded on the hills of Charlestown, 17th of June, 1775, and continued in the service of the United States of America, until the nineteenth of May, 1780:*

*Resolved*, That the said *Stephens* be intitled to one-third pay from the time of his discharge, which was *May the nineteenth, 1780*, until the further order of the General Court or the Congress of the United States.

*March 17, 1784.*

### Chapter 141.

RESOLVE PENSIONING *ASAHEL COGSWELL*.

*Chap.141*

*On the representation of John Lucas, Commissary of Pensioners, in behalf of Asahel Cogswell, a corporal in Col. John Ashley's regiment and in Capt. Rowley's company, who was wounded in the service of the United States of America, at or near Fort Edward, on the twenty-second day of July, 1777, as appears by his certificates:*

*Resolved*, That the said *Asahel Cogswell* be, and he hereby is, intitled to receive one half pay as a corporal, from the first day of *April*, 1782, until the further order of this Court or Congress. *March 17, 1784.*

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### Chapter 142.

Chap.142

RESOLVE PENSIONING CAPT. HENRY FARWELL.

*Upon the representation of John Lucas, Commissary of Pensioners, in behalf of Capt. Henry Farwell, of Col. William Prescott's regiment, who was shot through the body on the hills of Charlestown, the seventeenth of June, 1775, and his pay ceased the first of January 1776 :*

*Resolved*, That the said *Farwell* be intitled to one-eighth part of his pay, from the time of his discharge, which was *January* first, 1776, until the further order of the General Court or the Congress of the United States.

*March 17, 1784.*

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### Chapter 143.

Chap.143

RESOLVE PENSIONING EBENEZER LOCK.

*On the representation of John Lucas, Commissary of Pensioners, in behalf of Ebenezer Lock, jun., a corporal in Captain Munro's company of the thirteenth Massachusetts regiment, who was wounded the third of February, 1780, at the White Plains, by which he is rendered incapable of doing any business, and like to remain so, as plainly appears :*

*Resolved*, That the said *Ebenezer Lock, jun.*, a corporal, be intitled to a pension of half pay, from the first of *April*, A. D. 1780, being the time of his discharge, until the further order of the General Court or of Congress.

*March 17, 1784.*

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### Chapter 144.

Chap.144

RESOLVE ON THE MEMORIAL OF WILLIAM BADLAM, IMPOWERING THE TREASURER TO RECEIVE A CERTAIN SUM IN PAPER MONEY.

*On the memorial of William Badlam, of Sherburne, setting forth, that he has on hand the sum of Twenty-eight pounds of money emitted by this State, and that by reason of his being in the service of his country at the time the said money was called in, he had it not in his power to loan*

*the same until the time for so doing was expired, praying that the Treasurer may now be empowered to take in said money, for reasons set forth in his said memorial:*

*Resolved*, That the prayer of his said memorial be granted, and that the Treasurer of this Commonwealth be, and he is, hereby impowered and directed, to receive of the said *William Badlam* the aforesaid sum of *Twenty-eight pounds* of the paper money emitted by this State, he, the said *William*, first making oath before some Justice of the Peace, that the monies he presents to the said Treasurer, are the identical bills which he received while in circulation within this State, a certificate of said oath to be transmitted to the Treasurer aforesaid; in which case the Treasurer is hereby empowered to give him a note for the same, any law or resolve of this Commonwealth to the contrary notwithstanding.

*March 17, 1784.*

### Chapter 145.

RESOLVE ON THE PETITION OF *WILLIAM LUSK*, IN BEHALF OF THE TOWN OF *RICHMOND*, DIRECTING THE TREASURER TO RECALL HIS EXECUTIONS. Chap.145

*On the petition of William Lusk, in behalf of the town of Richmond, praying that the Treasurer of this Commonwealth may be directed to stay his executions against the said town until the further order of the General Court, for reasons set forth in said petition:*

*Resolved*, That the prayer of the said petition be so far granted, that the Treasurer be, and he hereby is, directed to recall and stay the said execution for the term of six months from the date hereof; but in case any charge has already incurred by the said execution, the town of *Richmond* shall pay the cost thereof.

*March 17, 1784.*

### Chapter 146.

RESOLVE DIRECTING THE TREASURER TO TAKE A PROMISSORY NOTE FOR THE BALANCE OF *TWO HUNDRED AND EIGHTY-FIVE POUNDS, NINETEEN SHILLINGS AND NINE PENCE*, DUE FROM THE HON. *JABEZ FISHER* AND OTHERS, A COMMITTEE ON ACCOUNTS, TILL THEY CAN PRODUCE VOUCHERS FOR SAID SUM; AND ALLOWING THEM TIME FOR THE SAME. Chap.146

*Whereas it appears to this Court, that upon a settlement with Jabez Fisher, Ephraim Starkweather, Lemuel Kol-*

lock and Benjamin White, Esquires, late a Committee on Accounts for this Commonwealth, there remains due from the said Committee to the Commonwealth, the sum of Two hundred and eighty-five pounds, nineteen shillings and nine pence: And whereas it is represented by the said Benjamin White, Esq; that he usually paid out publick monies received by the said committee, and took vouchers therefor; and that if he has time granted him for the purpose, he can probably produce vouchers for the payment of the said sum; and therefore prays, in justice to the other members of the said committee, that they may be discharged from any obligation to refund the said sum or any part thereof; and that he may have permission to give his note of hand for the sum aforesaid, payable within a limited period, with interest, unless he shall be able to produce proper vouchers of its having been paid in the mean time: Therefore

*Resolved*, That the Treasurer of this Commonwealth be, and he is, hereby directed to receive the promissory note of the said Benjamin White, for the aforesaid sum of Two hundred and eighty-five pounds, nineteen shillings and nine pence, payable to the use of this Commonwealth, within six months from the date of this Resolve, with interest until paid; and upon his producing a certificate from the said Committee for Stating and Methodizing Accounts, that he has produced proper vouchers of his having paid the whole or any part of the said sum, the said Treasurer is directed to allow him on the said note, to the amount of such certificate.

And it is further *Resolved*, That upon the said Treasurer's receiving the said note, executed in manner as aforesaid, the said Jabez Fisher, Ephraim Starkweather and Lemuel Kollock, shall be discharged upon the books of the said Commonwealth, from any obligation to pay the sum aforesaid, or any part thereof. March 18, 1784.

### Chapter 147.

*Chap.147* REPORT OF THE COMMITTEE RESPECTING MR. FURNASS'S DEPARTMENT, DIRECTING THE TREASURER TO RECEIVE ALL THE BOOKS AND PAPERS AND DISCHARGING MR. FURNASS AND THE CLERKS EMPLOYED IN SAID OFFICE.

*Whereas it appears to this Court, that the business done in the treasury department, under the inspection of Mr. Furnass, is so near compleated, that it may be done by the*



*Treasurer, without any great embarrassment to the other business of his office:*

It is therefore *Resolved*, That *Thomas Ivers*, Esq; Treasurer of this Commonwealth, be, and he is, hereby directed, at or before the twenty-seventh of this instant, *March*, to take into his custody all the public books, records and papers, that are in the said department; and the said Treasurer is hereby directed to do and transact such public business as hath been usually done in the said department.

And it is further *Resolved*, That from and after the said twenty-seventh day of this instant, *March*, the said department be discontinued, and *John Furnass*, Esq; and the clerks employed in the said office, be discharged from any further service therein.

*March 18, 1784.*

### Chapter 148.

RESOLVE ON THE PETITION OF DOCTOR EDWARD RUSSELL, DISCHARGING HIM FROM A NUMBER OF FIRE ARMS AND A QUANTITY OF POWDER, DELIVERED IN 1775, AND DIRECTING THE COMMISSARY GENERAL TO CALL UPON JEDEDIAH PREBLE, ESQ; AND DANIEL ILSLEY. Chap.148

*Whereas* Edward Russell, Esq; received by an order from the General Court of this Commonwealth, in November, 1775, one hundred fire arms and three hundred and fifty pounds of powder, he to be accountable for the same, according to the directions then given him; and whereas the said Russell has made it appear to this Court, that he has discharged himself of the same: Therefore

*Resolved*, That *Edward Russell* be, and he hereby is, discharged from the said powder and fire arms, and that the Committee on Accounts be, and they hereby are, directed to allow the said *Russell*, the money advanced for the transportation of the said articles, together with a reasonable allowance for his time, horse hire and expences, while attending on the said service. And it is further

*Resolved*, That the Commissary General be, and hereby is, directed to call upon the honourable *Jedediah Preble*, of *Falmouth*, Esq; for thirty three fire arms with bayonets, and upon *Daniel Ilsley*, of the said *Falmouth*, for forty-seven fire arms with bayonets, and also upon *Isaac Snow*, of *Harpswell*, for the delivery of twenty-five fire arms;

the said arms being the same delivered to *Edward Russell*, Esq; by order of the General Court; and if the said *Preble*, *Ilsley* and *Snow*, do not return to the Commissary General aforesaid, (within six months) the said arms or the value thereof in money, computing what the said fire arms were worth in *November*, 1775; the said Commissary General is hereby authorized and directed, to commence an action at law against the said *Preble*, *Ilsley* or *Snow*, or either of them, who shall be deficient in returning or paying for the said fire arms as before mentioned, at the expiration of the said six months from the date of this Resolve, the value of the said arms to be computed as aforesaid. *March 18, 1784.*

### Chapter 149.

*Chap.149* RESOLVE ON THE PETITION OF JOSEPH FRYE, ESQ; RELATIVE TO LANDS IN FRYBURG, IN THE COUNTY OF YORK.

*The committee appointed by a Resolve of May the first, 1781, to examine into all trespasses and illegal entries on the unappropriated lands, and to whom was committed the petition of Joseph Frye, Esq; accompanied with a plan of Four thousand four hundred and sixty five acres of land, in lieu of Four thousand one hundred and forty-seven acres received back by government from the said Frye, in the west corner of Fryburg in the county of York, June 25, 1772, have attended to the petition and viewed the plan, and think it unreasonable to cut the government's land in such a disadvantageous manner as is done by the said plan:*

*Therefore propose, That the Four thousand one hundred and forty-seven acres in lieu of that received back, be laid in the form marked by the red lines on the plan, and bounded in the following manner, viz. : beginning at the northerly corner of the said town of Fryburg; thence south forty-five degrees west, on the north-westerly side line of the said town, five hundred and thirty rods; thence north eight degrees east (by the needle) one thousand five hundred and eighty-four rods; thence south eighty-two degrees, east five hundred rods; thence south eight degrees west, to the upper Keezer pond; thence by the said pond and the outlet thereof, to the north-easterly side line of the aforesaid town of Fryburg, thence north*

forty-five degrees west, on the said line unto the northerly corner first mentioned.

JONATHAN GREENLEAF,  
DAVID SEWALL,  
JOHN LEWIS,  
WILLIAM LITHGOW, jun.  
March 18, 1784.

### Chapter 150.

RESOLVE GRANTING ONE HUNDRED POUNDS TO THE COMMISSIONERS APPOINTED TO ASCERTAIN THE BOUNDARY LINE BETWEEN NEW YORK AND THIS COMMONWEALTH, AND REQUESTING THE GOVERNOR TO WRITE TO THE GOVERNOR OF NEW YORK, UPON THE SUBJECT.

Chap.150

*Whereas in and by an act, made and passed in the present session of the General Court, intituled "An act for the appointing and empowering Commissioners, on the part of this Commonwealth, in conjunction with such as are or may be appointed by the State of New York, to ascertain the boundary line between this Commonwealth, east of Hudson's-River and State aforesaid"; Joseph Hawley, Caleb Strong, Timothy Edwards and Theodore Sedgwick, Esq's., are appointed Commissioners on the part of this Commonwealth, for the purposes mentioned in the said act:*

It is therefore *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to the said Commissioners, whenever they shall be ready to proceed on the business in the said act assigned them, the sum of *One hundred pounds*, to enable them to effect the business of their commission with dispatch. And it is further

*Resolved*, That the Governor of this Commonwealth be requested to write to the Governor of *New York*, upon the subject matter of the said act, and transmit him an authenticated copy of the same; and that he commissionate the said Commissioners as speedily as may be, in the manner provided in the said act.

March 18, 1784.

### Chapter 151.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE ISLAND OF NANTUCKET, FOR POSTPONING THE PAYMENT OF ALL TAXES ASSESSED UPON THE TOWN OF SHERBURNE TILL FURTHER ORDERS.

Chap.151

*On the petition of the inhabitants of the island of Nantucket:*

*Whereas the inhabitants of the island of Nantucket have been much exposed to the depredations and ravages of the enemy, during the late war, from the peculiar situation of the said island; and have in reality suffered greatly by having their vessels captured, and their property taken and carried away:*

*Resolved, That the payment of all the taxes assessed upon the town of Sherburne, in the county of Nantucket, except the sum of Twenty-one hundred pounds, (which is to be paid forthwith) be postponed until the third Wednesday of the next sitting of the General Court.*

*March 18, 1784.*

### Chapter 152.

*Chap.152* REPORT OF THE COMMITTEE OF BOTH HOUSES ON THE PETITION OF LIEUT. COL. BADLAM.

The committee of both Houses, appointed to consider the petition of Lieutenant Colonel *Badlam*, have attended that service, and report, as their opinion, — That the said petition be referred to Congress, with a representation setting forth the great probability there is, (arising from the additional evidence, he, the said *Badlam*, is able to produce in his favour, beyond what he had to lay before the Court Martial, and his general good character) that upon a full hearing before Congress, or in such other way as they shall direct, he may be acquitted from the charge alleged against him, with honor.

*March 18, 1784.*

### Chapter 153.

*Chap.153* SIR, LETTER TO CONGRESS.

The inclosed petition, presented to this Court by *Ezra Badlam*, late a Lieutenant Colonel in the service of the United States, but dismissed therefrom by the sentence of a Court Martial, on the first day of *August*, 1782, the Legislature of this Commonwealth have conceived it their duty to lay before Congress, from a consideration of his general character, his past services and acknowledged merit, and from a persuasion that the petitioner would be able to produce such new testimonials in his favour, as would claim the attention of Congress.

This Legislature does not undertake to enter into the discussion of a matter decided upon by a Court Martial; but as the petitioner, from the commencement of the late war to the time of his dismissal, has been chargeable in no other instance of failure in duty, but conducted, as we apprehend, as a brave and deserving officer, and until then no stain had rested on his military character; and as he has also greatly suffered in his health and interest, in the military service of the United States, this Court do earnestly request that Congress would take his case into their wise consideration, give him an opportunity to state his difficulties, and grant him such relief as in their wisdom shall seem meet.

*To the President of Congress.*

Read and *Ordered*, That a fair draught of the foregoing letter be made, and that the Governor be requested to forward the same to the Delegates of this Commonwealth, to be by them presented to Congress.

*March 18, 1784.*

### Chapter 154.

RESOLVE ON THE PETITION OF JOHN BURKE, AND OTHERS, IN BEHALF OF THE TOWN OF BERNARDSTON, DIRECTING THE TREASURER TO CREDIT SAID BERNARDSTON THREE POUNDS THREE SHILLINGS AND FOUR PENCE.

*Chap.154*

*On the petition of John Burke, and others, in behalf of the town of Bernardston :*

*Whereas it appears to this Court, by a receipt from the Secretary, that the town of Bernardston, in the county of Hampshire, have discharged their several requisitions of beef, and issued one hundred and ninety pounds of beef more than the first requisition :*

Therefore *Resolved*, That the Treasurer be, and he is hereby directed, to credit the said town of *Bernardston* the sum of *Three pounds three shillings and four pence*, in full for the said beef.

*March 19, 1784.*

### Chapter 155.

RESOLVE ON THE PETITION OF EPHRAIM SPRING, OF NORTH-BRIDGE.

*Chap.155*

*On the petition of Ephraim Spring, setting forth, that he was appointed chairman of a class for raising one of the*

*Continental men assigned to the town of Northbridge, by a resolve of the General Court of the seventh of March, 1782; and that the said town is made debtor to this Commonwealth, for being deficient two men assigned them by the said resolve, one of which was raised by him the said Spring:*

*Whereas it appears to this Court, by a certificate from the Muster Master who resided at Springfield at the time of raising, and for the purpose of mustering the men raised in consequence of the said resolve, that the petitioner did seasonably procure and deliver unto the said Muster Master (and to his acceptance) a recruit enlisted for the term of three years:*

*Therefore Resolved, That the Treasurer of this Commonwealth be, and hereby is directed, to credit the said town of Northbridge the sum of Seventy-four pounds one shilling and eight pence, which appears to be the sum charged against the said town for one of the said men; and that the said Spring, as chairman of a class as above-said, receive the benefit of the same, any law or resolve to the contrary notwithstanding.* *March 19, 1784.*

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### Chapter 156.

*Chap.156* RESOLVE GRANTING TWO HUNDRED AND FORTY-SIX POUNDS TWELVE SHILLINGS AND SEVEN PENCE TO JOHN AVERY, JUN. ESQ; FOR SERVICES AS SECRETARY, TO JANUARY, 1784.

*On the petition of John Avery, Esq; praying for an allowance for his services:*

*Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to John Avery, Esq; Secretary, the sum of Two hundred and forty-six pounds twelve shillings and seven pence, in full for his services from June, 1782, to January, 1784, over and above three hundred and seven pounds ten shillings and nine pence which he has received in his office within the said term.* *March 19, 1784.*

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### Chapter 157.

*Chap.157* RESOLVE ON THE PETITION OF ABIJAH PRESCOTT, GRANTING HIM SIX POUNDS FOR THE BOUNTY MENTIONED.

*On the petition of Abijah Prescott, setting forth, that he the said Abijah, being a Deputy Sheriff, did, by virtue of a*

warrant from a magistrate, apprehend one Reubin Tucker, accused of high misdemeanors against the Commonwealth, which prisoner effected a forceable escape, while in his custody — whereupon the said petitioner put forth an advertisement, and promised a reward of twenty dollars for the recovery of the said prisoner, in consequence of which he was again apprehended, tried and found guilty; but no provision is made for the reimbursement of the twenty dollars given as the bounty aforesaid:

Therefore *Resolved*, That there be paid out of the treasury of this Commonwealth, unto *Abijah Prescott*, the sum of six pounds, in full for the bounty given by him, as mentioned in the preamble to this resolve.

March 19, 1784.

### Chapter 158.

RESOLVE ON THE PETITION OF KEZIA JOHNSON, AND OTHERS IMPOWERING THEM TO MAKE SALE OF THE LAND MENTIONED.

Chap.158

On the petition of *Kezia Johnson*, administratrix to the estate of the deceased *Reuel Baldwin*, husband to the administratrix, and *Cyrus Baldwin*, guardian to all the children of the deceased, praying liberty to sell two-thirds of the estate of the deceased, for reasons set forth in the said petition:

*Resolved*, That the prayer of the said petition be granted, and that *Kezia Johnson*, *Reuben Johnson*, *Cyrus Baldwin*, subscribers of the said petition, be, and they are hereby authorized and empowered, to make sale of two-thirds of the estate of the deceased, and execute a good and lawful deed or deeds of the same, they giving proper security to the Judge of Probate, for the county of *Middlesex*, that the net proceeds of the said sale, shall be put on interest for the benefit of the children, after paying the just demands on the said estate.

March 19, 1784.

### Chapter 159.

RESOLVE ON THE PETITION OF THE SELECTMEN OF CHARLEMONT, DIRECTING AN ABATEMENT OF CERTAIN FINES.

Chap.159

On the petition of the selectmen of the town of *Charlemont*, praying that the fines laid on the said town in a

*tax of 1781, for not raising their proportion of three and six months men, in the year 1780, may be abated:*

*Whereas by a resolve of January 25, 1781, it was provided that the said town of Charlemont, should not be fined for a delinquency of two six-months men, and two three-months men; and whereas it appears, that by mistake the said town is fined eight pounds, for the said six months men, and the sum of twelve pounds sixteen shillings, for the said three months men:*

Therefore *Resolved*, That the whole of the said fines, amounting to *Twenty pounds, sixteen shillings*, be abated to the town of *Charlemont*, in the new emission tax of 1781, and the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

*March 19, 1784.*

### Chapter 160.

*Chap.160* RESOLVE ON THE PETITION OF SUSANNAH GREEN, EMPOWERING HER TO MAKE AND EXECUTE A DEED, &c.

*On the petition of Susannah Green, widow of Paul Green, of Rochester, in the county of Plymouth, deceased, setting forth, that the dwelling house of her deceased husband, with eight acres of land adjoining, have been taken by execution, and set off to satisfy the same; and praying that she may be empowered to exchange unimproved lands of her deceased husband's for the said house and land:*

*Resolved*, That the selectmen of the said *Rochester*, with the said *Susannah Green*, executrix to the last will of her deceased husband, be, and hereby are empowered, to make the said exchange, and to execute a good and lawful deed of the same.

*March 19, 1784.*

### Chapter 161.

*Chap.161* RESOLVE ON THE PETITION OF THE INHABITANTS OF THE PLANTATION CALLED STERLINGTON, DIRECTING THE TREASURER TO STAY HIS EXECUTION.

*On the petition of the inhabitants of the plantation called Sterlington, in the county of Lincoln, setting forth that they have been taxed in two Continental Taxes, and the last State Tax, the sum of twenty-five pounds each, and representing their inability to discharge and pay the same:*



Therefore *Resolved*, That the prayer of the petitioners be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to stay his execution upon the said inhabitants until the expiration of twelve months from the date hereof. *March 20, 1784.*

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### Chapter 162.

RESOLVE DIRECTING THE TREASURER TO PAY TO THE MEMBERS OF THE COUNCIL AND OF THE GENERAL COURT, THE SUMS DUE TO THEM RESPECTIVELY, FOR THEIR SERVICES DURING THE PRESENT SESSION, OUT OF ANY MONEY IN HIS HANDS.

*Chap.162*

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby directed, to pay to the members of the Council and of the General Court, the sum or sums due to them respectively, for their services respectively during the present session, out of any money in his hands, and replace the same out of the first money that shall come into the treasury, unappropriated.

*March 20, 1784.*

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### Chapter 163.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF BELFAST, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN FOR CERTAIN TAXES.

*Chap.163*

*Whereas it appears to this Court, that the inhabitants of the town of Belfast, by reason of their situation, being contiguous to the post occupied by the British force at Penobscot, during the late war, were under absolute necessity to quit their habitations, and flee to some other towns and places more remote from the enemy for safety, leaving the greater part of their property to the ravages of the enemy, and they are thereby become unable to pay public taxes for the present:*

*Resolved*, That the prayer of the said petition be so far granted, that the whole of the public taxes of every kind, already granted to be assessed on the said town, be, and are hereby abated; and that the Treasurer be, and he is hereby directed to credit the said town accordingly, any law or resolve to the contrary notwithstanding.

*March 20, 1784.*

## Chapter 164.

*Chap.*164 RESOLVE CONFIRMING GRANTS OF LAND FORMERLY MADE AND REPORTED UPON BY THE COMMITTEE ON EASTERN LANDS, AND FOR THE SALE OF LANDS MENTIONED IN THE REPORTS OF THE SAID COMMITTEE.

*On the report of March the twelfth, 1784, made by the committee appointed by a Resolve of the General Court, of May the first, 1781, "for examining into all trespasses and illegal entries on the unappropriated lands belonging to this Commonwealth:"*

*Whereas the said committee in their report of March the twelfth, 1784, annexed a plan exhibiting at one view, the unappropriated lands belonging to this Commonwealth, on the western side of Saco River, and to the southward of little Ossipee River, together with several grants of land made to sundry persons at several times; and have also reported, that of the lands therein mentioned, two hundred acres thereof granted to Daniel Simpson, one hundred acres to Moses Banks, and four hundred acres to Joseph Bane, for the use of his four sons, no confirmation thereof from this government has been made to appear:—Therefore*

*Resolved, That for the reasons set forth in the said report, the aforesaid grants of two hundred acres to Daniel Simpson, one hundred acres to Moses Banks, and four hundred acres to Joseph Bane, for the use of his four sons, be, and they are hereby severally confirmed to them, their heirs and assigns, to all intents and purposes, and as fully as though the said grants had been heretofore confirmed, and due record made of the same.*

*And be it further Resolved, That the report of the said committee, respecting lands granted to Jonathan Bane, and their doings relative thereto, as well as with respect to the two hundred acres, the said committee permitted the assignees of Samuel Kendall to lay out, be, and hereby is accepted; and the three hundred acres of land to Jonathan Bane, and assignees, and the two hundred acres to the assignees of Samuel Kendall, as laid out by the said committee, are severally confirmed to them, their heirs and assigns.*

*And whereas by the aforementioned report and plan, it appears, that there are several strips or gores of land, amounting to about five thousand six hundred acres, of the unappropriated lands belonging to this Commonwealth, on*

the western side of Saco River, and to the southward of little Ossipee River :

It is hereby *Resolved*, That the whole of the aforementioned unappropriated lands mentioned in the said report, be sold at public auction, for government securities, except the one hundred acres reported by the said committee, as taken up by *John Lydston*, without any title under the government, which one hundred acres the said committee are directed to dispose of in such manner as they shall judge best for the interest of this Commonwealth.

And it is further *Resolved*, That the eleven lots of land adjoining to *Fryburg*, mentioned in the report No. 2, of the said committee of *March* the tenth, 1784, containing one hundred and fifty acres each, excepting one of them which contains one hundred and ninety-two acres, be all sold at public auction for government securities.

And it is further *Resolved*, That *Cotton Tufts*, *Edward Russell*, and *John Hill*, Esquires, be a committee to dispose of the aforesaid lands, amounting to about five thousand six hundred acres ; and also the aforesaid eleven lots of land, at public auction, for government securities, as soon as may be, and at such time and place as they shall appoint, first giving public notice thereof in three of the *Boston* newspapers, for three weeks successively, and at least three months before the time of sale, and shall have power to adjourn from time to time, until the sale is completed ; and the said committee are hereby authorized and empowered, to give good and sufficient deeds to the purchaser or purchasers of the said lands, in the name and behalf of this Commonwealth, and to have regard to the bounds of the said lands, as set forth in the reports and plans aforementioned ; and the said committee are hereby directed to pay into the Treasurer of this Commonwealth, such securities as they shall receive for the said lands, taking duplicate receipts therefor, and to lodge one of them with the Secretary, and make report of their doings hereon, at the next session of the General Court.

*March 20, 1784.*

## Chapter 165.

*Chap.165* RESOLVE ALLOWING THE COMMITTEE FOR METHODIZING ACCOUNTS, SEVEN SHILLINGS PER DAY, WHILE SETTLING THE COMMITTEE OF SEQUESTRATION'S ACCOUNTS, AND DIRECTING THE COMMITTEE TO CALL UPON ALL PERSONS WHO HAVE RECEIVED GOODS OF SAID COMMITTEE.

*Whereas it appears by the memorial of the Committee for Methodizing Accounts, to whom was committed the settlement of the accounts of the Committee of Sequestration, that the settlement of the said accounts was delayed, by reason of charges being made of the said Committee of Sequestration, and the auctioneer employed by them for their daily trouble in that business, in such manner as could not with propriety be allowed without the order of this Court: Therefore, to ascertain their daily pay,*

*Resolved,* That there be allowed by the committee for methodizing accounts, in their settlement of the accounts of the Committee of Sequestration, *seven shillings* per day to each of the said committee, for their time and trouble while they were employed in that business; and that nothing be allowed to *William Greenleaf*, for his trouble, saving the five per cent. commission on the sale of goods to him committed.

*And whereas it is represented, that there is still in the hands of divers persons, sundry goods belonging to absentees, unaccounted for by the Committee of Sequestration:*

*Resolved,* That the committee for methodizing accounts be, and they are hereby directed, to call on every person who has received any of the said goods, and who has not accounted for the same, and bring them to immediate settlement therefor, and upon the said committee's receiving any of the said goods into their possession, they are directed to make sale of the same for the use of this Commonwealth; and in case any person who may have received any of the said goods, and has not accounted for the same, shall refuse to deliver the said goods unto the said committee, or account with them therefor, the said committee, without partiality or delay, are directed to exhibit an account thereof to the Attorney General of this Commonwealth, who is hereby directed immediately to commence a legal process thereon, and the sums that may be recovered, shall be paid into the hands of the Treasurer, in such manner and for such purposes, as is mentioned in a resolve passed *October* the fourth, 1782.

And it is further *Resolved*, That in every matter relative to the accounts of the Committee of Sequestration, where this Court has not particularly made the allowances of pay or charges made, the committee for methodizing accounts, are empowered to make such allowances as they may judge reasonable; and the said committee are directed, without discrimination, to bring every person concerned in the aforementioned business, to an immediate settlement, agreeably to the aforesaid resolve of *October* the fourth, 1782.

March 20, 1784.

### Chapter 166.

RESOLVE ON THE PETITION OF NATHANIEL FREEMAN, TO APPREHEND ONE SETH PERRY, AND TO DEAL WITH HIM ACCORDING TO LAW.

Chap.166

*On the petition of Nathaniel Freeman, Esq; praying for the direction of the General Court, relating to the sending out of this Commonwealth one Seth Perry and his family:*

*Resolved*, That the said *Nathaniel Freeman*, Esq; be, and he hereby is directed, to take care that the said *Seth Perry* and his family be immediately apprehended, and dealt with agreeably to a law made and passed the second day of *July* last, entitled, “An act to carry into execution an act made in the year one thousand seven hundred and seventy-eight,” entitled, “An act to prevent the return to this State, of certain persons therein named, and others who have left this State, or either of the United States, and joined the enemies thereof.”

March 22, 1784.

### Chapter 167.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WALPOLE, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A FINE AND BOUNTY.

Chap.167

*On the petition of the selectmen of the town of Walpole, setting forth, that the said town was fined for the deficiency of one man, to serve as a soldier in the year 1781, for the term of three months, which man was raised, and served in Captain Pond's company, at Rhode Island, as appears by certificates:*

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *Wal-*

*pole*, (in the tax of *March* last) the sum of *twenty-one pounds one shilling and nine pence*, in full for the fine and bounty of one man, to serve as a soldier for the term of three months.

*March 22, 1784.*

### Chapter 168.

*Chap. 168* RESOLVE ON THE REPRESENTATION OF *TIMOTHY CHILDS*, IN BEHALF OF *JOSIAH WRIGHT*, AND OTHERS, TO SHEW CAUSE.

*Whereas it is represented to this Court by Timothy Childs, who petitions in behalf of himself, Josiah Wright, jun. and James Easton, jun. praying for a new trial on a certain action brought in the county of Worcester, wherein Cheney Reed was plaintiff, and the persons aforesaid were defendants, on a note of hand indorsed to him by one Joseph Reed, for one thousand pounds, conditioned to be void on the payment of five hundred pounds, which it is said was performed by the defendants, for the whole sum of one thousand pounds, occasioned by the absence of a material witness, by whose testimony the defendants are able to shew that the said note was conditioned as aforesaid: Therefore*

*Resolved*, That the petitioners notify the said *Cheney Reed*, that he appear and shew cause, if any he has, why the prayer of the petition of the said *Timothy Childs*, in behalf of himself and others, should not be granted on the second Wednesday of the next sitting of the General Court, by leaving an attested copy of their petition and this resolve, at the last and usual place of his abode, at least fourteen days before the said sitting of the said General Court, and that execution be stayed in the mean time.

And it is further *Resolved*, That a resolve of the twelfth instant, purporting to be founded on the representation of the said *Timothy Childs*, in behalf of himself, *Joshua Wright, jun. and James Easton, jun.* for notifying the said *Cheney Reed* to appear and shew cause at the time aforesaid, and for staying execution in the mean time be, and hereby is repealed and made null and void.

*March 22, 1784.*

## Chapter 169.

REPORT OF THE COMMITTEE APPOINTED BY A RESOLVE OF THE 28<sup>TH</sup> OF OCTOBER LAST, TO EXAMINE INTO THE STATE OF THE UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN. Chap. 169

The committee appointed in consequence of a Resolve of the General Court, of the twenty-eighth of *October* last, to examine into the state of the unappropriated lands in the county of *Lincoln*, and for other purposes therein mentioned, have attended to the business of their appointment, so far as time and circumstances would permit: and they find that large tracts of land in the said county, are claimed by certain persons and companies, particularly by the *Plymouth* Company, by the heirs and assigns of — *Leverett*, called the *Waldo* claim; and besides these, that there is a claim called the *Drown* claim, and sundry others: As most of the said claims are founded on ancient grants and various Indian deeds, &c. it will require a considerable time to investigate their authenticity and extent, and to prepare a state of facts to be laid before the General Court, which will be attended to without loss of time; and in the mean time your committee ask leave to report as their opinion, that it will be for the interest of the Commonwealth, to lay out a number of towns in the said county, and propose that four towns be laid out on the west side of *Penobscot* river, beginning at the said river, at the distance of thirty miles from the sea, from thence extending on a line parallel with the general course of the sea-coast towards *Kenebeck* river; that as many towns be laid out on the east side of *Penobscot* river, as the land laying between the westernmost of the twelve townships, conditionally granted on the same side of the said river, and the land granted to the Indians, will admit; that six townships be laid out on the west side of the river *St. Croix*, being the easternmost boundary of this Commonwealth, beginning at the sea, and extending up the said river; that each of the said townships be laid out six miles square, or as near thereto as circumstances will permit, and that surveyors be appointed by the persons who shall be authorized to dispose of the land herein mentioned, for the purpose of laying out the said townships, returning the quantity, quality and boundaries of the same, whether they be rocky, mountainous, or plain, the growth and kind of timber and wood thereon, the

rivers and streams therein, together with the nearness of those townships which do not lay on a river, to any settlement or landing, agreeably to the aforesaid resolve.

And at the same time your committee would beg leave to suggest, that for the purpose of preventing emigrations from this into other States, and accelerating the settlement of the lands belonging to this Commonwealth, it would be expedient to appoint some suitable persons to dispose of the lands before proposed to be laid out, to any subject of this or any other of the United States, who will pay therefor in specie securities due from this Commonwealth, with the following directions, viz. after reserving fifteen hundred acres in every township for public use, to dispose of half of the said townships which shall be adjoining to a river, in quantities not exceeding five hundred acres to one person, and at a rate not below six shillings per acre; in each of the other townships that shall be adjoining a river, to sell six thousand acres, in quantities not exceeding one hundred and fifty acres to one person, on such terms as to the vendors shall appear reasonable, the validity of their titles to depend on settling themselves, or causing some other person to settle within twelve months from the date of the deed, unavoidable casualties excepted; if the first mentioned townships should not be sold in the manner prescribed for them, then that they be sold in the manner last mentioned; in those townships which do not adjoin to a river, to dispose of a quantity not exceeding three thousand acres, as follows, to give one hundred acres to each person who shall settle thereon within one year from the date of his agreement, their titles to be confirmed to them upon their clearing at least four acres annually, for the first four years.

It is suggested also, that it will be expedient to authorize the persons who may be appointed to dispose of the land, to procure faithful chainmen and other help necessary for the purpose of laying out the townships and lots that shall be sold; both surveyors and chainmen to be sworn faithfully to discharge the duties to which they are respectively appointed, previously to their proceeding.

Your committee, immediately after the passing of the said resolve of the twenty-eight of *October* last, by public advertizements, gave notice of their appointment and of the duties required of them, and cautioned all persons against committing future trespasses on public lands in



the said county; they also empowered the Honorable *William Lithgow, jun. Esq;* in their behalf, to commence suits at law, and to prosecute the same to final judgment and execution against all persons who should disregard the warning then given; it is proposed when the season shall be most favourable for the purpose, that two at least of the committee proceed in person to the said county, in order to receive proposals from those persons who have without authority, entered on public land, and made encroachments thereon, and to treat with them on terms of settlement.

The foregoing is humbly submitted,

by SAMUEL PHILLIPS, jun. per order.

*Boston, March 19, 1784.*

And thereupon *Resolved*, that *Samuel Phillips, jun. Nathaniel Wells, Nathan Dane, Esqrs.* be, and they are hereby appointed a committee for the purpose of carrying the foregoing report into execution; and that there be allowed and paid out of the public treasury, a sum not exceeding *one hundred and fifty pounds* unto the said committee, to enable them to perform the business hereby assigned them, they to be accountable for the same.

*March 22, 1784.*

### Chapter 170.

RESOLVE ON THE REPRESENTATION OF MONSIEUR DE LA TOMBE, CONSUL GENERAL OF FRANCE, EXEMPTING THE CARGO OF THE SHIP *RENCONTRE* FROM FORFEITURE. Chap.170

*On the petition of the Consul General of France, relative to a seizure of the cargo of the ship Rencontre:*

*Whereas it appears that there was no intention of fraud in omitting to enter the said cargo agreeable to law:*

Therefore *Resolved*, That the cargo of the said ship *Rencontre*, consisting of one hundred and twenty-five packages, as appears by the first entries in the naval office, part of which was re-shipped on board the brigantine *Victory*, and lately unladed without permit, be exempt from forfeiture, and that the articles seized be restored to the concerned. *Provided however*, That the duties on the whole cargo be first secured according to law, and all reasonable charges for the removal and storage of said property be duly paid, the seizure aforesaid or anything to the contrary notwithstanding.

*March 23, 1784.*

## Chapter 171.

*Chap.171* ORDER REQUESTING THE GOVERNOR TO WRITE TO GOVERNOR GUERARD, OF SOUTH CAROLINA, INCLOSING THE LETTER OF THE JUDGES OF THE SUPREME JUDICIAL COURT.

*Ordered*, That his Excellency the Governor be requested to write to his Excellency *Benjamin Guerard*, Governor of *South Carolina*, inclosing, for the information of Governor *Guerard*, the letter of the Judges of the Supreme Judicial Court of this Commonwealth, with the copy in the said letter referred to, upon the subject of Governor *Guerard's* letter, dated the sixth October, 1783.

*March 23, 1784.*

## Chapter 172.

*Chap.172* RESOLVE ON THE PETITION OF ASA WHETCOMB, ESQ; ALLOWING HIM A CERTAIN SUM FOR SURPLUSES PAID BY HIM IN 1775, TO NON-COMMISSIONED OFFICERS.

*Whereas* Asa Whetcomb, *Esq*, was, in the year one thousand seven hundred and seventy-five, appointed Pay Master and Muster Master of the troops raised by this State, and stationed at Cambridge, and received public monies for the use of the said troops, to be paid to them agreeably to the direction of a resolve of the Congress of the State; but from a misconstruction of the said resolve, the said Whetcomb paid to each non-commissioned officer and private, one full month's wages, when the true intent and meaning of the said resolve was, that each non-commissioned officer and private should receive the sum of forty shillings only: and therefore the said Whetcomb, when called upon to account for the expenditure of the monies he had received as aforesaid, was not allowed for the surplusages paid by him to the non-commissioned officers, although he produced sufficient vouchers of the payment of the same: And whereas it appears to this Court, that the non-commissioned officers aforesaid were, in the final settlement of their accounts, each charged with a full month's pay, made by the said Whetcomb as aforesaid, and the public hath had the advantage thereof:

Therefore Resolved, That there be allowed to the said Asa Whetcomb, the sum of Eleven hundred and fifty-one pounds three shillings, in full of the amount of the surplusages aforesaid, paid by him to the aforesaid non-com-

missioned officers, and also in full compensation of his services as Pay Master and Muster Master; and the committee for methodizing and stating the public accounts, are hereby directed to allow the same in the settlement of the said *Whetcomb's* accounts. *March 22, 1784.*

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### Chapter 173.

A GRANT OF FOUR THOUSAND POUNDS TO THE COMMITTEE ON ACCOUNTS. *Chap.173*

*Resolved*, That there be paid out of the treasury of this Commonwealth, to the Committee on Accounts *four thousand pounds*, to enable them to pay such accounts as have been by them examined and allowed; the said committee to be accountable for the expenditure of the same.

*March 22, 1784.*

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### Chapter 174.

RESOLVE ON THE PETITION OF STEPHEN ROOT, GRANTING HIM FORTY-NINE POUNDS TWO SHILLINGS AND EIGHT PENCE FOR HIS WAGES WHILE A PRISONER, AND FORTY SHILLINGS FOR THE LOSS OF A FIRE ARM AND ACCOUTREMENTS. *Chap.174*

*On the petition of Stephen Root, praying for a compensation for the time he was a prisoner with the enemy, until he returned home, which was two years and seventeen days:*

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, the sum of *Forty-nine pounds two shillings and eight pence*, to the said *Stephen Root*, in full for his wages while a prisoner.

And it is further *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, the further sum of *forty shillings*, for the fire arm and accoutrements he lost when taken a prisoner, and that the same be charged to the accounts of the United States.

*March 22, 1784.*

## Chapter 175.

*Chap.175* RESOLVE ON THE PETITION OF THE INHABITANTS OF THE PLANTATION CALLED *BAKERSTOWN*, IN THE COUNTY OF *CUMBERLAND*, DIRECTING THE TREASURER TO STAY EXECUTIONS.

*Whereas several taxes have been laid by the General Court of this Commonwealth, upon the plantation called Bakerstown, in the county of Cumberland, the payment of which by the inhabitants only, appears to be unreasonable; and as very few of the inhabitants are proprietors, and the proprietors records at a great distance from them, by which they are deprived of the necessary means of knowledge to make a just and equitable assessment: Therefore,*

*Resolved,* That the prayer of the said petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to stay all executions that have been issued by him, or might be issued, if this resolve had not passed, against the said plantation of *Bakerstown*, for six months from the date of this resolve; and the further consideration of putting the inhabitants of the said plantation in such circumstances respecting the proprietors records as shall enable them to make a just and legal assessment, be referred to the next sitting of the General Court.

*March 22, 1784.*

## Chapter 176.

*Chap.176* RESOLVE REQUESTING THE GOVERNOR TO APPOINT SOME PERSON TO RECEIVE THE PUBLIC STORES AT *MACHIAS*.

*It being represented to this Court, that there is a number of cannon and other military stores and buildings at Machias, and its vicinity, which are the property of the United States, and no person is now authorized to take care thereof:*

*Resolved,* That his Excellency the Governor be, and he is hereby requested, to appoint some suitable person to take care of the said cannon, stores and buildings, and make return of the quantity and situation of the same, as soon as may be.

*March 22, 1784.*

## Chapter 177.

A GRANT OF SIX HUNDRED POUNDS TO THOMAS IVERS, ESQ; *Chap.177*  
TREASURER.

*Resolved*, That there be granted and allowed out of the public treasury of this Commonwealth, to *Thomas Ivers, Esq;* Treasurer and Receiver General of the Commonwealth aforesaid, the sum of *Six hundred pounds*, being in full for one year and six months service as Treasurer aforesaid, ending on the 10th day of *April* next.

*March 22, 1784.*

## Chapter 178.

RESOLVE FOR REPEALING A RESOLVE PASSED JUNE 23, 1780, *Chap.178*  
AND FOR LEASING OUT THATCHER'S ISLAND.

*Whereas by a resolve of the General Court, passed June 23, 1780, empowering and directing Stephen Choate, Esq; (amongst other things) annually to lease out Thatcher's Island (so called) for as much as the same will fetch, till the further order of the General Court: And whereas it appears to this Court that the said island may be improved to better advantage by the person appointed by the Governor to reside on the aforesaid island, for the purpose of tending the Light Houses erected thereon:*

*Resolved*, That the aforesaid resolve, so far as it relates to the leasing out the said island, be, and hereby is repealed and made null and void.

And it is further *Resolved*, That the Governor be, and hereby is requested, to require the person who is or may from time to time be appointed as aforesaid, to account for the improvement of the said island annually, during the time he shall be employed as aforesaid.

*March 22, 1784.*

## Chapter 179.

RESOLVE DIRECTING THE COMMITTEE FOR SETTLING WITH *Chap.179*  
THE ARMY, TO WRITE COL. ARMAND, AND REQUEST HIM  
TO COMPLEAT A RETURN OF THE MEN INLISTED BY HIM  
IN THIS COMMONWEALTH.

*Whereas Col. Armand, on the fourteenth day of July, Anno Domini, one thousand seven hundred and seventy-eight, did receive out of the treasury of the then State of*

Massachusetts, *the sum of two thousand five hundred and eleven pounds, for the purpose of paying the bounties of one hundred and sixty-two men, inhabitants of the said State, supposed to be enlisted into the legion of horse, at that time commanded by the said Col. Armand: And whereas the said Colonel has made return of thirty-one men only inlisted as aforesaid, and has not accounted for the sum received by him as abovesaid:*

Therefore *Resolved*, That the committee for settling with the army be, and they are hereby directed, to write to the said Col. *Armand*, and request him to compleat and forward to the said committee, a return of all the men inlisted by him as aforesaid, who then belonged to the said State, in order that the United States may be debited with the sum advanced as aforesaid, to the said Colonel.

*March 22, 1784.*

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### Chapter 180.

*Chap.180* RESOLVE DIRECTING THE TREASURER TO CALL UPON DELINQUENT COLLECTORS FOR 1781.

*Resolved*, That the Treasurer be, and he hereby is directed, to issue his executions against all such collectors of the tax granted in *April, 1781*, and payable in bills of the new emission, as shall not have compleated the settlement of their respective accounts on the 15th day of *June* next; and that he cause this resolve to be published in *Adams and Nourse's*, and in the *Salem, Worcester and Springfield* newspapers.

*March 22, 1784.*

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### Chapter 181.

*Chap.181* GRANT OF ONE THOUSAND AND SIXTY-THREE POUNDS TWELVE SHILLINGS TO HON. ROBERT TREAT PAINE, ESQ; FOR HIS SERVICES AS ATTORNEY GENERAL, TO JANUARY, 1783.

*Whereas it appears to this Court that by reason of the late war, the business necessary to be performed by the Attorney General of this Commonwealth in that office, hath been greatly encreased and attended with peculiar difficulty, greater expence, and more constant application than at other times: Therefore*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, unto the Hon. *Robert*

*Treat Paine, Esq*: Attorney General, the sum of *One thousand sixty-three pounds and twelve shillings*, in addition to what has been granted to him and he has received, previous to the first of *Jan.* in the year 1783, in full for his services as Attorney General for this Commonwealth, from the time of his first appointment to that office, down to the said first day of *January*, in the year one thousand seven hundred and eighty-three.

*March 23, 1784.*

### Chapter 182.

GRANT OF SEVEN POUNDS TO MRS. JUDITH COOPER, WIDOW OF DR. SAMUEL COOPER, LATE CHAPLAIN TO THE TWO HOUSES; AND FIVE POUNDS TO THE REV. JOSEPH ECKLEY, CHAPLAIN, FOR HIS SERVICES THE PRESENT SESSION. Chap.182

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Mrs. *Judith Cooper*, the widow of the late Rev. *Samuel Cooper*, D. D. the sum of *seven pounds*, for his services as Chaplain to the General Court, in the two first sessions thereof, in the present year. And that there be also paid to the Rev. *Joseph Eckley*, for his services as Chaplain the present session, the sum of *five pounds*.

*March 23, 1784.*

### Chapter 183.

RESOLVE EMPLOYING MESS'RS ADAMS AND NOURSE TO PRINT TWELVE HUNDRED SETTS OF PERPETUAL LAWS, AND ESTABLISHING THEIR PAY. Chap.183

*Whereas* Thomas Adams and John Nourse, printers in the town of Boston, have engaged to print the perpetual laws of this Commonwealth on good paper, with a fair type, and that each sheet shall contain at least as much as a sheet of the perpetual laws of the late province, at the rate of one penny lawful money per sheet:

*Resolved*, That the aforesaid *Thomas Adams* and *John Nourse* be employed to print twelve hundred setts of the perpetual laws of this Commonwealth, and that they be allowed therefor at the rate above mentioned, provided they shall execute the work in the manner above mentioned.

*March 23, 1784.*

## Chapter 184.

*Chap.184* RESOLVE ON THE PETITION OF THOMAS MIGHILL, IN BEHALF OF THE TOWN OF ROWLEY, REMITTING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE.

*On the petition of Thomas Mighill, praying that the fine set on the town of Rowley, for neglecting to send a Representative to the General Court in 1782, be abated, for reasons set forth in said petition:*

*Resolved,* That the town of Rowley be abated the sum of *Twenty-nine pounds twelve shillings and six pence*, being the one half of the fine set on the said town for the said neglect; and the treasurer of this Commonwealth is hereby empowered and directed, to credit the town of Rowley the sum of *Twenty-nine pounds twelve shillings and six pence*, in the last State Tax.

*March 23, 1784.*

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## Chapter 185.

*Chap.185* RESOLVE ON THE PETITION OF JOHN MUNROE, IN BEHALF OF THE TOWN OF HARVARD, REMITTING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE.

*On the petition of John Munroe, in behalf of the town of Harvard, praying that the fine assessed on the said town, for not sending a Representative to the General Court the last year, may be remitted, for reasons set forth in the petition:*

*Resolved,* That the prayer of the petition be so far granted, that the sum of *Eighteen pounds fifteen shillings and five pence*, be remitted to the said town of Harvard, it being half the fine assessed in the last Tax Act on the said town for not sending a Representative to the General Court the last year; and that the Treasurer be, and he is hereby directed, to credit the said town in the last Tax Act accordingly.

*March 23, 1784.*

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## Chapter 186.

*Chap.186* RESOLVE ON THE PETITION OF DR. SAMUEL LANGDON, GRANTING HIM THREE HUNDRED AND TWENTY POUNDS (SPECIE) IN LIEU OF A WARRANT GRANTED HIM SOME YEARS AGO, UPON HIS RETURN OF THE SAME.

*On the petition of Samuel Langdon, D. D. late President of Harvard College, setting forth, that he received a warrant on the treasury of this Commonwealth, for the sum*



of four hundred and ninety-seven pounds, five shillings and seven pence, *in bills of the new emission, in full discharge of his account as President of the said College.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, the sum of *three hundred and twenty pounds* (specie) to *Samuel Langdon, D. D.* (upon his returning the warrant aforesaid) which sum shall be in full discharge of his account as President aforesaid.

*March 23, 1784.*

### Chapter 187.

RESOLVE ON THE PETITION OF *JOHN HARKNESS*, IN BEHALF OF THE PLANTATION OF *CAMBDEN*, IN THE COUNTY OF *LINCOLN*, DIRECTING THE ASSESSORS OF THE TOWN OF *THOMASTOWN* TO ASSESS, &c. *Chap.187*

*Resolved*, That the prayer of the petition of *John Harkness*, in behalf of the plantation of *Cambden*, in the county of *Lincoln*, be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to stay execution against the said plantation, on account of any taxes due therefrom, for twelve months from the date of this resolve.

And it is further *Resolved*, That the assessors of the town of *Thomastown* be, and they are hereby directed, not to assess any of the inhabitants of the aforesaid plantation, anything that may be contained in any tax act to the contrary notwithstanding.

*March 22, 1784.*

### Chapter 188.

RESOLVE RELATIVE TO *PENOBSCOT* SOLDIERS PAY, DIRECTING THE TREASURER TO ISSUE CERTIFICATES ON COLLECTORS. *Chap.188*

*Whereas it is found inconvenient, that so small a sum as is due to the men borne on the rolls of the Penobscot expedition, should be paid in notes, on interest, as directed by an act of May 3, 1780:*

*Resolved*, That the Treasurer be, and he is hereby directed, to pay the same, by issuing his certificates on the collectors of the last State Tax, anything in the aforesaid act to the contrary notwithstanding.

*March 23, 1784.*

## Chapter 189.

*Chap.*189 RESOLVE ON THE PETITION OF THOMAS POOR, IN BEHALF OF THE TOWN OF METHUEN, ABATING A FINE.

*On the petition of Thomas Poor, in behalf of the town of Methuen, praying for an abatement of a fine laid on the said town in the last State Tax, for not sending a Representative to the General Court for the year 1782, for reasons set forth in the said petition :*

*Resolved,* That one half of the said fine be remitted ; and that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of *Methuen* the sum of *Eighteen pounds sixteen shillings and eight pence*, being the one half of the said fine set against said town in the last State Tax, granted *March*, 1783.

*March 23, 1784.*

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## Chapter 190.

*Chap.*190 RESOLVE ON THE PETITION OF THE TOWN OF TEMPLETON, REMITTING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE.

*On the petition of the selectmen of the town of Templeton, setting forth, that the said town was fined in the last State Tax, for not sending a Representative in the year 1782, praying that the same may be abated, for reasons set forth in their petition :*

*Resolved,* That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of *Templeton*, the sum of *fifteen pounds* in the last State Tax, it being one half of the fine laid on the said town, for not sending a Representative in the year 1782. *March 23, 1784.*

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## Chapter 191.

*Chap.*191 RESOLVE ON THE PETITION OF EPHRAIM FAIRBANKS, IN BEHALF OF THE TOWN OF BOLTON, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN FOR A FINE.

*On the petition of Ephraim Fairbanks, in behalf of the town of Bolton, setting forth, that the said town was fined the sum of thirty-seven pounds one shilling and eight pence, for not sending a Representative in the year 1782,*

*praying that the same may be abated, for reasons set forth in his petition:*

*Resolved*, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said town of *Bolton*, the sum of *Eighteen pounds ten shillings*, in the last State Tax, it being one half of the aforesaid fine, any law or resolve to the contrary notwithstanding.

*March 23, 1784.*

### Chapter 192.

RESOLVE ON THE PETITION OF *DEBORAH WHITWORTH.*

*Chap.192*

*On the petition of Deborah Whitworth, shewing, that on exhibiting to the committee appointed to examine the claims on the estate of John Vassall, Esq; a bond given by the said Vassall to her late husband, she gave credit for the sum of one hundred and thirty-three pounds six shillings and eight pence, paid on the 20th of April, 1778, on account of a bill then drawn by her said husband, on the said Vassall, and that since the report of the said commissioners, the said bill has been returned protested:*

*Resolved*, That the Judge of Probate, for the county of *Middlesex*, be, and he is hereby required, to direct the commissioners who examined the claims on the estate of the said *Vassall*, (and in case of the death or removal of either of them, to appoint another in his stead) to receive and examine the further claim of the said *Whitworth*, and to make report thereon to his office as soon as may be; and the Governor is hereby requested, with the advice of Council, to issue his warrant on the treasury, for the payment of such further sum as shall be certified by the register of the said probate, to be reported as due to the said *Whitworth*, out of the money received into the treasury from the sale of the said *Vassall's* estate, agreeable to an act of the 2d of *March*, 1781.

*March 23, 1784.*

### Chapter 193.

RESOLVE ON THE PETITION OF *TIMOTHY CHILDS*, IN BEHALF OF THE TOWN OF *PITTSFIELD*, REMITTING A FINE FOR NOT SENDING A REPRESENTATIVE.

*Chap.193*

*On the petition of Timothy Childs, in behalf of the town of Pittsfield, praying that the fine the said town incurred*

*for not chusing a Representative in the year 1782, may be remitted:*

*Resolved*, That the prayer of the said petition be so far granted, as that one half of the fine, viz. *Eighteen pounds three shillings and four pence*, be taken off and remitted to the said town; and the Treasurer is directed to credit the said town of *Pittsfield* the sum of *Eighteen pounds three shillings and four pence* accordingly, in the last State Tax.

*March 23, 1784.*

### Chapter 194.

*Chap.194* RESOLVE ON THE PETITION OF WILLIAM JONES, IN BEHALF OF THE TOWN OF BRISTOL, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR AN OVERCHARGE IN THE LAST STATE TAX.

*On the petition of William Jones, in behalf of the town of Bristol, in the county of Lincoln, praying that the said town may have an abatement in the last State Tax, for the reasons set forth in his petition:*

*Whereas the said town of Bristol stands two pounds one shilling and six pence in the estimate on which the last State Tax was framed, which to two hundred thousand pounds amounts to four hundred and fifteen pounds only; but on the said last State Tax, the said town of Bristol, is set at four hundred and fifty-five pounds, by which it appears that there is a mistake of forty pounds, which operates to the value of that sum unjustly against the said town:*

Therefore *Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *Bristol*, in the county of *Lincoln*, on the last State Tax, the sum of *forty pounds*, and charge the same to this Commonwealth.

*March 23, 1784.*

### Chapter 195.

*Chap.195* RESOLVE ON THE PETITION OF KEZIA JOHNSON, AND OTHERS, EMPOWERING THEM TO EXECUTE THE DEED MENTIONED, AND REPEALING A RESOLVE PASSED THE 19<sup>TH</sup> INSTANT.

*On the petition of Kezia Johnson, administratrix to the estate of the deceased Reuel Baldwin, husband to the administratrix, and Cyrus Baldwin, guardian to all the children*

*of the deceased, praying liberty to sell two thirds of the estate of the deceased, for reasons set forth in the said petition:*

*Resolved*, That the prayer of the said petition be granted, and that *Keziah Johnson, Reuben Johnson, and Cyrus Baldwin*, subscribers of the said petition be, and they are hereby authorized and empowered, to make sale of two thirds of the estate of the deceased, and execute a good and lawful deed or deeds of the same, they giving proper security to the Judge of Probate for the county of *Middlesex*, that the net proceeds of the said sale shall be put on interest for the benefit of the children, after paying the just demands on the said estate.

Also *Resolved*, That the resolve of this Court of the 19th of *March* instant, upon the petition of the said *Keziah Johnson, Reuben Johnson, and Cyrus Baldwin*, be, and it is hereby repealed.

*March 23, 1784.*

### Chapter 196.

RESOLVE ON THE PETITION OF *MARTHA CLARK AND JAMES SWAN*, EMPOWERING THEM TO INVEST CERTAIN MONIES IN THE SECURITIES OF THIS COMMONWEALTH.

*Chap. 196*

*On the petition of Martha Clark and James Swan, setting forth, that Samuel Clark, deceased, to avoid the ill consequence of a depreciating currency, by his last will and testament ordered his executors to invest in real estate, any monies that might come to their hands as his executors, and that the reasons for so doing now cease, and that the same, according to the true intent of the testator, may now be vested in other property, and praying that they may be empowered to invest such monies in government securities, for the benefit of the heirs of the said Samuel:*

*Resolved*, That the said *Martha Clark and James Swan*, be, and they are hereby empowered, to invest what monies are or shall be in their hands as executors of the said will, in the securities of this Commonwealth, for the benefit and use of the heirs of the said *Samuel*, deceased, any thing in said will to the contrary notwithstanding.

*March 23, 1784.*

## Chapter 197.

*Chap.197* RESOLVE ON THE PETITION OF WILLIAM LITHGOW, JUN. ESQ; DIRECTING THE TREASURER NOT TO ISSUE EXECUTIONS AGAINST THE TOWNS AND PLANTATIONS, IN THE COUNTY OF LINCOLN FOR BEEF, &c.

*Whereas the memorial of William Lithgow, jun. Esq; in behalf of a number of towns in the county of Lincoln, is referred for further consideration to the next General Court: and whereas the said towns are in the interim exposed to have executions levied upon them in various instances, which in their present debilitated state would probably be productive of ruinous consequences to them:*

Therefore *Resolved*, That the Treasurer of this Commonwealth be, and he is hereby directed, not to issue his executions against any of the towns or plantations in the said county, for their deficiencies in procuring beef, and for the taxes assessed upon them respectively, for their quotas of three years, and three and five months men, for the term of six months from the date hereof, any law or resolve to the contrary notwithstanding.

*March 23, 1784.*

## Chapter 198.

*Chap.198* RESOLVE ON THE PETITION OF JOHN TORREY, LATE ASSISTANT DEPUTY QUARTER MASTER, TO NOTIFY JOHN MIGHILL TO SHEW CAUSE, THE THIRD WEDNESDAY OF THE NEXT SESSION.

*On the petition of John Torrey, late Assistant Deputy Quarter Master at the post at Springfield, setting forth, that in obedience to his orders, he procured a number of teams for the purpose of transporting cloathing and other articles to the army, in the year 1781; that in February, 1783, a suit was commenced against him by Aaron Mighill, Esq; who supplied said teams, and notwithstanding he agreed with the Attorney of the said Mighill to put off the trial to the then next Court, in his absence the case was brought on, and judgment was recovered against him for the sum of one hundred and thirty-six pounds, fifteen shillings and seven pence, and cost, and is now liable to an execution for the said sums, and that he has never received any value from the public for the said service; and praying that the force of judgment and execution may be suspended, for reasons set forth in the petition, and for the reason that*

*this Court have lately applied to Congress upon the subject matter thereof:*

*Resolved*, That the prayer of the petition be so far granted, that the petitioner notify the said *Aaron Mighill*, Esq; by serving him with an attested copy of his petition, with this order thereon, fifteen days at least before the third Wednesday of the next session of the General Court, to shew cause, if any he have, why the execution on the said judgment should not be suspended, and in the mean time execution be stayed. *March 23, 1784.*

### Chapter 199.

RESOLVE ON THE REPRESENTATION OF MESS'RS *DEMING, WALLEY*, AND *BOYER*, REQUESTING THE GOVERNOR TO SIGN A LETTER TO THE DELEGATES OF THIS COMMONWEALTH, AND TO FORWARD THE SAME, AS ALSO COPIES OF LETTERS BETWEEN MESS'RS *IMLAY, DEMING*, &c. AND MR. *HENDERSON'S* DEPOSITIONS. *Chap.199*

The committee of both Houses appointed to take into consideration, the representation from Messieurs *Deming, Walley* and *Boyer*, take leave to make a farther report, and offer the draught of a letter to be signed by the Governor, and forwarded to the delegates of this Commonwealth at Congress, and propose that the copy of a deposition of *Joseph Henderson*, of a letter from Mr. *Imlay*, to Mess'rs. *Deming, Walley*, and *Boyer*, and of two orders from General *Thomas*, to *Aaron Blaney*, herewith presented, be inclosed in the said letter, which is submitted, by

SAMUEL PHILLIPS, jun. per order.

COMMONWEALTH OF MASSACHUSETTS.

*Boston, March 23, 1784.*

GENTLEMEN,

The legislature of this Commonwealth are concerned, to find so faint a prospect of a happy settlement of the public accounts. By the enclosed letter from Mr. *Imlay*, commissioner for examining the claims of this Commonwealth against the United States, of the 5th of *January*, 1784, it appears, that he is directed to re-examine those accounts which were carried to *Philadelphia* by Mr. *Henderson*, in the year 1776, although they were particularly examined at that time by the committee of claims, and a sum was

granted to the amount of them, except for the charges for sea-coast men, and the support of the *Boston* poor. The enclosed copy of Mr. *Henderson's* deposition, clearly shews how fully the purchases were supported. That this Commonwealth should, at this day, suffer for want of vouchers, which have been exhibited, can never be admitted; when, by Mr. *Imlay's* own representation it appears, that the first parcel of accounts sent to him, were received in a disordered and broken state; that Mr. *Mulligan* sent forwards afterwards only such as were taken out to his knowledge; and after all, that in many instances the accounts themselves are missing. It is conceived that after the examination above stated, there can be no just reason for a further enquiry into those accounts, saving as to the expenditures; and should a support of these be insisted on, great allowance will certainly be made, for the situation of things at that early period of the war, before any regular system was adopted, or Continental Commissaries were appointed, and when so many embarrassments were to be encountered, and a confusion unavoidably prevailed, (of which the enclosed order from General *Thomas*, will afford a specimen) and with such allowances we are well assured, all reasonable satisfaction can be given; yet, since the boxes have been opened, and the papers taken out by unknown hands, and scattered in the manner they have been, it is worthy of consideration, whether a comparison of the vouchers, with such accounts as are now to be found, can afford a degree of evidence that will compensate the expence which will necessarily attend the execution of the work. Such have been the advances of this Commonwealth, that had it not been for the prospect of a speedy adjustment of the public accounts, the difficulty in obtaining payments on the last requisition of Congress, (already too many) would have been greatly increased, but, from the nature of the orders, which by Mr. *Imlay's* information have been lately given him, it is apprehended that not only an exorbitant expence will ensue, but that such an unreasonable delay of justice will be thereby occasioned, as will be little better than a total denial of it.

You are therefore instructed to take the proper measures for obtaining relief in the premises; and that you give the earliest information of the success attending your application.



P. S. Since writing the foregoing, a copy of a letter from Messieurs *Deming* and *Walley*, to Mr. *Imlay*, of the 16th of *February*, and his reply of the 16th of *March*, have been handed to us — the latter bears a complexion that requires no remark, and is transmitted for your observation.

*March 24, 1784.*

### Chapter 200.

RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THE LEGISLATURE OF NEW HAMPSHIRE, ON THE REGULATION OF THE TAKING OF FISH IN MERRIMACK RIVER. Chap.200

*Whereas an act passed this General Court, in their last session, for the regulating of catching Salmon, Shad and Alewives, in Merrimack River, and other rivers and streams entering to and running into the same within this Commonwealth, which act by the request of the General Court, was communicated by his Excellency the Governor, to the Legislature of the State of New Hampshire, requesting them to pass similar laws relative to the said rivers and streams in their State, to which request no answer has been received; and as it is to be apprehended the said act will not answer the purpose for which it was framed, unless similar ones are passed in New Hampshire: Therefore,*

*Resolved, That his Excellency the Governor be requested to write to the Legislature of New Hampshire again on the said subject, expressing the desire of the General Court (if they have not) that they would adopt measures for preserving the said fish in the said rivers and streams, so that the laws of this Commonwealth, and that State, on a subject equally interesting to both, may be similar; and request of them an answer, and if his Excellency shall receive an answer before the next sitting of the General Court, he is requested to publish the same in Adams and Nourse's, and the Salem newspapers.*

*March 21, 1784.*

### Chapter 201.

RESOLVE ON THE PETITION OF ELIPHALET NEWELL, OF CHARLESTOWN, EMPOWERING TWO JUSTICES FOR THE COUNTY OF MIDDLESEX TO LICENCE HIM TO KEEP A TAVERN. Chap.201

*On the petition of Eliphalet Newell, of Charlestown, in the county of Middlesex, praying he may be licenced to keep a public house of entertainment:*

*Resolved*, That the prayer of his petition be granted, and that two of the Justices for the said county (*quorum unus*) be, and hereby are empowered, to licence him until the next term in the said county for granting licences, he producing an approbation from the selectmen of the said town, and giving bonds with sufficient sureties for his good behaviour in that business, and for paying the excise according to the laws of this Commonwealth, which bonds shall be lodged with the clerk of the sessions for said county, any law or resolve to the contrary notwithstanding.

March 25, 1784.

### Chapter 202.

*Chap. 202* RESOLVE REQUESTING THE GOVERNOR AND COUNCIL TO APPOINT A GENTLEMAN TO PREACH THE ELECTION SERMON, IN CASE THAT MR. HEMMENWAY DECLINES.

*Whereas the great distance of the Rev. Moses Hemmenway, chosen by this House to preach upon the next annual election, has prevented his giving his answer, and as the House may adjourn before said answer can be received:*

*Resolved*, That if the said Mr. Hemmenway, should by any accident be prevented from officiating in said capacity on the aforesaid election, and the same be certified by him to the Governor and Council in the recess of the General Court, the Governor, with advice of Council, be, and he hereby is empowered and requested, to elect some gentleman of the ministry to officiate in his room.

March 25, 1784.

### Chapter 203.

*Chap. 203* RESOLVE REQUESTING THE GOVERNOR TO ISSUE HIS PROCLAMATION, COMMANDING ALL THE CITIZENS AND INHABITANTS OF THIS COMMONWEALTH, NOT TO INTERFERE IN THE DISPUTE BETWEEN THE STATE OF NEW YORK, AND STATE OF VERMONT.

*Whereas there has been an unhappy controversy between some of the citizens of the State of New York, and the people inhabiting the territory called Vermont; and whereas future controversies of a similar nature may arise between the citizens of the said State, and the people aforesaid:*  
*Therefore*

*Resolved*, That the Governor be requested to issue his

proclamation, under the seal of this Commonwealth, commanding all the citizens and inhabitants of the same at their peril, not to interfere in any degree in any controversies now existing, or that may in future take place between the citizens of the said State, and the people inhabiting the territory aforesaid. And it is further

*Resolved*, That the said proclamation be sent to the sheriffs of the counties of *Hampshire*, and *Berkshire*, respectively, that the good people of the said counties may be ascertained thereof; and also that the said proclamation be published in all the newspapers printed in this Commonwealth.

March 25, 1784.

### Chapter 204.

RESOLVE ON THE PETITION OF *TIMOTHY CHILDS*, AND OTHERS, THAT THE PETITIONERS NOTIFY THE ADVERSE PARTY TO APPEAR AND SHEW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SITTING OF THE GENERAL COURT. Chap.204

*Whereas it is represented to this Court, by Timothy Childs, who petitions in behalf of himself and Joshua Wright, jun. and James Easton, jun. praying for a new trial on a certain action brought in the county of Worcester, wherein Cheney Reed was plaintiff, and the persons aforesaid were defendants, on a note of hand indorsed to him by one Joseph Reed, for one thousand pounds, conditioned to be void on the payment of five hundred pounds, which it is said was performed by the defendants, but at the final trial judgment was recovered against the said defendants, for the whole sum of one thousand pounds, occasioned by the absence of material witness, by whose testimony the defendants are able to shew, that the said note was conditioned as aforesaid:*

Therefore *Resolved*, That the petitioners notify the said *Cheney Reed*, that he appear and shew cause if any he has, on the second Wednesday of the sitting of the next General Court, by leaving a copy of their petition and this resolve, at the last and usual place of his abode, at least fourteen days before the sitting of the said General Court, and that execution be stayed in the mean time.

March 12, 1784.



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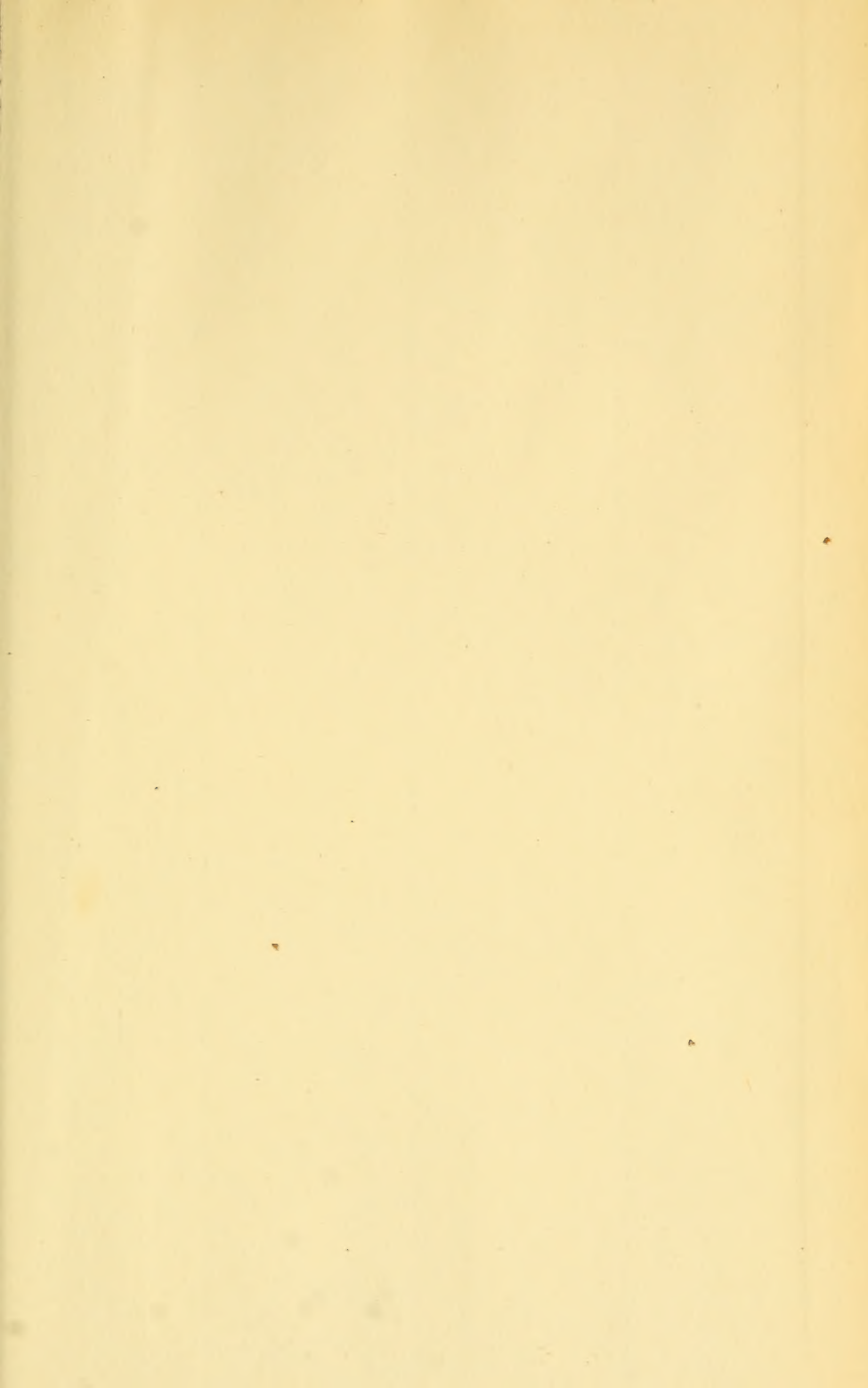














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