

Edith Allen
1980



ACTS AND RESOLVES
OF
MASSACHUSETTS.

1794-95.

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ACTS
AND
LAWS
OF THE
COMMONWEALTH
OF
MASSACHUSETTS.

BOSTON:

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1896.

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, ANVO DOMINI, 1794.

1794. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR RAISING THE SUM OF EIGHT THOUSAND POUNDS,
FOR THE PURPOSE OF ERECTING A BUILDING FOR THE USE
OF THE UNIVERSITY AT CAMBRIDGE.

Whereas the Overseers and Corporation of Harvard College have represented to this Court the inconvenience to which the Students at the said College are subjected for want of an additional Building, and it is inconvenient at present to make a grant from the public Treasury therefor: Preamble.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, that the sum of eight Thousand Pounds be raised by Lottery for the purpose of erecting a Building at Cambridge for the accommodation of the Youth at the University there; and that the Honorable Benjamin Austin junr. George R. Minot, Samuel Cooper and Henry Warren Esqrs. and Mr. John Kneeland be, and they hereby are appointed Managers of said Lottery, whose business it shall be from time to time, to make and publish such scheme or schemes as shall in their opinion best promote the purposes of said Lottery, and for drawing said Lottery & transacting the other business thereof. —their duty.

And be it further Enacted, that the said managers, before they enter on the duties of their said Office, shall give separate Bonds to the Corporation of said College in the sum of Three thousand pounds with sufficient surety, each to be answerable for his own default, and shall take an Oath for the faithful performance of said trust. —to give bonds.

Prizes to be paid in 30 days.

And be it further Enacted, that the prizes in said Lottery shall be paid by the Managers in Thirty Days after the drawing of each Class of said Lottery is completed: Those prizes not demanded within one Year after the publication of the drawing of the said Lottery, shall be considered as generously given for the purpose for which this Lottery is granted; and the Managers are hereby directed from time to time as the Classes shall be drawn to pay into the hands of the Corporation of Harvard College, the net proceeds, after deducting the compensation that the said Corporation shall allow them for their services.

Schemes and time of drawing, to be published.

And be it further Enacted that the Managers shall publish the Schemes of this Lottery, the time and place of drawing, and the list of prizes, in one or more of the public News-Papers.

Fine and punishment for counterfeiting or altering Tickets.

And be it further Enacted that if any person shall forge, counterfeit or alter any of the Tickets in the said Lottery, or shall alter or pass any such forged counterfeited or altered Ticket knowing the same to be such, or shall in any way or manner aid or assist in forging, altering or passing such Ticket, every person so offending and being convicted thereof before the Supreme Judicial Court, of this Commonwealth, shall be punished by fine not exceeding one hundred Pounds, nor less than Twenty pounds for each or either of said Offences, or by whipping or standing in the Pillory, or imprisonment, or any or all of such punishments, as said Court may direct.

Sale of fractional parts of Tickets to be prevented.

And be it further Enacted that it shall be the duty of the said Managers, and of every of them to prevent as far as may be the selling of any fractional parts of Tickets: and if any person shall deceitfully or by any pretences of convenience, to purchasers, make, utter or sell any fractional Part of a Ticket in the said Lottery, or any Class thereof, putting upon such part any advance, the person or persons purchasing such fractional part of a Ticket, may recover back the whole sum which shall appear to have been paid therefor, and may have an Action for the same as for money receiv'd to their use.

And be it further Enacted, that this Act as to the Grant of the said Lottery, shall continue and be in force for the term of four Years, and untill the end of the next Session of the General Court, which shall be then after, and no longer.

Approved June 14, 1794.

1794. — Chapter 2.

[May Session, ch. 2.]

AN ACT DIVIDING THE TOWN OF HALLOWELL IN THE COUNTY OF LINCOLN INTO THREE PARISHES AND FOR INCORPORATING THE SAME.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, that the Town of Hallowell in the County of Lincoln be, and the same hereby is divided into three distinct Parishes, to be designated the South Parish, the Middle Parish and the North Parish: and the following shall be the dividing lines between said parishes, *vizt.* Between the South parish and the Middle Parish the dividing line shall begin on the East side of Cobbise-contee pond at the Northwest corner of the mile lot, number twenty-three; thence running East south east in the North line of said lot to Kennebeck River; thence Easterly across said River, to the Northwest corner of lot number eighteen, being the same lot on which Jonathan Davenport now lives; thence East-south-east to the Eastern bounds of said Town. And between the Middle-parish and the North parish, the dividing line shall begin on the Westerly bank of Kennebeck River, at the North-east corner of lot Number eighteen; thence running in the North line of the said lot West north-west and continuing the same course to the West side of the said Town, then beginning again on the Easterly Bank of said Kennebeck River at the North-west corner of lot Number thirty-four, and thence running in the North line of said lot East-south-east one mile to a Road; thence Northerly by said road fifty rods, thence East south-east to the East side of the said Town. And that all the Lands in said Town with the Inhabitants thereon, south of the line dividing the South parish and the Middle parish as above described, be and hereby are incorporated into a separate parish by the Name of the South parish in Hallowell. Also all the lands in said Town with the Inhabitants thereon between the line dividing the South parish and the Middle parish, and the line dividing the Middle parish and the North parish as above described and expressed, be and hereby are incorporated into a separate parish by the Name of the Middle parish in Hallowell: And also all the Lands in said Town with the Inhabitants thereon, North of the

Hallowell divided into three parishes.

Dividing lines.

line dividing the Middle parish and the North parish as above described, be and hereby are incorporated into a separate parish by the Name of the North parish in Hallowell; and that each of said parishes be, and hereby is vested with all the powers, privileges and Immunities which other Parishes within this Commonwealth are entitled to, or do by Law enjoy.

Inhabitants
permitted to
join either
Parish.

Proviso.

And be it further Enacted by the Authority aforesaid, that any of the Inhabitants of said Town of Hallowell shall at all times forever hereafter, have full liberty to join themselves with their families and estates to either of the Parishes aforesaid in said Town, and to return or remove therefrom to any other parish in said Town, *Provided* they shall some time in the month of March certify in writing under their hands to the Clerk of said Town, to which of said Parishes they choose to belong; Whereupon they shall thereafter be liable to be taxed with their estates in such Parish mentioned in such Certificate, their just proportion of all parish Taxes and not elsewhere.

Hon. D. Coney,
Esq. to issue
warrant.

And be it further Enacted by the Authority aforesaid, that the Honorable Daniel Coney Esqr. be, and he is hereby authorized to issue his several warrants directed to some suitable person in each of said Parishes respectively, requiring him to notify and warn the Inhabitants of such parish to meet at the time and place expressed in such warrants for the purpose of choosing such Officers as may by Law be chosen by Parishes in the month of March or April annually, and also for the transaction of any other business, that may be legally transacted in parish meetings.

Approved June 14, 1794.

1794. — Chapter 3.

[May Session, ch. 3.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER MERRIMACK RIVER, BETWEEN THE TOWNS OF HAVERHILL AND NEWBURY IN THE COUNTY OF ESSEX, AND FOR SUPPORTING THE SAME.

Whereas a Bridge over Merrimack River, between the towns of Haverhill and Newbury in the County of Essex, would be of public convenience; and whereas Enoch Sawyer Esqr. and others have presented a petition to this Court setting forth that they with divers other persons, have associated for the purpose of building said Bridge, and

praying for liberty to build the same, and to be incorporated for that purpose;

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same that Enoch Sawyer, William Coffin, Joshua Wingate Esqrs. Messieurs Jacob Brown, Joseph Newell, Amos George, Ephraim Elliot, Moses Moody, William L. Abbot, and William Cutler, with such other persons as have associated with them as aforesaid, and all those who may hereafter become proprietors in said Bridge be, and they are hereby made and constituted a Corporation and Body Politick for the purpose aforesaid, by the name of the proprietors of Merrimack Bridge, and by that name may sue, and be sued to final judgment and execution, and do and suffer all matters acts and things which Bodies politic may or ought to do and suffer; and the said Corporation shall and may have and use a common seal, and the same may break and alter at pleasure.

Proprietors incorporated into a body politic.

*And be it further Enacted by the authority aforesaid, that the said Joshua Wingate, Jacob Brown and Moses Moody, or any two of them may by advertisement in the News paper called the Morning Star, and by posting an advertisement in the towns of Haverhill and Newbury respectively, warn or call a meeting of the said proprietors to be holden at any suitable place and time after six days from the publication and posting up said advertisement; and the said proprietors by a vote of the majority of those present, or represented at said meeting, accounting and allowing one vote to each single share in all cases, shall choose a Clerk, who shall be sworn to the faithful discharge of the duty of his said Office; and shall also agree on a method of calling future meetings, and at the same or any subsequent meeting may elect such officers, and make and establish such rules and bye laws as to them shall seem necessary and convenient for the regulation & government of the said Corporation, for carrying into effect the purpose aforesaid and for Collecting the toll herein after granted and established; and the same rules and bye laws may cause to be executed, and may annex penalties to the breach thereof, not exceeding three pounds; *provided* the said rules and bye laws be not repugnant to the Constitution or laws of this Commonwealth; and all representations at any meeting of said Corporation, shall be proved by writing signed by the person to be represented, which shall be filed by the Clerk; and this act, and all rules and*

Proprietors may call meetings —

— may make and establish rules and regulations.

Proviso.

by laws, regulations votes and proceedings of said Corporation shall be fairly and truly recorded by the said Clerk in a book or books to be provided and kept for that purpose.

Proprietors permitted to build a Bridge —

And be it further enacted by the authority aforesaid that the said proprietors be, and they are hereby permitted to erect a bridge over Merrimack river, from the public landing place at Swett's Ferry in Haverhill aforesaid to the opposite shore in Newbury aforesaid.

— authorized to purchase real estate.

And be it further Enacted by the authority aforesaid, that the said proprietors be, and they are hereby authorized and impowered to purchase any real estate they think necessary or convenient to purchase, for effecting the purpose aforesaid to the amount of one thousand pounds and to hold the same in fee simple, and that the share or shares of any proprietor in said real estate and bridge be transferred by deed acknowledged and recorded by the Clerk of said proprietors in a book to be kept for that purpose; & when any share or shares in said Bridge and estate shall be attached on *mesne* process, as the property of any of said proprietors, an attested copy of such process shall be left with the Clerk of said proprietors at the time of such attachment, otherwise the same shall be void.

A toll established.

And be it further Enacted by the authority aforesaid, that for the purpose of reimbursing the said proprietors, the monies by them expended or to be expended in building and supporting the said Bridge, a toll be, and hereby is granted and established for the sole benefit of the said proprietors, according to the rates following, *viz.* For each foot passenger two thirds of a penny; — for each person and horse three pence, — for each wheelbarrow, hand cart, or other vehicle capable of carrying like weight two pence; for each horse and chaise chair or Sulkey eight pence, — for each riding sley drawn by one horse six pence, — for each riding sley drawn by more than one horse, nine pence, — for each coach, chariot, Phaeton or other four wheeled carriage for passengers one shilling and six pence, — for each curicle one shilling, — for each cart, sled, sley or other carriage of burthen drawn by one beast six pence, — for each wagon, cart, sled, sley or other carriage of burthen drawn by more than one beast, and not more than four beasts, nine pence; — for each waggon, cart, sled, sley or other carriage of burthen drawn by more than four beasts at the rate of two pence for each beast; — for each horse or neat Cattle, other than those rode on or in carriages, two pence — for each sheep or swine two thirds

Rates of.

of a penny, and to each team one person only shall be allowed as a driver, to pass free of toll: And at all times when the toll gatherer shall not attend his duty, the gate or gates shall be left open; and the said toll shall commence on the day of the first opening of said Bridge for passengers and shall continue to the said proprietors their heirs and assigns for ever — *provided however* that the General Court shall have a right to regulate the toll after a term of fifty years.

Time of continuation.

And be it further Enacted by the authority aforesaid that the said Bridge shall be thirty feet wide, that there shall be one arch at least one hundred and forty feet long over a good depth of water, the Crown of which arch shall be thirty feet above common high water; that there shall be a convenient draw or passage way for vessels at least thirty feet wide, which shall be opened without toll or pay at all times on demand for vessels which cannot pass under said Bridge, that the said Bridge shall be covered on the top with plank or timber, and that the sides be boarded up two feet high, and be railed for the security of passengers four feet high at least and that said Bridge shall at all times be kept in good, safe, and passable repair and shall be furnished with at least four good Lamps which shall be well supplied with oil and kept burning through the night, one of which shall be on each side of the middle of the great arch, and one at each end of said Bridge.

Dimensions of the Bridge.

And whereas the erection of said Bridge may diminish the emoluments of the proprietors of Essex Merrimack bridge built at Deer Island, which was a work of hazard and public utility:

Preamble.

Be it Enacted that the proprietors of Essex Merrimack bridge shall continue to be a Corporation & body politic for and during the term of seventy years, to be computed from the day said Bridge was compleated and opened for passengers subject to all the conditions regulations & provisos contained in an Act intituled “An Act for incorporating certain persons for the purpose of building a bridge over Merrimack River in the County of Essex & for supporting the same.” And during said term of seventy years said proprietors of Essex Merrimack Bridge shall and may continue to collect and receive all the toll granted by said act for their use and benefit; and at the expiration of said seventy years said Essex Merrimack bridge, shall revert to and be the property of the Commonwealth, and shall be surrendered in good repair.

Time of the Corporation of the Proprietors of Essex Merrimack river Bridge extended.

Act null, in case.

And be it further Enacted by the authority aforesaid that if the said proprietors shall neglect for the space of six years from the passing this Act to build said Bridge, then this Act shall be void. *Approved June 14, 1794.*

1794 — Chapter 4.

[May Session, ch. 4.]

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME OF THE BOSTON LIBRARY SOCIETY.

Persons incor-
porated.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that Samuel Parker, Joseph Eckley, John Eliot, George Richards Minot, Samuel Hall, Charles Bulfinch, William Spooner, Charles Vaughan & William Scollay, and their associates, proprietors of the said Library, and all such as may hereafter subscribe to the same be, and they hereby are incorporated into a Body politic by the name of the Boston Library Society; and that they have perpetual succession by the said name, & have power to make all bye laws and regulations for the encreasing and maintaining of the said Library & regulating the manner of using the same, with penalties of disfranchisement, or fines not exceeding sixty shillings for each offence or without such penalties as to the said Society may seem best; *provided* such bye laws and regulations be not repugnant to the laws of this Commonwealth.

Society em-
powered.

And be it further enacted by the authority aforesaid, that the said Boston Library Society be, and they hereby are authorized and empowered, to make and use a Common Seal, and are hereby made liable to be sued, and empowered to sue and defend in their said corporate capacity, by the name aforesaid, in any of the Courts of law of this Commonwealth; and to make purchases and receive subscriptions, grants & donations of real and personal estate, not exceeding the sum of fifteen thousand pounds, for the purpose of their association as aforesaid, and to dispose of their property as to the said Corporation shall seem fit.

Power of rais-
ing monies.

And be it further enacted by the authority aforesaid, that it shall be lawful for the said Society at any meeting in the month of March at which a majority of the subscribers in number shall be present, to vote grant or order the raising of such suitable sum or sums of money as may be necessary for defreying the annual expence of preserv-
ing the said library, and managing the same for the use of

the proprietors but for no other purpose ; *provided* not less than one month's notice be given in two or more of the Newspapers printed in Boston, of such meeting, and the business, so far as relates to any proposed assessment there to be transacted. Proviso.

And Be it further enacted by the authority aforesaid, that the said Society be, and hereby are authorised to assemble on the second Monday of July next, and afterwards on the first Monday of March in every year, to choose Trustees, a Treasurer, Librarian, and such other officers as to them may appear necessary who shall continue untill others are chosen in their room, & that the said society may assemble as often as they may agree upon, for filling up any vacancies that may happen in such offices, & for transacting all other business excepting assessing & raising monies as aforementioned : And George Richards Minot Esqr. is hereby authorized and impowered to call a meeting of the said Society at such place in Boston, as to him may appear proper, on the second Monday of July next as allowed by this act. Times of meeting.
George Richards Minot, Esq. authorized to call a meeting.

Approved June 17, 1794.

1794 — Chapter 5.

[May Session, ch. 5.]

AN ACT IN ADDITION TO AN ACT INTITLED AN ACT FOR THE DISTRIBUTION OF INSOLVENT ESTATES.

Be it enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same, that whenever any Executor of the last will, or Administrator upon the estate of any person deceased, or that may hereafter decease, already appointed, or that may hereafter be appointed, shall neglect to exhibit and settle his Account of Administration with the judge of probate, where the Estate has been represented insolvent, and commissioners have reported to the judge a list of claims within six months after such report shall be made to the judge, or within such further time as the judge of probate shall think proper to allow therefor, under his hand and seal, so that by such refusal or neglect, the judge cannot proportion the estate among the Creditors, any Creditor to such estate may commence and prosecute any action, or prosecute any action then already commenced, and depending for his demand against such Executor or Administrator, and the Court before whom such action may be depending shall and may proceed to hear, and determine Creditors may commence and prosecute actions in case of neglect of Executors, &c.

the same, and to give judgment therein and award Execution thereon in the same manner as if such Estate had not been represented insolvent, any thing to the contrary in the act to which this is an addition, or any other law, notwithstanding. And upon the return of such Execution duly made, that the Executor or Administrator refused or neglected upon due request, to satisfy the same, such refusal or neglect shall be deemed wast, and upon *scire facias* brought, judgment shall, and may be given in favour of such creditor to recover his debt with costs against the proper goods or estate of such Executor, or administrator, and for want thereof, against his Body. — And if in consequence of such refusal or neglect the real estate of the deceased shall be exposed to be, and shall in fact be levied upon, and taken to satisfy such execution, it shall in like manner be deemed wast in the Executor, or Administrator upon such Estate.

Approved June 20, 1794.

1794 — Chapter 6.

[May Session, ch. 6.]

AN ACT TO INCORPORATE THE PLANTATION OF UNITY, SO CALLED, IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF NEW SHARON.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same; that the Plantation called Unity in the County of Lincoln, bounded as followeth, to wit; Beginning at Sandy River, at the south-easterly corner of Farmington, thence running North in the line of said Town, six miles, two hundred and fifty rods to a pond; thence Southerly and Easterly by said Pond, to the Plymouth line so called; thence South, forty-five degrees east in said Plymouth line, Seven miles, three hundred and ten rods; thence South eight degrees East three miles and fifty rods to a Tree marked; thence South, forty three degrees West, two miles and forty-five rods to a hemlock tree, marked J. P. thence North sixty-seven and a half degrees west, three miles two hundred and eight rods to McGirdy's Pond; thence northerly, by said McGirdy's pond and stream two miles and one hundred rods to Sandy River aforesaid; and thence westerly by Sandy River, to the bound first mentioned, together with the Inhabitants thereon, be, and they hereby are incorporated into a Town by the name of New Sharon; and the said Town is hereby vested with all the powers, privileges and immunities

Boundaries.

Name of town
incorporated.

which other Towns within this Commonwealth do or may by law enjoy.

And be it further Enacted that Nathaniel Dummer Esqr. be, & he hereby is empowered to issue his warrant directed to some suitable Inhabitant of said Town, requiring him to warn a meeting of the Inhabitants of said Town, at such time and place as shall be expressed in such Warrant, for the purpose of cho[*o*]sing such Town Officers, as other towns are empowered to choose in the month of March or April, annually.

N. Dummer,
Esq. to issue
warrant.

Approved June 20, 1794.

1794 — Chapter 7.

[May Session, ch. 7.]

AN ACT TO SET OFF ELIPHALET LEONARD ESQUIRE, AND OTHERS FROM THE SECOND TO THE FIRST PARISH IN WEST SPRINGFEILD.

Be it enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same, that Eliphalet Leonard Esquire, Timothy Horton, Samuel Leonard, Enoch Cooper, Enoch Cooper junr., David Mason, Moses Leonard, Martin Wilson, and widow Mary Leonard all of the second Parish in West Springfield in the County of Hampshire be, and they hereby are set off from the second Parish aforesaid, together with all their Estates both real, and personal, and annexed to the first Parish in West Springfield to do duty, and receive priviledges in the first Parish aforesaid.

Persons set off
to a Parish.

Approved June 20, 1794.

1794 — Chapter 8.

[May Session, ch. 8.]

AN ACT FOR INCORPORATING A NUMBER OF THE INHABITANTS OF THE TOWNS OF BRUNSWICK, AND HARPSWELL, IN THE COUNTY OF CUMBERLAND, AND BATH IN THE COUNTY OF LINCOLN, INTO A DISTINCT AND SEPERATE RELIGIOUS SOCIETY.

Be it enacted by the Senate, and House of Representatives in general Court assembled, and by the Authority of the same, that Judah Chace, William Mariner, Aaron Snow, Samnel Mariner, John Getchell, John Mariner, Charles Cowen, Peter Jordan, Robert Jordan, Anthony Woodside, David Ferin, John Ferin, Robert Duning, David Clerk, Benjamin Getchell, Stephen Getchell, John Williams, George Williams, Philip Higgins, Reuben Higgins, Sylvanus Combs, Philip Higgins junr., Samuel Williams,

Persons incor-
porated.

William Thomson, Joseph O'Donehue, Joseph Morse, Richard Orr, William Stanwood, Samuel Dunlap, Daniel Brown, Philip Owens, Samuel Huey, Joseph Ross, John Mariner jun., Josiah Simpson, Michael Grows, Nathan Combs, George Winslow, Joseph St. Combs, William Dunning, Samuel Woodward, Peter Woodward, William Gatchell jun., Ezekiel Spaulding, Ezekiel Spaulding jun., Samuel Spaulding, John S. Gatchell, John Ridout, Samuel Gatchell, John Mathews, David Linscot, William Woodside jun., George Combs, and George Combs jun. members of the said religious Society, together with their polls, and estates, be, and they hereby are incorporated by the name of the Baptist Religious Society in Brunswick, Harpswell, and Bath with all the privileges, powers, and immunities which other Parishes in this Commonwealth are by Law entitled to.

Method of becoming members.

And be it further Enacted by the Authority aforesaid, that any and every person in the Towns of Brunswick, Harpswell, and Bath aforesaid, who may at any time hereafter actually become a Member of, and unite in religious worship with said Society, and give in his, or her name to the Clerk of the Parish to which he, or she belonged, with a Certificate signed by the minister, or Clerk of said Society that he, or she hath actually become a member of, and united in religious worship with said Baptist religious Society, fourteen days previous to the Parish meeting therein to be holden in the Month of March, or April annually, shall, from and after giving such certificate, with his or her polls, and estates, be considered as a Member of said Society. — *Provided however,* that all those who heretofore belonged to the Congregational Society in said Brunswick at the time of settling the present minister, or who took any part in voting for, or against the settlement or salary of the said Minister, shall be holden to pay all their proportion of settlement, or sallary up to the present time.

Proviso.

Method of leaving the Society.

And be it further Enacted by the Authority aforesaid, that when any member of said Society shall see cause to leave the same, and unite in religious worship with any other religious Society in the Town or Parish in which he or she may live, and shall give in his or her name to the Clerk of the said Baptist Religious Society, with a Certificate signed by the Minister, or Clerk of the Parish, or other incorporate religious Society, with which he may unite, that he hath actually become a Member of, and

united in religious worship with such other Parish, or other incorporate religious Society, fourteen days previous to their annual meeting in March or April, and shall pay his, or her proportion of all monies voted in said Society, to be raised previous thereto, shall, from and after giving such Certificate with his or her polls and estates, be considered as a Member of the Society to which he or she hath so united.

And be it further Enacted by the Authority aforesaid, that Francis Winter Esq. be, and he is hereby authorized to issue his warrant, directed to some principal member of the said Society, requiring him to warn the Members of the said Society, qualified to vote in Parish affairs to assemble at some suitable time and place in any, or either of said Towns of Brunswick, Harpswell or Bath, to chuse such Parish Officers as are by Law required to be chosen in the Month of March or April annually; and to transact all matters, and things necessary to be done in said Society.

Francis Winter,
Esq. to issue
warrant.

Approved June 20, 1794.

1794 — Chapter 9.*

[May Session.]

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF FORTY THOUSAND AND FORTY SEVEN POUNDS FIFTEEN SHILLINGS TO ANSWER THE EXIGENCIES OF GOVERNMENT; AND ALSO FIVE THOUSAND AND TWENTY POUNDS SIX SHILLINGS, TO REPLACE THE SAME SUM DRAWN OUT OF THE TREASURY OF THIS COMMONWEALTH TO PAY THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR ATTENDENCE THE THREE LAST SESSIONS OF THE GENERAL COURT, FROM THE TWENTY NINTH DAY OF MAY, ONE THOUSAND SEVEN HUNDRED AND NINETY THREE, TO THE TWENTY SEVENTH DAY OF FEBRUARY, ONE THOUSAND SEVEN HUNDRED AND NINETY FOUR, INCLUSIVE.

Whereas it is necessary, to answer the exigencies of Government, that the Treasury of this Commonwealth should be supplied with the sum of Forty thousand and forty seven pounds fifteen shillings

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That each Town, District, Plantation and other place, herein after named within this Commonwealth shall be assessed, and pay the several sums with which they stand respectively charged in the following Schedule. *Viz.*

* Not printed in session pamphlet.

COUNTY OF SUFFOLK.

TOWNS.	Representatives' Pay.		Proportion of £.40,047 15 0		Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Boston	220 19 0	3673 7 6	Three thousand eight hundred & ninety four pounds six shillings & six pence	3894 6 6	
Hingham	36 0 0	190 1 8	Two hundred & twenty six pounds, one shilling and eight pence	226 1 8	
Hull		13 10 0	Thirteen pounds ten shillings	13 10 0	
Chelsea		76 3 4	Seventy six pounds three shillings and four pence	76 3 4	
	256 19 0	3953 2 6	Four thousand two hundred and ten pounds, one shilling & six pence	4210 1 6	

COUNTY OF ESSEX.

TOWNS.	Representatives' Pay.		Proportion of £.40,047 15 0		Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Salmon	62 11 0	936 10 0	Nine hundred and ninety nine pounds one shilling	999 1 0	
Newburyport	36 18 0	708 10 0	Seven hundred and forty five pounds eight shillings	745 8 0	
Newbury	35 2 0	372 5 0	Four hundred and seven pounds seven shillings	407 7 0	
Ipswich	46 0 0	326 2 0	Three hundred & twenty two pounds two shillings	372 2 0	
Andover	35 2 0	325 13 4	Three hundred & sixty pounds fifteen shillings & four pence	360 15 4	
Beverly	31 10 0	308 6 8	Three hundred and thirty nine pounds sixteen shillings and eight pence	339 16 8	
Danevers	36 9 0	226 10 0	Two hundred & sixty two pounds nineteen shillings	262 19 0	
Marblehead	25 4 0	319 3 4	Three hundred & forty four pounds seven shillings & four pence	344 7 4	
Gloucester	18 0 0	301 13 4	Three hundred & nineteen pounds thirteen shillings & four pence	319 13 4	
Haverhill	32 17 0	196 1 8	Two hundred & twenty eight pounds eighteen shillings and eight pence	228 18 8	
Lynn	28 6 0	155 11 8	One hundred & eighty three pounds seventeen shillings & eight pence	183 17 8	
Lynnfield	8 3 0	44 1 8	Fifty two pounds four shillings and eight pence	52 4 8	
Roxley	30 12 0	173 5 0	Two hundred & three pounds seventeen shillings	203 17 0	
Salisbury	28 16 0	153 8 4	One hundred & eighty two pounds four shillings and four pence	182 4 4	
Almsbury	26 2 0	130 1 8	One hundred & fifty six pounds three shillings & eight pence	156 3 8	
Bradford		140 10 0	One hundred & forty pounds ten shillings	140 10 0	
Boxford	30 12 0	101 8 4	One hundred & thirty two pounds & four pence	132 0 4	

Methuen	111	11	8	One hundred & eleven pounds eleven shillings & eight pence	111	11	8
Topsfield	89	13	4	One hundred & twenty five pounds twelve shillings & four pence	125	12	4
Middleton	65	5	0	Sixty five pounds five shillings	65	5	0
Wenham	45	0	0	Forty five pounds	45	0	0
Manchester	54	6	8	Fifty four pounds six shillings and eight pence	54	6	8
Hamilton	74	3	0	Seventy four pounds three shillings	74	3	0
	548	3	0	Five thousand nine hundred & seven pounds four shillings & eight pence	5907	4	8

COUNTY OF MIDDLESEX.

	£.	s.	d.		£.	s.	d.
Cambridge	310	8	4	Three hundred & seventy pounds five shillings & four pence	370	5	4
Marlborough	172	0	0	Two hundred and eight pounds eighteen shillings	208	18	0
Woburn	150	15	0	One hundred & eighty two pounds five shillings	182	5	0
Groton	146	10	0	Two hundred and four pounds eleven shillings	204	11	0
Reading	152	3	4	One hundred & eighty four pounds, eleven shillings & four pence	184	11	4
Framingham	148	19	2	One hundred and seventy five pounds ten shillings and two pence	175	10	2
Newton	139	1	8	One hundred and seventy one pounds nine shillings and eight pence	171	9	8
Concord	151	0	0	One hundred and eighty pounds five shillings	180	5	0
Billericia	120	6	8	One hundred & fifty four pounds ten shillings & eight pence	154	10	8
Medford	114	16	8	One hundred & forty four pounds nineteen shillings & eight pence	144	19	8
Charlestown	218	6	8	Two hundred & fifty pounds fourteen shillings and eight pence	250	14	8
Sudbury	105	5	0	One hundred and forty one pounds fourteen shillings	141	14	0
Chelmsford	117	13	4	One hundred & seventeen pounds thirteen shillings and four pence	117	13	4
Watertown	128	3	4	One hundred and sixty two pounds seven shillings and four pence	162	7	4
Westford	109	10	0	One hundred and fifty six pounds three shillings	136	3	0
Waltham	118	3	4	One hundred and fifty one pounds eight shillings & four pence	151	18	4
Hopkinton	27	7	0	One hundred and twenty seven pounds seventeen shillings	127	17	0
Weston	35	2	0	One hundred and forty nine pounds eight shillings and eight pence	149	8	8
Lexington	33	15	0	One hundred and thirty six pounds eleven shillings and eight pence	136	11	8
Holliston	96	0	0	Ninety six pounds	96	0	0
Malden	92	5	10	One hundred and eighteen pounds sixteen shillings & ten pence	118	16	10
Pepperell	16	4	0	One hundred & four pounds seventeen shillings & four pence	104	17	4

COUNTY OF MIDDLESEX — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
East Sudbury	29 5 0	83 5 0	112 10 0
Sherburn	• • •	80 16 8	80 16 8
Dracut.	34 13 0	87 3 4	121 16 4
Littleton	• • •	76 13 4	76 13 4
Acton	13 3 0	68 8 4	81 11 4
Carlisle	10 14 0	53 10 0	64 4 0
Stow	11 5 0	72 3 4	83 8 4
Boxborough	5 8 0	33 8 4	38 16 4
Dunstable	• • •	46 16 8	46 16 8
Tyngsborough	• • •	49 6 8	49 6 8
Lincoln	• • •	68 3 4	68 3 4
Tenkisbury	• • •	73 13 4	73 13 4
Bedford	• • •	67 10 0	67 10 0
Townsend	30 3 0	69 6 8	99 9 8
Wilington	• • •	56 10 0	56 10 0
Natick	• • •	54 6 8	54 6 8
Shirley	• • •	49 0 0	49 0 0
Ashby	• • •	64 0 0	64 0 0
Stonham	• • •	35 0 0	35 0 0
	808 4 0	4186 16 8	4995 0 8

COUNTY OF HAMPSHIRE.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
Northampton	27 4 0	188 11 8	215 15 8
Easthampton	8 16 0	62 10 0	71 6 0
West Springfield	36 0 0	202 6 8	238 6 8

Granville	14	8	0	145	18	4	One hundred and sixty pounds six shillings & four pence	160	6	4
Springfield	24	6	0	145	0	0	One hundred and sixty nine pounds six shillings	169	6	0
Westfield	20	5	0	142	0	0	One hundred & sixty two pounds five shillings	162	5	0
Deerfield	35	11	0	136	5	0	One hundred and seventy one pounds sixteen shillings	171	16	0
Conway	16	4	0	135	13	4	One hundred & fifty one pounds seventeen shillings & four pence	151	17	4
Wilbraham	14	17	0	121	4	2	One hundred & thirty six pounds one shilling and two pence	136	1	2
Brimfield	25	4	0	115	0	0	One hundred and forty pounds four shillings	140	4	0
Warwick	14	14	0	64	5	0	Seventy eight pounds nineteen shillings	78	19	0
Orange	10	19	0	48	3	4	Fifty nine pounds two shillings and four pence	59	2	4
Amherst	12	12	0	106	1	8	One hundred and eighteen pounds thirteen shillings and eight pence	118	13	8
Blandford	4	1	0	104	8	4	One hundred & eight pounds nine shillings & four pence	108	9	4
Belchertown	15	15	0	100	18	4	One hundred and sixteen pounds thirteen shillings and four pence	116	13	4
New Salem	21	12	0	99	18	4	One hundred & twenty one pounds ten shillings & four pence	121	10	4
Hadley	22	1	0	97	16	8	One hundred & nineteen pounds seventeen shillings & eight pence	119	17	8
Monson	32	8	0	95	3	4	One hundred & twenty seven pounds eleven shillings and four pence	127	11	4
Barnardstown	16	4	0	47	18	4	Sixty four pounds two shillings and four pence	64	2	4
Leyden	14	8	0	43	0	0	Fifty seven pounds eight shillings	57	8	0
Worthington	11	14	0	90	13	4	One hundred and two pounds seven shillings & four pence	102	7	4
Coburn	30	12	0	88	15	0	One hundred & nineteen pounds seven shillings	119	7	0
Hatfield	13	16	0	88	13	4	Eighty eight pounds thirteen shillings and four pence	88	13	4
Cumington	6	18	0	57	13	4	Seventy one pounds nine shillings and four pence	71	9	4
Plainfield	29	10	0	29	10	0	Thirty six pounds eight shillings	36	8	0
Chesterfield	27	9	0	83	8	4	One hundred and ten pounds seventeen shillings & four pence	110	17	4
Northfield	22	10	0	82	5	0	One hundred & four pounds fifteen shillings	104	15	0
Greenfield	23	5	0	88	12	9	One hundred & eleven pounds seventeen shillings and nine pence	111	17	9
Gill	8	5	0	31	5	7	Thirty nine pounds ten shillings & seven pence	39	10	7
Ashfield	18	9	0	82	0	0	One hundred pounds nine shillings	100	9	0
Greenwich	27	0	0	76	0	0	One hundred and three pounds	103	0	0
Shelburne	24	6	0	75	13	4	Ninety nine pounds nineteen shillings & four pence	99	19	4
South Brimfield				45	10	0	Forty five pounds ten shillings	45	10	0
Holland				30	3	4	Thirty pounds three shillings & four pence	30	3	4
South Hadley				71	9	2	Seventy one pounds nine shillings and two pence	71	9	2
Pelham	20	5	0	70	15	0	Ninety one pounds	91	0	0
Lony Meadow				69	15	0	Sixty nine pounds fifteen shillings	69	15	0
Southampton				68	6	8	Seventy five pounds, one shilling and eight pence	75	1	8
Montague				67	15	0	Sixty seven pounds fifteen shillings	67	15	0

COUNTY OF HAMPSHIRE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
<i>Chester</i>		66 5 0	Sixty six pounds five shillings
<i>Palmer</i>		65 15 0	Sixty five pounds fifteen shillings
<i>Williamsburch</i>	24 15 0	62 11 8	Eighty seven pounds six shillings and eight pence
<i>Southwick</i>	18 0 0	58 0 0	Seventy six pounds
<i>Granby</i>		55 13 4	Fifty five pounds thirteen shillings & four pence
<i>Whately</i>		54 10 0	Fifty four pounds ten shillings
<i>Ware</i>		49 8 4	Forty nine pounds eight shillings & four pence
<i>Gosden</i>		49 5 0	Forty nine pounds five shillings
<i>West Hampton</i>	15 6 0	46 10 0	Sixty one pounds sixteen shillings
<i>Sunderland</i>		46 5 0	Forty six pounds five shillings
<i>Norwich</i>		42 15 0	Forty two pounds fifteen shillings
<i>Middlefield</i>		41 5 0	Forty one pounds five shillings
<i>Shutesbury</i>		39 6 8	Thirty nine pounds six shillings & eight pence
<i>Leverett</i>		38 18 4	Thirty eight pounds eighteen shillings & four pence
<i>Charlemont</i>		38 5 0	Thirty eight pounds five shillings
<i>Ludlow</i>		37 18 4	Thirty seven pounds eighteen shillings and four pence
<i>Buckland</i>		35 5 0	Thirty five pounds five shillings
<i>Wendell</i>		34 0 0	Thirty four pounds
<i>Hawley</i>		32 3 4	Thirty two pounds three shillings and four pence
<i>Montgomery</i>		27 16 8	Twenty seven pounds sixteen shillings and eight pence
<i>Heath</i>		27 4 2	Twenty seven pounds four shillings and two pence
<i>Ronne</i>		25 16 8	Twenty five pounds sixteen shillings and eight pence
<i>Russell</i>		18 16 8	Eighteen pounds sixteen shillings and eight pence
	686 14 0	4491 0 10	Five thousand one hundred and eighty pounds fourteen shillings & ten pence
			5180 14 10

COUNTY OF PLIMOUTH.

	£. s. d.	£. s. d.	£. s. d.	£. s. d.
<i>Plimouth</i>	31 19 0	184 13 4	Two hundred & sixteen pounds twelve shillings & four pence	216 12 4
<i>Bridgewater</i>	31 19 0	453 16 8	Four hundred & eighty five pounds fifteen shillings & eight pence	485 15 8
<i>Middleboro'</i>	33 6 0	368 16 8	Four hundred & two pounds two shillings & eight pence	402 2 8
<i>Sitate</i>	27 9 0	260 0 0	Two hundred & eighty seven pounds nine shillings	287 9 0
<i>Rochester</i>	36 0 0	171 13 4	Two hundred & seven pounds thirteen shillings & four pence	207 13 4
<i>Pembroke</i>	24 6 0	154 3 4	One hundred & seventy eight pound nine shillings & four pence	178 9 4
<i>Marshfield</i>	19 16 0	139 18 4	One hundred & fifty nine pounds fourteen shillings & four pence	159 14 4
<i>Abington</i>	26 15 6	139 7 6	One hundred & sixty six pounds three shillings	166 3 0
<i>Duxboro'</i>		102 9 2	One hundred & two pounds nine shillings & two pence	102 9 2
<i>Kingston</i>	31 10 0	86 12 6	One hundred & eighteen pounds two shillings & six pence	118 2 6
<i>Hanson</i>		78 3 4	Seventy eight pounds three shillings & four pence	78 3 4
<i>Plimpton</i>		66 5 10	Sixty six pounds five shillings & ten pence	66 5 10
<i>Carver</i>		60 13 4	Sixty pounds thirteen shillings & four pence	60 13 4
<i>Halifax</i>		58 1 8	Fifty eight pounds one shilling & eight pence	58 1 8
<i>Wareham</i>		54 17 6	Fifty four pounds seventeen shillings & six pence	54 17 6
	263 0 6	2379 12 6	Two thousand six hundred & forty two pounds thirteen shillings	2642 13 0

COUNTY OF BRISTOL.

	£. s. d.	£. s. d.	£. s. d.	£. s. d.
<i>Rehoboth</i>	32 8 0	280 0 0	Three hundred & twelve pounds eight shillings	312 8 0
<i>Taunton</i>		248 11 8	Two hundred & forty eight pounds eleven shillings & eight pence	248 11 8
<i>New Bedford</i>		238 6 8	Two hundred & thirty eight pounds six shillings & eight pence	238 6 8
<i>Dartmouth</i>	35 11 0	194 18 4	Two hundred & thirty four pounds nine shillings & four pence	230 9 4
<i>Attleboro'</i>		185 17 6	One hundred & eighty five pounds seventeen shillings & six pence	185 17 6
<i>Westport</i>	20 6 0	157 6 0	One hundred & seventy seven pounds twelve shillings & eight pence	177 12 8
<i>Freetown</i>	16 4 0	136 0 0	One hundred & fifty two pounds four shillings	152 4 0
<i>Norton</i>		121 0 0	One hundred & twenty one pounds	121 0 0
<i>Dighton</i>		114 0 0	One hundred & fourteen pounds	114 0 0
<i>Suzany</i>	27 9 0	100 8 4	One hundred & twenty seven pounds seventeen shillings & four pence	127 17 4

COUNTY OF BRISTOL — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £. 30,047 15 0	Total.
<i>Easton</i>	£. s. d. 18 18 0	£. s. d. 96 12 6	£. s. d. 115 10 6
<i>Raynham</i>	10 16 0	79 15 10	90 11 10
<i>Somerset</i>	1 7 0	78 0 0	79 7 0
<i>Mansfield</i>		69 15 0	69 15 0
<i>Berkeley</i>		58 10 0	58 10 0
	162 19 0	2159 2 6	2322 1 6
			Two thousand three hundred & twenty two pounds one shilling & six pence

COUNTY OF BARNSTABLE.

<i>Barnstable</i>	£. s. d. 36 18 0	£. s. d. 164 11 8	£. s. d. 201 9 8
<i>Sandwich</i>	15 6 0	138 19 2	154 5 2
<i>Yarmouth</i>	33 15 0	65 19 2	99 14 2
<i>Dennis</i>		65 19 2	65 19 2
<i>Harwich</i>	19 7 0	98 6 8	117 13 8
<i>Falmouth</i>		92 6 8	92 6 8
<i>Eastham</i>		54 4 2	54 4 2
<i>Chatham</i>		46 18 4	46 18 4
<i>Wellfleet</i>		43 2 6	43 2 6
<i>Truro</i>		41 15 0	41 15 0
<i>Provincetown</i>		19 16 8	19 16 8
	105 6 0	831 19 2	937 5 2
			Two hundred & thirty seven pounds five shillings & two pence
			One hundred & one pound nine shillings & eight pence
			One hundred & fifty four pounds five shillings & two pence
			Ninety nine pounds fourteen shillings & two pence
			Sixty five pounds nineteen shillings & two pence
			One hundred & seventeen pounds thirteen shillings & eight pence
			Ninety two pounds six shillings & eight pence
			Fifty four pounds four shillings & two pence
			Forty six pounds eighteen shillings & four pence
			Forty three pounds two shillings & six pence
			Forty-one pounds fifteen shillings
			Nineteen pounds sixteen shillings & eight pence

COUNTY OF DUKES COUNTY.

	£. s. d.	£. s. d.	£. s. d.
Edgarton	63 6 8	Sixty three pounds six shillings & eight pence	£. s. d.
Chilmark	97 18 4	Ninety seven pounds eighteen shillings & four pence	63 6 8
Tisbury	83 7 4	Eighty three pounds seven shillings & four pence	97 18 4
	25 4 0	Two hundred forty four pounds twelve shillings & four pence	83 7 4
	25 4 0		244 12 4

COUNTY OF NANTUCKET.

	£. s. d.	£. s. d.
Sherborn	31 10 0	Two hundred & Ninety eight pounds & ten pence
	266 10 10	
	298 0 10	

COUNTY OF WORCESTER

	£. s. d.	£. s. d.	£. s. d.
Worcester	32 8 0	Two hundred & eighty eight pounds nineteen shillings & eight pence	£. s. d.
Brookfield	36 0 0	Three hundred & two pounds fifteen shillings & ten pence	288 19 8
Sutton	22 1 0	Two hundred & fifty nine pounds one shilling & ten pence	302 15 10
Barre	36 9 0	Two hundred & fifteen pounds fourteen shillings	259 1 10
Petersham	12 3 0	One hundred & sixty four pounds three shillings	215 14 0
Starbridge	31 1 0	One hundred eighty two pounds sixteen shillings	164 3 0
Charlton	32 8 0	One hundred seventy nine pounds three shillings & ten pence	182 16 0
Hardwick	138 12 6	One hundred & thirty eight pounds twelve shillings & six pence	179 3 10
Sterling	133 0 10	One hundred sixty nine pounds nine shillings & ten pence	138 12 6
Princeton	128 5 10	One hundred twenty eight pounds five shillings & ten pence	169 9 10
Bolton	82 14 2	Eighty two pounds fourteen shillings & two pence	128 5 10
Berlin	45 2 6	Forty five pounds two shillings & six pence	82 14 2
Lancaster	36 18 0	One hundred sixty three pounds fourteen shillings & eight pence	45 2 6
	126 16 8		163 14 8

COUNTY OF WORCESTER — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
Ratland	4 1 0	124 10 10	One hundred & twenty eight pounds eleven shillings & ten pence
Mendon	18 9 0	124 10 10	One hundred & forty two pounds nineteen shillings
Harvard	23 8 0	123 12 6	One hundred & fifty seven pounds & six pence
Spencer	32 17 0	123 4 2	One hundred & fifty six pounds one shilling & two pence
Uppridge	32 8 0	120 6 8	One hundred & fifty two pounds fourteen shillings & eight pence
Westminster		109 8 4	One hundred & nine pounds eight shillings & four pence
Leicester		103 17 6	One hundred & three pounds seventeen shillings & six pence
Shrewsbury	30 12 0	103 15 10	One hundred & thirty four pounds seven shillings & ten pence
Llanenburgh		101 16 8	One hundred & one pounds sixteen shillings & eight pence
Leominster	32 8 0	101 14 2	One hundred & thirty four pounds two shillings & two pence
Westboro'	26 2 0	98 6 8	One hundred & twenty four pounds eight shillings & eight pence
Grafton	26 2 0	96 12 6	One hundred & twenty two pounds fourteen shillings & six pence
Hollin	28 16 0	95 8 4	One hundred & twenty four pounds four shillings & four pence
Boylston	22 1 0	88 19 2	One hundred & eleven pounds & two pence
Western		88 9 2	Eighty eight pounds nine shillings & two pence
New Braintree	28 16 0	88 1 8	One hundred & sixteen pounds seventeen shillings & eight pence
Templeton	36 9 0	86 18 4	One hundred & twenty three pounds seven shillings & four pence
Dudley	34 13 0	80 16 8	One hundred & fifteen pounds nine shillings & eight pence
Fitchburgh		80 7 6	One hundred & eleven pounds seventeen shillings & six pence
Winchendon		79 18 4	Seventy nine pounds eighteen shillings & four pence
Oxford		79 17 6	Seventy nine pounds seventeen shillings & six pence
Milford		75 17 6	Seventy five pounds seventeen shillings & six pence
Hubbardston		74 13 4	Seventy four pounds thirteen shillings & four pence
Royalston		73 10 0	Seventy three pounds ten shillings
Southboro'		73 3 4	One hundred & four pounds four shillings & four pence
Douglas	31 1 0	71 10 0	Seventy-one Pounds, Ten Shillings
Upton		69 3 4	Sixty-nine pounds, three shillings and four pence
Athol		67 11 8	Sixty-seven pounds, eleven shillings and eight pence
Northboro'		65 1 8	Sixty-five pounds, one shilling and eight pence

Gerry	64	19	2	Sixty-four pounds, nineteen shillings and two pence	. . . . .	64	19	2
Parron	58	8	4	Fifty-eight pounds, eight shillings and four pence	. . . . .	58	8	4
Ashburnham	58	0	0	Fifty-eight pounds . . . . .	. . . . .	58	0	0
Oakham	56	19	2	Fifty-six pounds, nineteen shillings and two pence	. . . . .	56	19	2
Ward	53	6	8	Fifty-three pounds, six shillings and eight pence	. . . . .	53	6	8
Gardner	45	6	8	Forty-five pounds, six shillings, and eight pence . . . . .	. . . . .	45	6	8
Northbridge	36	16	8	Thirty-six pounds, sixteen shillings and eight pence . . . . .	. . . . .	36	16	8
	715	10	0	Five Thousand, eight hundred and five pounds, Six shillings and eight pence		5805	6	8

COUNTY OF BERKSHIRE.

	£. s. d.	£. s. d.	£. s. d.		£. s. d.		
Pittsfield	47	14	0	Two hundred and twenty-six pounds, seventeen shillings and four pence	226	17	4
Sheffield	30	8	0	One hundred and eighty-one pounds, ten shillings and six pence	181	10	6
Mount Washington	2	0	0	Eleven pounds, thirteen shillings and four pence	11	13	4
Sandisfield	16	19	0	One hundred and twenty-nine pounds, fourteen shillings	129	14	0
Beckthelm	1	19	0	Fifteen pounds, two shillings and four pence	15	2	4
Williamstown	22	10	0	One hundred and forty-nine pounds, eleven shillings and eight pence	149	11	8
Lanesboro'	8	16	0	One hundred and twenty-nine pounds, nine shillings and four pence	129	9	4
Stockbridge	25	13	0	One hundred and forty-two pounds, seven shillings and two pence	142	7	2
Great Barrington	22	10	0	One hundred and eighty pounds, nine shillings and two pence	108	9	2
New Marlboro'	12	12	0	One hundred and twenty-five pounds, five shillings	125	5	0
Richmond	12	12	0	One hundred and fourteen pounds, twelve shillings and ten pence	114	12	10
Tyringham				Ninety-six pounds, one shilling and eight pence	96	1	8
Adams	22	19	0	One hundred and eleven pounds, five shillings and eight pence	111	5	8
Lenox	20	5	0	One hundred and eight pounds, five shillings	108	5	0
Cheshire	12	3	0	Ninety-nine pounds, three shillings	99	3	0
Lee	81	2	6	Eighty-one pounds, two shillings and six pence	81	2	6
West Stockbridge	66	1	8	Eighty-nine pounds, nine shillings and eight pence	89	9	8
Partridgefield	61	13	4	Sixty-one pounds, thirteen shillings and four pence	61	13	4
Hancock	57	3	4	Fifty-seven pounds, three shillings and four pence	57	3	4

COUNTY OF BERKSHIRE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
Egremont	29 14 0	54 0 0	83 14 0
Becket		52 15 10	52 15 10
Windsor	18 9 0	45 11 8	64 0 8
Alford	3 7 0	41 13 4	45 0 4
Daunton		39 4 2	39 4 2
Washington		36 8 4	36 8 4
London		19 16 8	19 16 8
Ashford		19 0 0	19 0 0
11,000 Acres adjoining to } Sandisfield		9 1 8	9 1 8
	321 6 0	2086 12 6	2407 18 6
		Two thousand, four hundred and seven pounds, eighteen shillings and six pence	

COUNTY OF YORK.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
York	13 10 0	228 0 0	241 10 0
Kittery	35 2 0	239 0 0	274 2 0
Wells	18 18 0	248 0 0	266 18 0
Arundell	28 7 0	114 0 0	142 7 0
Bideford	16 13 0	100 0 0	116 13 0
Pepperthorpe	32 17 0	100 0 0	132 17 0
Berwick	29 14 0	314 0 0	343 14 0
Buxton	19 16 0	95 6 8	115 2 8
Sandford		50 0 0	50 0 0
Alfred		40 0 0	40 0 0
		Two hundred and forty one pounds, ten shillings	
		Two hundred and seventy four Pounds, two shillings	
		Two hundred and sixty-six pounds, eighteen shillings	
		One hundred and forty-two pounds, seven shillings	
		One hundred and sixteen pounds, thirteen shillings	
		One hundred and thirty-two pounds, seventeen shillings	
		Three hundred and forty-three pounds fourteen shillings	
		One hundred and fifteen pounds, two shillings and eight pence	
		Fifty Pounds	
		Forty Pounds	

Lebanon	17	11	0	64	0	0	Eighty-one Pounds, eleven shillings	81	11	0
Shapleigh . . . . .	.	.	.	54	0	0	Fifty-four Pounds	54	0	0
Waterboro' . . . . .	.	.	.	50	0	0	Fifty Pounds	50	0	0
Parsousfield . . . . .	.	.	.	48	0	0	Forty-eight Pounds	48	0	0
Coahall . . . . .	.	.	.	47	3	4	Forty-seven Pounds, three shillings and four pence	47	3	4
Fryeburgh . . . . .	.	.	.	42	0	0	Forty-two Pounds	42	0	0
Limington . . . . .	.	.	.	40	0	0	Forty Pounds	40	0	0
Littlefalls . . . . .	.	.	.	40	0	0	Forty Pounds	40	0	0
Limerick . . . . .	.	.	.	32	13	4	Thirty-two Pounds, thirteen shillings and four Pence	32	13	4
Cornish . . . . .	.	.	.	16	6	8	Sixteen Pounds, six shillings and eight pence	16	6	8
Newfield . . . . .	.	.	.	14	13	4	Fourteen Pounds, thirteen shillings and four pence	14	13	4
Brownfield . . . . .	.	.	.	12	13	4	Twelve Pounds, thirteen shillings and four pence	12	13	4
Sudbury Canada . . . . .	.	.	.	13	13	4	Thirteen Pounds, thirteen shillings and four pence	13	13	4
	212	8	0	2003	10	0	Two thousand, two hundred and fifteen pounds, eighteen shillings	2215	18	0

COUNTY OF CUMBERLAND.

	£.	s.	d.	£.	s.	d.		£.	s.	d.
Portland	48	12	0	201	6	8	Two hundred and forty-nine Pounds, twelve shillings	249	12	0
Falmouth	16	13	0	191	6	8	Two hundred and seven pounds, nineteen shillings and eight pence	207	19	8
Scarboro'	20	5	0	184	6	8	Two hundred and four pounds, eleven shillings and eight pence	204	11	8
North Yarmouth	36	9	0	158	10	0	One hundred and ninety four pounds, nineteen shillings	194	19	0
Gorham	19	7	0	123	0	0	One hundred and twenty-two pounds, seven shillings	142	7	0
Freeport	11	14	0	105	16	8	One hundred and seventeen pounds, ten shillings and eight pence	117	10	8
Brunswick	26	11	0	93	6	8	One hundred and nineteen pounds, seventeen shillings and eight pence	119	17	8
Cape Elizabeth	83	13	4	83	13	4	Eighty-three pounds, thirteen shillings and four pence	83	13	4
New Gloucester	34	4	0	72	6	8	One hundred and six pounds, ten shillings and eight pence	106	10	8
Windham	11	14	0	70	13	4	Seventy pounds, thirteen shillings and four pence	70	13	4
Harpwell . . . . .	.	.	.	68	16	8	Eighty pounds, ten shillings and eight pence	80	10	8
Standish . . . . .	.	.	.	49	0	0	Forty-nine pounds	49	0	0
Durham . . . . .	.	.	.	48	0	0	Forty-eight pounds	48	0	0
Gray . . . . .	.	.	.	40	13	4	Forty pounds, thirteen shillings and four pence	40	13	4
Turner . . . . .	.	.	.	40	0	0	Forty pounds	40	0	0
Bakerstown . . . . .	.	.	.	39	3	4	Thirty-nine pounds, three shillings and four pence	39	3	4

COUNTY OF CUMBERLAND — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
Bridgeton	.	22 16 8	22 16 8
Hebron	.	21 10 0	21 10 0
Otisfield	.	19 13 4	19 13 4
Raymond	.	19 8 4	19 8 4
Backfield	.	17 3 4	17 3 4
Paris	.	11 3 4	11 3 4
Rushfield Gore	.	11 3 4	11 3 4
Butterfield	.	10 1 8	10 1 8
Livermore	.	10 1 8	10 1 8
Phipps' Canada	.	10 1 8	10 1 8
Penicook	.	10 1 8	10 1 8
	225 9 0	1732 18 4	1958 7 4
			One thousand, nine hundred and fifty-eight pounds seven shillings and four pence
			Twenty-two pounds, sixteen shillings and eight pence.
			Twenty-one pounds, ten shillings
			Nineteen pounds, thirteen shillings and four pence
			Nineteen pounds, eight shillings and four pence
			Seventeen pounds, three shillings and four pence.
			Eleven pounds, three shillings and four pence
			Eleven pounds, three shillings and four pence
			Ten pounds, one shilling and eight pence
			Ten pounds, one shilling and eight pence
			Ten pounds, one shilling and eight pence
			Ten pounds, one shilling and eight pence

COUNTY OF LYCOLN.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
Pownalboro'	.	162 5 10	178 18 10
Bristol	.	129 19 2	162 1 2
Georgetown	.	114 16 8	135 10 8
Hallowell	.	104 8 4	135 0 4
Waldoboro'	.	92 0 10	92 0 10
Winthrop	.	47 6 8	68 9 4
Readfield	.	35 6 8	50 13 0
Bath	.	80 0 0	80 0 0
Woolwich	.	76 0 10	76 0 10
	1613 0 0	12919 2	1958 7 4
	32 8 0	114 16 8	One hundred & seventy eight pounds eighteen shillings & ten pence
	20 14 0	104 8 4	One hundred & sixty two pounds one shilling & two pence
	30 12 0	92 0 10	One hundred & thirty five pounds ten shillings and eight pence.
	21 2 8	47 6 8	One hundred & thirty five pounds & four pence
	15 6 4	35 6 8	Ninety two pounds & four pence
		80 0 0	Sixty eight pounds nine shillings & four pence
		76 0 10	Fifty pounds thirteen shillings
			Eighty pounds
			Seventy six pounds & ten pence

<i>Boydoin</i>	9	9	0	69	5	0	Seventy eight pounds fourteen shillings	78	14	0
<i>Boothbay</i>				70	3	4	Eighty one pounds seventeen shillings and four pence	81	17	4
<i>New Castle</i>				67	10	10	Seventy nine pounds four shillings and ten pence	79	4	10
<i>Topsham</i>				64	0	0	Seventy nine pounds fifteen shillings	79	15	0
<i>Thomasdown</i>				56	11	8	Seventy six pounds seven shillings & eight pence	76	7	8
<i>Pitston</i>				56	0	0	Fifty six pounds	56	0	0
<i>Warren</i>				55	0	0	Seventy four pounds sixteen shillings	74	16	0
<i>Edgcombe</i>				52	3	4	Fifty two pounds three shillings and four pence	52	3	4
<i>Vassalboro'</i>				50	1	8	Fifty pounds one shilling & eight pence	50	1	8
<i>Gusling</i>				50	0	0	Fifty pounds	50	0	0
<i>Winslow</i>				49	13	4	Sixty nine pounds & four pence	69	0	4
<i>Ballstown</i>				49	0	0	Forty nine pounds	49	0	0
<i>Boadwinham</i>				47	5	0	Forty seven pounds five shillings	47	5	0
<i>Sidney</i>				47	1	8	Forty seven pounds one shilling & eight pence	47	1	8
<i>Nobleboro'</i>				34	18	4	Thirty four pounds eighteen shillings and four pence	34	18	4
<i>Fairfield</i>				31	11	8	Thirty one pounds eleven shillings and eight pence	31	11	8
<i>Lewiston & Gore</i>				31	10	0	Thirty one pounds ten shillings	31	10	0
<i>Cambden</i>				30	13	4	Thirty pounds thirteen shillings & four pence	30	13	4
<i>Greene</i>				26	11	8	Twenty six pounds eleven shillings & eight pence	26	11	8
<i>Canaan</i>				26	0	0	Twenty six pounds	26	0	0
<i>Monmouth</i>				25	1	8	Twenty five pounds one shilling and eight pence	25	1	8
<i>Farmington</i>				24	3	4	Twenty four pounds three shillings and four pence	24	3	4
<i>Mount Vernon</i>				22	8	4	Twenty two pounds eight shillings and four pence	22	8	4
<i>Norridgewock</i>				22	1	8	Twenty two pounds one shilling & eight pence	22	1	8
<i>Union</i>				21	5	10	Twenty one pounds five shillings & ten pence	21	5	10
<i>Medimacook</i>				20	15	0	Twenty pounds fifteen shillings	20	15	0
<i>Hancock</i>				16	0	10	Sixteen pounds & ten pence	16	0	10
<i>Smithfield</i>				14	3	4	Fourteen pounds three shillings & four pence	14	3	4
<i>Adjacent to Boydoin</i>				4	0	0	Four Pounds	4	0	0
<i>Jones Plantation</i>				5	8	4	Five pounds eight shillings & four pence	5	8	4
<i>Plymouth Company</i>				45	0	0	Forty five pounds	45	0	0
	244	7	0	2027	14	2	Two thousand two hundred & seventy two pounds one shilling & two pence	2272	1	2

COUNTY OF HANCOCK.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
<i>Penobscot</i>		69 11 8	101 1 8
<i>Mount Desert</i>	31 10 0	46 11 8	46 11 8
<i>Deer Isle</i>		38 10 0	38 10 0
<i>Sedgewick</i>		33 1 8	33 1 8
<i>Blanchill</i>		29 15 0	29 15 0
<i>Vinalhaven</i>		28 8 4	28 8 4
<i>Treiston</i>		27 5 0	27 5 0
<i>Orrington</i>		26 18 4	26 18 4
<i>Goldsboro'</i>		24 16 8	24 16 8
<i>Belfast</i>		24 4 2	24 4 2
<i>Sullivan</i>		21 6 8	21 6 8
<i>Isleboro'</i>		17 0 0	17 0 0
<i>Bangor</i>		13 10 0	13 10 0
<i>Hampden</i>		21 10 0	21 10 0
<i>Prospect</i>		28 0 0	28 0 0
<i>Frankfort</i>		18 5 10	18 5 10
<i>Bucktown</i>		30 0 0	30 0 0
<i>Plantation No. 2</i> { <i>East side Pe-</i> { <i>nobscot River</i> }		14 4 2	14 4 2
<i>Adjacent to Sullivan</i>		7 5 0	7 5 0
<i>Duck-trap</i>		9 0 10	9 0 10
<i>Waldo's Claim</i>		41 5 0	41 5 0
<i>Leicestershire Company or 20 Associates</i>		9 3 4	9 3 4
<i>The Ten original Proprietors</i>		4 11 8	4 11 8
	31 10 0	584 5 0	615 15 0

One hundred and one pounds one shilling and eight pence .
 Forty six pounds eleven shillings and eight pence .
 Thirty eight pounds ten shillings .
 Thirty three pounds one shilling & eight pence .
 Twenty nine pounds fifteen shillings .
 Twenty eight pounds eight shillings & four pence .
 Twenty seven pounds five shillings .
 Twenty six pounds eighteen shillings & four pence .
 Twenty four pounds sixteen shillings and eight pence .
 Twenty four pounds four shillings and two pence .
 Twenty one pound six shillings and eight pence .
 Seventeen pounds .
 Thirteen pounds ten shillings .
 Twenty one pounds ten shillings .
 Twenty eight pounds .
 Eighteen pounds five shillings and ten pence .
 Thirty pounds .
 Fourteen pounds four shillings and two pence .
 Seven pounds five shillings .
 Nine pounds & ten pence .
 Forty one pounds five shillings .
 Nine pounds three shillings & four pence .
 Four pounds eleven shillings & eight pence .
 Six hundred and fifteen pounds fifteen shillings .

COUNTY OF WASHINGTON.

	£. s. d.	£. s. d.	£. s. d.
<i>Machias</i> 6	59 10 10	25 4 0	Eighty four pounds fourteen shillings & ten pence
<i>Plantation No. 6 East side of Union River</i>	14 15 0		Fourteen pounds fifteen shillings
<i>Plantation No. 13 East side of Union River</i>	13 7 6		Thirteen pounds seven shillings and six pence
<i>Plantation No. 5 East side of Union River</i>	16 10 0		Sixteen pounds ten shillings
<i>Plantation No. 4 East side of Union River</i>	11 18 4		Eleven pounds eighteen shillings & four pence
<i>Plantation No. 8 East side of Machias</i>	6 0 0		Six pounds
	122 1 8	25 4 0	One hundred and forty seven pounds five shillings & eight pence
			147 5 8

COUNTY OF NORFOLK.

	£. s. d.	£. s. d.	£. s. d.
<i>Roxbury</i>	321 5 0	30 3 0	Three hundred & fifty one pounds eight shillings
<i>Dorchester</i>	248 15 0	31 19 0	Two hundred & eighty pounds fourteen shillings
<i>Brookline</i>	103 16 8		One hundred and three pounds sixteen shillings and eight pence
<i>Milton</i>	120 7 6	32 17 0	One hundred & fifty three pounds four shillings & six pence
<i>Quincy</i>	113 15 0		One hundred and thirteen pounds fifteen shillings
<i>Brantree</i>	107 16 8		One hundred & seven pounds sixteen shillings and eight pence
<i>Randolph</i>	98 0 0	22 1 0	One hundred & twenty pounds one shilling
<i>Cohasset</i>	75 2 6		Seventy five pounds two shillings and six pence
<i>Dedham</i>	188 16 8	34 4 0	Two hundred & twenty three pounds and eight pence
<i>Medfield</i>	78 12 6	14 5 0	Ninety two pounds seventeen shillings and six pence
<i>Dover</i>	55 5 0	10 1 0	Sixty five pounds six shillings
<i>Needham</i>	108 13 4	23 3 6	One hundred and thirty one pounds sixteen shillings & ten pence
<i>Medway</i>	108 7 6	23 8 0	One hundred and thirty one pounds fifteen shillings and six pence
			223 0 8
			92 17 6
			65 6 0
			131 16 10
			131 15 6

COUNTY OF NORFOLK.

TOWNS.	Representatives' Pay.	Proportion of £.40,047 15 0	Total.
	£. s. d.	£. s. d.	£. s. d.
Stoughton	32 8 0	148 14 2	181 2 2
Sharon	17 2 0	71 3 4	88 5 4
Wapole	15 15 0	79 5 0	95 0 0
Wrentham	35 11 0	160 9 2	196 0 2
Franklin	33 15 0	113 8 4	147 3 4
Bellingham		61 0 0	61 0 0
Forboro'		54 0 0	54 0 0
Weymouth		134 8 4	134 8 4
	356 12 6	2551 1 8	2907 14 2
			One hundred & eighty one pounds two shillings and two pence
			Eighty eight pounds five shillings and four pence
			Ninety five pounds
			One hundred & ninety six pounds & two pence
			One hundred & forty seven pounds three shillings & four pence
			Sixty one pounds
			Fifty four pounds
			One hundred & thirty four pounds eight shillings & four pence
			Two thousand nine hundred & seven pounds fourteen shillings & two pence

SUM TOTAL OF THE SEVERAL COUNTIES.

Suffolk	£. s. d.	£. s. d.	£. s. d.	Four thousand two hundred & ten pounds one shilling & six pence
Essex	256 19 0	3953 2 6	4210 1 6	Five thousand nine hundred & seven pounds four shillings & eight pence
	548 3 0	5359 1 8		Four thousand nine hundred & ninety five pounds & eight pence
Middlesex	808 4 0	4186 16 8	5997 4 8	Five thousand one hundred & eighty pounds fourteen shillings & ten pence
Hampshire	686 14 0	4494 0 10	4995 0 8	Two thousand six hundred & forty two pounds thirteen shillings & six pence
Plymouth	263 0 6	2379 12 6	5180 14 10	Two thousand three hundred & twenty two pounds one shilling & six pence
Bristol	162 19 0	2159 2 6	2642 13 0	Nine hundred & thirty seven pounds five shillings & two pence
				Two hundred & forty four pounds twelve shillings & four pence
Barnstable	105 6 0	831 19 2	2322 1 6	Two hundred & ninety eight pounds & ten pence
Dukes County	25 4 0	219 8 4	937 5 2	
Nantucket	31 10 0	266 10 10	244 12 4	

<i>Worcester</i>	.	.	.	.	.	5089	16	8	Five thousand eight hundred & five pounds six shillings & eight pence	5805	6	8
<i>Berkshire</i>	.	.	.	.	.	2086	12	6	Two thousand four hundred & seven pounds eighteen shillings & six pence	2407	18	6
<i>York</i>	.	.	.	.	.	2003	10	0	Two thousand two hundred & fifteen pounds eighteen shillings	2215	18	0
<i>Cumberland</i>	.	.	.	.	.	1732	18	4	One thousand nine hundred & fifty eight pounds seven shillings & four pence	1958	7	4
<i>Lincoln</i>	.	.	.	.	.	2027	14	2	Two thousand two hundred & seventy two pounds one shilling & two pence	2272	1	2
<i>Hancock</i>	.	.	.	.	.	584	5	0	Six hundred & fifteen pounds fifteen shillings	615	15	0
<i>Washington</i>	.	.	.	.	.	122	1	8	One hundred & forty seven pounds five shillings & eight pence	147	5	8
<i>Norfolk</i>	.	.	.	.	.	2551	1	8	Two thousand nine hundred & seven pounds fourteen shillings & two pence	2907	14	2
						5020	6	0	Forty five thousand & sixty eight pounds one shilling	45068	1	0
						40,047	15	0				

And be it further enacted That the Treasurer of this Commonwealth, do forthwith send his Warrants directed to the Selectmen or Assessors of each Town, District Plantation or other place within this Commonwealth, that are taxed as aforesaid, requiring such Selectmen or Assessors 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 them, belonging to no other Town or place; *provided* such places were returned in the last Valuation; and all Polls being Minors, Apprentices or Servants under the Government of a Master or Mistress, to be taxed to such Master, or Mistress, respectively, at One shilling and Eight pence each; and the Remainder of such sums so set to each Town or other place respectively, as aforesaid, after deducting the sums assessed on the Polls as aforesaid, on the Inhabitants of such Town or other place as aforesaid, according to the just Value of the real Estate of each Inhabitant of such Town or other place respectively, possessed on the first Day of May last, in his own Right or Right of others, lying within the said Town or Place improved or not improved; and on the non Residents, possessors of real Estate lying within the said Town or Place, in their own Right, or Right of others, improved or unimproved, saving all Agreements between Landlords & Tenants, and where no Agreement is, the Landlord to reimburse one half the Tax — and also on the Inhabitants of such Town or Place, and other Persons possessing Estates within the same, according to the proportion of the Amount of the Just Value of their Personal Estate, including Monies at Interest more than they pay interest for, altho' the same be secured by an absolute Conveyance of real Estate, if a Bond of defeasance or promise of reconveyance has been given, and all other Debts due, more than they are indebted for, Monies of all kind on hand, public Securities of all kinds, and bank Stock held in any Bank according to their just Value; and also the just Amount of the Value of all Goods, Wares & Merchandize, Stock in trade, Vessells of all sorts at home or abroad, with all their Stores and Appurtenances; Mules, Horses and neat Cattle each of one Year old & upwards and Swine of Six months old and upwards, and all other property of the several kinds returned in the late Valuation (excepting Sheep,

household furniture, wearing Apparel, farming Utensils, and Tools of Mechanics) on the said first day of May; and the Assessors of the respective Towns, or other places, as aforesaid, shall estimate all the before enumerated Articles at six pr. Centum upon the real Value of the same in the places where they are (excepting unimproved Lands which shall be estimated at two per Centum) and on the Amount of the Incomes of the Inhabitants within their Respective Precinets, as aforesaid, from any profession, handicraft, trade or employment, or gained by trading by Sea or Land.

And the Treasurer in his said Warrants shall likewise require the said Assessors respectively, to make a fair list of such Assessments, setting forth in distinct Columns, against each Person's name, how much he or she is assessed at for Polls, how much for real Estate, and how much for Personal Estate and Income as aforesaid; and if as Guardian or for any Estate in his or her improvement, in trust, to be distinctly expressed; and also insert on their Rate Bills, the number of Acres of unimproved Land which they have taxed to each of the non-resident Proprietors of lands within their respective Towns or other Places; and also the real Value at which they have estimated the same; and the List or Lists so completed and signed by them in maner, as aforesaid, or by the Major part of them, to commit to the Collector or Collectors, Constable or Constables of such Town or place respectively, with a Warrant or Warrants in due form of Law, for collecting and paying the same to the Treasurer of this Commonwealth, on or before the first day of April next; and to return a Certificate of the Name or Names of such Collector or Collectors, Constable or Constables with the sum total committed to them to collect, to the said Treasurer, some time before the first day of December next. And whereas there are many Persons within this Commonwealth, who are engaged in Trade, and who almost entirely negociate their Business, and hire Shops, Stores or Wharves in other Towns than where they dwell or reside; and whose Property and Ability in this Regard, cannot be so well known, to the Assessors of the several Towns wherein such persons dwell or reside, as to the Assessors of the several Towns wherein their Business is transacted, as aforesaid:

Be it therefore Enacted that all such Persons within the

description aforesaid, shall be assessed and pay Taxes for such of their Goods Wares and Merchandize, Stock in Trade, Ships and Vessels as are sold, used and improved in other towns than where they reside in such Towns, and by the Assessors thereof, and not in the Towns where such Persons dwell or reside; and they shall accordingly give in on Oath if required, a List of their whole Estate to the Assessors of their respective Towns or Places of Residence, distinguishing what part thereof is rateable in other Towns; & in default thereof shall be doomed by the Assessors respectively;— *Provided always* 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 Town hath been charged in the last Valuation—

Provided nevertheless, and be it further Enacted, That the following Persons, *viz.* The President, Professors, Tutors, Librarian, and Students of Harvard & Williams' Colleges, who have their usual Residence there, and who enjoy no other pecuniary office or employment; also Ministers of the Gospel, and Latin Grammar School-masters are not to be assessed for their Polls or Estates, unless their Estates be not under their own actual Management or Improvement, or not in the Parishes in which they are settled; and also all persons who have the Management or Improvement of the Estate of Harvard College, are not to be assessed for the same, nor Indians for their Polls or Estates; and if there be any others who by reason of Age, Infirmary or Poverty, are so far unable to pay as others, towards the public Charges, as that in the Judgment of the Assessors they ought to be relieved in their Taxes, in any such Case the Assessors may exempt the Polls and Estates of such Persons, or abate any part of what they are set at, as they on their Oaths shall deem just and Equitable.

And be it further Enacted, that the Justices of the Peace, at their respective Sessions in their several Counties when duly authorized for the Assessment of a County-Tax, shall apportion the same in the several Towns, or other places in their respective Counties as aforesaid, in the proportions of this Tax;— And the Assessors of each Town, Parish, or other Place within this Commonwealth, in making County, Town or Parish Taxes, shall govern themselves by the same Rule, and assess the Polls in their

respective Towns or Parishes, in the same Proportions as the said Polls pay towards the several sums with which the said Towns or other places by this Act respectively stand charged having regard to all such Alterations of Polls or of Property as may happen within the same, subsequent to their assessing the Tax as aforesaid. — And the Assessors of the several Towns, which by this Act are charged with the Pay of Representatives, shall assess such additional sum on the Polls and Estates as aforesaid within their respective Towns, and shall apportion the same in the proportion at which such polls and Estates shall be respectively set, for raising the Sum of Forty Thousand & forty-seven pounds, fifteen shillings.

And be it further Enacted that the Treasurer of this Commonwealth, shall send his Warrant to the Sheriff of the County of Lincoln, requiring him to collect the sum by this Act assessed on the Lands belonging to the Plymouth Company so called: and shall issue his Warrant to the Sheriff of the County of Hancock, requiring him to collect the sums which by this Act are directed to be assessed on the Lands lying within the Claims of the Heirs and Assigns of the Late Brigadier Waldo, of the Lincolshire Company, or Twenty Associates, and of the ten original Proprietors so called; all of which sums are to be collected in the same manner as Collectors or Constables are authorized and directed to proceed in collecting the Taxes laid on non resident proprietors of unimproved Lands & to be paid into the Treasury of this Commonwealth, on, or before the first day of April next.

And be it further Enacted, that no Order shall be drawn by the Treasurer of this Commonwealth, on any Constable or Collector of this Tax, for any Part of the same.

Approved June 21, 1794.

1794. — Chapter 10.

[May Session, ch. 9.]

AN ACT FOR NATURALIZING THOMAS NEIL, ROBERT GETTY, AND ROBERT HOLT.

Whereas Thomas Neil, Robert Getty, and Robert Holt have petitioned the General Court that they may be naturalized; and thereby become entitled to all the rights and priviledges of free Citizens —

Be it enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same; that the aforesaid Thomas Neil, Robert Getty, and Robert Holt taking and subscribing the oath of Allegiance to this Commonwealth, and the oath to support the constitution of the United States, before two Justices of the peace, quorum unus, shall be deemed, adjudged, and taken to be free citizens of this Commonwealth, and intitled to all the priviledges, and immunities of Citizens.

Oath recorded.

An[d] be it further enacted, that the justices before whom the said Thomas Neil, Robert Getty, and Robert Holt shall take and subscribe the said oaths, shall return a Certificate of the same into the Secretary's office, that it may be there recorded. Approved June 24, 1794.

1794. — Chapter 11.

[May Session, ch. 10.]

AN ACT, IN ADDITION TO, AND FOR THE AMENDMENT OF AN ACT MADE AND PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND, SEVEN HUNDRED AND EIGHTY-ONE; ENTITLED "AN ACT FOR INCORPORATING THE PROPRIETORS OF THE HOUSE ERECTED FOR THE PUBLIC WORSHIP OF GOD, CALLED THE TABERNACLE, IN SALEM; WHERE THE REVEREND NATHANIEL WHITAKER NOW OFFICIATES."

Preamble.

Whereas it is in and by said Act, among other things, enacted, "that the said proprietors, or major part of them in concurrence with the Church Meeting in said House, are hereby authorized to do and transact all matters relative to the ordering and directing said propriety, agreeable to the Laws and Constitution of this Commonwealth, and all transactions shall be legal and valid to all intents and purposes;" which clause requiring the concurrence of said church-meeting to the doings and transactions of said propriety, is unusual and is attended with many inconveniences and disadvantages to said proprietors, and they having petitioned this Court for an alteration thereof:

Proprietors empowered.

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 proprietors of said House and Land mentioned in said Act, or the major part of them at any legal Meeting, be, and hereby are authorized and empowered to do and transact all matters and things relative to the ordering and directing of said propriety, without the concurrence of said Church, in as full

and an ample a manner to all intents and purposes, as in and by said Act, or by Law, they may or can do with the Concurrence of said Church; and that all the Votes and Orders heretofore made and passed by said Proprietors, and all the doings and transactions in consequence of such Votes and Orders, are hereby confirmed and made valid to all intents and purposes, notwithstanding they may not have had the Concurrence of said Church.

And be it further enacted by the Authority aforesaid, that the Moderator of any legal Meeting of said proprietors, duly chosen, is hereby authorized to administer all such Oaths, and to swear all such Officers as shall be chosen by said Proprietors at such meeting, for which he shall be chosen Moderator, and of whom an Oath by Law is required, in such manner as Justices of the Peace are by Law authorized to administer Oaths; which swearing shall be as valid in law as though the same were administered by some Justice of the Peace in the same County.

Moderator to administer oaths.

And be it further enacted by the Authority aforesaid, that all the Rights Priviledges, Powers and Immunities, which are in and by said Act, granted to said proprietors, shall be and are hereby confirmed unto them and their Successors forever; excepting only such part thereof as this Act expressly directs and orders to be otherwise, relative to the Concurrence of said Church.

Confirmation.

Approved June 24, 1794.

1794. — Chapter 12.

[May Session, ch. 16.]

AN ACT TO ESTABLISH A COLLEGE IN THE TOWN OF BRUNSWICK IN THE DISTRICT OF MAINE WITHIN THIS COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, that there be erected and established in the Town of Brunswick in the District of Maine, a College for the purpose of educating Youth, to be called and known by the name of Bowdoin College, to be under the Government and regulation of two certain bodies, politic and corporate, as hereafter in this Act is provided.

College established.

And be it further enacted by the Authority aforesaid, that the Revd. Thomas Brown, Revd. Samuel Dean D.D. John Frothingham Esqr. Revd. Daniel Little Revd.

Persons incorporated as Trustees.

Thomas Lancaster, Honble. Josiah Thacher and David Mitchel Esqrs. Rev'd Tristram Gilman, Revd. Alden Bradford, Thomas Rice Esqr. and Mr. William Martin, together with the President and Treasurer of the said College for the time being, to be chosen as in this Act is hereafter directed, be and hereby are created a body politic and corporate by the name of the President and Trustees of Bowdoin College, and that they and their successors, and such others as shall be duly elected members of the said Corporation, shall be and remain a body politic and corporate by that name forever.

President and Trustees, — their powers.

And be it further enacted by the Authority aforesaid, that for the more orderly conducting the Business of the said Corporation, the President and Trustees shall have full power and authority from time to time, to elect a Vice-President and Secretary of the said Corporation and to declare the tenures and duties of their respective Offices, and also to remove any Trustee from the same Corporation, when in their Judgement he shall be rendered incapable by age, or otherwise, of discharging the duties of his Office, or shall neglect or refuse to perform the same; and to 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 the said Trustees, including the President and Treasurer of the said College, for the time being, shall never be greater than Thirteen, nor less than seven.

Proviso.

Corporation may have a Seal and sue and be sued, etc.

And be it further enacted that the said Corporation may have one common Seal, which they may change break or renew at their pleasure; and that all deeds signed and delivered by the Treasurer and sealed with their seal, by order of the President and Trustees, shall when made in their corporate name, be considered in Law as the deeds of the said corporation; and that the said Corporation may sue and be sued in all actions real, personal or mixed; and may prosecute and defend the same to final Judgement and Execution by the name of the President and Trustees of Bowdoin College; and that the said Corporation shall be 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 or personal; *Provided nevertheless* that the annual clear income of the same, shall not exceed the sum of Ten thousand pounds.

Proviso.

And be it further enacted by the Authority aforesaid, that the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees to convene at such meetings, and also from time to time to Elect a President and Treasurer of the said College, and such Professors, Tutors, Instructors and other officers of the said College, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures, of their several Offices aforesaid: (the said President for the time being, when elected and inducted into his office, to be, *ex Officio*, President of the said Corporation) and also to purchase or erect and keep in repair such houses & other buildings as they shall judge necessary for the said College; and also to make and ordain as occasion may require, reasonable rules, orders & bye Laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good Government of the said College; and also to determine & prescribe the mode of ascertaining the qualifications of the Students requisite to their admission: and also to confer such degrees as are usually conferred by Universities established for the education of Youth; and a majority of the members of said Corporation, present at any legal meeting, shall decide all questions which may properly come before the said Trustees; *Provided nevertheless*, that no corporate Business shall be transacted at any meeting, unless seven at least of the Trustees are present: *And provided further*, that the said Corporation shall confer no degrees other than those of Bachelor of Arts and Master of Arts, until after the first day of January, which will be in the Year of our LORD, one Thousand, eight hundred and ten.

Authorized to
appoint meet-
ings, Officers,
&c.

Proviso.

And be it further enacted by the Authority aforesaid, that the clear rents, issues and profits of all the estate real and personal of which the said Corporation shall be seized or possessed, shall be appropriated to the endowment of the said College in such manner as shall most effectually promote Virtue and Piety and the knowledge of such of the languages and of the useful and liberal Arts and Sciences as shall hereafter be directed from time to time by the said Corporation.

Appropriations.

And more effectually to provide for the wise and regular Government of the said College, and for the prudent ad-

ministration of the funds belonging to it, by establishing a supervising body with proper powers;

No transaction of the Corporation to have any effect, unless agreed to by the Overseers.

Be it further enacted by the Authority aforesaid, that no election made by the said Corporation, either of Trustees to fill up Vacancies, or of President or Treasurer of the said College, or of any other Officer of the said College, nor any Vote or Order of the said Corporation to remove any Trustee, or any Officer of the said College, or to purchase or erect any house or other building for the said College, or to determine what Officers shall be established for the said College, or the duties, salaries, emoluments or tenures of such Offices, or for the Appropriation of any of their funds or monies, or for the acceptance of any Estate, when the donation thereof was made upon condition, or for determining the qualifications for the Students requisite to their Admission, or for the conferring of any Degrees, or for the making, altering, amending or repealing any rules, orders or bye Laws for the Government of the said College, shall have any force, effect or validity, until the same shall have been agreed to by the Overseers of said Bowdoin College, hereafter in this Act created.

Josiah Thacher, Esq. authorized.

And be it further enacted by the Authority aforesaid, that the Honble. Josiah Thacher Esqr. be, and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to notify each of said Trustees thereof in writing.

And for the establishing of the supervising body with proper powers above mentioned;

Overseers incorporated.

Be it further enacted by the Authority aforesaid that Edward Cutts, Thomas Cutts, Symon Frye, David Sewall, and Nathl. Wells Esqrs. Revd. Moses Hemmenway D.D., Revd. Silas Moody, Revd. John Thompson, Revd. Nathl. Webster, Revd. Paul Coffin, Revd. Benjamin Chadwick, Revd. Sam'l Eaton, Revd. Samuel Foxcroft, Revd. Caleb Jewett, Rev'd Alfred Johnson, Revd. Elijah Kellogg, Revd. Ebenezer Williams, Revd. Charles Turner, Daniel Davis, Samuel Freeman, Joshua Fabyan, William Gorham, Stephen Longfellow, Joseph Noyes, Isaac Parsons, Robert Southgate, John Wait, Peleg Wadsworth, and William Wedgery Esqrs. Revd. Ezekiel Emerson, Jonathan Ellis, Jonathan Bowman, Edmund Bridge, Daniel Cony, Henry Dearborn, Dummer Sewall, Samuel Thompson, John Dunlap, Francis Winter, Nathaniel Thwing, Alexander Campbell and Paul Dudley Sargeant Esqrs., together with

the President of the College, and the Secretary of the Corporation first created in this Act, for the time being, be, and they are hereby created a body politic and corporate by the name of the Overseers of Bowdoin College, and that they, their Successors and such others as shall be duly elected into the said Co[r]poration of Overseers shall be and remain a body politic and corporate by that name forever.

And be it further enacted by the Authority aforesaid, that the members of the said Corporation of Overseers may have one common Seal, which they may change break and renew at their pleasure, and that they may sue or be sued, prosecute and defend unto final Judgement and Execution, by the name of the Overseers of Bowdoin College.

May have a Seal and prosecute and defend.

And be it further enacted by the Authority aforesaid, that for the orderly conducting the business of the said last mentioned Corporation, the Members thereof shall have full power from time to time, as they shall determine to elect a President Vice President, & Secretary, and to fix the tenures and duties of their respective Offices and also to determine at what times and places their meetings shall be holden and upon the manner of notifying the Overseers to convene at such meetings; and also to remove any Overseer from the said Corporation, when in their judgement he shall be rendered incapable by Age or otherwise, or shall neglect or refuse to discharge the duties of his Office; and also to fill up all vacancies in the said Corporation of Overseers, by electing such persons for Overseers, as they shall judge best qualified therefor; and a majority of the members present at any legal meeting shall decide all questions which may properly come before the said Overseers: — *Provided nevertheless* that the number of the said Overseers including the President of the College, and the Secretary of the Corporation last above created, shall never be greater than forty-five, nor less than twenty-five.

Corporation empowered for the orderly conducting the business.

Proviso.

And be it further enacted by the Authority aforesaid, that the Overseers of said Bowdoin College, shall have power to agree or disagree to any Election vote, order or act of the President and Trustees of said College, where the agreement of the said Overseers is made necessary by this Act to give force, effect and validity to such election, vote, order or act; and they are hereby directed to notify

Overseers shall have power to agree or not, respecting any transactions of the President & Trustees.

the said President & Trustees of such agreement or disagreement in convenient time thereafter; and the said Overseers are also empowered to call upon any Treasurer of the said College, his Executors and Administrators, to render to them a just and true Account of all the doings of such Treasurer in his said office, as often as the said Overseers shall direct. *Provided nevertheless* that no corporate Business shall be transacted at any meeting of the Overseers aforesaid, unless fifteen of them at the least are present.

Proviso.

Treasurer to give bonds.

And be it further enacted by the Authority aforesaid, that the Treasurer of the said College shall before he enter upon the execution of the Duties of his Office, give bond to the said Overseers in such penalty and with such sureties as they shall approve of, conditioned for the faithful discharge of the duties of the said Office, and for rendering a just and true account of his doings therein when required, and that all the monies, securities, and other property of the President and Trustees of Bowdoin College, together with all the books in which his accounts and proceedings as Treasurer were entered & kept, that appertain to his Office of Treasurer as aforesaid shall upon demand made upon him his Executors or Administrators be paid & delivered over to his Successor in that Office; and all monies to be recovered by virtue of any suit at law upon such bond, shall be paid over to the President and Trustees aforesaid, and subjected to the Appropriations above directed in this Act.

Offices of Trustee and Overseer cannot be held together except —

And be it further enacted by the Authority aforesaid, that no Trustee of the said College, excepting the President and Secretary first above mentioned shall be an Overseer of the said College; and if any Trustee (excepting as aforesaid) shall be chosen an Overseer, he shall cease to be a Trustee immediately upon his accepting the place of an Overseer; and if any Overseer of the said College (excepting as aforesaid) shall hereafter be elected a Trustee, he shall cease to be an Overseer upon his accepting the place of a Trustee.

David Sewall, Esq. authorized to call first meeting.

And be it further Enacted by the authority aforesaid that the honorable David Sewall Esqr. be, and he hereby is authorized and empowered to fix the time and place of the first meeting of the Overseers of said Bowdoin College, & to notify the said Overseers thereof by publishing the same three weeks successively in each of the Portland

Newspapers; the last publication to be made three weeks at the least before the time fixed for the said meeting.

And be it further Enacted by the authority aforesaid that the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers by this Act vested in the said Corporation as shall be judged necessary to promote the best interests of the said College.

Legislature may alter or restrain powers of the Corporation.

And be it further Enacted by the authority aforesaid, that there be, and hereby is granted five townships of land of the contents of six miles square each, to be laid out and assigned from any of the unappropriated lands belonging to this Commonwealth in the District of Maine the same to be vested in the trustees of Bowdoin College and their successors forever, for the use, benefit and purpose of supporting the said College to be by them holden in their corporate capacity with full power & authority to settle divide and manage the same townships or any part thereof, or to sell, convey, and dispose of the same in such way and manner as shall best promote the welfare of said College, the same to be laid out under the direction of the Committee for the sale of eastern lands, and a plan or plans thereof returned into the Secretary's office — *provided* the trustees aforesaid or their assigns shall cause to be settled fifteen families in each of said townships within twelve years from the passing this act. *And provided also* there shall be reserved in each township three lots of three hundred and twenty acres each for the following uses *viz.* one lot for the first settled minister, one lot for the use of the ministry, and one lot for the use of schools in each of said townships. *Approved June 24, 1794.*

Lands granted to the Trustees to be at their disposal.

Proviso.

1794. — Chapter 13.

[May Session, ch. 11.]

AN ACT TO INCORPORATE THE EPISCOPAL CHURCH IN CAMBRIDGE, SO CALLED, FOR CERTAIN PURPOSES.

Be it Enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same, that Jonathan Simpson, & Nathaniel Bethune Wardens, Joseph Lee, Herman Brimmer, John Apthorp, James Hewes, John Pigeon, Vestry men of said Church & their Successors in Office, are & shall be deemed so far a body corporate, as to sue for & recover taxes which are

Persons incorporated.

now or may be due upon any Pews in the Episcopal Church in Cambridge, & all other debts due to the said Church of whatever kind, & also to sue & defend in all other actions in which said Church may be concerned.

Wardens and Vestry empowered.

And be it enacted that the Wardens & Vestry of said Church & their Successors in office be & they are hereby impowered to make sale & dispose of any Pews, Lands, Tenements & Hereditaments belonging to said Church to such persons as shall purchase the same in fee simple forever; & to make & execute good & sufficient deeds in law of the same, & to lease or otherways dispose of the same in behalf of said Church as to them shall seem necessary, agreeable & in conformity to the votes of the proprietors of said Church; excepting such lands & real estate as are & may be given on express condition that the income thereof shall be appropriated to the support of the poor.

Approved June 25, 1794.

1794. — Chapter 14.

[May Session, ch. 12.]

AN ACT SETTING OFF THE WEST PRECINCT OF THE TOWN OF POWNALBOROUGH, INTO A SEPERATE TOWN BY THE NAME OF DRESDEN.

Boundaries.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the said west precinct of the town of Pownalborough bounded as follows, *viz.* beginning on the easterly side of Kennebeck river on the line that divides the said town of Pownalborough from the town of Woolwich from thence runing upon the said line three miles, from thence upon a streight line to the middle of the great bridge, on the County road leading from Sheeps-cut river to Kennebeck river, erected over Doctr. Gardner's mill brook, so called, from thence, on a north north east course to the northern line of said town, including the whole of the farm or land there, belonging to the estate of the said Doctor Gardner, from thence by the said northern line to Kennebeck River, then down the said River to the first mentioned bounds, including Swan Island so called in said river, with all the land and estates therein, be and hereby is incorporated into a seperate town by the name of Dresden, together with the inhabitants thereof, who are hereby invested with all the powers, priviledges and im-

Town incorporated.

munities which the inhabitants of other towns within this Commonwealth do or may by law enjoy.

And be it further Enacted that Nathaniel Thwing Esqr. be, and he is hereby empowered & directed to issue his Warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as shall be therein set forth, to chuse all such officers, as towns are by law empowered to chuse in the month of March or April annually: *Provided nevertheless* that the inhabitants of the said town of Dresden, shall be holden to pay their proportion of all taxes already assessed upon the said town of Pownalborough, and of all other demands thereon, including all fines which said town of Pownalborough may be liable to on account of any presentments against said town.

Nathaniel
Thwing, Esq.
to issue war-
rant.

Approved June 25, 1794.

1794. — Chapter 15.

[May Session, ch. 13.]

AN ACT SETTING OFF THE NORTH PRECINCT OF THE TOWN OF POWNALBOROUGH INTO A SEPERATE TOWN BY THE NAME OF NEW-MILFORD.

Be it Enacted by the Senate & House of Representatives in General Court assembled, and by the Authority of the same; that the said North Precinct of the Town of Pownalborough, bounded as follows; *Vizt.* Beginning on Sheepscott River on the Southerly line of Lot No. 5, granted to Abraham Freeble, by the Proprietors of the Kennebeck Purchase, from thence running on the said Southerly Line to a Road running between the rear of said Lot, and a Lot of four hundred Acres, marked E e, No. 5, granted by the said Proprietors to James Bowdoin Esq: thence running northwardly on the said Road to the Country Road leading from the great Bridge, to Sheepscott river. Thence running West North-west through the said Road as far as the said Bowdoin's Lot E e, bounds thereon; thence continuing to run through the said road, more Northerly as far as the Northerly line of a Lot of Four hundred Acres, marked D d, No. 4, granted by the said Proprietors to William Bowdoin Esqr. deceased, and from thence to run on the said Northerly line of the last mentioned Lot, till it strikes the Easterly line of the West Precinct of said Pownalborough thence North-

Boundaries.

erly by said Line, to the north line, of said Town, thence Easterly by said Line to Sheepscott river; thence Southerly, down said River, to the Southerly Line of said Lot No. 5, the first mentioned Bounds; with all the Lands & Estates within the bounds aforesaid, be, and hereby is incorporated into a separate Town by the Name of New-Milford; together with all the Inhabitants thereof, who are hereby invested with all the powers, privileges & Immunities which the Inhabitants of other Towns within this Commonwealth, do or may by Law enjoy.

Thos. Rice,
Esq. to issue
warrant.

And be it further Enacted, that Thomas Rice Esqr. be, and he is hereby empowered and directed to issue his Warrant to some principal Inhabitant of said Town, requiring him to warn the Inhabitants thereof, to meet at such time and Place as shall be therein set forth, to choose all such Officers as Towns are by Law empowered to choose, in the Month of March or April annually. *Provided nevertheless*, that the Inhabitants of the said Town of New-Milford, shall be holden to pay their proportion of all Taxes already assessed upon the said Town of Pownalborough, and of all other demands thereon; including all Fines which said Town of Pownalborough may be liable to, on Account of any Presentments against said Town. *Approved June 25, 1794.*

1794. — Chapter 16.

[May Session, ch. 14.]

AN ACT FOR INCORPORATING CERTAIN PERSONS INTO A SOCIETY BY THE NAME OF THE MASSACHUSETTS CHARITABLE FIRE SOCIETY.

Preamble.

Whereas Moses Gill, George Richards Minot, Oliver Smith, James Freeman, James Bowdoin, William Scollay, John Lucas, and Arnold Wells junr. in behalf of themselves and others associating with them, have petitioned this Court to be incorporated for the purpose of relieving such as may suffer by fire, and of stimulating genius to useful discoveries, tending to secure the lives and property of their fellow men from destruction by that element;

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same that the persons above named, and their associates be, and hereby are incorporated into, and made a Body politic, by the name of the Massachusetts Charitable Fire Society, for the purposes aforesaid and shall have perpetual succession by the said name, with power to make

Persons incor-
porated.
— their pow-
ers.

bye laws & regulations 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 for each offence, as to the said Corporation shall appear best.

And be it further Enacted by the authority aforesaid, that the said Body politic are hereby authorized, and empowered to make and use a common seal, and to sue and defend, and are made liable to be sued by the name aforesaid, in any of the Judicial Courts within this Commonwealth; and are hereby licenced and empowered to make purchases, and to receive grants, subscriptions and donations of real and personal estate, and to hold the same for the charitable purposes aforesaid, *provided* the income of the said real and personal estate shall not exceed the sum of Ten thousand pounds annually, and to alien and convey such estate, as to the said Corporation shall appear fit.

And be it further Enacted by the authority aforesaid, that the said Body politic be, and are hereby authorized to meet annually on such day as they shall appoint, and then to chuse such officers as to them may appear necessary, and to meet at such other times for filling up vacancies occasioned by the death or resignation of officers, or otherwise, and for transacting all other business requisite for promoting the ends of the said Corporation, as by them shall be agreed upon.

And be it further Enacted by the authority aforesaid, that His Honor Moses Gill Esqr. be, and he is hereby authorized and empowered to call the first meeting of the said Corporation at such place in the town of Boston, as to him may appear proper, on the fourth Tuesday of July next.

Moses Gill,
Esq. to call
meeting.

Approved June 25, 1794.

1794. — Chapter 17.

[May Session, ch. 15.]

AN ACT TO ANNEX A GORE OF LAND IN THE COUNTY OF WORCESTER, KNOWN BY THE NAME OF MIDDLESEX-GORE, LYING BETWEEN THE TOWNS OF DUDLEY & STURBRIDGE IN THIS COMMONWEALTH, & THE TOWN OF WOODSTOCK, IN THE STATE OF CONNECTICUT, PARTLY TO THE TOWN OF DUDLEY, & PARTLY TO THE TOWN OF STURBRIDGE.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of

Gore of land
annexed to
towns.

the same, that all that part of a gore of land lying East of a line beginning at the Southwest corner of the town of Dudley, & the South east corner of the town of Sturbridge & running the same course with the West line of Dudley & the East line of Sturbridge until it comes to the line of Woodstock in the State of Connecticut with all the inhabitants thereon, be & they hereby are, annexed to the town of Dudley in the County of Worcester, & all that part of said gore of land which lies West of the line first abovementioned with the inhabitants thereon be, & they hereby are annexed to the town of Sturbridge in said County.

Approved June 25, 1794.

1794. — Chapter 18.

[May Session, ch. 17.]

AN ACT TO INCORPORATE A NUMBER OF INHABITANTS IN THE TOWN OF SUTTON INTO A SOCIETY BY THE NAME OF THE FIRST CONGREGATIONAL SOCIETY IN SUTTON.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and, by the Authority of the same; That Timothy Sibly, Lazarus Le Baron, Jonathan Woodbury, Ebenezer Waters, March Chace, Bartholomew Woodbury, John Woodbury, John Harbach, Daniel Torry, Simon Tenny, Anthony Dike, Stephen Munroe, Thomas Harbach, Nathaniel Stockwell, Timothy Sibly junr. Daniel Tenney, Joseph Hall, Henry Ferington, Reuben Putnam, Bartholomew Hutchinson, John Whipple Junr. Nathaniel Cariel, James Giles, Malachi Marble, Solomon Leland, Andrew Marble, Nathl. Carrol Junr. Ezekiel Clark, Charles Putnam, Tarrant Putnam, Israel Putnam, Nathan Putnam, Enos Buxton, Enos Buxton junr. George K. Rice, John Woodbury Junr. Thomas L. Whitney, Gibbs Sibley, Darius Russel, David Putnam, Joshua Hathaway, James Taylor, Asabel Rice, Nathaniel Sibley, Reuben Sibley, Reuben Sibley junr. Stephen Stockwell, Stephen Stockwell junr. Enoch Stockwell, Jacob Severy, Moody Severy, Jacob Cummins Junr. John Haven, Jonathan King, John Lilley, Aaron Cariel Joseph Hicks, Joseph Mosley, Samuel Hicks, Benjamin Hicks, Zachariah Hicks, Caleb Hicks, Abraham Bachelor, Benjamin Bachelor, Amos Bachelor, Richard H. Dodge, Josiah Dodge, Ezra Bachelor, James Adams, Elijah Allen, William Slocum, Moses Leland, Stephen Hall, John Dudley, Abel

Society in Sutton incorporated.

Ellias, Daniel Day, Moses Day, Aaron Day, Benjamin Woodbury, junr. Joseph Woodbury junr. Jonathan Dudley, Samuel Dudley, Joshua Chace, Joseph Nelson, Joseph Hall junr. Peter Dudley, Daniel Harbach, Isaac Dodge and Timothy Bernal Members of said first Congregational Society, together with their Estates, be, and hereby are incorporated into a Congregational Society by the name of the first Congregational Society in the Town of Sutton.

Be it Enacted by the Authority aforesaid, that the said Society be, and hereby are authorized and empowered to raise by a Tax on the pews and seats in the Meeting House, in said Society, such sum or sums of money, as the Proprietors of said Meeting House at a legal meeting called for that purpose, shall vote and agree upon for the purpose of supporting and maintaining a Public Teacher of Piety, Religion and Morality, and other incidental Charges, and at such meeting to choose all such Officers as are or shall be necessary to manage and transact all the Business of the said propriety.

Empowered to raise money by tax.

And be it further Enacted by the Authority aforesaid, that the Proprietors of the said first Parish Meeting-House, be and are hereby empowered by themselves or their Committee duly chosen, to cause the pews and seats in the said meeting-house, to be valued according to the Convenience and Situation thereof, and to alter from Time to time such Valuation as may be found necessary; and to determine what sum each Pew or part of a pew and Seat shall pay towards the expences and charges aforesaid, and the time and manner in which the same shall be paid: And if any Proprietor or Owner of a Pew, or part of a Pew, or Seat shall neglect or refuse to pay the sum or sums assessed thereon for a longer time than Twenty Days after notice of such Assessment having been given him, by the Collector, such proprietor or Owner shall pay to the Use of the said Proprietors, over and above the said Tax, or Assessment, from the expiration of the said Twenty days, at and after the rate of six per Centum per Annum on such Tax, or Assessment: and if the same together with the Interest aforesaid, shall not be paid within one Year from the expiration of said Twenty days, the said Proprietors may and are hereby authorized and empowered by themselves or their Committee to sell and dispose of the Pew or part of a Pew or Seat of such Delinquent, in such

Proprietors empowered to value pews.

way and manner as shall be agreed on by said Proprietors and after deducting from the sale thereof the said Tax, or Assessment, with the Interest thereon, accruing as aforesaid and the Charges of the Sale; the Overplus (if any) shall be paid to the Person so delinquent.

Members em-
powered to hold
and dispose of
estates.

And be it further Enacted by the Authority aforesaid, that the Members of the said Congregational Society, are hereby Authorized and empowered, to take into possession all the Lands and other Estate and donations that by any means doth belong to the said Society, and to dispose of the Use or Income of the same in any way, for the use of the said Society, as shall by them be judged most conducive to the interest and benefit of the same.

Appropriations
of monies.

And be it enacted by the Authority aforesaid, that the members of the said Society be empowered to collect and improve the whole of the Ministry money which belongs to the first Congregational Society in Sutton, and all other Donations that have been, or may hereafter be made to said Society, for the support of a Congregational Minister in said place; and that the members of said Society be authorized and empowered to receive Members, whenever applications are made therefor; and that the Members and all others, who may hereafter become their Associates, being Inhabitants of the Town of Sutton, and their several estates, shall not be liable to be taxed for the support of public Worship in any other society in the said Town of Sutton.

Solomon Le-
land, Esq. to
issue warrant.

And be it further Enacted by the Authority aforesaid, that Solomon Leland Esqr. be, and is hereby empowered and directed to issue his Warrant to some principal Member of said society, requiring him to warn the Members thereof to meet at such time and place as shall be therein set forth, to choose all such officers, as are necessary for transacting the business of said Society.

Approved June 25, 1794.

1794.—Chapter 19.

[May Session, ch. 19.]

AN ACT INCORPORATING A NUMBER OF THE INHABITANTS OF THE TOWN OF TOPSHAM IN THE COUNTY OF LINCOLN INTO A DISTINCT & SEPERATE RELIGIOUS SOCIETY.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the

same that John Merrill esqr. Stephen Doughty, Actor Patten, Hugh Wilson, Robert Cleaves junr. James Purrinton junr. Ebenr. Farrin William Bragdon John Starboard junr. John Hewey, John Dugan, Joseph Jack, Elnathan Hinckley Alexander Thompson Elijah White Benjamin Wooddard, Moses Hodgkins, John Sandford, John Waire, William Hunter, Saml. Wilson, Calvin Wade, Thomas Smith, John Starboard, Luther Hall, Thomas Ridout, John Reed, William Malcom, Robert Cleaves, John Willson, Joseph Hayley, Humphrey Thompson, William Sears, Moses Owen William Collamore, Nathan Wyman, Hezekiah Wyman, William Wyman and James Purrinton, members of the said religious society, together with their polls and estates be, and they are hereby incorporated by the name of The Baptist religious society in Topsham with all the priviledges, powers and immunities which other parishes in this Commonwealth are by law entitled to.

Persons incorporated.

And be it further Enacted by the authority aforesaid that any, and every person in the town of Topsham aforesaid, who may at any time hereafter actually become a member of and unite in religious worship with said Baptist Society, and give in his or her name to the Clerk of the parish to which he or she belonged with a certificate signed by the minister or Clerk of said Society that he or she hath actually become a member, and united in religious worship with said Baptist religious Society fourteen days previous to the parish meeting therein to be holden in the month of March or April annually shall from and after giving such certificate with his or her polls and estates be considered as a member of said Society.

Members constituted.

And be it further Enacted by the authority aforesaid, that when any member of said Baptist Society shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, and shall give in his or her name to the Clerk of the said Baptist Religious society, with a Certificate signed by the minister or clerk of the parish or other incorporate religious society fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion of all monies voted in said society to be raised previous thereto, shall from and after giving such certificate with his and her polls and estates be considered as a member of the Society to which he or she hath so united.

Method of leaving the Society and joining another.

Francis Winter,
Esq. to issue
warrant.

And be it Enacted by the authority aforesaid that Francis Winter Esqr. be, and he is hereby authorized to issue his Warrant directed to some principal member of the society requiring him to warn the members of the Society qualified to vote in parish affairs, to assemble at some suitable time and place in said Topsham to chuse such parish Officers as are by law required to be chosen in the month of March or April annually, and to transact all business which other parishes are authorized to transact at their annual meeting.

Approved June 26, 1794.

1794. — Chapter 20.

[May Session, ch. 20.]

AN ACT, RATIFYING AN AMENDMENT IN THE CONSTITUTION OF THE UNITED STATES, PROPOSED BY THE TWO HOUSES OF CONGRESS, TO THE LEGISLATURES OF THE SEVERAL STATES.

Article pro-
posed to be
amended.

Whereas the Senate and House of Representatives of the United States, did on the second day of December, one thousand, seven hundred, and ninety three, Resolve (two thirds of both Houses concurring) “that the following Article be proposed to the Legislatures of the several States, as an Amendment to the Constitution of the United States; which when ratified by three fourths of the said Legislatures, shall be valid as part of the said Constitution;” *viz*; “the Judicial Power of the United States shall not be construed to extend to any Suit in Law, or Equity, commenced or prosecuted, against one of the United States, by Citizens of another State, or by citizens or Subjects of any foreign State.”

Ratified and
confirmed.

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 Amendment be, and it is hereby agreed to, ratified and confirmed on the part of this Commonwealth, to become valid as part of the Constitution of the United States, as soon as the same shall be ratified by three fourths of the Legislatures of the several States.

Approved June 26, 1794.

1794. — Chapter 21.

[May Session, ch. 23.]

AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE NORTH WEST CONGREGATIONAL SOCIETY IN NORTH YARMOUTH.

Preamble.

Whereas a number of the inhabitants of the town of North Yarmouth, have petitioned this Court to be incor-

porated into a separate society, and set off from the parish or religious society, whereof the Reverend Tristram Gilman is pastor, for the reasons expressed in their petition; and it appearing to this Court reasonable that the prayer of the petitioners should be granted.

Be it therefore Enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same that Amos Harris, Zebulon Noyes, Joshua Spear, Benjamin Sweetser, Ozias Blanchard, William Hoole, Cushing Prince, Onesiphorns Fisher, Thomas Pratt, Ebenezer Blanchard, Joab Blake, Benjamin Blanchard, Richard Stubbs Moses Stubbs, David Prince, Nathaniel Blanchard junr. Paul Prince junr. Nathaniel Merrill, Samuel Smith, Asa Chace, Eliphalet Greely, James Prince, Moses Noyes, Benjamin Buxton Jere Blanchard Thos. Noyes, Benjamin Sanborn Levi Sweetser Asa Greely, Paul Sanborn junr. Benjamin Prince, Benjamin Stubbs Samuel Kenny, Samuel York, Stephen Lowell William Sweetser, Israel True, William Read, Joshua Blanchard, William Blanchard, Benjamin Tukesbury John Merrill junr. Jacob Merrill junr. Nathan Merrill Josiah Harris, Amos Harris junr. Elijah Tuttle, Nathaniel Blanchard, James Whitney Benjamin Ridout, Othniel Trip, Joshua Shaw, Thos. Hill, Daniel Shaw, John Shaw, William Cleaves, John Goodwin, Lemuel Gurney junr. Nathaniel Ridout, Nicholas Ridout, Phineas Whitney, Isaac Whitney, Robert Maxfield, Eleazer Ring, Winthrop Baston, Reuben Baston, Silvanus Prince, William Noyes, Paul Prince, Pian Prince, Ammi Prince, Nicholas Blanchard Amos Clough, Josiah Wyman, Ebenezer Allen, Jonathan Stubbs, Ozni Harris Levi Knight, Nathaniel Gordon, Jacob Merrill, Jeremiah Prince, Thomas Prince, Amos Field, William Merrill for his mother Othniel Merrill, Edmund Merrill, Seth Blanchard, Edward Butler, Stephen Harris, Samuel Bacon, Bethuel Wood, Stephen Prince Lydia Hayes widow, Thomas Johnson, Thomas Wood, Winthrop True, Levi Marston junr. John Wentlby, Zebulon Reed, Joseph Humphreys, Samuel Nason John Marston junr. Jeremiah Marston, Jabez Morton, Nehemiah Porter, Benjamin Myrick junr. William Hamilton, Nathaniel Luskin, Archalaus Tuttle, Isaac Shilling, Joseph Hicks, Joel Rich, Jonathan Chandler, Jotham Mitchell, Simeon Marston, Jasper Marston, John Marston, Joshua Marston, Simon Batchellor Andrew Ring, Ephraim Johnson, Moses Haskell, James Rider

Persons incor-
porated.

John Pride Israel Loring Mitchell, William Sargent, Samuel Lawrence, Joshua Humphrey, Jere Walker, Henry Whitney Stephen Reed Eliab Mitchell, Samuel Baker junr. Tobias Moore, Benjamin Herrick Joseph York petitioners for the said Society, together with their polls and estates be, and hereby are incorporated into a Society by the name of the North west Congregational Society in North Yarmouth with all the priviledges powers and immunities which other parishes in this Commonwealth are intitled to by law.

Members constituted.

And be it further Enacted, that all those who shall be desirious of becoming members of said Society, being inhabitants of said town of North Yarmouth, and shall signify the same in writing to the respective Clerks of each parish, thirty days at least, previous to the annual meeting in March or April next, shall be considered in law, as members of said Society; but shall be held to pay their proportion of such money as shall have been previously granted by the Society or parish they shall have seperated from.

Exempt from taxes of all other Societies.

And be it further Enacted that the several persons in this act before named, and all others who shall become their associates being inhabitants of said town of North Yarmouth, and their several estates shall not be liable to be taxed for the support of public worship in any other Society in said town.

Clerk to record all members of the Society.

And be it further Enacted that the Clerk of said Society shall keep a fair record of the names of all persons who shall become members thereof; and when any member of said Society shall request a dismissal therefrom; and shall signify the same in writing at least thirty days before the annual meeting in March or April next to the Clerk thereof, said Clerk shall make a record of such request, and shall transmit a list of such name or names to the Clerk of the other parish or Society of such request & such person or persons shall thereupon be dismissed accordingly, but shall be holden to pay the proportion of such money as shall have been previously granted by said parish or Society.

Persons leaving the Society, to signify it in writing.

John Lewis, Esq. to issue warrant.

And be it further Enacted that John Lewis esqr. be, and hereby is empowered and directed within two months from the passing of this act to issue his Warrant to some principal inhabitant of the said north west Congregational Society — and he hereby is also empowered and directed to

issue his Warrant within two months from the passing of this act, to some principal inhabitant of the parish from which said Society are by the foregoing act set off, therein directing them severally to notify & warn the inhabitants of each society qualified by law to vote in town affairs to meet at their respective meeting houses to chuse parish officers as by law required. *Approved June 26, 1794.*

1794. — Chapter 22.

[May Session, ch. 21.]

AN ACT TO SUSPEND THE OPERATION OF AN ACT ENTITLED "AN ACT ASCERTAINING THE QUALITY OF STONE LIME AND THE SIZE OF LIME CASKS, AND FOR REPEALING ALL LAWS HERETOFORE MADE RELATIVE THERETO."

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, that the Operation of the said Act be, and it hereby is suspended till the fifteenth day of August next. *Approved June 27, 1794.*

Act suspended.

1794. — Chapter 23.

[May Session, ch. 23.*]

AN ACT TO REPEAL ALL LAWS OF THIS COMMONWEALTH, IMPOSING DUTIES AND EXCISE ON CARRIAGES, & INFLECTING PENALTIES FOR SELLING WINES AND FOREIGN DISTILLED SPIRITS, SO FAR AS THE SAME RESPECT SAID MATTERS.

Be it Enacted by the Senate, and House of Representatives in General Court assembled, & by the authority of the same, that from and after the first day of July next, all laws of this Commonwealth imposing duties or excise on carriages be, and they hereby are repealed so far as they respect any duty or excise that would thereafter arise by virtue thereof.

Excise on carriages repealed.

And be it further Enacted by the authority aforesaid that all penalties which are established by any law of this Commonwealth for selling Wine or foreign distilled spirits only in small quantities except such as are to be consumed within the House or dependencies of keepers of Taverns, Inns, or other houses of entertainment duly licenced by law therefore, shall from and after the said first day of July be, and the same are hereby repealed. *Provided*

Penalties on wines and distilled spirits repealed.

Proviso.

* Wrongly numbered in session pamphlet, should be ch. 22.

that the said acts and laws shall continue in full force, so far as to authorize the collection of any duties or penalties that have arisen or accrued, or shall arise or accrue thereby before the first day of July aforesaid.

Approved June 27, 1794.

1794. — Chapter 24.

[May Session, ch. 18.]

AN ACT FOR DIVIDING THE COMMONWEALTH INTO DISTRICTS FOR THE CHOICE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES, AND PRESCRIBING THE MODE OF ELECTION.

Whereas it is important to provide by law for a Representation of the people of this Commonwealth in the Congress of the United States, founded upon the principle of equality:

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that this Commonwealth be, and hereby is divided into fourteen Districts as in this act defined and described, in each of which one representative, being an inhabitant of the District for which he shall be elected, shall be chosen in the manner herein after prescribed.

And be it enacted by the authority aforesaid, that the said fourteen Districts shall be formed and limited in manner following, viz;

The towns Districts and plantations in the County of Berkshire, together with the towns of Rowe, Cummington, Plainfield, Worthington, Hawley and Charlemont in the County of Hampshire shall constitute one District to be called *the first western District*.

The following towns in the County of Hampshire, *viz;* Westfield, Russell, Hatfield, Deerfield, Northampton, Blandford, Southampton, Greenfield, Gill, Granville, Chesterfield, Conway, Ashfield, Southwick, Williamsburgh, Whately, Norwich, West Springfield, West Hampton, Montgomery, Colerain, Barnardston, Shelburne, Goshen, Leyden, Northfield, Montague, Sunderland, Hadley, Chester, Buckland, Heath, Middlefield & East Hampton, shall constitute one District to be called, *the second Western District*.

The following towns in the County of Hampshire *viz;* Brimfield, Pelham, Palmer, New Salem, Green-

wich, Amherst, Monson, Belchertown, Shutesbury, Ware, Springfield, South Brimfield, Holland, Warwick, Orange, Wilbraham, Granby, Leverett, Wendell, Longmeadow, Ludlow, South Hadley, together with the following towns in the County of Worcester *viz.* Western, Petersham, New Braintree, Barre, Sturbridge, Athol, Templeton, Royalston, Gerry, Winchendon, Gardner and Hardwick, shall constitute one District, to be called *the third western District.*

The following towns in the County of Worcester, *viz;* Mendon, Brookfield, Oxford, Worcester, Leicester, Rutland, Sutton, Uxbridge, Shrewsbury, Dudley, Grafton, Upton, Holden, Leominster, Lancaster, Douglass, Spencer, Charlton, Oakham, Paxton, Hubbardston, Westminster, Princeton, Northbridge, Ward, Milford, Sterling & Boylston, shall constitute one District, to be called *the fourth Western District.*

The towns Districts and plantations in the Counties of Barnstable, Nantucket & Dukes County, together with the towns of Wareham and Rochester in the County of Plymouth, and the towns of New Bedford and Dartmouth in the County of Bristol shall constitute one District, to be called *the first southern District.*

The following towns in the County of Plymouth, *viz;* Plimouth, Scituate, Duxbury, Marshfield, Bridgewater, Middleborough Plympton, Pembroke. Abington, Kingston, Hanover, Halifax, Carver, with the towns of Hingham and Hull in the County of Suffolk; and the following towns in the County of Norfolk, *viz;* Cohasset, Braintree, Quincy, Randolph, Weymouth, Milton, shall constitute one District to be called *the second southern District.*

The following towns in the County of Bristol, *viz;* Taunton, Rehoboth, Swanzey, Freetown, Attleborough, Norton, Dighton, Easton, Raynham, Berkley, Mansfield, Westport and Somerset, with the following towns in the County of Norfolk, Foxborough, Wrentham, Franklin, Medfield, Dover, Walpole, Stoughton, and Bellingham shall constitute one District to be called *the third southern District.*

The town of Boston in the County of Suffolk with the following Towns in the County of Norfolk, Roxbury, Dorchester, Brookline, Sharon, Dedham, Needham, & Medway with the following towns in the County of Middlesex,

Newton, Weston, East Sudbury, Natick, Sherburne, Hopkinton & Holliston shall constitute one District, to be called *the First Middle-District*.

The following towns in the County of Middlesex, Charlestown, Cambridge, Watertown, Concord, Sudbury, Groton, Marlboro', Framingham, Dunstable, Stow, Lexington, Littleton, Westford, Townsend, Acton, Dracut, Chelmsford, Waltham, Shirley, Pepperel, Lincoln, Ashby, Carlisle, Boxboro' & Tingsboro' together with the following towns in the County of Worcester *vizt.* Ashburnham, Fitchburgh, Lunenburgh, Harvard, Westboro' Bolton, Berlin, Northboro' & Southboro,' shall constitute one district, to be called *the Second Middle District*.

The following Towns in the County of Essex, Salem, Marblehead, Lynn, Lynnfield, Danvers, Middleton, Beverly, Manchester, with the following towns in the County of Middlesex, Reading, Stoneham, Medford, Malden, Tewksbury, Wilmington, Woburn, Bedford, Billerica with the town of Chelsea from the County of Suffolk shall constitute one district, to be called *the Third Middle-District*.

The following towns in the County of Essex, Salisbury, Almesbury, Methuen, Haverhill, Andover, Bradford, Boxford, Newbury, Newbury Port, Rowley, Ipswich, Hamilton, Wenham, Gloucester & Topsfield shall constitute one District, to be called *the Fourth Middle District*.

The towns, districts & plantations in the Counties of Lincoln, Hancock & Washington (except such towns & plantations in the County of Lincoln as are hereafter made a part of the second Eastern district) shall constitute one district to be called *the First Eastern District*.

The towns, districts & plantations in the County of Cumberland, (except the towns of Bridgeton, Standish & Flintstown) together with the following towns & plantations in the County of Lincoln *vizt.* Topsham, Winthrop, Readfield, Bath, Bowdoin, Green, Monmouth, Mount Vernon, Sandwich, Livermore & Rocomeeko, mouth of Sandy River, Sandy River No. 1, Sandy River No. 2, Sandy River No. 3 & seven mile brook, Twenty five mile pond, Titcomb-town & Little River & all other towns & plantations which lie wholly on the Western side of Kennebeck River (except Bowdoinham, Sidney & Fairfield which are made a part of the first Eastern district) in the

County of Lincoln shall constitute one district to be called *the Second Eastern District*.

The towns, districts & plantations in the County of York together with Bridgeton, Standish & Flintstown in the County of Cumberland, shall constitute one district, to be called *the Third Eastern District*.

And be it further Enacted that the Selectmen of the several Towns and Districts within this Commonwealth, shall in manner as the Law directs for calling Town Meetings, cause the Inhabitants of their respective Towns & Districts, duly qualified to vote for Representatives in the General Court, of this Commonwealth, to assemble on the first monday of November biennially, beginning in November next, to give in their votes for their respective Representatives, to the Selectmen, who shall preside at said Meeting; and the Selectmen, or the major part of them shall in open Town meeting sort and count the Votes and shall form a list of the Names of the persons voted for, with the number of Votes for each person, set against his name, and the Town Clerk shall make a Record thereof, and the Selectmen shall make public declaration in Town meeting of the names of the persons voted for, and of the number of Votes they respectively have; & shall in open Town Meeting seal up said List, certified by the Selectmen, & express upon the back of said List the District in which the Votes were given, & shall transmit the same within fourteen days next after such Meeting, to the Secretary of this Commonwealth, or to the Sheriff of the County in which such Town lies, who shall transmit the same to the Secretary of this Commonwealth, within forty days next after said first Monday of November; and the Secretary shall lay the same before the Governor and Council; and in Case of an Election for any District by a majority of the Votes returned from said District, the Governor is hereby requested forthwith to transmit to the Person so chosen, a Certificate of such choice, signed by the Governor & countersigned by the Secretary.

And be it further Enacted, that the Selectmen of Such Towns & Districts as lay within any County in which there is no Sheriff, shall return such List to the Secretary's Office in the same term of Time as Sheriffs are required to do; and in case no person shall be chosen, by a majority of all the Votes returned from any District, the

Selectmen empowered to call meetings.

Their duty respecting the votes.

Precepts to be issued in case of no choice.

Governor is hereby requested to cause precepts to issue to the Selectmen of the several Towns & Districts in such District, directing & requiring such Selectmen to cause the Inhabitants of their Respective Towns and Districts as aforesaid, to assemble as aforesaid on a day in such Precept to be appointed, to give in their Votes for a Representative in Congress as aforesaid; which Precept shall be accompanied with a List of Persons voted for in such District, showing the Number of Votes for each person according to the first Return; & the same proceedings shall be had thereon in all Respects as is before directed in this Act; & the Selectmen shall make Return to the Secretary of this Commonwealth or to the Sheriff in manner as aforesaid, within fourteen Days next after such Meeting; & the Sheriff shall make Return thereof into the Secretary's Office, on or before such day as the Governor shall appoint in such Precept; and the Secretary shall lay the same before the Governor & Council; & the Governor is hereby requested to cause the person or persons who shall be chosen as aforesaid to be served with a Certificate thereof as aforesaid; & the same proceedings shall be again had in case any District shall fail of completing the choice of their Representatives; and the Governor is requested to issue his precept accordingly to the Selectmen of those Towns and Districts, of such Districts where the choice of Representatives shall not have been completed; and like proceedings shall be had as often as Occasion may require.

Duty of
Sheriffs.

And be it further Enacted by the authority aforesaid, that it shall be the duty of the Sheriffs in the several Counties of this Commonwealth on receiving copies of this act, or any precept from the Governor for the purposes mentioned therein, to transmit the same seasonably to the Selectmen of the several towns & districts within their several Counties, to whom they may be respectively directed. And the several Sheriffs shall for the said service be entitled to receive out of the Treasury of this Commonwealth double the sum which they are allowed by law for dispersing proclamations — and for returning the votes as aforesaid one shilling per mile computing from the place of abode of each Sheriff to the Secretary's Office —

Compensation
to be made
them for ser-
vices.

Forfeiture, in
case of neglect.

And be it further Enacted that any Sheriff who shall neglect to perform the duties which by this act he is directed to perform shall for each neglect forfeit & pay to

the use of the Commonwealth the sum of six hundred pounds to be recovered by action of debt for which it shall be the duty of the Attorney General to prosecute within one year next after such neglect. And if any Selectmen shall neglect to perform any of the duties which by this act they are required to do and perform, each Selectman so neglecting shall forfeit and pay a sum, not exceeding fifty pounds, nor less than five pounds to be recovered in any Court proper to try the same, one moiety to the prosecutor & the other moiety to the use of the Commonwealth.

Selectmen liable in case of neglect.

And be it further enacted, that in those Districts and plantations, where there may be no Selectmen, the assessors of such Districts & plantations shall have the same powers, and perform the same duties, for the purposes of this act, as are herein above given to, or required of Selectmen, and shall incur the same penalty in case of neglect.

Assessors empowered where there are no Selectmen.

And be it further enacted by the authority aforesaid, that this act shall be construed to extend to those plantations only which have chosen or shall choose assessors to assess the public taxes set to them in the tax Act passed the present session of the General Court or that shall be set to them hereafter in the tax act next preceding the several elections.

Extension of this Act limited.

And be it further enacted that this act shall continue & be in force, untill a new apportionment of Representatives among the several States shall be made.

Approved June 27, 1794.

1794. — Chapter 25.

[January Session, ch. 1.]

AN ACT FOR INCORPORATING CERTAIN LAND IN DEDHAM & SHARON IN THE COUNTY OF NORFOLK INTO A COMMON FIELD.

Whereas the Proprietors of a certain tract of Meadow land, lying partly in Dedham & partly in Sharon in the County of Norfolk are desirous to have the same incorporated into a Common-Field;

Preamble.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same, — That all that tract of land known by the name of Pigeon-Swamp Meadow, lying partly in Dedham and partly in Sharon in the County of Norfolk, and included

Boundaries.

in the bounds following, *viz.* beginning at Trap-hole Brook so called, in the land of Nathaniel Sumner Esqr. where the fence now stands which divides said Sumner's upland from his meadow, & running southerly on said fence till it comes to the land improved by George Sumner, then through said land nearly the same course, till it comes to the Southwest corner of said George Sumner's home Meadow so called; then turning and running Easterly in said Meadow, as the ditch which forms the fence is made, till it comes to the south end of Benjamin Hawse's Meadow; then in the line between said Hawse's meadow & the land of William Richards; then in the line between said Richards' home-lot & the meadow lots, till it comes to Cumming's brook so called; thence on said brook till it comes to the line between Stoughton & Sharon; thence on said line till it comes to Neponset River; thence Westerly on said River till it comes to Trap-hole brook; thence on said Brook, till it comes to the bounds first mentioned, — Shall be considered as one Common & General Field; And that the Proprietors of said Lands, their Heirs & Successors be, and they hereby are incorporated & invested with all the powers & privileges which the Proprietors of Common & General Fields by Law are invested with. *Approved January 22, 1795.*

1794. — Chapter 26.

[January Session, ch. 2.]

AN ACT FOR REPEALING AN ACT, MADE & PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SIX HUNDRED AND NINETY TWO, INTITLED "AN ACT FOR PUNISHING CRIMINAL OFFENDERS" AND FOR RE-ENACTING CERTAIN PROVISIONS THEREIN.

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 be, and hereby is repealed, and made wholly null and void.

Act repealed.

Justices of the Peace empowered.

And be it further Enacted by the authority aforesaid, that every Justice of the peace, within the County for which he may be commissioned, may cause to be staid and arrested all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this Commonwealth, or such others as may utter any menaces or threatening speeches, and upon view of such Justice, confession of the delinquent, or other legal conviction of

any such offence, shall require of the offender to find sureties for his keeping the peace, and being of the good behaviour; & in want thereof to commit him to prison, untill he shall comply with such requisition: And may further punish the breach of the peace in any person that shall assault or strike another, by fine to the Commonwealth not exceeding twenty shillings, and require sureties as aforesaid, or bind the offender to appear and answer for his offence, at the next Court of General Sessions of the Peace, as the nature or circumstances of the case may require.

Approved January 29, 1795.

1794. — Chapter 27.

[January Session, ch. 3.]

AN ACT TO SET OFF WILLIAM GOODSPEED WITH HIS ESTATE, FROM THE TOWN OF WASHINGTON IN THE COUNTY OF BERKSHIRE, AND ANNEX HIM AND HIS ESTATE TO THE TOWN OF LENOX, IN THE SAME COUNTY.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that William Goodspeed with his estate be, and he hereby is set off from the town of Washington, in the County of Berkshire, and annexed to the town of Lenox, in the same County.

Approved January 31, 1795.

1794. — Chapter 28.

[January Session, ch. 4.]

AN ACT TO INCORPORATE VALENTINE RATHBURN AND OTHERS, INHABITANTS OF THE TOWN OF PITTSFIELD, INTO A RELIGIOUS SOCIETY, BY THE NAME OF THE BAPTIST RELIGIOUS SOCIETY IN THE TOWN OF PITTSFIELD.

Be it Enacted By the Senate and House of Representatives in General Court assembled, and by the authority of the same, that Valentine Rathburn, Daniel Rathburn, John Baker, John Remington, Jonathan Kingsley, John Bryant & others, inhabitants of said town of Pittsfield, members of the said Religious Society; together with their polls and estates be, and they hereby are incorporated by the name of The Baptist Religious Society in Pittsfield, with all the priviledges, powers, and immunities, to which other religious Societies in this Commonwealth are by Law intituled.

Persons incorporated.

Mode of becoming Members.

And be it further Enacted, that any and every person in the said town of Pittsfield, who may hereafter at any time actually become a member of, and unite with said Society in religious worship, and give in his or her name to the Clerk of the said town of Pittsfield, with a certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a member of, and united in religious worship with said Society, fourteen days previous to the town meeting therein to be holden in the month of March or April annually, shall from and after giving such certificate, with his or her polls and estates, be considered as a Member of said Society.

Mode of leaving the Society.

And be it further Enacted, that when any member of said Society shall see cause to leave the same, & unite in religious worship with the other religious Society in the said town of Pittsfield, and shall give in his or her name to the Clerk of the said Baptist Religious Society, with a certificate signed by the Minister or Clerk of the other religious society, fourteen days previous to their annual meeting in March or April, such person shall from and after giving such certificate, with his or her polls & estates be no longer considered as a member of the said Baptist Society.

Eli Root, Esq. to issue warrant.

And be it further Enacted, that Eli Root Esqr. be, and he hereby is authorized to issue his Warrant directed to some principal member of the said Baptist Society, requiring him to warn the members of the said Society, qualified to vote in Parish affairs, to assemble at some suitable time and place, to chuse such parish Officers, as are by law required to be chosen in the month of March or April annually, and to transact all matters and things necessary to be done in said Society.

Approved February 10, 1795.

1794. — Chapter 29.

[January Session, ch. 5.]

AN ACT FOR INCORPORATING CERTAIN PERSONS THEREIN NAMED, BY THE NAME OF THE TRUSTEES OF THE CHURCH AND CONGREGATION IN THE SECOND PRECINCT IN PEMBROKE.

Preamble.

Whereas the Church of Christ in the second Precinct in Pembroke have by their Vote agreed to appropriate a certain sum of money, the property of said Church, to the purpose of supporting the preached Gospel in said Pre-

inct, under certain provisions and conditions; and not being able fully to accomplish their intentions by means of any existing legal provisions, have petitioned this Court to incorporate a competent number of persons for that purpose.

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same, — That Jeremiah Stetson, William Delano, Elijah Cushing, Gad Hitchcock junior, and Josiah Cushing all Members of said Church, and the said Stetson and Delano being Deacons of the same, be and they hereby are nominated and appointed Trustees of the Church & Congregation in the second Precinct in Pembroke, and they are hereby incorporated into a body Politic and Corporate by that name; and the said Trustees and their Successors, to be chosen and appointed in the manner herein after prescribed, shall be and continue a body politic & corporate by the same name forever.

Trustees incorporated.

And be it further Enacted by the Authority aforesaid, That agreeably to the Vote of said Church, all the money, securities & credits, the property of said Church, shall be received and held by, and they are hereby confirmed to the said Jeremiah Stetson, William Delano, Elijah Cushing, Gad Hitchcock junr. and Josiah Cushing, and to their successors as Trustees of said Church and Congregation forever; to be by them managed to the best advantage; to the sole purpose of supporting the preached Gospel in said Precinct; to be applied to said purpose, when, and not before said sum, by the addition of accruing interest, or otherwise, shall produce the annual sum of One hundred & twenty pounds. And the Trustees aforesaid, their successors and the agents or Officers that may be appointed in pursuance of this Act, are hereby required in conducting the Concerns of said Trust, to regulate themselves conformably to the true design and intention of the Vote or Act of said Church, on which the application for the passing of this act was grounded.

Property of the Church to be held and improved by the Trustees.

And be it further enacted by the Authority aforesaid, that the said Trustees & their successors, shall have one Common Seal, which they may make use of in any transaction that may relate to their said office of Trustees; and they shall have power & authority to change, alter or renew the same at pleasure; and they may sue and be sued in all actions, real, personal or mixed, and prosecute or defend the same to final Judgement & Execution,

Common Seal.

by the Name of the Trustees of the Church & Congregation in the second Precinct in Pembroke as aforesaid.

Power of the Trustees.

And be it further Enacted by the Authority aforesaid, that the said Trustees & their successors shall have full power and Authority to elect such Officers or Agents, and to make and establish such rules & orders not repugnant to the Constitution and Laws of this Commonwealth as they shall judge to be necessary & convenient for the orderly and beneficial management of the affairs of said Trust according to the various Occasions and Circumstances thereof.

Number.

And be it further Enacted by the Authority aforesaid, that the number of said Trustees shall be Five, a major part of whom present at any stated Meeting, shall decide all questions that may properly come before them.

Successors of Trustees perpetuated.

And to perpetuate the succession of the said Trustees, *Be it further Enacted by the Authority aforesaid,* that as often as one or more of the said Trustees, shall die, resign or remove, or in the Judgment of the major part of said Trustees for the time being, be rendered by age, infirmity or otherwise incapable of discharging the duties of his Office, then, and so often the remaining part of the Trustees, or the major part of them at some stated Meeting, shall elect by ballot one or more persons, being reputable freeholders belonging to said Church or Congregation to supply such vacancy or vacancies —

Proviso.

Provided that any vacancy occasioned by the death, resignation, removal or incapacity of a Deacon, shall be supplied by the Election of a Deacon in said Church if there be any Deacon belonging to the same.

Trustees, capable of holding property to a certain amount.

And be it further Enacted by the authority aforesaid, that the Trustees aforesaid, and their successors be and they are rendered capable in Law, to take receive and convey any lands or tenements for the security of any monies loaned, belonging to said Trust, or which may be purchased with any part of the funds belonging to the same: and that they be and they are hereby also rendered capable in Law, to take & receive by Gift, Grant, Devise, Bequest or otherwise, any lands, tenements or other Estate, real or personal, *provided* that the annual Income of such Real Estate shall not exceed the sum of One hundred pounds, and the annual Income of such personal Estate shall not exceed the sum of One-hundred pounds (both Sums to be estimated in silver at six shillings &

eight pence by the Ounce) to have & to hold the same to the said Trustees and to their successors in that Office, on such terms, and under such provisions & limitations as may be expressed in any deed or Instrument of conveyance to them made, and which may be consistent with the original design of this Incorporation.

And be it further Enacted by the Authority aforesaid, that there shall be held a Meeting of said Trustees as soon as conveniently may be, after passing this Act, and afterwards once every year at least, on some day to be stated by said Trustees annually forever. And there shall be such other meetings to be held at such times & places and to be notified & called in such way and manner as the said Trustees at any annual meeting may determine.

Meeting of the Trustees.

And that the State & Circumstances of said Trust may be known from time to time —

Be it further Enacted by the Authority aforesaid, that it shall and may be lawful for the Inhabitants of said Precinct at any legal meeting thereof not exceeding once in any one Year, to call upon the said Trustees for an accurate statement of their Accounts; and it shall be the duty of the Trustees aforesaid, or some one of their Officers for the time being, to exhibit an attested Copy of such Statement accordingly.

Trustees to exhibit a statement of accounts.

Be it further Enacted by the Authority aforesaid, that Josiah Smith Esqr. be, and hereby is authorized and directed to determine the time and place for holding the first Meeting of said Trustees, and to certify them respectively thereof, Ten days at the least previous to holding the same.

Josiah Smith, Esq. to call a meeting.

Approved February 10, 1795.

1794. — Chapter 30.

[January Session, ch. 8.]

AN ACT FOR ERECTING AND MAINTAINING A BRIDGE OVER WESTFIELD RIVER IN THE TOWN OF NORWICH IN THE COUNTY OF HAMPSHIRE.

Whereas a bridge over Westfield River in the town of Norwich & County of Hampshire is very necessary for the accommodation of Travellers, & the place where said Bridge is proposed to be built will not greatly accommodate the inhabitants of the town of Norwich who are obliged by law, to maintain a bridge over the same.

Preamble.

Be it therefore Enacted by the Senate & House of Repre-

Bridge to be erected.

sentatives in General Court Assembled, & by the authority of the same, That a sufficient bridge for the accommodation of travellers, shall be erected over said Westfield River at the place where the Bridge formerly stood, which was built by the Commonwealth in said Town of Norwich, one half of which to be at the expence of said County & the other half to be borne by the said Town of Norwich: — And the Justices of the Court of General Sessions of the Peace for said County of Hampshire are hereby authorized and directed to order such bridge to be erected & the one half of the expence thereof shall be borne by & assessed upon the inhabitants of said County of Hampshire, & the same shall be assessed, collected, paid into, & ordered out of the Treasury of said County in the same way & manner as other County charges are.

How maintained.

And be it further enacted that a Bridge over said River at the place abovementioned, shall hereafter be maintained, repaired & supported in manner as is herein before directed, until the Legislature of this Commonwealth shall otherwise order.

Approved February 10, 1795.

1794. — Chapter 31.

[January Session, ch. 6.]

AN ACT TO ASCERTAIN THE JURISDICTION & LIMITS OF THE COUNTIES OF SUFFOLK & MIDDLESEX OVER AND UPON CHARLES RIVER.

Jurisdiction of the counties.

Be it Enacted by the Senate and House of Representatives, in General Court, assembled, and by the Authority of the same, That the Jurisdiction of the Counties of Suffolk & Middlesex, shall be in common, in, over and upon the Waters of Charles River: that is to say, in, over and upon all that space which lies within the banks of said River, so far forth as the said river runs, between the present limits of the said Counties. And that all Crimes & Misdemesnors which shall hereafter be done & committed within the banks of the said River as above described, may and shall be enquired into, heard, tried & adjudged in either of the said Counties wherein any legal process against the Offender shall be first had & issued; and this without any enquiry whether the Fact has been done or committed on board any Vessel or Boat, between High Water and Low Water mark; or whether the Vessel or Boat was afloat or grounded, in like manner & form in

every respect as if the same had been done & committed in any other part of Either of the said Counties.

And be it further Enacted by the Authority aforesaid, that all legal civil processes from either County may run into and be executed within the aforescribed common Jurisdiction. Civil processes.

And be it further Enacted, that the line of Jurisdiction civil and criminal between the said Counties, over and upon the two great Bridges erected over the said River, shall be in the middle of each Bridge; to be ascertained by an admeasurement to be made by the Sheriffs of the said Counties; who shall cause the [the] same to be marked out by erecting two posts on each side of the bridges, on the Side of the foot-way or passage, connected by an Arch, on the upper part of which, shall be printed the word “*Suffolk*” on the Suffolk side thereof, and the word “*Middlesex*,” on the Middlesex side thereof, so as to be easily & plainly legible, the expence of which, shall be paid equally by the said Counties. Jurisdiction on the bridges.
Sign posts to be erected.

Approved February 10, 1795.

1794. — Chapter 32.

[January Session, ch. 7.]

AN ACT AUTHORIZING DAVID MORLEY OF WEST SPRINGFIELD IN THE COUNTY OF HAMPSHIRE TO BUILD A TOLL-BRIDGE OVER WESTFIELD RIVER IN SAID COUNTY, & TO ENABLE HIM TO SUPPORT THE SAME.

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the authority of the same, that the said David Morley be, & he is hereby authorized & empowered to build a bridge over Westfield river near the late dwelling house of Stephen Noble deceased. David Morley authorized.

Be it enacted, that to reimburse the said David Morley for his expence in building & supporting said Bridge, a toll be, & hereby is granted & established for the use & benefit of the said David Morley his heirs & assigns, according to the rules & rates following; *vizt.* For each foot passenger one cent — For one person & a horse four cents — For each horse & chaise, riding chair, or sulkey ten cents — For each sleigh, sled or cart, drawn by one horse or other beast, eight cents — For each sleigh drawn by more than one horse twelve & a half cents — For each Toll established.
Rates of.

coach & other four wheel carriage for conveying persons twenty cents — For each waggon, cart, sled or other carriage, drawn by more than one beast with one driver twelve & half cents; For neat cattle in a drove, each one cent — For horse kind in a drove, or led each one cent — For each Sheep or Swine half a cent — And at all times when the toll-gatherer shall not attend to receive the toll, the gate or gates, if any, shall be left open & free for passengers; — and the toll shall commence whenever the bridge shall be fit & safe for carriage to pass over it & shall continue to the said David Morley his heirs and Assigns forever; — *Provided nevertheless*, that the General Court shall have a right to alter the rate of toll after the term of twenty years; — And said Bridge shall be kept in good safe & passable repair; — and at the place where the toll shall be received, there shall be erected & constantly exposed to open view a sign board with the rates of toll of all the tollable articles fairly & legibly written thereon.

Sign board.

Be it enacted, that the said Bridge shall be built of suitable materials, sixteen feet wide at least, & railed on each side three feet high -- and if the said David Morley shall neglect for the term of three years after passing this act, to build said Bridge, then this act shall be void.

Approved February 10, 1795.

1794. — Chapter 33.

[January Session, ch. 9.]

AN ACT INCORPORATING CERTAIN PERSONS FOR ERECTING A BRIDGE OVER DAMARASCOTTI RIVER IN THE COUNTY OF LINCOLN.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that John Farley, William McCobb, James Kavanagh, Israel Chapman and Mather Cottril together with those who may hereafter associate with them, and their or any of their heirs & assigns be, and they hereby are constituted a Corporation and Body politic for the purpose of erecting a Bridge over Damarascotti river, near the Falls, at the head of navigation on said river; and as such they may sue and be sued, and may appoint one or more Agents or Attornies to prosecute or defend for them,

Persons incorporated.

and may have and keep one common seal, which they may alter, break or change at pleasure.

And be it further Enacted, that for reimbursing to said John Farley and others beforenamed, their Associates, heirs and assigns, the money which may be expended in building and supporting said Bridge, a toll be, and hereby is granted and established for the sole benefit of the said John Farley and others beforenamed, their Associates, heirs and assigns for the space of seventy years, according to the rates following; *viz*; For each foot passenger two cents — For one person and horse six and a half cents — Single horse cart, Sled or Sleigh eight cents — For each sleigh drawn by two or more horses, ten cents — For each Chaise, Chair or Sulkey fifteen cents — For each Coach, Charriot or Phaeton, thirty cents — Other carriages or Sleds drawn by two or more beasts, twelve and a half cents each — Neat Cattle & Horses, exclusive of those rode on, or in carriages or teams one cent each. For swine & sheep three cents per dozen, & at the same rate for a greater or less number, — and in all cases the same toll shall be paid for all carriages and vehicles passing said Bridge whether the same be loaded or not; and to each team one man and no more shall be allowed to pass free of toll.

Toll established.

Rates of.

And be it further Enacted, that the said Bridge shall be well built of good and suitable materials — that it shall be at least twenty four feet wide, with sufficient rails on each side for the safety of passengers — And the said proprietors or Corporation shall keep the said Bridge in good safe and passable repair, during the time they shall be proprietors of the same; which shall be for the space of seventy years from and after the passing of this Act, at the end of which time it shall be surrendered to the Commonwealth in good repair. And if the said Corporation or proprietors, shall unreasonably neglect or refuse to keep said Bridge in good repair as aforesaid, on such refusal or neglect being made to appear to the Justices of the Court of General Sessions of the peace in the County of Lincoln, it shall be in the power of said Court to prohibit the proprietors aforesaid from receiving toll from any person or persons passing said Bridge, untill it shall be put by them in such repair as shall be deemed sufficient.

Materials, width, &c.

To be kept in good repair for 70 years.

And be [it] further Enacted that from and after the expiration of twenty five years from the passing this Act,

Court of Sessions empowered.

it shall be in the power of the said Court of General Sessions of the Peace, to determine the rates of toll or fare for passing said Bridge any thing herein to the contrary notwithstanding.

Proviso.

Provided nevertheless that the said Bridge shall be built sufficiently high from the water for vessels without masts to pass under. And if at any time hereafter it shall be found necessary that there should be a Draw in said Bridge, it shall be in the power of any future General Court to direct the same to be constructed; and in case the said Corporation or proprietors shall neglect or refuse to obey and carry into effect any such direction after reasonable notice of the same, the property of said Bridge shall thereupon immediately revert to the Commonwealth, and the right of said proprietors therein become extinct.

And be it further Enacted by the Authority aforesaid, that if the said proprietors shall neglect for the space of six years from the passing this Act to build said Bridge, then this act shall be void.

Approved February 11, 1795.

1794. — Chapter 34.

[January Session, ch. 10.]

AN ACT TO INCORPORATE A CERTAIN TRACT OF LAND IN THE COUNTY OF CUMBERLAND, INTO A TOWN BY THE NAME OF POLAND.

Boundaries.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, — That the following described Tract of Land, *vizt.* beginning at a great Rock in Amariscoggin Falls called the Twenty mile Falls; then running Southwest to New Gloucester side Line; then by said Line to the Northeast corner of the said New Gloucester; then Southwest on the Head Line of New Gloucester four miles; then running Northwest about seven miles & one quarter of a mile to Hebron; then running Northeast by Hebron Line, to Turner; then by Turner Line to Amariscoggin River; then down said River to the bounds first mentioned — together with all the Inhabitants thereon, be and they hereby are incorporated into a Town by the Name of Poland: and the said Town is hereby invested with all the powers, privileges & immunities which other Towns in this Commonwealth do or may enjoy by Law.

Incorporated.

And be it further Enacted by the Authority aforesaid, that William Wedgery Esqr. be and he is hereby empowered to issue his Warrant, directed to some suitable Inhabitant of said Town, requiring him to warn the Inhabitants thereof qualified as the Law directs to vote in Town Meeting, to meet at some convenient time & place, to choose all such Officers as Towns are by Law required to choose, in the Month of March or April annually.

Wm. Wedgery
empowered.

Approved February 17, 1795.

1794. — Chapter 35.

[January Session, ch. 11.]

AN ACT TO INCORPORATE THE PLANTATION OF SMITHFIELD, IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF LITCHFIELD.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same, that a certain Tract of Land bounded as followeth, *viz.* — Beginning at the North East corner of the Town of Bowdoin, thence running West North-West on said Bowdoin North line, Seven miles; thence running North, North-East about four miles, to the South line of the Town of Monmouth; thence running East South-East, in the South line of said Monmouth, to the South Easterly corner thereof; thence running North, North-East in the East line of said Monmouth, Six miles to the Town of Winthrop; thence running East South-East in the South line of Winthrop to Cobbisee-Contee Pond; from thence East-South-East to the Westerly line of Hallowell; thence running Southerly on said Hallowell, to the Town of Pittston and continuing Southerly on said Pittston, in the Westerly line thereof, to the North-West corner of Bowdoinham; thence Southerly by said Bowdoinham to the bound first mentioned, together with the Inhabitants thereon be, and they are hereby incorporated into a town by the Name of Litchfield: And the said Town is hereby vested with all the powers, privileges & immunities which other Towns within this Commonwealth do or may enjoy by Law.

Boundaries.

Incorporated.

And be it further Enacted by the Authority aforesaid, that Jedidiah Jewett Esqr. be, and he hereby is empowered to issue his Warrant, directed to some suitable Inhabitant of said Town, requiring him to notify & warn the

Jedidiah Jew-
ett empowered.

Inhabitants thereof to meet at some suitable Time & Place for the purpose of chosing such Officers as towns are required to choose in the Month of March or April annually.

Approved February 18, 1795.

1794. — Chapter 36.

[January Session, ch. 12.]

AN ACT TO INCORPORATE THE PLANTATION OF LEWISTOWN, AND THE GORE (SO CALLED) ADJOINING IN THE COUNTY OF LINCOLN, INTO A TOWN, BY THE NAME OF LEWISTON.

Be it Enacted by the Senate & House of Representatives in General Court assembled & by the Authority of the same, That the following described Tract of Land, lying on the Easterly side of Androscoggin River, Beginning on the bank of said river at the most Westerly Corner of the Town of Greene; thence running South-East in the Southerly line of said Town about six miles, to the Plymouth Company's line at the South-Easterly corner of Greene aforesaid; thence Southerly in the line of the Plymouth Company's Claim, six miles & two hundred & thirty rods; thence South-West about two hundred & sixty rods to Androscoggin River; thence Northerly by said river to the bound first mentioned, together with the Inhabitants thereon, be, and they hereby are incorporated into a Town, by the Name of Lewiston; and the said Town is hereby vested with all the powers, privileges & immunities which other Towns within this Commonwealth do or may enjoy by Law.

And be it further Enacted by the Authority aforesaid, that Benjamin Merrill Esqr. be, and he is hereby empowered to issue his Warrant, directed to some suitable Inhabitant of said Town of Lewiston, requiring him to Notify & Warn the Inhabitants thereof, to meet at some convenient time & place, to choose such Officers as towns are by Law required to choose in the Month of March or April, annually.

Approved February 18, 1795.

1794. — Chapter 37.

[January Session, ch. 13.]

AN ACT TO SET OFF PART OF THE TOWN OF NEWCASTLE IN THE COUNTY OF LINCOLN, & TO ANNEX THE SAME TO THE TOWN OF NEW MILFORD IN SAID COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of

Boundaries.

Lewiston
incorporated.

Benj. Merrill,
Esq. to issue
warrant.

the same, that all the lands lying within the following Boundaries. lines, now belonging to the town of Newcastle in the County of Lincoln, beginning at the great bend of Sheepscot river, on the southerly line of Samuel Simpson's land, thence northeasterly on said Simpson's line in the same direction till it comes to the dividing line between said Newcastle and Ballstown, thence on said dividing line northwesterly, till it strikes said Sheepscot river, thence down said river to the bounds first mentioned, with the inhabitants thereon, be, and the same are hereby set off from said town of Newcastle, and annexed to the said town of New Milford. *Provided* that the inhabitants Proviso. living on said tract of land, shall be holden to pay their proportion of all legal taxes which have been assessed, ordered or voted to be laid on said town of Newcastle by the inhabitants thereof, or by the General Court, in the same manner as though this Act had never passed.

And in order for an equal distribution of public property belonging to said town of New Castle, & that those who are set off as aforesaid should bear a due proportion of the public burden now lying on the same ;

Be it further Enacted by the authority aforesaid, that the inhabitants set off as aforesaid, shall be holden to pay their proportion of the expences of supporting all such Poor to be supported by both towns. poor persons as are now supported by the town of Newcastle, and shall be intitled to receive an equal proportion of all public property of every kind belonging to said town, each to be computed according to the polls and rateable estate they severally held and were taxed for in the last valuation, any law to the contrary notwithstanding.

And be it further Enacted by the authority aforesaid, that in all State taxes which shall hereafter be granted by the General Court of this Commonwealth, untill a new Taxes, how assessed. valuation shall be settled, one sixth part of the taxes which would have been set to the town of Newcastle, according to the last valuation, shall be taken therefrom, and set to the said town of New Milford.

Approved February 18, 1795.

1794. — Chapter 38.

[January Session, ch. 14.]

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT CONCERNING GENERAL AND COMMON FIELDS" PASSED IN FEBRUARY, IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY SIX.

Preamble.

Whereas it is found necessary to make further provision for the due regulation and repairing of fences in Common and General Fields.

Fences to be kept in repair.

Be it therefore Enacted by the Senate, and House of Representatives in General Court assembled and by the authority of the same, that whenever the fence around any general and common Field, belonging to any freeholder, occupant or improver of any land in such field shall become deficient and need repairing, the owner thereof shall immediately repair such defective fence after being duly notified of such deficiency by any fence viewer of the town wherein such field lieth; and in case the owner thereof shall neglect to repair such defective fence, for the space of three days after due notice given thereof, by any fence viewer as aforesaid, it shall and may be lawfull for any freeholder or occupier of any lands in such fields to repair such defective fence; and when the same shall be compleated and adjudged sufficient by two or more of the fence viewers of the town wherein such fence lyeth, and the value thereof, together with the fence viewers fees ascertained in writing by them subscribed, the person who shall make up for repair such deficient fence, shall have right to demand and receive of the Occupier, Lessor, or Freeholder of the land, who ought to make up or repair the same at his election, double the expence of making or repairing surveying and viewing such fence; and in case of neglect or refusal to make payment thereof for the space of one month after notice and demand made of the person against whom he shall make his election to satisfy him therefor, he may sue for and recover the same by a special action of the case with cost of suit in any Court proper to try the same.

In case of neglect, the owner subjected to double expence of repairing.

And whereas it often happens, that fences around general and common Fields are blown down, carried away or otherwise destroyed by sudden floods or tempest, and it is necessary the same should be immediately repaired to prevent the destruction of the grain and crops growing therein;

Be it therefore Enacted, that whenever any such fence shall be thus suddenly blown down, carried away or destroyed, and the crops of grain or grass therein growing, shall be thereby exposed to be immediately destroyed, the occupant or freeholder of the same, to whom the same fence belonged to repair, shall immediately repair the same, and in case of neglect for the space of twenty four hours after notice given him thereof by any fence viewer as aforesaid, it shall and may be lawful for any freeholder or occupier of any lands in such fields to set up and sufficiently repair such fence; and when the same shall be completed and adjudged sufficient by two fence viewers or more, as aforesaid, and the value thereof together with the fence viewers fees ascertained in writing, as aforesaid, the person who shall set up or repair the same, shall have right to demand and receive of the occupier lessor or freeholder of the land, who ought to make up and repair such fence, at his election double the sum thus ascertained as aforesaid for the expence of seting up, repairing, surveying and viewing the same; and in case of neglect or refusal to make payment thereof for the space of one month, as aforesaid after demand made of the person against whom he shall make his election to receive the same, he may sue for and recover the same, with costs of suit in manner as is before directed.

In case of destruction by accident, the owners to repair or become liable in the same penalties.

Approved February 18, 1795.

1794. — Chapter 39.

[January Session, ch. 15.]

AN ACT MORE EFFECTUALLY TO PREVENT THE DESTRUCTION OF SHAD & ALEWIVES IN THE RIVERS AND STREAMS WITHIN THE TOWNS OF LYNN, READING AND LYNNFIELD.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same; That the Towns of Lynn, Reading & Lynnfield shall be, and they are hereby respectively empowered & directed at their Annual Meeting for the choice of Town Officers, to choose in each Town, three persons, Inhabitants thereof, to see that the laws respecting the passage ways for Shad & Alewives be observed: and each person so chosen, shall be sworn to the faithful discharge of his duty. And the said Committees of said Towns shall meet together annually on or before the first day of April, at such time & place as the person first chosen by the

Fish Committees to be appointed.

Town of Lynn shall appoint, to be by him duly notified. And the major part of those of the said Committees who shall be present at such Meeting, are hereby authorized & empowered to order the Times, Places & Manner in which said Fish may be taken within the limits of each Town. And the Members of the said Committees shall have joint & concurrent jurisdiction in each of said Towns. And in case either of said Towns shall neglect to choose the Committee assigned to it, the Committee or Committees which shall be duly chosen & sworn within the other Towns or either of them, shall have the powers and shall perform the duties hereby required. And the regulations which shall be so agreed upon by said Committees, shall be written and posted in three public places at least, in each of said Towns.

—Empowered.

And be it further Enacted, that the said Committees, or the majority of the members, not less than three in number, who shall be present at any Meeting duly notified by the first chosen or eldest Member of the Committee, which shall be chosen in the Town of Lynn, or by the request of any three Members of said Committees, shall be, and they are hereby authorized & empowered to require of the Owner or Occupant of any Dam or Sluice head of any Mill erected or that may be erected over any such river or stream, to open and keep therein a sufficient passage way for said Fish, at such time on or after the first day of April annually, as the said Committees or the major part present as aforesaid shall think necessary: And may also require of the Owner or Occupant of any Canal or course whereby any natural Stream is or shall be in part changed or altered, to leave sufficient water in the Natural stream for the easy & safe passage of the said Fish. And upon neglect or refusal of such Owner or Occupant of any Dam or Sluice head or Canal as aforesaid, to comply with this Act; the said Committee, or major part who shall be present, at any Meeting as aforesaid, shall and may cause such sufficient passage way and opening as they shall judge necessary for the purposes aforesaid, to be made in such Dam, Sluice-head or Canal, with least prejudice to the Owner or Occupant, and at his expence. And such passage & Opening shall and may be continued at the discretion of the said Committee, from the time they shall order the same as aforesaid, and until they shall order or permit the closing of the same, not exceeding the fifteenth day of June in every Year. And

if any Person or Persons shall obstruct the passage way or Opening required, or allowed by the said Committees or the major part of them as aforesaid, in any Dam, Sluice-head or Canal within their Jurisdiction as aforesaid, such Offender or Offenders shall forfeit and pay a sum not exceeding sixty dollars, nor less than thirty dollars.

And be it further Enacted, that if any Person or Persons shall be found taking any Fish, on any day or in any place, or in any manner contrary to the regulations of the said Committees or of otherwise killing & wasting said Fish, such Offender shall forfeit and pay a sum not exceeding One Dollar for each Offence.

Penalty for killing or wasting fish.

And be it further Enacted, that it shall be the duty of the said Committees jointly and of each Committee in their respective Towns to see to the observance of this Act; and they shall have authority therefor to go upon the land bordering upon any of the said Rivers or Streams, and shall not be considered as Trespassers therein. And any person who shall molest said Committees, or either of them, in the execution of their Office, or shall injuriously obstruct any of the said Rivers or Streams, shall forfeit & pay a sum not exceeding two dollars, nor less than fifty Cents according to the aggravation of the Offence; — And all fines & forfeitur[s]es given by this Act, shall and may be sued for & recovered by Action of Debt in any Court proper to try the same, by the said Committees or any one of them; one Moiety to the Use of the Prosecutors, and the other Moiety to the use of the poor of the Town in which the Offence shall happen.

Committee not to be molested in their duty, on pain of forfeiture.

Forfeitures may be sued for and recovered.

Approved February 24, 1795.

1794. — Chapter 40.

[January Session, ch. 16.]

AN ACT FOR DIVIDING THE TOWN OF SHAPLEIGH INTO TWO PARISHES.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, That there be erected in the Town of Shapleigh in the County of York, a Parish, bounded & described as follows, *viz.* Beginning on the head line of Lebanon, at the end of the East side line of the Sixth range of Lots in said Shapleigh; thence running Westerly on the head line of Lebanon, until it comes to the South Westerly

Boundary of the first parish in Shapleigh.

side of said Shapleigh; thence on the line of Shapleigh, to the line of the State of New Hampshire; thence Northerly on said State, to little Ossipee Pond, and on that Pond, to little Ossipee River, and down said River, to the range line first mentioned, where it meets said River; thence Southerly on said line, untill it comes to a point in square Mousom Pond, which would be struck by the continuation of the line between the Lots numbered Eight & Nine on the fourth range of Lots in Shapleigh; then from the said point due East, to the West side of Mousom long pond; then Southerly on that pond, to the East line of the Fifth range; then on that line to Lot number Two, in that Range; thence on the Northerly side of said Lot, to the Easterly line of the sixth Range aforesaid; thence on the East side of said Range, to the Bound first mentioned: Which same Parish, bounded & described as aforesaid, shall be the first parish in said Town of Shapleigh, and shall be entitled to such Immunities, & subjected to such Duties as other parishes in this Commonwealth are under.

Second parish.

And be it Enacted that the residue of the same Town shall be the Second Parish therein; and have the same privileges & be subjected to the same Duties as are legally incident to other parishes within this Commonwealth.

Warrant to be issued.

And be it Enacted by the Authority aforesaid, that William Rogers Esqr. be, and he is hereby authorized to issue his Warrant, directed to some principal Inhabitant in each parish aforesaid, requiring them to warn the Inhabitants thereof, qualified by Law to vote in parish Meetings, to assemble at some suitable Time & Place in said Parishes, to choose such Officers as Parishes are empowered to choose in the Month of March or April annually; and to transact all matters & things necessary and lawful to be done in said parishes as aforesaid.

Approved February 24, 1795.

1794. — Chapter 41.

[January Session, ch. 17.]

AN ACT TO INCORPORATE SIMON LARNED AND OTHERS FOR THE PURPOSE OF CONVEYING WATER BY PIPES INTO THE CENTER OF THE TOWN OF PITTSFIELD, BY THE NAME OF "THE PROPRIETORS OF THE WATER WORKS IN THE MIDDLE OF THE TOWN OF PITTSFIELD."

Be it Enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of

the same, that Simon Larned, John Chandler Williams, William Kittredge, Joshua Danforth, Thomas Gold & such other persons as may become proprietors in the said Water works, be, and they hereby are constituted a Corporation & Body politic, for the purpose of conveying water by pipes into the center of the town of Pittsfield, by the name of “The proprietors of the Water works in the middle of the town of Pittsfield,” and by that name may sue and be sued to final judgment and execution; and do and suffer all matters, acts or things, which Bodies politic may, or ought to do, and suffer. And the said Corporation shall & may have and use a common Seal, and the same may break and alter at pleasure.

Persons incorporated.

And be it further Enacted, that the said Simon Larned, John Chandler Williams, William Kittredge, Joshua Danforth, and Thomas Gold, or any three of them, may by advertisement posted up at the houses of Darius Larned and John Strong, in said Pittsfield, warn or call a meeting of the said proprietors to be held at said Pittsfield, at any suitable time after seven days from the posting up such advertisement: And the said proprietors by a vote of a majority of those present, or represented at said meeting, accounting and allowing a vote to each share in all cases, shall choose a Clerk who shall be sworn to the faithful discharge of his office; and also shall agree on a method for calling future meetings: and at the same or any subsequent meeting may make and establish any rules and regulations that shall be convenient or necessary for regulating the said Corporation, effecting, completing and executing the purpose aforesaid, and the same rules and regulations may cause to be kept and executed, and for the breach of any of them, may order and enjoin fines and penalties, not exceeding four pounds: *Provided* that said rules and regulations be not repugnant to the Constitution or Laws of the Commonwealth; and the said proprietors may also choose and appoint any other officer or officers of the Corporation; and all representations of the said proprietors, at said meetings, shall be proved by a special appointment in writing, signed by the person making the representation, which shall be filed with, or recorded by the Clerk; and this Act, and all rules, regulations, and votes of said Corporation shall be fairly and truly recorded by their said Clerk, in a Book or Books for that purpose provided & kept; which Book or Books

— Empowered to call meetings —

— to choose a Clerk and establish regulations.

Proviso.

Act, rules and regulations to be recorded.

shall be subject to the inspection of any person, or persons for that purpose appointed by the Legislature.

Proprietors
impowered to
construct and
complete the
work.

And be it further Enacted, by the authority aforesaid, that the said Proprietors be, and they are hereby authorized and impowered within the term of three years from the passing this Act, to construct & complete said pipes, & for the purpose aforesaid to enter on, and dig up any Highway or town road, which may be necessary to complete said Water works, and therein to put and place such pipes as may be necessary, & at all times to enter thereon for the purpose of repairing said pipes, whenever they may require it; *provided* they do not thereby obstruct the passing and repassing of such as may have occasion to use the same road or highway.

Contracts may
be made with
Guardians, &c.:
in case of in-
ability.

And be it further Enacted, that if in any instance it may be necessary for the said proprietors to lay the said pipes over or through the land of any infant, *feme covert*, or person *non compos mentis*, the husband of such *feme covert* and the Guardian of such infant or person *non compos mentis* respectively, may make any agreements, or do any other matter or thing respecting the damage occasioned by said pipes, which they might do, if the same land was by them holden in their own rights respectively.

Shares may be
transferred by
deed, and sub-
ject to attach-
ment.

And be it further Enacted, that any proprietor's share or shares in said Water works may be transferred by deed, acknowledged and recorded by the Clerk of said Corporation, in a Book to be kept for that purpose; and when any share or shares of said Water works shall be attached as the property of any of said proprietors, on *mesne* process, an attested copy of such process shall be left with the said proprietor's Clerk, at the time of such attachment, otherwise the same shall be void.

Time limited
to complete the
work.

And be it further Enacted, that if the said Corporation shall not complete the said Water works within three years from the passing this act, then this act shall be void and of no effect: *Provided always* that if at any time the said proprietors, after the end of said three years find it convenient to make or lay down any additional pipes to complete & carry the said Water works to a further extent, they may do the same, notwithstanding the said limitation.

Injuries done,
subject to pen-
alties provided.

And be it further Enacted, that if any person shall injure or destroy any of the said pipes, he shall be subjected to the same pains and penalties as are provided by the

second Section of the Act, intituled “An Act for the more effectually preventing of trespasses in divers cases,” passed the twenty third day of November, One thousand seven hundred and eighty five, and shall also be liable to make good all damages so done, to the said proprietors.

Approved February 25, 1795.

1794. — Chapter 42.

[January Session, ch. 18.]

AN ACT FOR INTRODUCING THE DOLLAR AND ITS PARTS AS THE MONEY OF ACCOUNT, IN THIS COMMONWEALTH.

Be it Enacted by the Senate & House of Representatives in General Court assembled, and by the Authority of the same, That from and after the first day of September next, the Money of Account of this Commonwealth shall be the Dollar, Cent and Mille; and all accounts in the Public Offices, and other public accounts, and all proceedings in the Courts of Justice, including Courts of Probate, shall be kept and had in conformity to this regulation.

The money of account established.

And be it further Enacted by the authority aforesaid, that the forms of Writs or Processes or Instruments used in the Courts of Justice or Courts of Probate, or in any Public Office in this Commonwealth, in which any Sum or Sums are now required to be expressed in Pounds, Shillings or Pence, shall and may be altered to an equivalent sum in Dollars and parts of a Dollar, expressed as above mentioned: *Provided* that this Act shall not be understood to vitiate or nullify any Account, Charge or Entry originally made, or to be made, or any Note, Bond, or other Instrument expressed, or which shall be expressed in any Money of Account, existing at the time of passing this Act; but the same shall be reduced to Dollars and parts of a Dollar as herein before directed, in any Suit or Declaration thereupon.

Forms of Writs and Instruments used in Courts, to be expressed agreeably to the alteration.

Proviso.

And be it further Enacted by the Authority aforesaid, that until the Laws for establishing Fees shall be revised and rendered conformable to the Money of Account intended by this Act to be introduced, it shall and may be lawful in taxing any Bill of Cost, or giving any Account or Bill of Fees in any case, by any Public Officer, to set down the particulars of such Bill or Account in the present Money of Account, the foot of said Bill or Account being reduced to the Money of Account by this Act established.

Present Money of account may be used in taxing costs till the alteration is established.

Approved February 25, 1795.

1794. — Chapter 43.

[January Session, ch. 19.]

AN ACT FOR THE EXPLANATION OF AN ACT EMPOWERING THE SELECTMEN OF SUCH TOWNS IN THIS COMMONWEALTH AS ARE ALREADY OR MAY HEREAFTER BE PROVIDED WITH A FIRE ENGINE OR ENGINES TO NOMINATE AND APPOINT ENGINE MEN, WHICH PASSED MARCH THE FIFTEENTH, A D. ONE THOUSAND, SEVEN HUNDRED & EIGHTY-FIVE [*]; AND ALSO FOR THE EXPLANATION OF THE MILITIA LAW WHICH PASSED JUNE THE TWENTY SECOND A D. ONE THOUSAND SEVEN HUNDRED & NINETY-THREE.

Preamble.

Whereas by the Act first above mentioned the persons nominated and appointed Engine Men in pursuance of the same Act are excused from all Military Duty; And whereas Engine Men are not specially exempted by the said Militia Law, by which doubts and law suits may arise to the injury of the good people of this Commonwealth:

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled, and by the Authority of the same, That the Persons nominated and appointed or that may be appointed Engine Men in pursuance of the said Act first above mentioned, be and hereby are excused from all military duty so long as they shall be continued in that Employment, as fully as though specially exempted in the said Militia Act; and the said Laws ought to be construed so as to exempt the said Engine Men, any thing in the said Militia Act to the contrary, notwithstanding. *Approved February 25, 1795.*

Engine Men
excused from
military duty.

1794. — Chapter 44.

[January Session, ch. 20.]

AN ACT FOR ESTABLISHING AN ACADEMY IN THE TOWN OF NEW SALEM, BY THE NAME OF NEW SALEM ACADEMY.

Preamble.

Whereas a suitable number of Academies within this Commonwealth will be of Common benefit, and it appears that the Town of New-Salem have erected & agreed to maintain a convenient Building for that purpose; to effect which design more fully, it is necessary to establish a Body Politic:

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled and by the

* The act referred to was repealed before this statute was enacted — reference should have been to chap. 42, 1785.

Authority of the same, that there be and hereby is established, in the town of New Salem in the County of Hampshire, an Academy by the Name of New Salem Academy, for the purpose of promoting Piety, Religion & Morality, and for the instruction of Youth in such Languages, & in such of the liberal Arts & Sciences as the Trustees shall direct; and that the Reverend Joel Foster, the Reverend Solomon Reed, the Reverend Joseph Blodget, the Reverend Joseph Kilburn, David Smead Esq. John Goldsbury Esqr. Jonathan Warner Esqr. David Sexton Esqr. Ebenezer Matoon junr. Esqr. Daniel Bigelow Esqr. Martin Kinsley Esqr. Ezekiel Kellogg junr. Esqr. Samuel Kendall, Varney Peirce and Asa Meriam, Be, and they hereby are nominated and appointed Trustees of said Academy, and they are hereby incorporated into a Body Politic by the Name of the Trustees of New-Salem Academy; and they & their Successors shall be & continue a body politic by the same Name forever.

Academy established.

Trustees appointed.

And be it further Enacted, that all Grants or Donations which have been, or shall hereafter be made, for the purpose aforesaid, shall be confirmed to the said Trustees and their Successors in that Trust forever, for the Uses which in such Instruments are or shall be expressed; *provided* such uses shall not be repugnant to the design of this Act: — And the said Trustees shall be further capable of having, taking & holding in Fee simple by Gift, Grant, Devise or otherwise, any Lands, Tenements or other Estate real or personal, *provided* the annual Income of the whole shall not exceed the Sum of One Thousand pounds, for the sole Use and Benefit of said Academy.

Grants and donations confirmed to the Trustees.

Be it further Enacted by the Authority aforesaid, that the said Trustees shall have full power from time to time as they shall determine, to elect such Officers of the said Academy as they shall judge necessary, and fix the Tenure of their respective Offices; to remove any Trustee from the Corporation, when in their opinion he shall be incapable (thro' age or otherwise) of discharging the duties of his Office; to fill all Vacancies by electing such persons for Trustees as they shall judge best; to determine the times & places of their Meetings; the manner of notifying said Trustees; the method of electing and removing Trustees; to ascertain the powers & duties of their several Officers; to elect Preceptors & Ushers of said Academy; to determine the duties & tenures of their

Trustees empowered to elect Officers, &c.

Offices; to ordain reasonable Orders & bye Laws not repugnant to the Laws of this Commonwealth, with reasonable penalties for the good Government of said Academy; and ascertain the qualifications of the Students requisite to their Admission; and the same rules, orders & byelaws at their pleasure to repeal.

Common Seal.

Be it further Enacted by the Authority aforesaid, that the Trustees of the said Academy may have one common Seal which they may change at pleasure; and the said Trustees shall have full power and authority to lease & manage their lands and tenements and all other estate, and to bargain, sell and dispose thereof where they shall not be restrained by the Terms of any Gift or Devise; *provided*, that for the sale of any real Estate, the concurrence of two thirds of all the Trustees for the time being, shall be necessary; and all Deeds or Contracts sealed with the common Seal of the said Corporation and signed by any Trustee pursuant to their Order, shall be valid & effectual in Law to all intents; and that the said Trustees may sue and be sued in all Actions real, personal or mixed, & prosecute and defend the same unto final Judgment and Execution, by the Name of the Trustees of New-Salem Academy.

Proviso.

Number of Trustees.

And be it further Enacted that the number of the said Trustees & their Successors shall not at any one time be more than Fifteen nor less than Nine; Nine of whom shall constitute a Quorum for transacting business; and a majority of the members present at any legal Meeting, shall decide all questions proper to come before the Trustees.

Ezekiel Kellogg empowered.

And be it further Enacted that Ezekiel Kellogg Esqr. be and he hereby is authorized to fix the time and place for holding the first Meeting of the Trustees, and to notify them thereof.

Approved February 25, 1795.

1794. — Chapter 45.

[January Session, ch. 21.]

AN ACT TO INCORPORATE THE PLANTATION CALLED PHIPPS CANADA LYING ON BOTH SIDES ANDROSCOGGIN RIVER INTO A TOWN BY THE NAME OF JAY.

Be it Enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same; that the plantation called Phipps Canada, lying

Boundaries.

on both sides Androscoggin river bounded as follows *viz.* Beginning at a marked tree, standing in the northeast corner of Livermore—thence running north six miles, one hundred and twenty eight rods, thence west four miles, two hundred and seventy two rods to a beach tree marked, thence south forty degrees west six miles, two hundred and eight rods to a pine tree, standing on the bank of Androscoggin river, thence across said river the same course one hundred and eight rods to a Hemlock tree, thence south nineteen degrees east till it intersects a line running south sixty five degrees west from the northwest corner of Livermore, thence north sixty five degrees east to the northwest corner of Livermore, thence on the same course in the northerly line of said Livermore to Androscoggin river thence east across said river in the line of said Livermore to the first mentioned bound; together with the inhabitants thereon be, and hereby are incorporated into a town by the name of Jay and vested with all the powers, priviledges and immunities, which towns in this Commonwealth do or may enjoy by law.

Jay incorpo-
rated.

And be it further Enacted by the authority aforesaid, that Edward Richardson Esqr. be and he hereby is empowered to issue his Warrant, directed to some suitable inhabitant of said town, requiring him to warn a meeting of the inhabitants of said town, at such time and place as shall be expressed in said Warrant, for the purpose of choosing town officers, and transacting all such other business, as towns within this Commonwealth, are by law empowered to transact in the month of March or April annually.

Edward Rich-
ardson, Esq. to
issue warrant.

Approved February 26, 1795.

1794. — Chapter 46.

[January Session, ch. 22.]

AN ACT FOR APPROPRIATING TWELVE THOUSAND POUNDS PART OF TAX NO. 11, TO THE PAYMENT OF INTEREST ON THE FUNDED AND CONSOLIDATED DEBT OF THIS COMMONWEALTH, AND FOR OTHER PURPOSES.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same, that the sum of Twelve thousand pounds part of the last State Tax No. 11, be and the same is hereby appropriated to the payment of interest on the funded & consolidated Debt of this Commonwealth.

Tax, No. 11
appropriated.

Treasurer authorized.

Be it further Enacted that the Treasurer of this Commonwealth be and he hereby is authorized and directed to receive on loan in pursuance of the Act passed February first, in the Year of our Lord, seventeen hundred & ninety four, providing for the debt of this Commonwealth, and on the terms therein prescribed, Certificates given at the Treasury for Army Notes, and to issue Certificates to the holders of the Certificates first mentioned according to the directions of the said Act.

And whereas assessments were made of parts of State Taxes, number ten & number eleven on a plantation by the name & description of No. 8, East of Machias, which was granted on a condition of being exempted from State taxes for a time not yet expired, —

Taxes No. 10 & 11 repealed on plantation No. 8.

therefore, *Be it further Enacted*, that the said Assessments on the said Plantation, be and the same are hereby declared null & void.

Preamble.

And whereas by an Act passed the third day of March, Seventeen-hundred & ninety, a duty of excise is required to be levied, collected & paid, of Twelve shillings on every licence granted to a retailer; and whereas doubts have arisen as to the meaning of an Act passed on the twenty seventh day of June last, respecting penalties for selling by retail spirituous liquors & wines, and some Retailers since licensed have paid the said duty of Twelve shillings, & others have not and who cannot regularly now be compelled by law to pay, and all payments in this respect ought to be made on equal principles; Therefore

Former duties remitted.

Be it further Enacted, that in all cases wherein any Retailer has since the first day of July last paid the said duty of twelve shillings, the same shall be repaid to him or her, and the several Clerks of the Courts of General Sessions of the Peace, Collectors of Excise in the several Counties and the Treasurer of this Commonwealth are hereby directed to govern themselves accordingly; and that the said Clause in the said Act for levying, collecting & paying the said duty of Twelve Shillings be, and the same is hereby repealed.

And whereas it is further provided by an Act passed the second day of July, seventeen hundred & eighty-five, that a duty of Six Pounds shall be paid for every admission of any person to practise as an Attorney in a Court of Common pleas; and whereas it appears that persons have been admitted so to practise in several Counties without paying the same — Therefore

Be it Enacted by the Authority aforesaid, that the Attorney General of this Commonwealth be, and he is hereby authorized and directed to take measures to enforce payment of the said duty in the [the] several cases wherein persons have been admitted so to practice without paying the said duty.

Attorney-Gen-
eral authorized.

And be it further Enacted that no person shall in future be admitted to the Oath of an Attorney in any Court till he shall have produced from the Clerk of said Court a certificate that he has paid the duty aforesaid.

Attornies to
pay their duties
of office.

Approved February 26, 1795.

1794. — Chapter 47.

[January Session, ch. 23.]

AN ACT ESTABLISHING AN ADDITIONAL TERM FOR HOLDING A COURT OF COMMON PLEAS & GENERAL SESSIONS OF THE PEACE WITHIN & FOR THE COUNTY OF MIDDLESEX.

Be it Enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same, that from & after the passing of this act, there shall be a Court of Common Pleas & a Court of General Sessions of the Peace holden at Concord within & for said County of Middlesex on the Third Tuesday of May, annually, in addition to those already established by law.

Approved February 27, 1795.

1794. — Chapter 48.

[January Session, ch. 24.*]

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT PROVIDING FOR THE PAYMENT OF COSTS IN CRIMINAL PROSECUTIONS, AND FOR PREVENTING UNNECESSARY COSTS THEREIN."

Be it Enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same, that the charges of supporting prisoners committed by due process of Law, unable to support themselves, who have since the first day of May one thousand seven hundred and ninety three, now are, or hereafter may be confined in any Goal upon charge or conviction of crimes and offences committed against the said Commonwealth, shall be and hereby are made the proper

Prisoners to be
supported by
the Common-
wealth.

* Numbered 26 in session pamphlet.

Proviso.

charges thereof— *Provided, however,* that in no case, shall there be allowed by the Commonwealth more than at the Rate of five shillings a week for any such prisoner, or more than the actual charges incurred for his support, being less than that sum: And the said charges shall be examined, allowed, and paid as follows, to wit, the Goal keeper of each Goal in the Commonwealth shall render on oath to the Court of General Sessions of the peace of the County at each term thereof, an account of the charges incurred for the support of prisoners in the respective Goals, committed as aforesaid, stating therein the time when each prisoner was committed, for what offence, how long held, and when discharged (if discharged) and shall exhibit the warrants of commitment and discharge, and leave copies thereof with the said Court, and in the same account, the said Goal-keeper shall credit all monies and effects whatever received, or to be received of the prisoner, or of any persons on his account; and the said Court shall examine the said account, and enquire what part thereof the prisoner may be able to pay; and for such part as he shall be found unable to pay, the said court shall make a reasonable allowance to the said Goal-keeper, to be paid out of the County Treasury.

County Treasurer to charge the Commonwealth.

And be it further Enacted by the Authority aforesaid, That every County Treasurer, shall and may charge to the Commonwealth not exceeding the Rate aforesaid, the several sums he shall so pay out of the County Treasury, with two and a half per Cent for their services, and shall include the same in the accounts, which they are required to render to the Treasurer of the Commonwealth, in and by the act, to which this is in addition, and said payments shall make part of the debit of said accounts against the Commonwealth to be settled, allowed, and discharged as in said act is provided.

And be it further Enacted, that it shall be the duty of every County Treasurer, in addition to the accounts required by the act aforesaid to be exhibited, to make out and exhibit on the first monday in June next to the Governour and Council, a general account of their proceedings pursuant to said act, therein crediting the Commonwealth for all monies by them respectively received by warrants on the Treasury, or for fines, forfeitures, and bills of cost, and from whom, and in the same account charging the Commonwealth for all payments by them actually made

before that time, and the Balance due, if any, to credit to the Commonwealth in a new account; and every County Treasurer shall at the same time, make out and transmit as aforesaid an account of all sums due, and to whom, on any bills of cost allowed, and taxed by the supreme judicial Court, and also an account of all fines, and forfeitures and bills of cost within their Counties respectively which belong to the Commonwealth and which may be then remaining unpaid, and from whom the same shall be due, and shall afterwards on the first monday of June annually make out and exhibit a like General account with the Commonwealth of their receipts and payments for the year preceeding accompanied with like statements as above mentioned of the ballances remaining due, bills of cost allowed and taxed, and fines and forfeitures remaining unpaid as aforesaid, and shall be further held to make out and exhibit such other statements, accounts and returns as the Governour and Council shall judge to be necessary, or expedient for a just and accurate settlement of said Treasury transactions with the Commonwealth under this act, and the act to which it is in addition, and as the said Governour and Council shall from time to time require.

And be it further Enacted, that an act passed in the Year of our Lord one thousand seven hundred and ninety three entitled “an Act providing for the support of poor persons, while confined in Goal upon charge, or conviction of offences against this Commonwealth” be and hereby is repealed. Act repealed.

Approved February 27, 1795.

1794. — Chapter 49.

[January Session, ch. 25.]

AN ACT SETTING OFF SAMUEL SPARHAWKE OF CAMBRIDGE IN THE COUNTY OF MIDDLESEX FROM THE SOUTH PARISH IN CAMBRIDGE & ANNEXING HIM & HIS ESTATE TO THE FIRST PARISH IN SAID TOWN.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same, that the said Samuel Sparhawke & the estate now in his possession of which his late Father died seized belonging to the said South parish in Cambridge be & hereby is set off from the said South parish & annexed to the first parish in said Town; *provided always*, that this Act shall not include four acres of Land which in the life time of S. Sparhawke set off.
Proviso.

his father Samuel Sparhawke was considered as belonging to said South Parish, nor any other Estate of which the said Samuel Sparhawke or his heirs may be seized or possessed, other than that of which his late Father died seized.

Approved February 27, 1795.

1794. — Chapter 50.

[January Session, ch. 26.]

AN ACT TO INCORPORATE THE PLANTATION OF NUMBER FOUR IN THE COUNTY OF WASHINGTON INTO A TOWN BY THE NAME OF STEUBEN.

Boundaries.

Be it enacted by the Senate, and House of Representatives in General Court assembled and by the authority of the same, that the plantation of Number four in the County of Washington bounded as followeth, to wit; — beginning at Paret's stream, where it empties into Whitten, and Parrett's bay at a well known boundary between Gouldsborough, and said plantation and from thence running North five miles one hundred and ninety two rods to a corner, then East four miles one hundred and forty rods to a corner, then south six miles to Pigeon Hill-Bay, then southerly on the shore to Titmenan point; thence Northerly on the Easterly shore of Dyer's Bay so called to the head of said Bay; — then southerly down the westerly side of said Bay to Dyer's point; then Northerly by the Westerly Shore to the bounds first mentioned, and also a small island called Titmenan lying a little more than one mile from Titmenan point, together with two more small islands lying in said Dyer's Bay, with the inhabitants thereon be and they hereby are incorporated into a Town by the name of Steuben; and the said Town is hereby vested with all the powers, privileges and immunities which other Towns in this Commonwealth do or may by law enjoy.

And be it further Enacted by the authority aforesaid, that Alexander Campbell Esqr. be and he hereby is empowered to issue his warrant directed to some suitable inhabitant of said Town requiring him to warn a meeting of the inhabitants thereof to meet at such time and place as shall be expressed in such warrant, for the purpose of choosing such Town officers as other Towns are empowered to choose in the Month of March or April annually.

Alexander
Campbell, Esq.
to issue warrant

Approved February 27, 1795.

1794. — Chapter 51.

[January Session, ch. 27.]

AN ACT, REPEALING TWO CLAUSES IN AN ACT, INTITLED “AN ACT FOR ALTERING THE PLACE OF HOLDING ONE TERM OF THE COURT OF COMMON PLEAS, AND COURT OF GENERAL SESSIONS OF THE PEACE IN THE COUNTY OF LINCOLN, AND FOR ESTABLISHING AN ADDITIONAL TERM OF THE SAID COURTS, WITHIN THE SAME COUNTY.

Whereas in the second enacting clause in said Act it is Enacted, That when and so often as any action, or Actions shall be entered, and prosecuted at the Court of Common Pleas to be holden at Hallowell in said County of Lincoln by any inhabitant, or inhabitants of the said County against any person, or persons, who at the time of the Commencement thereof shall be an inhabitant, or inhabitants of that part of said County which lies to the Eastward of Damascotty River, and Damascotty Great Pond, so called, the justices of the Court shall, Ex Officio, continue every such action or Actions, to the then next Court of Common pleas to be holden at Pownalborough as aforesaid, unless the Defendant or Defendants shall by him or themselves or Attorney consent to a Trial — And whereas in the third enacting clause in said Act it is enacted, That when and so often as any action or Actions shall be entered, and prosecuted at the court of common pleas to be holden at Waldoborough as aforesaid by any inhabitant or inhabitants of the said County against any person, or persons who at the time of the Commencement thereof shall be an inhabitant, or inhabitants of that part of said County which lies to the Westward of Sheepscott River, so called, the justices of the same Court shall, Ex officio, continue every such Action or Actions to the then next Court of Common Pleas to be holden in Pownalborough aforesaid, except as in the preceeding clause in this Act is excepted; Which two Clauses aforesaid have been found by experience to operate very injuriously; —

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same; That the two Clauses above mentioned be and they are hereby repealed.

Act repealed.

Approved February 27, 1795.

1794. — Chapter 52.

[January Session, ch. 28.]

AN ACT IN ADDITION TO THE ACT FOR REGULATING THE MANUFACTURE OF NAILS WITHIN THIS COMMONWEALTH, MADE AND PASSED THE TENTH DAY OF MARCH ANNO DOMINI ONE THOUSAND SEVEN HUNDRED AND NINETY ONE.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the Governor by and with the advice and consent of Council be, and hereby is empowered to appoint in the town of Boston one suitable person to be Inspector of Nails, whose duty it shall be to examine every cask of Nails which shall be brought to him for inspection, by opening such casks, turning out the nails, weighing them, and ascertaining that they are of good quality, as to the iron of which they are made, and workmanship, & conformable to the assize established by an Act made and passed the tenth day of March A D one thousand seven hundred and ninety one, for regulating the manufacture of Nails within this Commonwealth; & it shall also be the duty of such Inspector to see that the Casks in which such Nails may be, shall be well made of sufficient strength, and well lined at both heads; the whole Casks to be secured with eight or more good hoops, and to contain not less than three hundred pounds weight nor more than four hundred; and the half casks to be secured by six good hoops at least. And in case any Cask examined by the said Inspector shall be unfit for use, in his opinion, the same shall be condemned by him; & if any Hoops be wanting to make up the aforesaid number, in case the cask be otherwise fit for use, the said Inspector shall put on the deficient hoops, at the expence of the seller: *And provided* the said Inspector shall find such Nails and casks conformable to the assize and quality herein before directed, or not falling short of the same more than ten *per centum* in value or numbers of each kind, in proportion to the weight in his opinion, then, and not otherwise, he shall mark upon each cask the gross weight and tare with marking irons, & shall stamp or brand thereon the kind and quality of the nails, distinguishing them by the first or second sort, according to his judgment; *provided however* that the foregoing regulations respecting the size of Casks may be dispensed with for nine months from & after the passing of this Act.

Inspector of
Nails to be
appointed.

His duty.

Proviso.

And be it further Enacted by the authority aforesaid, that the Inspector to be appointed as aforesaid be, and hereby is authorized and impowered to appoint within any town in this Commonwealth from which Nails are usually exported, where he may judge it requisite, or where the Selectmen thereof, may require it, a Deputy or Deputies, who are hereby authorized & impowered to do and perform all the duties incumbent on the said Inspector by law, within their respective towns; & the said Inspector, & his Deputies shall give bonds to the Commonwealth, with sufficient sureties in the opinion of the Governor and Council, & in such sum as they may direct, and shall also be under oath for the faithful discharge of the duties of their office, previous to their exercising such duties respectively; and the bonds so given shall be lodged in the public Treasury.

Inspector impowered to appoint Deputies.

— their duties.

And be it further Enacted, that from and after the first of December next, no person or persons shall export from this Commonwealth by land or water any cask or casks of Nails, not inspected, marked and branded as aforesaid, as of the first sort upon pain of forfeiting a sum equal to the value of each and every cask of Nails so exported, to be sued for, and recovered by action of debt in any Court of record proper to try the same, one half thereof to the use of the prosecutor and the other half to the use of the poor of the town from whence such Nails were exported; and the same penalty may & shall be recovered in like manner, from any Master of any Vessel, who shall take on board, or suffer to be taken on board for exportation, & also from any Wagoner or other person, who shall transport from this Commonwealth any cask or casks of Nails not inspected, marked and branded as aforesaid.

Prohibition & forfeiture.

Masters of Vessels liable.

And be it further Enacted that the said Inspector or his Deputy shall receive for every whole cask of Nails, which he may inspect as aforesaid the sum of twenty cents, and for every half cask so inspected the sum of twelve cents, and no more, to be paid by the purchaser thereof; and the same fees for every cask or half cask which may be inspected and found deficient with respect to the assize aforesaid, to be paid by the person offering the same for inspection.

Inspector's fees.

And be it further Enacted that if the said Inspector or his deputy shall on application made for the examination of any cask or cask[s] of Nails as aforesaid, unreasonably neglect, refuse or delay to proceed to such examina-

Inspectors liable, in case of neglect.

tion and inspection, he shall forfeit and pay for each and every such offence the sum of four dollars to be recovered and applied in manner as is herein before directed.

— To make returns at certain times.

And be it further Enacted that it shall be the duty of the several Deputy Inspectors appointed by virtue of this act, once in three months or oftener, if thereto required, to make returns to the Inspector of the number of casks and half casks of Nails by them inspected, & the inspector shall once in every year or oftener if thereto required, make returns to the Governor & Council of the whole number inspected in the Commonwealth.

Penalty.

And be it further Enacted that if any person shall counterfeit any brand, belonging to, or proper to be used by the said Inspector or any of his Deputies, or shall impress or brand any cask of Nails with any brand of such Inspector, or his Deputy, or with any counterfeited brand as aforesaid, or empty the Nails out of any cask branded by the Inspector or his Deputy, and put into said cask, any nails of different quality for sale or exportation, each person so offending, shall for each cask forfeit and pay the sum of ten dollars, to be recovered and applied in manner as is herein before directed.

Act not to affect the manufacture from cold iron.

And be it further Enacted that nothing in this Act shall be considered as affecting the sale or manufacture of nails, which shall be cut from cold iron, and so much of the law to which this is an addition, as may be inconsistent herewith be, and hereby is repealed; saving that any prosecutions which may have been commenced for breaches of the said law, shall be continued, & carried on to final judgment and execution, in the same manner, as though this Act had not passed. *Approved February 27, 1795.*

1794. — Chapter 53.

[January Session, ch. 29.]

AN ACT, IN ADDITION TO AN ACT DEFINING THE GENERAL POWERS AND DUTIES, AND REGULATING THE OFFICE OF SHERIFFS.

Be it Enacted by the Senate & House of Representatives in General Court assembled, & by the Authority of the same, That the Justices of the several Courts of Common Pleas, be and hereby are authorized & required, in the Term of said Court which shall be held in course in the several Counties, on or next after the last Tuesday of June annually, to consider of the sufficiency of the Security given by the Sheriffs in their respective Counties;

Justices empowered.

and in case they shall find & determine the same to be insufficient, they shall cause a record to be made of such Determination, by the Clerk, and shall also cause the Sheriff, whose Security shall be found insufficient, to be served with an attested Copy of said record, and shall require him to procure and give new security to the satisfaction of said Justices, on or before the Term of the Court next following the Term in which said insufficiency shall be recorded as aforesaid.

And be it further Enacted by the Authority aforesaid, that if any Sheriff shall neglect to give security as required by the Act, to which this is an addition, or shall neglect to give the new Security, which may be required by the Justices of the Court of Common Pleas in his County, pursuant to this Act, he shall forfeit and pay to the use of the Commonwealth, the sum of One Hundred & fifty dollars for each month's neglect, to be recovered by action of Debt in any Court proper to try the same; and it shall be the duty of the Attorney General to prosecute for the same; and the name of such Sheriff, neglecting to give or renew his Security as aforesaid, shall be certified by the Court of Common Pleas in his County to the Governor and Council and also to the Attorney General; and the Governor with the Advice of Council, shall thereupon remove such Sheriff from his Office and appoint some other person in his stead; unless reasonable cause to the satisfaction of the Governor & Council shall be assigned for said neglect, and unless such Sheriff whose name and neglect shall be certified as aforesaid, shall give or renew his security, as the case may be, to the satisfaction of the Governor & Council, within Twenty days after the said Certificate shall be made as aforesaid.

Forfeiture of Sheriffs in neglecting to give security.

Liable to removal.

And be it further Enacted by the Authority aforesaid, that that part of the first enacting Clause in the Act to which this Act is in addition, by which all services done by any Sheriff, in case of neglecting to give security after the time therein limited, are rendered null & void, be and hereby is repealed.

Part of an Act repealed.

Approved February 27, 1795.

1794. — Chapter 54.

[January Session, ch. 30.]

AN ACT FOR APPOINTING INSPECTORS OF LIME.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the

Inspectors of
Lime to be ap-
pointed.

same, that there shall be chosen in each Town in this Commonwealth where lime is imported by water at their annual meetings an Inspector of Lime whose duty it shall be to inspect all Stone Lime imported or brought into their respective towns or districts in Casks for Sale, & who shall have power when they judge it expedient to open any cask containing Lime to view the same; & it shall be their duty to see that the Law intitled, “An Act ascertaining the quality of Stone Lime, & the size of Lime casks, & for repealing all Laws heretofore made relative thereto,” passed in the year of our Lord one thousand seven hundred & ninety four, be in all respects observed; & to prosecute all offences against the same, & they shall be under oath for the faithful performance of their duty — And such Inspector shall have right to demand & receive of every importer of Stone Lime as aforesaid for every cask of lime inspected as aforesaid the sum of three pence & no more.

— their duties.

Lime to be
inspected and
branded at the
kiln.

Be it further enacted, that each Town within this Commonwealth in which Lime is manufactured at their annual meeting shall also chuse Inspectors, whose duty it shall be to inspect all the Lime manufactured within said town at the time it is filled at the Kiln, & brand each Cask in which the same is put with his name, the name of the said Town & the word; — *Inspected* — And he shall receive five cents from the proprietor of the Kiln for each cask so branded: — And all Inspectors appointed in pursuance of this act shall be under Oath for the faithful performance of the Trust reposed in them.

Approved February 27, 1795.

1794. — Chapter 55.

[January Session, ch. 31.]

AN ACT FOR INCORPORATING LUTHER EAMES & OTHERS INTO A SOCIETY, FOR THE PURPOSE OF BRINGING FRESH WATER INTO THE TOWN OF BOSTON BY SUBTERRANEOUS PIPES.

Preamble.

Whereas Luther Eames, Nathan Bond & William Page, have petitioned the General Court, setting forth that they have the priviledge of certain fresh waters in Roxbury, which they can bring into the town of Boston, for the use of the inhabitants thereof, and praying that they and their Associates may be vested with corporate powers, for the management, and direction of that business;

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, that the said Luther Eames, Nathan Bond and William Page, and all such persons as are or shall be associated and interested with them in the purpose of bringing fresh water into Boston as aforesaid, and their successors, be & hereby are incorporated into, & made a body politic for the purpose of bringing fresh Water into Boston by subterraneous pipes, and as such shall have full power & lawful authority to bring from any part of the town of Roxbury into the town of Boston, and into any street in the same town, all such fresh water, as they the said Luther Eames, Nathan Bond and William Page, & their associates, or any, or either of them, in their private and natural capacities, now have, or hereafter shall have a right to dispose of, or to convey from the springs, or sources thereof; and the said Corporation shall have full power and lawful authority to open the ground in any part of the streets and highways in the towns of Roxbury and Boston, for the purpose of sinking and repairing such pipes and conductors, as may be necessary to sink for the purpose aforesaid — *provided* that the same highways and streets shall not be opened by the said Corporation, in such manner as to obstruct or hinder the citizens of the Commonwealth from passing therein, with their teams and carriages, with convenience; and that the said Corporation after the opening the ground in any of the said streets or ways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance; *and provided also,* that nothing in this act shall be construed to give the said Corporation a right to enter upon the corporate or private estate of any person whatever, unless it be done by free and voluntary contract of the proprietor of such estate; or to give the said Corporation authority to draw water out off Jamaica pond, or from any other place which the members thereof or some of them shall not have a right to draw off in their natural capacities independently of this Act or to affect, alter or impair any right, claim or interest which the town of Roxbury or any inhabitants thereof have, or may have in, or to the waters of said Jamaica pond; and that this act, or any thing therein contained shall not be construed to prevent any person, who shall be injured in his estate immunity or privilege, by any act or proceeding of said Corpora-

Persons incor-
porated.

Purpose and
authority.

Proviso.

Persons injured
in their interest
may find red-
ress of the
Corporation.

tion, or any of its members or servants from his action against the members of the said Corporation, in their corporate or individual capacities, in the same manner, and to all intents and purposes as though this act had never been passed.

Corporation
may receive &
hold real estate.

Be it further Enacted by the authority aforesaid that the said Corporation, shall have power to receive & hold such real estate, as may be necessary for the purposes of its institution, *provided* the same never exceed the sum of thirty three thousand dollars.

— Empowered.

Be it further Enacted that the Corporation shall have power to choose a President, Secretary & Treasurer annually; & to fill up all vacancies, which may happen in those offices, when they or any of them shall become vacant; and also to choose annually five directors, to manage the prudential business of the Corporation, and shall have power from time to time, to assess such taxes, as the said Corporation shall deem to be necessary on the shares of the same Water works; and on neglect or refusal to pay such taxes, to sell such shares at vendue, for the payment thereof, after advertising the same in two of the Boston Newspapers for the space of twenty days previous to the sale, paying the overplus, if any there be after the payment of such taxes, and the charges of sale, to the owner of the share or shares so sold.

Water works
to be divided
into shares.

And be it Enacted that the same Water works shall be divided into one hundred shares, each of which shall give a right to one vote, in the business of the Corporation, *provided* that no one person shall have more than ten votes, & no vote shall be considered as legal, unless the same shall be passed at a meeting duly warned, in manner prescribed in this act, and that the President, or vice president and five proprietors shall be present.

And be it further Enacted, that the said Corporation shall have a common seal, & shall have power to sue, & be liable to be sued like other Corporations.

Privilege of the
inhabitants.

And be it further Enacted that the towns of Boston and Roxbury severally shall have the priviledge of placing conductors into the pipes or conductors laid by the said Corporation, for the purpose of drawing such water therefrom, as may be necessary when any Mansion house, Barn, or other building shall be on fire in either of the said towns, and to draw water therefrom on such occasion, without paying the said Corporation any price therefor;

provided that such town shall be held to secure such conductor so placed, by the same, in such manner that water cannot be drawn therefrom, unless by the orders of the Selectmen, or Fire-wards of the town where the same may be placed.

And be it Enacted that all contracts made by the said Corporation for supplying any of the inhabitants of either of the said towns, or any other person, with water, from the said Water works, shall be mutually binding on both parties, and that actions may be supported thereon; and that if any person shall maliciously, or wantonly injure the said Water works, he or she may be punished by fine on conviction thereof in the Supreme Judicial Court on Indictment, at the discretion of the same Court, one half thereof to the prosecutor and the other to the use of the town where the offence is committed, and shall be liable to pay treble damages to the Corporation, to be recovered by action of the case. *Provided* that nothing in this act shall be construed to restrain the General Court from hereafter regulating the price of the said Water to the said inhabitants, if the said Court shall judge fit.

Contracts made to be binding.

Penalties.

Proviso.

And be it further Enacted that James Sullivan Esqr. upon the application of the said Eames, Bond & Page shall be impowered to call the first meeting of the said Corporation by a notification in one of the Boston News papers fourteen days previous to such meeting, and that the Corporation, at such meeting, shall agree on the mode of calling future meetings.

J. Sullivan, Esq. impowered.

Approved February 27, 1795.

1794. — Chapter 56.

[January Session, ch. 32.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT AND DIRECTORS OF THE NANTUCKET BANK.

Whereas George Folger junr. Thomas Coffin junr. & others have in their petition to this Court proposed to raise a fund for the Establishment of a Bank at Nantucket, and it appears that such an Institution under suitable regulations may be advantageous to the trade and Commerce of that Island:

Preamble.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same, That George Hussey, Alexander Gardner, Joseph Chase, William Coffin, Abner Coffin, Jethro Starbuck

Persons incorporated to a limited time.

Corporate
name.

Junr. Josiah Barker Junr. Albert Gardner, John Cartwright, Silvanus Macy junr. George Folger junr. & Thomas Coffin, junr. their Associates, Successors & Assigns, Shall be & they hereby are created a Corporation & body politic by the name & stile of the President & Directors of the Nantucket Bank ; and shall so continue from the first day of May next untill the expiration of ten Years next following and by the Name aforesaid the said Corporation shall be and hereby are made capable in Law to sue & be sued, plead & be impleaded, answer & be answered unto, defend & be defended, in Courts of Record or any other place whatever ; and also to make, have and use a Common Seal, and the same again at pleasure, to break, alter & renew ; And also to ordain, establish and put in Execution, such bye laws, Ordinances & regulations as to them shall seem necessary and Convenient for the government of said Corporation and the prudent management of their Affairs ; *provided* such bye Laws shall be in no wise contrary to the Laws & Constitution of the Commonwealth. And the said Corporation shall be always subject to the rules, restrictions, Limitations & provisions herein prescribed.

Amount of the
Capital Stock.

Be it further Enacted by the Authority aforesaid, that the Capital Stock of said Corporation shall consist of a sum not less than forty thousand, nor more than One hundred Thousand dollars in Specie, and shall be divided into shares of one hundred Dollars each ; and the Stockholders at their first meeting shall by a majority of Votes determine the amount of the payments to be made on each share and the times that each payment shall be made ; also the mode of transferring and disposing of the Stock & Profits thereof ; which being entered on the books of said Corporation, shall be binding on the Stockholders, their Successors & Assigns ; *provided however*, that the payments so agreed to be made, shall not form a Stock of more than One hundred Thousand Dollars nor less than Forty thousand dollars as aforesaid, and shall be paid in by the following installments — One third part on or before the first day of May next — One other third part on or before the first day of February next ; and the remaining third part on or before the first day of November, One thousand, seven hundred, & ninety six ; and that no Stockholder shall be allowed to borrow at said Bank at, or after, any Installment shall become due, untill he shall

Stockholders
empowered.

Proviso.

have paid his full proportion of such Installment: And in case any of the Stockholders in said Corporation shall fail to compleat their future payments, they shall forfeit their former payments to the use of the Corporation.

Be it further Enacted by the Authority aforesaid, that the following rules, regulations, restrictions, limitations & provisions, shall form and be the fundamental articles of the Constitution of said body politic *vizt.*

First, the said Corporation shall not owe at any one time more than twice the amount of their Capital stock in addition to the simple amount of all monies actually deposited in said Bank, for safe keeping; and in case of any Excess, the Directors under whose Administration it shall happen, shall be liable for the same in their private Capacity: but this shall not be construed to exempt said Corporation from being also liable for and chargeable with such excess.

Fundamental
articles of the
Constitution.

Second, That said Corporation shall not use or improve any of their monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned.

Third, that for the well ordering of the affairs of said Corporation a meeting of the Stockholders shall be held at such place as the Stockholders shall direct, on the first monday in January annually, & at any other time during the continuance of said Corporation, at such House and at such an Hour of the day, as shall be appointed by the President & Directors for the time being, by a Notification one week previous to the time appointed for such Meeting; at which annual Meeting there shall be chosen by ballot, Twelve Directors, who shall continue in Office the year ensuing their Election.

Fourth, None but a Member of said Corporation being a Citizen of this Commonwealth & resident therein, shall be eligible for a Director or Cashier.

Fifth, No Stockholder in said Bank shall be qualified to vote in the election of the Officers of said Bank, or in any of the Affairs thereof, unless he shall be interested therein to the amount of One hundred dollars; and the Stockholders thus qualified, shall vote in proportion to their property in the following ratio; that is, every Stockholder of One hundred Dollars, shall have one vote; and every two hundred dollars above one hundred dollars,

shall give a right to one vote more; *provided* no one member shall have more than Ten votes, and absent members may vote by proxy authorized in writing; and in all elections, in the first instance, a majority of Votes shall be necessary to determine the same; but in case of a second trial, a plurality shall decide the vote.

Sixth, The Directors shall choose one of their own number to act as President.

Seventh; No Director shall be entitled to any emolument for his services; but the Stockholders may make the President such compensation as to them shall appear reasonable.

Eighth, Not less than seven Directors shall constitute a Board for the Transaction of Business, of whom the President shall always be one, except in case of sickness or necessary absence; in which case, the Directors present may choose a Chairman for the time being.

Ninth. Not more than three quarters of the Directors in office, exclusive of the President, shall be eligible for the next succeeding year; but the Director who shall be President at the time of an Election, may be reelected.

Tenth, the Cashier before he enters upon the duties of his office, shall give bond, with two or more sureties to the satisfaction of the board of Directors, in a sum not less than ten thousand dollars, with conditions for the faithful discharge of the duties of his Office.

Eleventh; All Bills issued from the Bank aforesaid & signed by the President, shall be binding on said Corporation; but it shall not be lawful for them to issue any Bills of a less Denomination than Two Dollars.

Twelfth; the Directors shall make half yearly Dividends of all the profits, premiums and interests of the Bank aforesaid.

Thirteenth; the Directors shall have power to appoint a Cashier, Clerks, and such Officers for carrying on the business of the Bank, with such salaries as to them shall seem meet.

And whereas it is repugnant to the principles of a free Government, that the property of any of it's Citizens should be placed out of the reach of their just Creditors:

Be it further Enacted by the Authority aforesaid, that the property of every individual Member of said Corporation, vested in said Corporate funds, shall be liable to attachment, and to the payment & satisfaction of his just

The property
of individual
Members in the
Corporation
liable for the
payment of just
debts.

debts to any of his *bona fide* Creditors, in manner following; *vizt.* in addition to the summons by Law prescribed to be left with the Debtor, a like summons shall be left with the Cashier of said Bank, and the Debtor shares in the said Corporate funds together with the interest and profits due, and growing due thereon, shall thereby be held to respond said suit according to Law; and all Transfers of the debtor-shares not noted in the Bank Books previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Bank, and his Shares therein be exposed to sale in the same manner as is by law provided where personal Estate is taken in Execution; and it shall be the duty of the Officer who extends such Execution, to leave an attested Copy thereof, with his doings thereon, with the Cashier of said Bank; and the purchaser shall thereon be entitled to the reception of all Dividends and Stock, and to the same privileges as a Member of said Corporation, that the Debtor was previously entitled to; and upon any Attachment being made, or Execution being levied on any Shares in said Bank; it shall be the duty of the Cashier of said Bank, to expose the books of said Corporation to the Officer, and so furnish him with a Certificate under his hand, in his official Capacity, ascertaining the number of Shares the Debtor holds in said Bank, and the amount of the Dividends thereon due.

Be it further Enacted by the Authority aforesaid, that any Committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books; and if upon the report of said Committee it shall be found, and after a full hearing of said Corporation thereon be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and Conditions in this Act provided — their Incorporation shall thereupon be declared forfeited & void; and the same shall be announced by proclamation from the Supreme Executive Authority of the Commonwealth.

Be it further Enacted by the Authority aforesaid, that the persons herein before named, or any three of them, are authorized and empowered to call a Meeting of the members & Stockholders of said Corporation, as soon as

Committee of the Legislature have power to examine the doings of the Corporation.

Persons authorized to call a meeting.

may appear to them necessary, for the purpose of their electing their first Board of Directors.

Directors to transmit to the Executive accurate statements.

And be it further Enacted by the Authority aforesaid, that it shall be the duty of the Directors of said Bank, to transmit to the Governor & Council of this Commonwealth for the time being, once in six months at least, and as much oft[er] as they may require, accurate and just Statements of the amount of the Capital Stock of said Corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation and of the Cash on hand; which statements shall be signed by the Directors & attested by the Cashier.

Preamble.

And whereas in the Act for incorporating and establishing the Union Bank in the Town of Boston, it is provided that the "Directors may at any future period establish Offices for the purpose of Loans, Discount and Deposit in such other Towns within this Commonwealth, and commit the management thereof to such persons, and under such regulations as to the Directors shall seem proper and adviseable."

Branch to the Union Bank may be established.

Be it Enacted by the Authority aforesaid that if the Subscribers to the Bank by this Act established, shall before the said first day of May next, apply to the Directors of [of] the said Union Bank, to establish a branch or office of said Union Bank on the Island of Nantucket, for the purposes aforesaid, and the said Directors shall agree to the same, that then and in that case, the said Branch or Office of said Union Bank, shall be substituted for the bank by this Act established and wholly supercede the same; and the Capital Stock of said Union Bank shall and may be increased in and by such sum or sums as shall be mutually agreed by and between said Directors & said Subscribers, to be used and applied on the Island of Nantucket for the purposes aforesaid, not exceeding the sum of One Hundred thousand Dollars. *Approved February 27, 1795.*

1794. — Chapter 57.

[January Session, ch. 33.]

AN ACT TO INCORPORATE THE PLANTATION CALLED STERLING
IN THE COUNTY OF LINCOLN INTO A TOWN BY THE NAME OF
FAYETTE.

Be it Enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same,

that the plantation called Sterling in the County of Lincoln bounded as follows *vizt.* beginning at the Northeast corner of Livermore thence running South in the East line of Livermore seven miles & ninety rods, thence East about three miles & ninety rods to the thirty mile river, so called, thence Northerly by said River to Lane's pond so called, thence Northerly by said pond on the Easterly side thereof to the most Easterly & Northerly branch of the same, thence North to the most Southerly & Easterly branch of Crotched pond, thence on the same course to the Southerly line of Mount Vernon, thence Westerly in said Southerly line to the Southwest corner of Mount Vernon, thence Northerly in the Westerly line of Mount Vernon to the Northeasterly corner of said Sterling, thence North eighty degrees west about five miles & thirty rods to the first mentioned bound, together with the inhabitants thereon be, & hereby are incorporated into a town by the name of Fayette; & the said town is hereby vested with all the powers, privileges & immunities which other towns within this Commonwealth do, or may enjoy by Law.

Boundaries.

And be it further Enacted by the authority aforesaid, that Robert Page esqr. be & he hereby is impowered to issue his warrant directed to some suitable inhabitant of said town requiring him to warn a meeting of the inhabitants of said town at such time & place as shall be expressed in said warrant for the purpose of choosing town officers & transacting all such business as towns in this Commonwealth are by Law empowered to choose & transact in the month of March or April annually.

Robert Page,
Esq. to issue
warrant.

Approved February 28, 1795.

1794. — Chapter 58.

[January Session, ch. 34.]

AN ACT TO INCORPORATE THE PLANTATION CALLED LIVERMORE LYING ON BOTH SIDES ANDROSCOGGIN RIVER INTO A TOWN BY THE NAME OF LIVERMORE.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same, that the Plantation called Livermore lying on both sides Androscoggin river & bounded as followeth, *vizt.* beginning at a Hemlock Tree standing in the North east corner of Turner on the Westerly side of Androscoggin river, thence running North sixty Degrees West in the

Boundaries.

Northeasterly line of said Turner two miles two hundred & ten rods to a birch tree, thence North four miles two hundred & forty rods to a Hemlock tree being the Northwesterly corner of said Livermore, thence North sixty five degrees East three miles & one hundred rods to Androscoggin river, thence East across said River two miles two hundred & sixty rods to a birch tree in the Northeast corner of said Livermore, thence South seven Miles two hundred & fifty rods to Androscoggin pond, thence Southerly by said Pond about one mile & an half to an elm tree standing in the Southerly line of said Livermore, thence West in said Southerly line about two miles & one hundred & ninety two rods to Androscoggin river, thence Northerly by said river to the first mentioned bound, together with the inhabitants thereon be & hereby are incorporated into a town by the name of Livermore; and the said town is hereby vested with all the powers, privileges & immunities which other towns within this Commonwealth do or may enjoy by Law.

E. Richardson,
Esq. to issue
warrant.

And be it further enacted by the authority aforesaid, that Edmund Richardson esqr. be & hereby is empowered to issue his warrant directed to some suitable inhabitant of said town requiring him to warn the inhabitants of said town to meet at some convenient time & place expressed in said warrant for the purpose of chusing town officers & transacting all such business as towns within this Commonwealth are empowered to chuse & transact in the month of March or April annually.

Approved February 28, 1795.

1794. — Chapter 59.

[January Session, ch. 35.]

AN ACT TO INCORPORATE THE PLANTATION CALLED LOWER SANDY RIVER IN THE COUNTY OF LINCOLN INTO A TOWN BY THE NAME OF STARKS.

Boundaries.

Be it enacted by the Senate & House of Representatives in general Court Assembled and by the Authority of the same, that the following described tract of Land lying on the west side of Kennebeck River beginning on the west Bank of said River in the North Line of the Plymouth Claim thence running west in the said North line Six Miles, thence South Six Miles, thence East about Six Miles to Norrigewock west line thence North on the west

line of Norrigewock to Kennebeck River and Continuing Northerly by said River on the west Bank thereof to the fi[r]st mentioned bound; together with the inhabitants thereon be and the same hereby are incorporated into a Town by the Name of Starks; and the said town is hereby vested with all the Powers Priviledges & immunities which other Towns within this Common wealth do or may by Law enjoy.

And be it further [a][e]nacted by the Authority aforesaid, that Samuel Weston Esqr. be and he hereby is Authorized to Issue his warrant directed to some suitable Inhabitant of said Town, requiring him to Warn a Meeting of the Inhabitants of said Town at such time and place as shall be Appointed in said Warrant, for the purpose of chusing such Town Officers as Towns within this Common wealth are impowerd to chuse in the Month of March or April annually.

Samuel Weston,
Esq. to issue
warrant.

Approved February 28, 1795.

1794. — Chapter 60.

[January Session, ch. 36.]

AN ACT TO REPEAL AN ACT ENTITLED “AN ACT TO INCORPORATE THE COMMITTEE OF THE CHURCH AND CONGREGATION IN THE TOWN OF WARWICK FOR CERTAIN PURPOSES,” PASSED APRIL TWENTIETH ONE THOUSAND SEVEN HUNDRED & SEVENTY NINE.

Whereas the trustees of the congregational society in the town of Warwick have petitioned this Court for a repeal of the law from whence they derive their authority of trustees as aforesaid, and said town of Warwick have signified their agreement to support the Congregational minister now settled in said town, and to perform other parochial duties therein, as a corporation, & the Reverend Samuel Reed their present minister has assented thereto;

Preamble.

Be it enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that the Act empowering the congregational society in the Town of Warwick in the County of Hampshire to appoint Trustees to manage the funds raised in said society for the support of the minister, and for defraying incidental charges in said society be & the same hereby is repealed, and said trustees are discharged from their trust: *Provided,* said trustees lodge with the Treasurer of said town of Warwick all the property of every kind by them held in their said capacity, belonging to said

Act repealed.

Proviso.

town; and also return all donations now in their hands of every kind that have heretofore been given for the benefit of said Corporation to the original donors or their heirs;

Remaining
power of the
Trustees.

Provided also, and it is further Enacted that the present trustees of said Corporation, shall have full power in their said capacity to sue for, collect & recieve all outstanding debts due to said Corporation, and the same when recovered, forthwith to pay into the hands of the Treasurer of said town, or the original donors, or their heirs from whom they respectively derived the same.

Conditions of
exempting per-
sons from
charge.

And Be it further enacted by the authority aforesaid, that all persons living within the said town of Warwick who are of a different denomination from the congregational society there, by leaving their names with the Clerk of said town certifying that they cannot conscientiously join with said society, within two years after this Act shall come into operation, shall be exempt from any charge for the support of a congregational minister in said town, any thing in this or any former Act to the contrary notwithstanding.

And Be it further Enacted that this Act shall take place, & be in force, from and after the first day of September next.

Approved February 28, 1795.

1794. — Chapter 61.

[January Session, ch. 37.]

AN ACT TO SET OFF A PART OF THE TOWN OF WINDSOR, IN THE COUNTY OF BERKSHIRE AND TO ANNEX THE SAME TO THE TOWN OF DALTON.

Boundaries.

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 Town of Windsor hereafter described and the Inhabitants thereon, be annexed to the Town of Dalton; to wit, beginning at the northeast corner of the Town of Dalton and running thence northerly on a line parallel with the east line of Samuel Whipple's farm, to the north side of his farm, from thence west to the line of the hundred Acre lots, from thence north on the line of said lots to Cheshire south line, thence on Cheshire south line to the east line of the town of Lanesborough, thence on the said east line of Lanesborough to the north west corner of Dalton, and from thence to the north east corner of said Dalton.

And be it further enacted that the Inhabitants of the said part of the town of Windsor by this Act annexed to the said Town of Dalton, shall be holden to pay such Taxes as have been assessed or ordered to be assessed on them, by the said town of Windsor previous to the passing of this Act.

Inhabitants to be taxed for Windsor.

And be it further enacted that the polls and estates of the inhabitants of the said part of the town of Windsor by this Act annexed to the town of Dalton be deducted from the town of Windsor and be placed to the said town of Dalton, and that the said inhabitants shall be intitled to receive their proportion of all monies, lands and other estates, real and personal, now the property of the said town of Windsor agreeable and in proportion, to the last valuation.

Approved February 28, 1795.

1794. — Chapter 62.

[January Session, ch. 38.]

AN ACT TO INCORPORATE THE PLANTATION OF HANCOCK IN THE COUNTY OF LINCOLN INTO A TOWN BY THE NAME OF CLINTON.

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, that the following described tract of land lying on the East side of Kennebeck river beginning on the bank of said River in the South line of Canaan, thence running East in the South line of said Town & continuing the same course seven miles, thence South about eleven miles & an half until it intersects a line running East South East from the Northeast corner of the town of Winslow, thence West North West to the said North East corner of Winslow, thence on the Northerly line of Winslow to Kennebeck River, thence Northerly by Kennebeck River on the Easterly bank thereof to the first mentioned bound together with the inhabitants thereon, be & the same hereby are incorporated into a town by the name of Clinton & the said town is hereby vested with all the powers, privileges & immunities which other towns within this Commonwealth do or may by law enjoy.

Boundaries of Clinton.

And be it further enacted by the authority aforesaid, that George Warren esqr. be & he hereby is authorized to issue his warrant directed to some suitable inhabitant of said Town, requiring him to warn a meeting of the inhabitants of said town at such time & place as shall be

George Warren, Esq. to issue warrant.

appointed in said warrant, for the purpose of choosing such Town officers as towns within this Commonwealth are empowered to choose in the month of March or April, annually.

Approved February 28, 1795.

1794. — Chapter 63.

[January Session, ch. 39.]

AN ACT MAKING PROVISION FOR THE ERECTING GUIDE POSTS UPON PUBLIC ROADS.

Be it enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, that on or before the first day of September next it shall be the duty of the inhabitants of the several towns and districts in this Commonwealth & also such unincorporated plantations as now are assessed in any public tax to provide, erect & keep in repair such Guide posts upon all public roads at such places & in such manner as is hereafter in this Act provided.

Guide posts to be erected.

And be it further enacted by the Authority aforesaid, that the selectmen of the several towns & districts & the assessors of all unincorporated plantations, assessed in any public tax, in this Commonwealth, be & they hereby are authorized & required from time to time, to fix & determine upon such places at the corners & angles of all roads in the several towns, districts & plantations aforesaid at which the said Guide posts shall be erected & kept, as in their judgment shall be found necessary and convenient, and shall cause a fair record thereof to be entered & kept among the records of the said towns districts or plantations.

Selectmen to fix places.

And be it further Enacted by the authority aforesaid, that the Guide posts to be erected and kept in pursuance of this Act, shall be constructed in manner following; that is to say there shall be erected at the several corners or angles of the roads aforesaid, at such places as shall be ordered by the selectmen of towns and districts, or assessors of the plantations aforesaid, a substantial post of not less than eight feet in height; upon the upper end of which shall be placed a board, or boards, upon each of which boards shall be plainly & legibly painted the name of the next town, with such other noted town or place as may be judged most expedient for the direction of travellers, to which each of the roads may lead, together with

Manner of construction.

the distance or number of miles to the same ; and also the figure of a hand with the fore finger thereof pointing towards the town or place to which the said roads may lead ; *Provided nevertheless* that the inhabitants of the several towns, districts & plantations aforesaid duly qualified to vote in town or plantation affairs may if they judge fit, on or before the first Monday in April next, & annually afterwards, agree upon some suitable substitute in the room of said guide posts and appoint any proper person or persons to superintend the erecting the same. Proviso.

And Be it further enacted by the authority aforesaid, that if the inhabitants of any of the towns, districts or plantations aforesaid, shall neglect or refuse to erect and maintain said guide posts, in such places & in such manner as is herein provided, the said inhabitants shall forfeit & pay to the use of the Commonwealth twenty shillings for every month which they shall so neglect or refuse : And if the selectmen of the several towns and districts or assessors of the several plantations aforesaid shall neglect or refuse to fix and determine upon any places in the towns, districts & plantations aforesaid at which the said Guide posts shall be erected and kept by the time in this Act set & limited, the said Selectmen or Assessors shall forfeit & pay to the use of the Commonwealth twenty shillings for every month which they shall so neglect, or refuse ; said penalties and forfeitures to be recovered by indictment of the Grand Jury in the County where the offence may be committed. Penalty, in case of neglect or refusal —

And be it further enacted by the authority aforesaid, that if any person shall injure, mar or deface any Guide post, or its substitute agreed upon as aforesaid, or board which shall be set up, as is in this Act provided and be convicted thereof before any Justice of the Peace within this Commonwealth, who is hereby empowered to try the same, such person so convicted shall forfeit a sum not more than forty shillings nor less than twenty shillings, one half to the complainant & the other half to the use of the town, district or plantation in which such guide post or its substitute so injured, marred or defaced, was set up, and shall pay all costs of the prosecution. — in case of injury.

Approved February 28, 1795.

1794. — Chapter 64.

[January Session, ch. 40.]

AN ACT TO SECURE TO MASTERS & MISTRESSES, AS WELL AS TO APPRENTICES AND MINOR SERVANTS, BOUND BY DEED, THEIR MUTUAL PRIVILEGES.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, that Minors under the age of fourteen years, may be bound by Deed untill that age, as Servants or Apprentices, by their Father, and in case of his Decease, by their Mother, or by their Guardian legally appointed; or having no parent or Guardian, may bind themselves, with the approbation of the Selectmen, or major part of them, of the Town, where such Minors reside. And all Minors of the age of Fourteen years or upwards, may be bound by Deed, as apprentices or servants; Females to the age of eighteen years, or to the time of their marriage, within that age; and Males to the age of Twenty-one years, by their Father, and in case of his Decease, by their Mother, or Guardian legally appointed, having the Minors consent expressed in the Deed: And any such Minors having no Father, Mother, or Guardian within the Commonwealth, may by Deed, bind themselves, with the approbation of the Selectmen, or the major part of them, of the Town where they reside, *provided* that in every case there shall be two Deeds of the same form and tenor, executed by both parties; one to be kept by each; and where made by the approbation of the Selectmen, they, after having examined the Terms of the Deeds, shall express their approbation thereon and sign the same. *Provided also,* that all considerations which shall be allowed by the Master or Mistress in any Contract of service or apprenticeship, shall be secured to the sole use of the Minor, thereby engaged. And all Contracts, which shall be made by any Parent or Guardian, or by any Minor, for him or herself, pursuant to this Act, shall be good and effectual in Law, against all parties, and the Minors thereby engaged according to the tenor thereof.

Minors under and above 14 years old, may be bound by consent of parties.

Provisos.

Parents, Guardians and Selectmen to enquire into their usage, and complain in

Be it further Enacted, that it shall be the Right & Duty of Parents & Guardians, and of Selectmen for the time being (where Selectmen shall give their approbation as aforesaid) binding Minors as aforesaid, to enquire into

their usage, and defend them from the cruelties, neglects or breach of Covenant of their Masters or Mistresses; and such Parents, Guardians, or Selectmen for the time being, may complain to the Court of Common Pleas in the County whereof such Master or Mistress is an Inhabitant, against him or her, for any personal cruelty, neglect or breach of Covenant; and the Court after having duly notified the party complained against, shall proceed to hear & determine such Complaint, with or without a Jury, according as the Allegations of the parties may be — And if the same Complaint shall be supported, the Court may render Judgment that the said Minor be discharged from his or her Apprenticeship or Service, with costs against the Master or Mistress, and award Execution accordingly; in which Case the Deed of Service or Apprenticeship shall be deemed void, from the time of rendering such judgement, and the Minor may be bound out anew: But if such Complaint shall not be supported, the Court shall award Costs to the Respondent, against the Parent, Guardian or Selectmen, where the complaint of the Selectmen shall be without probable cause, & Execution accordingly.

case of ill
usage.

Be it further Enacted, that if any Servant or Apprentice bound as aforesaid, shall depart from the Service of his or her Master or Mistress, it shall be lawful for any Justice of the Peace of the County where such Servant or Apprentice may be found, on complaint made to him by the Master or Mistress, or by any one in his or her behalf, on oath, to issue his Warrant to the Sheriff, his Deputy or any Constable within the County, directing him to apprehend such Servant or apprentice, and to bring him or her before the said Justice, who upon the hearing, shall order the said Servant or Apprentice to be returned to the place of his or her duty; or to commit him or her to the common Goal of the County, there to remain for a term not exceeding Twenty days, unless sooner discharged by his or her Master or Mistress: and the Justice's Warrant, for returning such Servant or Apprentice to the place of his or her duty, directed to any Officer or other Person, by name, shall authorize him to convey any such Servant or Apprentice to such place, Notwithstanding it may be in any other County in the Commonwealth; and the Costs of the process and commitment by the said Justice, shall be paid by the Master

Absconding
servants may
be apprehended
by warrant —

— and com-
mitted.

or Mistress, to be recovered by him or her on the Deed or Covenant, and when recovered of the Guardian, the same with all further Costs he may be held to pay, shall be a proper article of charge in his Guardianship Account.

Be it further Enacted, that if any Servant or Apprentice, bound as aforesaid, shall be guilty of any gross misbehaviour, wilful Neglect, or refusal of his or her duty, the Master or Mistress may complain thereof to the Court of Common Pleas in the County whereof he or she is an Inhabitant; and the said Court after having duly notified such Servant or Apprentice, and all Persons covenanting on his or her behalf, and the Selectmen for the time being, of the Town, (where Selectmen shall approve as aforesaid) shall proceed to hear & decide on such Complaint, with or without a Jury, as the allegations of the parties may be: and if the said Complaint shall be supported, the Court may render Judgement that the Master or Mistress shall be discharged from the Contract of Service or Apprenticeship, and every article thereof, obligatory on him or her with costs; and award execution for costs accordingly, against the Parent Guardian or Minor, where the Minor shall engage as aforesaid, for him or herself; and any Servant or Apprentice whose Master or Mistress shall be discharged as aforesaid, may be bound out anew.

And be it further Enacted, that no Covenant of Apprenticeship entered into by any Minor, his Parent or Guardian, for the purpose of such Minor's lea[ar]ning or being instructed in any Trade or Mystery, and made to any Master and the Wife of such Master, or to the Executors, Administrators or Assigns of such Master, shall be binding on such Minor, Parent or Guardian, after the decease of the Master; but on the death of such Master, the said Covenant shall be deemed void from that time; and in any such case, any Minor may be bound out anew in the manner herein before prescribed.

Approved February 28, 1795.

1794. — Chapter 65.

[January Session, ch. 41.]

AN ACT TO ENABLE CREDITORS TO RECEIVE THEIR JUST DEMANDS OUT OFF THE GOODS, EFFECTS AND CREDITS OF THEIR DEBTORS, WHEN THE SAME CANNOT BE ATTACHED BY THE ORDINARY PROCESS OF LAW.

Preamble.

Whereas the goods, effects and credits of persons are oftentimes so entrusted, and deposited in the hands of

Complaints may be made in case of misbehaviour of servants, &c.

Covenants to be void at the decease of the Master.

others, that the same cannot be attached by the ordinary process of law, to satisfy such judgments as may be recovered against such persons: For remedy whereof

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that any person or persons, body politic or corporate, intitled to any personal action, excepting detinue replevin actions on the case for slandrous words or malicious prosecutions, or actions of trespass for assault and battery against any person or persons other than bodies politic or corporate having any goods effects or credits so intrusted or deposited in the hands of others that the same cannot be attached by the ordinary process of law, may cause not only the goods and estate of the person against whom such action lies, to be attached in his own hands and possession but also all his goods, effects and credits so entrusted or deposited, to be attached in whose hands or possession soever they may be found, by an original writ, to issue under the seal of the Court of Common pleas signed by the Clerk and attested by the first Justice of the said Court not a party thereto and of the form following, to wit;

COMMONWEALTH OF *Massachusetts*.

[L. S.]

— SS

To the Sheriff of our County of _____ or to either of his
Deputies _____ GREETING;

Writ of attachment.

We command you to attach the goods and estate of A B of C within our County of D (addition) to the value of _____ dollars, and summons the said A B if he 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 County of _____ on the _____ day of _____ then & there in our said Court to answer unto E F of G within our County of H (addition) in a plea of _____ to the damage of the said E F as he saith the sum of _____ dollars, which shall then and there be made to appear with other due damages; and whereas the said E F saith that the said A B has not in his own hands and possession goods and estate to the value of _____ dollars aforesaid, which can be come at to be attached, but has intrusted to, and deposited in the hands and possession of I K of _____ (addition) trustee of the said A B, goods, effects and credits to the said value; We command you therefore that you summon the said I K if he may be found in your

Precinct to appear before our Justices of our said Court to be holden as aforesaid, to shew cause if any he has, why execution to be issued upon such Judgment as the said E F may recover against the said A B in this action (if any) should not issue against his goods effects or credits in the hands and possession of him the said I K; and have you there this Writ with your doings therein.

Witness L M Esqr. at the day of in the year of our Lord one thousand seven hundred and .

N. O. Clerk.

Manner of serving the writ.

And the Officer to whom such Writ may be directed, shall serve the same by attaching the goods and estate of the principal in his hands & possession of the value required, if so much can be found in his Precinct, by reading the said Writ to him, or by leaving an attested copy thereof at his last and usual place of abode, if he had been an inhabitant or resident within this Commonwealth at any time within three years, next before the suing out such Writ, and by reading the same to each of the trustees, or by leaving an attested copy thereof at such Trustee's usual place of abode; and in case the principal has not been an inhabitant or resident as aforesaid, a service made on the supposed trustee or Trustees in manner as aforesaid shall be deemed a sufficient service; which service shall be made fourteen days at the least before the day of the sitting of the Court, to which such writ is returnable; and the goods, effects and credits of the principal in the hands and possession of his trustee or trustees at the time such writ was served upon him or them, shall stand bound and be held to satisfy such judgment as the plaintiff shall recover against the principal; and when the trustees named in such Writ do all dwell in one County such Writ shall be made returnable in the County where all the Trustees dwell; but when the trustees do not all dwell in one County, such Writ may be made returnable in any County in which any of the trustees dwell.

Duty of the Court respecting the principal.

And be it further Enacted, that if the principal shall be absent from the Commonwealth when such Writ shall be served, the Court shall continue the action two terms, that he may have notice unless the principal after the service of the Writ and before the sitting of the Court shall have come into the Commonwealth; in which case, it shall be in the discretion of the Court whether to continue the action or not; and when the principal does not appear

in his own person or by Attorney to answer such suit, the trustees or any of them having goods, effects or credits of the principal in his or their hands or possession may appear in his behalf, and in his name plead pursue and defend to final Judgment and execution.

And be it further Enacted, that if any supposed Trustee shall come into Court the first term, & declare that he had not in his hands or possession at the time the Writ was served on him, any goods, effects or credits of the principal, and shall thereupon submit himself to an examination upon oath, and if upon such examination the said Declaration shall appear to the Court to be true, the Court shall award him his legal costs and issue execution therefor; and if such trustee shall at the time of service of such Writ, dwell in any County other than that in which the said writ is returnable, the Court shall allow him such further costs, as with his legal costs shall under all the circumstances of the case be a reasonable compensation to him for his time and expences in appearing & defending himself against such suit; and every person resident in the County where such writ shall be duly returned, who being summoned as aforesaid shall neglect to appear at the return thereof and submit to an examination as to the supposed goods, effects, or credits in his or her hands and having no reasonable cause to the contrary in the opinion of the Court where the suit shall be, shall be liable for all costs afterwards arising in such suit, to be recovered & paid out of his own goods and estate, in case Judgment shall be finally rendered for the plaintiff, and unless such costs shall be duly recovered against the goods, effects or credits of the principal in the hands of a trustee: And if several persons resident in such County, being duly summoned as aforesaid shall neglect to appear as aforesaid, then judgment and execution against them jointly, shall be awarded for such costs. And persons resident in other Counties than where the writ is returnable shall not be liable for any costs arising on the original process herein provided.

Duty of the Court respecting a Trustee.

And be it further Enacted, that where the Plaintiff doth not support his action against the principal, and judgment shall be rendered that he take nothing by his writ, the Court shall award costs against him, as well in favor of the principal as in favor of such of the persons summoned as trustees severally, who have personally appeared in

Court to award for Principal, in case —

Court and submitted themselves to an examination upon oath as aforesaid, & several executions shall issue thereupon accordingly. And where all the supposed trustees, or any one, or more of them come into Court and are discharged upon examination on oath as aforesaid or when the suit shall be discontinued by the Plaintiff against them, or against any one or more of them, the plaintiff may notwithstanding proceed against the principal to trial, judgment and execution. *Provided nevertheless*, that costs shall not be awarded in favor of any trustee against whom the suit shall be discontinued as aforesaid, unless he come into Court the first term and declare that he had not in his hands or possession any goods effects or credits of the principal, at the time of the service of the original Writ, and thereupon submit himself to an examination upon oath, and such declaration be adjudged by the Court to be true.

— to award execution against Principal, in case.

And be it further Enacted, that when the plaintiff shall recover judgment against the principal, and there shall be one or more trustees summoned, who shall not have come into Court and discharged themselves upon oath of being trustees as supposed in the Writ, and against whom the suit shall not be discontinued; the Court shall award execution against the goods, effects & credits of the principal in the hands & possession of every such trustee as well as against the body, goods and estate of the Principal and the form of the execution may be as follows.

COMMONWEALTH OF *Massachusetts*.

[L. S.]

To the Sheriff of our County of _____ or his deputy

— ss
GREETING :

Form of the execution.

Whereas D S of R within our County of S (addition) by the consideration of our Justices of our Court of Common pleas holden at _____ within and for our County of _____ aforesaid on the _____ Tuesday of _____ recovered judgment against R F of _____ in the County of _____ (addition) aforesaid for the sum of _____ debt or damage (as the case may be) and _____ costs of suit; And whereas by the consideration of the same Court execution was likewise awarded for the same sums against the goods effects and credits of the said R. F in the hands and possession of A B of _____ (addition) and C D of _____ (addition) trustees of the said R F as to us appears of record, whereof execu-

tion remains to be done; We command you therefore, that of the goods, chattels or lands of the said R F in his own hands and possession, and of the goods effects and credits of the said R F in the hands and possession of the said A B and C D jointly and severally, you cause to be paid and satisfied unto the said D S at the value thereof in money the aforesaid sums, being in the whole, with more for this writ, and thereof also, to satisfy yourself for your own fees; and for want of goods, chattels or lands of the said R F in his own hands and possession, to be by him shewn unto you, or found in your Precinct to the acceptance of the said D S, and for want of goods, effects and credits of the said R F, in the hands and possession of the said trustees, to be by them discovered & exposed to you, to satisfy the several sums aforesaid with your own fees, We command you that you take the body of the said R F, and him commit unto our Goal in in our County of aforesaid, and detain in your custody within our said Goal, untill he pay the full sums afore mentioned with your fees, or that he be discharged by the said D S the Creditor, or otherwise by order of law. Hereof fail not, and make return of this Writ, & of your doings therein into our Court of Common pleas, next to be holden at within and for our County of on the Tuesday of next.

Witness W C Esqr. at the day of in the year of our Lord 17

J S Clerk.

And the form of the execution aforesaid shall be the form of a Writ of Execution upon a judgment recovered by virtue of this act, in the Supreme Judicial Court, *mutatis mutandis*;

And be it further Enacted that, when any execution, issued as aforesaid, shall be returned not fully satisfied, by reason of the Trustee not discovering and exposing sufficient goods effects and credits of the principal, or by reason of the officer's not finding sufficient goods and estate of the principal to the acceptance of the plaintiff to satisfy the same, the plaintiff may sue out against the Trustees named in such Writ of execution, or against any one or more of them jointly or severally, a writ or writs of *scire facias* in due form of law, requiring the defendant in such writs of *scire facias* named, to shew cause if any they have why judgment for the sums remaining unsatis-

fied should not be rendered against them; & if any one or more of the Defendants in such Writs of *scire facias* named the same being returned duly served, shall come into Court, and declare that he or they, had not at the time of the service of the original writ upon them, any goods effects or credits of the principal in their hands or possession, and thereupon submit to an examination upon oath, and if upon such examination the supposed Trustee or trustees shall appear not to be chargeable, the Court shall render judgment against him or them, if resident in the County where the original Process was returnable, as the case may be, for costs only, and if not resident in such County then the supposed trustee so discharged shall have costs; but if upon such examination it shall appear to the Court that the said trustees or any one or more of them defendants as aforesaid, had goods, effects or credits of the principal in his or their hands at the time of serving the original Writ as aforesaid, other than such as he or they have discovered and exposed to be taken to satisfy the Execution, on the first Judgment, then the Court shall enter up Judgment against him or them, to the amount of the sums returned unsatisfied upon the said Execution if there shall appear upon such examination to have been goods effects or credits to that amount in his or their hands, not discovered and exposed as aforesaid; but if not, then the Court shall enter up judgment against him or them to the amount of the said goods, effects or credits in his or their hands not discovered & exposed as aforesaid. *Provided nevertheless*, that where any trustee has come into Court upon the orig^l[i]nal process and been examined upon oath as aforesaid, and upon such examination it has appeared to the Court, that such trustee had goods, effects or credits of the principal in his hands at the time of serving the original writ, such trustee shall not be again examined upon the *scire facias*, but judgment shall be rendered upon his examination had as aforesaid.

Judgment to
be rendered
against Trustee,
in case.

And be it further Enacted, that if any trustee upon whom the writ of *scire facias* shall be served, shall not appear, but shall be defaulted, he having never been examined upon oath under the original process, he shall be deemed and taken to have had in his hands and possession, at the time of the service of the original writ, goods effects and credits of the principal to the amount of the Judgment rendered against him, and judgment shall be ren-

dered against the trustee accordingly. And where there shall be more than one defendant in any such Writ of *scire facias*, the Court may enter up joint or several judgments according to the circumstances of the case; and upon all Judgments rendered upon such writs of *scire facias*, executions shall issue in common form against the goods and estate, and for want thereof against the bodies of such person, or persons, against whom Judgments shall be so rendered.

And be it further Enacted that the goods, effects and credits of any person so taken as aforesaid, by process of law out of the hands of his trustee shall forever acquit and discharge such trustee from and against all suits, damages and demands whatever, to be commenced or claimed by his principal, his executors or administrators of and for the same: And if any trustee shall be troubled or sued on account of any thing by him done pursuant to this act, he may plead the general issue and give this Act in evidence; and any principal against whom judgment shall be rendered by force of this Act shall be intitled to a review, in like manner as is or may be by law provided in other cases of personal actions, at any time within three years after judgment rendered, if he was absent from the Commonwealth during the whole time in which the action was pending; but if otherwise, then his review shall be sued out within the time in which reviews in other cases are directed by law to be sued out.

Trustee discharged from principal —

and may plead the general issue.

And be it further enacted, that any person summoned as a trustee as aforesaid who shall upon such his examination had as aforesaid knowingly and wilfully answer falsely, shall upon conviction thereof in the Supreme Judicial Court be adjudged to be guilty of perjury and be liable and subject to all the pains penalties forfeitures and disabilities thereto by law incident, — and shall also out of his own proper estate be liable and subjected to pay to the plaintiff in the Action his Executors or Administrators the full amount of such Judgment as he they or any of them may have recovered against the principal in case the same be unsatisfied, otherwise such part thereof as may remain unsatisfied together with the legal Interest thereof and double costs of suit to be recovered in a special Action on the Case.

— liable in case of perjury.

And be it further enacted, that in every Case where it shall appear by the answer of the Trustee that he was at

Trustee permitted to deliver specific articles on an execution.

the time of the service of the summons on him holden or bound to deliver to the Principal at a then future day any specific article or articles whatsoever, other than Money, such Trustee shall be and hereby is authorised and permitted on demand made by the Officer having any Execution in his hands issued upon any Judgment recovered by virtue of this Act, to deliver to him such specific article or articles or so much and such part thereof as may be necessary to satisfy such Execution with the legal fees thereon; — the value of such article or articles as between the Principal and Trustee to be estimated and ascertained by the appraisal of three disinterested and discreet Men, one to be chosen by the Trustee one by the Officer and one by the Principal if he see cause, or if he neglect or refuse, then the Officer shall appoint two of the said Appraisers — who shall all be sworn before a Justice of the peace in and for the County where such Article or Articles are to be delivered, faithfully and impartially to appraise the same; — and the said Justice and appraisers shall make on such Execution a Certificate of their respective doings. — *Provided however* that in all Cases where by the terms of the Contract between the Principal and Trustee any mode is pointed out for ascertaining the value of such specific Articles, the Principal and Trustee or either of them may have their value thus ascertained and estimated; — and in either case the Officer shall proceed to sell such Articles, and conduct in the sale thereof as in other cases of sales of personal property on Execution as is already by law provided; the overplus monies, if any there should be, after satisfying the Execution and his fees, he shall pay over to the principal, if within the precinct of the Officer, otherwise to the Trustee. — And in all cases where a part only of such specific Articles shall be taken in Execution as aforesaid, the Trustee is hereby authorised to deliver the residue to the Principal, or make tender thereof within thirty days after such Execution shall have been satisfied, in the same manner as by law he might otherwise have delivered the whole. —

And be it further enacted, that whenever any person who shall be summoned as a Trustee as aforesaid, shall die before he may have been examined as aforesaid, his Executors or Administrators may appear, or if the plaintiff think proper, be compelled to appear and make answer to the suit in the same way and manner Executors and Ad-

Value to be estimated by appraisal.

Proviso.

Executors or Administrators of trustee to answer the suit, in case of his death.

ministrators are allowed or compellable to appear and answer to suits and Actions in other Cases. — and in Case of the death of any Trustee after such his examination and previous to the rendering of final Judgment against the principal, the Executors and Administrators of such deceased Trustee shall be liable and answerable to perform whatever such Trustee by his answer would have been liable to do and perform in case he had lived.

And be it further enacted that no person shall be considered or adjudged to be a Trustee within the intent and meaning of this Act by reason or on Account of his having made, given, endorsed, negotiated or accepted any negotiable security whatever.

And be it further enacted that the Act made in the year of our Lord one thousand seven hundred and fifty eight “to enable creditors to receive their just debts out of the effects of their absent or absconding debtors” shall after the first day of August next be and the same is hereby repealed, excepting so far as may be necessary to carry into final effect any processes which heretofore have been, or which may on or before the said first day of August, be brought in virtue of said Act. Act repealed.

And be it further enacted that nothing herein contained shall be construed to repeal any part of the Act entitled “An Act to prevent fraud and perjury” excepting that all Judgment Creditors who by the provisions of that Act are entitled to the process provided in the Act herein repealed, are and shall be hereby entitled to the process in this Act provided, under the same regulations and restrictions as are mentioned and expressed in the said Act entitled “An Act to prevent fraud and perjury.” Exceptions.

Approved Feb. 28, 1795.

1794. — Chapter 66.

[January Session, ch. 42.]

AN ACT TO CHANGE THE NAME OF JOHN MURDOCK OF ROXBURY IN THE COUNTY OF NORFOLK TO THE NAME OF ROBERT PIERPONT.

Whereas Hannah Pierpont of Roxbury aforesaid hath petitioned this Court for certain reasons set forth in her petition that the name of John Murdock of said Roxbury may be changed and Altered to the name of Robert Pierpont and the said John Murdock hath assented to and joined in said Prayer, Therefore

Be it [a][e]nacted 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 said John Murdock shall be and he hereby is Authorized and impowered to take Use and bear the Name of Robert Pierpont, instead of the said Name of John Murdock and to be called and known by that Name instead of his present Christian and surname. *Approved February 28, 1795.*

John Murdock's name changed.

1794. — Chapter 67.

[January Session, ch. 43.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR INCORPORATING JAMES SULLIVAN & OTHERS BY THE NAME & STYLE OF THE PROPRIETORS OF THE MIDDLESEX CANAL."

Be it enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, That the property of the said Proprietors in the said Canal, & in any other Canal connected therewith, which they shall effect, pursuant to any authority of the Government, & all real estate of which the said Corporation shall be seized shall be divided into eight hundred shares & that each share therein shall give the person holding the same one vote in the proceedings of the said corporation, provided that no one proprietor shall have a right to more than twenty five votes on any occasion; And that the shares in the same Canal, including the towing paths & wharves thereon, shall be so far considered as personal estate, that the same may be transferred according to such rules & regulations as the said Corporation shall establish; And that the proprietors shall be subjected to taxes therefor in the towns & parishes where they shall severally reside as for personal estate.

Property in the canal divided into shares.

Corporation empowered to receive and hold estate.

And be it further enacted, that the said Corporation shall have power to receive & hold real estate as appendant to the same Canal & for the purpose of facilitating the business of the same, to the value of thirty thousand pounds, over & above the value of the Canal itself simply considered; And that the Corporation shall be liable to pay taxes therefor in the Town & Parish where the same may be; And such taxes may be assessed on the corporation or on its tenants at the discretion of the Town where the tax shall be made.

Preamble.

And whereas the said Corporation hath petitioned the Legislature for an extension of their powers for the pur-

pose of making other Canals to be connected, & to communicate with the said Middlesex Canal: The object of which petition being to render the waters of Concord River boatable as far up as the same can be usefully improved for that purpose & to improve the banks of Medford river, so as to render the Canal more easy & useful, as well as to open a Canal round the shallows in the town of Dunstable on the banks of Merrimack river; And also to extend said Canal to the waters of Charles River or the town of Boston.

Be it therefore farther enacted that the said proprietors of the Middlesex Canal shall be empowered to render the waters of Concord river boatable as far as Sudbury Causeway & as much farther as the same can be usefully improved for that end; & to open any Canal at any place in the said County of Middlesex that may be necessary to connect the said Concord river with the said Middlesex Canal for that purpose, and also to extend said Canal from Medford to the waters of the town of Boston or Charles river in such way as to said proprietors may seem most advantageous & with all the privileges, & under the same restrictions & regulations as are granted & provided in said Act; And that the said proprietors shall be liable to have damages recovered against them by any individual who shall be injured or damnified in his property in such new Canal by the same mode of process, & in the same manner as is in the same act provided: And that for the use of any such new Canal or boatable waters the said proprietors may receive the same rate of toll which is by the same act established for the said Middlesex Canal.

Proprietors empowered to make Concord river boatable to Sudbury, etc.

Whereas it is provided in an Act entitled an Act for incorporating James Sullivan & others by the name & stile of the proprietors of the Middlesex Canal “That no part of the waters of Shawshine river shall be diverted from their natural course for the purpose aforesaid” It is hereby declared to be the true intent & meaning of the foregoing restrictive clause that the ponds & those streams which continue a visible current thro’ the year & usually empty into Shawshine River are to be considered as part of the waters of the said River.

Explanation of a clause in an Act.

Approved February 28, 1795.

1794. — Chapter 68.

[January Session, ch. 44.]

AN ACT PRESCRIBING THE DUTY OF CONSTABLES & COLLECTORS IN CERTAIN CASES, PREVIOUS TO THE ADVERTISEMENT OF NON-RESIDENT PROPRIETORS LANDS, FOR SALE FOR NON-PAYMENT OF TAXES; AND FOR PERPETUATING THE EVIDENCE OF POSTING NOTIFICATIONS, PREVIOUS TO SUCH SALE.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that where any non-resident proprietor of any lands in any town, district or plantation within this Commonwealth shall have authorized in writing any person residing and dwelling in any such town, district or plantation, as his Attorney to pay the taxes imposed upon such lands, and such written authority shall have been lodged with, or recorded by the Clerk of such town, district, or plantation which such Clerk is hereby required to do, upon application of such Attorney & payment of one shilling for filing or recording the same, no constable or collector of taxes in any such town, district or plantation shall proceed to advertize the sale of any lands of any such non resident proprietors for non payment of any taxes committed to them to collect without first notifying and demanding payment of such tax of such attorney either personally, or by written notice and demand left at his dwelling house; nor till after the expiration of two months from and after such notice. And in case such collector shall have occasion after said two months to advertize such lands for sale, upon neglect of payment of the taxes, his affidavit made before a Justice of the peace and recorded by the Clerk of such town, district, or plantation (who is hereby required upon request of such constable or collector to record the same) before any sale be made that such personal or written notice was given, and expressing the time of giving the same shall be admitted as legal evidence thereof.

Be it further Enacted by the authority aforesaid that the affidavit of any disinterested person taken before a Justice of the Peace of the posting notifications required by law for the sale of any land, which shall be sold by any Sheriff constable or collector in the execution of his office may be used in evidence of the fact of notice, upon any trial of the validity of such sale, *provided*, that such

Duty of Constables and Collectors.

Affidavit of posting notifications, to be used in evidence.

affidavit, made on one of the original advertisements, or on a copy of one of them shall be filed and recorded in the registry of deeds of the County or district where the land lies within six months. This Act to be in force from and after the first day of July next — And the Secretary shall cause this Act to be published in the several newspapers in the Commonwealth as soon as may be.

Approved February 28, 1795.

1794. — Chapter 69.

[January Session, ch. 45.]

AN ACT TO SET OFF FROM THE TOWN OF DARTMOUTH, AND ANNEX TO THE TOWN OF WESTPORT, CERTAIN INHABITANTS, WITH THEIR RESPECTIVE FAMILIES AND ESTATES LYING WITHIN THE BOUNDARY LINE OF THE TOWN OF WESTPORT.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same that all those persons with their respective families and estates lying within the boundary line of the town of Westport in the County of Bristol, that have been annexed to the town of Dartmouth, excepting Daniel Gifford, Timothy Gifford, William Willcox and Isaac Lawrence and their respective families and estates, be, and hereby are set off from the town of Dartmouth and annexed to the town of Westport, with all the priviledges and immunities, and subjected to all the duties that the other inhabitants of said town of Westport are by law liable to.

Persons annexed to Westport.

Provided, that the inhabitants thus annexed to the town of Westport shall be holden to pay all taxes assessed against them in the said town of Dartmouth, prior to the passing this act in the same way & manner they were before holden to pay the same.

Proviso.

And for the purpose of establishing an equitable rule, of apportioning public taxes upon said towns,

Be it further Enacted by the authority aforesaid that four shillings & one penny of the sum set to the town of Dartmouth in the late Valuation, be taken therefrom & placed to the town of Westport, untill a new Valuation shall be taken.

Sum in valuation placed to Westport.

Approved February 28, 1795.

1794. — Chapter 70.

[January Session, ch. 46.]

AN ACT SETTING OFF PART OF THE TOWN OF NORTHFIELD, & ANNEXING IT TO THE TOWN OF GILL IN THE COUNTY OF HAMPSHIRE.

Boundaries of part of Northfield annexed to Gill.

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 contained within the following Bounds, *viz.* Beginning at the Northeast corner of the Town of Gill, and running North three degrees West, sixty four Rods; thence North, ten degrees West, thirty-eight Rods; thence North, eleven degrees East, thirty-two Rods to the mouth of Bennett's Brook; thence West, thirteen degrees North, thirty Rods; thence West, nine degrees South, twelve rods; thence North, fifteen degrees West, forty Rods; thence North, twenty-two degrees West, sixty three Rods; thence North twenty-six degrees West, fifty-seven Rods; thence West, forty-four degrees North, thirty seven Rods; thence West, ten degrees & [an] half South, forty-three Rods; thence South, fourteen degrees West, thirty-six Rods; thence South, twenty four degrees West, sixty-one Rods; thence West, twenty seven degrees North, fifty Rods; thence North, two degrees East, one hundred and thirty two Rods; thence West, ten degrees and thirty minutes South, one hundred and two Rods, to the line between Northfield and Barnardston; thence South, eleven degrees East, three hundred and thirty three Rods on said line to the line of the said Town of Gill; thence East, five degrees North, two hundred and seventy eight Rods, to the Bounds first mentioned, with all the Inhabitants thereon, shall be and hereby are set off from the Town of Northfield and annexed to the Town of Gill in the County of Hampshire.

Proviso.

Provided always, that the lands above described and Inhabitants thereon, shall pay to the Town of Northfield their proportion of all Taxes which may hereafter be laid by the Commonwealth, until a new Valuation shall take place; and shall be holden to pay all Taxes, which before the passing of this Act have been legally assessed on them by the Town of Northfield, in the same manner as though this Act had not been passed.

Town of Gill holden to support paupers.

And be it further Enacted, that the said Town of Gill shall be holden to maintain all Persons belonging within the Bounds of the above described Land, who now are, or

shall hereafter become chargeable for support as Paupers ; and *Provided* any Person or Persons who have removed from said described Land, shall hereafter be returned as the Poor of said Town of Northfield, then, and in such case, the said Town of Gill shall be holden to take and support as their Poor, all those who immediately before such removal were the Inhabitants of that part of Northfield which is now Gill. *Approved February 28, 1795.*

1794. — Chapter 71.

[January Session, ch. 47.]

AN ACT TO INCORPORATE SAMUEL CARY, ESQ. & OTHERS, FOR CERTAIN PURPOSES.

Whereas Samuel Cary Esqr. Joshua Cheever, Edward Pratt, Samuel Pratt, Samuel H. Pratt, Caleb Pratt & Josep[h] Cheever, Proprietors of a Marsh, lying in Chelsea in the County of Suffolk, have requested the General Court to authorize them to make & maintain a Dam for the purpose of preventing the Sea from flowing on said Marsh; and it appearing that great improvements might thereby be made in said Marsh, to the benefit of the proprietors as well as the Public:

Preamble.

Be it Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, That the said Samuel Cary and others aforesaid, Proprietors of the Marsh aforesaid, their Heirs & Assigns, be, and they hereby are, authorized & empowered to make a Dam, sufficient to keep out the sea from the said Marsh, across from the land of the said Cary, to the Land of Joshua Cheever aforesaid.

Proprietors authorized to make a dam—

And be it further Enacted by the Authority aforesaid, that the said Samuel Cary & others, Proprietors aforesaid, their Heirs & Assigns, be and hereby are allowed & empowered, to raise by Assessment or Tax, to be made & levied equally on all the lands composing the said Marsh, within the said Dam, to be made as aforesaid, such Sum or Sums for defraying the Charges of making & maintaining the said Dam, as shall be agreed upon by the said Proprietors, their Heirs & Assigns, or the major Part of such of them as shall be assembled at any legal Meeting to be called for that Purpose; the Meeting of the said Proprietors to be called & conducted in the same manner as those of the Proprietors of common Lands, prescribed by an Act passed the Tenth day of March in the Year of

—empowered to raise money—

Our Lord, one thousand, seven hundred & eighty-four, relating to Lands, Wharves & other real Estates undivided & lying in common. And the said Proprietors are hereby authorized & empowered to choose all such Officers as may be necessary, for managing the Business aforesaid, in the same manner as Proprietors of Common Lands are by Law empowered to choose Officers at their legal Meetings.

— to choose
Officers.

Forfeitures, in
case.

And be it further Enacted by the Authority aforesaid, that if any Owner of any part of the said Marsh, shall neglect or refuse to pay the sum or Sums of money duly assessed on such part, for the space of six months after such Monies shall have been granted, and his Assessment shall have been made, & published by advertising the same in any two of the Boston Newspapers, four Weeks successively, then the said Proprietors for the purpose of paying such Assessment, are hereby fully empowered from time to time at public Vendue, to sell & convey so much of such Delinquent Proprietors Part of said Marsh as will be sufficient to pay & satisfy the sum or sums assessed upon his part as aforesaid, and all reasonable Charges attending such sale to any Person that will pay most for the same: Notice of such sale & of the Time & Place, being given by posting an Advertisement thereof in the Town of Chelsea and by publishing the same in at least two of the Newspapers aforesaid, five Weeks successively, before the time of sale: And the said Proprietors may by their Clerk or a Committee to be chosen for that purpose, execute a good Deed or Deeds of Conveyance, of the Part of said Marsh so sold, unto the purchaser thereof, to hold in Fee-Simple.

Proviso.

Provided nevertheless, that the Proprietor, or Proprietors whose part 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 Part or Share sold for, & charges, together with the further sum of Twelve Pounds, for each hundred Pounds produced by such sale, & so *pro rata* for any greater or less Sum.

Proprietors
empowered to
manage all
matters relative
to the Dam.

And be it further Enacted by the authority aforesaid, That the said Proprietors are hereby empowered to order & manage all Affairs relative to the making & maintaining of the Dam aforesaid in such Way & manner as shall be concluded & agreed on by the Major part of those who are therein interested, present at any legal Meeting; the Votes to be collected & accounted according to the Interests.

Approved February 28, 1795.

RESOLVES
OF
MASSACHUSETTS.

1794.

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, 1794.

BOSTON (MASSACHUSETTS:)

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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, 1794.

His Excellency, SAMUEL ADAMS, Esq.
Governor.

His Honor, MOSES GILL, Esq.
Lientenant-Governor.

COUNCELLORS.

Honourable Azor Orne,
Oliver Wendell,
Thomas Durfee,
Eleazer Brooks,
William Shepard,
Esqrs.

Honourable Samuel Baker,
Stephen Metcalf,
James Warren,
Samuel Thompson,
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Lee, Ebenezer Jenkins, Esq.
Cheshire, Jonathan Remington, Esq.
Richmond, Nathaniel Bishop, Esq.

County of WORCESTER.

Worcester, Samuel Flagg, Esq.
Lancaster, Hon. John Sprague, Esq.
Mendon, Benjamin Read, Esq.
Brookfield, Thomas Hale, jun. Esq.
Oxford, Mr. James Butler,
Charlton, Caleb Ammidown, Esq.
Leicester, Thomas Denny, Esq.
Hubbardston, Maj. William Mearan,
New Braintree, Maj. Artemas Howe,
Spencer, Benjamin Drury, Esq.
Westborough, Col. Nathan Fisher,
Northborough, Mr. Isaac Davis,
Shrewsbury, Major Jonah Howe,
Lunenburg, Mr. Jacob Welsh,
Uxbridge, Capt. Bezaleel Taft,
Harvard, Benjamin Kimball, Esq.
Bolton & Berlin, } Hon. Samuel Baker, Esq.
Sturbridge, Mr. Josiah Walker,
Hardwick, Martin Kinsley, Esq.
Douglass, Aaron Marsh, Esq.
Grafton, Joseph Wood, Esq.
Royalston, Mr. Isaac Gregory,
Templeton, Silas Cutler, Esq.
Princeton, Hon. Moses Gill, Esq.
Winchendon, Mr. Samuel Prentice,
Upton, Col. Ezra Wood,
Dudley, John Chamberlain, Esq.
Barre, Capt. John Black,
Milford, Col. Samuel Jones,
Sterling, Mr. Josiah Kendall,
Boylston, Mr. Jonas Temple,

REPRESENTATIVES — *Concluded.**County of CUMBERLAND.**Falmouth*, Joseph Noyes, Esq.*Portland*, Daniel Davis, Esq.

Mr. Daniel Ilsey

North Yarmouth, Mr. William
Martin,

John Lewis, Esq.

Scarborough, Wm. Thomson, Esq.*Brunswick*, William Stanwood,
Esq.*County of LINCOLN.**Pownalborough*, Mr. Timothy
Parsons,*Waldoborough*, Waterman
Thomas, Esq.*Winthrop &* } Dr. John Hubbard,*Readfield* }*Georgetown*, Mr. Jordan Parker,*Woolwich*, Nathaniel Thwing, Esq.*Boothbay*, William McCobb, Esq.*Winslow*, Josiah Hayden, Esq.*Bath*, Francis Winter, Esq.*County of HANCOCK.**Penobscot*, Isaac Parker, Esq.*Frankfort*, Francis L. Goodwin,
Esq.*County of WASHINGTON.**Machias*, Phineas Bruce, Esq.*County of NORFOLK.**Roxbury*, Ebenr. Seaver, Esq.*Dorchester*, Rev. Moses Everett,*Milton*, Hon. Edward H. Robbins,
Esq.*Weymouth*, Nathaniel Bayley,
Esq.*Dedham*, Mr. Nathaniel Kings-
bury,

Mr. Isaac Bullard,

Brookline, William Aspinwall,
Esq.*Stoughton*, Col. Frederick Pope,*Medfield &* } Capt. John Baxter,*Dover* }*Sharon*, Mr. Joseph Hewins,*Walpole*, Capt. Oliver Clap,*Franklin*, Mr. Hezekiah Fisher,
Bellingham, Capt. Joseph Hol-
brook,*Quincy*, Peter Boylston Adams,
Esq.*Randolph*, Samuel Bass, Esq.

Chapter 1.

RESOLVE ADJOURNING COURTS IN COUNTY OF WORCESTER.

Resolved, That the Courts of Common-pleas and General Sessions of the peace, to be holden at Worcester within and for the County of Worcester on the second Tuesday of June instant, be and they hereby are adjourned unto the first Tuesday of July next then to be holden at Worcester aforesaid within and for the county aforesaid. And all writs, precepts processes [es] and every other matter or thing returnable to the said Courts to be holden on the said second Tuesday of June, shall be returnable to the aforesaid courts on the said first Tuesday of July, and may have day in the same Courts and be prosecuted or determined as they might have been had the said courts been holden on the said second Tuesday of June. And all suits, Actions, processes, matters & things now pending in the said Courts may be carried on prose-

cuted or determind in the said courts to be holden on the said first Tuesday of July in manner as aforesaid.

June 3, 1794.

Chapter 2.

RESOLVE ON THE PETITION OF EBENEZER JENKINS, DIRECTING THE SHERIFF FOR THE COUNTY OF BERKSHIRE TO SUSPEND THE COLLECTION OF THE MONEY DUE ON THE SAID EXECUTIONS.

On the Petition of Ebenezer Jenkins esqr. in behalf of the inhabatants of the Town of Lee: in the County of Berkshire praying: that two Executions issued by the Treasurer of this Comonwealth against Peter Willcox: a Constable of the said Town of Lee: for a Balance due to the Commonwealth on the Tax issued in October one thousand seven Hundred & eighty one: & on the new Emission Tax so Called —

Resolved that the prayer of the Petition be so far granted, that the Sheriff of the County of Berkshire, be and hereby is directed to suspend the Collection of the money due on the aforesaid executions for the Term of six months any law to the contrary notwithstanding. *June 4, 1794.*

Chapter 3.

RESOLVE DIRECTING THE TRANSFER OF THE DEBT DUE FROM THE UNITED STATES.

Resolved that the Treasurer of this Commonwealth be and he hereby is authorised and directed to apply to the Treasury of the United States for certificates of the debt due to this State, as reported by the Commissioners for Settlement of Accounts between the United States and individual States; and of any Interest that is or may be allowed on the same debt -- And the said Treasurer is hereby Authorised and directed to cause the said debt and Interest to be transferred from the books of the Treasury of the United States to the books of the Commissioner of loans in this State — And the said Treasurer is further authorised to substitute some suitable person to sign the necessary receipts and transact the business aforesaid where he cannot personally attend the same.

June 4, 1794.

Chapter 4.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF LIMERICK, ABATING THE SUM OF £.37 0 10, AND DIRECTING THE TREASURER IN THIS CASE.

On the petition of the Inhabitants of the Town of Limerick in the County of York, Praying, that, a fine of thirty Seven pounds, & ten pence, required of Said Town for a Delinquency in not procuring a Soldier in the late war, agreeably to a Resolve of the General Court, past, March 1782.

Resolved, for reasons mentioned in the said petition, that the prayer thereof be granted, and that the aforesaid Sum of thirty Seven pounds, & ten pence, be, and hereby is abated, and that, the Treasurer of the Commonwealth, is hereby directed to Govern himself accordingly.

June 4, 1794.

ANSWER OF THE HOUSE TO THE GOVERNOR'S SPEECH, AT THE OPENING OF THE SESSION.

The Speech of his Excellency was committed to a joint Committee, consisting of Mess'rs. Dane and Bradbury, of the Senate — and Mess'rs. Jarvis, Titcomb, Tudor, Morton and Mattoon, of the House: The Committee on the part of the House reported the following

ANSWER :

May it please your Excellency,

While the House of Representatives have reason to felicitate their constituents on the continuance of the invaluable blessings of being governed by men, elected among themselves, by their free and annual suffrages, they feel a peculiar satisfaction in finding this act of their sovereignty so generally exercised in the choice of their present Chief Magistrate. It is at once a proof of the love they bear their country, and of their attachment to those who have devoted themselves to her service: And the repeated suffrages of the people of Massachusetts, in bestowing their first places of honor and emolument on those, who early adopted and never deserted their cause, must convince the world, that ingratitude is not the characteristic of Democratic Republics; while they will serve as an encouragement to men of virtue, ability and integrity, to follow the bright example of the American patriots. Under the

influence of such examples, and in furtherance of our duty, We assure your Excellency that we will endeavour faithfully on our part to watch and guard the interests, liberties and sovereignty of the Commonwealth, that they suffer no diminution.

We consider the present war in Europe, as a war of principles, a combination of Kings and Nobles, temporal and spiritual, against the equal rights of men, civil and religious. However, the existence of Freedom in America, in such a critical contest, may be thought to depend on the ultimate success of the French arms, and however the private wishes of our citizens may have been felt or expressed for the triumph of liberty, yet such has been the conduct, both of the Government and people of the United States towards the combined powers, that the legitimate interests of all and each of them have been sacredly regarded, and equally protected. This ought to have secured to us the rights of neutrality. But we have seen, with a mixture of regret and indignation, these rights wantonly invaded on the part of Great-Britain: She has insulted our flag, she has interrupted our lawful commerce, she has captured and condemned the property of our Merchants, she has impressed our seamen into her service, and in fine, she has invaded our territory. To our complaints for these injuries, her ministers have answered with indifference, if not with contempt. It was a crisis like this, which the people of the United States contemplated, when they formed their union; that the liberties, interests, and honor of the whole may be preserved and vindicated against foreign insult and invasion by the federal arm. On the strength of this arm, under divine Providence, we must rely. On the wisdom of that government we must confide. And we hope and trust that their measures have been such, as shall procure to our citizens indemnity for the injuries they have received, and security for the future exercise of the rights of neutrality. For although the preservation of peace, on safe and honorable terms, is the first wish of our hearts, yet we cannot but highly approve of every energetic measure that has been, or may be adopted by the government of the United States in vindication of our violated rights, and for the immediate defence of our common count[ry]. That in case the measures pursuing under the wisdom of that government for the continuance of peace should fail of success, they hope,

and have a right to expect, we may be prepared for the last resort of nations. And we confidently trust, that should that unfortunate alternative happen, the people of Massachusetts will meet its calamities with that unanimity and fortitude which becomes Freemen; and when called, will be found ready, with their lives and fortunes, to support the rights, interests and honor of the confederated Republics.

To the several important subjects, referred to in your Excellency's communications, the House of Representatives will pay the earliest and most vigilant attention.

Read and accepted.

June 5, 1794.

Chapter 5.

RESOLVE ON THE PETITION OF ELIPHELET THORP, GRANTING HIM £.5 19 6.

On the Petition of Eliphelet Thorp, praying for compensation for a sum of money he paid Isaih Thomas for Advertizing Deserters.

Resolved that there be allowed and paid out of the Treasury of this commonwealth unto Eliphelet Thorp the sum of five pounds nineteen Shillings & Six pence it being for five pounds four Shilling & four pence paid to said Thomas and fifteen shillings & two pence cost of suit commenced by said Thomas against said Thorp.

June 5, 1794.

Chapter 6.

RESOLVE FOR CHOOSING AN ADDITIONAL NOTARY PUBLIC FOR THE COUNTY OF BRISTOL.

Resolved that there be chosen in future, an additional Notary Public, for the County of Bristol, to reside in the Town of Dartmouth.

June 5, 1794.

Chapter 7.

REPORT ON AN ACT OF CONGRESS OF THE 9TH OF MAY, 1794, AND A LETTER FROM THE SECRETARY OF WAR, DIRECTING A DETACHMENT FROM THE MILITIA OF THE UNITED STATES, REQUESTING HIS EXCELLENCY TO CARRY THE SAME INTO EXECUTION.

The Committee of both Houses to whom were referred the Act of Congress passed May the Ninth 1794 directing

a detachment from the militia of the United States, and a letter from the Secretary at War on the same subject, having attended to the service assigned them, are of opinion, that by the laws now in force the Supreme Executive of this Commonwealth is authorised to cause to be made in this State the detachment of militia required by the Act of Congress and letter aforesaid — And as no legislative act on the part of this State appears to be necessary to effect the object of the said detachment — the Committee recommend that the Act of Congress and letter aforesaid be referred back to His Excellency the Governor in order that the measures therein proposed, as far as they relate to this Commonwealth, may be carried into immediate effect, in such way and manner as he shall think fit and proper — with assurances to him that whenever the legislative aid of the State shall be found necessary more completely to arm, equip, or arrange the militia; or to remedy any defects found in the laws in making detachments therefrom, the General Court will, at all times, afford that aid; and make it a particular object of attention in the present state of public affairs.

THOS. DAWES,
per Order.

Read & accepted & ordered accordingly.

June 5, 1794.

Chapter 8.

RESOLVE DIRECTING THE TREASURER TO CREDIT MR. SIMEON MASON, FOR THE SUM OF £.22 2 0.

Whereas it appears by a Statement made by the treasurer of this Commonwealth, that Simeon Mason, a Collector for the Town of Swanzey for the year 1770 paid into the treasury in the year 1772, by the hand of Phillip Miller the Sum of twenty-two Pounds two Shillings in part of his Collection, and by Some Accident Said Mason hath not been Credited for the above Said Sum :

Therefore *Resolved*, that, the treasurer of this Commonwealth, be, and he is hereby directed, to Credit the Said Simeon Mason, for the Sum of twenty two Pounds, two Shillings, paid into the treasury as aforesaid.

June 5, 1794.

Chapter 9.

RESOLVE ON THE PETITION OF THE SELECTMEN OF BILLERICA, IMPOWERING THEM, ACCORDING TO LAW, TO CHOOSE CONSTABLES.

On the Petition of the Select-men of the Town of Billerica praying that the said Town may be impower'd to choose a constable or constables &c.

Resolved, That the said Town of Billerica be and they hereby are impowerd in Town meeting called in due form of Law to choose a Constable or Constables in the manner they ought to have been choosen in the Month of March or April last to serve ye remainder of ye present year and the Constable or Constables so Choosen shall be proceeded with and shall proceed agreably to the laws respecting Constables choosen in the aforesaid months. And the doings of the Constables of the said Town for the year last past, since the Adjournment of their last March meeting shall have the same force and effect in law as they would have had, if the same Constables had been legally choosen in the said March or April meeting & there upon duly Sworn.

June 6, 1794.

Chapter 9A.*

ORDER RELATIVE TO CEDING CASTLE ISLAND TO THE UNITED STATES, AND RESPECTING ALTERATIONS AND REPAIRS UPON THE FORTIFICATIONS ON THE ISLAND.

Upon the question whether Castle Island in the harbor of Boston being the property of the Commonwealth be ceded to the United States it was determined in the negative, and thereupon

Ordered that Thompson J. Skinner and Thomas Dawes esqrs. with such as the honorable House may join, be a Committee to enquire and report what alterations and repairs may be necessary upon the fortifications on Castle Island, and an estimate of the expence thereof.

June 6, 1794.

Chapter 10.

RESOLVE ON THE PETITION OF ISAAC SNOW, DIRECTING JOHN DEMING, ESQ., TO CERTIFY IN FAVOUR OF JOHN PAIN, A LATE SOLDIER IN COL. CRANE'S REGIMENT.

On the Petition of Isaac Snow administrator on the Estate of John Pain Mariner.

* Not printed in previous editions. Taken from court record.

Resolved that John Deming Esqr. Certify to the Governor and Council the Pay or arrears of Pay due to the said John Pain Late a Soldier in Colo. Crane's Regiment — and the Treasurer on Receiving a Warrant therefor is directed to Issue his Note or Notes to the said Isaac Snow administrator as aforesaid in the same way and manner as has been Practiced in Paying other Soldiers for Simelar Services.

June 6, 1794.

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT THE
OPENING OF THE SESSION.

IN SENATE, *June 7th, 1794.*

Ordered, That Benjamin Austin, jun. Samuel Fowler, and Theophilus Bradbury, Esquires, be a Committee to wait on his Excellency the Governor, with the following Answer to his Excellency's Speech, at the opening of the Session.

SAMUEL PHILLIPS, *President.*

May it Please your Excellency,

The Senate participate with you the satisfaction you express in the continuance to the citizens of this Commonwealth, of that important portion of their sovereignty, the right of choosing such persons as they judge best qualified to administer their public affairs. In the free exercise of this right, they have elected you to be Governor of this Commonwealth, and thereby given to you and the world, new proof of their approbation of your past conduct, and of their confidence in your continued exertions for their happiness. On this event we beg your Excellency to accept our congratulations.

We join with you in sentiment, that the present period is critical. It is a period in the affairs of our country in which we cannot but consider the most disinterested union and exertions of all her friends peculiarly important.

While the government of the union have justly considered the United States as a neutral power, and while from the strict observance of such neutrality, towards the belligerent powers, we were entitled to all the rights of a neutral nation, it is painful to observe, that our commerce has been repeatedly interrupted, our property to a large amount seized and condemned, our Flag insulted, and our seamen abused by some of the combined powers, especially the British nation, in open violation of the laws of nations, and without any just provocation whatever.

Had the United States retaliated such conduct by immediate reprisals, such retaliation would have been justifiable by the laws and usages of nations; and the measures they have steadily pursued to preserve peace, and to prevent the further extension of the calamities of war, will convince the impartial part of mankind, that peace and good neighbourhood, on honourable terms, are the sincere and constant wish of America.

But if the measures adopted to continue the blessings of peace shall not prove successful, and the United States must have recourse to arms to obtain satisfaction for the injuries done them, we have the fullest confidence, that the people of this State will heartily unite with their brethren of the other States, in a cause so just and important. In the mean time we conceive it will be prudent and highly expedient to make all necessary preparation for such an event.

The communications your Excellency has made to us shall be attended to, and we shall endeavour seasonably to lay before you all such matters as by the Constitution must receive your approbation, and to render your administration easy to yourself, and beneficial to the Commonwealth.

June 7, 1794.

Chapter 11.

RESOLVE ON THE PETITION OF JACOB BACON, GRANTING HIM
£.24 15.

On the petition of Jacob Bacon who was Surgeon of the Armed Ship Sky Rocket in the Service of this State in the Penobscot Expedition and in consideration of his services and Sufferings on that occasion for which he has had no compensation.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth to the said Jacob Bacon the sum of Twenty four pounds fifteen shillings in full of the said Jacob's Wages & Losses in the service aforesaid.

June 7, 1794.

Chapter 11A.*

ORDER ON THE PETITION OF JONATHAN HOLMES AND OTHERS.

On the Petition of Jonathan Holmes & others Praying for the Repeal of a law of this Commonwealth passed

* Not printed in previous editions.

on the Eighth Day of November A. D. 1785 for regulating the alewife fishery in a River in the town of Kingston in the County of plimouth Called Jones River.

Ordered that the said Jonathan Holmes notify the inhabitants of the sd. town of Kingston to appear on the second wednesday of the next sitting [*of*] the general Court of this Commonwiltb by serving the town Clerk of sd. town of Kingstown with an attested Cobby of his Petition and this order thereon thirty Days at least before the time above prefixed to shew Cause if any they have why the Prayer thereof should [*not*] be granted. *June 7, 1794.*

Chapter 11b.*

ORDER ON THE PETITION OF HENRY HODGE AND OTHERS.

On the petition of Henry Hodge, Samuel Nichols and John McKown, Executors of the last will of Robert Hodge deceased, praying for power to convey a small peice of marsh and flats, which he in his lifetime bargained and contracted to convey to Joseph Carleton of Pownalborough, yeoman.

Ordered that the petitioners notify the said Joseph and the right heirs of the said deceased by serving them fourteen days at least before the next session of the General Court with a copy of the said petition and of this order, that they, or either of them may appear, if they see fit, on the second Wednesday of that session, to shew cause, if any they have, against the prayer of the said petition.

June 7, 1794.

Chapter 12.

RESOLVE ON THE PETITION OF JOHN C. WILLIAMS, ESQ. IN BEHALF OF DARIUS BUCKLIN, DIRECTING THE TREASURER TO ALLOW THE SAID DARIUS, £.10 0 2 IN SETTLEMENT WITH CALEB HYDE.

On the petition of Darius Bucklin setting forth that he paid to Caleb Hyde Esqr. whilst the said Hyde was Sheriff of the County of Berkshire, the sum of ten pounds & two pence on an execution in favour of the Common-wealth against him as a deficient collector of taxes which sum said Hyde neglected to endorse on said execution whereby said Bucklin is liable to pay the same again.

* Not printed in previous editions. Taken from court record.

Resolved that the Treasurer of this Commonwealth be and he hereby is authorized & directed to allow the said Darius the said sum of ten pounds & two pence in settlement with him in the same manner as though the payment thereof had been indorsed by said Hyde on said Execution.

June 9, 1794.

Chapter 13.

RESOLVE ON THE PETITION OF EPHRAIM MOWER.

On the Petition of Ephraim Mower praying to be Licensed to keep a Tavern, in the Town of Worcester, in the County of Worcester, 'till the next Licensing Term, in said County — for reasons set forth in said Petition.

Resolved, That any Two Justices of the peace within sd. County *Quorum Unus*, be & they are hereby authorized & empowered, to License the said Ephraim Mower, to keep an Open Tavern in said Town of Worcester, until the next Licensing Term in said County; *Provided*, that the sd. Ephraim, shall fully comply with the Laws in that behalf made & provided.

June 9, 1794.

Chapter 14.

RESOLVE ALLOWING COUNTY TREASURER'S ACCOUNT, FOR THE COUNTY OF DUKE'S COUNTY, AND GRANTING A TAX.

Whereas the Treasurer of the County of Dukes County, has laid his Accounts before the Genl. Court in manner by law prescribed which Accounts are hereby Allowed — And whereas the Clerk of the Court of the General Sessions of the peace for sd. County has laid before the sd. Court an estimate made by the Court of General Sessions of the Peace, of the necessary Charges which are likely to arise in sd. County the year Current amounting to One hundred Pounds :

Resolved that the sum of One hundred Pounds be & hereby is granted as a Tax for sd. County of Dukes County to be apportioned Assessed, Collected & Applied in manner provid[*ed*] by Law.

June 9, 1794.

Chapter 15.

RESOLVE ON THE PETITION OF CHARLES SHELDON.

On the Petition of Charles Sheldon the father & Guardian of Elizabeth Sheldon, Charles Sheldon & Francis

Sherman Sheldon, praying that he may be authorized to make & execute a Deed of certain lands mentioned in said Petition to George Hollister & Willm. Covil of Lanesborough in the County of Berkshire.

Resolved for the reasons set forth in the said Petition that the said Guardian be & he hereby is authorized to make & execute to the said Hollister & Covil a Deed in fee simple of the west second division lot in said Lanesborough drawn on Home Lot No. 55 there — containing about one hundred acres. *Provided* the said Guardian shall previously give Bond with sufficient sureties to the Judge of Probate for the County of Hampshire, conditioned that the proceeds of the sale of said land as specified in said Petition, shall be put on Interest on good security for the Benefit of his said Children.

June 9, 1794.

Chapter 16.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WALDOBOROUGH, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH THE SUM OF £.22 10, FOR NOT SENDING A REPRESENTATIVE.

On the Petition of the Selectmen of the Town of Waldoborough in behalf of said Town praying for the abatement of a Fine laid on Said Town for not sending a Representative to the General Court.

Resolved for Reasons set forth in said Petition that the Prayer thereof be granted and that the Treasurer of this Commonwealth be and he is hereby Directed to Credit the Town of Waldoborough the Sum of Twenty Two Pounds Ten Shillings which was the sum set on them as a fine for not sending a Representative to the General Court in the year 1793.

June 9, 1794.

Chapter 17.

RESOLVE ON THE PETITION OF JOHN CLARK, AND OTHERS, APPOINTING A COMMITTEE TO VIEW THE PREMISES, AND TO APPRAISE THE VALUE THEREOF, AND THE TREASURER DIRECTED IN THIS CASE.

On the Petition of John Clark & others Praying, that a Committee may be appointed to apprise a certain tract of land lying in the town of Hubbardstown, now in their Possession & which has been Confiscated to the Commonwealth, as belonging to the Estate of John Murray Esqr. a Conspirator.

Resolved that John Sprague & Daniel Bigelow Esqr. & Capt. John Black be a Committee to view the premises & to appraise the value thereof & to make such adjustment & settlement with them in behalf of this Commonwealth as to them shall appear Just & reasonable, & the Petitioners shall pay, or give satisfactory security for the payment for sd. Land to the Treasr. of the Commonwealth — & the Treasurer as aforesd. shall give a Certificate of such payment to the Petitioners & the Register of deeds for the County of Worcester upon Rect. of such Certificate shall discharge the Mortgage upon sd. Land given by Jona. & John Caroll to the sd. Murry and the Committee aforesd. are hereby Authorized & empowered to make & execute a good & sufficient deed of the sd. Land to the Petitioners upon their making the payments as aforesd.

June 9, 1794.

Chapter 18.

RESOLVE ON THE PETITION OF NICHOLAS RACE, IN BEHALF OF THE TOWN OF EGREMONT.

On the Petition of Nicholas Race in behalf of the Town of Egremont Setting forth that they are deficient in the No. 4 Tax, and praying that they may be relieved in the payment of said tax.

Resolved for reasons set forth in said Petition that the prayer thereof be so far granted, that the sd. Town of Egremont Shall pay into the Treasury of this Commonwealth the sum of thirty five pounds Seven Shilling in Specie, within nine months from the passing of this Resolve, which Shall be in full discharge of the sd. Tax, and the Treasurer is hear by directed to govern him Self Accordingly.

June 10, 1794.

Chapter 19.

RESOLVE ON THE PETITION OF JOHN CHANDLER WILLIAMS, IN BEHALF OF THE INHABITANTS OF THE TOWN OF PITTSFIELD, AUTHORIZING THE TREASURER TO DISCHARGE THE INHABITANTS FROM THE BALANCE OF THE TAX MENTIONED.

On the Petition of John Chandler Williams in behalf of the inhabitants of the town of Pittsfield praying for reasons set forth in the Petition that the ballance due on a tax committed to Joseph Wright to collect in the year 1780 payable in Continental Currency amounting to up-

wards of three thousand pounds in old continental bills may be settled in specie, according to the present value of the said bills.

Resolved, that the prayer of the petition be granted so far, that the treasurer be & he hereby is authorized & directed to discharge the said inhabitants from the balance of the said tax *provided* they shall pay in to the treasury by the first day of February next the ballance aforesaid at the rate of one in specie for one hundred in the said bills.

June 10, 1794.

Chapter 20.

RESOLVE EMPOWERING THE TREASURER TO APPLY TO THE TREASURY OF THE UNITED STATES, TO PROCURE THE BALANCE TO BE FUNDED AGREEABLY TO THE TERMS OF AN ACT OF THE UNITED STATES.

Whereas the Commissioners for settling accounts between the United States and the individual States have reported a balance of One million, two hundred and forty eight thousand, eight hundred and one dollars, due to this Commonwealth :

Resolved, that the Treasurer of the Commonwealth be and hereby is authorized and empowered in behalf of this state to apply to the Treasury of the United States to procure the said balance to be funded, agreeably to the terms of an Act of the United States, intituled “an Act to provide more effectually for the settlement of Accounts between the United States and individual States” — And the said Treasurer is directed to apply to have funded in like manner any interest that may be allowed on said balance to the last day of December of the present year, by an act of the United States, passed in the present Session of Congress.

And be it further resolved, That the Treasurer aforesaid be and hereby is authorized, to do the duty assigned to him by this resolution, either by himself or by some other person, substituted by him for that purpose.

June 11, 1794.

Chapter 20A.*

ORDER ON THE PETITION OF DAVID MOSELEY.

On the petition of David Moseley praying for leave to build a toll Bridge over Westfield river in the County of Hampshire.

* Not printed in previous editions. Taken from court record.

Ordered that the said petitioner notify all persons concerned to appear on the second Wednesday of the next sitting of the General Court, by publishing his petition and this order thereon, three weeks successively in the Newspapers printed at Springfield and Northampton, and shew cause if any they have, why the prayer of said petition should not be granted.

June 11, 1794.

Chapter 21.

RESOLVE ON THE PETITION OF THE PASTOR AND COMMITTEE OF THE FIRST PARISH IN THE TOWN OF BERWICK, AUTHORIZING JOHN THOMPSON, PASTOR, AND OTHERS, TO MAKE SALE OF THE LAND MENTIONED.

On the petition of the pastor & committee of the first parish in the town of Berwick praying that they may be authorised & empowered to make sale of about six acres of parsonage land in said parish.

Resolved, that John Thompson pastor and Dominicus Goodwin Ichabod Goodwin & John Lord committee of the first parish, in the town of Berwick, be, & they are hereby authorised and empowered to make sale of about six acres of land belonging to said parish and adjoining land of Simeon Brock with the appurtenances thereof in such way & manner and for such sum or sums of money as shall be most for the interest of the said parish and to make & execute a deed or deeds in due form of law of the same lands, which deed or deeds so executed acknowledged & recorded shall be sufficient in law to pass to the purchaser or purchasers their heirs & assigns forever all the right title & interest, which said parish & pastor have in & to said land *provided nevertheless* that the money received for the aforesaid land shall be put on Interest and remain for the use of the ministry of said parish.

And be it further Resolved that the Treasurer of said parish for the time being, be and he is hereby authorised to receive said money from time to time as occasion may require and to let the same out again on interest to be paid annually, taking Sufficient Security in the name of said parish for the use of the ministry thereof, in double the value of said money, the interest to be appropriated to the use of the ministry of said parish in the same manner as the improvement of said land originally was appropriated.

June 11, 1794.

Chapter 22.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF DEDHAM, DIRECTING THE TREASURER TO DISCHARGE SAID TOWN OF THE SUM OF £.15.

On the petition of the Selectmen of the Town of Dedham setting forth that said town has been called upon by the Treasurer of sd. Commonwealth: for the sum of fifteen pounds in specie as a deficiency in the payment of a tax committed to Ebenr. Shepard Collector of taxes for sd. town for the Year 1778.

Resolved for reasons set forth in said petition that the said town of Dedham be discharged from the said sum of fifteen pounds & the treasurer is hereby directed to govern himself accordingly. *June 11, 1794.*

Chapter 23.

RESOLVE ON THE PETITION OF SHUBALE PECK, ALLOWING HIM £.5 0 3, FOR HIS TIME AND EXPENCES ATTENDING THE COURT OF COMMON PLEAS, AT BOSTON, IN 1782, AND DIRECTING THE TREASURER IN THIS CASE.

On the Petition of Shubale Peck praying to be Discharged from the Payment of five Pounds & three Pence, that appears by the treasurers Books to be Due from him to this Commonwealth.

Resolved for Reasons set fourth in said Petition that the Preayr thereof be granted, and that the Sum of five Pounds and three Pence be allowed to the Said Shubale Peck, in full for his time and Expences attending the Court of Common Plese at Boston in the year 1782 and all other demands on the Comonwealth, and the Treasurer is Directed to govern him Self accordingly. *June 11, 1794.*

Chapter 24.

RESOLVE ON THE PETITION OF ELECTA ANDREWS, OF LENOX, AUTHORIZING MARY ANDREWS TO SELL THE TRACT OF LAND MENTIONED.

On the Petition of Electa Andrews of Lenox in the County of Berkshire, by her Guardian Mary Andrews, praying that her said Guardian may be authorized to sell a certain tract of land lying in Lenox aforesaid, to Jonathan Patten Esqr. of Stockbridge.

Resolved for the Reasons set forth in the said Petition

that the said Mary Andrews be & she hereby is authorized to sell to the said Jonathan the tract of land aforesaid, containing about seven acres and one half, being land set off to the said Electa as part of the Estate of William Andrews deceased. her father; and to make a Deed of the said land to the said Jonathan in fee simple — *Provided* the said Mary shall previously give bond with sufficient sureties to the Judge of Probate for the said County of Berkshire, conditioned that the proceeds of said sale shall be put on interest on good security for the Benefit of the said Electa — *and provided also* that the said Judge of Probate shall approve of the sum for which the said sale of the land aforesaid shall be made.

June 11, 1794.

Chapter 24A.*

ORDER TO THE ATTORNEY GENERAL TO REPORT CERTAIN FACTS TO THE GENERAL COURT.

Ordered that the Attorney General of this Commonwealth make report to the General Court, as soon as may be, and so far as he has information, a list or schedule of the debts which were due to certain persons commonly called conspirators on the thirtieth day of April 1779 and which by force of an act of that date entitled “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” escheated to and become the property of this Commonwealth expressing in the said list or schedule the names of the debtors the amount of the debts due from each, and the name of the conspirator to whom due; and when any measures have been adopted as to any of said debts expressing the tenor thereof; also stating the [the] nature of the evidence and the probability of recovering the same debts remaining due.

June 11, 1794.

Chapter 25.

RESOLVE ON THE PETITION OF HANNAH EASTMAN, AUTHORIZING HER TO SELL SO MUCH OF THE INTESTATE REAL ESTATE, LYING IN AMESBURY, AS WILL AMOUNT TO £.220.

On the petition of Hannah Eastman of Newtown in the County of Rockingham Widow Administratrix upon the

* Not printed in previous editions.

Estate of Isaac Easman late of said Newtown Yeoman deceased intestate shewing that, the personal estate of the intestate being insufficient to pay his debts by the sum of Two hundred & twenty pounds, she had obtained licence from the Judge of probate for said County of Rockingham to sell so much of the real Estate of the intestate as would amount to that sum; That the real Estate of said Intestate consists of a farm lying partly to wit thirty-five Acres thereof in sd. Newtown in said County of Rockingham and ye Remainder in about fifty six Acres lying in Amesbury in the County of Essex within this Common wealth which part lying in said Amesbury can be better spared & with less injury to the whole, the buildings & improvements being principally in said Newtown, and therefore praying that she may be authorised to sell of the said real Estate of the intestate lying in said Amesbury to the amount aforesd. and for the purpose aforesaid instead of selling that part thereof lying in said Newtown.

Resolved that the said Hannah Eastman in her said Capacity be and she hereby is authorised & impowerd to sell so much of said Intestate's real Estate lying in said Amesbury instead of that lying in said Newtown to the amount aforesaid for the purpose aforesd., the said Hannah first giving Bond with sufficient surety or sureties being inhabitants of this Commonwealth to the Judge of Probate in & for the County of Essex & to his acceptance that she will account with the Judge of Probate for said County of Rockingham for the proceeds of said sale & pay the monies thence arising agreeable to his order & decree, — she the said Hannah observing all the rules & directions in the laws of this Commonwealth prescribed respecting the sale of Estates of intestates by Executors & Administrators and she first returning to the Judge of probate for the County of Rockingham, the licence she has obtained from him as aforesd. and procuring the same to be annulled by him or giving him such security as He may require that she will make no use of the same.

June 11, 1794.

Chapter 25A.*

ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWNS OF CAMBRIDGE, WATERTOWN, WALTHAM AND NEWTON.

On the Petition of sundary Inhabitants of the Towns of Cambridge, Watertown, Waltham, and Newton, praying

* Not printed in previous editions.

that a draw may be erected in the Bridge over Charles River in said Cambridge.

Ordered, that the Petitioners notify the said Towns of Cambridge and Lexington, by leaving an attested Copy of their said Petition and this order thereon with the Town Clerk, or some one of the Selectmen of the said Towns, respectively, thirty days, at least, before the second Wednesday of the next session of the General Court, to shew cause, if any they have, on the said second Wednesday why the prayer of the said Petition should not be granted.

June 12, 1794.

Chapter 25B.*

ORDER ON THE PETITION OF JOSHUA EMERY.

On the petition of Joshua Emery of Berwick in the County of York, and others, praying to be incorporated as a religious Society.

Ordered that the petitioners notify both the Parishes in Berwick aforesaid to shew cause, if any can be shewn on the second Wednesday of the next setting of the General Court, why the prayer of said petition should not be granted by serving each of the Clerks of said Parishes with an attested copy of said petition, and of this order thereon, thirty days at least before the said second Wednesday of the next sitting of said Court.

June 12, 1794.

Chapter 26.

RESOLVE ON THE PETITION OF WILLIAM FROST, ADMINISTRATOR ON THE ESTATE OF THE LATE REV. NATHAN HOLT, CONFIRMING THE TITLE OF THE LAND MENTIONED.

On the Petition of William Frost Administrator of the Estate of the late revd. Nathan Holt, who was Minister of the South Parish of Danvers in the County of Essex, and with the consent of the revd. Samuel Mead present Minister there.

Resolved, that the Parcel of Land part of an half Acre of Land anciently granted by the Town of Salem to that Parish for the Use of the Ministry, and situate therein, *viz.* four poles on the front and the same width through to the North side of said half Acre, on the side next to the land now or lately John Upton's, voted granted and assigned by the said Parish at a legal meeting of the In-

* Not printed in previous editions. Taken from court record.

habitants held on the 5th day of February 1783, by adjournment from the 27th day of January in the same year, to the said Nathan Holt then Minister of the said Parish and to his heirs and assigns, and which grant since the said Holt's decease has been confirmed to his heirs, by a Deed made by Nathan Procter in the name of the Inhabitants of the same Parish and pursuant to their Vote and Order at a legal meeting held on the 10th day of June 1793, — shall be and the same is hereby confirmed and the Title which the said Holt had therein and which descended to his heirs is declared to be valid according to the Intent of the said Grant of the said Parish and as confirmed by them, any supposed law usage or custom to the contrary notwithstanding; *provided* that nothing herein, shall discharge the said Parcel of Land from the Debts of the said Holt at his decease. *June 13, 1794.*

Chapter 27.

RESOLVE ON THE PETITION OF THE SELECTMEN OF BRIDGETON, DIRECTING THE ASSESSORS TO ADD THE SUM OF £.100 TO THEIR PROPORTION OF THE STATE TAX WHICH MAY BE GRANTED THE PRESENT SESSION, AND TO ASSESS THE SAME.

On the Petition of the Selectmen of Bridgeton setting forth that by a Resolve of the General Court of the 28th of January last the Inhabitants of said town were required to pay into the Treasury the sum of one hundred pounds by the first day of January 1795, — and praying that a rule may be established, whereby the aforesaid sum may be legally assessed, and that the time of payment may be extended.

Resolved for reasons set forth in said Petition that the Assessors of Bridgeton are hereby directed to add the sum of one hundred pounds to their proportion of the State Tax which may be granted the present Session of the General Court, and assess the same on the Polls and Estates within the town of Bridgeton in the same proportion as the said Polls and Estates pay towards the sum set on said town by the Act aforesaid, to be certified to the Treasurer of the Commonwealth, levied, collected, and payment thereof enforced according to the rules of Law for certifying, levying collecting and enforcing State Taxes; and that the same sum of one hundred pounds be paid into the Treasury on or before the first day of June 1795, any thing in the Resolve aforesaid to the contrary notwithstanding. *June 13, 1794.*

Chapter 28.

RESOLVE ON THE PETITION OF NATHANIEL BISHOP, ESQ. —
GRANT TO HIM.

On the Petition of Nathaniel Bishop representing that in prosecution of the duty assigned him by a Resolve of the Legislature of the 26th of February last he has been obliged to expend the sum of Fifty pounds two shillings and ten pence in discharging an execution extended by Henry Van Schaack Esq. on the farm ceded to the Commonwealth by Caleb Hyde Esq. and in doing other duties relating to said farm over the sum of ninety pounds which he has received by virtue of said Resolve and praying payment of the said sum.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth, to the said Bishop the Sum of Fifty pounds two shillings and ten pence being the ballance of his Account. *June 14, 1794.*

Chapter 29.

RESOLVE ON THE REPRESENTATION OF JOHN HASTINGS, ESQ.
EMPOWERING HIM TO COMPLETE THE BUSINESS OF HIS FORMER APPOINTMENT.

On the representation of John Hastings Esqr. setting forth that he together with Ephm. Wright Esqr. were appointed a Committee to make Sale of a tract of Land belonging to this Commonwealth lying in the County of Hampshire & before they had fully compleated said bussiness the said Ephraim Wright Died.

Resolved that the said John Hastings Esqr. be & he hereby is impowerd & directed to proceed on & compleat the bussiness of his former appointment & to make & Execute any Deed or Deeds that may be necessary to finish said bussiness & the Money arising from the sale of the said Lands to pay into the Treasury of this Commonwealth. *June 14, 1794.*

Chapter 30.

RESOLVE ON THE PETITION OF SETH SPOONER, IN BEHALF OF
JOHN ROUSE, DIRECTING THE TREASURER TO ISSUE HIS
NOTE.

On the Petition of Seth Spooner in behalf of John Rouse, a Soldier in Colo. Marshalls Regiment in the late Continental Army setting forth that his Wages have been

drawn by a forged order and praying Compensation therefor.

Resolved that the prayer thereof be granted and the Treasurer is hereby directed to Issue his note or notes to the said John Rouse in the same way and manner as has been Practiced in paying Other Soldiers for Simelar Services his wages having been Drawn by a forged Order Notwithstanding.

June 14, 1794.

Chapter 31.

RESOLVE ON THE PETITION OF LEONARD STONE, OF TEMPLETON, AUTHORISING HIM TO SELL THE LAND MENTIONED.

On the Petition of Leonard Stone of Templeton in the County of Worcester Gardian to Martha Wyman of said Templetown insane praying that he may be Authorized to make Sale of fifteen Acres of Land lying in the Town of Sterling in said County, also Seven Acres of Land with one half of a Dwelling House Standing on the Same and ten Acres of Woodland in the Town of Lancaster in the Same County — for Reasons mentiond in said Petition.

Resolved that the prayer of said Petition be granted and that the said Leonard be and hereby is fully Authorized to sell the above mentioned Tracts of Land together with one half of said Dwelling House on the best Terms he can & to make and execute good and lawful Deed or Deeds of Said Tracts of Land and one half of Said Dwelling House to any Person or Persons who shall purchase the Same, and the said Leonard is directed to apply the Money arising by said Sale to the best purpose for the use and Support of the said Martha Wyman he observing in every respect the rules and regulations established by law for executors administrators and guardians who obtain licence from the Supreme Judicial Court, for the sale of real estate.

June 14, 1794.

Chapter 33.*

RESOLVE ON THE PETITION OF WILLIAM SHAW, AUTHORISING THE COURT OF COMMON PLEAS, IN AN ACTION COMMENCED AGAINST JOHN LANE AND THOMAS FRASER, TO CORRECT AN ERROR IN SAID ACTION.

On the petition of William Shaw praying that certain Errors may be corrected which have happened in an action

* No chapter 32.

originally commenced by him against John Lane & Thomas Fraser, but afterwards prosecuted to final Judgment in the Court of Common pleas in & for ye County of Suffolk against said John Lane only; and that the Record may conform to ye writ as originally purchased.

Resolved, That the Justices of the said Court of Common pleas, on ye application of ye said William therefor, & due notice thereof being given to said Lane & Fraser, or their agent or attorney, and on due proof that the original writ was purchased against said John Lane & Thomas Fraser & that their estate in common was duly attached on the same writ, be, and they hereby are fully authorised & empowered at the Court of Common pleas next to be holden in said County, (if they see fit & *provided* the said Frazer or his legal Representative shall consent to become a Party thereto) to restore the said writ to its original tenor and form, and in such way & manner as to them may seem most proper, to cause the files, Record, Judgment and execution on the writ so restored to comport and agree with the same.

June 16, 1794.

Chapter 33A.*

ORDER ON THE PETITION OF JOSEPH NORTH & OTHERS.

On the petition of Joseph North & others inhabitants of the County of Lincoln praying that said County may be divided into two separate districts for the purposes mentioned in said petition.

Ordered that the petitioners notify the Inhabitants of said County by publishing the substance of said petition with this order thereon three weeks in the Newspaper called the Eastern Herald printed at Portland by Thos. B. Wait and the Gazette of Maine the last publication to be thirty days previous to the second Wednesday of the next sitting of the Genl. Court, in order that the said inhabitants or any of them, may then appear & shew cause if any they have why the prayer of said petition shall not be granted, & the sd. County of Lincoln divided conformably to the following lines to wit — beginning at Androscoggin river at the Southwesterly corner of the town of Green from thence running easterly to the southeast corner of sd. town, thence Northerly to the Northwest

* Not printed in previous editions.

corner of Bowdoin thence easterly on the North line of Bowdoin & Bowdoinham to Kennebeck river, thence easterly across said river in the Southerly line of Pittston to the Southeast corner of Pittston, thence Northerly on the east line of said town of Pittston to the southeast corner of Hallowell & from thence on a strait line to the Southwesterly corner of the County of Hancock.

June 16, 1794.

Chapter 34.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF SPRINGFIELD, DISCHARGING THE TOWN OF THE SUM MENTIONED, UPON PAYING £.11 5 10.

On the petition of the Selectmen of the town of Springfield setting forth that a tax was assessed on the said town for the year 1773 and £37. 14. 9 $\frac{1}{4}$ part thereof was committed to Simeon Dewey then one of the constables of the said town to collect — that he collected the said sum and remained within the Government till the commencement of the late war; when he moved into another State, not having paid any part of the sum to the Treasurer; that the said Simeon has never returned, & has left no estate to answer said Sum, and is unable to pay it — that West Springfield, Long Meadow, and Ludlow, have been, since said tax was assessed, on the town aforesaid, set off from the then town of Springfield — to which towns, so set off, it belonged to pay £.26. 8. 11 part of said sum — and paying to be discharged of part of said sum.

Resolved that the said town of Springfield be discharged of the sum first above mentioned on paying into the Treasury of the Commonwealth the sum of eleven pounds five shillings and ten pence one farthing being their proportion of the first mentioned sum.

June 16, 1794.

Chapter 34A.*

ORDER RELATIVE TO THE BALANCE SAID TO BE DUE TO THE STATE OF NEW YORK.

Whereas the Governor of the State of New York represents that there is a Balance due to that State on account of Expenditures attending the adjustment and ascertaining the jurisdiction line between the said State and this Commonwealth :

* Not printed in previous editions.

Order'd that the Treasurer of this Commonwealth be and he hereby is ordered & directed to lay before this Court as soon as may be, a Statement of Facts relative to the monies advanced and the account rendered by the Commissioners who were appointed on the part of this Commonwealth that Justice may be done as to the Premises.

June 16, 1794.

Chapter 35.

RESOLVE ON THE PETITION OF WILLIAM STARKWEATHER, DIRECTING THE TREASURER TO CREDIT THE DISTRICT OF NEW ASHFORD, THE SUM OF £.64 7 1; AS ALSO A FURTHER SUM, IN FULL COMPENSATION OF LAND GRANTED TO SAID DISTRICT FOR PUBLIC USES.

On the Petition of William Starkweather.

Resolved that the Treasurer of this Commonwealth be and is hereby directed to Credit the district of New Ashford the sum of Sixty four pounds seven shillings and one penny being the said district's proportion of the New-Emission tax granted May one thousand seven hundred and eighty one, also to Credit the said district thirty four pounds eight shillings and seven pence which is in full of tax No. nine & ten, the said sums to be in full compensation for six hundred & eighty acres of Land granted to said District for public uses on the 26th June 1786, of the benefit of which grant the said district has been deprived.

June 17, 1794.

Chapter 36.

RESOLVE DISCHARGING JOHN DEMING, ESQ. AND DIRECTING THE SECRETARY AND TREASURER TO RECEIVE THE BOOKS IN HIS OFFICE.

Whereas it is made to appear to this Court that the unclaimed ballances due from this Commonwealth to the Officers & Soldiers of the late Army, are so regularly aranged that it is unnecessary for the Commonwealth to be at any further expence of Supporting an Officer for the purpose of certifying such Ballances to the Governour and Council to enable them to grant Warrants for the payment of such ballances :

Therefore *Resolved* that on or before the fifteenth day of July next John Deming Esqr. be & he hereby is directed to deliver over into the custody of the Secretary

all Army Books — and into the hands of the Treasurer of this Commonwealth all other Books and papers now in his Office; and from and after the said Fifteenth Day of July that the said John Deming be discharged from any further duty or attendance on the Bussiness which has been committed to him — And the Secretary is hereby directed to receive & keep under his particular & special charge all the Army Books in the Office of the said Deming — And whenever Application shall be made with proper Vouchers for any such ballances, the Secretary is hereby directed to lay the Account of such Ballance before the Governour & Council who are hereby authorized & impowered, whenever the Legislature shall direct, to make out Warrants on the Treasurer for the same in manner prescribed by Law — And the Treasurer of this Commonwealth is hereby Authorized and directed to take charge of all other Books and papers in the Office of the said Deming.

June 17, 1794.

Chapter 37.

RESOLVE AUTHORIZING THE TREASURER TO TAKE MEASURES FOR COLLECTING THE MONIES DUE TO THIS COMMONWEALTH, ON A NOTE SIGNED BY MICHAEL HILLEGAS, ESQ.

Resolved that the Treasurer of this Commonwealth be and he hereby is fully authorized & impowered to take such measures as he shall think best for collecting the monies due to this Commonwealth on a Note signed by Michael Hillegas Esqr. any thing contained in the Resolution of the 27th of February last past to the contrary notwithstanding.

June 17, 1794.

Chapter 38.

RESOLVE RELATIVE TO PAYMENT OF WHITNEY, COOLIDGE AND WHITNEY, FOR SUPPLIES FURNISHED GARRISON AND CONVICTS ON CASTLE ISLAND.

Resolved that his Excellency the Governor with advice of Council be and hereby is requested to draw his Warrant on the Treasury quarter yearly for the monies that may appear to them to be due to Messrs. Whitney Coolidge and Whitney for provisions & Cloathing that may be by them furnished for the Garrison & Convicts on Castle Island conformable to an Agreement made with them by the Treasurer of the Commonwealth on the 10th Day of April last past.

June 17, 1794.

Chapter 39.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT.

Resolved, that there be allowed and paid out of the Treasury of this Common-wealth, to each Member of the Council, Senate, and House of Representatives, nine shillings for each days attendance the present session, and a like sum for every ten miles travel, from their respective places of abode — to the place of the sitting of the General Court.

And be it further Resolved, that there be paid to the President of the Senate, and the Speaker of the House of Representatives, six shillings for each day's attendance over and above their pay as Members. *June 17, 1794.*

Chapter 40.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF SHERBURNE.

On the petition of the Select Men of the Town of Sherburn praying for a relinquishment of Sums due on Taxes N. 5 and N. 6.

Resolved, that the prayer of [of] the petition be so far granted, that the remaining sum due on the specie part of Tax N. 5, being Three Hundred & fifty four pounds One shilling & nine pence, be, and is hereby remitted; and that a further time of six Months be given to the Inhabitants of said Town, to collect & pay into the Treasury of the Commonwealth the sum of Four Hundred and Eighty two pounds twelve shillings & 2 d being the amount of N. 6 Tax, due from that Town — and the Treasurer is hereby directed to govern himself accordingly. *June 18, 1794.*

Chapter 41.*

RESOLVE ON THE PETITION OF ELISHA PORTER, ESQ. SHERIFF OF THE COUNTY OF HAMPSHIRE, DIRECTING THE TREASURER TO CREDIT HIM WITH A CERTAIN SUM, UPON HIS PAYING £.153 3 3, WITHIN TWELVE MONTHS.

On the petition of Elisha Porter esqr. Sheriff of the County of Hampshire setting forth that he has sustained great losses in the collection of the public executions that

* Taken from court record.

have been committed to him for taxes prior to tax No. six, by the failure of his deputies to whom he was necessitated to commit them.

Resolved for the reasons set forth in his said petition that the Treasurer of this Commonwealth be, and he hereby is directed to credit the said Elisha Porter in the Books of the Treasury, the sum of three hundred and six pounds six shillings and six pence three farthings, which is a balance due from the said Elisha to the Treasury of the Commonwealth, for the avails of executions for taxes, prior to tax number six committed to said Porter. *Provided* he the said Porter shall pay into the Treasury of this Commonwealth, the sum of one hundred and fifty three pounds, three shillings and three pence, within twelve months from the passing of this Resolve.

June 18, 1794.

Chapter 42.

RESOLVE ON THE PETITION OF GEORGE McINTIRE.

On the Petition of George McIntire.

Resolved for reasons Set forth in his Petition that there be allowed and paid out of the Treasury of this Commonwealth to the said George McIntire the sum of Four pounds Eleven shillings and nine pence Two Farthings in full for so much money by him twice paid, for Taxes Committed to him to Collect.

June 18, 1794.

Chapter 43.

RESOLVE RESPECTING THE UNORGANIZED MILITIA.

Whereas it is necessary that the Orders of the Supreme Executive of the United States for detaching a part of the Militia of this Commonwealth should be carried into immediate Effect — & whereas some parts of the Militia of this Commonwealth are at present unorganized :

Resolved, that the Selectmen of any Town where the Militia are unorganized, shall, when required by the Major Genl. of the Division to which such Town belongs, forthwith enroll every person resident in such Town liable to do military Duty & make return thereof to the Major Genl. & shall detach therefrom the full quota required of such Town & make return thereof forthwith to the Major Genl. & such Detachments shall be officerd

under the direction of the Major Genl. agreeably to the Constitution & Laws of this Commonwealth — And in Case the Selectmen of any Town shall neglect or refuse to comply with this Resolve the Town to which such Selectmen belong[s] shall forfeit & pay a fine of ten pounds for each & every person liable to be detached as aforesaid, to be recovered by any Person who shall prosecute for the same, one moiety thereof to the Prosecutor & the other Moiety thereof to the use of the Commonwealth.

June 19, 1794.

Chapter 43A.*

ORDERED ON THE PETITION OF THE SOUTH PRECINCT OF CAMBRIDGE.

On the petition of the south Precinct of Cambridge.

Ordered that the petitioners notify Thomas Gardner mentioned in said petition by leaving an attested copy of said petition and this order thereon with the said Gardner, at least ten days before the second Wednesday of the next sessions of the General Court; that said Gardner may then appear and shew cause, if any he has, why the prayer of said petition may not be granted.

June 19, 1794.

Chapter 44.

RESOLVE ON THE PETITION OF SAMUEL TENNEY, ATTORNEY TO THOMAS SILLEY.

On the petition of Samuel Tenney Attorney to Thomas Silley late a Soldier in Colo. Brooks's Regiment.

Resolved that John Deming Esqr. Certify to the Governor and Council the pay or arrears of Pay due to the said Thomas Silley late a Soldier in Colo. Brooks's Regiment; and the Treasurer on Receiving a Warrant therefor is directed to Issue his note or notes, to the said Thomas Silley in the same way and manner as has been Practiced in paying other Soldiers for Simelar services.

June 19, 1794.

* Not printed in previous editions. Taken from court record.

Chapter 45.

RESOLVE ON THE PETITION OF ROYAL SAYLES, GUARDIAN OF OLIVER ALDRICH, EMPOWERING HIM TO SELL THE FARM MENTIONED, WITH A PROVISIO.

On the Petition of Royal Sayles Guardian of Oliver Aldrich a person *non Compos mentis* praying to be Impowered to Sell a farm of Said Oliver's, Situate in the Town of Douglass.

Resolved, that the Said Royal Sayles be & he hereby is Impowered to Sell the Said farm mentioned in the Petition and to make and execute a good and Sufficient deed of the Same to the purchaser and the deed so made & Executed Shall Transfer & Convey the Same farm to the Purchaser aforesaid in the Same manner as a like deed made & Executed by the said Oliver, would have Conveyed the Same when of Sane mind & Sound understanding, *Provided allways* that the Sale be made with the free Consent of the wife of the Said Sayles which She is to Signify by her name being mentioned in the deed & by her Signing and Sealing the Same, and that Previous to making & Executing the before mentioned deed he give Sufficient Security to the Treasurer of the Town of Douglass to Indemnify the said Town from any expence respecting the Support or maintenance of the Said Oliver, and like Security to the Judge of Probate for the County of Worcester, to account for the proceeds of the Sale with Lawful Interest from the time of Sale.

June 19, 1794.

Chapter 46.

RESOLVE ON THE PETITION OF EZEKIEL GARDNER, DIRECTING THE COMMITTEE FOR METHODISING ACCOUNTS, TO CERTIFY THE BALANCE DUE TO HIM.

On the petition of Ezekiel Gardner, a Non-Commission officer in a Regement of Artillery, Commanded by Thomas Crafts Esqr. praying for the deprec[i]ation of his wages.

Resolved, that the Committee for methodizing publick Accts. be and they are hereby directed, to make up, and certify the balance due to the said Ezekiel Gardner for the depreciation of his wages to the time he was discharged; And the Governor, with advice of Council is requested to issue a warrant, for the Same, and the Treasurer is hereby directed, to issue a Note therefor, in the Same Manner as

was practiced to other Soldiers in Said Regiment, any Law or resolve to the Contrary, notwithstanding.

June 19, 1794.

Chapter 47.

RESOLVE ON THE PETITION OF DANIEL ILSLEY, EMPOWERING THE TREASURER TO SETTLE HIS ACCOUNT.

On the Petition of Daniel Ilsley, praying that a Committee might be appointed to examine & settle his Accts. with the Commth.

Resolved, that the Treasurer be & he hereby is empowered & directed to settle all Accts. between the Commonth. & the said Daniel Ilsley. *June 20, 1794.*

Chapter 48.

RESOLVE ON THE PETITION OF WOODBRIDGE LITTLE AND JOSHUA DANFORTH, IN BEHALF OF THE INHABITANTS OF THE TOWN OF PITTSFIELD, DIRECTING THE TREASURER TO RECEIVE A CERTAIN SUM.

On the Petition of Woodbridge Little & Joshua Danforth in behalf of the Inhabitants of the town of Pittsfield.

Resolved, for reasons set forth in said petition, that the prayer thereof, be so far granted, that the treasurer of this Commonwealth be, & he hereby is, authorized & directed, to receive of the said Inhabitants the sum of thirty nine pounds five shillings & two farthings lawful money, in full of the sum due upon the October Tax 1781 from Abijah Hinman a deficient collector for the said town of Pittsfield. *June 19, 1794.*

Chapter 49.

RESOLVE APPOINTING A COMMITTEE TO RECEIVE FROM ALEXANDER HODGDON, LATE TREASURER, ALL THE PUBLIC BOOKS AND PAPERS IN HIS POSSESSION, AND TO EXAMINE THE SAME AND TO REPORT.

Resolved, That Thomas Edwards Esquire and Mr. John Sanders jr. be & hereby are appointed a Committee to receive from Alexander Hodgdon late Treasurer of this Commonwealth all the public books & papers in his possession, to examine the same and state such ballance as shall appear therefrom, and to report the result of their examination on the first Thursday of the next session of

the General Court — and the said Committee are hereby authorized to employ a Clerk to assist them in the said Business at the charge of this Commonwealth.

June 19, 1794.

Chapter 50.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF MIDDLESEX AND GRANTING A TAX.

Whereas the Treasurer for the County of Middlesex has laid his Accounts befor[e] the General Court in manner prescribed by Law, which Accounts are hereby allowed — & whereas the Clerk of the Court of General Sessions of the Peace for the sd. County has laid before the General Court an estimate made by the Court of general Sessions of the Peace of the necessary charges likely to arise in sd. County the Current year amounting to the sum of five hundred pounds :

Resolved that the sum of five hundred pounds, be and hereby is granted as a Tax for the sd. County of Middlesex to be apportioned, Assessed, Collected & Applied in manner agreeably to Law.

June 19, 1794.

Chapter 51.

RESOLVE, DIRECTING THE TREASURER TO ISSUE HIS WARRANT AGAINST THE TOWN OF HOPKINTON, FOR THE ASSESSMENT OF £.39 1 3.

Whereas the Town of Hopkinton stands Charged on the old Books of Harinson Gray Esqr. former Treasurer of this Commonwealth the sum of one Hundred and two pounds eight shillings & eleven pence, and it appears that the sum of thirty nine pounds one shilling and three pence only is Due :

therefore *Resolved* that the Treasurer be Directed to Issue his warrant against the said Town of Hopkinton Directing the Assessors of said Town to asses the said Town the Sum of thirty nine pounds one shilling & three pence and pay the same into the Treasury of this Commonwealth with the next State Tax and that the said Town of Hopkinton be Discharged from the remainder of the Said Sum.

June 20, 1794.

Chapter 52.

RESOLVE ON THE PETITION OF WILLIAM BILLINGS, IN BEHALF OF MOSES HAYDEN, DIRECTING THE TREASURER TO RECEIVE £.140, IN SPECIE, WITH A PROVISIO.

On the Petition of Willm. Billings in behalf of Moses Hayden of Conway in the County of Hampshire.

Resolved for Reasons Set forth in Said Petition that the prayer thereof be so far granted that the Treasurer of the Commonwealth be and he is hereby directed to Receive of Said Moses Hayden the Sum of one hundred and forty pounds in Specie in full for the Sum of two hundred and Ninety three pounds Seventeen Shillings & Six pence due from said Town of Conway on Taxes Number four and Number five payable in Army Notes and Indents Committed to Tertius French Collector in Said Town, *provided* Said Sum is paid within Six Months from the Date of this Resolve.

June 20, 1794.

Chapter 52A.*

ORDER ON THE PETITION OF THE TOWN OF WILLIAMSBURGH.

On the petition of the town of Williamsburgh, praying, that the boundary line between said town, and the towns of Chesterfield and Goshen, may be settled and confirmed.

Ordered that Thompson J. Skinner, Timothy Robinson and Warham Parks Esqrs., be a Committee to repair to said towns for the purpose of viewing and making inquiry into their several locations & boundaries aforesaid. And said Committee if they should judge it necessary may employ some suitable surveyor and chain barers, the whole expence attending such view and enquiry to be paid by said town of Williamsburgh, or by all of said towns, in such proportion as said Committee shall determine. And said Committee are directed to give notice to the towns aforesaid of this appointment, and of the time and place they shall appoint for commencing said view and enquiry by causing a copy of this order, and a written notification of the time and place they shall appoint as aforesaid, to be left with the respective town Clerks of the several towns aforesaid, thirty days at least before the time they shall so appoint, and to make report to the General Court of their doings and opinion respecting said boundary lines as soon as may be. *June 20, 1794.*

* Not printed in previous editions. Taken from court record.

Chapter 53.

RESOLVE ON THE PETITION OF THE TOWN OF HAWLEY.

On the Petition of the Selectmen of the Town of Hawley praying for ye Abatement of their Taxes amounting in specie to Sixty pounds two Shillings being assesd. on the Inhabitants of said Town previous to their Incorporation.

Resolved that the Assessors of the Town of Hawley be and hereby are directed with out Delay to assess upon the Inhabitants thereof according to Law if not already assessed, and make Return of said Assesment to the Treasurer of this Commonwealth the Sum of twenty Seven pounds twelve Shillings & three pence being the Sum Set on Said Inhabitants in Tax Number Six, also the further Sum of twelve pounds fourteen Shillings and three pence Set on Said Inhabitants in Tax Number Seven, also the further Sum of Nine pounds Seventeen Shillings and nine pence Set on Said Inhabitants in Tax Number Eight, also the further Sum of Nine pounds Seventeen Shillings and nine pence Set on Said Inhabitants in Tax Number Nine.

And be it further Resolved that the Said Town may discharge themselves of the aforesd. Sums by applying the whole amount thereof to the purpose of making and repairing the most publick and extensive Road or Roads leading through the Same, *provided* that the Said Town Shall in one year from the Date of this Resolve produce to the Treasurer of this Commonwealth a Certificate under the hands of the Assessors or Clerk of Said Town Shewing that Said Town hath Complied with the true Intent & Meaning of the foregoing Resolve. And the said Treasurer is hereby directed on Receiving the aforesd. Certificate to Discharge the Town from the Sums mentiond in the Resolve aforesd. but in Default thereof the Said Town Shall be held to pay the whole of the aforesd. Sums into the Treasury and the Treasurer is hereby directed to govern himself accordingly.

June 20, 1794.

Chapter 54.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF PLYMOUTH AND GRANTING A TAX.

Whereas the Treasurer for the County of Plymouth, has laid his Accounts befor[e] the General Court in manner by Law prescribed which Accounts are hereby allowed : &

whereas the Clerk of the Court of General Sessions of the Peace for the sd. County, has laid before the General Court, an Estimate made by the Court of General Sessions of the peace, of the necessary Charges likely to arise in sd. County the Current year amounting to the sum of three hundred & thirty pounds :

Resolved, that the sum of three hundred & thirty pounds be & is hereby granted as a tax for the sd. County of Plymouth, to be apportioned assessed, Collected & Applied in manner agreeable to Law. *June 20, 1794.*

Chapter 55.

RESOLVE DIRECTING THE TRÉASURER TO STAY EXECUTION AGAINST THE ESTATE OF SAMUEL McCobb, UNTIL.

Resolved, that the Treasurer of this Commonwealth be and he hereby is directed to stay Execution against the Estate of Samuel McCobb Esq. late of George Town, deceased, for any sum of money, which may be due from said Estate to the Commonwealth, untill the End of the next Session of the General Court. *June 20, 1794.*

Chapter 56.

RESOLVE ON THE PETITION OF THE TOWN OF SUNDERLAND.

On the petition of the Town of Sunderland in the County of Hampshire & for the reasons therein mentioned.

Resolved, that the Treasurer of this Commonwealth be and he hereby is directed to pay to & for the use of said Town of Sunderland the sum of One hundred pounds being the forfeiture of two recognizances entered into by Asa Lyon as principal and Daniel Whittemore Esq. as surety, for said Asa's appearance at the Court of General Sessions of the peace held at Springfield in & for said County of Hampshire on the third Tuesday of January last, as soon as the same shall be recoverd in due Course of law and paid into the Treasury deducting the amount of such Costs as have attended the prosecutions on which said Recognizances were enterd into, as they shall be taxed by said Court, *provided however and it is further resolved* that if the said Daniel Whittemore shall convey in fee simple to the said Town of Sunderland to their acceptance, the lands which they granted & conveyed to said Asa. Lyon as a Consideration of his settlement with them in the work of the Ministry, & which the said Asa

has convey'd to said Whittemore & thereupon said Town shall pay all Costs that have legally arisen upon the prosecutions aforesd., and of any further proceedings upon said forfeited recognizances, then & in such case no further proceedings be had against said Whittemore upon said Recognizances, and that the said forfeitures thereof be Remitted to the said Whittemore. *June 20, 1794.*

Chapter 57.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF LINCOLN AND GRANTING A TAX OF £.1197 3 7½.

Whereas the Treasurer for the County of Lincoln has laid his Accounts before the General Court which Accounts are hereby allowed — And whereas the Clerk of the Court of General Sessions of the peace for the sd. County, has laid before the General Court an Estimate made by the sd. Court of Sessions, of the necessary charges which will be likely to arise in the sd. County the Current year amounting to the sum of Eleven hundred & ninety seven pounds three shillings & seven pence ½d :

Resolved that the sd. Sum of Eleven hundred & nin[*e*]ty seven pounds three shillings & seven pence ½d. be & hereby is granted as a Tax for the sd. County of Lincoln to be apportioned, Assessed, colle[*c*]ted & Applied in manner provid[*ed*] by Law. *June 20, 1794.*

Chapter 58.

RESOLVE ON THE PETITION OF JOHN READ AND JOSIAH QUINCY. GRANT TO.

On the Petition of John Read & Josiah Quincy, praying to be reimbursed certain expences, arising in the defence of a suit in error commened, by the Heirs of Eliakim Hutchinson, deceased, against the Tenants in possession of certain Lands formerly the property of said Hutchinson, & confiscated to the Commonwealth — the same lands being conveyed to said Tenants, by the Commonwealth with Warranty.

Resolved for Reasons set forth in said Petition, that there be paid out of the Treasury of this Commonwealth to the said Read & Quincy the sum of sixteen pounds ten shillings in full, for their expences, in defending the suit aforesd. ; & that the Treasurer of this Commonwealth, is hereby directed to govern himself accordingly.

June 20, 1794.

Chapter 59.

RESOLVE ON THE PETITION OF JAMES SPROUT, ADMINISTRATOR ON THE ESTATES OF SAMPSON DAVID AND CHARLES ANTHONY, DIRECTING JOHN DEMING, ESQUIRE, TO CERTIFY THE BALANCE DUE TO THEM.

On the Petition of James Sprout, administrator on the Estates of Sampson David and Charles Anthony late private Soldiers in the Continental Army in Colo. Bradford's Regiment.

Resolved that John Deming Esqr. Certify to the Governor and Council the Pay or arrears of pay due to the said Sampson David and Charles Anthony late private Soldiers in Colo. Bradford's Regiment; and the Treasurer on receiving a Warrant therefor is directed to Issue his note or notes to the said James Sprout administrator as aforesaid in the same way and manner as has been practiced in Paying other Soldiers for Simelar Services.

June 20, 1794.

Chapter 60.

RESOLVE ON THE PETITION OF GIDEON TENNEY, ADMINISTRATOR ON THE ESTATE OF JOHN TENNY, DIRECTING JOHN DEMING, ESQ. TO CERTIFY THE BALANCE DUE TO HIM.

On the Petition of Gideon Tenney administrator on the Estate of John Tenny late a Sergeant in the Continental Army, in Colo. Bigelows Regiment.

Resolved that John Deming Esqr. Certify to the Governor and Council the pay or arrears of Pay due to John Tenny, late a Sergeant in Colo. Bigalow's Regiment and the Treasurer on receiving a Warrant therefor is directed to Issue his note or notes to the said Gideon Tenny Administrator as aforesaid in the same way and manner as has been practiced in paying other Soldiers for Simelar Services.

June 20, 1794.

Chapter 61.

RESOLVE ON THE PETITION OF WILLIAM JEFFORDS, DIRECTING THE TREASURER TO DELAY EXECUTION UNTIL NEXT SESSION OF THE GENERAL COURT.

On the petition of William Jeffords former Constable and Collector for the Town of Wells praying to be discharged from the demand of the Treasurer relative to a Class Tax, amounting to seventy four pounds one shilling

and eight pence committed to him to collect in the year 1782.

Resolved that this Petition be so far granted that the Treasurer be directed to delay Execution till the next session of the General Court.

June 20, 1794.

Chapter 62.

RESOLVE REMITTING FINES TO SEVERAL TOWNS FOR NOT SENDING REPRESENTATIVES.

Whereas the towns hereafter enumerated were fined in the several sums annexed to their respective names for not sending a Representative to the General Court, the last year that is to say

The town of Methuen Twenty seven pounds ten shillings.
 South Hadley seventeen pounds ten shillings.
 Brookline twenty five pounds.
 Hardwick thirty five pounds.
 Chelsea Twenty pounds.
 Bath Twenty Pounds.
 Milford Twenty Pounds.
 Falmouth Twenty two pound ten shillings.
 Chilmark twenty five Pounds.
 Duxborough twenty five Pounds.
 Hanover twenty Pounds.
 Hubbardston Seventeen pounds ten shillings.
 Dighton Twenty seven pounds ten shillings.
 South brimfield twenty Pounds.
 Royalston Seventeen pounds ten shillings.
 New Bedford Sixty pounds.
 Taunton Sixty pounds.
 Winchendon Twenty Pounds.
 Douglas Seventeen pound ten shillings.
 Leicester Twenty five Pounds.
 Woolwich Twenty Pounds.

Resolved for reasons set forth by representations from the aforesd. towns respectively, that the sd. fines be remitted, & the towns aforesd. are hereby respectively discharged from paying the same; any law or Resolve to the Contrary notwithstanding.

June 20, 1794.

Chapter 63.

RESOLVE GRANTING A TAX TO BE ASSESSED ON THE INHABITANTS IN THE COUNTY OF NORFOLK.

Whereas the Clerk of the Court of General Sessions of the Peace for the County of Norfolk, has laid before the General Court, an estimate made by the Court of General Sessions of the Peace of said County, of the Cost of building a Court house, Jail and of other necessary charges, which are likely to arise in said County the present year, amounting to eleven hundred & forty eight pounds twelve shillings :

Resolved that the sum of eleven hundred and forty eight pounds twelve shillings be, and hereby is granted, as a Tax for said County of Norfolk, to be assessed, collected, and applied for the purposes aforesaid, in manner prescribed by law.

June 20, 1794.

Chapter 64.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF BERKSHIRE AND GRANTING A TAX OF £.600.

Whereas the Treasurer of the County of Berkshire has laid his Accounts before the General Court in manner by law prescribed, which Accounts are hereby allowed : & whereas the Clerk of the Court of General Sessions of the peace for the sd. County, has laid before the General Court an estimate, made by the Court of General Sessions of the peace, of the necessary charges likely to arise in sd. County the Current year, amounting to the sum of six hundred pounds :

Resolved that the sum of six hundred pounds be & hereby is granted as a Tax for the sd. County of Berkshire to be apportioned, assessed Collected & Applied in manner agreeably to Law.

June 20, 1794.

Chapter 65.

RESOLVE ON THE PETITION OF EZRA KELLOGG.

On the Petition of Ezra Kellogg a Deputy Sherriff for the County of Berkshire praying for reasons Set forth in Said Petition that he may be exempted from Prosscution for the Escape of Amos Richards a Prisoner at Lenox, dur-

ing the sitting of the Supreme Judicial Court in that place in September term 1792.

Resolved, that the Prayer of the Said Petition be Granted, and that the Said Ezra be, and he is hereby exempted from all legal Prosecution against him on Account of Said Escape, and the Attorney General and all other persons concerned are hereby directed to conduct themselves accordingly.

June 20, 1794.

Chapter 66.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF BRISTOL AND GRANTING A TAX.

Whereas the Treasurer for the County of Bristol has laid his Accounts before the General Court in manner by Law prescribed which Accounts are hereby allowed: & whereas the Clerk of the Court [of the Court] of General Sessions of the peace for the sd. County, has laid before the General Court an estimate made by the Court of General Sessions of the peace of the necessary charges likely to arise in sd. County the Current year amounting to the sum of five hundred pounds:

Resolved, that the sum of five hundred pounds, be & hereby is granted as a Tax for the sd. County of Bristol, to be apportioned, Assessed, Collected & Applied in manner agreeable to Law.

June 20, 1794.

Chapter 67.

RESOLVE GRANTING JACOB ABBOT 4000 ACRES OF LAND ON HIS COMPLEATING A ROAD.

On the petition of Jacob Abbot setting forth that he has been & still is attempting to open a road from Kennebeck river to the upper Cohoas on Connecticut River & that he has already expended a considerable sum of money in this business which if compleated will be of importance to the community at large & particularly to this State as the said road will run about twenty five miles through lands belonging to the Commonwealth including a tract of land contracted to be sold to Messrs. Fry Barlow & others & praying for assistance to compleat this his design.

Resolved that there be & hereby is granted to the said Jacob Abbot his heirs and assigns, four thousand acres of land to be laid out in one tract in township No. six adjoin-

ing one of the side lines of said township, which township was surveyed, by Saml. Titcomb in the year 1793 & lying near Webb's pond so called — *Provided* that the said Abbot shall open & compleat or cause to be compleated a good & passable road at all seasons of the year for travellers & teamsters with their horses teams & carriages at least twenty feet wide with the necessary causeways & bridges to extend from Farmington or Tyngstown North of said Webb's pond to the line of New Hampshire towards the upper Cohoas, to be compleated within eighteen months from the passing this Resolve — And the Committee for sale of Eastern lands or the major part of them are hereby directed upon receiving satisfactory evidence of the said road being opened & compleated in manner, & within the time limited aforesaid to execute a deed to the said Abbot his heirs or assigns of the tract of land mentioned aforesaid in manner as prescribed in this Resolve.

June 20, 1794.

Chapter 68.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF MONTGOMERY.

On the Petition of the Select Men of the Town of Montgomery in the County of Hampshire in behalf of the Inhabitants of said Town, praying for an abatement of certain Taxes which were laid upon the Town of Westfield in the year 1780, at which Time Montgomery was a part of said Town of Westfield, and which Taxes have thro' the deficiency of Reuben Williams then Constable & Collector of said Town of Westfield been again assessed upon said Westfield.

Resolved, that the Treasurer of this Commonwealth be and he hereby is directed to credit the said Town of Westfield in the Books of the Treasury, in part satisfaction of said Tax, the sum of eleven pounds & eleven shillings, being the proportion of the said loss occasioned by said deficiency, which would fall upon the said Town of Montgomery — *Provided* that the Inhabitants of said Montgomery expend and lay out that sum in amending & repairing such of the public roads in the same Town as stand most in need of Repair — *and provided also* that the Select Men of Montgomery certify the same to the Treasurer aforesd. on or before the first day of February next.

June 20, 1794.

Chapter 69.

RESOLVE ON THE PETITION OF THE COMMITTEE OF THE FIRST PARISH IN ROXBURY, EMPOWERING THEM TO CALL A MEETING FOR THE PURPOSES MENTIONED.

On the Petition of Joseph Ruggles & Nehem. Munroe, the Committee for the first Precinct in the Town of Roxbury, praying for liberty to call a Precin[c]t meeting having neglected the same at the proper time, as sett forth in their petition.

Resolved that the Committee aforesd. are hereby empowered to call a meeting of the Inhabitants of the first Precin[c]t in Roxbury aforesd. on or before the tenth day of July next, to transact the bussiness of the Precin[c]t or Parish aforesd. in as full and ample a manner as if it had been done in the month of March or April, as by Law directed.

June 20, 1794.

Chapter 70.

RESOLVE ON THE PETITION OF AARON RICE AND JOSIAH WHITE, DIRECTING THE COMMITTEE FOR THE SALE OF CERTAIN LANDS IN THE COUNTY OF HAMPSHIRE, TO RECEIVE 6s 8d IN THE POUND, WITH INTEREST FOR TWO NOTES GIVEN THEM.

On the petition of Aaron Rice and Josiah White.

resolved for reasons set forth in said petition that David Smead and Hugh McClellan Esqrs. who were a committee for the sale of certain lands the property of this Commonwealth be and they hereby are directed to receive of the said Rice and White the sum of six shillings and eight pence with the Interest thereof for every twenty shillings originally due on two notes given by them respectively to Jonathan Hastings both amounting to nearly one hundred and forty pounds payable in consolidated notes of said Commonwealth and which said notes were transferred by said Hastings to said committee in payment for certain lands by them sold to him.

June 21, 1794.

Chapter 70A.*

ORDER ON THE PETITION OF WILLIAM LUSK AND OTHERS.

On the petition of William Lusk, Samuel Wright & others.

Ordered That the petitioners notify the Town of Stock-

* Not printed in previous editions.

bridge by leaving an attested Copy of their petition, with this order thereon with the Town Clerk of said Town, Thirty Days at least before the second Wednesday of the next session of the General Court, then to appear & shew cause if any they have why the prayer of the petitioners sh'd not be granted.

June 21, 1794.

Chapter 71.

RESOLVE ON THE PETITION OF THOMPSON BAXTER, ATTORNEY TO JOSEPH LEONARD, DIRECTING THE TREASURER TO PAY THE SUM ALLOWED HIM BY THE COMMISSIONERS ON THE ESTATE OF PETER OLIVER AND SON.

On the petition of Thompson Baxter Attorney to Joseph Leonard, praying that the Treasurer of this Commonwealth may be directed to pay the claims of the Sd. Joseph against the estates of Peter Oliver senior & Peter Oliver Junr. Esqrs. Absentees.

Resolved that the prayer of the Sd. petition be granted & the Treasurer is hereby impowered & directed to pay out of the public Treasury of this Commonwealth to the Sd. Joseph Leonard or order the sums allowed to him (by the Commissioners on the Estates of the Sd. Peter Oliver senior & Peter Oliver Junr.) against the estate of the Sd. Peter Oliver senior & Peter Oliver Junr. in company, in the same way & manner that other Claimants against Sd. Estates have been paid — (excepting certain claimants who petitioned the General Court that the agents to Sd. estates might be permitted to pay into the Treasury the amount of sale of those estates in paper money) — any Law or resolve to the contrary notwithstanding.

June 21, 1794.

Chapter 71A.*

ORDER ON THE PETITION OF SAMUEL THURSTON.

On the petition of Samuel Thurston.

Ordered That the petitioner notify the Town of Lancaster by leaving an attested Copy of his petition with this order thereon with the Town Clerk of said Town, thirty Days at least before the second Wednesday of the next session of the general Court, then to appear & shew cause if any they have why the prayer of the petition shd. not be granted.

June 21, 1794.

* Not printed in previous editions.

Chapter 72.

RESOLVE ON THE PETITION OF JOHN BACON, IN BEHALF OF ELIJAH BROWN, OF STOCKBRIDGE.

On the Petition of John Bacon in behalf of Elijah Brown of Stockbridge Esqr. praying for Compensation for the loss of about thirty Acres of land by means of running the line between this Commonwealth & the State of New York, which was originally granted him by this Commonwealth.

Resolved for Reasons set forth in said Petition, that all the right & tittle of this Commonwealth in & to a certain tract of land lying between the Original line of West-Stockbridge & the line of New York beginning at a Monument made by the Commissioners who ascertained said line between this Commonwealth & the State of New York, marked "19 miles" upon a mountain called Indian mountain and running due East to the Original line of West-Stockbridge and from thence Northerly so far as to include Thirty Acres, be & hereby is granted to the said Elijah Brown his heirs & assigns for ever — in full compensation for his loss aforesaid.

June 21, 1794.

Chapter 73.

RESOLVE ON THE PETITION OF JOHN CHANDLER WILLIAMS, IN BEHALF OF AMASA ROCKWELL, EMPOWERING THE ADMINISTRATOR TO MAKE AND EXECUTE A GOOD DEED OF THE LOT OF LAND MENTIONED.

On the petition of John Chandler Williams in behalf of Amasa Rockwell, praying that the Administrator on the Estate of Elisha Jones late of Weston Esq. an Absentee, may be authorized to give to the said Amasa a Title to lot Number fifty in the Town of Partridgefield.

Resolved, for reasons set forth in said Petition, that the prayer thereof be so far granted, that the said Administrator be, and he is hereby, authorized and impowered to make and execute to the said Amasa a good and lawful Deed of the said lot, Number fifty, on his paying to the said Administrator such sum as now remains due of the price originally stipulated to be paid to the said Elisha for the said lot, together with the interest on such sum, agreeable to the terms of the original contract.

June 21, 1794.

Chapter 74.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF SUFFOLK AND GRANTING A TAX OF £2965.

Whereas the Treasurer for the County of Suffolk has laid his Accounts before the General Court in manner by law prescribed; which Accounts are hereby allowed: & whereas the Clerk of the Court of the General Sessions of the peace for the sd. County, has laid before the General Court an Estimate made by the Court of General Sessions of the peace of the necessary charges likely to arise in the sd. County the Current year amounting to the sum of Three Thousand Pounds, deducting therefrom the sum of thirty five pounds charged for Wood & Coal for the Clerks & other Offices:

Resolved that the sum of Two thousand Nine hundred & Sixty five pounds be & hereby is granted as a Tax for the sd. County of Suffolk, to be apportioned, assessed, Collected & applied in manner agreeably to Law.

June 21, 1794.

Chapter 75.

RESOLVE ON THE PETITION OF ASA FISK. GRANT TO.

On the Petition of Asa Fisk praying for compensation for money paid by him for costs in prosecuting several delinquent Soldiers of his Company.

Resolved, that the pray[er] of the said petition be granted, and that there be paid out of the Treasury of this Commonwealth to the said Asa Fisk, the sum of twelve pounds four shillings in full for the money expended by him in the said Prosecutions.

June 21, 1794.

Chapter 75A.*

ORDER ON THE PETITION OF GEORGE THORLA.

On the petition of George Thorla.

Ordered that the petitioner notify the first parish in Newbury & the parish of Byfield, by leaving an attested Copy of his petition & this order thereon with the respective Clerks of those parishes thirty Days at least before the second Wednesday of the next sitting of the General

* Not printed in previous editions.

Court, then to appear and shew Cause if any they have why the prayer thereof shd. not be granted.

June 21, 1794.

Chapter 76.

RESOLVE ON THE PETITION OF STEPHEN SMITH. GRANT TO.

Upon the Petition of Stephen Smith of Machias in the County of Washington stating that on the settlement of his account as Truck Master in the Eastern Department with the Commonwealth he was charged with eight hundred & fifty Pounds paid to Francis Shaw Esqr., when in fact he recd. of said Shaw only five hundred pounds nineteen shillings & five pence half penny and praying an allowance for said deficiency—being the sum of two hundred & Sixty two pounds & six pence ha[l]f penny:

Resolved that there be paid out of the Treasury of said Commonwealth to said Stephen Smith the sum of two hundred & twenty two Pounds, nineteen shillings and nine pence half Penny, in full discharge of said Smith's demand against said Commonwealth, the sum of Thirty nine pounds & nine pence being deducted from said sum of two hundred & sixty two pounds & six pence half penny, for stores left in the hands of said Smith belonging to said Commonwealth—and the Governor and Council are hereby requested to issue a Warrant to the Treasurer for the payment of said sum accordingly. June 21, 1794.

Chapter 77.

RESOLVE ON THE PETITION OF ZERUIAH DIMMICK, GRANTING HER £. 3 6 10.

On the petition of Zeruah Dimmick praying for an allowance from Government for certain expences she was at for her son Ephraim Dimmick while a Sailer in the service of this State.

Resolved for reasons set forth in her petition that the prayer thereof be so far granted as that there be paid her the sum of Three Pounds six shillings and ten pence out of the Treasury of this Commonwealth in full satisfaction for that sum paid by her to a Physician for medicines for, and attendance on, her son while in said service—any law to the contrary notwithstanding. June 23, 1794.

Chapter 78.

COMMISSIONERS TO ESTABLISH THE LINE BETWEEN CONNECTICUT AND MASSACHUSETTS.

In the HOUSE OF REPRESENTATIVES, June 23, 1794.

The House proceeded by ballot to the choice of a Commissioner to establish the line between the State of Connecticut & this Commonwealth, in the room of the Hon. John Worthington & the votes being taken it appeared that the Hon. Caleb Strong Esqr. was chosen.

Read and concurred.

June 24, 1794.

Chapter 79.

RESOLVE ON THE PETITION OF MATHEW CLARK, GRANTING HIM £. 240.

On the petition of Mathew Clark praying for a Consideration for the loss he has sustained in supporting the Convicts on Castle Island.

Resolved for reasons set forth in said petition that the Treasurer of this Commonwealth be and he hereby is directed to allow & pay to the said Mathew Clark the Sum of two Hundred and Forty Pounds as a full consideration for the loss he has sustained in supporting said Convicts.

June 24, 1794.

Chapter 80.

RESOLVE ON THE PETITION OF HENRY KNOX, REMITTING THE SUM OF £. 193 5 7 TO THE WALDO HEIRS.

On the Petition of Henry Knox and others, heirs and representatives of heirs of Brigadier Waldo decd., setting forth that they stand charged with a deficiency of taxes to the amount of five hundred and seventy nine pounds sixteen shillings and ten pence, which have been laid by the General Court on the Muscongus or Waldo patent, since the year 1786 — that the said patent is held in three principal divisions, to wit, the Lincolnshire company, or twenty associates, so called; the company of the Ten original Proprietors, and the Heirs of said Waldo, on whom there are many subordinate claims, — and that the Taxes designed to have been laid on the whole patent are assessed on the said Heirs; and praying that the said deficiency of taxes may be remitted to them.

Whereas it appears to this Court that in the several Acts authorizing the said taxes, all the lands claimed and held by the said Lincolnshire company, the Ten proprietors, and the Heirs, and those holding under Heirs of the said Waldo, amounting in the whole to nearly Six hundred thousand Acres, were considered by the Legislature, at the time of passing said Acts, as being comprized in the Waldo patent. And whereas it now appears that these, for near thirty years last past, have all been distinct and independent companies, holding in severalty, without any connexion with each other — the Lincolnshire company holding One hundred thousand Acres, the Ten Proprietors about Fifty thousand Acres, and the Heirs and those holding and claiming under the Heirs and Representatives of Heirs of the said Waldo holding and claiming the remainder of the said territory :

Resolved, that the sum of One hundred ninety three pounds five shillings and seven pence of the said taxes be, and hereby is remitted to the said Heirs ; & the Treasurer is hereby directed to govern himself accordingly.

June 24, 1794.

Chapter 81.

RESOLVE ON THE PETITION OF THE TOWN OF WESTFIELD, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH £. 17 8 11, AND GRANTING THEM FURTHER TIME TO PAY THE RESIDUE OF THEIR TAX.

On the petition of the town of Westfield praying for abatem't of a tax granted in the year 1780.

Resolved for Reasons set forth in said petition that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of Westfield the sum of seventeen pounds eight shills. and eleven pence, being the Sum which the towns of Russell and Southwick are by law chargeable with as their part of the said tax — And the Treasurer is also directed to suspend his execution against said town of Westfield for the residue of said Tax until the first day of February next. *June 24, 1794.*

Chapter 82.

RESOLVE ON THE PETITION OF ASA ALLEN. GRANT TO.

On the petition of Asa Allen, praying for compensation for his expence in prosecuting an indictment against one

Josiah Abbot Junr. who was convicted of forgery; before the Supreme Judicial Court of this Commonwealth; at their session at Ipswich within & for the County of Essex on the third Tuesday of June 1793.

Resolved that there be allowed & paid out of the public Treasury of this Commonwealth to the said Asa Allen Seven Pounds sixteen shillings & two pence in full compensation for his expence aforesaid. *June 24, 1794.*

Chapter 83.

RESOLVE ON THE PETITION OF THOMAS CRANE. GRANT TO.

On the Petition of Thoms. Crane praying for Allowance for building a Powder Mill in Stoughton in the year 1776, and also commissions for purchasing a certain Quantity of Salt Petre and p[ay]ing therefor, the sum of £7624. 4. 6 — and for other Services in said Petition mention'd.

Resolved the prayer of said Petition be so far granted, that the Treasurer of this Commonwealth be and he hereby is directed to pay to the sd. Thoms. Crane the sum of Nin[e]ty pounds seventeen Shillings & seven pence, in Addition to the sum of Forty Seven pounds Two Shillings, the ballance of his Account heretofore Exhibited, and allowd. as appears by the Books of the Treasurer, & the Governor is hereby requested to Issue his Warrant to the Treasurer of said Commonwealth, to pay the said Thoms. Crane the aforesaid sums. *June 24, 1794.*

Chapter 84.

RESOLVE ON THE PETITION OF ELIJAH DREW, GUARDIAN TO PAUL McDANIEL. GRANT TO.

On the Petition of Elijah Drew Guardian to Paul McDaniel an Insane person praying for allowance for his support from Jany. 1792 to May 1794.

Resolved that there be allowed & payed out of the Treasury of this Commonwealth to sd. Gardian the sum of forty two pounds three shillings in full for the victualing & cloathing of the sd. McDaniel during the term aforesd. any Law or Resolve to the Contrary notwithstanding *Provid[ed]* however that the sd. sum shall be in full discharge of all demands of sd. Guardian against the Commonwealth, on account of sd. McDaniel.

And it is further Resolved that the sd. Elijah Drew be & he hereby is discharged from having any Agency as

Guardian over the sd. McDaniel, — his having a Letter of Guardianship from the Judge of Probate for the County of York notwithstanding.

June 24, 1794.

Chapter 85.

RESOLVE ON THE PETITION OF MARY DWIGHT, EXECUTRIX ON THE ESTATE OF TIMOTHY DWIGHT, AUTHORIZING HER TO ENTER THE ACTION MENTIONED.

On the Petition of Mary Dwight one of the Executors of Timothy Dwight late of Northampton in the County of Hampshire Esqr. deceased praying that the said Executors may have liberty to enter an Action at the next term of the Supreme Judicial Court to be holden at Lenox in & for the County of Berkshire on the first Tuesday of October next, for trial; in which Action Moses Graves of Pittsfield recovered Judgment against the Estate of said Timothy, at the Court of Common Pleas held at Lenox in & for the said County of Berkshire on the third Tuesday of April last, and has since levied his Execution which issued upon said Judgment on the Real Estate of the said Timothy in Northampton aforesaid.

Resolved for Reasons set forth in said Petition that the said Executors be & they hereby are authorized to enter the said Action at the said Supreme Judicial Court — for trial, they giving to the said Moses twenty days previous notice thereof, & of this Resolve —

And be it further Resolved, that the filing of a Copy of this Resolve attested by the Secretary, in the Office of the Registry of Deeds in said Northampton, shall from the time of such filing be deemed sufficient Caution to all persons against purchasing or extending Execution on the Estate aforesd. upon which the said Execution was levied.

June 24, 1794.

Chapter 86.

RESOLVE ON THE PETITION OF ELIJAH DREW, IN BEHALF OF THE TOWN OF NEWFIELD, THAT UPON PAYMENT OF THE SUM OF £.8 11 6, ON OR BEFORE THE FIRST OF JANUARY NEXT, THE SAID TOWN SHALL BE ENTITLED TO THE BENEFITS OF A RESOLVE OF THE 14TH FEBRUARY, 1791.

Upon the Petition of Elijah Drew in behalf of the Town of Newfield in the County of York praying that the said Town may have the priviledge of paying into the Treas-

ury the sum of eight pounds eleven Shillings & six pence in full of Tax No. 8 and agreeable to the provisions of a Resolve passed on the 14th Day of February AD 1791.

Resolved that the prayer of said Petition be so far granted that upon payment of the aforesd. sum of eight Pounds eleven Shillings & six pence into the Treasury of this Commonwealth on or before the first Day of January next the said Town shall be intitled to all the benefits of the aforesaid Resolve any thing therein contained to the contrary notwithstanding. *June 24, 1794.*

Chapter 87.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF WASHINGTON AND GRANTING A TAX.

Whereas the Treasurer for the County of Washington has laid his Accounts before the general Court in manner prescribed by Law which Accounts are hereby allowed — & whereas the Clerk of the Court of the General Sessions of the Peace for the sd. County, has laid before the General Court an estimate Made by the Court of General Sessions of the Peace of the necessary charges likely to arise in the sd. County the current year, amounting to the sum of two hundred & ten pounds six shillings & ten pence :

Resolved, that the sum of two hundred & ten pounds six shillings & ten pence be & hereby is granted as a Tax for the sd. County of Washington to be apportioned, Assessed Collected & applied in manner agreeable to Law.

June 24, 1794.

Chapter 88.

RESOLVE ON THE PETITION OF THE PLANTATION ON THE WEST SIDE OF PENOBSCOTT RIVER ABOVE BANGOR, ABATING THEIR TAXES.

On the Petition of the Plantation on the West Side of Penobscott River above the plantation of Bangor praying for the Abat[e]ment of their Taxes.

Resolved that the prayer therof be granted and that the said plantation be and they her[e]by are abated the Sum of Five Pounds Nin[e]teen Shillings & Seven pence being the Amount of the Tax laid on them in Tax Number Ten and the Treasurer is her[e]by directed to Credit Said plantation the afor[e]said sum Accordingly. *June 25, 1794.*

Chapter 89.

RESOLVE DISCHARGING THE COMMITTEE FOR THE SALE OF EASTERN LANDS, FROM THE SUM OF £.104,994 2 7½ AND DIRECTING THE SECRETARY TO PROCURE AN ACCOUNT BOOK, FOR THE PURPOSE OF INSERTING THE ACCOUNT EXHIBITED BY THE SAID COMMITTEE.

Resolved that the Committee for the sale of Eastern Lands be, and they are hereby discharged from the sum of One hundred and four thousand nine hund. and ninety four pounds two shills. and seven pence half penny — of which it appears that One hundred and One thousand six hundred and sixty nine pounds five shills. and four pence half penny has been paid into the treasury in Bonds Obligations and Specie — and twelve hundred & twenty five pounds & seven pence has been expended in surveying, making plans exploring lands for Masts & other incidental expences — and two thousd. and ninety nine pounds sixteen shills. & eight pence their commissn. of two pr. cent on the above sum of One hundred & four thousand nine hundred & ninety four pounds two shillings & seven pence & half penny.

And it is further Resolved that the Secretary be, and he is hereby directed to procure an account Book for the purpose of inserting the accounts to which this Resolve relates, together with all other accounts which have been, or may be exhibited by the Committee for the sale of Eastern Lands and passed and approved by the General Court.

June 25, 1794.

Chapter 90.

HONOURABLE THOMAS DAWES AND JONATHAN MASON, ESQRS. APPOINTED TO EXAMINE AND ADJUST MR. TREASURER DAVIS'S ACCOUNT AND TO DEFACE CERTAIN BILLS.

Ordered that Thomas Dawes & Jonathan Mason Esqrs. be a Committee, with authority to examine & adjust the Accounts of Thomas Davis Esqr. Treasurer of the Commonwealth and to deface the bills in his office that are discharged, & report their doings thereon at the next session of the Genl. Court agreeable to his request.

June 25, 1794.

Chapter 91.

RESOLVE ON THE PETITION OF DANIEL ILSLEY, ESQ. ALLOWING HIM £.11. 18. 6, AND DISCHARGING HIM FROM ANY SUMS STANDING AGAINST HIM ON THE BOOKS OF MR. DEMING, AND AUTHORIZING HIS ACCOUNT TO BE CLOSED.

Upon the petition of Daniel Ilsley Esqr. praying an adjustment of his Accounts with the Commonwealth.

Resolved, that there be allowed and paid to the said Ilsley out of the Treasury of this Commonwealth, the sum of Eleven pounds, eighteen shillings and six pence in full of the balance of his account with the Commonwealth, and that the said Ilsley be and hereby is discharged from any Sum or sums standing against him on the books of the Commonwealth, in the hands of John Deming Esq. and that said Deming be and hereby is authorized and directed to close the account of the said Ilsley with the Commonwealth conformably to the above mentioned balance.

June 25, 1794.

Chapter 92.

RESOLVE APPOINTING ALEXANDER CAMPBELL, JOHN ALLEN, AND GEORGE STILLMAN, ESQS. A COMMITTEE TO NEGOTIATE AND SETTLE ANY MISUNDERSTANDING AND DISPUTES BETWEEN THIS COMMONWEALTH AND THE PASSAMAQUODY TRIBE OF INDIANS.

Resolved Alexr. Campbell, John Allen & George Stillman Esqrs. be a Committee to Negotiate & settle any Misunderstanding Disputes or Defferances Which may subsist Between this Common Wealth, and the passamaquodia Indians and those of other Tribes connected With them, With full powers and Authority to Lay out and Assign to the Said Indians any Tract of unlocated Land, belonging to this Common Wealth in the county of Washington, not Exceeding ten thousand Acres and also to purchase Any Perticular spot of Ground, or Tract of Land for the use and Convenience of Said indians *provided however*, that Such Purchase shall not Exceed the sum of five Hundred pounds.

June 26, 1794.

Chapter 92A.*

ORDER ON THE PETITION OF JEDUTHAN WELLINGTON.

On the petition of Jeduthan Wellington in behalf of the towns of Cambridge and Lexington, praying that a

* Not printed in previous editions. Taken from court record.

certain law passed in 1781, discharging the town of Newton from any further expence towards repairing the great Bridge in the town of Cambridge, may be repealed.

Ordered that the petitioner notify the inhabitants of the town of Newton by serving the town Clerk of said town thirty days before the second Wednesday of the next session of the General Court, with an attested copy of said petition, and this order thereon, that they may then appear, and shew cause, if any they have, why the prayer of said petition should not be granted. *June 26, 1794.*

Chapter 93.

RESOLVE ON THE PETITION OF JOHN CHACE, ADMINISTRATOR ON THE ESTATE OF JOSHUA CHACE, AUTHORIZING HIM TO MAKE SALE OF A SMALL TENEMENT IN THE TOWN OF BOSTON.

On the Petition of John Chace, Administrator on the estate of Joshua Chace, deceased and Guardian of One of the Children of the said Joshua and of Stephen Chace Guardian of the other of said Joshua's Children, praying for Liberty to sell a certain Tenement.

Resolved that the said John & Stephen be and they are hereby authorised to make sale of One End of a Small Tenement Situated in the Northerly part of the Town of Boston, whereof the said Joshua died seized, for the most it will fetch, (except the widow's right of Dower in the same) and to make & execute a good & sufficient Deed thereof conveying the same in fee to the purchaser; They the said John & Stephen first giving Bond to the Judge of Probate for the County of Suffolk with Sufficient Sureties to account for the proceeds of the sale agreeable to Law. *June 26, 1794.*

Chapter 94.

RESOLVE APPOINTING ISRAEL JONES, ESQ. TO TAKE POSSESSION OF A CERTAIN PIECE OF LAND IN THE STATE OF VERMONT AND TO SELL THE SAME FOR THE BENEFIT OF THIS COMMONWEALTH.

Resolved that Israel Jones Esq. of Adams be and he hereby is appointed an agent fully authorized and empowered on the part of this Commonwealth to take possession of certain land in the town of Charlotte in the State of Vermont, the same being a right of land in said town which was mortgaged by Daniel Horseford late a deputy

Sheriff under Caleb Hyde Esq. late Sheriff of the County of Berkshire to said Hyde and by assignment from said Hyde conveyed to this Commonwealth. And the said Jones is authorized and directed to pay and discharge all taxes that may have been assessed or imposed on said right And then to make sale thereof upon the most advantageous terms for this Commonwealth and make and execute good and sufficient deed or deeds thereof and the proceeds thereof to pay to the Treasurer of this Commonwealth.

June 26, 1794.

Chapter 94A.*

ORDER ON THE PETITION OF FRANCIS TRAYNER.

On the Petition of Francis Trayner.

Ordered that the Petitioner notify the adverse Party by Serving them with an Attested Copy of his Petition and this order thereon four weeks at Least before the third wednesday of the next Session of the General Court to appear on the Said Day & Shew cause if any they have why the prayer of the Said Petition should not be Granted.

June 26, 1794.

Chapter 95.

RESOLVE GRANTING THE CLERKS OF THE TWO HOUSES £. 40 EACH.

Resolved that there be allowed & paid out of the public Treasury to Samuel Cooper Esq. Clerk of the Senate Forty Pounds & to Henry Warren Esq. Clerk of the House of Representatives Forty Pounds, on account of their services as Clerks aforesaid, for the present year; they to be accountable for the same respectively; & the Governor, with the advice of Council is requested to draw his warrant on the Treasurer therefor.

June 26, 1794.

Chapter 96.

RESOLVE GRANTING £. 30 TO JACOB KUHN, MESSENGER OF THE GENERAL COURT.

Resolved that there be allowed & paid out of the Treasury of the Commonwealth to Jacob Kuhn Messenger of

* Not printed in previous editions.

the Genl. Court, the sum of thirty pounds to enable him to purchase fuel &c. for the use of said Court; he to be accountable for the expenditure of the same.

June 26, 1794.

Chapter 97.

RESOLVE GRANTING PAY TO THE COMMITTEE APPOINTED TO EXAMINE AND PASS ON PUBLIC ACCOUNTS.

Resolved, That there be allowed and paid out of the Treasury of this Common-wealth, to the Committee appointed to examine and pass on public Accounts, for their service on that Committee, the present Session, in addition to their pay as Members of the Legislature; *vizt.* to the hon. Josiah Stearns Esqr. for nineteen days attendance — One Pound Eighteen shillings to the hon. William Jernigan Esqr. for twenty days attendance Two Pound; to Benjamin Read Esqr. for twenty one days attendance, including four days short allowance last session Two Pound, two shilling, to Samuel Flagg Esqr. for twenty days attendance Two pounds — and to John Saunders Jr. Esqr. for twenty days attendance Two pounds — which sums shall be in full for their services as aforesaid.

June 26, 1794.

Chapter 98.

RESOLVE DIRECTING THE SECRETARY, TREASURER AND CLERKS OF BOTH HOUSES, TO CONTRACT FOR PRINTING OF THE COMMONWEALTH.

Resolved, that, the Secretary & Treasurer of this Commonwealth, and the Clerk of the Senate, and Clerk of the House of Representatives, be a Committee with full Power and authority to Contract for the printing business of this Commonwealth the present year, not to exceed the terms given last year. And that they give public notice of the time, proposals will be Recd. — And that the Contract be made with such printer, or printers in the Town of Boston as shall offer the most advantageous terms to Government, upon their giving Satisfactory evidence of their being Able to Accomplish the business agreable to Such Contract.

June 26, 1794.

Chapter 98A.*

ORDER ON THE PETITION OF LUTHER EAMES AND OTHERS.

On the petition of Luther Eames, William Page, Nathan Bond and Benjamin Dana, to be incorporated with others for the purpose of supplying the town of Boston with fresh water from Jamaica Pond in Roxbury by means of subterraneous pipes.

Ordered that the petitioners notify the inhabitants of the town of Roxbury, by serving the town Clerk of said town, with an attested copy of their petition, and this order thereon, thirty days before the second Wednesday of the next session of the General Court, that they, and all whom it may concern may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 26, 1794.

Chapter 99.

RESOLVE GRANTING THE LIEUT. GOVERNOR, £.160 — SECRETARY
£.204 13 — TREASURER £.350.

Resolved, that for one Year from the last Wednesday of May last, the sum of One hundred and sixty pounds shall be the pay of the Lieutenant-Governor and a proportionable sum for a less time, in full for his services as Lieutenant-Governor, to be paid out of the Treasury of this Commonwealth, in quarterly payments, as the same shall become due.

Resolved that there be allowed and paid out of the Treasury of the Commonwealth to John Avery junr. Esqr. Secretary of this Commonwealth, the sum of Two hundred & four pounds, thirteen shillings which with one hundred & twenty pounds, seven shillings, he has received in fees to the thirty first of May last shall be in full for his services as Secretary aforesaid from the first day of June 1794 to the first day of June 1795, and is at the Rate of Three hundred and Twenty five pounds per Annum, to be paid in quarterly payments, as the same shall become due.

Resolved that from the first day of June current, there be allowed & paid out of the public Treasury, the sum of Three hundred and fifty pounds, for the pay of the Treasurer the present year, to be paid in quarterly payments, as the same shall become due.

June 26, 1794.

* Not printed in previous editions. Taken from court record.

Chapter 100.

RESOLVE GRANTING ADDITIONAL PAY TO JOHN DEVOTION AND ISAAC PEIRCE.

On the Petition of John Devotion, a Clerk in the Secretary's Office, and Isaac Peirce, Messinger to the Governour and Council.

Resolved, That there be allowed, and paid, out of the Treasury of this Commonwealth, unto John Devotion, beginning the 21st Day of March, 1794, and to Isaac Peirce, beginning the 28th Day of May, the same Year, at the rate of Nine shillings per Day, to each of them, while employed.

June 26, 1794.

Chapter 100A.*

ORDER ON THE PETITION OF BENJAMIN GILL AND OTHERS.

On the petition of Benja. Gill and others praying for an alteration in the law for regulating the taking of fish in Neponsit river.

Ordered that the petitioners notify all interested by posting up a copy of said petition with this order thereon in some public place in the town of Milton, of which posting they shall also give notice to Hugh McLane or either of the subscribers to a petition preferred to the General Court this session relating to the same subject, thirty days at least before the second Wednesday of the next sitting of the General Court that they may then appear and shew cause why the prayer of said petition should not be granted.

June 26, 1794.

Chapter 101.

RESOLVE REQUIRING THE INHABITANTS OF THE SEVERAL TOWNS AND DISTRICTS IN THE COMMONWEALTH, TO CAUSE TO BE TAKEN BY THEIR SELECTMEN, OR SOME OTHER SUITABLE PERSONS, ACCURATE PLANS OF THEIR RESPECTIVE TOWNS, AND TO LODGE THE SAME IN THE SECRETARY'S OFFICE.

Whereas an accurate Map of this Commonwealth will tend to facilitate & promote such information and improvements as will be favourable to its growth and prosperity, and will otherwise be highly useful and important

* Not printed in previous editions. Taken from court record.

on many public and private occasions : — For the procurement of the materials necessary for the accomplishment of an object so desirable, & by which the reputation & interest of the Commonwealth will be advanced : —

Resolved, that the Inhabitants of the several Towns and Districts in the Commonwealth be and they hereby are required to take or cause to be taken by their Selectmen or some other suitable person or persons appointed for that purpose accurate plans of their respective Towns or Districts, upon a scale of two hundred rods to an Inch, and upon a survey hereafter actually to be made or that has actually been made within seven years next preceeding this time — and the same plans to lodge in the Secretary's Office, free of expence to the Commonwealth, on or before the first day of June in the year 1795.

And be it further resolved, that on each of said plans the place where any other Town or District line meets or joins the line of any Town or District respectively, the names and course of Rivers, the Bridges over rivers, the course of County Roads, the situation of Houses for Public Worship, Court Houses, the reputed or actually known and admeasured distance of the centre of the Town or District from the shire-town of the County, and from the Metropolis of the Commonwealth, in the several Roads usually travelled the length, and the course by the magnetic needle of the boundary lines of the Town or District, the scale on which such plans shall be taken, & the time when the actual survey was or shall have been made, shall be inserted, specified, delineated or described : And any lands belonging to the Commonwealth within the limits of any Town or District or adjoining thereto in any place unincorporated shall be particularly noted ; and the reputed or known quantity of such land specified.

And to prevent as much as may be any errors which might arise by having the lines between Towns run at different Times by Surveyors of different adjoining Towns —

Be it further resolved that it shall be the duty of the person or persons appointed for the purposes aforesaid by the most ancient Town or District adjoining to any other Town or District to give notice in writing unto the Selectmen of such adjoining Town or District of the time and place of meeting for running such line or lines ten days beforehand ; and it shall be the duty of the Town or Dis-

tract whose Selectmen shall be so notified to appoint & require some suitable person or persons to attend on the behalf of such Town or District, with the person or persons so notifying, for the purpose of running such line or lines — And where the line or lines between adjoining Towns or between adjoining Towns & Districts, is or are unsettled & in dispute, in such Cases, there shall be specified on the respective plans of such Towns & Districts the several lines in contest, stating accurately & particularly the difference of such claimed lines of boundary & division, in their distance course & bearing from each other.

And be it further resolved that the Inhabitants of any of the Towns or Districts aforesaid who shall neglect to take & lodge in the Secretary's Office the plans required as aforesaid within the time above limited therefor, shall forfeit and pay to the use of the Commonwealth the sum of forty pounds; which sum shall be added to such delinquent Town's or District's proportion of the State Tax which may be granted next after the first day of June in the year 1795 aforesaid —

And it is further resolved that the Committee for the sale of the eastern lands be and hereby are directed to procure and furnish plans of Townships not incorporated & such other documents as may be necessary to form and complete a Map of the five eastern Counties commonly called the District of Maine; And the said Committee are hereby also authorized and directed to require of the Grantees & Claimants of any tracts of land in the same District to exhibit to them plans of their respective grants and claims for the purpose aforesaid.

And be it further resolved, that there be inserted delineated described or specified in the several plans aforesaid the breadth of rivers, the number and reputed magnitude of ponds, the falls of water, mountains, manufactories, Mills Mines and Minerals & of what sort, Iron works & Furnaces situated in the said several Towns & Districts respectively.

And the Secretary of this Commonwealth is hereby directed to cause Copies of this Resolution to be forwarded as soon as may be to the Selectmen of the several Towns and Districts from which the plans aforesaid are above required and also to cause the same to be published in the several Newspapers in this Commonwealth —

And the Selectmen of such Towns & Districts respectively are hereby required immediately after the receipt

of such Copies, to cause the Inhabitants of their several Towns & Districts to assemble & meet for the purpose of carrying into effect the foregoing Resolution.

June 26, 1794.

Chapter 101A.*

ORDER ON THE PETITION OF THE INHABITANTS OF THE PLANTATION OF LEWISTOWN.

On the petition of the inhabitants of the plantation called Lewistown in the County of Lincoln together with the inhabitants of a gore of land adjoining thereto, praying to be incorporated into a town by the name of Lee.

Ordered that the petitioners cause an attested copy of their said petition, with this order thereon, to be published in the independent Chronicle printed in the town of Boston, three weeks successively, sixty days at least before ye second Tuesday of the next sitting of the General Court, that all persons concerned may then appear and shew cause, if any they have, why the prayer of the said petition should not be granted.

June 26, 1794.

Chapter 102.

RESOLVE ON THE PETITION OF ABIJAH HURLEBURT, IN BEHALF OF BENJAMIN STILLWELL.

Ordered that John Deming Esq. be directed to Certify to the Governour & Council the Sum due to the heirs of Benjamin Stillwell late Sergeant in Capt. Job Atwoods Company and Colo. Wm. Shephards Regiment deceased, in order that the same may be paid to the said Abijah Hurlbert for the use of the heirs to the said Benja. Stillwell who has taken a letter of Administration for the sd. purpose which appears by a Certificate from the Honbl. Jah. Woodbridge Judge of Probate in the County of Berkshire.

June 26, 1794.

Chapter 103.

RESOLVE GRANTING A TOWNSHIP OF EASTERN LANDS TO THE TOWN OF BOSTON, TO BUILD A PUBLIC HOSPITAL.

On the petition of the Select Men of the Town of Boston praying for a grant of a Township of Eastern Lands to enable the said Town to rebuild a public hospital in lieu of one situated at West Boston which has

* Not printed in previous editions. Taken from court record.

been sold by order of the General Court, and the monies arising from the same have been paid into the public Treasury.

Resolved that there be & hereby is granted a Township of Land, of six miles square, to be laid out at the expence of the Grantees, by the Committee for the sale of Eastern Lands, from any of the unappropriated Lands belonging to this Commonwealth, between the rivers Kennebeck & Penobscot — and said Township shall be vested in the Selectmen of the Town of Boston and their successors forever, for the use of building & erecting an Hospital in the Town of Boston, to be by them holden in their corporate capacity, with full power and authority to settle, divide & manage said Township, or to sell, convey & dispose of the same, in such way & manner as shall best promote the erection & establishment of said Hospital.

Provided nevertheless that there be & hereby is reserved one lot of three hundred & twenty acres, for the first settled minister, one lot of three hundred & twenty acres for the use of the ministry, and one lot of three hundred & twenty acres for the support of schools in said town, *and provided further*, that the Grantees aforesaid or their assigns shall cause twenty families to be settled within said township on or before the first day of June in the year of our Lord One thousand seven hundred & ninety nine.

June 26, 1794.

Chapter 104.

RESOLVE APPOINTING HON. EDWARD H. ROBBINS, ONE OF THE COMMITTEE TO SETTLE THE ACCOUNTS OF THE LATE TREASURER HODGDON, IN THE ROOM OF MR. JOHN SAUNDERS, JUN.

Resolved that the Honble. Edward H. Robbins Be, and he hereby is Appointed one of the Committee to Settle the Accounts of the Late Treasurer Hodgdon in the Room of Mr. John Saunders Jr., who has Declined an Acceptance of Said Trust.

June 26, 1794.

Chapter 104A.*

ORDER ON THE PETITION OF HUGH McLANE AND OTHERS.

On the petition of Hugh McLane and others praying for an alteration in the law respecting fish ways in Neponset River.

* Not printed in previous editions. Taken from court record.

Ordered that the petitioners notify all interested by posting up a copy of said petition, and this order thereon in some public place in the town of Stoughton, of which posting they shall also give notice to Benjamin Gill, or either of the subscribers to a petition preferred to the General Court this session, relating to the same subject, thirty days at least before the second Wednesday of the next sitting of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted. *June 26, 1794.*

Chapter 105.

RESOLVE ON THE PETITION OF THE SELECTMEN OF QUINCY, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH THE SUM OF £27.

On the Petition of the Selectmen of Quincey in behalf of Said Town praying for the abatement of a fine.

Resolved for Reasons set fort[h] in Said Petition that the Treasurer of this Commonwealth be and he is her[e]by directed to Credit the said Town of Quincey the Sum of Twenty Seven Pounds which was set on them as a fine for not sending a Representative to the General Court in the Year 1793. *June 26, 1794.*

Chapter 106.

RESOLVE EMPOWERING THE TREASURER TO IMPROVE THE HOUSE AND APPURTENANCES, FORMERLY CALLED THE PROVINCE-HOUSE, TOGETHER WITH THE STABLES AND GARDENS, UNTIL FURTHER ORDER.

Resolved — that the Treasurer of this Commonwealth for the time being, be, and he hereby is impowered to use and improve such parts of the house & Appurtenances, formerly called the Province-House, together with the Garden and Stables belonging thereto, as have been heretofore used & improved by former Treasurers, and to let the same to such persons, as he shall think fit, and receive the Rents thereof to his own use, untill the further Order of the General Court. *June 26, 1794.*

Chapter 107.

RESOLVE ON THE PETITION OF WILLIAM LAWRENCE, SUSPENDING THE EXECUTION ISSUED BY THE TREASURER, UNTIL.

On the petition of William Lawrence.

Resolved that the prayer of said Petition be so far granted that the execution issued by the treasurer of the Common wealth against said Lawrence shall be suspended untill the fourth Wednesday of the next session of the General Court; & the treasurer & the Sheriff of the County of Middlesex are hereby respectively directed to conduct themselves accordingly. *June 26, 1794.*

Chapter 107A.*

ORDER ON THE PETITION OF VALENTINE RATHBURN AND OTHERS.

On the petition of Valentine Rathburn & others of Pittsfield.

Ordered that the petitioners notify the town of Pittsfield by leaving an attested copy of their petition and this order thereon, with the town Clerk of said town thirty days at least before the second Wednesday of the next session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted. *June 26, 1794.*

Chapter 108.

RESOLVE ON THE PETITION OF ZEBULON GOSS.

On the petition of Zebulon Goss & others praying to be set off from the Town of Upton & annexed to the Town of Mendon.

Ordered That the Hon. Stephen Metcalf, Capt. Bezal. Taft, & John Stone Esqr. be & hereby are appointed a Committee to explore the premises & make report to the general Court at their next session — *provided* the said Towns of Upton & Mendon or either of them shall stipulate with the said Committee the payment of the charges that shall be hereby incurred. *June 27, 1794.*

* Not printed in previous editions. Taken from court record.

Chapter 108A.*

ORDER ON THE PETITION OF RICHARD COOK AND NEHEMIAH
TURNER.

On the petition of Richard Cook & Nehemiah Turner.

Ordered that the petitioners notify the town of New-Castle by leaving an attested copy of their petition and this order thereon with the Clerk of the said town thirty days at least before the second Tuesday of the next sitting of the General Court, that they may appear on said day and shew cause, if any they have, why the prayer thereof should not be granted.

June 26, 1794.

Chapter 109.

RESOLVE ON THE PETITION OF PETER TWITCHEL, GRANTING
HIM £3.

On the Petition of Peter Twitchel Administrator to the Estate of Joseph Twitchel who was Guardian to Nattick Indians, Praying for an Allowance for Upwards of Twenty days which he Spent in Adjusting and Arranging the Papers and accounts of Said deced., which related to the Property of Said Indians in order to Settle with Jonathan Maynard Esqr. who was Appointed Guardian to Said Indians in Room of said Deced.

Resolved that the Prayer of Said Petition be So far Granted that the Petitioner be Allowed and paid out of the Treasury of this Commonwealth the Sum of three Pounds in full for his Trouble and Expence in Arranging the papers of Said decsd. and Settling with the New Guardian Aforesaid.

June 27, 1794.

Chapter 110.†

RESOLVE GRANTING £.250, TO THOMAS CRAFTS, ESQ. TREASURER
OF THE COUNTY OF SUFFOLK.

Resolved that there be paid out of the Treasury of this Commonwealth the sum of two hundred and fifty pounds to Thomas Crafts esqr., County Treasurer for the County of Suffolk on account of support and maintenance of prisoners committed from the Counties of Suffolk and

* Not printed in previous editions. Taken from court record.

† Taken from court record.

Norfolk, for crimes and offences against the Commonwealth, he to be accountable for the expenditure of the same to the General Court. *June 27, 1794.*

Chapter 111.

RESOLVE DIRECTING THE QUARTERMASTER GENERAL TO FURNISH EACH BATTALION WITH UNIFORM COLORS, &c.

Resolved that the quarter Master General of this Commonwealth be and he hereby is Authorised and directed to furnish each Battallion of the Militia with uniform Colours upon which on one side shall be a device the Arms of the United States; reversed with the Arms of this Commonwealth together with the Number of the regiment, brigade, and Division, at the expence of the Commonwealth, not exceeding fifteen dollars each, and the commanding officer of the battallion who shall receive Colours shall give duplicate receipts for the same, one to be lodged with the quarter Master General and the other with the Major General of the Division, to which the said commanding officer may belong. *June 27, 1794.*

Chapter 112.

RESOLVE RESPECTING THE PUBLICATION OF ACTS AND RESOLVES IN THE SEVERAL NEWSPAPERS.

Resolved, that there shall be allowed and paid out of the Treasury of this Commonwealth, the sum of five pounds annually to every publisher of a News-paper in this Commonwealth who shall re-publish in their several News-papers, all such acts, resolves proclamations and orders of Government as respect the Commonwealth in general, and which shall be caused by the Secretary to be published in the News-paper published at Boston by the Printer for the General Court for the time being. *Provided*, that such republication shall be made within twenty one days after the publication of the same by the Printer for the General Court as aforesaid, and that one copy of the papers in which said republication shall be made shall be exhibited to the Committee on public Accounts, as evidence of said republication.

And be it further resolved, that all such acts, resolves and doings of the General Court as respect the Inhabitants of any particular County only shall be published in the

several News-papers printed in such County. And all such Acts resolves and doings of the General Court as particularly respect the Inhabitants of any County or Counties wherein no news-paper is printed shall be published in such Newspaper as the Secretary shall direct, in all which cases the several printers shall note at the bottom “printed by order of the Secretary.”

And be it further resolved, that all such advertizements for the sale of non resident proprietors lands for the payment of Taxes as are by Law required to be inserted in any Boston News-paper, shall in future be also published in such one of the other News papers aforesaid as is printed in the County where the said lands so to be sold are situated, and all such advertizements for the sale of any lands as aforesaid which lie within the district of Maine, shall be published in one of the Newspapers printed in Portland.

And be it further resolved, that the resolve passed February 20, 1787, providing for the publication of the matters and things aforesaid in the Portland and Northampton papers be and hereby is repealed.

June 27, 1794.

Chapter 113.

RESOLVE GRANTING £.13 10, TO THOMAS GREENE.

Resolved, that there be allowed & paid out of the public Treasury of this Commonwealth to Thomas Greene, the sum of thirteen Pounds ten shillings in full for his services as assistant Clerk to the Senate, the present session of the General Court.

June 27, 1794.

Chapter 114.

RESOLVE AUTHORISING THE TREASURER TO BORROW \$30,000
DOLLARS OF THE UNION BANK.

Whereas it will tend to facilitate the operations of the legal appropriations of the monies now due to the Commonwealth to authorise the Treasurer to borrow a sum of the Union Bank :

Therefore *Resolved* that the Treasurer of this Commonwealth be and hereby is authorised and empowered to borrow of the Union Bank a sum not exceeding thirty thousand Dollars to be by him appropriated and applied

to any of the uses for which money now due to the Commonwealth is appropriated, and he is hereby directed to repay the same from the first money which shall come into the Treasury from the appropriations made by law for the uses to which the monies so borrowed shall be applied.

June 27, 1794.

Chapter 114A.*

ORDER ON THE PETITION OF WYMAN B. SEVEY AND OTHERS.

Upon the petition of Wyman B. Sevey in behalf of himself and other inhabitants of Wiscassett point praying that the Plymouth Company may be enjoined to fulfill a certain agreement made in the year 1789, between the said Company and this Commonwealth, respecting the said Company's releasing to the settlers on Wiscassett point, all their the said Company's right to the land of said point.

Ordered that the petitioner notify the said Plymouth or Kennebec Company, as also the Wiscassett Company, by leaving an attested copy of the said petition with the respective Clerks of each of said Companies, thirty days previous to the second Wednesday of the next session of this Court, together with a copy of this order, that the said Companies may then appear and shew cause, if they think proper, why the prayer of the same should not be granted.

June 27, 1794.

Chapter 115.

RESOLVE APPOINTING ISAIAH LEWIS GREENE, COLLECTOR FOR BARNSTABLE COUNTY, AND CONTINUING SAMUEL FOSTER, FOR SUFFOLK AND NORFOLK.

Resolved that Mr. Isaiah Lewis Greene be and hereby is appointed Collector of Excise for the County of Barnstable and that the said Isaiah Lewis Greene with Samuel Foster Collector of Excise for the Counties of Suffolk and Norfolk be and hereby are continued in said Office, with full power and authority to do and perform all the duties by Law required of Collectors of Excise untill the further order of the General Court.

And be it further resolved that the Register of Deeds and the Clerk of the Court of Common pleas and Gen-

* Not printed in previous editions. Taken from court record.

eral Sessions of the Peace for the County of Hancock be and they hereby are directed and required to account with the Treasurer of this Commonwealth for the Monies by them respectively received for Licences granted to Inn-holders and retailers, admission of Attornies and duties payable on deeds. *Provided* that the said Greene and Foster give sufficient Bonds in manner prescribed by Law for the faithful performance of the duties of said Office.

June 27, 1794.

Chapter 116.

RESOLVE ON THE PETITION OF JOEL ADAMS, COLLECTOR FOR THE TOWN OF UNION.

On the Petition of Joel Adams, a Collector of the Tax No. 5, in the Town of Union, for the year 1786, praying for relief respecting said Tax, which amounted to the sum of Sixty five Pounds, One third part of which he has paid into the Treasury, and Execution is now in the hands of the Sheriff of the County of Lincoln, for the remainder.

Resolved for Reasons set forth in said Petition that the Prayer thereof be so far granted, that the sum of Twenty pounds part of the balle. now due from the said Joel Adams to this Commonwealth be laid out in repairing the public roads & Bridges in said Town of Union, and upon a Certificate of the Selectmen of the said Town of Union being returnd into the Treasury Office of this Commonwealth within nine months from the passing this Resolve that the said Sum has been so expended the Treasurer thereof is hereby order'd & directed to pass to the Credit of the said Town of Union the balle. due from the said Joel Adams as Collector for the said Town of Union, & the Sheriff of the said County of Lincoln is hereby Ordered & directed not to Levy the sd. Execution on the said Joel Adams for the balle. aforesaid untill the expiration of twelve months from the date hereof. *June 27, 1794.*

Chapter 117.

RESOLVE ON THE PETITION OF RICHARD WARD, GRANTING A FURTHER TIME FOR THE PAYMENT OF A BOND.

On the Petition of Richard Ward praying a further Day for the payment of a certain Bond given by said Ward to the Treasurer of said Commonwealth conditioned

for the payment of six hundred and sixty three pounds seventeen shillings & four pence with Interest, on the 22d day of December last past.

Resolved that for reasons set forth in said petition there be and hereby is allowed a further term of six months from & after the passing this resolve to the said Ward for the payment of the aforesaid Sum & Interest and the Treasurer is hereby directed to govern himself accordingly.

June 27, 1794.

Chapter 118.

RESOLVE FOR THE COLLECTION OF DEBTS DUE TO ESTATES OF CONSPIRATORS.

Resolved that the Attorney General of this Commonwealth immediately take measures by suit or otherwise to recover all sums of monies due to the said Commonwealth by virtue of an Act passed on the thirtieth day of April A. D. 1779 entitled “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.”

Resolved that where any person or persons from whom such debts may be due, founded on Judgments, Mortgages, or other contracts, shall offer security for the same to the satisfaction of the said Attorney General and the Treasurer of this Commonwealth, they are hereby authorised to receive such security, and give discharges accordingly; and where the debt bears Interest to deduct and allow the debtor eight years Interest — And in every case wherein the said Attorney General and Treasurer shall be of opinion that more than eight years interest ought, under all the circumstances of the case to be deducted and allowed, they shall state the special circumstances thereof to the General Court for their consideration.

Resolved that in all cases wherein it shall appear to the said Attorney General and Treasurer, or to the Court wherein process may be instituted in virtue of the foregoing Act and Resolutions, that any of the debts before named or referred to, have been paid or settled *bona fide* to or with the original creditor or his assigns prior to the twelvth day of September A. D. 1786, in all such cases report shall be made to the General Court, and no further proceedings shall be had until the further order thereof.

Resolved that the said Attorney General and Treasurer shall report to the General Court at each Session thereof an account of all debts which shall be by them or either of them collected or secured in pursuance of these Resolutions with the evidence thereof, or an abstract of the same.

Resolved that all monies which shall be collected and paid into the Treasury of this Commonwealth in pursuance of these resolves shall there remain to be disposed of hereafter by the General Court to satisfy the Just demands of the creditors to the said Conspirators respectively, or otherwise as the Justice and equity of each case may require.

Resolved that the said Attorney General and Treasurer shall be allowed a reasonable compensation for their services & expences in carrying the foregoing resolutions into effect.

June 27, 1794.

Chapter 119.

RESOLVE ON THE PETITION OF CALEB WHITING, IN BEHALF OF HIMSELF, AS CAPTAIN, AND WILLIAM FOSTER, AS LIEUTENANT. GRANT TO.

On the petition of Caleb Whiting in behalf of himself as Capt. and William Foster as Lieut. in a Regiment Commanded by Colo. Benjamin Haws in the Expedition against the Island of Rhode Island in the year 1778, for the Term of Six weeks, praying for their extra pay in said service.

Resolved for reasons set forth in said petition that there be paid to the said Caleb Whiting Out of the Treasury of this Commonwealth, the sum of Twenty one Shillings & six pence and to said William Foster the sum of Fifteen Shillings it being the specie Value of the extra pay for the aforesd. service as Granted by a Resolve of the Genl. Court passed in ye year 1779.

June 28, 1794.

Chapter 120.

RESOLVE ON THE PETITION OF EPHRAIM WILLIAMS AND JOSIAH DWIGHT, ADMINISTRATORS OF THE ESTATE OF MOSES ASHLEY, ESQ. DECEASED, JAMES GARDNER, JARED INGERSOL, JOHN PITTS, SAMUEL PITTS, AND JONATHAN WARNER.

On the Petition of Ephraim Williams & Josiah Dwight, Admrs. of the Estate of Moses Ashley Esqr. decessd. —

James Gardner, Jared Ingersoll, John Pitts, Samuel Pitts and Jonathan Warner.

Resolved for the reasons set forth in said Petition that the said John Pitts, Samuel Pitts and Jonathan Warner be and they hereby are authorized & empowered to make and execute a Deed or Deeds to Silas Pepoon and Silas Whitney in their Capacity of Administrators of the Estate of Isaac Marsh late of Tyringham Esqr. deceased, of all the Lands described in the Condition of the Bond in the said Petition mentioned; which Deed or Deeds when executed as aforesaid, and when the same shall be duly acknowledged and recorded in the Registry of Deeds in the County where such lands lie shall be good and valid to the said Administrators of said Marsh in their said Capacity, who shall stand seized and possessed of the same to the Use of the Creditors and Heirs at Law of said Marsh, with authority to sell the same in manner hereafter described — And the said Administrators of said Marsh are hereby authorized & impowered to make payment to the said John Pitts, Samuel Pitts & Jonathan Warner for said Lands agreeable to the contract of their said Intestate out of Assets in their Hands, and the same shall be allowed to them by the Judge of Probate for the said County of Berkshire in the Settlement of their Administration Account — And the said Administrators of said Marsh are hereby further authorized and impowered to make and execute a Deed to the said James Gardner, of that part of the said lands which is described as follows, *viz.* — beginning at Hopbrook (so called) on or near Tyringham line thence running on said Brook westerly to land of William Ingersoll, including an Island in said Brook, thence northerly to land of Reuben Pixley, thence easterly on said Pixley's land to the said Gardner's land, and thence southerly to the first bounds, containing fifty acres and three quarters of an acre — and lying in the Town of Lee — he the said James Gardner paying the same Administrators therefor the sum of one hundred & one pounds & ten shillings with the Interest thereof from the twenty sixth day of May in the year 1791, which Deed when executed as aforesaid, and when the same shall be duly acknowledged and recorded in the Registry of Deeds for the County where the same land lies shall be good & valid to the said James Gardner his Heirs and assigns forever.

And the same Administrators, are hereby further authorized and impowered to make and execute a Deed to the said Jared Ingersoll of thirty acres of the lands aforesaid, lying in Lee aforesaid, known by the name of the Tilly Lot; he the said Jared paying the same Administrators therefor the sum of eight pounds & ten shillings with the Interest thereof from the twenty ninth day of May in the year 1791, which Deed when executed as aforesaid, & when the same shall be duly acknowledged and recorded in the Registry of Deeds for the County where the same land lies, shall be good and valid to the said Jared his Heirs and Assigns forever—And the monies or consideration paid by the said James Gardner & Jared Ingersoll or either of them to the same Administrators shall be Assets in their Hands, and shall be appropriated to the payment of the just Debts of the said Marsh, and the surplusage, if any, shall be apportioned among the Representatives of said Marsh as other personal Estate — *Provided however* that the same Administrators in their settlement with said Gardner and Ingersoll, shall not off-set any part of the Debts due from their Intestate's Estate to the said Gardner or Ingersoll in receiving payment for said lands — but said Gardner & Ingersoll shall be left to seek their remedy for any such demands against the estate of said Marsh, in manner as all other Creditors are by Law compelled to do.

And the same Admrs. may and shall dispose of the residue of the said lands in manner by law prescribed for the sale of Real Estates by Executors and Administrators, and the proceeds thereof shall be Assets in their Hands & appropriated to the Uses aforesaid.

And the said James Gardner & Jared Ingersoll are hereby authorized to exhibit to the Commissioners on the estate of said Marsh any demands which they or either of them have against the same estate, for examination and allowance, & the said Commissioners are hereby required to receive and examine the same, and make Report thereon to the Judge of Probate aforesaid, and the said Judge is hereby required to receive such report and conduct thereon in the same manner as tho' such claims and demands had been laid before the Commissioners aforesaid, and returned in their former report.

And be it further resolved, that if the said Gardner & Ingersoll shall neglect or refuse for the space of three

months from the time of passing this resolve to pay or secure to be paid as aforesd. to the same Admrs. the several sums aforesaid, then the same Administrators are hereby authorized to sell the several parcels of land they are above empowered to convey to said Gardner & Ingersoll or either of them, in the same manner and for the same purposes as is before provided for the sale of the residue of the said lands above mentioned.

June 30, 1794.

Chapter 121.

(ROLL, No. 30.)

The Committee on Accounts having examined the Accounts they now present, Report; There is due to the Towns and Persons hereafter mentioned, the sums set to their Names respectively, which if allowed & paid, will be in full discharge of said Accounts to the dates therein mentioned.

JOSIAH STEARNS Per Order.

	£.	s.	d.
To the Town of Alford for supporting William Maxfield from Jany. 5, 1793 to May 8, 1794	17	15	2
To Nathl. Ames for Medicine & Attendance on David Hooper July 31st 1792	1	16	0
To the Town of Abington for supporting sundry paupers from Jany. 1, 1793 to June 6th, 1794	40	18	9
To the Town of Acton for supporting sundry paupers in full to Feby. 11, 1794	1	3	0
To the Town of Almsbury for supporting Anthony Daniels from Novr. 1793 to May 15, 1794 including Doer's Bill	14	3	0
To the Town of Boston for supporting sundry paupers from 1st Decr. 1793 to 1st June 1794	508	19	9
To the Town of Brimfield for supporting sundry paupers from Sepr. 1793 to May 1794	17	3	3
To Hermon Briggs (of Cheshire) for supporting Alexander Richie from 28th Novr. 1793 to 8th March 1794	4	10	0
To the Town of Belchertown for supporting Rachael Smith from Apl. 10, 1793 to Jany. 15, 1794 including Doer. Bill	6	11	0
To the Town of Brunswick for supporting sundry paupers in full to May 31st 1794	15	9	0
To John Bartlet for Medicine & Attendance on sundry paupers from Apl. 27, 1793 to feby. 27, 1794	5	9	2
To Richd. Briggs for Medicine & Attendance on sundry paupers in the Town of Abington from July 5, 1792 to May 22d 94	9	4	1
To John Bullard for supporting a Child from Decr. 5, 1792 to March 5, 1794	9	5	6

To Mary Cutter for supporting a Child from Decr. 1, 1793 to March 1st 1794	£. s. d.
	3 18 0
To the Town of Concord for supporting William Shaw from Jany. 5th to June 7, 1794	7 9 0
To the Town of Chelsea for supporting John Goodwin from feby. 21, 1793, to feby. 13, 1794	10 18 8
To the Town of Dracut for supporting John Hancock from feby. 3, 1794 to June 9, 1794	6 7 6
To Eliphalet Downer for Medicine & Attendance on William Spear from Octo. 6, 1793 to Nov. 27, 1793	27 14 0
To John Davis for supporting James Johnson in the Town of Oxford from Oct. 12th 1792 to Apl. 12th 1793	8 18 0
To Jonathan Davis for Medicine & Attendance on sundry paupers in Roxbury to June 1st 1794	9 6 10
To Moses Draper for supporting David Hooper from July 1st 1792 to Sepr. 1, 1792	4 1 0
To the Town of Eastown for supporting Abigail Honeybrooks from Jany. 16, to May 29, 1794	6 3 8
To the Town of Franklin for supporting Alexr. Reed from Jany. 7, 1793 to May 27, 1794	34 6 2
To the Town of Greenfield for supporting sundry paupers from Augt. 1793 to feby. 1794	40 5 10
To the Town of Gorham (by Order of both Houses) short allowance for support of paupers in Roll No. 29	7 11 6
To the Town of Gloucester for supporting sundry paupers from Jany. 1st to May 1st 1794	50 15 6
To the Town of Hardwick for supporting John Veal & Wife from May 10, 1793 to May 20, 1794	12 2 7
To the Town of Ipswich for supporting sundry paupers from March 1, 1792 to March 7, 1794 by order of both Houses	106 17 6
To William Jackson for Medicine & Attendance on the States Poor in Boston Alms House from May 15, 1793 to May 15, 1794 as pr. Resolve of Court	120 0 0
To the Town of Lenox for supporting Martha St. John from 1st March 1793 to 1st March 1794, & Christia Crow from 1 Novr. 1793 to 1 May 1794	22 15 0
To the Town of Lunenburg for supporting sundry paupers from May 28, 1793 to May 15, 1794	24 10 1
To the Town of Lincoln for supporting William Oar from Novr. 2d 1792 to June 10th 1794	15 4 11
To Nehemiah May for supporting William Lewis (in the Town of Goshen) in full to 6th feby. 1793	3 19 0
To the Town of Mendon for supporting sundry paupers, including Doctr. Bill from 4 Sepr. 1793 to May 15, 1794	15 1 1
To the Town of Marshfield for supporting two Indian Children (by order Genl. Court) from May 15th 1793 to May 5, 1794	8 10 0
To the Town of Middleboro for supporting Catharine Moore from Jany. 6, to May 7, 1794	3 14 6
To the Town of Marlborough for supporting Joseph Waters & family from Jany. 1st 1793 to Jany. 1st 1794	4 10 0
To the Town of Machias for supporting sundry paupers from Augt 26, 1791 to May 19, 1794	78 12 5
To the Town of Methuen for supplying Thoms. Pease from Novr. 6th 1792 to March 1st 1794	5 18 9

To the Town of New brantree for supporting Michael Lincoln from feby. 26th, 1793 to May 21, 1794	£. s. d.	3 2 10
To the Town of Northampton for supporting Samuel Green from Feby. 6, 1793 to May 26, 1794	11 3 6	
To the Town of Northborough for supporting Michael Connors from Jany. 22 to June 14, 1794 including Doctr. Bill	2 9 0	
To the Town of Plymouth for supporting sundry paupers from 1st feby. to 6th June 1794	12 13 5	
To the Town of Portland for supporting sundry paupers in full to 16th May 1794 including Doctr. Bill	39 5 10	
To the Town of Rowley for supporting John Jeoffires & Wife from 11th April 1793 to 27th Sepr. 1793 including Doctr. Bill & funeral Charges	23 1 1	
To the Town of Richmond for supporting Phebe Pameli & Child from 4th Decr. 1793 to 7th Apl. 1794	5 9 3	
To the Town of Shelburne for supporting the Widow Bates & three Children from 12 Sepr. 93 to June 6, 1794	23 13 3	
To the Town of Shrewsbury for supporting the Wife of George Philmore & Child from March 1, 1793 to March 1, 1794 including Doctr. Bill	19 0 0	
To the Town of Stockbridge for supporting sundry paupers from Jany. 1786 to 2 June 1794 including Doctr. Bill — recd. by Order of both Houses	113 15 3	
To the Town of Situate for supporting sundry Paupers in full to 7th. Apl. 1794 including Doctr. Bill	29 15 9	
To the Town of Spencer for supporting Robert Giffin from feby. 18, 1792 to 12 Sepr. 1793 including Doctr. Bill received by order of both Houses	26 8 1	
To the Town of Uxbrige for Supporting Betsey Triffle from 17 Jany. 1794 to 19 May 1794	8 14 6	
To the Town of Western for supporting John Kean from Decr 7, 1793 to May 14, 1794	6 5 0	
To the Town of West Springfield for supporting Lucy Kent & Child from 1st Jany. to 23 May 1794	8 15 6	
To the Town of Wesborough for supporting John Scudmore from 13 Feby. to 12 June 1794	6 15 6	
To the Town of Watertown for supporting William Blaver, in Sickness, Eight Weeks to 10th Jany 1794	4 16 0	
To the Town of Waldoborough for Doctering, nursing & burying sundry panpers in full to 5th May 1794 recd. by Order of both Houses	26 11 0	
To Thoms. Welch for Medicine & Attendance on sundry paupers at the Pest House in Boston from Octo. 26, to Decr. 20, 1792	20 17 3	
To the Town of York for supporting sundry paupers in full to 22d May 1794	30 9 0	
To the Town of Williamstown for supporting sundry paupers from feby. 1st to May 16, 1794 & funeral Charges	15 5 0	
To Samuel Whitewell for his Services as Overseer of the State paupers in Boston Almshouse from Decr. 1, 1793 to June 1st 1794	37 19 6	
To the Town of Watertown for supporting Samuel McCobb from feby. 19, to 18th June 1794	7 13 0	

Expences of the Militia.

To Amos Ames for his Services as Adjutant from Sepr. 1792 to Sepr. 1793	£. s. d.
	6 2 6
To Samuel Bradley his acct. of Powder expended for the use of the Artilly. in Boston from Nov. 1792 to Feby. 1794	6 18 0
To Bethewell Boyd for his Services as Adjutant from Jany. 1st 1793 to 28th May 1794	6 2 11
To Isaac Bartlet his Services as Dy. Adj. Genl. from 21 Apl. to 31 May 1794	2 9 0
To Medad Dickinson for his Services as Adjutant from feby. 6, 1792 to May 23d 1794	9 15 4
To Nathl. Freeman Junr. Brigade Major for short Allowance in his Accot. in Roll No. 29	3 12 0
To William Fisk for his Services as Brigade Majr. from Sepr. 1793 to Apl. 1794	3 0 0
To John Gleason Jr. for his Services as Adjutant from May 1, 1792, to June 1, 1794	7 6 6
To Aaron Haynes for his Services as Adjutant from Augt. 8, 1793 to June 10, 1794	4 12 8
To Jacob Man for his Services as Brigade Majr. from feby. 1, 1793 to May 10, 1794	13 4 8
To John Meacham Adjutant for short allowance in his acct. exhibited as pr. Roll No. 29	3 12 6
To Jonathan McGee for his Services as Adjutant from 1st May 1793 to 18 Jany. 1794	7 0 0
To Silas Pepon President of a Court Martial held by order of Genl. Ashley on the 30th & 31st July 1793 for himself & members of sd Court in full	6 19 11
To Silas Pepon for himself & Members of a Court of Enquiry by Order of Genl. Ashley on the 4th & 5th June 1793	1 15 4
To Silas Pepon for his Services as Brigade Majr. from 14 July 1789, to 16 June 1790 recd. by order of both Houses	13 12 0
To Henry Sewall for performing the Duty of Brigade Major in the 8th Div. from 17th Jany. 1793 to June 1794	26 12 0
To John Saunders Jr. for his Services as Brigade Major from Octo. 9, 1793 to May 1st. 1794	9 17 8
To John Spooner for his Services as Adjutant from 4th March to 15 May 1794	5 10 0
To Benjamin Warren for his Services as Brigade Major from 10 June 1793 to 10 June 1794	13 18 8
To John S. Tyler for his Services as Depy. Adt. Genl. from Octo. 1793 to June 1794 including short Allowance in his last Aect.	17 2 6
To James Avery his Accot. for Services as Brigade Major from 31 Decr. 1793 to 31st. May 1794	10 6 8
	<hr/>
	£.179 10 10
	<hr/>

Sheriffs & Coroners Accounts.

To Zepheniah Leonard Esqr, for his Services as Sher[iff] from March 1792 to May 1794, reed. by Order of both Houses	£. s. d. 15 16 0
To William Case for his Expences of Inquisitions on the Bodies of sundry Foreigners from June 1793 to March 1794 in Dukes County	12 12 6
To Jeremiah Parsons for taking an Inquisition on the bodies of two Strangers in Newbury Port, in July 1790, reed. by Order of both Houses	2 18 6
	<hr/> <hr/> £.31 7 0

Miscellaneous Accounts.

	£. s. d.
To John Ballard his Accot. of Horse hire feby. 17th 94	1 13 0
To Joseph Blake his Accot. for Whitewashing & repairs on the State House May 1794	8 9 6
To Capt. Daniel Cadwell his Accot. of Powder expended for the Use of the Artillery in the County of Berkshire from Sepr. 1788 to Sepr. 1793 reed. by Order of Court	11 10 3
To Thoms. Davis Treasurer, his Accot. from May 28, 1793 to June 15, 1794	43 17 1
To Jacob Kuhn Ballance of his Account for sundry Supplies in full to June 23, 1793	6 12 0
To Abraham Foster his accot. of Glazing at the Province House in full to May 25, 1794	4 4 0
To Thoms. Hodgdon for Supplies to the Troops in 1781 pr. Order of Col. Saml. McCobb, reed. by Order Court	54 17 0
To Joseph Laughton for his Services as first Clerk in the Treasury from 22 Feby. 1794 to 21 June 1794	56 2 0
To the Town of Medford for Supplies in the late Insurrection in full, reed. by Order of Court	45 0 3
To Solomon Phelps his accots for Supplies to Artillery at Westfield 21st Sepr. 1793	1 4 0
To Capt. David Powell his Accot. of Powder supplied the Artillery in the County of Berkshire in full to June 1794	6 10 0
To Bartho. Trow his Accot. for riding Express to request the Attendant[e] of a Councillor 24 March 1794	1 19 0
To Henry Warren his Accot. of Sundries by Order of the House of Representatives	0 19 10
To David West his Accot. of Stationary from Augt. 1793 to May 27, 1794	16 5 5
To Henry W. Dwight his Accot. of Fees as Clerk of the Common pleas in the County of Berkshire from Feby. 1782 to feby. 1793 reed. by Order of both Houses	13 6 8
To Thoms. Walcott for making Schedules for Tax Bills & pay Rolls June 1794	1 10 0
	<hr/> <hr/> £.274 0 0

Printers Accounts.

To John Spooner for printing by Order of the Secretary March 24, 1794	£. s. d. 0 12 0
To Edwd. Gray for printing Sundry Acts & Resolves to May 1794	4 10 0
To James Reed Hutchins for printing sundry Acts & Resolves to May 1794	11 6 0
To Benjamin Titcomb for printing sundry Acts & Re- solves to May 1794	10 13 0
	<hr/>
	£.27 1 0
	<hr/> <hr/>

AMOT. OF ROLL NO. 30, PASSED JUNE 1794.

	£. s. d.
Expences for Support of Paupers	1775 17 11
Expences of the Militia	179 10 10
Expences of Sheriffs & Coroners	31 7 0
Expences for Printing	27 1 0
Expences Miscellaneous	274 0 0
	<hr/>
	£.2287 16 9
	<hr/> <hr/>

Read and accepted, & thereupon *Resolved*, that there be allowed and paid out of the public Treasury, to the several Corporations & persons mentioned on this Roll, the sum set against such Corporations & persons respectively, amounting in the whole to the sum of Two thousand two hundred & eighty seven pounds, sixteen shillings & nine pence.

June 25, 1794.

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, A. D. 1794; AND FROM THENCE CONTINUED BY ADJOURNMENT, TO WEDNESDAY, THE 14TH DAY OF JANUARY, 1795.

1794. — JANUARY SESSION.

Chapter 1.

RESOLVE GRANTING £15 TO JACOB KUHN, MESSENGER OF THE HOUSE OF REPRESENTATIVES, TO PURCHASE FUEL.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth, to Jacob Kuhn, Messenger of the Genl. Court, the sum of fifteen pounds, to enable him to purchase fuel &c. for the use of said Court; he to be accountable for the expenditure of the same.

January 17, 1795.

Chapter 2.

RESOLVE ON THE PETITION OF MICAH RALPH, EMPOWERING HIM TO SELL THE LAND MENTIONED, WITH THE CONSENT OF THE SELECTMEN OF THE TOWN OF EASTHAM.

On the Petition of Micah Ralph Indian man Praying for liberty to Sell the land hereafter Discribed.

Resolved that the Said Micah (with the Consent of the Selectmen of the Town of Eastham) be and he hereby is empowered to Sell a Piece of land Containing about

Twenty acres belonging to the Indians Called the Potomcut Tribe lying in the Town of Eastham aforesaid, Bounded Westerly by Chatham Road So Called, Southerly by a way that leads from Said Road to Joshua Rogers Dwelling House; Easterly by the land of the widow Elizabeth Rogers and others; and on the northerly Part by the land of Sarah Rogers; and the Said Micah is hereby Authorized and empowered to make and Execute a lawfull Deed or Deeds of the aforesaid land to the Purchaser or Purchasers thereof; the money arising by Such Sale to be Paid by the purchasers into the hands of the Selectmen aforesaid who are hereby empowered and Directed to Pay unto the said Micah five Pounds four Shillings & ten Pence to Satisfy his account Exhibited for his Services done for the Tribe aforesaid and also to Pay him his Reasonable Expence for Selling Said land; the overplus if any, the Selectmen aforesaid are hereby Directed to Pay into the Treasury of the Said Town; to be applied Solely to the Support of Such Poor Indian or Indians belonging to the Said Tribe, as Said Selectmen for the time Being Shall think Stand in need thereof.

January 20, 1795.

Chapter 3.

RESOLVE ON THE PETITION OF SAMUEL HOUSE, EMPOWERING THE COMMITTEE ON ACCOUNTS TO EXAMINE HIS ACCOUNT.

On the Petition of Samuel House of pembrook, praying that he may be allowed some Compensation for the Support of an Indian Child.

Resolved, that the prayer of Said petition be So far Granted, that the Committee on Accounts be, and they are hereby impowered and Directed, to Examine said Samuels Accounts, and allow him What may Appear to them Reasonable and Just thereon. *January 20, 1795.*

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH OF JANUARY 16TH, 1795.*

Ordered that Solomon Freeman, Nathaniel Wells and Thomas Dawes Esqrs. be a Committee to wait on his Excellency with the following answer to His Excellency's speech at the opening of the session.

* Not printed in previous editions.

May it please yr. Excellency,

It is with real satisfaction that the Senate receives your communications; & we think with you that the opinion expressed by the people, that the legislature ought frequently to assemble for redress of grievances & for correcting & amending the laws is just & well founded —

As we esteem it the peculiar right of a free & enlightened people to form their constitutions as they shall think best & at all times to revise & make them conform to the State of their society; so we esteem it the particular duty of their legislators at all times, dispassionately to examine the existing laws & to render them in the highest degree promotive of the public good —

In a Country like this where the people at large not only make & execute their laws by their representatives or agents freely elected; but also even form & amend their constitutions in most cases in the same manner, we are in sentiment with your Excellency that the elections must be guarded and regulated with the utmost care; otherwise our liberties constitutions, & laws highly valued by our own & much esteemed by other nations, cannot be of long continuance — to preserve therefore the elections of public men pure & free from abuses, we hope & believe that neither the attention of the people themselves, or of those deputed more immediately to manage their public affairs will, at any time be wanting —

The Constitution of the United States & of each State we view as essential parts of the same system; under which the American people enjoy their present advantages & peculiar privileges; no part of which can be violated, or receive a false interpretation, without injuring the whole — & the sentiment you express, we have long adopted — that to continue a happy people, they must make & enforce wise laws, & carry into full effect a system of education dictated by the peculiar situation of United America.

We recollect with pleasure the great success the forces of the Union have had against the hostile Indians; & most sincerely wish they may be disposed to accept just & equitable terms of peace & in future, experience the blessings of a friendly intercourse with the United States —

The late unjustifiable insurrection, you mention is truly a matter of serious regret as among other disagreeable considerations it exhibits a small part of the American people taking arms against the constitutional laws of the

whole — in the suppression of it however we discern the mildness & wisdom of the government, & the good sense, virtue & energy of the great body of the people in support of those laws — & may they on every occasion, as on this, prove to the world how well they distinguish between licentiousness & true liberty; between the coercive force of their own laws & arbitrary power; & as well disappoint the licencious; as those who rashly pronounce that men will not long support or be controuled by a free representative government —

When we recollect how many of the last twenty years these States have severely felt the calamities of war, & how necessary peace is to their prosperity & happiness; as among other advantages, it affords them a favourable opportunity to render their laws & public arrangements more perfect, we cannot but esteem it as a peculiar blessing that they have not been involved in the war that now desolates some of the fairest countries of the old world — and we cannot but rejoice that the course of events have been such, as to afford us a reasonable prospect of a continuance of peace, & of compensation, without resorting to arms, for the late most unjustifiable depredations committed on the property of our Citizens —

From the present progress of liberty and diffusion of knowledge, & especially respecting the rights of men, we hope that the right each nation has to regulate its internal government, undisturbed by others will very soon be more generally recognized, & therefore, that liberty & peace so dear to Americans, will be more universally cultivated by mankind —

Your Excellency's observations respect'g lands purchased by the United States by consent of the State legislature for forts magazines &c. are in our opinion well founded, & we assure you that this & every other matter you have laid before the legislature, shall receive our early attention, & that we will endeavour, seasonably to have laid before you the public acts & resolves for yr. approbation, doubting not that whatever measure shall appear to be calculated for the public good will receive yr. ready assent.

January 21, 1795.

Chapter 4.

RESOLVE ON THE PETITION OF THE GUARDIANS TO THE HEIRS OF WILLIAM LEAVERITT, EMPOWERING THE ADMINISTRATORS TO SELL AND CONVEY THE REAL ESTATE MENTIONED; THEY GIVING BONDS AGREEABLE TO LAW.

On the Petition of the Guardians to the Heirs of William Leaveritt late of Needham in the County of Norfolk decd. praying for Liberty to be granted to the Administrators on sd. Estate to sell and convey the Minors share of the Real Estate of said decd. lying in sd. Needham.

Resolved for Reasons set forth in sd. Petition that the Administrators of sd. Estate be and hereby are empowered to sell and Convey sd. Real Estate they first giving Bonds to the Judge of Probate for sd. County for the faithful performance of their Trust, agreeably to the Law in such cases made and provided.

January 22, 1795.

Chapter 5.

RESOLVE DIRECTING AN ENTRY ON THE RECORDS OF THE COMMONWEALTH, OF THE REPORT OF THE HON. GEORGE PARTRIDGE, ISAAC THOMSON AND NATHANIEL HAMMOND, A COMMITTEE APPOINTED TO PERAMBULATE AND SETTLE A BOUNDARY-LINE BETWEEN THE LANDS OF THE MARSHPEE TRIBE OF INDIANS, AND THE PROPRIETORS AND TOWN OF BARNSTABLE.

To the Honbl. General Court of the Commonwealth of Massachusetts.

We the subscribers being appointed & commissioned by a Resolve of the 22nd of March A. D. 1793 & by another Resolve of Jany. 21 A. D. 1794 to perambulate and settle a boundary Line between the lands of the Mashpee Tribe of Indians and the proprietors and Town of Barnstable, having notified and fully heard all persons and parties Interested in the settlement, have fixed and determined the said lines and bounds to be as followeth *viz.* — Beginning at a stake well known by the name of the five mile stake which is a corner bound betwixt the Towns of Sandwich and Barnstable — said stake stands about five Rods south east of a deep miry bottom, thence Runing south thirty two degrees and three quarters East one hundred and eighty rods to the middle of a small bushe swamp lying by chopchase field (so called) thence south twenty

one degrees east one hundred and ninety one Rods to a stake and stones by the side of an hill about two Rods south west of a miry swamp — thence south thirty three degrees west one hundred and ninety four Rods — to a stake by the side of a fence — thence West twenty nine degrees south thirty Rods to a brook or River called Somtuite alias Contuite River, a little below a pond called Somtuite alias Contuite pond — thence down stream by the middle of said River to paupanesset bay — thence by said Bay to the sea — leaving two Islands of salt marsh or flats called Thatch Islands lying in said bay to appertain and belong to the district of Mashpee.

Witness our hands the seventh day of October A. D. 1794.

GEO. PARTRIDGE,
ISAAC THOMSON,
NATHL. HAMMOND.

In Senate Jany. 21, 1795. — Read & accepted & Ordered that the same be entered on the Records of the Commonwealth. Sent down for concurrence,

SAML. PHILLIPS, *Presdt.*

In the House of Represents. Jany. 22d, 1795. — Read and Concurred,

EDWD. H. ROBBINS, *Spkr.*

Jany. 22, 1795, Approved, SAMUEL ADAMS.

Chapter 6.

RESOLVE ON THE PETITION OF JOHN NEPTUNE, AN INDIAN OF THE PENOBSCOT TRIBE, AUTHORIZING THE QUARTER MASTER GENERAL TO FURNISH HIM WITH ARTICLES OF CLOATHING AND PROVISIONS, AND GRANTING HIM £.10 FOR THIS PURPOSE.

On the petition of John Neptune an Indian of the Penobscot tribe praying for some relief in his distressed circumstances.

Resolved that the prayer of said petition be so far granted that Amasa Davis Esqr. Quarter Master Genl. be & hereby is authorized to furnish the said John Neptune with such articles of cloathing & provision as he may immediately be in want of not exceeding seven pounds also three pounds in money to enable him to return to his family, & that the aforesaid sum of ten pounds be allowed

& paid out of the public Treasury of this Commonwealth to the said Davis for the purposes aforesaid.

January 22, 1795.

Chapter 7.

RESOLVE ALLOWING AND CREDITING £39 9 11 AS A BALANCE DUE TO THE GUARDIANS OF THE DUDLEY INDIANS.

Whereas it appears by Examining the accounts presented by the Guardians of the Dudley Indians from February 25th 1793 that there is a balance in favour of sd. Guardians including a balance due to them in a settlement made February 25th, 1793 of the sum of Thirty nine Pounds nine shillings and Eleven Pence for articles furnished sd. Indians being in full of their Accounts to the 8th Day of January 1795 :

Resolved that the aforesaid sum of thirty Nine Pounds nine shillings & Eleven pence be Allowed and Credited as a ballance Due to sd. Guardians Accordingly.

January 23, 1795.

Chapter 7A.*

ORDER ON THE PETITION OF JOSEPH BRIANT AND OTHERS.

On the petition of Joseph Briant and others.

Ordered that the petitioners notify the townes of Stoneham and Reading, by leaving an attested copy of their petition and this order thereon, with the respective Clerks of the said townes, at least thirty days before the second Wednesday of the first session of the next General Court, that they may appear on said day, and shew cause, if any they have, why the prayer of the said petition should not be granted.

January 23, 1795.

Chapter 8.

RESOLVE GRANTING A TAX TO THE COUNTY OF CUMBERLAND.

Whereas the Treasurer for the County of Cumberland, has laid his Accounts before the General Court, in manner by Law prescribed, which Accounts are hereby allowed ; & whereas the Clerk of the Court of the General Sessions of the peace for the sd. County has laid before the sd.

* Not printed in previous editions. Taken from court record.

Court an estimate made by the Court of General Sessions of the Peace for the sd. County of the necessary Charges likely to arise within the sd. County the Current year, amounting to the sum of Seven hundred & thirty five Pounds :

Resolved that the sum of seven hundred & thirty five pounds, be & hereby is granted as a tax for the sd. County of Cumberland to be apportioned, Assessed, Collectd & Applied in manner agreeable to Law.

January 23, 1795.

Chapter 9.

RESOLVE ON THE PETITION OF LUKE NASH, DIRECTING THE Q. M. GENERAL TO FURNISH HIM WITH 50 LBS. OF POWDER.

On the petition of Luke Nash praying to be reimbursed for fifty pounds of powder expended in reviewing the Militia.

Resolved that the Quarter Master General furnish the said Luke Nash with fifty pounds of powder from the public stores, taking his receipt therefor.

January 23, 1795.

Chapter 9A.*

ORDER ON THE PETITION OF JONATHAN WEBB.

On the Petition of Jonathan Webb praying that some person may be appointed to convey to him the right which the Comonwealth have in a certain Mill privilidge in the Town of Falmouth in the County of Cumberland.

Orderd that the Petitioner notify all persons concerned in sd. mill privilidge to shew cause (if any they have) on the Second Wednesday of the first Session of the next General Court why the prayer thereof should not be granted by publishing in one of the Portland news papers an attested copy of said Petition & this Order thereon, four weeks successively previous, to the second Wednesday of the first Session of the next general Court aforesd.

January 23, 1795.

* Not printed in previous editions.

Chapter 10.

RESOLVE ON THE PETITION OF JOHN CLARK AND OTHERS, AUTHORIZING THE COMMITTEE TO QUIET THE PRESENT POSSESSORS OF THE LAND, OBSERVING THE CONDITIONS OF JUNE 9TH, 1794.

Whereas on the pe[ti]tion of John Clark and others a Resolve was past in the last session of the General Court among other things empowering a Committee on the Conditions and in the way and manner therein expressed to convey the lands therein mentiond to the Petitioners.

And whereas the Reasonableness of the prayer of the petition extends to some citizens who were not Petitioners and one of the Petitioners has transfered his Possession and moved out of the Commonwealth; whereby the Resolve cannot in its present form answer the designs of the Petitions or the intention of the Legislature, and whereas also the said John Clark, with Isaac Clark Jno. Clark junr. Nathan Holden, William Nightingale, Joseph Clark and Howard Hinds the present possessors of the said lands have this present session made their Application to the General court praying that each tenent on the said Lands may be quieted in his respective possession :

Resolved, that the said Committee insted of Conveying the said lands to the Petitioners as expressed in said Resolve are hereby Authorized & empower'd to convey the same to the above named possessors, or to such of them as shall comply with the terms & requisitions of the aforesd. Resolve the Committee observing all the conditions rules regulations and directions in the aforesaid Resolve passed June 9th 1794.

January 24, 1795.

Chapter 11.

RESOLVE ON THE PETITION OF SAMUEL CUTLER, ADMINISTRATOR OF THE ESTATE OF MARTHA LEE, DECEASED.

On the Petition of Samuel Cutler Administrator of the Estate of Martha Lee deceased, with her Will annexed.

Resolved, that the said Cutler in his said Capacity, shall have authority, and he is hereby fully authorised and empowered, to bargain sell and convey all the real Estate which the said Martha had at her decease, for the most the same will fetch, and in such Parcels as shall be

thought best, in like manner and to the same effect and purpose, as the persons named Executors of the said Will were thereby authorised and impowered. And the said Cutler as Administrator shall have the like authority, and he is hereby authorised and impowered, to sell and convey in like manner, any parcels of real Estate, which have been or which shall be taken in Execution by him in that Capacity, any law or custom to the contrary notwithstanding: *Provided* that said Cutler before any sale shall be made as aforesaid, shall give Bond with sufficient Surety to the Judge of Probate of the County of Essex, for the faithful discharge of this Trust, and the application and disposal of the proceeds of the Sales which shall be made by virtue hereof, according to the true intent of the said Martha's Will, and to render a just account to the said Judge of Probate accordingly.

January 24, 1795.

Chapter 12.

RESOLVE ON THE PETITION OF THE TOWN OF GROTON, RESPECTING A CERTAIN CLASS WHO WERE DEFICIENT IN FURNISHING A MAN FOR THE CONTINENTAL ARMY.

On the petition of the town of Groton setting forth that a certain class in said town were deficient in furnishing a man for the Continental army pursuant to a resolution of the Legislature passed March 7, 1782; that in consequence thereof said class were assessed with the average price of hiring a soldier with the addition of twenty two per cent, which assessment was committed to a collector to collect, but the said collector soon after absconded never having perfected his collection.

Resolved That the present assessors of the said town of Groton be and they are hereby authorized and required to make out a list of the names of such of said class as never paid their said assessment together with the sums at which they were severally assessed as aforesaid and deliver the same to some constable or collector of said town now being with a warrant in common form to collect and pay the same into the hands of the Treasurer of the Commonwealth and the said collector or constable on receiving said list and warrant shall have the like power and authority to collect said sums by distress and sale of the goods of the said persons or otherwise as collectors and consta-

bles have in collecting State taxes, and shall be alike subject to the Execution of the said Treasurer for delinquency in collecting and paying into his hands said sums within four months from the passing this resolve. And the said treasurer on a receipt of a certificate from said assessors informing him of said commitment and the name of such constable or collector is directed to stay execution against said town of Groton on account of said Tax to wit for the sum of seventy four pounds one shilling & eight pence until after the return of the execution which he may issue against said constable or collector. And the said treasurer is further directed on the receipt of any such money from said constable or collector to credit said town therefor so far as the same will extend.

January 26, 1795.

Chapter 12A.*

ORDER ON THE PETITION OF JEREMIAH HUBBARD & OTHERS.

On the petition of Jerem. Hubbard & others inhabitants of the first Parish in Wells praying to be incorporated into a separate parish.

Ordered that the petitioners notify the inhabitants of sd. first Parish of Wells by leaving an attested copy of this petition & order thereon with the Clerk of sd. parish thirty days at least before the second Wednesday of the first session of the next Genl. Court that they may then appear & shew cause if any they have why the prayer of sd. petition should not be granted. *January 26, 1795.*

Chapter 12B.†

ORDER ON THE PETITION OF CERTAIN INHABITANTS OF THE TOWNS OF BOYLSTON, STERLING, HOLDEN AND WORCESTER.

On the petition of the inhabitants of the westerly part of Boylston, the southerly part of Sterling, the easterly part of Holden, and the northerly part of Worcester.

Ordered that the petitioners notify the towns mentioned in their petition, by leaving an attested copy of their petition, and this order thereon, with the respective Clerks of the said towns, thirty days at least before the third Wednesday of the first session, of the next General

* Not printed in previous editions.

† Not printed in previous editions. Taken from court record.

Court, that they may appear on said day, and shew cause if any they have, why the prayer of the said petition should not be granted.

January 26, 1795.

Chapter 12c.*

ORDER ON THE PETITION OF JOHN WILLIAMS.

On the petition of John Williams of Deerfield, praying for liberty to build a Bridge over Deerfield river.

Ordered that the petitioner notify the inhabitants of the towns of Deerfield and Greenfield, by leaving an attested copy of his petition and this order thereon with the town Clerks of said towns, thirty days at least before second Wednesday of the first session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

January 26, 1795.

Chapter 13.

RESOLVE ON THE PETITION OF JOHN SNOW, ADMINISTRATOR *DE BONIS NON*, ON THE ESTATE OF EZEKIEL SAWYER, DECEASED, AUTHORIZING HIM TO EXECUTE A GOOD DEED OF THE LAND MENTIONED.

On the Petition of John Snow Adminr. *de bonis non*, on the Estate of Ezekiel Sawyer decd. praying that he may be empower'd to Execute a Deed of a certain Lot of Land in Portland lately belonging to the Estate of said Sawyer, decd. to one Barnabas Sherman.

Resolved for Reasons set forth in said Petition That the Petitioner have leave & he is hereby Authorized & empowered to execute a good and Sufficient deed of said Lott of Land to the said Barnabas Sherman; the said John Snow to Account with the Judge of Probate of Wills &c. for the County of Cumberland, for the Proceeds of the same.

January 27, 1795.

Chapter 14.

RESOLVE ON THE PETITION OF WILLIAM FARIS, AUTHORIZING HIM TO SELL AND CONVEY ALL THE RIGHT, &c. OF AND IN THE REVERSION OF THE REAL ESTATE MENTIONED; WITH A PROVISIO.

Upon the Petition of William Faris father of Margarett Faris a minor of the age of seven years, praying that he

* Not printed in previous editions. Taken from court record.

may have authority to sell and convey her right and share of a Reversion of certain real Estate, and for that purpose may join with the other Owners of said Estate, and because such authority cannot be conveniently obtained or executed by the ordinary process of law.

Resolved, that the said William Faris shall have authority and he is hereby fully authorised and impowered to sell and convey all the right share and interest of his said daughter Margarett Faris of and in the reversion of the real Estate of James Griffen late of Boston Merchant deceased, expectant upon the death of Sarah Badger — and said William may join for this purpose in the sale which shall be agreed on by the other Owners of said Estate. *Provided* that the said William before he exercises the authority hereby granted shall give bond with sufficient Surety to the Judge of Probate in the County of Essex, that the proceeds of the sale to be made by virtue hereof, shall be applied to the sole Use and Benefit of the said Minor, and shall be accounted for to the said Judge of Probate or his successor accordingly. *January 27, 1795.*

Chapter 15.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE DISTRICT OF BETHLEHEM, AUTHORIZING THE TREASURER TO CREDIT SAID DISTRICT THE SUM OF £.1 19 0.

Upon the petition of the Select Men of the District of Bethlehem praying that they may be discharged in tax No. 11, a sum set against said district for Representatives' pay, they being annexed to no Town and having no right to vote for a Representative.

Resolved for reasons set forth in said Petitions, that the Treasurer of this Commonwealth, is hereby Authorized & directed to credit said district the sum of one pound, nineteen shillings, in tax No. 11, it being the sum set against said district for Representatives' pay, the same to be added to the next tax, of the Town of Sandisfield, as part of their Representatives' pay. *January 27, 1795.*

Chapter 16.

RESOLVE ON THE PETITION OF DEBORAH COMOCHO, AN INDIAN WOMAN, EMPOWERING THE GUARDIAN OF NATICK INDIANS TO SELL PART OF THE REAL ESTATE MENTIONED.

On the Petition of Deborah Comocho an Indian Woman, and a Creditor to the Estate of John Ephraim late of

Natick Deceased — praying that so much of said Ephraims real Estate may be sold, as will discharge the just Debts thereon.

Resolved — that the Guardian of Natick Indians, be, and he is hereby empowered, to sell so much of said real Estate, by vendue or private sale, (as he shall think best,) as he may Judge Necessary to discharge said Debts and to make & execute a Good Deed or deeds to the purchaser or purchasers thereof. And that the said Guardian Account to the General Courts Committee for the expenditure of the moneys arising from such sale in the same way and manner, as he accounts for all other moneys, with which he stands Chargeable as Guardian to said Natick Indians.

January 28, 1795.

Chapter 17.

RESOLVE ALLOWING MIDDLESEX COUNTY TREASURER'S ACCOUNT AND GRANTING A TAX OF £.1720.

Whereas the Treasurer for the County of Middlesex has laid his Accounts before the General Court, in manner prescribed by law, which Accounts are hereby allowed, and the Clerk of the Court of General Sessions of the Peace for said County, has laid before the General Court, an estimate made by the Court of General Sessions of the Peace, of the necessary charges likely to arise in said County the present year, amountg., to the sum of one thousand pounds, also that another sum of two hundred & twenty pounds is wanted to discharge the Accounts for building the Goal at Concord, also that a further sum of Five hundred pounds, will be necessary towards completing the new Court house, now building at Concord :

Resolved that the sum of seventeen hundred and twenty pounds, be, and hereby is granted, as a tax for the said County of Middlesex, to be apportioned assessed, collected and applied in manner agreeable to law.

January 28, 1795.

Chapter 18.

RESOLVE ON THE PETITION OF JEREMIAH ALLEN, SHERIFF OF THE COUNTY OF SUFFOLK, AUTHORIZING THE COURT OF GENERAL SESSIONS OF THE PEACE TO GRANT HIM COMPENSATION FOR HIS SERVICES.

On the petition of Jeremiah Allen Esqr. Sheriff of the County of Suffolk.

Resolved, that the Court of General Sessions of the peace in & for the County of Suffolk, be & are hereby authorised from time to time to grant such sums of money to the said Sheriff, payable out of the Treasury of the said County as in the discretion of the Court shall be judged reasonable & adequate to the services incident to that Office & peculiar to the County of Suffolk & for which no compensation is provided by law.

January 28, 1795.

Chapter 19.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF YORK AND GRANTING A TAX OF £.491 0 0.

Whereas the Treasurer of the County of York, has laid his Accounts before the General Court, in manner prescribed by Law, which Accounts are hereby allowed — and the Clerk of the Court of General Sessions of the peace for said County, has laid before the General Court an estimate made by the Court of General Sessions of the Peace, of the necessary charges likely to arise in said County the present year, amounting to the sum of four hundred and Ninety one pounds :

Resolved that the sum of four hundred and ninety one pounds, be and hereby is granted as a tax for the said County of York, to be apportioned, assessed, collected, and applied in manner, agreeable to Law.

January 28, 1795.

Chapter 20.

RESOLVE REMITTING A FINE LAID ON THE TOWN OF TEWKSBURY FOR NOT SENDING A REPRESENTATIVE THE LAST YEAR.

Whereas the town of Tewksbury was fined in the sum of seventeen pounds and ten shillings for not sending a Representative to the General Court the last year :

Resolved for reasons set forth in the petition of William Brown their agent on behalf of said town that the said fine be remitted ; and the town is hereby discharged from paying the same any law or resolve to the contrary notwithstanding.

January 28, 1795.

ANSWER OF THE HOUSE TO THE GOVERNOR'S SPEECH OF
JANUARY 16, 1795.*

Ordered that Mr. Sprague, Mr. Morton, Doct. Jarvis, Mr. Davis, and Mr. Tudor, be a Committee to wait on His Excellency with the following answer to his speech.

May it please your Excellency,

The interesting objects, which led the people of this Commonwealth to require the frequent assembling of the Legislature, will ever command our careful attention; and the House of Representatives in this, and every instance of their obedience to this principle of the Constitution, are happy to listen to the addresses of their chief magistrate, and to attend to your Excellency's communications.

Convinced that the wisest civil and political institutions, like every other work of man, are liable to error, and to imperfection, it shall be our steady purpose to correct, strengthen, and confirm the laws, and to make such new provisions as the common good may require. Having no interest to mislead, we shall aim at perspicuity and precision in the enacting of laws; and while the ordinary business of Legislation arrests our attention, we shall never be unmindful of the careful education of youth, or the cultivation of those principles and habits civil and religious, which form the only sure basis of individual and political happiness.

That our separate solemn engagements to support the Constitution of the United States, and the Constitution of this Commonwealth are clearly reconcilable, we presume no reasonable man will deny. The rights and duties resulting from those engagements it is our interest to dis[c]ern, and our happiness to pursue.

The organization of both Governments is but a partition of sovereignty derived from the people, the more effectually to promote and to secure their political welfare, and we are persuaded that both may long continue to move with harmony in the exercise of that moderation and sound discretion which are among the genuine traits of the republican character.

* Not printed in previous editions. Taken from court record.

In a representative Republic nothing can be more interesting than the purity and freedom of elections. I[*f*] any additional provisions have become necessary to cherish, protect or preserve that purity or freedom, your Excellency may be assured, that to that object we shall direct our serious deliberations.

While led by your Excellency to contemplate the desolating contest by which Europe is bathed in blood, we are happy that we have been preserved in peace; and rejoice in those events, by which the arm of violence has been restrained, and the combinations formed against the rights of Nations and of men have been baffled & disgraced.

We are pleased with the assurance, that the business of fortifying certain harbors in this Commonwealth, is not so immediately interesting as it formerly appeared. We shall consider your Excellency's observations upon that subject, and shall be ready to concur in any measure in which our interference shall appear to us to be necessary.

The vigilance and firmness of the American people, we confidently hope will ever enable them to defeat any attempts against their general or local Constitutions. In this hope we are confirmed by the success which has attended the exertions of Government, against the wanton and daring insurrection in a sister State, upon which your Excellency has so justly animadverted. This outrage against the laws is the second, and we trust in God, will be the last which we shall ever have reason to lament. It indeed could only have arisen from a confusion of ideas respecting the nature of that liberty which is founded on a perfect equality of our rights, whether natural or social, that any individuals should resort to force as a remedy for a political grievance which alone in a free Country, can, or ought to be redressed by the will & reason of [of] all.

With the sincerest satisfaction we meet your Excellency's congratulations upon the success which has attended the arms of the United States against the hostile indians — and we indulge a hope, that this event may produce a more favorable attention to those humane and friendly principles, by which we are persuaded the United States are disposed to be governed.

In determining relative to the issuing of precepts for collecting the sentiments of the people, concerning the revision of the Constitution of this Commonwealth we shall examine that article which provides for the proposed revi-

sion, with all that carefulness which constitutional question demands.

To any communications which your Excellency may be pleased to make, we shall duly attend; and are persuaded of your Excellency's careful revision, and ready approbation of such bills and resolves as may be calculated for the public good.

January 29, 1795.

Chapter 21.

RESOLVE REMITTING THE TOWN OF ROWE, £.29 4— BEING THE SILVER MONEY TAX, GRANTED IN 1780, AND ONE OTHER TAX, GRANTED IN 1782, THE SUM OF £.105 16.

Whereas Archibald Thomas and others a Committee of the Town of Rowe, have petitioned this Court for an abatement of the silver money Tax granted in the year 1780—and one other Tax granted in 1782 for the reasons set forth in their petition:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby impowd. & directed to remit the said Town of Rowe the sum of Twenty nine pounds four shillings being the silver money Tax (so called) set upon the Plantation of Merryfeild in the year of our Lord one Thousand seven hundred and eighty; and also the sum of One hundred and five pounds sixteen shillings and eight pence, being the amount of a Tax set upon said Plantation, in the year of our Lord one thousand seven hundred and eighty two in full of sd. Taxes.

January 29, 1795.

Chapter 22.

RESOLVE ON THE PETITION OF ALEXANDER HODGSDON, LATE TREASURER, GRANTING HIM £.700, FOR THE YEARS 1787 AND 1789.

On the Petition of Alexander Hodgsdon Esq. late Treasurer of this Commonwealth.

Resolved that there be granted & allow'd the said Alexr. Hodgsdon in the Settlement of his Account the Sum of Seven Hundred Pounds in full satisfaction for his Salary and Services for two years from the 27th Day of April 1787 to ye 27th of April 1789 he having never before had any Grant or Allowance therefor.

January 29, 1795.

Chapter 23.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF WORCESTER AND GRANTING A TAX OF £.787 10.

Whereas the Treasurer for the County of Worcester, has laid his Accounts before the General Court, in manner prescribed by law, which Accounts are hereby allowed — and the Clerk of the Court of General Sessions of the peace for said County, has laid before the General Court; an estimate made by the Court of General Sessions of the peace, of the necessary charges likely to arise in said County the present year, amounting to the sum of Seven hundred and eighty seven pounds ten shillings :

Resolved, that the sum of Seven hundred and eighty seven pounds ten shillings, be, and hereby is granted, as a tax for the said County of Worcester, to be apportioned, assessed, collected and applied in manner agreeable to Law.

January 29, 1795.

Chapter 24.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF ESSEX AND GRANTING A TAX OF £.1000.

Whereas the Treasurer for the County of Essex, has laid his Accounts before the General Court, in manner prescribed by law, which accounts are hereby allowed; and the Clerk of the Court of General Sessions of the peace for said County, has laid before the General Court; an estimate made by the Court of General Sessions of the Peace, of the necessary charges likely to arise in said County the present year amounting to the sum of one thousand pounds :

Resolved that the sum of One thousand pounds, be, and hereby is granted, as a tax for the said County of Essex, to be apportioned, assessed, collected and applied, in manner agreeable to Law.

January 29, 1795.

Chapter 25.

RESOLVE ON THE PETITION OF LEVI SHEPHARD, DIRECTING THE TREASURER TO ISSUE A NEW NOTE IN LIEU OF ONE FOUND TO BE ALTERED.

On the Petition of Levi Shephard praying that the Treasurer may be Directed to Issue a new Note in his favour in

lieu of one that he purchased of one William Negers which being presented to the Treasurer for payment of the Interest was found to be altered.

Resolved that the Prayer of Said Petition be so far granted that the Treasurer of this Commonwealth be and is hereby Directed to Issue a new Note in favour of Said Shephard for the Sum of Nineteen Pounds Eighteen Shillings and five pence payable with Interest from the first Day of January 1784. *January 29, 1795.*

Chapter 26.

RESOLVE ON PETITION OF CAPT. EBENEZER KENT, GRANTING HIM £.15.

On the Petition of Ebenezer Kent praying he may be paid his expences in Building a Gun House in the Town of Watertown.

Resolved that the prayer of the Petition be granted that there be paid out of the Treasury of this Commonwealth to Ebenezer Kent the sum of fifteen pounds in full for his Expences in building said House.

January 30, 1795.

Chapter 27.

RESOLVE ON THE PETITION OF THE HON. FRANCIS DANA, ESQ. EXECUTOR TO THE LATE HON. EDMUND TROWBRIDGE, ESQ. GRANTING HIM £.312 10.

On the Petition of the Honble. Francis Dana Esqr. Executor of the last Will and Testament of the late Honble. Edmund Trowbridge Esqr. deceas'd praying for the Allowance and Payment of one Year and one Quarter of a Years Salary Due to the deceas'd for his service as one of the Judges of the late Superior Court of Judicature &c. in this Commonwealth.

Resolved that the Prayer of said Petition be Granted and that there be Allowed and Paid out of the Treasury of this Commonwealth to the said Francis Dana Executor as aforesaid the sum of three Hundred & twelve Pounds ten shillings in full for the Servises of the said late Edmund Trowbridge deceas'd as Judge as aforesaid for the space of one Year and a quarter of a Year from the first day of January in the Year of our Lord One Thousand Seven Hundred and Seventy four to the first day of April in the year one thousand seven hundred and seventy five.

January 30, 1795.

Chapter 28.

RESOLVE ON THE PETITION OF HENRY HODGE, SAMUEL NICHOLS AND JOHN McCOWN, EXECUTORS TO THE LAST WILL OF ROBERT HODGE, LATE OF NEWCASTLE, IN THE COUNTY OF LINCOLN, DECEASED, AUTHORIZING HENRY HODGE TO GIVE A GOOD DEED OF THE SALT MARSH MENTIONED.

On the Petition of Henry Hodge Samuel Nichols & John McCown executors to the last will & testament of Robert Hodge late of New Castle in the County of Lincoln deceased praying to be empowered to convey by deed between three & four acres of salt marsh & flats, to Joseph Carlton of Pownalborough in said County, which sd. deceased while in full life sold to the said Joseph Carlton for the sum of fifteen pounds — & gave him the possession thereof, but neglected giving him a deed or any other conveyance under his hand & seal of the same.

Resolved for reasons set forth in said petition that Henry Hodge one of the Executors on the last will & testament of Robert Hodge late of Newcastle in the County of Lincoln decd. be and he hereby is fully authorized & empowered to give and execute a good & sufficient deed to Joseph Carlton of Pownalboro in said County of about three or four acres of salt marsh & flats that said Robert while in full life sold to the said Joseph & gave him possession of but neglected giving him a deed or any other conveyance of the same before his decease.

January 30, 1795.

Chapter 29.

RESOLVE ON THE PETITION OF TIMOTHY BROOKS, DIRECTING THE TREASURER TO RECEIVE THE SUM MENTIONED ON THE NEW LOAN.

On the Petition of Timothy Brooks praying to be indemnified against the Defect of a State Note which he received of the late Treasurer Ivers & which was issued by said Treasurer without his Signature.

Resolved, That the Treasurer of this Commonwealth be authorized & directed to receive of said Brooks the above mentioned Note amounting to the Sum of Six Pounds seventeen shillings, on the new Loan agreeable to the Act providing for the Debt of this Commonwealth any Defect in said Note, to the contrary notwithstanding.

January 31, 1795.

Chapter 30.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF HAMPSHIRE AND GRANTING A TAX OF £.700.

Whereas the Treasurer of the County of Hampshire, has laid his Accounts before the General Court, which are hereby allowed — and the Clerk of the Court of General Sessions of the peace for said County, has laid before the General Court, an estimate made by said Court of General Sessions of the Peace, of the necessary charges likely to arise in said County, the present year, amounting to the sum of Seven hundred pounds :

Resolved, that the sum of Seven hundred pounds be, and hereby is granted as a tax for said County of Hampshire, to be apportioned, assessed collected and applied in manner agreeable to Law. *January 31, 1795.*

Chapter 30A.*

ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWN OF WILBRAHAM.

On the Petition of a number of the Inhabitants of the Town of Wilbraham praying to be Incorporated into a Separate parish by the name of the Methodist parish in Wilbraham.

Ordered that the petitioners notify the Inhabitants of the Several parishes in said Town, by leaving an attested Copy of their petition with this Order thereon with their respective Parish Clerks, Thirty Days at least before the second Wednesday of the first Session of the next General Court, that they may then appear and shew cause if any they have why the prayer of said Petition should not be granted. *January 31, 1795.*

Chapter 31.

RESOLVE ON THE PETITION OF EBENEZAR HEARD AND JOHN SCATES, JUN. DIRECTING THE DEPUTY SHERIFF FOR THE COUNTY OF YORK TO DISCHARGE THE SAID PETITIONERS ; WITH A PROVISIO.

On the petition of Ebenezar Heard & John Scates Junr. praying for a remission of the penalties which have ac-

* Not printed in previous editions.

crued upon the forfeiture of several recognizances as set forth in their petition.

Resolved that the prayer of the petition of Ebenezar Heard and John Scates Junr. be so far granted, as that Mark Lord a Deputy Sheriff for the County of York to whom were committed the several executions which have issued on the Judgments that have been rendered upon the several Writs of *scire facias* mentioned in the said petition be & hereby is ordered and directed to discharge the said petitioners from said executions, *provided* the said petitioners give their joint bond for the several penalties therein mentioned to the Treasurer of the Commonwealth payable in one year, and pay all the legal Costs which have arisen in the actions upon the said Writs of *scire facias*, which have been prosecuted for the recovery of the said forfeitures.

February 2, 1795.

Chapter 32.

RESOLVE ON THE PETITION OF PELEG WILLARD, DIRECTING THE TREASURER TO ISSUE NEW NOTES IN LIEU OF THOSE FORGED.

On the petition of Peleg Willard a soldier in the late Colo. Vose's Regiment.

Resolved that the prayer thereof be granted and the Treasurer is hereby directed to Issue his note or notes to the said Peleg Willard in the same way and manner as has been practised in paying other soldiers for similar services — his wages having been drawn by a forged order notwithstanding.

February 2, 1795.

Chapter 32A.*

ORDER ON THE PETITION OF SIMON ELLIOT AND OTHERS.

On the petition of Simon Elliot and others.

Ordered that the petitioners notify the inhabitants of the town of Dedham to appear on the second Wednesday of the first session of the next General Court, to make answer to said petition, by causing an attested copy of said petition & this order thereon to be left with the town Clerk or one of the Selectmen of said town, thirty days at least previous to said day. *February 2, 1795.*

* Not printed in previous editions. Taken from court record.

Chapter 33.

RESOLVE GRANTING £18 TO ISAAC PEIRCE, MESSENGER TO THE GOVERNOR AND COUNCIL, TO PURCHASE FUEL AND OTHER NECESSARIES.

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth to Isaac Peirce Messenger to the Governor and Council, the sum of Eighteen pounds, to enable him to purchase fuel & other necessary articles for the Council Chamber & Secretary's Office — he to be accountable for the same.

February 2, 1795.

Chapter 34.

RESOLVE ON THE PETITION OF SALMON HOUGHTON, EMPOWERING THE JUDGE OF PROBATE OF WORCESTER CO. TO ALLOW FURTHER TIME FOR EXAMINING THE CLAIMS OF THE ESTATE OF EZRA HOUGHTON, DECEASED.

On the Petition of Salmon Houghton Administrator on the Estate of Ezra Houghton late of Sterling in the County of Worcester deceased.

Resolved that the Judge of Probate for the County of Worcester be & he hereby is impowerd (if he shall think it Necessary for the furtherance of Justice) to allow three Months further time for examining the Claims on the said estate, and on his so doing, the former proceedings of the Commissioners are to be considered as open to the correction of any Errors.

February 3, 1795.

Chapter 35.

RESOLVE ON THE PETITION OF GILES JACKSON, AGENT FOR THE TOWN OF TYRINGHAM, REMITTING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE IN THE YEAR 1793.

On the Petition of Giles Jackson agent for the Town of Tyringham Praying for the abatement of a fine.

Resolved for reasons Set forth in Said Petition that the said fine be and hereby is remitted and abated and that the Treasurer of this Commonwealth be and he is hereby directed to credit the Said Town of Tyringham the Sum of twenty five Pounds which was Set on them as a fine for not Sending a Representative to the Generall Court in the year 1793.

February 3, 1795.

Chapter 36.

RESOLVE ON THE PETITION OF EBENEZAR WIGHT, DIRECTING THE TREASURER TO RECEIVE A NOTE ISSUED TO WILLIAM GLEASON.

On the petition of Ebenezar Wight praying that he may receive the benefit of a note issued from the Treasury of this Commonwealth, without the signature of the Treasurer.

Resolved that the Treasurer of this Commonwealth be directed to receive a note issued to William Gleason for the sum of Four Pounds, six shillings, (which note is without the signature of the Treasurer) in the loan opened by an act for providing for the debt of this Commonwealth, the said defect to the contrary notwithstanding.

February 3, 1795.

Chapter 37.

RESOLVE ON THE PETITION OF ICHABOD BUTLER.

On the Petition of Ichabod Butler.

For Reasons set forth in sd. Petition. *Resolved* that the Treasurer of the Commonwealth be, and he hereby is directed to Credit the sd. Ichabod Butler on Tax No. 5 the amount of the payments of seventeen pounds two Shillings in Specie Eighteen pounds four Shillings in Army Notes and thirteen pounds four Shillings in indents on his delivering Johnson Moulton Esqr's. (late Sheriff of the County of York) Receipt, for the sums aforesaid and the Treasurer is directed thereupon to charge the said Sheriff for the payment aforesd.

February 3, 1795.

Chapter 37A.*

ORDER ON THE PETITION OF GEORGE SHEPARD AND OTHERS.

On the petition of George Shepard & others.

Ordered that the petition[ers] notify the towns mentioned in their petition, by leaving an attested copy thereof, and this order thereon, with the respective Clerks of said towns, thirty days previous to the third Wednesday of the first session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of the said petition should not be granted.

February 4, 1795.

* Not printed in previous editions. Taken from court record.

Chapter 39.*

RESOLVE ON THE PETITION OF JOSEPH LAUGHTON, GRANTING
1s. PER DAY, IN ADDITION, FROM 2^D OF JULY, 1792.

On the Petition of Joseph Laughton, first Clerk in the Treasurer's Office, praying for an extra allowance.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth, to the said Joseph Laughton, one Shilling per Day, in addition to his present pay, from the second day of July 1792 making twelve pr. day from the period last mentioned.

February 3, 1795.

Chapter 39A.†

ORDER ON THE PETITION OF JOHN MOLLOY AND OTHERS.

On the petition of John Molloy & others.

Ordered that John Molloy notify all whom it may concern, by advertising in the Eastern Star an attested copy of his petition, with this order thereon, three weeks successively within the month of April next, to shew cause, if any they have, on the second Wednesday of the first Session of the next General Court, why the prayer of his petition should not be granted.

February 5, 1795.

Chapter 40.

RESOLVE ON THE PETITION OF CYREL WHITAKER, DIRECTING
THE SECRETARY TO CERTIFY THE BALANCE DUE.

On the petition of Cyrel Whitaker Administrator on the Estate of Joseph Whitaker.

Resolved, that John Avery junr. Secretary of the Commonwealth Certify to the Governour & Council the pay or arrears of pay due to the said Joseph Whitaker, late a Bombadier in Colo. Crane's Regiment of Artillery. And the Treasurer on receiving a warrant therefor, is directed to issue his note or notes to the said Cyrel Whitaker Administrator as aforesaid in the same way & manner as has been practised in paying other Soldiers for similar services.

February 5, 1795.

* No chapter 38.

† Not printed in previous editions. Taken from court record.

Chapter 41.

RESOLVE ON THE PETITION OF WILLIAM LITTLE, IN BEHALF OF SAMUEL DELING AND BENJAMIN TUCKER, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE.

On the petition of William Little of Boston in behalf of Samuel Deling and Benjamin Tucker as their Attorney.

Resolved, That John Avery junr. Esq. Secretary of the Commonwealth Certify to the Governour & Council the pay or arrears of pay due to the said Samuel Deling and Benjamin Tucker Soldiers in the (formerly Brewer's) afterward Colo. Sprouts Regiment. And the Treasurer on receiving a warrant therefor is directed to issue his note or notes to the said Samuel Deling and Benjamin Tucker in the same way & manner as has been practiced in paying Soldiers for Similar Services.

February 5, 1795.

Chapter 42.

RESOLVE ON THE PETITION OF RALPH WHEELOCK AND OTHERS, INHABITANTS OF THE TOWNS OF PARTRIDGEFIELD AND DALTON.

On the Petition of Ralph Wheelock and others Inhabitants of the Towns of Patridgefield & Dalton praying for a Committee at the Expence of the Petitioners to repair to the said Towns and View their Situation and Report whether it would be for the Benefit of the Petitioners and all Concerned to be Incorporated into a Town or Parish.

Resolved for Reasons set forth In said Petition that John Bacon Nathl. Bishop & Saml. Taylor Esqrs. be a Committee to Repair to the said Towns of Patridgefield & Dalton for the purposes above mentioned, who are directed to cause the Selectmen or Clerk of the said Towns respectively to be served with an attested Copy of this Resolve & the petition to which it refers, & also with notice of the time & place of their meeting, twenty days at least before the time of such meeting, and make report at the first Session of the Next General Court.

February 5, 1795.

Chapter 43.

RESOLVE ON THE PETITION OF DAVID POOR, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE.

On the petition of David Poor.

Resolved, That John Avery junr. Esq. Secretary of the Commonwealth Certify to the Governour & Council the pay or arrears of pay due to the said David Poor late lieut. in Colo. Hutchinsons Regiment. And the Treasurer on receiving a warrant therefor is directed to issue his note or notes to the said David Poor in the same way and manner as have been practiced in paying other Officers for similar services. *February 5, 1795.*

Chapter 44.

RESOLVE ON THE PETITION OF SAMUEL BUCK, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE.

On the petition of Samuel Buck.

Resolved, That John Avery junr. Esqr. Secretary of the Commonwealth Certify to the Governour & Council the pay or arrears of pay due to the said Samuel Buck late a drummer in Colo. Wessons Regt. and the Treasurer on receiving a Warrant therefor is directed to issue his note or notes to the said Samuel Buck in the same way and manner as have been practiced in paying other Soldiers for similar services. *February 5, 1795.*

Chapter 45.

RESOLVE ON THE PETITION OF BENJAMIN HEYWOOD, SAMUEL ARMSTRONG AND NATHANIEL COIT ALLEN, LATE AGENTS OF THE 6TH, 8TH AND 10TH REGIMENTS, GRANTING THEM £.80 TO EACH, FOR THEIR SERVICES.

On the Petition of Benjamin Heywood late Agent of the Sixth Massachusetts Regiment, Samuel Armstrong late Agent of the Eighth Massachusetts Regiment, Nathaniel Coit Allen late Agent of the Tenth Massachusetts Regiment all of the late Continental Army, praying for a further compensation for Services as Agents.

Resolved, for Reasons set forth in their respective Petitions that there be Allowed and paid out of the Treasurry of this Commonwealth, to Benjamin Heywood, Samuel Armstrong and Nathaniel Coit Allen, (to each of

them) the Sum of eighty Pounds Lawful Money which with the Sum of one hundred and twenty pounds, heretofore Severally Received by the Said Petitioners shall be considered as a full compensation for their Respective Services as Agents aforesaid. *February 5, 1795.*

Chapter 46.

RESOLVE ON THE PETITION OF THOMAS HOSLEY AND JONATHAN HOSLEY.

On the petition of Thos. Hosley & Jonathan Hosley.

Resolved that the prayer of said petition be so far granted, that the said petitioners be, & they hereby are discharged from the sum due on the execution issued against them in consequence of the forfeiture of their recognizance, for the appearance of Isaiah Hosley at the Supreme Court holden at Northampton in the County of Hampshire in April 1789 on their the said Thos. & Jona. paying all costs that have arisen in consequence of the forfeiture aforesaid; And the Sheriff of said County is directed to govern himself accordingly.

February 5, 1795.

Chapter 47.

RESOLVE ON THE REPORT OF JOHN DEMING, ESQ. ON THE ACCOUNTS OF WILLIAM SALISBURY, THAT THERE APPEARS NOTHING DUE TO HIM.

On the report of John Deming Esq. upon the accounts of William Salisbury respecting supplies at Castle Island.

Resolved, that it doth not appear that anything is now due, either from the Commonwealth to the said Salisbury, or from the said Salisbury to the Commonwealth, on account of said supplies.

February 6, 1795.

Chapter 48.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF HANOVER, AUTHORIZING THE COMMITTEE TO EXAMINE THE ACCOUNT FOR THE SUPPORT OF SAMUEL MINGO.

On the petition of the Selectmen of the Town of Hanover, praying compensation for the support of Samuel Mingo.

Resolved, that the Committee on public accts. be and hereby are authorized and empowered to examine the

Account for the support of said Mingo, and to allow the whole or such part thereof as shall appear to them just and reasonable.

February 6, 1795.

Chapter 49.

RESOLVE ON THE PETITION OF HANNAH BURTON, ADMINISTRATRIX ON THE ESTATE OF CALEB BURTON, LATE OF CHESHIRE, AND GUARDIAN TO HIS CHILDREN, EMPOWERING HER TO SELL THE RIGHT MENTIONED.

On the Petition of Hannah Burton Administratrix on the Estate of Caleb Burton late of Cheshire in the County of Berkshire & Guardian of his children praying for leave to sell & dispose of the right which the said children as his heirs have in the Reversion of a real estate lying in said Cheshire of which said Caleb died seized.

Resolved that the prayer of the said Petition be granted & that the said Hannah be & she hereby is authorized and impowered to sell & dispose of the Right which the Children of the sd. Caleb have in said Estate consisting of an old house & lot of land containing about sixteen acres, She giving Bonds to the Judge of Probate for sd. County with sufficient sureties to apply the proceeds arising therefrom, to the use of said Heirs, as Guardians are required by Law to do, respecting the sale of real Estates of deceased persons.

February 6, 1795.

Chapter 50.

RESOLVE ON THE PETITION OF DANIEL SMALL, DIRECTING THE TREASURER TO ISSUE A NOTE TO THE VALUE OF THE SUM MENTIONED; AND THE ATTORNEY GENERAL DIRECTED IN THIS CASE.

On the petition of Daniel Small of Limington praying that he may be allowed and paid the sum of six pounds thirteen shillings and four pence — which sum having been drawn out of the Treasury by Capt. Joseph McLellan by an order given him by Daniel Small of Gray, who it appears had no wages due.

Resolved that the Treasurer of this Commonwealth be and he hereby is directed to Issue to the said Daniel Small of Limington a note to the Value of six pounds thirteen shillings and four pence with Interest in lien of his wages, drawn as aforesaid — and the attorney General is hereby directed to call on the said Joseph McLellan to pay the sum so drawn into the Treasury of this Commonwealth.

February 6, 1795.

Chapter 50A.*

ORDER ON THE PETITION OF ASHER RICE.

On the petition of Asher Rice praying for a rehearing of an action brought against him by the widow Hannah Gilbert, and Daniel Gilbert Administrators on the estate of Joseph Gilbert of Brookfield deceased.

Ordered for reasons set forth in said petition, that the petitioner serve the said Hannah Gilbert and Daniel Gilbert with an attested copy of his said petition and this order thereon, thirty days previous to the second Wednesday of the first session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition shall not be granted.

February 6, 1795.

Chapter 51.

RESOLVE ON THE PETITION OF SILAS WILD, DIRECTING THE TREASURER TO ISSUE A NOTE TO HIM TO THE AMOUNT OF THE NOTE LOST; SAID WILD GIVING BONDS TO INDEMNIFY THE COMMONWEALTH AGAINST THE NOTE SAID TO BE LOST.

On the Petition of Silas Wild setting forth that he was in possession of a State Note signed by the Treasurer of this Commonwealth for the sum of Sixteen pounds five shillings & seven pence, being No. 9722 dated August 1782, and that he lost the same on his passage by water from Braintree to Hull, and praying for relief.

Resolved that the Treasurer of the Commonwealth be and hereby is directed to Issue a Note to the said Silas Wild, conformable to the Act providing for the public debt, for the amount of the Note said to be lost & for the Interest due thereon to the first day of July last, the said Wild first giving Bonds with sureties sufficient in the opinion of the Treasurer to indemnify the Commonwealth against the Note said to be lost. *February 6, 1795.*

Chapter 52.

RESOLVE ON THE REPORT OF ALEXANDER CAMPBELL AND OTHERS, A COMMITTEE IN BEHALF OF THIS COMMONWEALTH, TO NEGOCIATE AND SETTLE ANY MISUNDERSTANDING OR DIFFERENCES WITH THE PASSAMAQUADY INDIANS AND THOSE OF THE OTHER TRIBES CONNECTED WITH THEM.

Whereas by a resolve of the General Court passed on the twenty sixth day of June last, Alexander Campbell,

* Not printed in previous editions. Taken from court record.

John Allen and George Stillman, were appointed a Committee in behalf of this Commonwealth to negociate and settle any misunderstanding, dispute, or differences which may subsist between this Commonwealth and the Passamaquady Indians, and those of other Tribes connected with them; with full powers and authority to lay out and assign to the said Indians any tract of unlocated land belonging to this Commonwealth in the County of Washington, not exceeding Ten thousand acres; and also to purchase any particular spot of Ground or tract of land for the use and convenience of said Indians; *provided however*, that such purchase shall not exceed the sum of five hundred pounds.

And whereas the said Committee have exhibited to the General Court in their present Session, an agreement made and signed on the twenty ninth day of September last, by and between them in behalf of this Commonwealth and the Chiefs of the Passamaquady Tribe of Indians, and others connected with them; which agreement is in the words following, to wit:

To all People to whom this Present agreement Shall be made known,

WE ALEXANDER CAMPBELL, JOHN ALLAN, & GEORGE STILLMAN Esquires a Committee appointed and Authorised by the General Court of the Commonwealth of Massachusetts, To Treat with and assign Certain lands to the Passamaquaddy Indians and Others Connected with them agreeable to a Resolve of Said General Court of ye Twentysixth of June in the year of our Lord one thousand Seven hundred & ninety four of the one part and the Subscribing Chiefs & Others For Themselves and in behalf of the said Passamaquady Tribe & Others Connected with them of the Other part, WITNESSETH, that the said Committee In behalf of the Commonwealth aforesaid and In Consideration of the said Indians Relinquishing all their Right Title Interest Claim or demand of any land or Lands lying and being within the said Commonwealth of Massachusetts and also engaging to be Peaceable & Quiet Inhabitants of Said Commonwealth without Molesting any Other of the settlers of the Commonwealth aforesaid in any way or means whatever. In Consideration of all which, the Committee aforesaid for and in behalf of the Comm: — wealth aforesaid do hereby assign[s] and Set

of [f] to the aforesaid Indians the Following Tracts or Parcels of land lying & being within the Commonwealth of Massachusetts *Vizt.* all those Islands lying and being in Schoodic River between The falls at the head of the Tide and the falls below the Forks of said River where the north Branch and West Branch parts being fifteen in number Containing one hundred Acres more or less, also Township No. two in the first Range Surveyed by Mr. Samuel Titcomb in the year of our Lord one thousand seven hundred & ninety four Containing about twenty three thousand Acres more or less being bounded as follows Easterly by Tomers River & Township No. one First Range Northerly by Township No. two Second Range Westerly by township No. three first Range, Southerly by the West Branch of Schoodic River & Lake, also Lues Island lying in Front of said Township Containing Ten Acres more or less Together with one hundred Acres of land lying on Nencass point adjoining the West side of Said Township also Pine Island lying to the westward of said Nencass Point Containing one hundred & fifty acres more or less also assign & Set of [f] to John Baptist Lacote a French Gentleman Now Settled among the said Indians one hundred Acres of Land as a Settler in Township No. one first Range lying at the falls at the Carrying Place on the North Branch of Schoodic River to be Intitled to have said land laid out to him in the same manner as Settlers in New Townships are Intitled, also assign to said Indians the privilege of Fishing on Both Branches of the River Schoodic without Hindrance or Molestation and the privilege of passing the said River over the deferent Carrying places thereon all which Islands, Township, Tracts or parcels of Land and privileges being marked with a Cross Thus ✕ on the Plan taken by Mr. Samuel Titcomb with the Reservation of all Pine Trees fit for Masts on said Tracts of land to Government they making said Indians a Reasonable Compensation therefor also assign & Set of [f] to the Said Indians Ten Acres of land more or less at Pleasant point purchased by said Committee In behalf of said Commonwea[l]th of John Frost being bounded as follows *Vizt.* begining at a stake to the eastward of the dwelling house & Runing North twenty five degrees west fifty four Rods from thence Runing North fifty six degrees East thirty eight Rods to the Bay from thence by the shore to the first Bounds also a Privilege

of Sitting down at the Carrying Place at West Passamaquady between the Bay of West Quady and the Bay of Fundy to Contain fifty acres the Said Islands Tracts of land, & Privileges to be Confirmed by the Commonwealth of Massachusetts to the said Indians & their Heirs Forever.

In Testimony of all which we the Said ALEXANDER CAMPBELL JOHN ALLAN and GEORGE STILLMAN the Committee aforesaid and In behalf of the Commonwealth aforesaid, and the Chiefs & Other Indians aforesaid In behalf of themselves and those Connected with them as aforesaid Have hereunto Set our hands and Seals at Passamaquady the Twenty Ninth Day of September in the Year of our LORD one thousand seven Hundred & Ninety Four.

ALEX. CAMPBELL,
J. ALLAN,
GEORGE STILLMAN.

Signed Sealed } SAMUEL TITCOMB,
in Presence of } JNO. FROST, Junr.

FRANCIS JOSEPH ^{his} ~~X~~ NEPTUNE, (L. S.)
mark.

JOHN ^{his} ~~X~~ NEPTUNE, (L. S.)
mark.

PIER ^{his} ~~X~~ NEPTUNE, (L. S.)
mark.

JOSEPH ^{his} ~~X~~ NEPTUNE, (L. S.)
mark.

PIER ^{his} ~~X~~ DENNY, (L. S.)
mark.

JONALE ^{his} ~~X~~ DENNY, (L. S.)
mark.

JOSEPH ^{his} ~~X~~ TOMAS, (L. S.)
mark.

Be it therefore Resolved, That the said Agreement be, and it hereby is, ratified and confirmed on the part of this Commonwealth; And that there be allowed and paid out of the Treasury of this Commonwealth, to the said Committee, the sum of Two hundred pounds, being the con-

sideration paid to the above named John Frost for a Tract of land on Pleasant Point, purchased by the said Committee, ten acres of which, more or less as described in the before recited agreement is hereby appropriated for the accomodation of the said Indians, said sum to be paid to the said Committee on their depositing in the Secretary's office a deed from the said John Frost, of the said Tract of land on Pleasant Point, duly executed, and acknowledged.

And whereas there now remains for the disposition of Government, ninety acres, more or less, of the above-mentioned lot of land on Pleasant point,

Resolved, that the Treasurer of this Commonwealth be, and he is hereby authorized and impowered to lease the said remaining ninety acres for one year, or for a term of years, in such manner, and on such considerations as he may judge will be most for the advantage of the Commonwealth.

February 10, 1795.

Chapter 52A.*

RESOLVE ON THE PETITION OF EBENEZER BANCROFT.

On the petition of Ebenezer Bancroft.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth to the Proprietors of the Plantation of Butterfield Seventeen pounds for State taxes that have been Collected of them. And the Costs arising on the Said Collection, it appearing that the Said Plantation was exempt by Law from State and Continental taxes untill Novr. in the year of our Lord 1797 — And that the Treasurer be Directed to Suspend the Sending any warrants for more taxes to the Said Plantation — untill that Period.

February 10, 1795.

Chapter 53.

RESOLVE ON THE PETITION OF DANIEL OLIVER, DIRECTING THE TREASURER TO ISSUE A CERTIFICATE FOR THE AMOUNT OF THE SUM MENTIONED.

On the petition of Daniel Oliver, praying to have renewed, a Soldiers State note for ten pounds, now in his possession, given by the late Treasurer Gardner, a part of which has been torn off, and lost.

* Not printed in previous editions.

Resolved that the Treasurer of this Common-wealth, be, and hereby is directed, to receive of Daniel Oliver into the Treasury, that part of said Note for ten pounds, which remains, and to ascertain the value thereof and allow the Interest due thereon, and to issue a Certificate for the amount, agreeable to the Act providing for the debt of this Common wealth.

February 10, 1795.

Chapter 54.

RESOLVE ON THE PETITION OF CHARLES GOODRICH, ESQ.

On the Petition of Charles Goodrich Esqr. praying for a grant of certain land therein described.

Resolved that the Committee for the Sale of unappropriated lands in the County of Berkshire be and hereby are authorized in the Name & Behalf of the Commonwealth to make a Deed of Release & Quit Claim to the said Charles Goodrich of all the right title and interest of the Commonwealth in and to lot number one hundred and twenty seven lying in the Town of Partridgefield in said County of Berkshire containing two hundred acres, the said Charles paying to the said Committee therefor to the use of the Commonwealth the sum of four hundred Dollars upon receiving such Deed, or securing the same sum to be paid with the Interest thereof from the time of his receiving such Deed, within six months next thereafter.

February 11, 1795.

Chapter 55.

RESOLVE ON THE PETITION OF NATHANIEL ROGERS.

On the petition of Nathaniel Rogers Junior, praying that he may be authorized to make sale of six Acres of salt marsh belonging to his four children, who are minors and only heirs of Hannah his late wife; for the reasons set forth in said petition.

Resolved, that the petitioner be and hereby is authorized to make sale of the said six Acres of salt marsh mentioned in his petition at public or private sale as he shall judge most for the benefit of said children, and to execute any sufficient deed or deeds of the same. *Provided* that the petitioner give bond with sufficient sureties to the Judge of Probate for the County of Plymouth, in double the value of said Estate, to observe the rules and direc-

tions of the law which respects the sale of real Estate belonging to minors by Guardians and Administrators, & faithfully to discharge the trust reposed in him; *and provided* that with the proceeds of said sale, other real Estate in the Town of Marshfield, shall be purchased by said Nathaniel and the deed or deeds thereof taken to the said Minors, in which case the said Nathaniel shall have equal interest in the real Estate so purchased as he now has as Tenant by the Curtesy in the six Acres of Marsh aforesaid.

February 11, 1795.

Chapter 55A.*

ORDER ON THE PETITION OF OZIAS BLANCHARD AND OTHERS.

On the petition of Ozias Blanchard and others.

Ordered that the petitioners notify the inhabitants of the first parish in North Yarmouth by leaving an attested copy of their petition, with this order thereon with the Clerk of said parish, thirty days at least before the second Wednesday of the first session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

February 11, 1795.

Chapter 56.

RESOLVE ON THE PETITION OF WHITNEY COOLIDGE & WHITNEY.

On the Petition of Whitney, Coolidge & Whitney contractors for Supplying the Garrison & Convicts on Castle Island.

Resolved that There be allowed & paid out of the Treasury of this Commonwealth, to Whitney, Coolidge, & Whitney, the sum of six pence half penny pr. Day for the provisions & Cloathing for each of the Convicts on Castle Island, from the 26th day of June 1794 to the first day of April 1795, as specified in a Contract made by the Treasurer & the Petitioners, for supplying said Convicts.

February 16, 1795.

* Not printed in previous editions. Taken from court record.

Chapter 57.

RESOLVE ON THE PETITION OF JOSEPH LOPEZ, ADMINISTRATOR ON THE ESTATE OF AARON LOPEZ, AUTHORIZING THE JUDGE OF PROBATE FOR THE COUNTY OF WORCESTER, TO EXTEND THE COMMISSION FOR EXAMINING CLAIMS ON SAID ESTATE.

On the petition of Joseph Lopez Admin. on the Estate of Aaron Lopez late of Leicester in the county of Worcester deceased intestate.

Resolved, That the prayer of the petition be granted & that the Judge of Probate for the county of Worcester be & hereby is authorized & impowred to renew & extend the Commission for examining claims on the estate of said Aaron Lopez for a term not exceeding twelve months from the twenty seventh day of June last past.

February 11, 1795.

Chapter 58.

RESOLVE ON THE PETITION OF JOHN AVERY, JUN. GRANTING HIM £50 FOR HIS SERVICES AS SECRETARY, TO THE 1ST OF JUNE NEXT.

On the petition of John Avery Junior Esqr. Secretary of this Commonwealth, stating the insufficiency of his salary for his comfortable maintenance.

Resolved, That there be allowed and paid to the said John Avery Junior Esqr. out of the Treasury of this Commonwealth the sum of fifty pounds in addition to the Sum granted to him by a resolution passed on the 26th day of June last, and in full for his Services as Secretary of the Commonwealth to the first day of June next.

February 12, 1795.

Chapter 58A.*

ORDER ON THE PETITION OF JOHN THAYER AND OTHERS.

On the petition of John Thayer & others.

Ordered that the petitioners notify the towns of Belchertown and Amherst mentioned in their petition, by leaving an attested copy of their petition and this order thereon, with the respective Clerks of the said towns thirty days at least before the third Wednesday of the first Session of the next General Court, that they may

* Not printed in previous editions. Taken from court record.

appear on said day, and shew cause, if any they have, why the prayer of the said petition should not be granted.

February 12, 1795.

Chapter 59.

RESOLVE ON THE PETITION OF ELIJAH GOODENOW, AUTHORIZING THE SALE OF INDIAN LAND IN NATICK.

On the Petition of Elijah Goodenow and others Praying that certain Strips of Common lands in Natick belonging to the Indians may be Sold for the Benefit of Said Indians.

Resolved that Jonathan Maynard Esqr. Guardian of the Natick Indians be and is hereby impowered to Sell at Publick Vendue any Common lands belonging to the Said Natick Indians and to make and execute a good and Lawfull Deed or Deeds to the Purchaser or Purchasers, first giving Publick notice of the time & place of such sale by Posting up Notifications thereof in Some Publick Place or Places in the Town of Natick thirty days prior to Such Sale the Said Guardian to be accountable for the Money arising therefrom in the Same way and manner as he is for all other monies now belonging to Said Indians.

February 13, 1795.

Chapter 60.

RESOLVE ON THE PETITION OF NATHANIEL WELLS AND JOHN STORER, IN BEHALF OF THE FIRST PARISH IN WELLS.

On the petition of Nathl. Wells and John Storer Esqrs. a Committee of the first parish in the town of Wells & the Revd. Dr. Moses Hemmenway minister of said parish praying that they may be empowered to make sale of part of the parsonage land in said parish.

Resolved that the sd. Committee & the said Moses be & they are hereby authorised & empowered to make sale of the Westerly and Northwesterly parts of the parsonage land in said parish which are separated from the residue thereof either by a highway or a town-way leading to a place called Merriland in said parish containing about one hundred acres (be the same more or less) for such sum or sums of money as they shall judge reasonable & to make & execute a deed or deeds of the same lands in due form of law which deed or deeds so executed acknowledged &

recorded shall be sufficient in law to pass to the purchaser or purchasers their heirs & assigns forever all the right title & interest which the said parish & Minister have in & to the land before described.

And it is further resolved that the Treasurer of the said parish for the time being be & he hereby is authorised to receive said money & let the same out on interest taking sufficient security for the repayment thereof the interest to be appropriated to the use of the ministry in said parish until the said parish with consent of the minister thereof for the time being shall apply the said money in purchasing other real estate for the use of the ministry in said parish which they are hereby empowered to do whenever they may judge it expedient. *February 13, 1795.*

Chapter 61.

RESOLVE DISCHARGING BENJAMIN CHADBOURN AND OTHERS, COMMITTEE FOR SELLING SIR WILLIAM PEPPERELL'S LANDS, OF MONEY BY THEM PAID.

Whereas it appears that the Accounts exhibited by Benja. Chadbourn, David Sewall and Nathl. Wells Esqrs. appointed a Committee by the Legislature for selling the confiscated unimproved land, which formerly belonged to Sir Wm. Pepperell now of London Baronet, amounting to one thousand three hundred & thirty nine pounds four shillings. & five pence half penny are well vouched & right cast, therefore,

Resolved that the said Account be accepted & that the sd. Committee be & hereby are discharged of said sum by them paid into the Treasury of this Commonwealth & for rebuilding York Bridge, pursuant to a Resolve of Court, including the expences of said Committee for executing the business aforesaid. *February 13, 1795.*

Chapter 62.

RESOLVE FOR TAKING THE SENSE OF THE PEOPLE ON THE REVISION OF THE CONSTITUTION.

In pursuance of the tenth article of the sixth chapter of the Constitution, or Frame of Government, it is hereby *Ordered*, That precepts shall forthwith issue from this General Court, to the Selectmen of the several Towns and Districts, and to the Assessors of the unincorporated Plantations, requiring them, in manner as the law directs for

calling Town meetings, to convene the qualified voters of their respective Towns, Districts, and Plantations, on Wednesday the sixth day of May next, for the purpose mentioned in the said Article; Each of which Precepts shall be signed by the President of the Senate, and the Speaker of the House of Representatives, and be made returnable to the Secretary of the Commonwealth, on or before the second wednesday of June next, and shall run in the form following, *viz.*

COMMONWEALTH OF MASSACHUSETTS.

To the Selectmen of the Town (or District) of
(or to the Assessors of the Plantation called
as the case may be)

Whereas, by the tenth article of the sixth chapter of the Constitution or Frame of Government for the Commonwealth of Massachusetts, it is provided that, In order the more effectually to adhere to the principles of the Constitution, and to correct those violations which, by any means may be made therein, as well as to form such alterations, as from experience shall be found necessary, the General Court which shall be in the Year of our Lord One thousand seven hundred and ninety five, shall issue precepts to the Selectmen of the several Towns, and to the Assessors of the unincorporated Plantations, directing them to convene the qualified voters of their respective Towns and Plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the Constitution, in order to amendments.

You are therefore, in the name of the Commonwealth of Massachusetts, hereby required to convene the qualified voters of the Town of _____ (or District, or Plantation of _____ as the case may be) on Wednesday the sixth day of May next, for the purpose of collecting their sentiments on the necessity or expediency of revising the Constitution, in order to amendments. Hereof fail not and make return of this precept, with the number of votes for, and against, the revision aforesaid, to the next General Court, by causing the same to be lodged in the Secretary's office in Boston, on or before the second Wednesday in June next.

Given under our hands and seal at Boston the _____ day of _____ in the Year of our Lord one thousand

seven hundred and ninety five, And in the nineteenth year of the Independence of the United States of America.

S. P. President of the Senate.

E. H. R. Speaker of the House of Representatives.

Whereas the General Court, at their present Session, have ordered precepts to issue to the Selectmen of the several Towns, & Districts and to the Assessors of the unincorporated Plantations within this Commonwealth, requiring them to convene the qualified voters of their respective Towns Districts and Plantations, on wednesday the sixth day of May next, for the purpose of collecting their sentiments on the necessity or expediency of revising the Constitution in order to amendments, agreeably to the provision therein made. And whereas an act of Government is necessary for carrying the said Precepts into effect :

It is therefore *Resolved*, that the Selectmen of the several Towns and Districts, and the Assessors of the unincorporated Plantations (as the case may be) shall preside at those meetings which shall be called pursuant to the precepts aforesaid, and shall count the votes for, and against the said revision of the Constitution, and shall, in open meeting, declare, certify, and seal up, the number of votes for, and the number of votes against the revision aforesaid, and transmit the same to the Office of the Secretary of the Commonwealth, on or before the second wednesday of June next.

And be it further *Resolved*, that if the Selectmen of any Town or District, or Assessors of any unincorporated Plantation, shall neglect or refuse to make and transmit such certificate, in manner aforesaid, or to comply with any of the duties required of them by the said precepts, each of said Selectmen and Assessors (as the case may be) so neglecting, shall forfeit and pay to the use of the Commonwealth, the sum of ten pounds. Provided, that if the said Selectmen and Assessors (as the case may be) shall transmit the said votes to the Sheriff of the County in which such Town, District or Plantation may lie, on or before the twentieth day of May next, in that case, the said Selectmen and Assessors respectively, shall be excused and exempted from the said penalty.

And it is further *Resolved*, that the Secretary be and he is hereby directed, as soon as may be, to cause the said

Precepts and these Resolutions to be printed, and to transmit the same to the Sheriffs of the several Counties, who are, in like manner, directed seasonably to transmit the said Precepts and Resolutions to the Selectmen of the several Towns and Districts, and to the Assessors of the unincorporated Plantations within this Commonwealth.

And be it further *Resolved*, that it shall be the duty of the Sheriffs of the several Counties in the Commonwealth to transmit the votes by them respectively received from the said Selectmen and Assessors to the Secretary of the Commonwealth, on or before the second wednesday of June next, And any Sheriff who shall neglect seasonably to transmit, the Precepts & Resolutions by him received to the several Selectmen & Assessors within his County & also to return the votes by him received as aforesaid, within the time aforesaid, shall forfeit and pay for the use of the Commonwealth, for every such neglect, the sum of thirty pounds. And every Sheriff shall be allowed and paid out of the Treasury of this Commonwealth the sum of six pence per mile from his Dwelling house to the Secretary's office.

February 14, 1795.

Chapter 63.

RESOLVE GRANTING A TAX ON THE COUNTY OF BARNSTABLE.

Whereas the Treasurer of the County of Barnstable has laid his accounts before the General Court in manner prescribed by law, which accounts are hereby approved, and whereas the Clerk of the Court of General Sessions of the peace for said County, has laid before the General Court an Estimate made by the said Court of the Necessary charges likely to Arise within said County for the present year Amounting to one hundred and forty pounds :

Resolved — That the sum of one hundred and forty pounds, be and hereby is granted as a tax for said County of Barnstable ; to be apportioned, Assessed collected and applied in manner Agreeable to law.

February 16, 1795.

Chapter 64.

RESOLVE ON THE PETITION OF WILLIAM PYNCHON, ESQ.
GRANTING HIM £.1 11.

On the Petition of William Pynchon Esqr. one of the Comtee. appointed to receive specifick Articles for Taxes.

Resolved that there be allowd. and paid to said William Pynchon out of the Treasury of this Commonwealth the Sum of Thirty one shillings by him paid for the use of the Commonwealth more than he had receivd. as appears by the Treasurers Certificate, in full Satisfaction therefor.

February 16, 1795.

Chapter 65.

RESOLVE ON THE PETITION OF SAMUEL TAYLOR AND OTHERS, INHABITANTS OF THE TOWN OF BUCKLAND.

On the Petition of Samuel Taylor and others, Inhabitants of the Town of Buckland, Praying that a line may run in such a direction as would do Justice to the several persons that have Purchased of the Proprietors of the Land, called Wards Grant, and those who Purchased the Western half of Cobbets Grant, for reasons set forth in said Petition.

Resolved, that the Prayer of the Petition be so far granted that a line to run as followeth, *Viz.*, beginning at an Angle in Othniel Taylor's Grant so called, from thence runing on said Grant South forty five Degrees West, about one Hundred and Eighty four rods to a stake and stones being the South east Corner of said Grant, thence West Forty five Degrees North, One Hundred and forty four rods and an half, to the South West Corner of said Taylor's Grant, thence turning and runing south Forty Degrees West on the East line of said Ward's Grant about Fifty rods to a Beach Tree Marked, thus, H W, I W, I W, thence Continuing the same Course about Three Hundred and Ninety five rods to the South east Corner of said Ward's Grant and to Ashfield Former Line, be, and hereby are Established as the Dividing lines between said Taylor's and Cobbett's, and between said Cobbett's and Ward's Grants; any thing in the former Grants to the Contrary Notwithstanding.

And, Whereas it appears by Establishing the line aforesaid, there is about sixteen Acres of Land in the Cobbet's Grant more than its Original Contents, which appears to be the Property of the Commonwealth:

Resolved, that, the said sixteen acres be, and hereby are, granted and Confirmed to the said Samuel Taylor Esqr. his heirs and Assigns forever he or they paying or causing to be paid to the Treasurer of this Commonwealth the sum

of Fifteen Pounds Lawful Money in full for the aforesaid Land or giving security for the aforesaid sum payable in one year with interest.

February 16, 1795.

Chapter 66.

RESOLVE FOR BUILDING A NEW STATE HOUSE.

Resolved that Edward H Robbins Esq. Thomas Dawes Esqr. & Mr. Charles Bullfinch be and they are hereby appointed Agents on the part of the Commonwealth and they or the major part of them are hereby fully authorised and impowred to erect build & finish a new State house for the Accommodation of all the legislative and Executive branches of Government on a Spot of ground in Boston commonly called the Governors pasture containing about two Acres more or less, adjoining the late Governor Hancock's Garden, & belonging to the heirs of said Governor Hancock, *provided* the Town of Boston will at their expense purchase & cause the same to be convey'd in fee simple to the Commonwealth; that appearing to be the most preferable Spot for that purpose; on such plan and model as said Agents with the approbation of the Committee herein after named or the Major part of them shall adopt.

And further Resolved that the sum of eight Thousand pounds be and the same hereby is granted to be paid out of the Treasury of the Commonwealth to said Agents by Warrant from the Governor by and with the advice of Council for the purpose aforesaid, they to be accountable to the Commonwealth for the same on the Settlement of their Accounts for the Expenditures on said building, or at any other time, when called upon by the general Court.

Resolved further that if the Lot of land aforesd. cannot be procured on reasonable terms in the Judgment of Saml. Phillips, Loammi Baldwin, John Davis, Richard Devens & John Saunders Junr. Esqrs. who are hereby appointed a Committee for that purpose then the Agents aforesd. with the Consent and approbation of the Committee aforesd. may take a deed from the Town of Boston of an equal quantity of land at the Northeasterly Corner of the Common opposite to the alms house to be located in such manner as they shall judge most suitable for the purpose, to the Commonwealth in fee simple, and erect the building aforesaid thereon.

And said Agents or any two of them are hereby further authorised & fully impowered to sell & dispose of at public Auction or private Sale as to said Agents or the Major part of them shall appear most for the Interest of the Common wealth all that piece of land buildings & Appurtenances situate in Marlborough Street in said Boston known by the name of the province house & the piece of land & buildings lying west of the same together with all the right title & Estate of the Commonwealth in & to the present State house in said Boston. And are further authorised to make & Execute good and sufficient deed or deeds of the same in the name of the Commonwealth to the purchaser or purchasers in fee simple. Reserving however to the Commonwealth the right of using & improving the same Estates untill the New State house aforesaid shall be erected & fit for use. And upon Receipt of the monies arising from said sales the said Agents are directed to pay the same over to the Treasurer of the Commonwealth taking duplicate receipts for the same, one of which shall be lodged with the Secretary of the Commonwealth.

February 16, 1795.

Chapter 66A.*

ORDER ON THE PETITION OF JOSEPH HAYWARD AND OTHERS.

On the petition of Joseph Hayward and others.

Ordered that the petitioners notify the inhabitants of the several towns of Concord, Sudbury and Acton, by leaving an attested copy of their petition with this order thereon, with the respective Clerks of said towns, thirty days at least before the second Wednesday of the first session of the next General Court, then to shew cause, if any they have, why the prayer of said petition should not be granted.

February 16, 1795.

Chapter 67.

RESOLVE ON THE PETITION OF THE TOWN OF MANCHESTER, DIRECTING THE TREASURER TO DISCHARGE SAID TOWN OF THE TAX, NO. 11, THE SUM OF £.54 6 8.

On the Petition of the Town of Manchester Praying for an Abatement of Tax N[o.] 11 on Account of the peculiar

* Not printed in previous editions. Taken from court record.

circumstances of Said Town by reason of their having been grievously visited with a very Distressing & Mortal Sickness.

Resolved that the Prayer thereof be Granted and that the Said Town of Manchester be Abated and Discharged from Said Tax N[o.] 11 which was proportioned on Said Town the Sum of Fifty-four Pounds Six shillings & eight pence, and the Treasurer is hereby directed to govern him Self Accordingly.

February 16, 1795.

Chapter 68.

RESOLVE ON THE MEMORIAL OF THE INHABITANTS OF THE TOWN OF SANDFORD AND THE DISTRICT OF ALFORD, REMITTING A FINE LAID ON SAID TOWN AND DISTRICT FOR NOT SENDING A REPRESENTATIVE.

On the Memorial of the Inhabitants of the Town of Sanford and the district of Alford praying that a fine laid on them for not sending a Representative to Represent them in the General Court the last Year may be remitted for reasons set forth in said memorial.

Resolved that the prayer thereof be granted and that said fine being the sum of Twenty two pounds ten shillings be and hereby is remitted and that the Treasurer of the Commonwealth be and he is hereby directed to Govern himself accordingly, *provided* the said Town of Sanford & District of Alford shall be holden to pay any legal Cost which may have arisen or accrued in the prosecution for said fine the Resolve aforesaid notwithstanding.

February 16, 1795.

Chapter 69.

REPORT ON ACCOUNTS OF TREASURER DAVIS FROM 1ST JUNE, 1793, TO 1ST JULY, 1794.

Resolved that the report made December the 24th 1794 by Thomas Daves and Jonathan Mason Esqrs. a Committee appointed by a resolve passed the 25th of June 1794 to examine and adjust the accounts of Thomas Davis Esqr. Treasurer of this Commonwealth from June 1, 1793 to July 1, 1794 be, and the same is hereby accepted and the said Treasurer shall stand charged and credited in his new account accordingly.

February 17, 1795.

Chapter 70.

RESOLVE ON THE PETITION OF JERUSHA CRISSEY, DIRECTING THE SECRETARY TO CERTIFY WAGES DUE.

On the Petition of Jerusha Crissey Administratrix on the Estate of Aaron Crissey.

Resolved that John Avery Esqr. Secretary of this Commonwealth Certify to the Govr. and Council the Pay or arrears of Pay due to the said Aaron Cressey Late a Corporal in Colo. Shepards Regiment and the Treasurer on receiving a Warrant therefor is Directed to Issue his note or notes to Jerusha Cressey Administratrix on the Estate of Aaron Cressey in the same way and manner as has been Practiced in Paying other Soldiers for Simelar Services.

February 18, 1795.

Chapter 71.

RESOLVE ON THE PETITION OF AARON ALLIS, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE.

On the Petition of Aaron Allis late a Soldier in Colo. Wessons Regiment.

Resolved that John Avery Esqr. Secretary of this Commonwealth be and he is hereby directed to Certify to the Governor and Council the pay or arrears of Pay due to the said Aaron Allis late a Soldier in Colo. Wessons Regiment — and the Treasurer, on Receiving a Warrant therefor is directed to Issue his note or notes to the said Aaron Allis in the same way and manner as has been Practiced in Paying Other Soldiers for Simelar Services.

February 23, 1795.

Chapter 72.

RESOLVE ON THE PETITION OF HOLDER SLOCUM, IN BEHALF OF THE TOWN OF DARTMOUTH, DIRECTING THE TREASURER TO SUSPEND ISSUING HIS EXECUTION FOR THE TERM OF TWELVE MONTHS.

On the Petition of Holder Slocum In behalf of the Town of Dartmouth.

Resolved for Reasons set forth in said Petition, that the Treasurer of this Commonwealth be and he hereby is directed, to suspend Issuing his Execution against said Town of Dartmouth for Taxes Number five and Number

seven committed to Benja. Howland Collector of said Town of Dartmouth, and New Emision Tax and Class Tax, committed to Christopher Almy another collector of said Town of Dartmouth, for the term of twelve months — Any Act or Resolve to the Contrary notwithstanding.

February 23, 1795.

Chapter 73.

RESOLVE ON THE PETITION OF WILLIAM LAWRENCE, DIRECTING THE TREASURER TO RECALL ANY EXECUTION WHICH HAS BEEN ISSUED, AND DISCHARGING HIM, HE PAYING COSTS.

On the petition of William Lawrence praying for relief from an execution issued by Thomas Davis Esqr. treasurer of this Commonwealth against him.

Resolved that the prayer of said petition be granted; and that the treasurer be directed to recal any execution which he has issued against said Lawrence and to discharge said Lawrence on the treasury books for the sum of eighteen pounds lawful money for which said execution issued — said Lawrence paying all costs that may have arisen on said Execution.

February 23, 1795.

Chapter 74.

RESOLVE MAKING ESTABLISHMENT FOR 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 Council, Senate & House of Representatives One dollar & seventy five Cents per day, for each days attendance the present Session, and a like sum for every ten miles distance from their respective places of abode, to the place of the sitting of the General Court —

And be it further Resolved that there be paid to the President of the Senate, and the Speaker of the House of Representatives each one dollar per day, for each days attendance, over & above their pay as Members.

February 23, 1795.

Chapter 75.

RESOLVE ON THE PETITION OF THE PROPRIETORS OF THE TOWN OF BUXTON, GRANTING THEM 5,000 ACRES OF LAND, UNDER THE DIRECTION OF THE COMMITTEE FOR THE SALE OF EASTERN LANDS.

On the petition of the Proprietors of the Town of Buxton, Praying compensation for a Goar of twelve Hundred & forty one Acres of Land, laid out to them by a Committee of the late Province of the Massachusetts-Bay as a part of that Town, in the year 1762 — Claimed and held by the Town of Scarborough.

Resolved, that there be granted and laid out at the Expence of said proprietors five thousand acres of the unappropriated lands in the District of Main under the direction of the Committee for the sale of Eastern Lands to those proprietors of Buxton to whom said Gore of land was allotted by draught by the proprietors of Buxton, as their share of lands in the third division of lands in said Buxton, or in cases where they are dead or have assigned their said Lots to the heirs of such deceased proprietors, or their Assigns, now claiming under them respectively, in fee ; in the same shares & proportions as they owned & held in said allotments, in full for all claims upon the Commonwealth for the loss of their lands in said Gore ; they also to release to said proprietors of Buxton all right or claim to any compensation in lands or otherwise for the loss of said Lands — and to return an accurate plan of said five thousand acres into the Secretary's Office as soon as the survey & plan thereof are completed.

February 23, 1795.

Chapter 76.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF BARNSTABLE, EXTENDING A RESOLVE PASSED THE 25TH OF FEB. LAST, TO THE 1ST DAY OF DEC. NEXT.

On the petition of the Inhabitants of the Town of Barnstable.

Resolved, that the prayer, of said petition be so far granted, that the time limited by a resolution passed the 25th Day of February last directing the Treasurer to receive of said Town the Sum of One thousand and forty one pounds, eight shillings and eight pence, in consolidated

Notes, be and hereby is extended to the first day of
December next. *February 23, 1795.*

Chapter 77.

RESOLVE FOR SUPPLYING THE GARRISON AND CONVICTS AT
CASTLE ISLAND AND DIRECTING THE TREASURER TO CON-
TRACT FOR THE SAME.

Resolved, That the Treasurer of this Commonwealth
be, and hereby is authorized and directed to contract for
supplying the Garrison & Convicts on Castle Island, with
provision & Cloathing for the term of one year, com-
mencing the first day of April 1795, on terms most advan-
tageous to government; and that he cause public notice
thereof to be given in the Independent Chronicle three
weeks successively before his entering into such con-
tract, that he shall receive proposals from any person or
persons, disposed to make the same under Seal, and shall
require bond with good & Sufficient surety in the Sum of
five hundred pounds from the Contractor or Contractors,
for the faithful discharge of their duty; and the said
Contracts shall allow the same articles of provision &
cloathing to the Garrison and Convicts as are specified in
the Contracts made in the year 1792 and also two pr.
Centum on the provisions issued to make good the wast-
age necessarily arising in dividing and weighing out the
said provisions. *February 23, 1795.*

Chapter 78.

RESOLVE ON THE PETITION OF ANDREW FOSTER, DIRECTING
THE SECRETARY TO CERTIFY THE BALANCE.

On the Petition of Andrew Foster late a Soldier in
Colo. Greaton's Regiment.

Resolved that John Avery Esqr. Secretary of this Com-
monwealth Certify to the Governor and Council the pay
or Arrears of Pay due to the said Andrew Foster late a
Soldier in Colo. Greaton's Regiment and the Treasurer
on receiving a Warrant therefor is directed to Issue his
note or notes to the said Andrew Foster in the same way
and manner as has been Practiced in paying Other Soldiers
for Simelar Services. *February 23, 1795.*

Chapter 79.

RESOLVE ON THE PETITION OF SAMUEL FOWLER AND OTHERS, GRANTING £.450, FOR MAKING AND REPAIRING THE ROADS LEADING FROM THE COUNTY OF HAMPSHIRE TO THE COUNTY OF BERKSHIRE.

On the Petition of Samuel Fowler and others, praying for a grant of money to make and repair certain roads leading from the County of Hampshire to the County of Berkshire.

Resolved that the sum of Four Hundred & fifty Pounds be granted for the purpose of making and repairing the aforesaid Roads, to be paid out of any monies in the Hands of the Committee for the sale of unappropriated lands in said County of Berkshire or monies which may be due on any contracts made by said Committee if such Monies shall amount to that sum And that Salem Town, William Eustis & James Bancroft Esqrs. be a Committee to determine on which of the said roads the monies hereby granted shall be laid out & what proportion of the same shall be expended on either of said Roads—and the same Committee are also authorised to nominate and appoint one or more suitable person or persons to superintend & direct the laying out the Monies hereby granted on said Roads, into whose hands the said Committee for the sale of unappropriated lands, shall pay the same in the several proportions which may be appropriated and established as aforesaid taking duplicate receipts therefor one of which to be lodged in the Office of the Treasurer of the Commonwealth and the said Committee shall also lodge in the Secretary's Office a certificate of their doings.

February 23, 1795.

Chapter 80.

RESOLVE ON THE PETITION OF WILLIAM McINTOSH AND OTHERS, A COMMITTEE IN BEHALF OF THE FIRST PARISH IN THE TOWN OF NEEDHAM.

On the petition of Wm. McIntosh, Robt. Fuller & Amos Fuller a Committee in behalf of the first parish in the town of Needham praying for liberty to sell & convey part of the lands appropriated for the use of the ministry in the said town of Needham & the proceeds arising by the sale of said lands to be put on interest & that said

interest may be appropriated for the same purpose for which said lands were granted.

Resolved that the prayer of the petition be so far granted as that the said first parish in Needham with the consent of the Revd. Stephen Palmer their present pastor be & they hereby are fully authorized & empowered to make sale of such part of said lands as they shall think proper (not to exceed sixty acres) for the most the same will fetch either at private sale or at public vendue the neat proceeds arising by said sale to be put on interest & appropriated for the sole purpose of supporting the gospel ministry agreeable to the desire of the original donors; & the said parish are further empowered in such way & manner as they shall think proper to give & execute a good and sufficient deed or deeds of the same which deed or deeds shall when executed agreeable to law be considered good & valid — *Provided nevertheless* that nothing in this Resolve shall be considered to deprive the second parish of Needham of any legal right that they may have in said property.

February 24, 1795.

Chapter 81.

RESOLVE ON THE PETITION OF JAMES AND PATIENCE COOK, AUTHORIZING THE TRUSTEES OF THE GRAFTON INDIANS TO DISPOSE OF 23 ACRES OF LAND.

On the Petition of James and Patience Cook, two old and infirm Indians, natives of the Town of Grafton in ye County of Worcester, praying for Liberty to Sell a Certain piece of Land situate in said Grafton and Jointly owned by the said Patience and her Sister Deborah Deceased, for the purpose of paying the debts of the said James and Patience and the said Deborah, and for Supporting the said James and Patience, which piece of land is Bounded and described as follows *vizt.* Southwardly on ye land of Benja. Thirstin, Eastwardly on ye Town line Northwardly on land of Jona. Furbush & Westwardly on a Town Road, as set forth in said Petition.

Resolved, for reasons set forth in sd. Petition, That the prayer thereof be granted, and that ye Trustees of the said Grafton Indians, be, and they hereby are, authorised & empowered to sell the said Twenty three acres of Land, at publick or private sale, for ye most the same will fetch, and to make & execute a good deed or deeds to the pur-

chaser or purchasers to pass the Same, and after paying and discharging all the debts, by Law chargable against said Land, out of ye Monies arrising from said Sale, to put the Remainder out on Interest on good Security and yearly and every year, to expend in a prudent way & Manner, such sum or sums thereof towards the support of ye sd. James & Patience, during the natural life of ye sd. Patience, as ye said Trustees shall find necessary and render an account of their proceedings to government, any Law or Resolve to ye Contrary Notwithstanding.

February 24, 1795.

Chapter 82.

RESOLVE ON THE PETITION OF SETH RICHMOND, DIRECTING THE TREASURER TO ISSUE A CERTIFICATE FOR THE SUM MENTIONED.

On the Petition of Seth Richmond praying for an allowance for wages due to him from this Commonwealth, which have been drawn by a forged Order.

Resolved, for reason set forth in said petition, that the prayer thereof be granted, and that the Treasurer of this Commonwealth be and he hereby is directed to Issue a certificate payable to the said Seth Richmond or bearer for the sum of Twenty Pounds & Nineteen shillings, with Interest from the date of the Note said to be drawn by a forged Order, agreeably to the Act making provision for reloading the debt of this Commonwealth.

February 25, 1795.

Chapter 82A.*

ORDER ON THE PETITION OF ELI BULLARD.

On the petition of Eli Bullard in behalf of Thomas Coolidge.

Ordered that the petitioner notify Jonathan Bryant by serving him with an attested copy of his petition with this order thereon, twenty days at least before the second Wednesday of the first Session of the next General Court, to appear, and shew cause, if any he hath, why the prayer of the said petition should not be granted.

February 25, 1795.

* Not printed in previous editions. Taken from court record.

Chapter 83.

RESOLVE ON THE PETITION OF CALEB ROGERS AND OTHERS, AUTHORIZING THE GOVERNOR WITH THE ADVICE OF THE COUNCIL, TO RAISE A TROOP OF CAVALRY IN THE 1ST REGIMENT, 2^D BRIGADE AND SECOND DIVISION OF THE MILITIA, TO BE UNDER THE COMMAND OF THE COMMANDING OFFICER OF THE REGIMENT.

On the Petition of Caleb Rogers & others.

Resolved, that the Governor with Consent of Council, be, & he is hereby authorized and impowered, to raise a Troop of Cavalry, in the first Regiment of the Second Brigade, in the Second Division of the Militia of this Commonwealth, to be Officered, & governed in the same manner as is, or may by Law, be provided for the Government of Similar Corps; which Troop shall be annexed to, & be under the Command of, the Commanding Officer of the Regiment in which it shall be raised.

February 25, 1795.

Chapter 84.

RESOLVE ON THE PETITION OF WILLIAM JONES, AUTHORIZING THE GOVERNOR, WITH THE ADVICE OF THE COUNCIL, TO RAISE A TROOP OF CAVALRY IN THE 3^D REGIMENT, 1ST BRIGADE AND 3^D DIVISION OF THE MILITIA, TO BE UNDER THE COMMAND OF THE COMMANDING OFFICER OF THE REGIMENT.

On the petition of William Jones and others.

Resolved, that the Governor with consent of the Council, be, & he is hereby authorized and impowered, to raise a troop of Cavalry, in the third Regiment, first Brigade & third division of the Militia of this Commonwealth, to be Officered, & governed in the same manner as is, or may by law, be provided for the government of similar Corps; & shall be annexed to, & be under the command of, the commanding officer of the Regiment in which it shall be raised.

February 25, 1795.

Chapter 85.

RESOLVE ON THE PETITION OF ELIJAH DREW, IN BEHALF OF THE TOWN OF NEWFIELD, DIRECTING THE TREASURER TO DISCHARGE THEM OF TAXES, NO. 5, NO. 6 AND NO. 7.

On the petition of Elijah Drew in behalf of the Town of Newfield praying to be discharg'd of Tax No. 5, 6 and No. 7.

Resolved that the prayer thereof be granted and the Treasurer is hereby directed to govern himself accordingly.
February 25, 1795.

Chapter 86.

RESOLVE DIRECTING THE SECRETARY TO DISTRIBUTE THE PERPETUAL LAWS.

Ordered that the Secretary of this Commonwealth be and he is hereby directed to deliver to those towns districts and plantations that have not received them one set in Sheets of the perpetual laws of the Commonwealth which he has now in his possession — and also to each Member of the Honble. Council Senate and house of Representatives who has never received them one Sett of the said laws in Sheets — And to each incorporated Colledge, Accademy, library Society, & other incorporated literary Association one Sett —

and if any remain after the above destribution he is directed to deliver the same to each town entitled to send more than One Representative to the General Court & having more than one Parish in proportion to such number of Parishes &c.
February 25, 1795.

Chapter 87.

RESOLVE ON THE PETITION OF WILLIAM MAREAN, DISCHARGING HIM FROM BOND MADE TO JOHN MURRAY, A CONSPIRATOR, HE PAYING THE SUM OF FIFTEEN POUNDS ON THE 1ST DAY OF MAY NEXT.

On the Petition of Willm. Marean praying to be Discharged from a Bond made to John Murray a Conspirator Dated March 5th 1773.

Resolved for reasons Set forth in said Petition that the prayer thereof be so far granted that the Treasurer of this Commonwealth be & hereby is directed to discharge the said Wm. Marean from said Bond he paying the Sum of fifteen pounds On or before the first Day of May next. And he the Said Wm. Marean Dischargeing Joseph Slarrow his heirs & assigns from any Security or obligation he may have Recd. for his Security — for being Surety to the Said John Murray in the above said Bond.

February 25, 1795.

Chapter 87A.*

ORDER ON THE PETITION OF NATHAN WOOLSON AND OTHERS.

On the Petition of Nathan Woolson and others.

Ordered that the Petitioners notify Asa Bigelow By Serving him with an attested Copy of their Petition and this order thereon thirty Days at Least before the third Wednesday of the first Sessions of the next General Court, to appear on that Day and Shew Cause if any he hath why the Prayer of the Said Petition should not be granted.

*February 25, 1795.***Chapter 88.**

RESOLVE ON THE PETITION OF AARON BUSH, ADMINISTRATOR ON THE ESTATE OF FRANCIS SISCHO, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE DUE TO HIM.

On the Petition of Aaron Bush Admi[ni]strator on the Estate of Francis Sischo late a Soldier in Colo. Shepard's Regiment.

Resolved that John Avery Esqr. Secretary of this Commonwealth Certify to the Governor and Council the pay or [or] arrears of Pay due to Francis Sischo late a Soldier in Colo. Shepard's Regiment and the Treasurer on Receiving a Warrant therefor is directed to Issue his note or notes to the said Aaron Bush Administrator on the Estate of the said Francis Sischo, in the same way and Manner as has been Practiced in paying Other Soldiers for Similar Services.

*February 25, 1795.***Chapter 89.**

RESOLVE ON THE PETITION OF WILLIAM PRENTICE, DIRECTING THE TREASURER TO MAKE OUT A CERTIFICATE FOR £.46 2 8.

On the Petition of William Prentice praying for the Allowance of his wages as a Soldier in the late Continental Army, which have been drawn by a forged order.

Resolved for Reasons set forth in Said Petition that the Treasurer of this Commonwealth be and he is hereby Directed to make out a Certificate payable to the Said William Prentice or Bearer for the Sum of Forty Six

* Not printed in previous editions.

pounds two Shillings & Eight pence in the Same way and manner as is prescribed in the act for funding the Debt of this Commonwealth computing the Interest of the afore Said Sum from February 15th 1782.

February 25, 1795.

Chapter 90.

RESOLVE ON THE PETITION OF THE TOWN OF BERWICK.

On the Petition of the Town of Berwick — For Reasons set forth in sd. Petition.

Resolved that the Treasurer of this Comonwealth be & hereby is Authorized to recieve of the Inhabitants of Berwick the Sum of thirty Pounds ten Shillings & seven pence in Silver for Sixty five Pounds two Shillings & Eight pence paper new Emission the Ballance due from Jacob Whittier Collector for the year 1781. Also the Sum of fourteen Pounds Seventeen Shillings & ten pence in Silver for twenty two Pound one Shilling & three pence Army Notes & Indents being the Ballance due from Samuel Clement Colr. of No. 5 Tax. Also the Sum of twelve Pounds nine Shillings & nine pence in Silver for Eighteen Pounds Nine Shillings and two pence in full of No. 5 Tax whereof Ichabod Warren was Colr. — *Provided* the aforesd. Sums are all paid into the Treasury before the first Day of June next.

February 25, 1795.

Chapter 91.

RESOLVE ON THE PETITION OF DANIEL SEWALL, JOSEPH TUCKER AND JOSEPH BRAGDON, DIRECTING THE TREASURER TO DISCHARGE THEM FROM THE BOND GIVEN IN 1792.

The Comte. of both Houses on the Petition of David Sewall Joseph Tucker & Joseph Bragdon praying to be discharged from a Bond given by them to the Treasurer of the Comonwealth in the year 1792, & also for a Compensation to Samuel Sewall Esqr. for his great Care & Attention in rebuilding York Bridge as set forth in sd. Petition, beg leave to Report the following Resolve.

LOAMMI BALDWIN PR. ORDER.

Whereas it appears that David Sewall, Joseph Tucker, & Joseph Bragdon Esqrs. have fulfilled. every part of the

Condition of a Bond given by them to the Treasurer of this Comonwealth in the year 1792 for the Sum of Six Hundred Pounds : Therefore

Resolved, that the Treasurer of this Comonwealth be & hereby is directed to discharge the sd. David Sewall, Joseph Tucker, & Joseph Bragdon Esqrs. from the Bond aforesd.

February 25, 1795.

Chapter 92.

RESOLVE ON THE PETITION OF JOHN SPRAGUE AND OTHERS, REPRESENTATIVES OF THE HEIRS AND DEVISEES OF THOMAS IVERS, ESQ. LATE TREASURER.

On the petition of John Sprague & others, representatives of the heirs & devisees of Thomas Ivers Esqr. late treasurer of this Commonwealth.

Resolved for reasons set forth in said petition that the treasurer be & he is hereby directed to receive of the Executor of the last will & testament of said Ivers, in part for the balance due on judgment against said executor to the Commonwealth four State-notes taken out in the name of said Ivers, at their nominal sum principal and interest, the interest whereof to be cast by the treasurer, the principal of said four state notes amounting to four hundred & thirty eight pounds, eight shillings & four pence; and upon the receipt of said state notes the treasurer is hereby directed to credit & discharge said executor from so much of said Judgment as the nominal sum of the principal & interest of said four state notes shall amount to —

and be it further resolved that for the balance of said Judgment execution shall be & hereby is stayed for the term of Six months from the passing this resolve.

February 25, 1795.

Chapter 93.

RESOLVE ON THE PETITION OF REUBEN TAYLOR, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE.

On the Petition of Reuben Taylor Administrator on the Estate of John Taylor.

Resolved that John Avery jr. Esqr. Secretary of this Commonwealth be and he is hereby directed to Certify to the Governor and Council the pay or arrears of Pay due

to John Taylor late a Soldier in Colo. Shepard's Regiment and the Treasurer on Receiving a warrant therefor is directed to Issue his note or Notes to the said Reuben Taylor Administrator on the Estate of the said John Taylor in the same way and manner as has been practiced in paying Other Soldiers for Simelar Services.

February 25, 1795.

Chapter 93A.*

ORDER ON THE PETITION OF LYDIA CHURCHILL AND OTHERS.

On the petition of Lydia Churchill and others, praying that a re-examination may be directed of certain accounts of Administration on the Estate of Cornelius Bramhall deceased settled with the Judge of Probate of the County of Cumberland by Joseph Bramhall Administrator *de bonis non* on said Estate.

Ordered that the petitioners serve the said Joseph with an attested Copy of their said petition and of this Order thereon, at least forty days before the second Wednesday of the next sitting of the General Court, that he may then appear and shew cause (if any he may have) on the said day, why the prayer of the said petition should not be granted.

February 25, 1795.

Chapter 94.

RESOLVE ON THE PETITION OF STEPHEN HALL, FOR LICENCE TO SELL CERTAIN REAL ESTATE.

On the petition of Stephen Hall legal Guardian of Sarah McNeil, Catharine McNeil, Margaret McNeil, Robert McNeil, Nancy McNeil, and Caroline McNeil, children of Robert McNeil late of Boston decd. praying for licence, in his said Capacity, to sell & convey certain real estate belonging to sd. minors — for reasons set forth in said petition.

Resolved, that the prayer of said petition be granted — and that said Stephen Hall in his said Capacity, be and he is hereby authorized & empowered to sell & convey the whole of said real estate at public Auction, and good & sufficient Deed or Deeds of conveyance thereof to make & execute in his said capacity, which Deeds when duly

* Not printed in previous editions.

acknowledged & recorded shall make a legal title to the purchaser or purchasers thereof — *provided*, that said Stephen Hall first give Bond with sufficient sureties to the Judge of Probate who granted said Letters of Guardianship, to observe the rules & directions of Law for the sale of real estate by Executors or administrators, and that the proceeds of the said sale, after payment of Just debts for the support of said 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 — for the Use and Ben[e]fit of the said Minors.

February 25, 1795.

Chapter 95.

RESOLVE ON THE PETITION OF JUSTIN STEELE, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE DUE TO SOLOMON STEELE, DECEASED.

On the Petition of Justin Steele Administrator on the Estate of Solomon Steele.

Resolved that John Avery junr. Esqr. Secretary of this Commonwealth Certify to the Governor and Council the Pay or arrears of Pay due to the said Solomon Steele Late a Soldier in Colo. Alden's Regiment; and the Treasurer on Receiving a Warrant therefor is Directed to Issue his note or Notes to the said Justin Steele Administrator on the Estate of Solomon Steele in the same way and manner as has been Practiced in Paying other Soldiers for Similar Services.

February 25, 1795.

Chapter 96.

ORDER ON THE PETITION OF THE INHABITANTS OF THE PLANTATION OF HANCOCK, DIRECTING THEM TO NOTIFY THE TOWN OF FAIRFIELD, TO SHEW CAUSE.

On the petition of the inhabitants of the Plantation of Hancock, in the County of Lincoln, praying that part of the taxes ordered to be assessed on said Plantation, by Tax, No. 6, may be abated to the said plantation, and charged to the town of Fairfield, by reason of said town's being set off from the said Plantation, since the said tax was granted.

Ordered, That the petitioners notify the town of Fairfield, by leaving with the Town-Clerk of said Fairfield an

attested copy of their petition, with this Order thereon, thirty days at least before the second Wednesday of the first session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted; and also why said town of Fairfield shall not pay their proportion of Tax, No. 5, laid on said plantation prior to the incorporation of said town; and the Treasurer of this Commonwealth is directed to suspend execution for said taxes in the mean time.

February 25, 1795.

Chapter 97.

RESOLVE ALLOWING THE ACCOUNTS OF AMASA DAVIS, ESQ.
QUARTERMASTER GENERAL.

Agreeably to an Order of both Houses, the Committee on Accounts, have examined the Accounts of Amasa Davis Esqr. Quarter Master General, for his time and every expenditure in that office, from 17 March 1793 to 17 January 1795, and find the same to amount to £.3782 10 1 from which is to be deducted the balance due from him

on his last Account settled 17 May, 1793, . . .	£ 251 10 7
also for what he recd. by two Warrants on the Treasury, one June 16, 1793 for £.600, and the other February 27, 1794 for £ 2000 . . .	2600 0 0
and amount of Nails, and other Labour of the Con- victs at the Castle for the last year, . . .	679 3 11
	£.3530 14 6

which leaves a balance due to said Davis of . . . £.251 15 7
— which is submitted.

JOSIAH STEARNS pr. order.

therefore *Resolved*, that there be allowed and paid out of the Treasury of this Commonwealth, to said Amasa Davis, the sum of Two hundred and fifty one pounds fifteen shillings and seven pence, in full for the balance due to him, for his time and every expenditure in the Office of Quarter Master General from the seventeenth of March seventeen hundred and ninety three, to the seventeenth of January seventeen hundred and ninety five.

February 26, 1795.

Chapter 98.

RESOLVE ON THE PETITION OF MOSES ELLIS, GUARDIAN TO HANNAH ELLIS, A MINOR.

On the petition of Moses Ellis Guardian of Hannah Ellis a Minor.

Resolved for the reasons set forth in said petition, that the said Moses Guardian as aforesaid, he and he hereby is authorized and empowered, to join with Caleb Ellis and Julitta Ellis joint devisees with said Hannah of One hundred and ten Acres of land with the buildings thereon situate in Walpole and three Acres and a half of Meadow in Dedham, in making sale of the said premises and with the said Caleb and Julitta to make and execute in behalf of said Hannah a good and sufficient deed or deeds thereof in fee to any purchaser or purchasers of the same. *Provided* that the said Moses first give bond to the Judge of Probate for the County of Norfolk, with sufficient surety in a Sum equivalent to the value of Two thirds of the premises in the estimation of said Judge conditioned, that the said Moses shall put out on interest said Hannah's proportion of the proceeds of said sale on good security and shall account with said Minor therefor when of full age or married or at such other time as the said Judge shall direct.

February 26, 1795.

Chapter 99.

RESOLVE ON THE PETITION OF ISAAC STERNS, GUARDIAN OF JOHN CLARK, A MINOR.

On the Petition of Isaac Sterns Gardian of John Clark a minor Shewing that great inconvenience exists by reason of the present boundaries of a Lot of Salt marsh owned by the sd. minor adjoining Salt ma[r]sh of Francis Dana Esqr.

Resolved that the Said Sterns Gardian as aforesaid be and he is hereby Authorised to alter the present Boundaries and agree to a new line between the Said minor's marsh and the Said Dana's and may take a release from the Said Dana to the Said Clark and Execute a Release as Gardian aforesaid of the Said minors Salt ma[r]sh to the said Dana so as to accommodate a Division line between the parties in the most convenient manner; *provided*

always that no Alteration of the present Boundaries shall be Valid till Approved of by the Judge of Probate for the County of Middlesex and all deeds of Release or grants Relative to Such alterations Shall be duly Executed and Recorded, which shall vest the fee of the lands so exchanged in each party.

February 26, 1795.

Chapter 100.

RESOLVE ON THE PETITION OF HANNAH PARISH, EMPOWERING HER TO SELL A MANSION HOUSE IN THE TOWN OF MANCHESTER, FOR THE BENEFIT OF A MINOR.

On the Petition of Hannah Parish setting forth, that she has Administred on the estate of her late husband Rev'd Ariel Parish, which consists principally of a mansion house situate in the town of Manchester, in the County of Essex, and that it will be beneficial to the heir of sd. estate, that it be sold, & the proceeds thereof, put out & secured to the heir on interest.

Resolv'd That the said Hannah Parish be, and hereby is authorized, to sell, make & execute, under her hand & seal, sufficient deed or deeds of the aforesaid real estate, of the aforesaid Ariel Parish deceased, situate in the town of Manchester aforesaid, *provided* the said Hannah Parish, first give bond, with sufficient sureties, to the Judge of Probate, for the County of Essex, to observe the rules & directions of the law, in the sale of real estates, by Executors & Administrators, and to account for & make payment, of the proceeds of the said sale, agreeable to the rules of the law.

February 26, 1795.

Chapter 101.

RESOLVE ON THE PETITION OF DAVID GRAY, GUARDIAN TO STEPHEN HOLT, A MINOR, EMPOWERING HIM TO MAKE SALE OF SAID STEPHEN'S INTEREST.

On the Petition of David Gray (Guardian to Stephen Holt a Minor,) and others joining in the same Petition, and praying that the said David may be impowrd to sell the said Stephens Interest in the real estate of his late father Asa Holt, deceased situate in Andover in ye County of Essex.

Resolved That the said David Gray be and he is hereby impowrd to make sale of the said Stephen's Interest and

share in and of the real estate aforesaid and also to make and Execute a deed of the same to the purchaser, which deed shall have the same effect and Operation in law which a deed of the same Interest and share would have if made and executed by the said Stephen when of twenty one years of age he the said David Gray guardian as aforesaid giving sufficient security to the Judge of Probate of the aforesaid County to account for the proceeds of the sale of the said Interest and share agreeably to law relative to the personal estates of Minors. *February 26, 1795.*

Chapter 101A.*

ORDER ON THE PETITION OF TIMOTHY BAKER.

On the Petition of Timothy Baker.

Ordered that the Petitioner notify Roger West by Serving him with an attested Copy of his Petition and this order thereon thirty Days at Least before the Second wednesday of the first Session of the next General Court, to Appear on that Day, and Shew Cause if any he hath why the prayer of the Said Petition should not be granted.

February 26, 1795.

Chapter 102.

RESOLVE ON THE PETITION OF JEFFRY RICHARDSON, AUTHORIZING THE TREASURER TO EXECUTE A DEED OF CONFIRMATION OF THE LAND SOLD HIM BY A RESOLVE OF 25TH MARCH, 1793.

Whereas the Legislature of this Commonwealth by a Resolve passed the 25th day of March 1793 did empower Thomas Davis Esqr. to make sale of a certain peice of land in said Resolve described & to make and execute a good & sufficient deed thereof to Jeffry Richardson for the consideration of four hundred pounds — And whereas the said Thomas Davis did not consider himself authorized by said Resolve to execute a Deed to the said Jeffry of the said Land in fee :

Resolved That the said Thomas Davis be & he hereby is authorized empowered & directed to make and execute to the said Jeffry a deed of confirmation to the said Jeffry of the same Land in said Resolve described to have & to

* Not printed in previous editions.

hold the same to him the said Jeffry his Heirs and Assigns forever without any other or further consideration than the said sum of four hundred pounds heretofore paid by the said Jeffry therefor.

February 26, 1795.

Chapter 103.

RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE ON ACCOUNTS.

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth to the Committee appointed to examine & pass on publick Accounts, for their service on that Committee, the present Session, in addition to their pay as members of the Legislature, *viz.*, to the Hon. Josiah Stearns Esqr. for thirty four days attendance the sum of Eleven Dollars & Ninety Cents to the Honble. Wm. Jernigan Esqr. for thirty four days attendance the sum of Eleven Dollars & Ninety Cents to John Saunders Esqr. for twenty four days attendance the sum of Eight Dollars to Thos. Hale Jun. Esqr. for thirty days attendance the sum of ten dollars & fifty Cents And to Enoch Titcomb Esq. for thirty days attendance the sum of ten dollars & fifty Cents Which sums shall be in full for their servic[e]s as aforesaid.

February 26, 1795.

Chapter 104.

RESOLVE ON THE PETITION OF DANIEL SARGENT, GUARDIAN OF MARGARET M'CARTY AND SARAH M'CARTY, MINORS.

On the petition of Daniel Sargent of Boston, Guardian of Margaret McCarty, and Sarah McCarty, minors.

Resolved That the said Daniel Sargent be & He is hereby empowered to sell the undivided half part of the dwelling House & land mentioned in his petition for the most the same will fetch at public or private sale & to make & execute a good & sufficient Deed thereof to the purchaser — He the said Daniel Sargent giving good Security to the Judge of Probate for the County of Suffolk to account according to law for the proceeds of the sale with lawful Interest thereon from the time of sale.

February 26, 1795.

Chapter 105.

RESOLVE AUTHORIZING THE SHERIFF OF THE COUNTY OF NORFOLK, TO REMOVE PRISONERS FROM BOSTON GOAL.

Whereas according to a Provision of Law in that case made & provided there are at present confined in the Goal of the County of Suffolk certain Prisoners committed upon precepts directed to & executed by the Sheriff and other Officers of the County of Norfolk on Account of there having been no Goal then erected in the said County of Norfolk & whereas there is now erected a Goal in the said County of Norfolk :

Resolved that the Sheriff of the said County of Norfolk be and he hereby is authorized & empowered to take into his Custody all such Prisoners & remove them & commit them to the Goal in the County of Norfolk there to remain in the same manner & circumstances as they would have done had they originally have been committed to the same Goal or as they otherwise would have been held in the Goal of the said County of Suffolk.

February 27, 1795.

Chapter 106.

RESOLVE ON THE PETITION OF DR. JOHN WINGATE. GRANT TO

On the Petition of John Wingate Praying that he may be Allowed for a mistake made in Settling his Clothing Accounts with the Board of War.

Resolved that there be Allowed & paid out of the Treasury of this Commonwealth the sum of Four pounds Sixteen Shillings in full for the Sum which was over Charged in Settling his Accounts as aforesaid.

February 27, 1795.

Chapter 107.

RESOLVE ON THE PETITION OF THOMAS ADAMS. GRANT TO.

On the Petition of Thomas Adams praying for an Allowance for the loss of time & Expence in Curing a wound received by the explosion of a Gun while under Arms by Command of his superior Officer.

Resolved for reasons set forth in sd. Petition that there be allowed & paid to the said Thomas Adams out of the

Treasury of this Commonwealth the sum of sixteen pounds five shillings in full for the loss & expence as aforesd.

February 27, 1795.

Chapter 108.

RESOLVE APPOINTING A COMMITTEE TO ADJUST THE ACCOUNTS OF ALEXANDER HODGDON, ESQ. LATE TREASURER.

On the Memorial, & Statements of Alexander Hodgdon Esqr. late Treasurer of the Commonwealth.

Resolved, That Nathan Dane, Thomas Edwards & Enoch Titcomb Junr. Esqrs. be a Committee with full power to adjust, and finally settle all Matters of account, or dispute between this Commonwealth, and Alexander Hodgdon late Treasurer thereof, and that the said Comtee. be & they are hereby authorized and required to discharge the said Hodgdon, and his Bondsmen from all Debts, dues, and demands, on his paying into ye public Treasury such Balance as the said Comtee. may apprehend to be justly due to this Commonwealth.

And in case ye said Comtee. cannot agree with ye said Hodgdon in the adjustment of his accounts with this Commonwealth.

Be it further resolved, that ye said Comtee. be, and they are hereby empowered & directed to have all Disputes & Demands between the Commonwealth, and ye said Hodgdon determined by Referrees agreeable to ye Law entitled, "An Act for rendering ye Decision of civil Causes as speedy, and as little Expensive as possible."

And be it further *resolved*, That ye said Comtee. shall be, and they are hereby authorized to agree with ye said Hodgdon, on judicious, and suitable Persons to hear and determine on ye Demands aforesaid, and that ye award of ye said Referrees when made, agreeable to said Law, shall be conclusive and binding on ye Commonwealth. And upon ye Payment of such balances as may be found due to ye Commonwealth shall give a full discharge in ye behalf of ye Commonwealth, to the said Hodgdon & his Bondsmen, he paying the same as aforesaid.

And be it further *Resolved*, That ye Treasurer of ye Commonwealth be, & he is hereby authorized and directed to lay before ye Referrees, to be appointed as aforesaid all such Books accounts, & Papers as may be necessary for their Inspection, in ye Bussiness aforesaid.

February 27, 1795.

Chapter 109.*

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF FRANKFORT, AUTHORIZING THE TREASURER TO DISCHARGE SAID TOWN OF FRANKFORT, OF CERTAIN TAXES.

On the Petition of the inhabitants of the town of Frankfort.

Resolved for reasons set forth in said Petition that the Treasurer of this Commonwealth, be & he hereby is authorized & Directed to Discharge said Town of Frankfort of one Hundred & fifty eight pounds fifteen shillings being said Town's proportion of Tax No. five : and that the sum of seventy six pounds Seven shillings & five pence, being the amount of Taxes : No. six : No. seven, No. eight & No. nine, be levied & Collected, from the polls & estates in the Towns of Frankfort, Prospect, & that part of Hampden, which was taken from said Town of Frankfort, in the same proportion as the Polls & estates fall within the respective Towns aforesaid, & the Treasurer is hereby Directed to stay Execution for the term of Twelve months for the sum last mentioned.

February 27, 1795.

Chapter 110.

RESOLVE AUTHORIZING THE TREASURER TO SETTLE ALL ACCOUNTS WITH JOHN LOWELL, ESQ.

On the petition of John Lowell Esq. *Resolved* that the Treasurer of this Commonwealth be authorized to settle all accounts subsisting between said Lowell & this Commonwealth.

February 27, 1795.

Chapter 111.

RESOLVE ON THE PETITION OF THOMAS M. WENTWORTH, IN BEHALF OF THE TOWN OF LEBANON.

On the Petition of Thomas M. Wentworth in behalf of the Town of Lebanon praying that a bond given by the Selectmen of Said Town to the Treasurer of this Commonwealth for part of Said Towns proportion of No. five tax may be Cancelled.

Resolved that the Treasurer of this Commonwealth be

* Resolve printed in pamphlet editions incorrect, being text of a non-concurred resolve. The one here given is the resolve in a new draft, which passed both houses in concurrence.

and he hereby is empowered and Directed to Discharge the Bond in the Treasury office given by the Selectmen of the Town of Lebanon for part of the Said Towns proportion of Number five tax — Amounting to two hundred Seventy three pounds Seven shillings and Six pence — *provided* the Selectmen of the Said Town shall within eight months from the time of passing this Resolve pay into the Treasury of this Commonwealth in Discharge of Said Bond one hundred thirty Six pounds thirteen shillings and nine pence in Specie. *February 27, 1795.*

Chapter 112.

RESOLVE ON THE GOVERNOR'S MESSAGE RESPECTING THE CASTLE AND MAKING AN ESTABLISHMENT FOR THE OFFICERS AND PRIVATES OF SAID GARRISON.

Whereas the establishment made for garrisoning Castle Island in the Harbour of Boston on the Eighth day of March 1792 expires on the Twenty first day of March next — and it is necessary that the said Castle should continue to be garrisoned :

Therefore *Resolved*, that there be appointed and commissioned for the purpose aforesaid One Capt. Lieutenant, One first Lieutenant One Gunner to be Commissioned as Second Lieutenant — One Chaplain — One Overseer of the Convicts, Four Serjeants, Four Corporals, One Drummer, One Fifer, and Fifty Privates to be properly formed into one Company: the non-commissioned Officers and Matrosses, to be enlisted for the term of three years, unless sooner discharged; to do garrison and fatigue duty on said Fort, and not to be called off for any other purpose.

And it is further *resolved* that the Officers & Matrosses who shall compose the said Company shall be allowed the following sums *per* month

Capt. Lientt. Thirty five Dollars.

First Lientt. nineteen dollars.

Second Lient. nineteen dollars.

Chaplain twenty two dollars.

Overseer of the Convicts Sixteen Dollars.

each Serjeant eight dollars.

each Corporal Seven Dollars & one third of a Dollar.

each Drummer & Fifer Seven Dollars & one third of a Dollar.

Each Matross Six Dollars & two thirds of a Dollar.

And each non commissioned officer and private in the said Company, shall receive one suit of cloaths a year, for each and every year they shall continue in said Service. And the pay of the said Officers and Matrosses shall be made to them quarter yearly, during the term aforesaid. And the said Officers & Soldiers shall be exempted from a poll Tax.

And be it further *Resolved*, that the Chaplain who is or may be appointed to officiate on said Island, shall constantly reside thereon, and shall be provided with such Accomodations as are suitable to his character & station, and shall perform divine service by preaching to and praying with the said Garrison, and such others as reside on the said Island every Lords Day, and also by praying with them every morning and evening, at proper and stated hours, unless necessarily prevented, or the Commanding Officer shall Judge necessary to dispense with such attendance; and to perform all other duties of religion and piety that may best tend to promote Virtue and morality in the said Garrison. *February 27, 1795.*

Chapter 114.*

ORDER ON THE PETITION OF JAMES GINN, TO NOTIFY THE PROPRIETORS OF THE PLANTATION No. 2, EAST OF PENOBSCOT RIVER, TO SHEW CAUSE, &c.

On the petition of James Ginn praying that he may be impowered to construct Locks & Canals in the Branch of Penobscot river called Eastern river.

Ordered that the petitioner notify the proprietors of plantation Number two east of Penobscot River, by leaving an attested Copy of his petition & this order thereon, with the Clerk of said proprietors forty days before the second Wednesday of the first session of the next General Court — that they may appear & shew cause if any they have why the prayer of said petition should not be granted. *February 27, 1795.*

Chapter 115.

RESOLVE ON THE PETITION OF JOHN FROST. GRANT TO.

On the Petition of John Frost of pleasant-point, praying for a Compensation in consequence of losses sustained by the Passamaquoddy Tribes of Indians.

* No chapter 113.

Resolved, for Reasons set forth in said Petition, That there be allowed & paid out of the Treasury of this Commonwealth to John Frost the Sum of fifteen pounds in full compensation for the losses aforesaid: And the Governor with Advice of Council, is hereby requested to issue his Warrant upon the Treasurer for the aforesaid sum.

February 28, 1795.

Chapter 115A.*

ORDER ON THE PETITION OF CHINA SMITH & OTHERS.

On the petition of China Smith & others praying that they may be exempted from the Laws respecting the fish call'd. Alewives in Sheepscoot River in the County of Lincoln.

Ordered, That the Petitioners notify the Inhabitants living adjacent to said River by publishing their petition & this Order thereon in the [the] publick newspapers called the Eastern herald & Eastern Star three weeks successively the last publication to be four weeks before the third Wednesday of the first session of the next General Court, that they may appear on sd. Wednesday & shew cause if any they have, why the prayer of said petition should not be Granted.

February 28, 1795.

Chapter 116.†

RESOLVE ON THE PETITION OF JONATHAN MAYNARD, GUARDIAN OF NATICK INDIANS, CHARGING HIM WITH A BALANCE OF 486 DOLLARS, 57 CENTS.

The Committee on Accounts, to whom was committed the petition of Jonathan Maynard, Guardian of the Natick Indians, praying that his accounts, in his said capacity, might be liquidated and settled, have attended that service — and report, that on settlement, they find that the said Guardian, hath in his possession, of the Estates of the following Indians, the sums following *vizt.*

	Dollars	Cents.
of the Estate of Hannah Brown one State Note of		
27 June 1794 for	241	79
six months Interest reced. thereon Feby. 1795	5	98
Peter Twitchel's Note of 20 Decemr. 1793	17	87
making,	265	64

* Not printed in previous editions.

† Erroneously chaptered No. 106 in Session Pamphlet.

	Dollars	Cents
of the Estate of Hannah Thomas Daniel Travis & Daniel Travis Junr's Note of 11 July 1791 for . . .	61	0
Ephraim Bacon's Note of 7 June 1785 for . . .	72	0
and another Note of said Bacon's of 17 Feby. 1783 for . . .	44	44
Peter Twitchel's Note of 20 Decemr. 1773 for . . .	9	35
making,	186	79

	Dollars	Cents.
of the Estate of Lydia Speen's heirs Peter Twitchel's Note of 20 Decemr. 1793	6	17

	Dollars.	Cents.
of the Estate of the heirs of Nathaniel Hill Samuel Abraham, & Elizabeth Tray, one State Note of 27 June 1794	40	19
Six months Interest reced. thereon Feby. 1795 . . .	1	22
Peter Twitchel's Note of 20 Decemr. 1793	6	56
	47	97

	Dollars
of the Estate of the heirs of Mary Obscow Asa Drury's Note of November 1793	20

	Dollars	Cents
Making in the whole, the sum of	526	57

	Dollars
and the Committee find that said Guardian has paid over to Hannah Brown in Cash & Cloathing . . .	25
And he is hereby allowed fifteen Dollars in full for his time & expences in settling with the Adminis- trator on the Estate of Joseph Twitchel late Guard- ian, and all other services in his said Capacity, as Guardian to said Indians	15
	40
	0

Which leaves a balance in said Guardians hands, be- longing to the several Indians, of four hundred eighty six Dollars & fifty seven Cents	486	57
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which is submitted,

JOSIAH STEARNS PR. ORDER.

Read & accepted — Thereupon *Resolved* that said Jonathan Maynard Guardian as aforesaid, be and hereby is charged with the aforesaid sum of four hundred and eighty six Dollars & fifty seven Cents, which he is to be accountable for.

February 28, 1795.

Chapter 116A.*

RESOLVE ESTABLISHING THE PAY OF THE CHAPLAIN AND CLERKS OF BOTH HOUSES.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth to the Revd. Peter Thacher Chaplain of the Senate — Forty Dollars — and to the Revd. Saml. Stillman Chaplain to the House of Representatives Forty Dollars and to Samuel Cooper Esqr. Clerk of the Senate Two hundred & fifty dollars & to Henry Warren Esq. Clerk of the House of Representatives Two hundred & fifty Dollars in full for their services respectively for the present year — & that the Treasurer be & he is hereby directed on receiving a warrant therefor to pay the same out of the same funds & in the same manner as the Members of the Genl. Court are paid for their services the present session.

February 28, 1795.

Chapter 117.†

RESOLVE ON THE PETITION OF DANIEL HORSFORD, AUTHORIZING ISRAEL JONES, ESQ. TO MAKE INQUIRY INTO THE TITLE WHICH THE SAID DANIEL HAS TO SAID LAND MENTIONED.

On the Petition of Daniel Horsford praying that he may be permitted to pay the debt due to this Commonwealth on the Bond assigned by Caleb Hyde Esquire in other Lands than those Mortgaged by said Daniel to said Hyde & by him assigned to the Commonwealth.

Resolved that Israel Jones Esquire who has been appointed to collect said Debt of said Daniel, be & he hereby is authorized & impowered to make inquiry into the title which the said Daniel has to said land, & if it shall appear that the said Daniel has not in fact a good title to the same to receive from him other sufficient security for said Debt, or to pursue such other methods for securing & collecting the said Debt as the said Jones may deem most for the interest of this Commonwealth.

February 28, 1795.

* Erroneously chaptered No. 106 in Session Pamphlet.

† Erroneously chaptered No. 107 in Session Pamphlet.

Chapter 118.*

RESOLVE ON THE PETITION OF JOSEPH CORDIS.

Upon the Petition of Joseph Cordis Administrator on the Estate of William Wignall Stevens late of Charlestown deceased, praying for Authority to sell or exchange a certain Lot of Land belonging to the Estate of said Stevens, for the Benefit of the Widow & Children of the said Intestate.

Resolved that the Prayer of said Petition be granted & that said Joseph Cordis in his said Capacity be & hereby is authorised & impowered to make Sale of the Land mentioned in his said Petition & from the money arising from the same to purchase other real Property for the Benefit of the Widow & Children of the said Intestate, or to exchange the same: The said Cordis complying with the Laws relating to the Sale of real Estates by Administrators & giving Bond previous to such Sale or Exchange to the Judge of Probate of the County of Middlesex for the faithful Discharge of his Duty in the Premises, & the due appropriation of the Proceeds thereof according to Law.

February 28, 1795.

Chapter 118A.†

ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWN OF MONTGOMERY.

On the Petition of the Inhabitants of the Town of Montgomery setting forth that there stands charged against the said Town in the Treasury Books twenty two pounds & ten shillings called the New Emission tax granted in the year 1781, which tax was partly assessed on the Inhabitants of the Town of Montgomery by the Assessors of the town of Norwich & that no separate tax bill was ever sent to the Town of Montgomery but that the towns of Norwich & Montgomery were chargeable equally & in Common with the payment of sd. Tax to be assessed by the Assessors of the Town of Norwich.

Ordered that the Inhabitants of the Town of Montgomery notify the Inhabitants of the Town of Norwich to

* Erroneously chaptered No. 108 in Session Pamphlet.

† Not printed in previous editions.

appear on the second Wednesday of the first session of the next General Court by leaving an Attested Copy of their Petition & this Order thereon with the Town Clerk of said Norwich thirty Days at least before the time herein prefix'd & shew Cause if any they have why they should not pay the Amount of the Ballance due which stands charged to the Town of Montgomery or their proportion of the said Ballance.

February 28, 1795.

Chapter 119.*

RESOLVE ON THE PETITION OF WILLIAM SYMMS, GRANTING HIM £.16, FOR HIS SERVICES, AS MENTIONED.

On the Petition of William Symms. *Resolved* that there be alloud, & paid out of the Treasury of this Commonwealth, to William Symms the sum of sixteen pounds in full for his services and attendance as an attorney in behalf of the Commonwealth, in an Inquest of Office against Josiah Little for the Recovery of certain Lands in the County of Lincoln.

February 28, 1795.

Chapter 119A.†

ORDER ON THE PETITION OF ASAPH WHITE.

On the Petition of Asaph White praying that a Tax may be laid on the Lands upon Hoosook Mountain for the purpose of makeing a publick Road over the Same.

Ordered that the Proprietors of the unincorporated Land Calld. Bullocks Grant and Willards Grant lying in the County of Berkeshire, be Notified to Shew Cause (if any they have) on the third Wednesday of the next Session of the General Court why said Grants should not be taxed for the purpose of makeing publick Roads through the same, and that the Secretary be and is hereby directed to publish this Order in the Boston independent Chronicle, and Greenfield Gazette three Weeks successively previous to the third Wednesday of the next Session of the General Court.

February 28, 1795.

* Erroneously chaptered No. 109 in Session Pamphlet.

† Not printed in previous editions.

Chapter 120.*

RESOLVE ON THE PETITION OF JOSIAH KENDAL, DIRECTING THE SECRETARY TO DELIVER ONE SET OF THE PERPETUAL LAWS IN SHEETS, AND ADAMS AND LARKIN'S LAWS AND RESOLVES, FOR THE USE OF THE TOWN OF STERLING.

On the Petition of Josiah Kendal representing, that the town of Sterling have lost their Laws & Resolves by fire.

Resolved that the Secretary of this Commonwealth be, & hereby is directed to furnish said town of Sterling, by delivering them to the Representative thereof one volume in sheets of the perpetual Laws of this Commonwealth printed by Adams & Nourse.

And be it further *Resolved* that the Printers Adams & Larkin be directed to deliver to the Representative of the aforesaid town of Sterling, for the benefit of said town, one sett of all other such Laws & Resolves which said printers may have in their possession being the property of this Commonwealth.

February 28, 1795.

Chapter 121.†

RESOLVE ON THE PETITION OF WATTS TURNER AND WILLIAM GOWEN, REFERRING THE CONSIDERATION OF THEIR PETITION TILL THE NEXT SITTING OF THE COURT AND STAYING EXECUTION IN THE MEAN TIME.

On the petition of Watts Turner and William Gowen.

Resolved that the prayer thereof be so far granted, that the further consideration thereof be refered to the next General Court, and that execution against them be stayed in the mean time; and the Treasurer is hereby directed to govern himself accordingly.

February 28, 1795.

Chapter 122.‡

RESOLVE DIRECTING THE TREASURER TO SETTLE WITH THE MANAGERS OF THE STATE LOTTERY.

Resolved that the Treasurer of this Commonwealth be & hereby is authorized to settle the accounts of the Managers of the late State Lottery, and upon their paying

* Erroneously chaptered No. 110 in Session Pamphlet.

† Erroneously chaptered No. 111 in Session Pamphlet. Taken from court record.

‡ Erroneously chaptered No. 112 in Session Pamphlet.

into the Treasury such sum or sums of money as shall be respectively due from them or either of them as Managers of said Lottery to give them & their bondsmen a discharge.

February 28, 1795.

Chapter 123.*

RESOLVE REQUIRING REGISTER OF DEEDS AND CLERK OF COURT OF COMMON PLEAS OF WASHINGTON CO. TO ACCOUNT WITH TREASURER.

Resolved, that the Register of Deeds and the Clerk of the Court of Common Pleas, and Genl. Sessions of the peace for the County of Washington, be and they hereby are directed and required to account with the Treasurer of this Commonwealth, for the Monies by them respectively received for licences, granted to Innholders & Retailers, Admission of Attornies, and Duties payable on Deeds.

February 28, 1795.

Chapter 123A.†

ORDER ON THE PETITION OF AMOS WOOD.

On the Petition of Amos Wood.

Ordered that the Petitioner notify the Inhabitants of the Town of Concord by Leaving an attested copy of his Petition and this order ther[e]on with the Town Clerk of Said Town forty Days at Least before the third wednesday of the first Session of the next General Court — To appear by their Agents on the Said Day to Shew cause if any they have why the Prayer of the Said Petition should not be granted.

February 28, 1795.

Chapter 124.‡

RESOLVE GRANTING 71 DOLLARS AND 75 CENTS TO THOMAS GREENE, FOR HIS SERVICES AS ASSISTANT CLERK IN THE SENATE.

Resolved That there be allowed & paid out of the public Treasury unto Thomas Greene assistant Clerk in the Senate Seventy one dollars & seventy five cents — in full for his services the present Session of the General Court.

February 28, 1795.

* Erroneously chaptered No. 113 in Session Pamphlet.

† Not printed in previous editions.

‡ Erroneously chaptered No. 114 in Session Pamphlet.

Chapter 125.*

RESOLVE ON THE PETITION OF TIMOTHY ATKINS, AUTHORIZING THE TREASURER TO DISCHARGE THE WARRANT AND ANY OTHER WARRANT WHICH HAS BEEN OR MAY BE DRAWN FOR CLAIMS ON ABSENTEES' ESTATES, WITH A PROVISIO.

On the Petition of Timo. Atkins praying for payment of a claim on the Estate of Benjamin Hallowell an absentee for which a warrant has been drawn on the Treasury.

Resolved that the treasurer be and he hereby is authorised & empowered to discharge the said Warrant & any other warrant which has been or may be drawn on him for claims on absentees estates previous to the next Session of the General Court out of any unappropriated monies that he may have in the Treasury — *provided* that in no case the payments shall exceed the ballance remaining from the sale of the estate of the person against whom the claims were allowed.

February 28, 1795.

Chapter 126.†

ORDER DIRECTING THE SECRETARY TO TRANSMIT PRINTED COPIES OF ACTS TO THE CLERKS OF THE COMMON PLEAS AND TREASURERS IN THE SEVERAL COUNTIES.

Ordered, that the Secretary of the Commonwealth cause to be printed, & transmitted as soon as may be to the Clerks of the several Courts of General Sessions of the peace & to each County Treasurer within this Commonwealth a copy of an Act entitled “An Act in addition to an Act entitled ‘An Act providing for the payment of costs in criminal prosecutions & for preventing unnecessary costs therein,’” passed the present session — and that he also cause to be printed and transmitted as soon as may be to the Clerks of the several Courts of Common pleas a Copy of an act intituled “An Act in addition to an Act defining the General powers & duties & regulating the office of Sheriffs” passed the present sessions.

February 28, 1795.

* Erroneously chaptered No. 115 in Session Pamphlet.

† Erroneously chaptered No. 116 in Session Pamphlet.

Chapter 127.*

RESOLVE ON THE PETITION OF JOSHUA HOLT, IN BEHALF OF THE TOWN OF ANDOVER, DIRECTING THE SECRETARY TO CORRECT A MISTAKE IN THE VALUATION AND GRANTING £.9 17 6 TO SAID TOWN.

On the petition of Joshua Holt in behalf of the town of Andover, praying abatement upon taxes No. ten & eleven levied upon that town, in an undue proportion in consequence of a clerical mistake of seventy nine polls, in the last valuation.

Be it therefore *resolved*, that the prayer of sd. petition be granted & that there be allowed & paid out of the public Treasury the sum of nine Pounds seventeen shillings & six pence to the Town of Andover, & that the Secretary be & he is hereby directed to correct the mistake in sd. valuation, by deducting seventy nine polls set to said town in the books of the valuation and the sum of three shillings & three pence half penny from the sd. town's proportion on the thousand pounds in the last valuation.

February 28, 1795.

Chapter 128.†

RESOLVE ON THE MEMORIAL OF MARTIN KINSLEY.

On the Memorial of Martin Kinsley Agent on the Estate of Timo. Ruggles late of Hardwick a Conspirator praying that he may be enabled to compell Certain Creditors to the sd. Ruggles's Estate to reimburse Monies in th[e]ir hands belonging to the Creditors of sd. Estate.

Resolved That Daniel Bigelow Esqr. be joint Agent, with Martin Kingsley Esqr. on the above Estate and that in any case where it shall appear evident to the sd. Agents, that any individual Creditor shall have Recd. more than his equal dividend of sd. Estate, & is holden by any Law or Resolve of this Commonwealth, or by his own personal bond, to refund such overplus for the benefit of the other Creditors, & shall refuse so to refund the same, The sd. Agents shall be & they hereby are fully Authorized to sue for & recover the same & shall pay it over, together with any other Money in their hands, (after

* Erroneously chaptered No. 117 in Session Pamphlet.

† Erroneously chaptered No. 118 in Session Pamphlet.

deducting the Expences of settling sd. Estate) into the Treasury Office for the benefit of the sd. Creditors; & shall make out an Accurate schedule of the ballance due to each Creditor, & lodge the same in the Office of the Secretary of this Commonwealth. *February 28, 1795.*

Chapter 129.*

GRANT OF £.50 TO THE JUDGES OF THE SUPREME JUDICIAL COURT.

Resolved, That there be allowed & paid out of the public Treasury of this Commonwealth to each of the Justices of the Supreme Judicial Court, the sum of fifty pounds in addition to their salary for the Current year.

February 28, 1795.

Chapter 129A.†

ORDER ON THE PETITION OF JONATHAN KNOWLTON.

On the petition of Jonathan Knowlton in behalf of himself and others, setting forth that he was a tenant in common with Ebenezer Smith late of Edgarton in the County of Dukes County deceased to a certain tract of land on Sandy river, so called in the County of Lincoln, praying to be impowered to execute sufficient deeds of said lands to sundry persons who have a right to the same, notwithstanding the death of the said Ebenezer Smith; also praying that the heirs of the said Ebenr. might be prohibited from taking more of said lands, than according to the proportion of the purchase money paid by their father in his life time.

Ordered that the said Jonathan Knowlton serve the heirs of the said Ebenezer Smith with an attested copy of his petition above mentioned with this order thereon three weeks at least before the third Wednesday of the first Session of the next General Court, that they may appear at that time and shew cause, if any they have, why the prayer of the said petition should not be granted.

February 28, 1795.

* Erroneously chaptered No. 119 in Session Pamphlet.

† Not printed in previous editions. Taken from court record.

Chapter 130.*

RESOLVE ON THE MEMORIAL OF THE QUARTER MASTER GENERAL, DIRECTING HIM TO PROCURE FIVE PAIR BRASS FIELD-PIECES.

The Committee of Both houses appointed on the Representations of Amasa Davis Esqr. Quarter Master General have attended that service and beg leave to Report by way of Resolve which is Submitted.

JONA. WARNER *per* ORDER.

Resolved that the quartr. Mastr. Genl. be direckted to procure five pair of Brass three pound Feild pieces Carriages and apperatus compleat for the Feild.

Resolved that the Quartr. M. Genl. pay to the Commanding officers of the Artilery Companies their accounts for money they have paid for Powder expended in Obediance to Orders, pursuant to the Act for regulating the Militia of this Comonwealth passed in June 1793, in case the quantity Expended does not Exceed fifty pounds for one year for a Company.

Resolved that there be paid out of the Treasury of this Common Wealth seven thousand five hundred dollars to Amasa Davis Esqr. Quarter Master General to Enable him to Carry the Orders of Government into execution he to be accountable for the Expenditure of the same.

Read & accepted & resolved accordingly.

February 28, 1795.

Chapter 131.†

RESOLVE CONTAINING DIRECTIONS TO THE COMMITTEE FOR THE SALE OF EASTERN LANDS.

Whereas an order passed the two houses of the legislature the 2d of Feby. instant directing the Committee on the sale of Eastern lands to suspend further sales thereof and it appearing that previous to said day said committee had entered into various negotiations with sundry persons for the sale of several parcels of said lands — the particular terms stipulations and conditions of some of which were fully concluded and agreed upon by both parties before that

* Erroneously chaptered No. 120 in Session Pamphlet.

† Erroneously chaptered No. 121 in Session Pamphlet.

time and of others the same then remained undecided upon: therefore

Resolved that said Committee be and hereby are directed to suspend all further sales of said lands and they are hereby directed to proceed no further in treating negotiating or agreeing with any party whatever respecting any sale the terms of which were undecided as aforesaid — untill the further order of the General Court. And as to all bargains definitively concluded and agreed upon as aforesaid between said Committee and any applicant previous to said 2d of Feby. said Committee are hereby directed on their part to fullfill and perform the same and to make and execute the necessary conveyances any thing in these resolves contained to the contrary notwithstanding.

And It is further *Resolved* that said Committee be and hereby are directed to form and Compleat a report of all their doings and proceedings as a Committee from the first of their appointment to the time of making said report and in such manner as to exhibit to view the whole quantity of land sold to whom sold & conditions upon which sold money or other consideration received or due, and when payable for the same and disbursements of every kind respecting the same — the situation and probable quantity of all the land in the District of Maine belonging to the Commonwealth accompanied with an explanatory plan and all other circumstances relative thereto which they shall think of sufficient importance to note and lay the same before the next general Court on the second Wednesday of the first session thereof. *March 2, 1795.*

Chapter 132.*

(ROLL NO. 31.)

The Committee on Accounts having examined the Accounts they now present — Report, that their is due to the Towns and persons hereafter mentioned, the sums set to their names respectively, which if allowed and paid, will be in full discharge of said Accounts to the dates therein mentioned.

JOSIAH STEARNS *q* *Order.*

* Erroneously chaptered No. 122 in Session Pamphlet.

Expences of maintaining the Poor of the Common-wealth.

To the Town of Abbingdon for supporting Edmund Broughton & John Henry Binner to the 1 January 1795 including Doctors Bills £.14 12 4 — also for short cast on their last Acct. in Roll No. 30 £.10.	£. s. d.	24 12 4
To the Town of Attleborough for supporting sundry paupers from 12 Jany. 1794 to 12 Jany. 1795 — including Doctors Bills	55 13 8	
To the Town of Adams for supporting sundry paupers to the 17 Jany. 1795 including Doctors Bill	5 10 2	
To the Town of Andover for supporting sundry paupers from 1 March 1794 to 7 Feby. 1795 including Doctors Bills	58 10 5	
To the Town of Acton for supporting Cezar Thompson to 30 Jany. 1795	3 16 8	
To the Town of Brookfield for supporting Michael Conner & William Anthony to 1 Jany. 1795	4 12 0	
To the Town of Bridgewater for supporting John Jess from 1 Feby. 1794 to 1 Feby. 1795	9 0 11	
To the Town of Berwick for Expences of George Montgomery in 1794	1 4 0	
To the Town of Beverly for supporting Morris Nash & others from 1 Feby. 1794 to the 1 Jany. 1795	43 13 8	
To the Town of Blandford for supporting James Carter to 22 December 1794	22 19 2	
To the Town of Boxborough for supporting John Kennedy from 2 Jany. 1794, to 2 Jany. 1795	19 10 0	
To the Town of Belchertown for Doctr. Estes Howe's bill for James & Mary Berry to March 1794	1 15 7	
To the Town of Chilmark for supporting Timothy Greens family Jany. to 4 October 1794	23 17 6	
To the Town of Barre for supporting sundry paupers to 1 Jany. 1795	31 19 8	
To the Town of Boston for supporting sundry paupers from 1 June 1794 to 1 December 1794, & two Accounts £.222 13 3 & £.252. 0 2	474 13 5	
To Samuel Whitwell for his care of the State paupers in the Alms house in Boston from 1 June to 1 December 1794, & two Accts.	34 19 0	
To the Town of Boylston for supporting Susannah Green and Topsail, a black man to 4 Feby. 1795	18 17 0	
To the Town of Chelmsford for supporting Thomas Grant & wife from 31 Decr. 1793 to 8 Octr. 1794	13 3 0	
To Mary Cutter for supporting a Child from 1 March 1794 to 6 Jany. 1795	6 12 0	
To the Town of Concord for supporting Willm. Shaw & others from Decr. 1793 to 31 Jany. 1795, including Doctors Bills — 18 3 5 & 8 5 1	26 8 6	
To the Town of Colerain for sundry paupers to January 1795 including Doctor's Bills	71 19 11	
To the Town of Dedham for supporting sundry paupers from 1 Jany. 1794 to 1 January 1795	52 19 6	

	£.	s.	d.
To the Town of Dighton for Doctoring John Willson from 28 Octr. 1794 to 2 Jany. 1795 — 4 ¹ / ₂ Doctr. Willm. Baylies acct.	1	15	6
To the Town of Dudley for supporting Naomi Cady to 24 Jany. 1795 3 6 0 & Susanna Smith to 12 Feby. 1795 1 16	5	2	0
To the Town of Duxbury for supporting Edward Broughton from 16 Octr. to 28 December 1794	3	18	6
To the Town of Dorchester for supporting Scipio from 21 Feby. 1794 to 3 Jany. 1795	15	0	0
To the Town of Draent for supporting John Hancock from 9 June 1794 to 7 Jany. 1795 including Doctors Bill	13	0	4
To the Town of Egremont for supporting Widow Dayley from 7 Nov. 1793 to 2 Jany. 1795	33	8	6
To the Town of Easthampton for supporting Rebecca Gardner from 20 May 1793 to 1 Jany. 1795	16	12	0
To the Town of Franklin for supporting William Freeman to 14 Jany. 1795	4	0	9
To the Town of Freeport for supporting sundry paupers to 1 Jany. 1795	32	1	6
To the Town of George Town for supporting sundry paupers from 19 Jany. 1794 to 19 Jany. 1795	69	17	4
To the Town of Green for supporting John Chandler from 1 Jany. 1794 to 1 Jany. 1795	14	10	0
To the Town of Greenfield for supporting John McHard from 1 March 1794 to 1 Novr. 1794	8	15	0
To the Town of Gloucester for supporting sundry paupers from 1 May 1794 to 1 Jany. 1795	126	0	0
To the Town of Great Barrington for supporting Abbis O'Conner and Negroe Tom from 1 Feby. 1793 to 16 Jany. 1795	22	2	0
To the Town of Groton for supporting sundry paupers to 10 Jany. 1795	71	10	4
To the Town of Hardwick for supporting Thomas Oakes from 1 Nov. 1794 to 1 Jany. 1795	2	3	9
To the Town of Hallowel for supporting Rachael Cummings from 8 May 1794 to 1 Jany. 1795	17	1	0
To the Town of Hadley for supporting Mary Battis from 1 Jany. 1794, to 1 Jany. 1795	7	16	0
To the Town of Holliston for supporting Elizabeth Taylor & Daughter from 17 Octr. 1792 to 16 April 1794	25	7	0
To the Town of Hannover for supporting Manuel Freeman's family from 30 July to 30 Decr. 1793 including Doctors Bill	11	17	6
To the Town of Hopkinton for supporting Patience Bondily & Anna Fanning from 1 Feby. 1794 to 1 Feby. 1795	13	2	0
To the Town of Lancaster for supporting Richard Patten from 7 Jany. 1794 to 10 Feby. 1795	23	8	0
To the Town of Lincoln for supporting Wm. Oar, from 23 March to 27 Octr. 1788, £.2 12 6. also for Doct. Richard Russels two Accts for Doctoring Thankful Kennedy & Thos. Poccock — 4 3 7, from 1784 to 1790 4 ¹ / ₂ order of Court	6	16	1

	£. s. d.
To the Town of Medfield for supporting George Turner up to 1 Jany. 1795	1 10 0
To the Town of Machias for supporting Andrew Moran from 18 March 1794 to 15 Jany. 1795 including Doct. Wm. Albees Bill	27 14 0
To the Town of Medway for supporting Elisha Ellis from 7 Sep. 1793 to 5 Jany. 1795	21 17 2
To the Town of Malden for supporting William Barton & Family from Feby. 14, 1794 to the 1 November, 1794	9 5 0
To the Town of Milton for supporting Hannah Green to 27 Jany. 1795 including Doctor's Bill	9 18 0
To the Town of Monson for supporting James Johnson from 22 March 1794 to 12 Jany. 1795	3 12 0
To the Town of Mansfield for supporting Hugh McPhersons family to 11 Feby. 1794	3 16 2
To Joseph Manning for Medicine & Attendance on Peter Lowe & Wife to 5 June 1794	1 19 10
To the Town of Norton for supporting Joseph Pratt from 14 Octr. 1793 to 14 Octr. 1794, including Doctor's Bill	15 15 6
To the Town of Newbury Port for supporting sundry Paupers from 1 Jany. 1794 to 1 Jany. 1795 including Doctors Bills	352 17 7
To the Town of New Salem for supporting Jesse Obedient's family to 26 Janry. 1795	10 4 0
To the Town of Northampton for supporting sundry paupers from the year 1794 — to 1 Jany. 1795	31 14 6
To the Town of Newbury for supporting sundry paupers from 1 Janry. 1793 to 1 Jany. 1795	141 18 4
To the Town of New Bedford for supporting Phillip Mason to 1 Jany. 1795	11 19 2
To the Town of Oxford for supporting a Campbell family in 1793	1 18 6
To the Town of Oakham for Doctr. Spencer Field's bill for Doctoring Robert Thompson & family to Sep. 1793	6 0 3
To the Town of Pembroke for supporting sundry paupers to 1 Janry. 1795	41 14 2
To the Town of Plympton for supporting Simon Brow & Hannah Mitchel from March 1793 to March 1794	15 13 2
To the Town of Pepperel for supporting John Waters's family from 9 June to 18 Octr. 1794 including Doctor Lawrence's bill	13 16 0
To the Town of Pittsfield for supporting George Walker to 12 Decr. 1794	11 6 11
To the Town of Portland for supporting sundry paupers to 9 Jany. 1795 including Doctr. Thomas & Doctr. Ervings bills	43 18 4
To the Town of Patridge field for supporting Mary Lace from 24 Feby. 1794 to 16 Feby. 1795	17 17 0
To the Town of Plymouth for supporting sundry paupers to 1 Feby. 1795	27 19 3
To the Town of Readfield for supporting Rebecca Clark from 6 May to 11 July 1794	4 2 0
To the Town of Rehoboth for supporting Richard Bolton & family from 1 Jany. 1794 to 1 Jany. 1795	5 12 0
To the Town of Roxbury for supporting sundry paupers from 1 Jany. 1794 to 1 Jany. 1795	51 12 0

	<i>£. s. d.</i>
To the Town of Raynham for supporting Alexander Larow from 1 Jany. 1794 to 1 Jany. 1795	2 18 6
To the Town of Reading for supporting Joseph Pervoo to 12 June 1794 & Samuel Bancroft to 25 Jany. 1795 & Thos. Grant to 1 Feby. 1795 including Doct. Harts Bill	38 5 7
To the Town of Somerset for supporting Esther Church & Israel Waterman from 25 Jany. 1794 to 1 Jany. 1795	12 4 8
To the Town of Swansey for supporting Penelope Warshanks & Deborah to 1 Jany. 1795	7 6 9
To the Town of Salem for supporting sundry paupers from 1 Jany. 1794 to 1 Jany. 1795	485 16 4
To the Town of Spencer for supporting David Chamberlain from 6 April 1794 to 1 Jany. 1795	12 7 4
To the Town of Stoughton for supporting sundry paupers from 6 Feby. 1793 to 9 Feby. 1795	48 5 0
To the Town of Shelburne for supporting Selah Bates family to 16 Jany. 1795	12 12 8
To the Town of Southwick for supporting George Reed to 27 Jany. 1795	16 18 0
To the Town of Shirley for supporting John Kelly to 12 Jany. 1795	10 10 2
To the Town of Stockbridge for supporting sundry paupers to 1 Jany. 1795	19 7 8
To the Town of Sturbridge for supporting Sarah Dunham from 24 Feby. to 25 April 1794 including Doctors Bill	8 11 4
To the Town of Springfield for supporting sundry paupers to 22 Jany. 1795 including Doctors Bills	15 7 7
To the Town of Sitate for supporting sundry Paupers to 2 Feby. 1795 including Doctor Otis Bill	35 8 5
To the town of Tukesbury for supporting Patrick Flemming from 6 Novr. 1793 to 7 May 1794 including Doctr. Kitteridges Bill	17 6 4
To the Town of Uxbridge for Supporting Betty Trifle from 19th of May 1794 to the 5 January 1795	16 10 0
To the Town of Woburn for supporting John Cook from 19th Aug. 1794 to 10 Octr. 1794	5 5 8
To the Town of Watertown for supporting Samuel Copps till he died in June 1794	1 13 10
To the Town of Williamstown for supporting Rachel Galasha & John Hamsley to 16 Jany. 1795 including Doctors Bills	51 3 2
To the Town of Westborough for supporting John Scudmore from 12 June 1794 to 12 Feby. 1795	14 5 6
To the Town of Worcester for supporting sundry paupers to 27 Jany. 1795 — including Doctors Bills	37 7 8
To the Town of Westhampton for supporting Charlot Brewer's Child to 1 Jany. 1795	8 18 5
To the Town of West Springfield for supporting sundry paupers to 1 Jany. 1795	18 3 6
To the Town of Westfield for supporting William Davis from 1 Jany. 1794 to 1 Jany. 1795	18 2 0
To the Town of Warwick for supporting Philip Boyles family from 19 Jany. 1794 to 19 Jany. 1795	16 4 0
To the Town of Walpole for supporting Patrick Hancock & Sal Davis to Jany. 1795	21 7 0

To Nathaniel Wade, keeper of the house of Correction in the County of Essex for supporting sundry paupers Insane &c. to 1 Feby. 1795	£. s. d. 55 14 9
To the Town of West-tern, for supporting John Keen to 1 Jany. 1795	7 0 0
	<hr/> £ 3452 5 10

*Doctor's Bills for innoculating sundry Persons with the Small Pox
in the Town of Boston in 1792 allowed by Order of Government.*

To Nathl. W. Appleton for medicine & attendance	£.10 7 0
To Abijah Cheever for Do. Do.	3 12 0
To Samuel Danforth " "	3 3 0
To John Fleet " "	18 0 0
To Samuel Haywood " "	8 11 0
To Doctor Insley " "	9 9 0
To Thoms. Kast " "	17 11 0
To James Pearson " "	1 7 0
To Isaac Rand " "	0 9 0
To Isaac Rand Junr. " "	6 18 6
To Robert Rogerson " "	7 13 0
To William Stimpson " "	1 16 0
To William Spooner " "	17 2 0
To Thoms. Welsh " "	11 14 0
To John Warren " "	21 3 0
To John Homans " "	11 14 0
	<hr/> £.3602 15 4

Miscellaneous Accounts.

To John Allan for his time & Expences of attending a treaty with the Passamaquady Indians and other Tribes connected with them in 1794 — <i>p</i> acct	£.100 4 0
To Alexander Campbell for his time & Expences on the same business in 1794	59 3 6
To George Stillman for his time and Expences on the same business in 1794	13 1 1
To Seth Caldwell for expences of taking a Deed of a piece of Land to the Commonwealth for a Gun house in the Town of Barre	1 0 8
To Adam Cotton for distributing State Warrants issued by Wm. Wedgery Esqr. by order of the Treasurer of the Common wealth	3 15 0
To James Clapp for repairing the hospital at Rainsford Island in 1794	3 5 0
To Thomas Clark for his time & Expences attending as an Evidence in the Trial of Wm. Hunt Esqr.	1 16 0
To William Fisk for his time & Expences attending as an Evidence in the same trial	1 16 0
To Stephen Hall for his time & Expences attending as an Evidence in the same trial	2 5 0
To Thomas Dawes & Jonathan Mason a Committee to examine & adjust the Accounts of Thomas Davis Treasurer of the Common wealth, and defacing Bills, <i>p</i> Resolve of Court passed 25 June 1794 each £.10	20 0 0

	£.	s.	d.
To John Fessendens heirs for surveying Roads from Roxbury to Worcester in 1792	2	5	0
To Abraham Foster for repairs on the State house in 1794	7	11	6
To Azor G. Archbald for his time & Expences of attending the settling of Alexander Hodgdon Accounts late Treasurer of the Common-wealth from 4 August 1794 to 14 January 1795	115	10	3
To Thomas Edwards for his Time on the same business as one of the Committee appointed by the General Court	84	15	4
To Jonathan Hastings for Postage of Letters from 16 March 1793 to 22 January 1795	68	2	4
To Samuel Laha for his salary for keeping the Hospital on Rainsfords Island from 25 Jany. 1794 to 25 Jany. 1795 & other Expences.	24	17	5
To Isaac Peirce for his Account of Fewel & other supplies for the Secretary's Office & Council Chamber from Sep. 1793 to 19 Jany. 1795, amounting to £.29 0 6 — deducting £ 18 — he received out of the Treasury in September 1793	11	0	6
To Joseph Prime for taking Inquisition on the body of George Montgomery in the County of York in March 1794	3	10	0
To Thomas Patten for repairs in the Senate Chamber to Aug. 1794	1	1	7
To John Stutson for repairs on the State House to 10 Jany. 1795	35	8	3
To Jeduthun Willington for taking Inquisition on the body of John McFitch in Feby. 1794	4	0	6
To William Widgery for Issuing Warrants to several Towns & plantations in the County of Cumberland in August 1794, by order of Treasurer Davis	2	8	0
To Mason & Winslow for Nails &c for the State house in Aug. 1794	1	7	3
To Thomas Wallcut for making out Copies of the pay Roll this Session	1	4	0
To Henry Coolidge for his Travel & Attendance, as an Evidence on the Trial of Wm. Hunt Esqr. by order of Government Feby. 1794	0	18	0
To Samuel Fisk for his travel & attendance as an Evidence on the same Trial	1	8	0
To Eli Jones his travel & attendance as a Witness in the same trial	2	16	0
To Joseph Russell for his Travel & Attendance as a Witness on the same trial	2	16	0
To Bradley Robinson for his Travel & attendance as a Witness on same Trial	0	18	0
To John Wyman for his Travel & Attendance as a Witness on said Trial	1	16	0
To James White his Accot. of Stationary from Feby. 1794 in full to 21st Feby. 1795	27	1	0
To Daniel Cowing for his attendance on the General Court from the 12 Jany. to the 23d Feby. 1795 — 37 days a 7/6,	13	17	6
To William Cutter for his attendance as a Witness on the trial of Wm. Hunt Esqr.	1	16	0

To Elias Richardson for taking care of the Magazine & public Stores in Cambridge from 1 Feby. 1794 to 1 Feby. 1795	£. s. d.
	8 0 0
	<hr/>
	£.630 14 8

Expences of the Militia.

To James Avery for his Services as Brigade Major & Inspector in full to Jany. 1795	£. s. d.
	13 19 0
To James Ayer for his Services as Adjutant in full to Jany. 1795	4 10 0
To Zacheus Bartlet (Adjutant) March 1st to May 1st 1794	3 13 4
To Joseph Brigham (Adjutant) in full to Jany. 1795	7 14 6
To William Bull (Adjutant) in full to Jany. 1795	5 11 0
To William Bannister (Adjutant) in full to Jany. 1794	6 18 0
To Jonathan Church (Adjutant) in full to Jany. 1795	7 6 6
To Seth Catlin (Brigade Major & Inspector) from Jany. 1793 to Jany. 1795	30 17 6
To Simeon Deming (Adjutant) in full to Jany. 1795	6 0 0
To Stephen Dewey Jr. (Adjutant) in full to Jany. 1795	5 12 6
To Russel Dewey (Adjutant) 1st March to 14 Novr. 1794	8 4 4
To Jesse Devenport (Adjutant) in full to Jany. 1795	13 8 6
To William Fisk (Brigade Major &c.) in full to Jany. 1795	13 13 0
To John Francis (Adjutant) in full to Jany. 1795	3 17 0
To Josiah Gould (Adjutant) in full to Jany. 1795	4 15 0
To Epaphras Hoyt (Adjutant) in full to Jany. 1795	5 12 6
To Daniel Hartwell (Adjutant) in full to Jany. 1795	4 7 6
To Cyrus Hosmer (Adjutant) in full to Jany. 1795	6 10 0
To Timothy Jackson (Brigade Major &c.) in full to Jany. 1795	22 10 0
To Cyrus Keith (Adjutant) in full to Jany. 1795	7 18 8
To Jonathan Learned (Adjutant) in full to Octo. 1793	3 16 0
To David Manning (Brigade Major &c.) in full to Jany. 1795	13 7 0
To John Meacham (Adjutant) 1st March to Octo. 1794	6 12 0
To Darius Munzer (Adjutant) in full to Jany. 1795	7 4 0
To Volentine Martin (Adjutant) in full to Jany. 1795	3 12 8
To Elijah Northrup, William Mellen, & Timo. Whitney for their Attendance on a Court of Enquiry Sept. 25, 1794 as pr. Roll	2 5 4
To Jared Bradley, Ezekiel Stone, & Nathan Dillingham for their Attendance on a Court of Enquiry Novr. 7, & 8, 1794 as pr. Roll	2 18 10
To Joseph Parker Junr. (Adjutant) Apl. 1794 to Octo. 1794	5 16 0
To Levi Parker (Adjutant) in full to Jany. 1795	2 12 1
To John Punchard (Adjutant) in full to Jany. 1795	6 0 0
To Asa Redington (Adjutant) in full to Jany. 1795	6 4 9
To Ephraim Raymand (Adjutant) in full to Jany. 1793	6 4 0
To John G. Rogers (Adjutant) in full to June 1794	4 9 3
To Azariah Root (Adjutant) in full to Jany. 1795	9 16 0
To Merrick Rice (Brigade Major &c.) in full to Jany. 1795	16 15 0

To Joel Reed, Nathl. Robinson & Ebenezer Bacon for their Attendance on a Court of Enquiry Novr. 11, 1793 as pr. Roll	£. s. d.
	1 12 0
To Thoms. Simon, John Hervey, & Gilbert Leonard for their Attendance on a Court of Enquiry June 2, 1794 as pr. Roll	1 10 0
To O. Leonard, James Dean, & Job Godfry for their Attendance on a Court of Enquiry June 28, 1794 as pr. Roll	3 4 0
To William Seaver (Brigade Major &c.) in full to Jany. 1795	25 2 6
To Henry Sewall (Dy. Adjutant Genl.) in full to Jany. 1795	12 1 6
To John Sarjent (Adjutant) June 1793 to Octo. 1794	4 16 0
To John Smith (Brigade Major &c.) in full to Jany. 1795	25 9 0
To John Saunders (Brigade Major &c.) in full to Jany. 1795	15 12 0
To John Hathorne Esqr. & Others Members of Court Martial held Decr. 1793 pr. Order Genl. Fisk Major Genl. 2 Div. as pr. Roll	5 19 11
To William Stone (Adjutant) in full to Jany. 1795	7 6 0
To Samuel M. Thayer (Brigade Major &c.) in full to Jany. 1795	20 10 0
To Quincy Thaxter (Adjutant) in full to Jany. 1795	5 2 9
To Eli Wheelock (Adjutant) in full to Jany. 1795	4 0 0
To Sampson Wood (Brigade Major &c.) in full to Jany. 1795	15 10 0
To John Whiting for Stationary supplied by Order Adj. Genl. 1795	20 0 0
To Asa Williams (Adjutant) in full to Jany. 1795	6 0 5
To William Wedgery (Adjutant) in full to Jany. 1795	16 4 0
To James Williams Jr. (Adjutant) in full to Jany. 1795	4 1 9
To Benjamin Warren (Brigade Major &c.) in full to Jany. 1795	13 5 0
To Noah Hall & others for their Attendance on a Court Martial August 19, 1794, by Order Major Genl. 5th Div. exhibited by Benjamin Warren Brigade Major	20 12 4
To William Donnison Esqr. for his Services as Adjutant Genl. including Office Rent & every other Charge for the year 1794	160 0 0
To Nathl. Freeman (Brigade Major &c.) in full to Jany. 1795	13 4 0
To Mulford Howes (Adjutant) in full to Jany. 1795	11 8 0
To William Mansfield (Adjutant) in full to Jany. 1795	5 3 8
To Henry Sweet Junr. (Adjutant) in full to Jany. 1795	4 17 0
	<hr/>
	£.703 3 7

Sheriffs Accounts.

To Edmund Bridge, for his Services as Sherriff, in dispersing Precepts & returning Votes for the Choice of Federal Representative Novr. 1794 & Jany. 1795	£. s. d.
	19 13 0
To John Cooper (Sheriff) for dispersing Precepts & returning Votes for the Choice of federal Representative Novr. 1794	18 8 0

To Joseph Dimmick (Sheriff) for returning Votes for the Choice of federal Representative Sept. 15, 1794	£. s. d.
	4 0 0
To Joseph Hosmer (Sheriff) for dispersing districting Acts, Precepts & making Returns of the Choice of federal Representative Augt. to Jany. 1795	3 17 1
To Richard Hunnewall (Sheriff) for dispersing Precepts & returning Votes for the Choice of federal Representative Decr. 1794	13 12 0
To Elisha Porter (Sheriff) for distributing Acts & returning Votes for the Choice of Federal Representatives 1794	5 11 0
To Benjamin Smith (Sheriff) for distributing Acts & returning Votes for the Choice of federal Representative Novr. 1794	5 11 7
To John Wait (Sheriff) for dispersing Acts & returning Votes for the Choice of federal Representative Augt. 1794 to Jany. 1795	14 4 0
To Simon Larned (Sheriff) for dispersing Precepts & returning Votes for the Choice of federal Representative 1794	7 19 0
	<hr/>
	£.92 15 8

Printers Accounts.

To Adams & Larkin for paper & printing from the 16th June 1793 to the 1st of July 1794	£. s. d.
	476 16 6
To William Butler for printing sundry Acts & Resolves in full to the 1st July 1794	19 2 0
To Thoms. C. Cushing for printing sundry Acts & Resolves in full to July 1st 1794	2 12 6
To Benjamin Titcomb for printing sundry Acts & Resolves in full to 1st July 1794	2 3 0
	<hr/>
	£.500 14 0

Amot. of Roll No. 31 passed Feby. 1795.

For support of Paupers	£. s. d.
	3602 15 4
Expences of Militia	703 3 7
Expences of Sheriffs	92 15 8
Expences of printing.	500 14 0
Expences Miscellaneous	630 14 8
	<hr/>
sum total	£.5530 3 3

Read & accepted, & thereupon *Resolved* that His Excellency the Governour with the advice of Council, be & he hereby is requested to issue his Warrant upon the Treasury, for the payment of the several Corporations & Persons borne on this Roll the sums set against such Corporations & Persons respectively amounting in the whole to five thousand five hundred & thirty Pounds three shillings & three pence

February 26, 1795.

L A W S

OF THE

COMMONWEALTH

OF

MASSACHUSETTS.

PASSED BY THE GENERAL COURT:

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY, THE TWENTY-SEVENTH
DAY OF MAY, *ANNO DOMINI*, 1795.

BOSTON:

Printed at the STATE PRESS, by ADAMS & LARKIN,
Printers to the COMMONWEALTH.
M,DCC,XCV.

Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.

1896.

ACTS AND LAWS

PASSED BY THE GENERAL COURT OF MASSACHUSETTS:
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY, THE TWENTY-SEVENTH
DAY OF MAY, ANNO DOMINI, 1795.

1795. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR EXTENDING THE TIME FOR RECEIVING ON LOAN
THE DEBT 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 Term for receiving on Loan the Debt of this Commonwealth which hath not been subscribed in pursuance of and conformable to an Act entitled, “An Act to provide for the Debt of this Commonwealth;” and one other Act entitled, “An Act for appropriating Twelve Thousand pounds, part of Tax No. 11, to the payment of Interest on the funded & consolidated Debt of this Commonwealth and for other purposes;” be and hereby is extended to the first day of February next: and the Treasurer of this Commonwealth hereby is authorized and directed to receive and admit subscriptions to the said Loan, of all such species of the said Debt as are in the said two Acts described, untill the said first day of February next, in the same manner and on the same Terms as are in the said Two Acts provided & established.

Approved June 3, 1795.

1795. — Chapter 2.

[May Session, ch. 2.]

AN ACT TO CHANGE THE NAME OF WILLIAM SHELDEN OF HADLEY IN THE COUNTY OF HAMPSHIRE, TO THE NAME OF GILES CROUCH KELLOGG.

Whereas Enos Smith of Hadley in the County of Hampshire, guardian to William Shelden of said Had-

Term extended.

Treasurer directed.

Preamble.

ley, a minor, hath petitioned this Court, that the name of the said William Shelden may be changed, and altered to the name of Giles Crouch Kellogg, and the said William Shelden hath desired the same.

Therefore be it Enacted by the Senate and House of Representatives, in General Court assembled, & by the
 Name changed. *authority of the same, that from and after the passing of this Act, the said William Shelden shall be, and hereby is authorized & impowered to take use, and bear the name of Giles Crouch Kellogg, instead of the name of William Shelden, and to be called & known by that name forever hereafter.*

Approved June 4, 1795.

1795. — Chapter 3.

[May Session, ch. 3.]

AN ACT, IN ADDITION TO AN ACT ENTITLED, “AN ACT TO PREVENT DAMAGE BEING DONE ON THE SALT MARSHES IN THE TOWN OF ARUNDELL IN THE COUNTY OF YORK, BY HORSES, SHEEP & CATTLE BEING SUFFERED TO RUN AT LARGE ON CERTAIN BEACHES, FLATS, AND NECKS OF LAND ADJOINING SAID MARSHES, FROM THE FIRST DAY OF APRIL TO THE LAST DAY OF NOVEMBER ANNUALLY” —: PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND, SEVEN HUNDRED AND EIGHTY NINE.

Preamble.

Whereas it appears that said Act is insufficient to answer all the purposes intended by it, as it is found by experience to be very detrimental for Sheep, Cattle & Horse kind to feed or run at large on said premises, not only from April to November annually, as is expressed in said Act, but at all Seasons of the Year:

Cattle, etc., not to be allowed to run at large.

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that from and after passing this Act, it shall not be lawful for any of the Inhabitants of the Town of Arundell, or any other person or persons whomsoever, to turn out to feed, or let run at large any neat Cattle, Sheep or Horse kind on the Neck of Land called the Pines, or the Beach and Salt Marsh adjoining thereto, lying on the Northern & Eastern side of Batson's River so called, in said Town of Arundell, at any Season of the Year; upon the same Penalties to be recovered, and the same proceedings had in manner and Form as is provided by the Act to which this is in addition.

Approved June 8, 1795.

1795. — Chapter 4.

[May Session, ch. 4.]

AN ACT TO CHANGE THE NAME OF THE TOWN OF SHERBORN
IN THE COUNTY OF NANTUCKET.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the town of Sherborn in the County of Nantucket, from and after passing this Act, shall be called and known by the name of Nantucket; and the inhabitants of said town of Nantucket shall be bound to perform all duties, and also shall enjoy all the rights, priviledges and immunities, which they would have been held to perform, or might have enjoyed, had not the name of said town been changed from the name of Sherborn. And all Officers in the said town shall hold and exercise their offices respectively, in the same manner they would have done, had not the name of the said town been altered.

Town's name
changed.

Approved June 8, 1795.

1795. — Chapter 5.

[May Session, ch. 5.]

AN ACT TO INCORPORATE THE OWNERS OF CERTAIN LANDS
IN STOUGHTON, IN THE COUNTY OF NORFOLK, FOR THE
PURPOSE OF MANAGING THE SAME AS A COMMON AND
GENERAL FIELD.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that all that tract of meadow land lying in said Stoughton, included within the bounds following viz. ; beginning at Mashapog river, so called, in the line of the land of John Hartwell, from thence running westerly in the line of said Hartwell's land to the upland, from thence northwesterly, in the line of lands belonging to Joseph Cummins and Jonathan Hawes, to the line of the town of Sharon, from thence running northerly in the line of the said town of Sharon, to Neponset river; from thence northeasterly by said Neponset river to the confluence thereof with the said Mashapog river, and from thence bounded by the said Mashapog river to the bound first mentioned, shall be considered as a common & general field; and that the proprietors of the said meadow lands,

Boundaries.

their heirs and successors be, and they hereby are incorporated, and vested with all the powers and priviledges, which the proprietors of common and general fields by law are vested with.

Approved June 15, 1795.

1795. — Chapter 6.

[May Session, ch. 6.]

AN ACT FOR INCORPORATING CERTAIN PERSONS IN THE TOWN OF GRANBY FOR THE PURPOSE OF MANAGING A COMMON FIELD IN SAID TOWN.

Preamble.

Whereas John Moody and others owners of land herein after described, have petitioned this Court to be incorporated for the purpose of managing the concerns thereof;

Names of owners.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that John Moody, Aaron Moody, Simeon Moody, Levi Taylor, Charles Ferry Junr., Asaph Stebbins, Noah Ferry junr., Eleazer Ayres, Aaron Ayres, Samuel Tolman, David Abbee, Noah Clark, John Preston Junr., Jabez Preston, Abiather Vinton, Daniel Lathrop, John Birchard, Moses Preston, Josiah Montague, Elijah Smith, David Partrick, James Smith, and the heirs of Thomas Moody and John Stebbins, owners of the following lots of land in the town of Granby (viz.) The five first lots in the first crank division, so called, together with twenty four acres on the north side of, and adjoining to said lots owned by the persons before named, be & they hereby are incorporated for the purpose of managing said lands in a common field, and the proprietors and the owners of the lands aforesaid, are hereby invested with all the powers and priviledges, which the proprietors of lands in general fields are by law invested with.

Common field.

Be it further Enacted, that each and every of the proprietors aforesaid, their heirs and assigns, shall be at full liberty at any and at all times hereafter, to inclose and improve by themselves, any of their lands lying within the limits of the tract of land before described, in the same manner as if this act had not been made, they maintaining their respective proportions of the general fence around the same.

Approved June 15, 1795.

1795. — Chapter 7.

[May Session, ch. 7.]

AN ACT REPEALING A CERTAIN CLAUSE OF AN ACT INTITLED
 “AN ACT FOR THE ORDERLY SOLEMNIZATION OF MARRIAGES.”

Whereas in and by the Act intitled as aforesaid, among other things the following clause is enacted, viz, “ And if it shall so happen, that any one or more of the said Justices or Ministers shall not have joined together in marriage, any person during the course of the year then last past, it shall be the duty of such Justice or Minister, also to certify to the said Town Clerk, in writing under his hand, that he has not joined any persons in marriage within the course of the said year;” and a compliance with the said clause is found inconvenient:

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 before recited clause be, and it is hereby repealed.

Clause repealed.

Approved June 15, 1795.

1795. — Chapter 8.

[May Session, ch. 8.]

AN ACT TO REGULATE THE SALE OF GOODS AT PUBLIC VENDUE, AND TO REPEAL ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Be it Enacted by the Senate & house of Representatives in General Court assembled and by the Authority of the same, that from and after the first day of July next, no person, unless he be licensed by the Major part of the Selectmen of the Town to which he belongs, shall sell at Public Vendue or Outcry, any goods or chattels whatsoever; And if any Person, without such license, shall sell any goods or chattels at Public Vendue or Outcry, he shall forfeit and pay a sum not exceeding six hundred dollars for each Offence; and the Selectmen, or the major part of them, at a Meeting had for that purpose, are hereby empowered by a Writing under their hands, to license any suitable person or persons to make sale of Goods or Chattels in manner aforesaid; for which license, the Person or Persons receiving the same, shall pay to the Selectmen granting it for their use, the sum of Two dollars; and

Licence to be granted.

Penalty.

the Selectmen are hereby directed to record every Licence they may so grant, in a book to be by them kept for that purpose.

Penalty for selling unlawfully.

And be it further Enacted, that if any Person or Persons thus licensed, shall receive any Goods for sale at Public Vendue or Outcry, of any Servant or Minor, knowing such person to be a Servant or Minor, or shall sell any of his own Goods before Sun-rise or after Sun-set, at public Vendue or Outcry; he shall forfeit and pay a sum not less than Fifty dollars, nor more than One hundred and Seventy dollars for each Offence: And every Person thus licensed, shall keep a fair and particular account of all Goods and Chattels sold by him as aforesaid, of whom the same were received, and of the names of the persons to whom the same shall have been sold. *Provided*, that nothing in this Act shall extend to sales made by Sheriffs, Deputy-Sheriffs, Coroners, Constables, Collectors of Taxes, Executors or Administrators, or any other Person who already is, or hereafter may be authorized or required by Law to sell Goods, Chattels or Lands at Vendue or Outcry.

Auctioneers to keep account of sales.

Proviso.

And be it further Enacted, that no Licence granted as aforesaid, shall be of any effect to exempt any Person or Persons from the penalties incurred by any breach of this Act, unless such Licence shall have been made & granted within one Year next preceeding such sale.

Penalties how recovered.

And be it further Enacted, that any penalty incurred as aforesaid, may be recovered by an Action of Debt in any Court of Record proper to try the same, and appropriated to the use of him, who shall first sue for the same.

Former laws repealed.

And be it further Enacted, that all Laws heretofore made for regulating the sale of Goods & chattels at Public Vendue or Out-cry, excepting as before excepted, be and they hereby are repealed: *Provided*, that all Forfeitures & Penalties that may have been incurred by any breach of said Laws, shall & may be recovered in the same manner as though this Act had not been made.

Proviso.

Approved June 16, 1795.

1795. — Chapter 9.

[May Session, ch. 9.]

AN ACT TO SET OFF EBER SHELDON & SILAS FREEMAN JUNR. WITH THEIR ESTATES, FROM THE TOWN OF SHEFFIELD IN THE COUNTY OF BERKSHIRE, AND ANNEX THEM & THEIR ESTATES TO THE TOWN OF NEW-MARLBOROUGH IN THE SAME COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that Eber Sheldon and Silas Freeman junr. with their Estates, bounded as follows, — Beginning at a Stake and Stones in New Marlborough west line, it being the north-east corner of said Eber's land; then running West, twelve degrees fourteen minutes North, one hundred rods to a stake and stones; then west, four degrees forty minutes north, sixty-three rods to a stake & stones; then running south, two degrees east, parallel with said Town-line, one Mile, one hundred & Sixty rods to a Chestnut staddle with stones about it; then east two degrees north, one hundred & sixty rods to a stake & stones in the east line of said Sheffield, it being the south east Corner of said Silas Freeman's land; then Northerly on said Town line, one mile, one hundred & thirty rods to a Stake & stones, the northeast corner of said Eber Sheldon's land, be and they hereby are set off from the Town of Sheffield in the County of Berkshire, and annexed to the Town of New-Marlborough in the same County.

Boundaries of
estates set off.

Approved June 19, 1795.

1795. — Chapter 10.

[May Session, ch. 10.]

AN ACT TO PROHIBIT, DURING THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY, THE TAKING OF SALMON IN MERRIMACK RIVER AND IN THE WATERS RUNNING INTO THE SAME.

Be it enacted, by the Senate and House of Representatives, in General Court assembled and by the Authority of the same, that from and after the passing of this Act, no person, shall be allowed to catch any Salmon in Merrimack River, or in the waters running into the same, during the Months of December, January and February; and

any person who shall offend herein, or who shall be found, during those Months, with any Salmon, which shall have been caught, contrary to the intent of this Act, shall forfeit and pay a sum, not exceeding twenty dollars, nor less than three dollars, to be recovered by Action of Debt, to the use of any person, who will sue for the same — or by indictment to the use of the County, in which the offence shall be committed.

Approved June 20, 1795.

1795. — Chapter 11.*

[May Session.]

AN ACT FOR APPORTIONING AND ASSESSING THE SUM OF ONE HUNDRED AND FORTY NINE THOUSAND, SEVEN HUNDRED AND FIFTY NINE DOLLARS AND SEVENTY THREE CENTS.

Whereas it is necessary to answer the exigences of Government, that the Treasury of this Commonwealth should be supplied with the sum of One hundred and forty nine thousand, seven hundred and fifty nine Dollars, and seventy three Cents to be appropriated for the following purposes Viz. Twenty seven thousand Dollars to make up the deficiency in appropriations already made for payment of the interest of the public debt — One hundred six thousand four hundred and seventy Dollars and fifty six Cents to defrey the common exigences of Government; and sixteen thousand two hundred and eighty nine Dollars, and seventeen Cents, to replace that sum drawn out of the Treasury, for payment of the Members of the House of Representatives for their attendance the two last sessions of the General Court.

Be it therefore Enacted by the Senate, and House of Representatives in General Court assembled, & by the authority of the same, that each Town, District, Plantation and other place herein after named, within this Commonwealth, shall be assessed, and pay the several sums with which they stand respectively charged in the following schedule, which are hereby appropriated for the purposes mentioned in the preamble of this Act, Viz.

* Not printed in session pamphlet.

COUNTY OF SUFFOLK.

TOWNS.	Representatives' Pay.	Proportion of \$133,370 56	Total.
BOSTON	Dolls. Cts. 711 0	Dolls. Cts. 12234 58	Dolls. Cts. 12955 58
Hingham	123 50	633 61	757 11
Chelsea		253 89	253 89
Hull		45 0	45 0
	834 50	13177 8	14011 58
			Twelve thousand nine hundred fifty five Dollars fifty eight Cents
			Seven hundred fifty seven Dollars eleven Cents
			Two hundred fifty three dollars and eighty nine Cents
			Forty five Dollars
			Fourteen thousand & Eleven Dollars fifty eight Cents

COUNTY OF ESSEX.

TOWNS.	Representatives' Pay.	Proportion of \$133,370 56	Total.
Salen	Dolls. Cts. 218 50	Dolls. Cts. 3121 67	Dolls. Cts. 3340 17
Newburyport	130 50	2361 67	2492 17
Newbury	111 50	1240 83	1352 33
Ipswich	105 75	1087 0	1192 75
Andover	123 50	1063 62	1187 12
Marblehead	84 50	1063 89	1148 39
Beverly	110 50	1027 78	1138 28
Gloucester	59 50	1005 56	1065 6
Danvers	130 50	755 0	885 50
Lynn	101 33	518 61	619 94
Lynnfield	29 17	146 94	176 11
Haverhill	117 0	653 61	770 61
Rowley	125 25	577 50	702 75
			Three thousand three hundred & forty Dollars and seventeen Cents
			Two thousand four hundred and ninety two Dollars & seventeen Cents
			One thousand three hundred & fifty two Dollars & thirty three Cents
			One thousand one hundred & ninety two Dollars & seventy five Cents
			One thousand one hundred & eighty seven Dollars twelve Cents
			One thousand one hundred and forty eight Dollars & thirty nine Cents
			One thousand one hundred & thirty eight Dollars twenty eight Cents
			Eight hundred & eighty five Dollars and six Cents
			Six hundred & ninety five Dollars and fifty Cents
			One hundred and seventy six Dollars & eleven Cents
			Seven hundred and seventy Dollars and sixty one Cents
			Seven hundred and two Dollars seventy five Cents

COUNTY OF ESSEX — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$35,470 56	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Saltisbury	120 50	511 39	631 89
Bradford	86 50	468 33	554 83
Andover	124 0	433 61	557 61
Methuen	103 0	371 94	474 94
Bozford	111 0	338 6	449 6
Topsfield		298 89	298 89
Hamilton		217 16	217 16
Middleton		217 50	217 50
Manchester		181 11	181 11
Wenham		150 0	150 0
	1992 50	17841 67	19834 17
			Nineteen thousand eight hundred thirty four Dollars seventeen Cents

COUNTY OF MIDDLESEX.

TOWNS.	Representatives' Pay.	Proportion of \$35,470 56	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Cambridge	112 25	1034 72	1146 97
Charlestown	107 0	737 78	834 78
Malden	127 0	573 33	700 33
Reading	116 0	507 22	623 22
Concord	110 0	503 33	613 33
Woburn	127 50	502 50	630 0
Frammingham	109 50	496 53	606 3
Groton	98 0	488 33	586 33
Newton		463 61	463 61
			One thousand one hundred & forty six Dollars ninety seven Cents
			Eight hundred thirty four Dollars seventy eight Cents
			Seven hundred Dollars, thirty three Cents
			Six hundred twenty three Dollars, twenty two Cents
			Six hundred thirteen Dollars thirty three Cents
			Six hundred thirty Dollars
			Six hundred & six Dollars, three Cents
			Five hundred eighty six Dollars thirty three Cents
			Four hundred sixty three Dollars, sixty one Cents

Watertown	122 50	427 22	Five hundred forty nine Dollars, seventy two Cents	549 72
Acton	51 42	228 8	Two hundred seventy nine Dollars, forty eight Cents	279 48
Carlsic	40 8	178 33	Two hundred eighteen Dollars forty one Cents	218 41
Billerica	120 25	401 11	Five hundred [seventy] [twenty] one Dollars thirty six Cents	521 36
Waltham	108 75	393 89	Five hundred & two Dollars fourteen Cents	502 14
Chelseaford	39 25	392 22	Five hundred Dollars ninety seven Cents	500 97
Medford	42 0	382 78	Four hundred twenty two Dollars three Cents	422 3
Weston	110 75	381 11	Four hundred twenty three Dollars eleven Cents	423 11
Stow	22 73	365 0	Four hundred seventy five Dollars seventy five Cents	475 75
Boxborough	10 52	111 39	Two hundred sixty three Dollars twenty nine Cents	263 29
Sudbury	118 50	350 83	One hundred twenty one Dollars ninety one Cents	121 91
Lexington	70 75	342 78	Four hundred sixty nine Dollars thirty three Cents	469 33
Hopkinton		335 0	Three hundred forty two Dollars seventy eight Cents	405 75
Dunstable		196 11	Four hundred five Dollars, seventy five Cents	156 11
Holliston		164 45	One hundred sixty six Dollars eleven Cents	164 45
Malden		320 0	One hundred sixty four Dollars forty five Cents	320 0
Pepperell		307 64	Three hundred and twenty dollars	345 14
Dracut		295 56	Three hundred forty five Dollars, fourteen Cents	349 81
East Sudbury	114 25	290 56	Three hundred forty nine Dollars eighty one Cents	290 56
Sherburne		277 50	Two hundred ninety Dollars fifty six Cents	391 75
Littleton		255 56	Three hundred ninety one Dollars seventy five Cents	369 44
Tewksbury		245 56	Two hundred sixty nine Dollars, forty four Cents	255 56
Townsend		231 11	Two hundred fifty five Dollars, fifty six Cents	245 56
Lincoln		127 22	Two hundred forty five Dollars fifty six Cents	231 11
Bedford		213 33	Two hundred thirty one Dollars, eleven Cents	272 97
Abby		188 33	Two hundred twenty two Dollars, ninety seven Cents	225 0
Wilmington		181 11	Two hundred twenty five Dollars	213 33
Natick		163 33	Two hundred thirteen Dollars thirty three Cents	188 33
Shirley		116 67	One hundred eighty eight Dollars thirty three Cents	181 11
Stoneham		13956 11	One hundred eighty one Dollars, eleven Cents	163 33
	2124 75	116 67	One hundred sixty three Dollars thirty three Cents	116 67
			One hundred sixteen Dollars, sixty seven Cents	
			Sixteen thousand and eighty Dollars, eighty six Cents	16080 86

COUNTY OF WORCESTER.

TOWNS.	Representatives' Pay.	Proportion of \$133,470 56	Total.
Worcester	Dolls. Cts. 97 25	Dolls. Cts. 855 28	Dolls. Cts. 952 53
Brookfield	121 75	889 31	1011 6
Sutton	107 0	790 14	790 14
Bare	116 0	597 50	704 50
Petersham	75 25	506 67	506 67
Sturbridge	125 75	505 83	621 83
Charlton	89 75	489 30	564 55
Hardwick		462 8	587 83
Spelling		443 47	533 22
Princeton		427 64	427 64
Bolton		275 69	275 69
Berlin		150 42	150 42
Lancaster	123 50	422 78	546 28
Rutland	57 75	415 14	415 14
Mendon	96 50	412 8	472 75
Harvard	69 0	410 69	508 58
Spencer	98 75	401 11	479 69
Uxbridge		364 72	499 86
Westminster	60 25	346 25	364 72
Leicester	83 0	345 97	406 50
Shrewsbury	107 75	339 45	428 97
Lunenburg		339 3	447 20
Leominster	115 0	327 78	339 3
Westborough	21 0	322 8	442 78
Grafton	87 0	318 6	343 8
Holden		296 53	383 53
Boylston		294 86	294 86
Western	69 25	293 61	294 86
New Braintree			362 86

<i>Templeton</i>	118 25	289 72	Four hundred seven Dollars ninety seven Cents	407 97
<i>Dudley</i>	120 25	269 44	Three hundred eighty nine Dollars sixty nine Cents	389 69
<i>Fitchburgh</i>		267 92	Two hundred sixty seven Dollars ninety two Cents	267 92
<i>Winchendon</i>	127 0	266 35	Three hundred ninety three Dollars thirty nine Cents	393 39
<i>Orford</i>	114 0	266 29	Three hundred eighty Dollars twenty five Cents	380 25
<i>Milford</i>	69 75	252 92	Three hundred twenty two Dollars sixty seven Cents	322 67
<i>Hubbardston</i>	83 25	248 89	Three hundred thirty two Dollars, fourteen Cents	332 14
<i>Royalston</i>	125 25	245 0	Three hundred seventy Dollars twenty five Cents	370 25
<i>Southboro'</i>		243 89	Two hundred forty three Dollars eighty nine Cents	243 89
<i>Douglas</i>		238 33	Three hundred forty Dollars thirty three Cents	340 33
<i>Athol</i>	102 0	230 56	Two hundred thirty Dollars fifty six Cents	230 56
<i>Upton</i>	97 75	225 28	Three hundred twenty three Dollars three Cents	323 3
<i>Northborough</i>	90 50	216 94	Three hundred seven Dollars forty four Cents	307 44
<i>Gerry</i>		216 53	Two hundred sixteen Dollars fifty three Cents	216 53
<i>Paxton</i>		194 72	One hundred ninety four Dollars seventy two Cents	194 72
<i>Ashburnham</i>		193 33	One hundred ninety three Dollars thirty three Cents	193 33
<i>Oakham</i>		189 86	One hundred eighty nine Dollars eighty six Cents	189 86
<i>Ward</i>		177 78	One hundred seventy seven Dollars seventy eight Cents	177 78
<i>Gardner</i>		151 11	One hundred fifty one Dollars, eleven Cents	151 11
<i>Northbridge</i>		122 78	One hundred twenty two Dollars seventy eight Cents	122 78
	2769 50	16966 11	Nineteen thousand seven hundred thirty five Dollars & sixty one Cents	19735 61

COUNTY OF HAMPSHIRE.

	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Northampton</i>	52 90	628 61	Six hundred eighty one Dollars fifty one Cents	681 51
<i>Easthampton</i>	17 60	208 33	Two hundred twenty five Dollars ninety three Cents	225 93
<i>West Springfield</i>	129 25	674 45	Eight hundred three Dollars, seventy Cents	803 70
<i>Granville</i>		486 39	Four hundred eighty six Dollars, thirty nine Cents	486 39
<i>Springfield</i>	38 50	483 33	Five hundred twenty one Dollars eighty three Cents	521 83
<i>Westfield</i>	92 50	473 33	Five hundred sixty five Dollars eighty three Cents	565 83
<i>Deerfield</i>		454 17	Four hundred fifty four Dollars, seventeen Cents	454 17
<i>Conway</i>	99 50	452 22	Five hundred fifty one Dollars, seventy two Cents	551 72

Montague	225 83	Two hundred twenty five Dollars eighty three Cents			225 83
Chester	220 83	Two hundred twenty Dollars eighty three Cents			220 83
Palmer	219 17	Two hundred nineteen Dollars seventeen Cents			219 17
Williamsburgh	208 61	Three hundred seven Dollars sixty one Cents			307 61
Southwick	193 33	Two hundred thirty six Dollars fifty eight Cents			236 58
Granby	185 56	One hundred eighty five Dollars fifty six Cents			185 56
Whately	181 67	One hundred eighty one Dollars sixty seven Cents			181 67
Ware	164 72	One hundred eighty four Dollars seventy two Cents			164 72
Goshen	164 17	One hundred sixty four Dollars seventeen Cents			164 17
Westhampton	155 0	One hundred fifty five Dollars			155 0
Sunderland	154 17	One hundred fifty four Dollars seventeen Cents			154 17
Norwich	142 50	One hundred forty two Dollars fifty Cents			142 50
Middlefield	137 50	One hundred thirty seven Dollars fifty Cents			137 50
Shutesbury	131 11	One hundred thirty one Dollars eleven Cents			131 11
Leverett	129 72	One hundred twenty nine Dollars seventy two Cents			129 72
Charlmont	127 50	One hundred twenty seven Dollars fifty Cents			127 50
Ludlow	126 39	One hundred twenty six Dollars thirty nine Cents			126 39
Buckland	117 50	One hundred sixty one Dollars twenty five Cents			161 25
Wendell	113 33	One hundred thirteen Dollars thirty three Cents			113 33
Hawley	107 22	One hundred seven Dollars twenty two Cents			107 22
Montgomery	92 78	Ninety two Dollars seventy eight Cents			92 78
Heath	90 69	Ninety Dollars, sixty nine Cents			90 69
Rowe	86 11	Eighty six Dollars, eleven Cents			86 11
Russell	62 75	Sixty two Dollars seventy eight Cents			62 75
	2127 25				
	14980 14	Seventeen thousand one hundred & seven Dollars & thirty nine Cents			17107 39

COUNTY OF BERKSHIRE.

	Dolls. Cts.		Dolls. Cts.
Pittsfield	597 22	Seven hundred & seventeen Dollars & seventy two cents	717 72
Sheffield	503 75	Five hundred forty four Dollars & sixty five cents	544 65
Mount Washington	32 22	Thirty four Dollars eighty two cents	34 82
Lanesboro'	402 22	Four hundred thirty nine Dollars eighty one cents	439 81

COUNTY OF BERKSHIRE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,470 56	Total.
<i>New Ashford</i>	Dolls. Cts. 5 91	Dolls. Cts. 63 33	Dolls. Cts. 69 24
<i>Sandisfield</i>	119 67	375 83	495 50
<i>Beethoven</i>		43 89	43 89
<i>Williamstown</i>	110 0	423 61	533 61
<i>Stockbridge</i>	116 50	389 3	505 53
<i>Great Barrington</i>	89 0	361 53	450 53
<i>New Marlboro'</i>	75 25	342 50	418 75
<i>Richmond</i>	24 0	340 14	364 14
<i>Tyringham</i>	68 25	320 28	388 53
<i>Adams</i>	80 25	294 44	374 69
<i>Lenox</i>	39 0	293 33	332 33
<i>Cheshire</i>	39 0	290 0	329 0
<i>Lee</i>	105 0	270 42	375 42
<i>West Stockbridge</i>		220 28	320 28
<i>Partridgefield</i>	91 75	205 55	297 30
<i>Hancock</i>		190 56	190 56
<i>Epemont</i>	43 50	180 0	223 50
<i>Becket</i>		175 97	175 97
<i>Windsor</i>		151 95	151 95
<i>Alford</i>		138 89	138 89
<i>Daikon</i>		130 70	130 70
<i>Washington</i>		121 39	121 39
<i>London</i>		66 11	66 11
<i>Eleven thousand Acres adjoining Sandisfield</i>		30 28	30 28
	1209 67	6955 42	8165 9

Sixty nine Dollars twenty four cents
 Four hundred ninety five dollars, fifty cents.
 Forty three Dollars eighty nine cents
 Five hundred thirty three Dollars sixty one cents
 Five hundred & five Dollars fifty three cents
 Four hundred fifty Dollars fifty three cents
 Four hundred eighteen Dollars seventy five cents
 Three hundred sixty four Dollars fourteen cents
 Three hundred eighty eight Dollars fifty three cents
 Three hundred seventy four Dollars sixty nine cents
 Three hundred thirty two Dollars thirty three cents
 Three hundred twenty nine Dollars
 Three hundred seventy five Dollars forty two cents
 Two hundred twenty Dollars twenty eight cents
 Two hundred ninety seven Dollars thirty cents
 One hundred ninety Dollars fifty six cents
 Two hundred twenty three Dollars fifty cents
 One hundred seventy five Dollars ninety seven cents
 One hundred fifty one Dollars ninety five cents
 One hundred thirty eight Dollars eighty nine cents
 One hundred thirty Dollars seventy cents
 One hundred twenty one Dollars thirty nine cents
 Sixty six Dollars eleven cents
 Thirty Dollars twenty eight cents
 Eight thousand one hundred sixty five Dollars nine cents

COUNTY OF PLIMOUTH.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Bridgewater</i>	114 75	1512 78	One thousand six hundred twenty seven Dollars fifty three cents	1627 53
<i>Middleboro</i>	92 50	1229 44	One thousand three hundred twenty one Dollars ninety four cents	1321 94
<i>Sittuate</i>	110 25	866 66	Nine hundred seventy six Dollars ninety one cents	976 91
<i>Plimouth</i>	130 50	615 56	Seven hundred forty six Dollars six cents	746 6
<i>Rochester</i>	120 50	572 22	Six hundred ninety two Dollars seventy two cents	692 72
<i>Pembroke</i>	80 75	513 89	Five hundred ninety four Dollars sixty four cents	591 64
<i>Marshfield</i>	45 75	466 39	Five hundred & twelve Dollars fourteen cents	512 14
<i>Abington</i>	94 50	464 58	Five hundred fifty nine Dollars eight cents	559 8
<i>Duxbury</i>	30 50	341 53	Three hundred seventy two Dollars three cents	372 3
<i>Kingston</i>	52 75	288 75	Three hundred forty one Dollars fifty cents	341 50
<i>Hanover</i>	38 50	260 56	Two hundred ninety nine Dollars six cents	290 6
<i>Plimpton</i>		220 97	Two hundred ninety nine Dollars six cents	220 97
<i>Carver</i>		202 22	Two hundred twenty Dollars ninety seven cents	202 22
<i>Halifax</i>		193 61	Two hundred & two Dollars twenty two cents	193 61
<i>Wareham</i>		182 92	One hundred ninety three Dollars sixty one cents	182 92
	911 25	7932 8	One hundred eighty two Dollars ninety two cents	8843 33
			Eight Thousand eight hundred forty three Dollars thirty three cents	

COUNTY OF BARNSTABLE.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Barnstable</i>	108 50	548 61	Six hundred fifty seven Dollars eleven cents	657 11
<i>Sandwich</i>	89 75	463 19	Four hundred sixty three Dollars nineteen cents	463 19
<i>Farmwich</i>	96 0	327 78	Four hundred seventeen Dollars fifty three cents	417 53
<i>Yarmouth</i>		307 78	Four hundred & three Dollars seventy eight cents	403 78
<i>Dennis</i>		239 72	Two hundred thirty nine Dollars seventy two cents	239 72
<i>Eastham</i>	17 50	200 0	Two hundred Dollars	200 0
<i>Chatham</i>		180 69	One hundred ninety eight Dollars nineteen cents	198 19
		156 39	One hundred fifty six Dollars thirty nine cents	156 39

COUNTY OF BARNSTABLE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,470 56	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Wellfleet		143 75	143 75
Truro		139 17	139 17
Provincetown		66 11	66 11
	311 75	2773 19	3084 94
			One hundred forty three Dollars seventy five cents
			One hundred thirty nine Dollars seventeen cents
			Sixty six Dollars eleven cents
			Three thousand & eighty four Dollars ninety four Cents

COUNTY OF BRISTOL.

TOWNS.	Representatives' Pay.	Proportion of \$133,470 56	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Rehoboth	94 50	933 33	1027 83
Taunton	118 75	828 61	947 36
New Bedford	51 50	794 45	845 95
Dartmouth	122 25	622 50	744 75
Attleboro'		619 58	619 58
Westport	56 0	551 67	607 67
Freetown		453 34	453 34
Norton	70 75	403 34	474 9
Dighton	43 50	380 0	423 50
Swanzy	76 75	334 72	411 47
Easton	61 50	322 8	383 58
Raynham	33 75	265 97	299 72
Somersel	55 50	260 0	315 50
Mansfield		232 50	232 50
Berkley	15 0	195 0	210 0
	799 75	7197 9	7996 84
			One thousand & twenty seven Dollars eighty three cents
			Nine hundred forty seven Dollars thirty six cents
			Eight hundred forty five Dollars ninety five cents
			Seven hundred forty four Dollars seventy five cents
			Six hundred nineteen Dollars fifty eight cents
			Six hundred & seven Dollars sixty seven cents
			Four hundred fifty three Dollars thirty four cents
			Four hundred seventy four Dollars nine cents
			Four hundred twenty three Dollars fifty cents
			Four hundred eleven Dollars forty seven cents
			Three hundred eighty three Dollars fifty eight cents
			Two hundred ninety nine Dollars seventy two cents
			Three hundred fifteen Dollars fifty cents
			Two hundred thirty two Dollars fifty cents
			Two hundred ten Dollars
			Seven thousand nine hundred ninety six Dollars eighty four cents

COUNTY OF DUKES COUNTY.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Chilmark</i>	.	326 39	Three hundred forty eight Dollars, eighty-nine Cents	348 89
<i>Edgarton</i>	.	211 11	Two hundred eleven dollars, eleven cents	211 11
<i>Tisbury</i>	.	193 89	One hundred ninety three dollars, eighty nine cents	193 89
		731 39	Seven hundred fifty three dollars eighty nine cents	753 89

COUNTY OF NANTUCKET.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	
<i>Nantucket</i>	.	888 47	One thousand & eighteen Dollars, ninety seven cents	1018 97

COUNTY OF YORK.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Berwick</i>	.	1046 67	One Thousand, one hundred & forty-three dollars, sixty seven cents	1143 67
<i>Wells</i>	.	826 67	Eight hundred & fifty-two Dollars, seventeen Cents	852 17
<i>Kittery</i>	.	796 67	Nine hundred & twenty dollars, ninety two cents	920 92
<i>York</i>	.	760 0	Eight hundred ninety Dollars, fifty Cents	890 50
<i>Arundell</i>	.	380 0	Three hundred eighty Dollars	380 0
<i>Biddeford</i>	.	333 33	Three hundred thirty-three Dollars, thirty three cents.	333 33
<i>Pepperelboro</i>	.	333 33	Three hundred thirty three Dollars, thirty three cents.	333 33
<i>Buxton</i>	.	317 78	Four hundred Dollars, three cents	400 3
<i>Standford</i>	.	166 67	One hundred sixty-six Dollars, sixty seven cents.	166 67
<i>Alfred</i>	.	133 33	One hundred thirty three Dollars, thirty three cents	133 33
<i>Lebanon</i>	.	213 33	Two hundred fifty eight dollars, eighty three cents	258 83
<i>Shapleigh</i>	.	180 0	One hundred & eighty Dollars	180 0
<i>Waterboro'</i>	.	166 67	One hundred & sixty-six dollars, sixty seven cents	166 67

COUNTY OF YORK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$163,470 56	Total.
<i>Parsonsfield</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Cochran</i>	29 75	160 0	160 0
<i>Fryeburgh</i>		157 22	186 97
<i>Limington</i>		140 0	140 0
<i>Littlefalls</i>		133 33	133 33
<i>Limerie</i>		108 88	108 88
<i>Coruish</i>		54 45	54 45
<i>Newfield</i>		48 88	48 88
<i>Brownfield</i>		42 24	42 24
<i>Sudbury Canada</i>	534 75	45 55	45 55
		6678 33	7213 8
			One hundred & sixty Dollars
			One hundred eighty six Dollars, ninety-seven cents
			One hundred & forty Dollars
			One hundred & thirty three Dollars, thirty-three cents
			One hundred & thirty-three Dollars, thirty-three cents
			One hundred & eight Dollars, eighty eight cents
			Fifty-four Dollars, forty five cents
			Forty-eight Dollars, eighty-eight cents
			Forty-two Dollars, twenty-four cents
			Forty five Dollars, fifty five cents
			Seven thousand, two hundred & thirteen Dollars, eight cents

COUNTY OF CUMBERLAND.

TOWNS.	Representatives' Pay.	Proportion of \$163,470 56	Total.
<i>Portland</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Falmouth</i>	132 75	670 0	802 75
<i>Scarboro'</i>	77 0	637 78	714 78
<i>North Yarmouth</i>	98 25	614 45	712 70
<i>Gorham</i>	168 75	528 33	697 8
<i>Freeport</i>		410 0	410 0
<i>Brunswick</i>		352 78	352 78
<i>Cape Elizabeth</i>	18 0	311 11	329 11
<i>New Gloucester</i>		278 89	278 89
<i>Windham</i>		241 11	241 11
<i>Harpwell</i>		235 55	235 55
		229 45	229 45
			Eight hundred & two Dollars, Seventy five cents
			Seven hundred fourteen Dollars, seventy eight cents
			Seven hundred & twelve Dollars, & seventy cents
			Six hundred ninety seven Dollars, eight cents
			Four hundred & ten Dollars
			Three hundred & fifty two Dollars, seventy-eight cents
			Three hundred twenty nine Dollars, eleven cents
			Two hundred & seventy eight Dollars, eighty-nine cents
			Two hundred forty one Dollars, eleven cents
			Two hundred thirty five Dollars, fifty five cents
			Two hundred & twenty-nine dollars forty-five cents

Standish	163 33	One hundred sixty three Dollars, thirty three cents	163 33
Durham	160 0	One hundred & sixty Dollars	160 0
Gray	135 56	One hundred & thirty-five Dollars fifty six [cents]	135 56
Turner	133 33	One hundred & thirty three Dollars, thirty three cents	133 33
Poland	130 56	One hundred & thirty Dollars, fifty-six cents	130 56
Bridgton	76 11	Seventy six Dollars eleven cents	76 11
Hebron	71 67	Seventy one Dollars, sixty seven cents	71 67
Otisfield	65 56	Sixty five Dollars, fifty-six-cents	65 56
Raymond	64 72	Sixty-four Dollars, seventy-two cents	64 72
Buckfield	57 22	Fifty seven Dollars, twenty-two cents	57 22
Paris	37 22	Thirty seven Dollars, twenty two cents	37 22
Rushfield gore	37 22	Thirty seven Dollars twenty-two cents	37 22
Butterfield	33 61	Thirty-three Dollars, sixty one cents	33 61
Livermore	33 61	Thirty three Dollars, sixty-one Cents	33 61
Jay	33 61	Thirty three Dollars sixty one Cents	33 61
Penicook	33 61	Thirty three Dollars sixty one Cents	33 61
	494 75		
	5771 39	Six thousand two hundred sixty six Dollars fourteen cents	6266 14

COUNTY OF LINCOLN.

	Dolls. Cts.		Dolls. Cts.
Bristol	433 20	Four hundred thirty three Dollars & twenty cents	433 20
Georgetown	352 78	Four hundred & forty Dollars & fifty three cents	430 53
Hallowell	348 5	Three hundred forty eight Dollars & five cents	348 5
Pownalboro'	316 94	Three hundred eighty two Dollars & twenty four cents	382 24
Waldoboro'	306 81	Three hundred ninety seven Dollars & six cents	397 6
Winthrop	197 78	Two hundred twenty one Dollars & thirty three cents	221 33
Readfield	117 78	One hundred sixty five Dollars & twenty three cents	165 23
Bath	34 50	Three hundred & one Dollars & seventeen cents	301 17
Woolwich	75 0	Three hundred twenty eight Dollars & forty seven cents	328 47
Boothbay	233 89	Two hundred ninety one Dollars & sixty four cents	291 64
Bowdoin	230 83	Two hundred thirty Dollars & eighty three cents	230 83

COUNTY OF LINCOLN — CONCLUDED.

TOWNS.	Representatives Pay.	Proportion of \$133,470 56		Total.
	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
New Castle		157 62	One hundred eighty seven Dollars & sixty two cents	157 62
Topsham	18 0	213 33	Two hundred thirty one Dollars & thirty three cents	231 33
Thomastown		188 61	One hundred eighty eight Dollars & sixty one cents	188 61
Pittston		186 67	One hundred eighty six Dollars & sixty seven cents	186 67
Warren		183 33	One hundred eighty three Dollars & thirty three cents	183 33
Edgecomb		173 89	One hundred seventy three Dollars & eighty nine cents	173 89
Vassalboro		166 94	One hundred sixty six Dollars & ninety four cents	166 94
Cushing		166 67	One hundred sixty six Dollars & sixty seven cents	166 67
Windsor	68 25	165 55	Two hundred thirty three Dollars & eighty cents	233 80
Baldston		163 33	One hundred sixty three Dollars & thirty three cents	163 33
Bowdoinham		157 50	One hundred fifty seven Dollars & fifty cents	157 50
Sydney		156 95	One hundred fifty six Dollars & ninety five cents	156 95
Dresden	25 64	125 11	One hundred fifty Dollars & seventy five cents	150 75
Nobleboro		116 39	One hundred sixteen Dollars & thirty nine cents	116 39
Leviston		105 28	One hundred & five Dollars & twenty eight cents	105 28
Fairfield		105 0	One hundred & five Dollars	105 0
Cambden		102 22	One hundred & two Dollars & twenty two cents	102 22
New Milford	20 31	136 44	One hundred fifty six Dollars & seventy five cents	156 75
Green		88 61	Eighty eight Dollars & sixty one cents	88 61
Canaan		86 67	Eighty six Dollars & sixty seven cents	86 67
Monmouth		83 61	Eighty three Dollars & sixty one cents	83 61
Farmington		80 56	Eighty Dollars & fifty six cents	80 56
Mount Vernon		74 72	Seventy four Dollars & seventy two cents	74 72
Norridgewock		73 61	Seventy three Dollars & sixty one cents	73 61
Union		70 97	Seventy Dollars & ninety seven cents	70 97
Meduncook		69 17	Sixty nine Dollars & seventeen cents	69 17
Clinton		53 47	Fifty three Dollars & forty seven cents	53 47
Litchfield		47 22	Forty seven Dollars & twenty two cents	47 22
Bowdoin Adjuncts		13 33	Thirteen Dollars & thirty three cents	13 33

<i>Jones's plantation</i>	18 6	Eighteen Dollars & six cents	18 6
<i>Plimouth Company</i>	150 0	One hundred & fifty Dollars	150
	6759 3	Seven thousand three hundred eighty two Dollars & seventy eight cents	7382 78

COUNTY OF HANCOCK.

	Dolls. Cts.		Dolls. Cts.		Dolls. Cts.
<i>Penobscot</i>	231 95	Three hundred & seven Dollars, Ninety-five cents			307 95
<i>Mount Desert</i>	155 28	One hundred fifty five dollars, twenty eight cents			155 28
<i>Deer isle</i>	128 33	One hundred twenty-eight Dollars, thirty three cents			128 33
<i>Sedgwick</i>	110 28	One hundred & ten Dollars, twenty eight cents			110 28
<i>Ducktown</i>	100	One hundred Dollars			100
<i>Bluehill</i>	99 17	Ninety nine Dollars, seventeen cents			99 17
<i>Vinalhaven</i>	94 72	Ninety four Dollars, seventy two cents			94 72
<i>Trenton</i>	90 83	Ninety dollars, eighty three cents			90 83
<i>Orrington</i>	89 72	Eighty nine Dollars, seventy two cents			89 72
<i>Goldsboro'</i>	82 78	Eighty two Dollars, seventy eight cents			82 78
<i>Belfast</i>	80 69	Eighty Dollars, sixty nine cents			80 69
<i>Sullivan</i>	71 11	Seventy one Dollars, eleven cents			71 11
<i>Isleboro'</i>	56 67	Fifty six dollars, sixty seven cents			56 67
<i>Bangor</i>	45	Forty five Dollars			45
<i>Prospect</i>	93 33	Ninety three Dollars, thirty three cents			93 33
<i>Hampton</i>	71 67	Seventy one Dollars, sixty seven cents			71 67
<i>Frankfort</i>	60 97	One hundred sixty eight Dollars, ninety seven cents			168 97
<i>Duck Trap</i>	30 14	Thirty Dollars, fourteen cents			30 14
<i>Sullivan adjacent</i>	24 17	Twenty-four Dollars, seventeen cents			24 17
<i>Plantation No. 2 East side Penobscot River</i>	47 36	Forty seven Dollars, thirty six cents			47 36
<i>Waldo's claim</i>	137 50	One hundred thirty seven Dollars, fifty cents			137 50
<i>Lincolshire Company or Associates</i>	30 55	Thirty Dollars, fifty five cents			30 55
<i>The 10 Original Proprietors</i>	15 28	Fifteen Dollars, twenty eight cents			15 28
	184 0	Two thousand, one hundred & thirty one Dollars, fifty cents			2131 50

COUNTY OF WASHINGTON.

TOWNS.	Representatives' Pay.	Proportion of \$153,470 56		Total.
	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
Marhatis	106 25	198 47	Three hundred four Dollars seventy two cents	394 72
Plantation No. 6 East of Union River		49 17	Forty-nine Dollars, seventeen cents	49 17
Plantation No. 13 East of Union River.		44 58	Forty-four Dollars, fifty eight cents	44 58
Plantation No. 5 East of Union River		55 0	Fifty-five Dollars	55 0
Steuben (late No 4)		39 72	Thirty nine Dollars, seventy two cents	39 72
Plantation No. 8 East of Machias		20 0	Twenty Dollars	20 0
	106 25	406 94	Five hundred thirteen Dollars, Nineteen cents	513 19

COUNTY OF NORFOLK.

	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
Roxbury	34 50	1070 83	One thousand, one hundred & five Dollars, thirty three cents	1105 33
Dorchester	118 25	829 17	Nine hundred & forty seven Dollars, forty two cents	947 42
Delham	112 75	629 45	Seven hundred forty two Dollars, twenty cents	742 20
Wrentham		534 86	Five hundred thirty-four Dollars, eighty six cents	534 86
Stoughton	117 0	495 69	Six hundred & twelve Dollars, sixty-nine cents	612 69
Weymouth	105 75	448 6	Five hundred fifty three Dollars, eighty-one cents	553 81
Medfield	41 75	292 8	Three hundred three Dollars, thirty three cents	303 33
Dover	29 0	184 17	Two hundred thirteen Dollars, seventeen cents	213 17
Milton.	118 25	401 25	Five hundred nineteen Dollars, fifty cents	519 50
Quincy	87 0	379 17	Four hundred sixty six Dollars, seventeen cents	466 17
Franklin	112 50	378 6	Four hundred ninety Dollars, fifty six cents	490 56
Bramtree		359 44	Three hundred fifty nine Dollars, forty-four cents	359 44

<i>Randolph</i>	72 50	326 67	Three hundred, ninety nine Dollars, seventeen cents	399 17
<i>Needham</i>		362 22	Three hundred sixty two Dollars twenty two cents	362 22
<i>Medway</i>		361 25	Three hundred sixty one Dollars, twenty-five cents	361 25
<i>Brookline</i>	18 0	346 11	Three hundred sixty four Dollars, eleven cents	364 11
<i>Walpole</i>	27 25	264 17	Two hundred ninety one Dollars, forty-two cents	291 42
<i>Cohasset</i>		290 42	Two hundred fifty Dollars, forty two cents	290 42
<i>Sharon</i>	32 75	237 22	Two hundred sixty nine Dollars, ninety seven cents	269 97
<i>Bellingham</i>	85 0	203 33	Two hundred eighty eight Dollars thirty three cents	288 33
<i>Foxboro'</i>		180 0	One hundred & eighty Dollars	180 0
	1111 75	8503 62	Nine thousand, six hundred fifteen Dollars, thirty seven cents	9615 37

SUM TOTAL IN THE SEVERAL COUNTIES.

<i>Staffolk</i>	Dolls. Cts.	Fourteen thousand & eleven Dollars, fifty-eight cents	Dolls. Cts.
<i>Essex</i>	13177 8	Nineteen thousand, eight hundred thirty four dollars, seventeen cents	14011 58
<i>Middlesex</i>	17841 67	Sixteen thousand & eighty Dollars, eighty-six cents	19834 17
<i>Worcester</i>	13956 11	Nineteen thousand, seven hundred thirty five Dollars, sixty one cents	16980 86
<i>Hampshire</i>	16966 11	Seventeen thousand one hundred seven Dollars, thirty nine cents	19735 61
<i>Berkshire</i>	14980 14	Eight thousand, one hundred sixty five Dollars, nine cents	17107 39
<i>Plymouth</i>	6955 42	Eight thousand, eight hundred-forty-three dollars, thirty three cents	8165 9
<i>Plymouth</i>	7932 8	Three thousand eighty four Dollars, ninety four cents	8843 33
<i>Barnstable</i>	2773 19	Seven thousand, nine hundred ninety-six Dollars, eighty four cents	3084 94
<i>Bristol</i>	7197 9	Seven hundred fifty three Dollars, eighty nine cents	7996 84
<i>Dukes County</i>	731 39	One thousand & eighty Dollars, ninety-seven cents	753 89
<i>Nantucket</i>	130 50	Seven thousand two hundred & thirteen Dollars, eight cents	1018 97
<i>York</i>	6678 33	Six thousand, two hundred sixty six Dollars, fourteen cents	7213 8
<i>Cumberland</i>	494 75	Seven thousand three hundred eighty two Dollars seventy eight cents	6966 14
<i>Lincoln</i>	623 75	Two thousand one hundred thirty one Dollars fifty cents	7382 78
<i>Hancock</i>	184 0	Five hundred & thirteen Dollars nineteen cents	2131 50
<i>Washington</i>	106 25	Nine thousand six hundred & fifteen Dollars thirty seven cents	513 19
<i>Norfolk</i>	1111 75	One hundred forty nine thousand seven hundred & fifty nine Dollars 73 cents	9615 37
	16,289 17		149,759 73

And be it further Enacted, that the Treasurer of this Commonwealth do forthwith send his Warrants directed to the Selectmen or Assessors of each town, district, plantation or other place within this Commonwealth, the Inhabitants whereof are taxed as aforesaid, requiring such Selectmen or Assessors respectively, to assess in Dollars & Cents the sum hereby set upon such town, district, plantation or other place, in manner following; that is to say; — All the Male Polls above the age of sixteen years, within their respective Towns, Districts, Plantations or other places adjoining them, belonging to no other town, district or plantation (*provided* such places were returned in the last valuation) all the Polls aforesaid, being Minors, Apprentices or Servants under the government of a master, or mistress, to be taxed to such master or mistress respectively at twenty eight Cents each; and the remainder of such sum so set to each town, district, plantation or other place respectively as aforesaid, (after deducting the sums assessed on the polls as aforesaid) to assess on the Inhabitants of such town, district, plantation or other place as aforesaid, according to the just value of the real Estate of each inhabitant of such town, district, plantation or other place respectively, by him, her or them possessed on the first day of May last, in his, her or their own right, or in right of others, lying within the said town, district, plantation or other place improved or not improved; and on the non resident possessors of Real Estate lying within such Town, District, Plantation or other place in their own or the right of others, improved or unimproved, saving all agreements between Landlords & Tenants; and where no agreement is, the Landlord to reimburse to such Tenant one half of such tax; and also on the inhabitants of such Town, District, Plantation or othe[r] place, and all other persons possessing estates within the same, according to the proportion of the amount of the just Value of their respective personal estates, including monies at interest more than they pay interest for, although the same be secured by an absolute Conveyance of Real Estate, if a Bond of defeazance or promise of reconveyance has been given, and all other debts due more than they are indebted for, monies of all kind on hand, public securities of all kinds, and bank stock held in any bank, according to the just value thereof, and also the just amount of the value of all goods, wares and merchandize, stock in trade,

vessels of all sorts at home or abroad, with all their stores & appurtenances, mules, horses & neat Cattle, each of one year old & upwards, and swine of six months old & upwards, and all other property of the several kinds returned in the last valuation, (excepting Sheep, hous[e]hold furniture, wearing apparel, farming utensils and tools of Mechanicks) on the said first day of May. And the Assessors of the respective Towns, Districts, plantations and other places as aforesaid, shall estimate all the before enumerated articles at six per centum upon the real value thereof in the places where they are (excepting unimproved Lands which shall be estimated at two per Centum where they are situated) and on the amount of the incomes of the Inhabitants within their respective precincts as aforesaid, from any profession, handicraft, trade or employment, or gained by trading on Sea or land. — And the Treasurer in his said Warrants shall likewise require the said Assessors respectively, to make a fair list of such Assessments, setting forth in distinct Columns against each person's name, how much he or she is assessed for Polls, how much for real estate, and how much for personal Estate and income as aforesaid; and if as Guardian or for any estate in his or her possession in trust to be distinctly expressed; and also to insert in their Rate Bills the number of acres of unimproved Land, which they have taxed to each of the Non Resident Proprietors of Lands within their respective towns, districts, plantations or other places, and also the real value at which they have estimated the same; and the list or lists so completed and signed by them in manner as aforesaid, or by the major part of them, to commit to the Collector, or Collectors, Constable or Constables of such town, district, plantation or other place respectively, with a warrant or warrants in due form of Law for collecting and paying the same to the Treasurer of this Commonwealth, on or before the first day of April next: and also to return a Certificate of the Name or Names of such Collector or Collectors, Constable or Constables, with the sum total comm[un]itted to them respectively to collect, to the said Treasurer, some time before the first day of December next.

And whereas there are many persons within this Commonwealth, who are engaged in trade, and who almost entirely negotiate their business, and hire shops, stores and wharves in other towns than where they dwell or re-

side, and whose property & ability in this regard cannot be so well known to the Assessors of the several towns, districts, or plantations wherein such persons dwell, or reside, as to the Assessors of the several towns wherein their business is transacted as aforesaid :

Be it therefore Enacted, that all such persons within the description aforesaid, shall be assessed by the Assessors thereof, and pay taxes for such of their goods, wares and merchandize, stock in trade, ships & vessels as are sold, used & improved in such Towns other than where they reside, and not in the Towns where such persons dwell or reside ; and they shall accordingly give in, on oath, if required, a List of their whole Estates respectively, to the Assessors of their respective Towns or places of Residence, distinguishing what part thereof is rateable in other Towns ; and in default thereof, shall be doomed by the Assessors of such Towns or places where they respectively reside, or have their home. *Provided always*, 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 was charged in the last valuation :

Provided nevertheless, and Be it further Enacted, that the following persons, vizt. the President, Professors, Tutors, Librarian & Students of Harvard, Williams' & Bowdoin Colleges who have their usual residence there, and who enjoy no other pecuniary office or employment ; also Ministers of the Gospel, and Latin Grammar Schoolmasters are not to be assessed for their polls and estates under their own actual management or improvement, lying in the Towns, Districts or Parishes where they are settled ; and also all persons who have the management or improvement of the Estates of Harvard College, Williams' College & Bowdoin College in this Commonwealth, are not to be assessed for the same, nor Indians for their polls or Estates ; and if there be any others, who by reason of age, infirmity or poverty, are so far unable to pay as others towards the public charges, as that, in the Judgement of the Assessors they ought to be relieved in their Taxes, in any such case, the Assessors respectively may exempt the Polls & Estates of such persons, or abate any part of what they are set at, as they on their Oaths, shall deem just & equitable.

And be it further Enacted, that the Justices of the Peace at their several Sessions, in their respective Coun-

ties, when duly authorized for the Assessment of a County-Tax, shall apportion the same on the several Towns, Districts, Plantations & other places in their respective Counties as aforesaid, in the respective proportions of this tax; and the Assessors of each Town, parish, district or other place within this Commonwealth, in making County, Town or Parish Taxes, shall govern themselves by the same rule, and assess the Polls in their respective towns or parishes, in the same proportions as the said polls pay towards the several sums with which the said Towns or other places by this Act respectively stand charged, having regard to all such alterations of polls or property as may happen within the same, subsequent to the assessing the Tax laid by this Act: *Provided always* that it shall & may be lawful for any Town, District or Plantation, to levy make and collect any County, Town or Parish tax, & for that purpose to cause a valuation to be taken at any time of the year, which the said Town or other place shall determine to be expedient at a legal town-meeting warned for that purpose: And the Assessors of the several Towns, which, by this Act are charged with the pay of Representatives, shall assess such additional sum on the polls & estates as aforesaid, within their respective Towns, and shall apportion the same in the same proportions at which such polls & estates shall be respectively set, for raising the sum of one hundred & thirty three thousand, four hundred & seventy dollars & fifty-six Cents.

And be it further Enacted, that the Treasurer of this Commonwealth shall send his Warrant to the Sherriff of the County of Lincoln, requiring him to collect the sum by this Act assessed on the lands belonging to the Plymouth Company so called; and shall issue his Warrant to the Sheriff of the County of Hancock, requiring him to collect the sums which by this Act are directed to be assessed on the Lands lying within the Claims of the heirs & assigns of the late Brigadier Waldo, of the Lincolnshire Company or Twenty Associates, and of the Ten original Proprietors so called; all which sums are to be collected in the same manner as Collectors or Constables are authorized & directed to proceed in collecting the taxes laid on non-resident Proprietors of unimproved Lands, and to be paid into the Treasury of this Commonwealth, on or before the first day of April next.

And be it further Enacted that no Order shall be drawn

by the Treasurer of this Commonwealth, on any Constable or Collector of this Tax for any part of the same.

Approved June 22, 1795.

1795. — Chapter 12.

[May Session, ch. 11.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT MORE EFFECTUALLY TO PREVENT THE DESTRUCTION OF THE FISH CALLED SHAD AND ALEWIVES, IN THE RIVERS AND STREAMS WITHIN THE TOWNS OF LYNN, READING AND LYNNFEILD" PASSED FEBRUARY TWENTY FOURTH IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY FIVE.

Preamble.

Whereas it is found necessary, that further provision should be made to answer the intended purposes, relative to the preservation of the Fish called Shad and Alewives in the Rivers and Streams aforesaid —

Committee empowered.

Be it therefore enacted, by the Senate, and House of Representatives in General Court assembled, and by the Authority of the same, that the Committees which may be appointed pursuant to the Act aforesaid, shall have their powers so far enlarged, as that they may remove, or cause to be removed all obstacles in the way of the return of said fish, from the Ponds which are the source of the rivers and streams aforesaid to the Sea, in the same manner that they may remove them in their way up to said Ponds.

Approved June 23, 1795.

1795. — Chapter 13.

[May Session, ch. 12.]

AN ACT FOR INCORPORATING THE PROPRIETORS OF CERTAIN LANDS IN THE TOWN OF WILBRAHAM IN THE COUNTY OF HAMPSHIRE, FOR THE PURPOSE OF CONDUCTING THE CONCERNS THEREOF AS A COMMON FEILD.

Preamble.

Whereas Gideon Burt and others have petitioned this Court that the proprietors of the following described Lands may be incorporated for the purpose of conducting the concerns thereof as a common and general feild bounded as follows, beginning at the south side of the Road leading from John Adams's dwelling house to Springfeild on the west side of Cedar Swamp (so called) from thence bounding on the West side of said Swamp and running southerly to the North line of Elisha Woodward's Land, from thence westerly on said Elisha Woodward's North line Seventy two Rods, from thence South about one hundred Rods to the

Boundaries.

*South line of said Gideon Burt's land, from thence West-
erly on said Gideon Burt's South line to the County Road
running near the line of the outward and inward commons
(so called) from thence on the East side of said County
Road to the Road aforesaid leading from John Adams's
dwelling house to Springfield from thence on the South side
of the same Road to the first mentioned bounds.*

*Be it enacted by the Senate and House of Representa-
tives in General Court assembled and by the authority of
the same, that the proprietors of all the lands included
within the lines aforesaid be, and they hereby are incor-
porated for the purpose of conducting the concerns thereof
as a General and Common feild; and the proprietors and
owners of said Lands are hereby invested with all the
powers and priveledges with which the proprietors of
Lands in General fields by Law are invested.*

Proprietors
incorporated.

Approved June 23, 1795.

1795. — Chapter 14.

[May Session, ch. 13.]

AN ACT FOR INCORPORATING A PART OF THE INHABITANTS OF
THE TOWNS OF PARTRIDG[E]FEILD AND DALTON IN THE
COUNTY OF BERKSHIRE, INTO A PARISH, AND FOR CONFIRM-
ING THE SALE OF A CERTAIN LOT OF LAND THEREIN MENT-
TIONED.

*Be it enacted by the Senate, and House of Represent-
atives in General Court assembled and by the authority
of the same, that a certain tract of Land lying partly in
the Town of Partridg[e]feild and partly in the Town of
Dalton in the County of Berkshire bounded as follows, vizt.
beginning at the South east corner of lot No. one hundred
twenty one in the south line of Partridg[e]feild; thence run-
ning northerly in a direct line to the North east corner of
Lot No. Seventy five in the North line of Partridg[e]feild;
thence westerly in the said north line of Partridg[e]feild
to the North West corner of Lot No. seventy two in the
north east corner of the Town of Dalton; thence southerly
in the east line in the said Town of Dalton to the south
east corner of Lot No. Eight in the said Town of Dalton;
thence Westerly in the North line of Lot No. Nine and
Lot No. thirty two to the Northwest corner of said Lot
No. thirty two in the said Town of Dalton; thence south-
erly in a direct Line to the south east corner of Lot No.
Sixty in the said Town of Dalton, thence easterly in the*

Boundaries.

south line of said Dalton to the south east corner thereof; thence southerly in the West Line of Partridg[e]feild to the south west corner thereof; thence easterly in the south line of said Partridg[e]feild to the bounds begun at with the inhabitants thereon be and hereby is incorporated into a Parish by the name of the West Parish in Partridgefeild; and shall be entitled to such immunities, and subjected to such duties as other Parishes in this Commonwealth are by Law entitled and subjected to.

Former sale confirmed.

And be it enacted by the Authority aforesaid, that the Sale heretofore made by the said Town of Partridg[e]feild of Lot No. three, and the appropriation of the proceeds thereof to the building of a meeting House in said Town, be and hereby are ratified and confirmed.

E. Pierce Esq. to issue warrant.

And be it further enacted, that Ebenezer Pierce Esq. be, and he hereby is authorized to issue his warrant, directed to some principal Inhabitant in the said Parish, requiring him to warn the Inhabitants thereof, qualified by Law, to vote in Parish meetings, to assemble at some suitable time and place in said Parish to choose such officers as Parishes are by Law, authorized to choose, in the Month of March, or April annually; and to transact all matters and things necessary and lawful to be done in said Parish as aforesaid.

Approved June 23, 1795.

1795. — Chapter 15.

[May Session, ch. 14.]

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE NORTH WEST CONGREGATIONAL SOCIETY IN NORTH YARMOUTH."

Preamble.

Whereas an Act passed June the twenty sixth seventeen hundred & ninety four intituled "An Act to incorporate certain persons by the name of the North-west Congregational Society in North Yarmouth:" And whereas the second clause in said Act sets forth in the following words vizt. That all those who shall be desirous of becoming members of said Society, being inhabitants of said town of North Yarmouth, and shall signify the same in writing to the respective Clerks of each parish, thirty days at least, previous to the annual meeting in March or April next, shall be considered in law as members of said Society, but shall be held to pay their proportion of such money as shall have been previously granted by the Society or parish they

shall have seperated from: And whereas said clause is incompetent to the purposes designed:

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the above said clause be, and hereby is repealed.

Clause repealed.

And be it further Enacted by the authority aforesaid that if any person or persons, who do now belong to the first parish in said town shall give notice in writing to the Clerk of said Parish, of their desire to belong to the north west parish or Society in said town on or before the first day of March in any future year, said Clerk shall make a fair record of such request, and shall transmit a list of such name or names to the Clerk of the north west Society in said town, of such request; and such person or persons shall thereupon be dismissed accordingly; and all such persons shall be considered and taken to belong to said North west Society with their polls and estates, but shall be liable and held to pay their proportion of such money as shall have been previously voted to be raised by the said first Society or parish in said North Yarmouth.

Persons desirous, may leave one Society and join another.

And be it further Enacted by the authority aforesaid, that all young persons when arrived at the age of twenty one years, in said town, and all persons that shall hereafter come to settle in said town, shall be at liberty to give notice on or before the first day of March in any future year, to the Clerk of said north west Society of their wish and intention to become members thereof; and said Clerk shall make a fair record of such request, and shall transmit a list of the name or names of such person or persons to the Clerk of the first parish in said town; and such person or persons shall thereupon be considered and taken with their polls and estates to belong to the said North-west Society, and be intituled with those already incorporated, to all priviledges, powers and immunities which other parishes in this Commonwealth are intituled to by law.

Method to be taken to become Members of North west Society.

And be it further Enacted by the authority aforesaid, that if any person or persons who do now belong to the northwest Society or Parish in said town, shall give notice in writing to the Clerk of said Parish, of their desire to belong to the first parish in said town on or before the first day of March in any future year, said Clerk shall make a fair record of such request, and shall transmit a

Method of withdrawing.

list of such name or names to the Clerk of the first Parish in said town of such request, and such person or persons shall thereupon be dismissed accordingly, & shall be considered and taken to belong to said first parish, with their polls and estates, but shall be liable and held to pay the proportion of such money as shall have been previously voted to be raised by the said northwest Society or parish in said North-Yarmouth. *Approved June 23, 1795.*

1795. — Chapter 16.

[May Session, ch. 15.]

AN ACT TO AUTHORIZE A SALE, BY THE FIRST PARISH IN CAMBRIDGE IN THE COUNTY OF MIDDLESEX, OF CERTAIN LANDS GIVEN FOR THE USE OF THE MINISTRY THERE, & TO SECURE THE PROCEEDS THEREOF, AND OF A FORMER SALE OF LANDS BY THE SAID PARISH, TO THE SAME USE.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that the said first Parish in Cambridge are hereby authorized to sell & convey with the consent of their Minister for the time being, by their Committee appointed for this purpose, on the thirteenth day of April last, or otherwise, those two Tracts of Land called the Bear-hill-Pasture & the High-way-Marsh, holden by the said parish for the use of the Ministry, by the Grant & Assignment of the original Proprietors of Cambridge aforesaid, and there situate: And the sale & conveyance of the said two Tracts of Land and of each of them, which shall be made pursuant to any Vote or Order of the said Parish, and with the consent of their Minister for the time being, shall be valid and effectual to any Purchaser or Purchasers.

Parish authorized to sell Lands.

Appropriations of the sale to a limited time.

And be it further Enacted, that the proceeds of the sale or sales which shall be made as aforesaid, shall be and hereby are appropriated to the use of the Ministry in said first Parish in Cambridge, and shall be managed, secured and improved by them & their Successors; and until the year One thousand, eight hundred & fifty, the one half of the annual Income arising therefrom, shall be paid annually to the Minister of the Congregational Society in said Parish for the time being, towards his support, and the other half of such annual Income shall be appropriated, secured & managed by the said Parish, to form an increasing Capital Fund.

And be it further Enacted that the monies and demands, called the Lexington-Farm-Fund, of the said Parish and which have accrued to them from the Sale, anciently made, of certain other Lands, which were given to the said Parish for the use of the Ministry, shall be holden managed and improved by them and their successors: and the annual Income thereof shall be paid & applied, in the manner which has been agreed between them and their present Minister, until his death or other removal, and afterwards, shall be appropriated, the one half thereof, to the support of their Minister for the time being, and the other half thereof to the same encreasing Capital Fund of the said Parish.

Appropriation of other monies belonging to the parish.

And be it further Enacted, that from the said year One thousand eight hundred and fifty, the Income of the Funds of the said Parish, hereby appropriated and provided, shall be paid, applied & appropriated in any other manner which shall be then agreed & ordered; Provided that no part thereof shall be disposed or used to any other purpose than the support of a Congregational Minister within the said Parish.

Appropriations after the limited time.

Approved June 23, 1795.

1795. — Chapter 17.

[May Session, ch. 16.]

AN ACT GIVING THE SURNAME OF DARLING TO LEONARD WARFIELD OF MENDON.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same, that from and after the passing of this Act, the said Leonard Warfield of Mendon shall be and hereby is authorized & empowered to take, bear and use the surname of Darling; and shall be called & known by the name of Leonard Warfield Darling.

Additional name given to Leonard Warfield.

Approved June 23, 1795.

1795. — Chapter 18.

[May Session, ch. 17.]

AN ACT FOR GRANTING TO THE UNITED STATES OF AMERICA THE LIGHT HOUSE SITUATE AT THE ENTRANCE OF THE HARBOUR OF NANTUCKET.

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

Light house
granted the
United States.

the same, that there be and hereby is granted unto the United States of America, the Light House situate on Brant Point at the entrance of the Harbour of Nantucket, together with the Lands and Tenements thereunto belonging the property of this Commonwealth, with the jurisdiction of the same; and the Light House aforesaid together with the Lands, and tenements thereto belonging the Property of this Commonwealth with the Jurisdiction of the same are hereby ceded to, and vested in the United States of America.

Provisos.

Provided nevertheless, and be it further enacted, that if the United States shall at any time hereafter neglect to keep lighted and in repair the Light House aforesaid, then the grant herein made shall be void and of no effect. *Provided also*, that all civil and criminal processes issued under the authority of this Commonwealth or any officers thereof may be executed on said Lands, or in any of the buildings aforesaid, in the same way, and manner, as if the Jurisdiction had not been ceded as aforesaid.

Approved June 23, 1795.

1795. — Chapter 19.

[May Session, ch. 18.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE FIRST PRECINCT IN ATTLEBOROUGH IN THE COUNTY OF BRISTOL, INTO A SOCIETY BY THE NAME OF THE CONGREGATIONAL SOCIETY OF THE FIRST PRECINCT IN ATTLEBOROUGH.

Preamble.

Whereas a number of the Inhabitants of the first Precinct in Attleborough aforesaid, have petitioned this Court, setting forth that they have raised by Subscriptions, the sum of Twelve hundred and fifty pounds, for the purpose of establishing a fund, the annual interest of which to be appropriated for the support of a congregational Minister for the benefit of the Church and Congregation of said first Precinct in Attleborough, whereof the Reverend John Wilder is their present Pastor, and praying to be incorporated for the purpose of holding & managing said Fund:

Persons incor-
porated.

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that the said Petitioners, namely, Samuel Atherton, Stephen Draper, Jacob Cushman, Ichabod Ide, Daniel Read, Asa Dean, Ephraim Dean, Nathaniel Ide Junr. Noah Morse, Samuel Holmes, John Ide, Samuel

Tingley, Thomas Tingley junr. Elisha May, Ebenezer Tyler, William Stanley, Stephen Fuller, Amos Ide junr., Walter Tyler, Samuel Robinson, Levi Read, Daniel Lane, Jacob Ide, William Read, Isaac Draper, Ebenezer Tiffany junr., David Bolcom, Ezekiel Robbins, Eliphaz Day, Joseph Tiffany, Caleb Fuller, Ezekiel Robinson, Timothy Tingley, Ebenezer Draper, junr., Williams Barrows, Ezra Barrows, Joseph W. Hunt, Aaron Barrows, Phillbrook Barrows, Levi Jillson, Joseph A. Richards, Jonathan Harding, Joel Robinson, Eunice Newell, Richard Bullock, Elijah Robinson, Margaret Blackington, James Pullen, Stephen Stanley, Artemas Stanley, Enoch Robinson, Jacob Perry, Phineas Clafte, Hannah Stearns, Lemuel Stratton, Benjamin Allen, Josiah Allen, Samuel Titus, Joseph Cushman, Samuel Cushman, Jesse Robinson, Jabez Gay, Caty Gay, Loammi Day, Ebenezer Swan, Robert Swan, Edward Richards junr. Lewis Draper, Jabez Ellis, junr. Joel Ellis, Richard Ellis, Calvin Richards, Nathan Richards junr. Avery Richards, David Richards, Edward Richards, Jesse Richards, Luther Richards, Darius Fuller, Newton Mann, Ebenezer Draper & James Orne, together with such other persons as they may hereafter admit, be, and they hereby are incorporated into a Society by the Name of the Congregational Society of the first Precinct in Attleborough.

And Be it further Enacted by the Authority aforesaid, that said Society at any legal Meeting thereof, shall have power to admit any Person or Persons, inhabitants of said first Precinct in Attleborough, Members of said Society; whereupon such person or persons so admitted, shall become incorporated with said Society, and be entitled to all the Privileges that the Persons herein before-named, are entitled to by Virtue of this Act.

Persons may be admitted Members.

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 Gospel Minister for the benefit of the Church & Congregation of said first Precinct in Attleborough.

Interest of the funds appropriated.

And be it further Enacted by the Authority aforesaid, that Elisha May Esqr. Samuel Atherton, Samuel Robinson, Josiah Draper, Ebenezer Tyler, Joel Read & William Stanley be, and hereby are nominated & appointed

Trustees appointed —

Trustees of said Society; and they & their Successors in the said Trust, be and hereby are invested with sufficient
 — powers. power to receive all such Subscriptions, Donations, Securities, & Monies now in the hands of 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* that the whole sum do not exceed the sum of Seven Thousand Dollars: And the said Trustees or their Successors in the said Trust, are hereby authorized & directed to put the same on Interest, on good Securities for the purpose aforesaid.

Validity of bonds and other legal securities. *And be it further Enacted by the Authority aforesaid,* that all Bonds, Mortgages, or other lawful Securities made to the said Trustees and their Successors in said Trust, are hereby declared to be good and valid, and the said Trustees and their Successors or the major Part of them, by themselves or by their Agents or Attornies, may appear, plead, sue and defend in any Court within this Commonwealth.

Annual meetings established. *And be it further Enacted by the authority aforesaid,* that the Trustees aforesaid & their Successors in that office be and they are hereby impowered and directed to call a meeting of said Society annually forever in the Month of March or April, to choöse Trustees and such other Officers & Agents, and to make and establish such rules & orders, not repugnant to the Constitution & Laws of this Commonwealth as they shall judge to be necessary and convenient for the orderly and beneficial management of the Affairs of said Society, according to the various occasions and circumstances thereof: and said Trustees are hereby also impowered to call Meetings of said Society at any other times besides the annual Meetings when there shall be occasion therefor.

Approved June 23, 1795.

1795. — Chapter 20.

[May Session, ch. 19.]

AN ACT ESTABLISHING THE BOUNDARY LINE BETWEEN THE TOWN OF WILLIAMSBURG AND THE TOWNS OF CHESTERFIELD AND GOSHEN.

Boundary line. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same:* That the North West Corner of the Town of Williamsburgh shall be at a Beach Tree marked H F

and G F standing about fifteen rods south of Samuel Mott's House in the Town of Goshen : And that the dividing Line between said Town of Williamsburgh and the Towns of Goshen and Chesterfield shall be a Line running south Nine Degrees west from the aforesaid Corner untill it strikes the North Line of the Town of Northampton.

Approved June 24, 1795.

1795. — Chapter 21.

[May Session, ch. 23]

AN ACT FOR INCORPORATING WOODBURY STORER AND OTHERS BY THE NAME AND STILE OF THE PROPRIETORS OF THE CUMBERLAND CANAL.

Whereas Woodbury Storer, and others have petitioned to be incorporated for the purpose of cutting a Canal from the waters of Sabago Pond thro' the Towns of Standish and Gorham to Presumpscot River —

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 Woodbury Storer, Joseph Coffin Boyd, Robert Boyd Ebenezer Storer, William Symms, Joseph Jewett, Joseph Noyes, Ralph Cross, Nathaniel Deering, William Martyn, Daniel Ilsley, and Samuel Freeman, with their associates and Successors, are hereby incorporated and shall be a Corporation forever, under the Name of the Proprietors of the Cumberland Canal, and by that Name may sue and prosecute, and be sued and prosecuted to final Judgment and Execution ; and shall be, and hereby are vested with all the powers and Priviledges which are by Law incident to corporations of a similar Nature. —

Persons incorporated.

An[d] be it further Enacted by the authority aforesaid, that the said proprietors, or any three of them may make their application to any Justice of the Peace, for the County of Cumberland, requesting him to call a meeting of the said Proprietors, to be holden at some convenient place within the Town of Portland in the same County ; whereupon such Justice is hereby empowered to issue his warrant to one of said proprietors, directing him to warn and notify said proprietors, to meet at such time and place in said town of Portland, as he shall therein direct, to agree on such method as may be thought proper for calling meetings of said proprietors for the future ; and

Justice of the Peace empowered to call meeting.

to do and transact such matters and things relating to the said Propriety, as shall be expressed in the warrant. And the proprietor to whom such warrant shall be directed, shall give notice to said Proprietors, by causing the same, or the substance thereof to be published in one of the Portland News Papers fourteen days before the holding of said meeting, & make return thereof under his hand to the same meeting, to be lodged with the Clerk that shall be then & there chosen. And the said Proprietors may at the same, or any other legal meeting choose a Clerk, Treasurer & other officer or officers of the Corporation, that they may deem necessary, & also may choose a Committee for ordering & regulating the business & affairs of the said Corporation; & every Proprietor shall have a right to vote in the Proprietary meetings, according to his share & interest, in person or by representation; *provided*, no one proprietor shall have more than ten votes, & all representations shall be proved in writing, signed by the person making the same by special appointment, which shall be filed with & recorded by the Clerk; & this Act & all rules, regulations & votes of the said Corporation shall be fairly & truly recorded by the said Clerk in a book or books for that purpose to be provided & kept. *Provided* that whereas it may be necessary in the prosecution of the foregoing business, that the property of private persons may, as in the case of highways, be appropriated for the public use, And in order that no person may be damaged by the digging & cutting Canals thro' his land, by removing Mills, or Mill-dams, diverting water courses, or flowing his land by the proprietors aforesaid, without receiving full & adequate compensation therefor:

Be it enacted by the Authority aforesaid, that in all cases where any person shall be damaged in his property by the said proprietors for the purposes aforesaid, in manner as is above expressed, or in any other way, & the Proprietors aforesaid do not within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of the General Sessions of the Peace for the County in which the damage shall have been sustained to have a Committee appointed by said Court to estimate the damage so done, and the said Court are hereby authorized and empowered by Warrant under the seal thereof upon such application

Proprietors
empowered.

Right to vote,
etc.

Provisos.

Method of
obtaining satis-
faction, in case.

made, if within one year from the time of the damage done as aforesaid, to appoint a Committee of five disinterested freeholders in the same County to estimate the damages, which Committee shall give seasonable notice to the person interested, and to the Clerk of the proprietors aforesaid of the time and place of their meeting, and they shall be under oath to perform said service according to their best skill and judgment, which having done, they, or the major part of them, shall make return thereof under their hands and seals to the next Court of General Sessions of the Peace to be holden in said County after the same service is performed, to the end that the same may be accepted, allowed and recorded; and the Committee so impowered are required to estimate the said damage, and make return thereof as aforesaid; and if the estimate of the Committee be accepted by the Court, the Clerk of the Court is hereby authorized and directed on application therefor, to issue an execution against the property only of the Corporation, or of any individual belonging thereto, for the sum so adjudged in damages; *provided* the same is not paid within twenty days after the acceptance of said report, and likewise for the cost of the said Committee and fees of the Court, both to be allowed by the Court, *provided* the sum of damages estimated by the Committee exceed the sum of damages so tendered; but in case the proprietors actually tendered to the person complaining before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of Committee or Court; the execution to be issued by the Clerk of the Court, to be in the same terms, *mutatis mutandis*, and returnable in the same time as though judgment had been rendered against said Corporation for a like sum in damages, on process in the Court of Common pleas; and if any person find himself aggrieved by the doings of said Committee in estimating damages, he may apply to the said Court of General Sessions of the peace, *provided* such application be made to the same Court within one year after the acceptance of such return; and said Court is impowered to hear, and finally determine the same by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the person complaining desire the same, or by a Committee, if the person complaining and the proprietors can agree thereon. And if the Jury or Committee agreed

on as aforesaid (who are to be under oath) shall not encrease the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said Court, otherwise such cost and encrease of damages shall be paid by the proprietors, & execution to issue therefor, as aforesaid expressed: And it shall be the duty of such Committee or Jury, on application of either of the parties, and reasonable notice given to all persons interested, to determine where and how many Bridges shall be made and maintained by said proprietors over the Canal aforesaid, and how the same shall be constructed, and what damages shall be paid by the proprietors for neglecting to make and maintain such Bridges; and the report of such Committee, or verdict of such Jury being returned into the same Court, and being allowed & recorded, shall be a sufficient bar against any action brought for damages aforesaid; saving only that where the sum of damages is not estimated at a sum in gross for the full satisfaction thereof, but a yearly sum is assessed, in such case the complainant shall be intitled to an action of debt for the recovery of the same, so often as the same becomes due during the continuance of the damage done, or suffered as aforesaid, and also for the recovery of the damages for neglecting to make and maintain the Bridges as often as the same is demandable. *Provided* that no part of the waters of Sabago pond shall be diverted from their natural course for the purpose aforesaid, so as to injure any mill or mills already built, or that may be built hereafter on Presumpscot river; *and provided also*, that no dwelling house shall be removed, or water course turned or altered, whereon any mill is erected, so as to injure such mill without licence therefor first had and obtained from the Court of General Sessions of the Peace of the County in which such house may stand, or through which such water course may pass; and the said Court of Sessions on application made to them by the said proprietors shall observe the same rules as are prescribed by law, when application is made to them for granting a public high way: *provided also* that none of the waters of the said river, or of the ponds or streams emptying into the said river, shall be drawn off by said Canal so as to injure the mills thereon, or the water carriage in the same river.

Committee to determine respecting Bridges.

No mills to be obstructed nor any dwelling house removed, without leave.

Forfeitures for trespasses committed.

And be it further enacted that if any person or persons, shall wilfully, maliciously and contrary to law, take up,

remove, beat down, dig under, or otherwise damnify any dam, canal or lock, or any part thereof, designed for the purposes aforesaid, or shall damnify, carry away or set afloat to be carried away, any Boards, Plank, joist or other timber or materials used, or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall for every such offence forfeit and pay to the proprietors aforesaid treble such damages as the said proprietors shall make appear to the Justice, or Court & Jury, before whom the trial shall be, that they the said proprietors have sustained by means of the same trespasses, to be sued for and recovered in any Court proper to try the same; and such offender or offenders shall be liable to presentment by the Grand Inquest for said County of Cumberland for any offence or offences against this law, and on conviction thereof on such presentment before the Court of General Sessions of the peace for said County, or before the Supreme Judicial Court, shall be liable to pay a fine to the use of the Commonwealth of not more than sixty Dollars, nor less than fifteen Dollars, or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

And be it enacted by the authority aforesaid that the proprietors aforesaid be, and they hereby are authorized and empowered to purchase and hold to them and their successors forever so much land & real estate as may be necessary for the purposes aforesaid, not exceeding the value of Twenty thousand Dollars.

Proprietors authorized to purchase and hold real estate

And be it further enacted by the authority aforesaid, that for the purposes of reimbursing the said proprietors the money by them expended, or to be expended in building and supporting the dams, canals and locks, and clearing the passages necessary for the purposes aforesaid a toll be, and hereby is granted and established for the sole benefit of the proprietors, according to the rates following viz. For every ton weight that shall be transported in Boats or other vessels through the said Canal, the sum of six cents for each mile, for all masts, timber and lumber floated on said raft, or otherwise through the same Canal, the sum of six cents a ton for each mile.

A toll established.

And be it further Enacted by the authority aforesaid, that there shall be toll gatherers and others, to attend all locks on said Canal in the day time, and on the same

Canal at other suitable places, who shall give constant attendance at their respective stations during the whole of the season, for boats and rafts to pass; and on the toll being paid shall immediately permit passengers with their property to pass the said locks & canal. And the said toll shall commence on said Canal as soon as the same, or any part thereof shall be completed, and shall continue forever: *provided* that when forty years from the first opening thereof are expired, the General Court from thence forward may regulate the rate of toll, and the same shall be collected in such manner as shall be prescribed to the said Corporation.

And be it further Enacted by the authority aforesaid, that if the proprietors aforesaid shall refuse or neglect for the space of ten years after the passing this Act to build and complete such Canal, so as to be passable in manner aforesaid, then this act so far as it respects the same, shall be void and of none effect. *Approved June 25, 1795.*

1795. — Chapter 22.

[May Session, ch. 20.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF
“THE MASSACHUSETTS FIRE INSURANCE COMPANY”

Be it enacted by the Senate, & House of Representatives in General Court assembled, & by the authority of the same; That John Andrews, John Winthrop, William Wetmore, Jesse Putnam, William Shattuck, William Brown, Jona. Harris & Samuel Salisbury, so long as they shall continue proprietors, and such others, as hereafter may become proprietors, in said company, be & they hereby are incorporated, by the name of “the Massachusetts Fire Insurance Company,” & by that name shall be capable in law to sue, plead & prosecute, & be sued impleaded & prosecuted in all Courts of record, or any other Courts or places whatsoever, & do & suffer all other acts & things, which bodies politic may, and ought to do & suffer. And said Corporation shall have full power, & authority, to make, use & have a common seal, & the same, at pleasure, to break, alter & renew.

And be it further enacted, that the stock or capital of said corporation, & untill it be augmented, in manner herein after authorized, shall consist of three hundred

Persons incor-
porated.

Amount which
the capital shall
consist of, and
each share.

thousand dollars, which shall be divided into three thousand shares, each share consisting of one hundred dollars. The said sum to be paid by installments in manner following viz, on or before the first day of September next, & previous to any insurance made ten dollars on each share. The remainder of said capital to be completed at the expiration of nine years, from the first day of said September, by annual payments of ten dollars, on each share.

And be it further enacted, that said proprietors may, and they hereby are authorized, to augment, at any future period, at their discretion, their capital to any sum, which shall not exceed six hundred thousand dollars, to be appropriated to the same purposes, & invested in the same stock & funds, as is herein after mentioned.

Stock may be augmented.

And be it further enacted, that if at any time previous to the expiration of said nine years, the losses of said company shall exceed the amount of stock on hand, in such case said corporation shall equally apportion, the amount of all demands, upon said company, on all the shares; and make an assessment of the amount of such apportionment, & of ten additional dollars on each share, which assessment shall be payable, in sixty days after public notice shall be given thereof, by an advertizement in any Boston news-paper. *Provided always*, that no proprietor shall be liable or his estate real or personal answerable, for any sum, exceeding one hundred dollars, on each share, he holds.

Losses to be equally apportioned on all shares.

And be it further enacted, that if any proprietor shall fail to make payment of said assessment last mentioned, after said notice, on or before the expiration of said sixty days, the said corporation are hereby authorized & empowered to sue for, and recover said assessment, any law usage or custom to the contrary notwithstanding. — And if any proprietor shall fail to pay his annual installment, or any assessment lawfully made by said corporation on such proprietor, on or before the day appointed for payment of the same, the said corporation are hereby authorized and empowered to sue for & recover the same in manner aforesaid; and such delinquent proprietor shall forfeit his right & title to all interests, premiums, & profits then due, & that shall become due, prior to his actual payment of such installment or assessment, & the same shall enure and accrue to the use & benefit of said corporation.

Corporation empowered to sue proprietors in case of non-payment of assessments and annual installments.

Capital to be invested in a secure place.

And be it further enacted, that the capital of said corporation, after being collected at each installment, shall within sixty days, be invested, either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated Bank, in this Commonwealth, at the discretion of the President & Directors of said company, or of other officers which the proprietors shall for such purpose appoint, —

Interest to be annually divided.

And that the interest arising from said stock, & the premiums received, shall be annually divided among the proprietors. — *Provided always*, that if any loss or losses shall at any time diminish the capital, at such time collected, in such case no dividend shall be made, until such loss or losses, be completely restored.

Proviso.

Corporation empowered to insure against fire.

And be it further enacted, that said corporation may & they hereby are authorized & empowered to make insurance against fire, on dwelling houses & all other buildings whatsoever, & on all goods, wares & merchandizes on land, to any amount not exceeding three fourths of the value of the buildings or other property insured.

Debarred the possession of real estate, except, &c.

And be it further enacted, that nothing in this act shall be deemed, or construed to extend to authorize, or empower said corporation to be seized, or possessed of any real estate, except such as shall be occupied by said corporation for transaction of the business of the company.

Property of individual members liable to attachments for their just debts.

Be it further enacted, that the property of every individual member of said corporation vested in said corporate funds, shall be liable to attachments, & to the payment & satisfaction of his just debts, to any of his *bona fide* creditors, in manner following viz — In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the office keeper of said company, & the debtor's shares in said corporate funds, shall be held to respond said suit, according to law. — And all transfers of the debtor's shares, not noted in the company's books, previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any proprietor in said company and his shares therein exposed to sale, in the same manner as is by law provided, where personal estate is taken in execution; and it shall be the duty of the officer, who extends such execution, to leave an attested copy thereof with his doings thereon, with the office keeper of said company; & the purchaser shall thereupon be entitled to the reception of all dividends, & stock, & to the

same privileges as a member of said corporation, that the debtor was previously entitled to; and upon any attachment being made, or execution levied, upon any shares in said funds, it shall be the duty of said office keeper and the keeper of said company's books, to expose the books of said corporation to the officer; and to furnish him with a certificate under his or their hand in his or their official capacity, ascertaining the number of shares the debtor holds, & the amount of dividends due thereon.

And be it further enacted, that for the well governing & regulating the affairs of said corporation, they shall have such officers, as they shall hereafter appoint; and shall grant them suitable compensation for their services; and such officers shall be capable of exercising such powers, as shall be designated, and annexed to their office, by the laws & regulations of said corporation, for the well governing of the same; and for that purpose of calling such occasional meetings, as shall be fixed and determined by said laws and regulations.

Officers to be appointed with suitable powers.

And be it further enacted, that at all meetings of said corporation every matter shall be decided, by the major votes of persons present, who are proprietors, or who represent proprietors. The number of votes to be determined by the number of shares each voter holds or represents; *Provided* no proprietor or voter shall be entitled to more than ten votes.

Majority of voters present to decide on all matters.

And be it further enacted, that John Andrews, John Winthrop & Jesse Putnam or any two of them be empowered to call a meeting of said proprietors at such time & place as they may think convenient, by advertising the same in any Boston news paper seven days before the time of holding such meeting.

Persons empowered to call meeting.

And be it further enacted that this Act shall remain in force for the term of twelve years & no longer.

Act limited.

Approved June 25, 1795.

1795. — Chapter 23.

[May Session, ch. 24.]

AN ACT FOR INCORPORATING JOSEPH NOYES AND OTHERS BY THE NAME AND STILE OF THE PROPRIETORS OF THE FALMOUTH CANAL.

Whereas Joseph Noyes and others have petitioned to be incorporated for the purpose of cutting a Canal from the Waters of Fore River to the Waters of Presumpscut River

Preamble.

above Saccarappy falls in Falmouth and whereas it is represented that sundry persons are ready to raise funds sufficient for the purpose of opening the same Canal—

Persons incor-
porated.

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 Joseph Noyes, Nathaniel Dearing, Joseph Jewett, John Wait, James Fosdick, John Bagley, Woodbury Storer, John Mussey, Samuel Butts, Isaac Gage, Caleb Rea, Samuel Waldo, William Haskill and Andrew Pepperel Frost their associates and Successors are hereby incorporated and shall be a Corporation forever, under the name of the Proprietors of the Falmouth Canal, and by that name may sue and prosecute, and be sued and prosecuted, to final Judgment and execution; and shall be, and hereby are vested with all the powers and priveledges which are by Law incident to Corporations of a similar Nature.

Justice of the
Peace empow-
ered to call
meeting.

And be it further Enacted by the Authority aforesaid, That the said Proprietors, or any three of them, may make their application to any justice of the Peace for the County of Cumberland requesting him to call a meeting of the said Proprietors, to be holden at some convenient place within the Town of Portland in the same County; whereupon such justice is hereby empowered to issue his warrant to one of said Proprietors, directing him to warn and notify said Proprietors to meet at such time and place in said Town of Portland as he shall therein direct, to agree on such Method as may be thought proper for calling meetings of said Proprietors for the future, and to do and transact such matters and things relating to the said propriety, as shall be expressed in the Warrant. And the Proprietor to whom such warrant shall be directed, shall give notice to said Proprietors, by causing the same, or the Substance thereof, to be published in one of the Portland Newspapers, fourteen days before the holding of said meeting, and make return thereof, under his hand, to the same meeting, to be lodged with the Clerk that shall be then and there chosen. And the said Proprietors may, at the same or any other legal meeting, choose a Clerk, Treasurer, and other officer or officers of the Corporation, that they may deem necessary; and also may choose a Committee for ordering and regulating the Business and affairs of the said Corporation; and every Proprietor shall have a right to vote in the proprietary meetings, accord-

Proprietors em-
powered.

Right to vote,
etc.

ing to his share and interest, in person or by Representation, *provided* no one Proprietor shall have more than twenty Votes ; all representations to be proved in writing, signed by the person making the same, by special appointment, which shall be filed with and recorded by the Clerk ; and this Act and all Rules, regulations and Votes of the said Corporation shall be fairly and truly recorded by the said Clerk, in a Book or Books for that purpose to be provided and kept. *Provided*, that whereas it may be necessary in the prosecution of the foregoing Business, that the property of private persons may (as in the case of highways) be appropriated for the public use ; in order that no person may be damaged by the digging and cutting Canals through his land, by removing Mills, or Mill-dams, diverting water Courses, or flowing his Land, by the Proprietors aforesaid, without receiving full and adequate compensation therefor : —

Be it Enacted by the authority aforesaid, That in all cases where any person shall be damaged in his Property by the said Proprietors, for the purposes aforesaid, in manner as is above expressed, or in any other way, and the proprietors aforesaid do not within twenty days after being requested thereto, make or tender reasonable satisfaction to the acceptance of the person damaged by them as aforesaid, the person so damaged may apply to the Court of the General Sessions of the Peace, for the County in which the damage shall have been sustained, to have a Committee appointed by said Court to estimate the damage so done ; & the said Court are hereby authorized & impowered by warrant, under the seal thereof, upon such application made, if within one year from the time of the damage done as aforesaid, to appoint a committee of five disinterested freeholders in the same County, to estimate the damages ; which committee shall give seasonable notice to the person interested, & to the Clerk of the Proprietors aforesaid, of the time & place of their meeting ; & they shall be under oath to perform said service, according to their best skill & judgment ; which having done, they, or the major part of them, shall make return thereof, under their hands & seals, to the next Court of General Sessions of the Peace to be holden in said County after the same service is performed ; to the end that the same may be accepted, allowed & recorded ; & the committee so impowered, are required to estimate the

Provisos.

Method of obtaining satisfaction, in case.

said damage & make return thereof as aforesaid; & if the estimate of the Committee be accepted by the Court, the Clerk of the Court is hereby authorized & directed on application therefor, to issue an execution against the property only of the Corporation, or of any individual belonging thereto, for the sum so adjudged in damages; *provided* the same is not paid within twenty days after the acceptance of said report, & likewise for the cost of the said Committee & fees of the Court, both to be allowed by the Court; *provided* the sum of damages estimated by the committee exceed the sum of damages so tendered: But in case the Proprietors actually tendered to the person complaining, before the complaint was exhibited, a sum as great as that allowed by the Court in damages, then nothing to be included in the execution for costs of committee or Court: The execution to be issued by the Clerk of the Court, to be in the same terms, *mutatis mutandis*, & returnable in the same time as though judgment had been rendered against said Corporation, for a like sum, in damages on process in the Court of Common Pleas; & if any person find himself aggrieved by the doings of the said Committee in estimating damages, he may apply to said Court of General Sessions of the peace; *provided* such application be made to the same Court, at the next session thereof, in the same county, after the acceptance of such return; & said Court is impowered to hear & finally determine the same by a Jury, under oath, to be summoned by the Sheriff or his Deputy for that purpose, if the person complaining desire the same, or by a Committee, if the person complaining & the Proprietors can agree thereon. And if the Jury or Committee agreed on as aforesaid, who are to be under oath, shall not increase the sum of damages, the person complaining shall be at the cost arising on such complaint, to be taxed against him by the said Court otherwise such cost & increase of damages shall be paid by the Proprietors & execution to issue therefor as aforesaid expressed. And it shall be the duty of such Committee or Jury on application of either of the parties, & reasonable notice given to all persons interested to determine where & how many Bridges shall be made & maintained by said Proprietors over the Canal aforesaid, & how the same shall be constructed, & what damages shall be paid by the Proprietors for neglecting to make & maintain such Bridges; & the report of such Com-

Committee to
determine
respecting
Bridges.

mittee or verdict of such Jury being returned into the same Court, & being allowed & recorded, shall be a sufficient bar against any action brought for damages aforesaid, saving only that where the sum of damages is not estimated at a sum in gross for the full satisfaction thereof, but a yearly sum is assessed, in such case, the complainant shall be intitled to an action of debt for the recovery of the same, so often as the same becomes due, during the continuance of the damage done or suffered as aforesaid, & also for the recovery of the damages for neglecting to make & maintain the Bridges, as often as the same is demandable: *Provided* that no part of the waters of Presumpscut-river shall be diverted from their natural course for the purpose aforesaid; & that no Dwelling House shall be removed, or water course turned or altered, whereon any mill is erected, so as to injure such mill without licence therefor, first had & obtained from the Court of General Sessions of the peace of the County in which such house may stand, or through which such water course may pass: And the said Court of Sessions on application made to them by the said Proprietors shall observe the same rules as are prescribed by law, when application is made to them for granting a public highway. *Provided also*, that the waters of Presumpscut river shall not be so diverted from their natural course as to impede, or any way interrupt the water carriage down the Presumpscut River to the mouth thereof; & that neither the waters of Presumpscut river, nor the ponds & streams emptying into the same shall be so drawn off from their natural course as to injure the Mills standing on said River, or the passing of Lumber therein.

No mill to be obstructed nor any dwelling house removed without leave.

And be it further enacted, that if any person or persons shall wilfully, maliciously & contrary to Law, take up, remove, beat down, dig under, or otherwise damnify any Dam, Canal or Lock, or part thereof, designed for the purposes aforesaid, or shall damnify, carry away, or set afloat to be carried away, any boards, plank, joist, or other timber or materials, used or to be used in or about said works, or shall be aiding or assisting in any of the trespasses aforesaid, he shall, for every such offence forfeit and pay to the proprietors aforesaid, treble such damages as the said proprietors shall, to the justice or Court and Jury before whom the trial shall be, make appear that they have sustained by means of the same trespasses, to be sued for

Forfeitures for trespasses committed.

and recovered in any Court proper to try the same; and such offender or offenders shall be liable to presentment by the Grand Inquest for said County of Cumberland for any offence or offences against this Law; and on Conviction thereof, on such presentment before the Court of General Sessions of the peace for said County, or before the supreme judicial Court, shall be liable to pay a fine to the use of the Commonwealth, of not more than Sixty dollars nor less than fifteen dollars or be imprisoned for a term not more than three months, nor less than thirty days, at the discretion of the Court before whom the conviction shall be.

Proprietors
authorized to
purchase and
hold real estate.

And be it Enacted by the Authority aforesaid, That the Proprietors aforesaid be, and they hereby are authorized and empowered to purchase and hold to them, and their successors forever, so much land and real Estate as may be necessary for the purposes aforesaid, not exceeding the value of twenty thousand dollars.

A toll estab-
lished.

And be it further Enacted by the authority aforesaid, That for the purposes of reimbursing the said Proprietors the Money by them expended or to be expended in building and supporting the dams, canals, and locks, and clearing the passages necessary for the purposes aforesaid, a toll be and hereby is granted and established for the sole benefit of the Proprietors, according to the Rates following viz. For every Ton weight that shall be transported in boats or other Vessels through the said Canal the Sum of Six Cents for each mile; for all masts, timber and lumber floated on Raft or otherwise through the same Canal, the Sum of Six Cents a Ton for each mile.

And be it further Enacted by the authority aforesaid, That there shall be Toll gatherers and others to attend all Locks on said Canal, in the day time, and on the same Canal at suitable places, who shall give constant attendance at their respective stations during the whole of the Season for boats and rafts to pass, and on the Toll being paid, shall immediately permit passengers with their property to pass the said Locks and Canal. And the said Toll shall commence on said Canal as soon as the same, or any part thereof shall be compleated and shall continue forever: *Provided,* that when forty Years from the first opening thereof are expired, the General Court from thence forward may regulate the rate of Toll, and the same shall be collected in such manner as shall be prescribed to the said Corporation.

And be it further Enacted by the authority aforesaid, That if the Proprietors aforesaid shall refuse or neglect, for the space of ten years after the passing this Act, to build and compleat such Canal, so as to be passable, in manner aforesaid, then this Act so far as it respects the same, shall be void and of none effect.

Approved June 25, 1795.

1795. — Chapter 24.

[May Session, ch. 21.]

AN ACT TO INCORPORATE CERTAIN PERSONS WHO HAVE FORMED A SOCIETY FOR THE INFORMATION AND AID OF FOREIGNERS IN THEIR MIGRATION AND SETTLEMENT, BY THE NAME OF THE MASSACHUSETTS SOCIETY FOR THE AID OF IMMIGRANTS.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same that John Andrews, Joseph Blake, Martin Brimmer, William Brown, Samuel Brown, Charles Bulfinch, Benjamin Clarke, Thomas Clark, John Codman, Robert Davis, Richard Devens, Aaron Dexter, Joseph Eckley, Edward Edes, Frederick William Geyer, Nathaniel Gorham, Stephen Gorham, Henry Hill, Joseph Howard, William Lambert, Benjamin Lincoln, William Little, John Lowell, John Lucas, Theodore Lyman, Mungo Mackay, Joseph May, Jedediah Morse, Samuel Parkman, Aaron Putnam, Thomas H. Perkins, Thomas Robinson, Thomas Russell, Joseph Russell, Samuel Sewall, William Sherburne, Elisha Sigourney, Samuel Smith, Oliver Smith, William Smith, Russell Sturgis, Peter Thacher, Edward Tuckerman, Charles Vaughan, Ebenezer Wales and Josiah Waters, with all others, who, being citizens of this Commonwealth, are, or shall become their Associates be, and they hereby are constituted & made a Corporation by the name of the Massachusetts Society for the aid of Immigrants; and shall be capable of taking and holding by virtue of any purchase gift or devise any real or other estate not exceeding in the whole amount, the sum of Twenty thousand Dollars. And the said Corporation shall hold meetings for the choice of its Officers on the first Tuesday of June annually.

Persons incorporated.

Amount of property they may hold.

And be it further Enacted by the authority aforesaid, that it shall be the more especial care of the said Society to render to all Foreigners, not of ill fame, who shall arrive within this Commonwealth, and shall make suitable

Duty and care of the Society.

application to the said Society their Officers or Agents, the most needful information and advice to promote the advantageous settlement & employment of such Immigrants. And the said Society shall provide for the making and preserving accurate lists & memorials, as far as may be, of the names, nation, age, sex, condition, handicraft, employment and settlement of all Immigrants which shall come to their knowledge, and such lists or memorials, and all other doings of the said Society, shall be open to the inspection of the Supreme Executive, and of the Legislature of this Commonwealth, upon their requisition.

Convicts and persons of ill-fame not to be brought into the Commonwealth.

And be it further Enacted, that the said Society shall take especial care to prevent Convicts, and persons of notorious ill fame from being brought into this Commonwealth by any master, or other person having charge of any vessel, and the penalty and forfeiture established against such offence, by the Act for the relief, employment and removal of the poor, and for repealing all former laws made for those purposes passed February the twenty sixth seventeen hundred & ninety four, may be prosecuted for by the said Society their Officers or Agents, and when recovered on such prosecution, shall enure wholly to the said Society & shall be appropriated under their direction to promote the design of this Incorporation.

Selectmen empowered to attend to applications of immigrants.

And be it further Enacted, that in order to render the beneficial purposes of the aforementioned Institution as extensive as possible, the Selectmen of the several towns of this Commonwealth are hereby directed and impowered to pay suitable attention to the applications of Immigrants, and to give to all persons of good character such advice and information, as will enable them to obtain the earliest employment in their respective occupations.

Approved June 25, 1795.

1795. — Chapter 25.

[May Session, ch. 22.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT AND DIRECTORS OF THE MERRIMACK BANK.

Preamble.

Whereas William Bartlet and others have by their petition to this Court set forth that they have subscribed to a Fund for the establishment of a Bank in the Town of

Newbury Port and have prayed to be incorporated for that purpose.

Be it therefore enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same, that William Bartlet, Moses Brown, Tristram Coffin, William Coombs, Nicholas Johnson, George Searle and Ebenezer Stocker, their Associates, Successors & assigns, shall be and hereby are created and made a corporation by the name of the President and Directors of the Merrimack Bank; and shall so continue from the first day of July next, until the expiration of ten years next following: and by that name shall be and hereby are made capable in Law, to sue and be sued, plead and be impleaded, defend & be defended in any Courts of Record or any other place whatever; and also to make have and use a common Seal, and the same again at Pleasure to break, alter, and renew; and also to ordain, establish & put in execution, such Bye Laws, Ordinances and Regulations as to them shall appear necessary & convenient for the Government of said Corporation and the prudent management of their affairs; *Provided* such Bye-Laws, Ordinances & Regulations shall be in no wise contrary to the Laws & Constitution of this Commonwealth: and the said Corporation shall be always subject to the rules, restrictions, limitations & provisions herein prescribed.

Persons incorporated for a limited time.

Legally to act and be acted upon.

Proviso.

And be it further Enacted, that the Capital Stock of said Corporation shall consist of a Sum not less than Seventy thousand Dollars, nor more than One hundred and Fifty thousand Dollars in Specie; and shall be divided into Shares of One hundred Dollars each; And the Stockholders at their first meeting, shall by a majority of votes determine the amount of the payments to be made on each Share, and the times when each payment shall be made; also the mode of transferring and disposing of the Stock and profits thereof; which being entered on the books of said Corporation, shall be binding on the Stockholders, their Successors & Assigns: *Provided* that no Stockholder shall be allowed to borrow at said Bank, until he shall have paid in his full proportion of the Seventy Thousand Dollars aforesaid. And said corporation are hereby made capable in Law, to have, hold, purchase, receive, possess, enjoy and retain to them, their Successors & Assigns, lands, rents, tenements and hereditaments, to

Amount of Capital Stock.

Stockholders to determine respecting payments.

Proviso.

Corporation entitled to hold real estate, etc.

the amount of Ten Thousand Dollars, and no more at any one time; with power to bargain sell and dispose of the same Lands, Tenements & Hereditaments, and to loan and negotiate their monies and effects by discounting on banking Principles on such security as they shall think advisable.

Fundamental
articles of the
Corporation.

And be it further Enacted that the following rules, limitations and provisions shall form and be the fundamental articles of said Corporation. —

First, that the said Corporation shall not owe at any one time, more than twice the amount of their capital Stock in addition to the simple amount of all monies actually deposited in said Bank for safe keeping; and in case of any excess, the Directors under whose administration it shall happen, shall be liable for the same in their private Capacity; but this shall not be construed to exempt the said Corporation, or any estate real or personal, which they may hold as a body Corporate, from being also liable for and chargeable with such excess. — Secondly, that the said Corporation shall not vest, use, or improve any of their monies, goods, chattels or effects in trade or commerce, but may sell all kinds of personal pledges lodged in their hands by way of security to an amount sufficient to reimburse the sum loaned. — Third, that the Lands, Tenements & Hereditaments, which said Corporation may hold, shall be only such as shall be requisite for the convenient transaction of its business. — Fourth, none but a Member of said Corporation, being a Citizen of this Commonwealth and resident therein, shall be eligible for a Director or Cashier; and the Directors shall chuse one of their own number to act as President: And the Cashier, before he enters on the duties of his Office, shall give bond, with two sureties, to the satisfaction of the board of Directors, in a sum not less than Ten Thousand Dollars, with condition for the faithful discharge of the duties of his office. — Fifth, No Director of any other Bank shall be eligible to the Office of a Director of this Bank, although he may be a Stockholder herein; and any Director accepting an Office in any other Bank, shall be deemed to have vacated his place in this Bank. — Sixth, That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be held at such place as they shall direct, on the first Monday in January annually, and at any other time, during the continuance of said Corpora-

tion, at such place as shall be appointed by the President and Directors for the time being, by public notification being given one Week previous; at which annual Meeting, there shall be chosen by ballot, Seven Directors, to continue in Office the year ensuing their election: and the number of Votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions; that is to say, — for one share, one Vote, and every two Shares above one, shall give a right to one vote more, *provided* no one member shall have more than Ten Votes; and absent Members may vote by Proxy, authorized in Writing. — Seventh, No Director shall be entitled to any Emolument for his services — but the Stockholders may make the President such Compensation as to them shall appear reasonable. — Eighth, Not less than four Directors shall constitute a Board for the transaction of business; of whom the President shall always be one except in case of Sickness or necessary absence, in which case the Directors present, may choose a Chairman for the time being in his stead. — Ninth, All Bills issued from the Bank aforesaid, and signed by the President shall be binding on said Corporation; but it shall not be lawful for them to issue any Bills of a less Denomination than Two Dollars. — Tenth, The Directors shall make half-yearly Dividends of all the profits, Rents premiums, and interests of the Bank aforesaid. — Eleventh, The Directors shall have power to appoint a Cashier, Clerks, and such Officers for carrying on the business of the Bank, with such Salaries as to them shall seem meet. —

And be it further Enacted, that the said Bank shall be kept and established in the Town of Newbury-port aforesaid. — Bank established in Newburyport.

And whereas it is repugnant to the principles of a free Government, that the property of any of its Citizens shall be placed out of the reach of their just Creditors, —

Be it further Enacted, that the property of every Individual Member of said Corporation, vested in said corporate Funds, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* Creditors, in manner following — namely; in addition to the summons by law prescribed, to be left with the Debtor, a like summons shall be left with the Cashier of said Bank; and the Debtor's share or shares in said Property of individuals liable to attachment for just debts.

Corporate Funds, together with the Interest Rents & profits due or growing due thereon, shall thereby be held to respond said suit according to law; and all transfers of the Debtors shares in the said Corporate funds, not noted in the Bank books, previous to the delivery of such summons, shall be barred thereby; and execution may be levied on the property of any Stockholder in said Bank, and his shares therein exposed to sale in the same manner as is by Law provided, where personal Estate is taken by Execution; and it shall be the duty of the Officer who extends such Execution, to leave an attested copy thereof, with his doings thereon, with the Cashier of said Bank — and the purchaser shall thereon be entitled to the reception of all Dividends & Stock, and to the same privileges as a member of said Corporation, that the Debtor was previously entitled to; and upon any attachment being made, or execution being levied on any share in said Bank, it shall be the duty of the Cashier of said Bank, to expose the books of said Corporation to the Officer, so far as respects the number of Shares said Debtor may own; and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the Debtor holds in said Bank, and the amount of the dividend thereon due.

Special Committee empowered to examine the doings of the Corporation.

And be it further Enacted, that any Committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books, and if upon such examination, it shall be found, and after a full hearing of said corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation shall thereupon be declared forfeited and void.

Persons authorized to call a meeting.

And be it further Enacted, that the persons herein before-named, or any three of them, are authorized to call a Meeting of the members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, in Newbury-Port, by advertizing the same for three weeks successively in the “Impartial Herald,” printed there, for the purpose of making, ordaining and establishing such By-Laws, Ordinances, & Regulations for the orderly conducting of the Affairs of said Corporation,

as the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other Officers as they shall see fit to choose.

And be it further Enacted by the authority aforesaid, that it shall be the duty of the Directors of the said Bank, to transmit to the Governor & Council of this Commonwealth for the time being, Once in Six Months, at least, and as much oftener as they may require, accurate & just statements of the amount of the Capital Stock of said Corporation, and of Debts due to the same, of the monies deposited therein, of the Notes in circulation and of the Cash on hand; which statements shall be signed by the Directors and attested by the Cashier.

Amount of stock to be at stated times transmitted to Governor, &c.

Approved June 25, 1795.

1795. — Chapter 26.

[January Session, ch. 2.]

AN ACT TO ALTER THE NAME OF JOHN WILLIAMS TO THE NAME OF JOHN DAVIS WILLIAMS.

Be it Enacted by the Senate & House of Representatives in General Court assembled, & by the Authority of the same, — That John Williams of Boston in the County of Suffolk, Son to John Davis Williams of Roxbury, in the County of Norfolk, be and he hereby is allowed to take the Christian Name of John Davis, and on every occasion hereafter, to make the Name of John Davis Williams his proper Christian and Surname; and by that Name he shall be known and called in all Processes and Records whatever.

Name altered.

Approved January 20, 1796.

1795. — Chapter 27.

[January Session, ch. 3.]

AN ACT GRANTING TO THE PROPRIETORS OF THE LOCKS AND CANALS ON MERRIMACK RIVER A FURTHER TIME TO COMPLETE THE CANAL AND LOCKS BY PATUCKET FALLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the term of three years, from and after the passing of this Act, be, and hereby is allowed them to complete the Canal and Locks by the Great Falls of Patucket; and that all the rights and authorities vested in the said proprietors by the Act incorporating them,

Time allowed to complete Canal and Locks extended.

intituled, “An Act incorporating Dudley Atkins Tyng Esqr. and others for the purpose of rendering Merrimack River passable with Boats, Rafts and Masts, from the divisional line of New Hampshire & Massachusetts to the tide waters of said River, by the name of The Proprietors of the Locks and Canals on Merrimack River” — or which would by the said Act be vested in them, if the said Canal and Locks should be completed by the time in the said Act limited, shall vest in and appertain to them, in as full and ample manner, as if the said additional term hereby granted, had been limited and granted in and by the said Act, any thing in the same to the contrary notwithstanding.

Approved January 22, 1796.

1795. — Chapter 28.

[January Session, ch. 9.]

AN ACT FOR GRANTING A LOTTERY FOR THE PURPOSE OF ALTERING, MAKING AND REPAIRING CERTAIN ROADS IN THE TOWN OF GLOUCESTER IN THE COUNTY OF ESSEX.

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 or lotteries consisting of one or more class or classes, for raising the sum of two thousand Dollars, which shall be applied for the purpose of altering, making and repairing the public roads in the said town of Gloucester leading to Salem and Ipswich.

Sum to be raised.

Managers to be appointed.

Their duty.

And be it further enacted that Daniel Rogers esqr. William Pierson, Samuel Whittimore, James Hayes and John Rogers, or any three of them be, and they hereby are appointed Managers of the said lottery or lotteries, whose business and duty it shall be to concert and publish a scheme or schemes of such lottery or lotteries, and to advertize in some one of the News papers printed in Boston, a correct list of all prizes which may be drawn in any Class of such lottery or lotteries, within twenty days after the drawing thereof; — and they shall pay to each possessor of a prize ticket the full sum of such prize, within twenty days after such list is published, if demanded by the possessor; & if any such prize shall not be demanded within twelve months next after the publication of such list, it shall be deemed as generously given for the purposes aforesaid, and applied accordingly.

And be it further enacted that the said Managers shall, before they enter on the business of their appointment, be sworn before some Magistrate, faithfully and impartially to execute the same; and shall severally become bound with sufficient surety or sureties to the Treasurer of this Commonwealth, in the penal sum of two thousand Dollars, conditioned for the faithful discharge of their said trust. To give bonds.

And be it further Enacted that the said Managers be, and they hereby are appointed Trustees for the due appropriation of the proceeds of such lottery or lotteries, according to the purpose of this Act — And the said Managers & Trustees shall render to the Treasurer of the Commonwealth a true account of their receipts and disbursements in the execution of their said trust. Managers to be Trustees.

And be it further Enacted that this Act, so far as it respects the continuance of the said lottery or lotteries, shall be in force for the term of two years and no longer. To render an account.

Approved January 26, 1796.

1795. — Chapter 29.

[January Session, ch. 20.]

AN ACT TO SET OF NATHANIEL LAWRENCE WITH HIS ESTATE FROM THE TOWN OF GROTON AND ANNEX THEM TO THE TOWN OF DUNSTABLE.

Be it Enacted by the Senate and House of Representatives in General Court Assembled & by the Authority of the same, That Nathaniel Lawrence of Groton in the County of Middlesex, together with his Estate, which he now owns in that Town, be and hereby is set off from said Town of Groton and annexed to the Town of Dunstable in the same County; and shall hereafter be considered as part of the same; there to do duty and receive privileges as the other Inhabitants of the said Town of Dunstable: *Provided nevertheless,* that the said Nathaniel Lawrence shall be holden to pay all Taxes that have been legally assessed on him by said Town of Groton in the same manner as if this Act had not been passed. Nathaniel Lawrence set off.

Approved January 26, 1796.

1795. — Chapter 30.

[January Session, ch. 4.]

AN ACT FOR THE PRESERVATION OF A MONUMENT ERECTED
ON THE HEIGHTS OF CHARLESTOWN.

Preamble.

Whereas the Society of Free Masons, in Charlestown, in the County of Middlesex, designated by the name of King Solomon's Lodge, have erected a Monument in Memory of Major General Joseph Warren, & his Associates, who were slain on the heights of said Charlestown, on the Seventeenth of June, One thousand seven hundred & seventy-five, and have been presented by the Honble. James Russell with a piece of Land for that purpose: —

Title to land.

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the Authority of the same, That any legal Deed or Conveyance of the said Land, duly recorded, shall enable the said King-Solomon's Lodge of Free Masons, to hold the same in fee simple, for the purposes aforesaid, forever.

Treasurer
authorized to
recover dam-
ages for injury
to monument.

And be it further Enacted by the Authority aforesaid, That the Master or Treasurer of the said Lodge for the time being, shall have power & authority to sue for and recover Damages in any Court of Law suitable to try the same, from any Person or Persons, who shall be convicted of defacing, injuring or destroying the said Monument; and the person or persons, thus convicted, shall, in addition to such damages as may be legally awarded, pay to the Master or Treasurer of said Lodge, a Fine not exceeding Twenty Dollars, nor less than Two Dollars at the Discretion of the Court, before whom the action for Damages shall be finally tried; which Fines shall be appropriated for the necessary repairs of the said Monument.

Approved February 3, 1796.

1795. — Chapter 31.

[January Session, ch. 21.]

AN ACT TO INCORPORATE THE PLANTATION OF WASHINGTON,
LYING WEST OF SYDNEY IN THE COUNTY OF LINCOLN INTO
A TOWN BY THE NAME OF BELGRADE.

Boundaries.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the following described tract of land, lying west of Sydney in the County of Lincoln, viz. Beginning

at the northwest corner of Sydney, from thence running west northwest about one mile and a half to the great pond so called, thence westerly across the said Great pond about three miles to the outlet thereof, on the northerly side of the outlet, thence westerly on the northerly side of the mile and half stream, about half a mile to the long pond so called, thence southerly through the middle of said long pond, about one mile to the north east corner of Mount Vernon, thence southerly and easterly by Mount Vernon line, about seven miles to the north line of the town of Readfield, thence easterly on said Readfield line, about three miles to the south west corner of Sydney aforesaid; thence northerly on the west line of Sydney about nine miles to the first mentioned bound; together with the inhabitants thereon be, & they hereby are incorporated into a town by the name of Belgrade; and the said town is hereby invested with all the powers, priviledges and immunities, which other towns in this Commonwealth do, or may enjoy by law.

And be it further Enacted by the authority aforesaid, that William Brooks Esqr. be, and he is hereby empowered to issue his Warrant, directed to some suitable inhabitant of said town, requiring him to warn the inhabitants thereof to meet at some convenient time and place, to choose all such Officers as towns are by law required to choose in the months of March or April annually.

William
Brooks, Esq. to
Issue warrant.

Approved February 3, 1796.

1795. — Chapter 32.

[January Session, ch. 22.]

AN ACT FOR ALTERING THE NAME OF THE BANK, INCORPORATED BY AN ACT MADE & PASSED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY FIVE INTITLED "AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT & DIRECTORS OF THE MERRIMACK BANK."

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the name of said Corporation shall be altered, from the name of the President & Directors of the Merrimack Bank, and shall be the President, Directors and Company of the Merrimack Bank, & by that name the said Corporation shall be capable and liable in law, and shall have the same powers and rights, & shall

Name altered.

Proviso.

be subject to all the restrictions and duties which are by the said incorporating Act given, required and established. *Provided* that all and every Note and obligation, and all contracts already made & entered into by or with the said Corporation, by the name of the President Directors and Company of the Merrimack Bank, or by the name of the President and Directors of the Merrimack Bank, shall be in full force and effect to all intents and purposes for and against the said Corporation, any thing to the contrary in the said incorporating Act, or in this Act notwithstanding.

Approved February 3, 1796.

1795. — Chapter 33.

[January Session, ch. 5.]

AN ACT TO ENABLE THE TOWN OF NATICK TO REGULATE AND ORDER THE TAKING OF THE FISH CALLED SHAD AND ALEWIVES WITHIN THE LIMITS OF SAID TOWN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that from & after the publication of this Act, it shall & may be lawful for the inhabitants of said town of Natick, at their annual meeting in March or April, during the continuance of this Act, to determine and order in what manner, and by whom the said fish called Shad and Alewives may be taken within the limits of said town; and the said inhabitants shall cause a copy of such order, attested by the town Clerk, to be posted up in some public place in said town, whereunto all persons shall conform with respect to the taking said fish called Shad & Alewives within said town of Natick, on penalty that each and every offender against the same, shall forfeit and pay the sum of three Dollars and thirty three Cents, to be sued for and recovered before any Court proper to try the same, one moiety to the Informer, and the other moiety to the poor of said town of Natick. *Approved February 5, 1796.*

Inhabitants in town meeting to determine respecting the taking of fish.

1795. — Chapter 34.

[January Session, ch. 6.]

AN ACT TO ALTER THE TIMES OF HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE, AND COURTS OF COMMON PLEAS IN THE COUNTIES OF MIDDLESEX, HAMPSHIRE, BRISTOL, WORCESTER AND BERKSHIRE.

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 September next, the several Courts of General Sessions of the Peace, and Courts of Common Pleas, by law to be holden within & for the Counties of Middlesex, Hampshire, Bristol, Worcester and Berkshire in this Commonwealth, shall be respectively holden and commenced on Monday next preceding the Tuesday on which said Courts are now by law required to be holden; and all writs and processes for the said Courts, shall be made returnable, and shall be taken and have day by continuance and otherwise in said Courts accordingly — And the grand and petit Jurors by law to be summoned to the said Courts, shall be summoned and holden to appear on the Tuesday or second day of each term respectively, under the same penalties as are now established, any law to the contrary notwithstanding.

Times of holding Courts altered in several counties.

Approved February 6, 1796.

1795. — Chapter 35.

[January Session, ch. 7.]

AN ACT TO INCORPORATE THE PLANTATION CALLED JONES PLANTATION IN THE COUNTY OF LINCOLN INTO A TOWN BY THE NAME OF HARLEM.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same that the following described tract of Land lying East of Vassalborough in the County of Lincoln and bounded as follows beginning at the Northeasterly Corner of Vassalborough, from thence running South Sixty eight degrees East Six Miles, thence South twenty nine degrees west eight miles and one hundred and eighty rods; thence North Sixty eight degrees west about Six miles to the South easterly corner of Vassalborough aforesaid; thence North twenty nine degrees east and bounded by the Easterly line of said Vassalborough, about Eight Miles and one hundred and eighty Rods to the bound first mentioned together with the Inhabitants thereon be and the same hereby are incorporated into a Town by the name of Harlem and the said Town is hereby vested with all the powers, priviledges, and immunities which other Towns within this Commonwealth do or may by Law enjoy.

Boundaries of Harlem.

And be it further Enacted by the authority aforesaid that Ebenezer Farewell esquire be and he is hereby authorized to issue his warrant directed to some suitable inhabi-

Ebenezer Farewell, Esq., to issue warrant.

tant of said town, requiring him to warn the inhabitants thereof to meet at such time & place as shall be expressed in said warrant for the purpose of choosing all such Town Officers, as other Towns within this Commonwealth are required to choose within the months of March or April annually.

Approved February 8, 1796.

1795. — Chapter 36.

[January Session, ch. 10.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER KENNEBECK RIVER AT FORT WESTERN IN THE TOWN OF HALLOWELL.

Preamble.

Whereas the erecting a Bridge over Kennebeck River at Fort Western would be of great public utility, and Samuel Howard & others have petitioned this Court for an Act of Incorporation to empower them to build said Bridge:

Proprietors incorporated.

Be it therefore Enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, That Samuel Howard, William Howard, Joseph North, Daniel Cony, Jedediah Jewett, Samuel Dutton, William Brooks, Matthew Hayward and James Bridge Esqrs. with all those who have associated for the purpose, together with all those who shall hereafter become proprietors in said Bridge shall be a Corporation and body politic, under the name of the proprietors of the Kennebeck Bridge; and by that name may sue and prosecute and be sued and prosecuted to final Judgement & Execution and do and suffer all other acts & things, which bodies politic may and ought to do & suffer; and that said Corporation shall have full power & authority to make, have and use a Common Seal and the same to break, alter and renew at pleasure.

Common seal.

To warn a meeting.

And be it further Enacted that the said William Howard and Joseph North may by advertisement in one of the Newspapers printed in Hallowell, warn and call a meeting of the aforesaid proprietors to be holden in Hallowell aforesaid, at any suitable time after fourteen days from the publication of such advertisement; and the said proprietors by a Vote of a Majority of those present, accounting and allowing one Vote to each share (provided no person shall be entitled to more than Ten votes) shall choose a Clerk, who shall be sworn to the faithful discharge of his Office; also may at the same or any subsequent Meeting,

choose such other officers as may be found necessary for managing the Business of the said Corporation, and shall agree on a method for calling future meetings; and at the same or any subsequent Meeting, may make and establish such Rules and Regulations, as shall be deemed convenient or necessary for regulating the said Corporation, effecting, compleating & executing the purposes aforesaid; and for collecting the Toll herein granted; and the same Rules and Regulations may cause to be kept & executed, and for the breach of any of them, may order and enjoin Fines and penalties not exceeding Four pounds; provided that said Rules & Regulations be not repugnant to the Constitution or Laws of this Commonwealth.

And be it further Enacted by the Authority aforesaid, that said Bridge shall be erected at Fort Western, between the Ferry called Pollard's Ferry and the Mill Stream so called, which empties into Kennebeck River, about one hundred rods North of said Ferry; and shall be built of good and sufficient materials, not less than Thirty feet wide, and well covered with plank or timber suitable for such a Bridge with sufficient rails on each side for the safety of Passengers. And the Sills or String-pieces of said Bridge shall be laid at least sixteen feet above the surface of the water in the River at Common High Water, in the Summer Season; so as to preserve without interruption the privilege of Transportation in Boats & other water Craft & of Rafts under said Bridge:—And the said Bridge shall be so constructed as to leave a passage between the Piers, which shall or may be erected for the support of said Bridge, the width of One Hundred Feet at least; & not less than that width shall be preserved in each & every passage way between the piers under said Bridge.

And be it further Enacted by the Authority aforesaid, that for the purpose of reimbursing the said Proprietors of Kennebeck Bridge the money expended & to be expended, in building, supporting & keeping in repair the said Bridge, & for indemnifying them for their risque; a Toll be, and hereby is granted & established for the sole benefit of said Corporation, according to the rates following;—vizt. — For each Foot passenger, or one person passing said Bridge, Two Cents; One person and horse Six Cents & one quarter of a Cent; single Horse-Cart, Sled or Sleigh, Ten Cents; each Wheel-Barrow, Hand-Cart & every other Vehicle capable of carrying a like weight, Four

Place where built.

Materials.

Toll established.

Rates of.

Cents; each Team, including Cart, Sled, or Sleigh, drawn by more than one Beast, not exceeding four, Twelve Cents & an half Cent; & for every additional Beast above four, Two Cents each; Each single horse & chaise, Chair or Sulkey, Sixteen Cents & three quarters of a Cent; each Coach, Chariot, Phaeton & Curriele, Thirty five Cents; Neat Cattle or Horses, exclusive of those rode on or in Carriages, or in Teams, Two Cents; Sheep & Swine, for each dozen, Six Cents; and at the same rate for a greater or less number. And in all cases the same Toll shall be paid for all Carriages passing said Bridge, whether the same be loaded or not loaded; and to each Team one man & no more, shall be allowed as a driver to pass free from payment of Toll. And the said Toll shall commence at the Day of the first opening of the said Bridge for passengers, and shall continue for and during the term of Seventy-five Years from the said Day, and be collected as shall be prescribed by the said Corporation: *provided* the said Proprietors shall at all times keep the said Bridge in good & passable repair; and provided also that any of the Inhabitants of the said Town of Hallowell, going to, or returning from Public Worship, on the LORD'S DAY, or at the annual Meetings in said Town, in the months of March, April or May forever hereafter, shall have Liberty to pass & repass the said Bridge free from Toll.

Proviso.

And be it further Enacted, that if the said Corporation shall neglect or refuse for the space of seven years from the passing this Act, to build & complete the said Bridge, then this Act shall be void & of none effect.

Approved February 8, 1796.

1795. — Chapter 37.

[January Session, ch. 11.]

AN ACT, IN ADDITION TO AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND, SEVEN HUNDRED AND EIGHTY-THREE, INCORPORATING THE EAST PARISH OF SOUTH BRIMFIELD INTO A DISTRICT BY THE NAME OF HOLLAND.

Preamble.

Whereas difficulties have arisen respecting supporting the public Road which is by said Act the dividing Line betwixt South Brimfield & the District of Holland; — for the remedy of which

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same,

— That from & after the passing this Act, one mile, two hundred and ten rods of the beforementioned Road, beginning at Brimfield South line and running Southerly, shall forever hereafter belong to and become a part of the District of Holland. *Approved February 8, 1796.*

1795. — Chapter 38.

[January Session, ch. 12.]

AN ACT TO INCORPORATE THE PLANTATIONS, NUMBER TWELVE & THIRTEEN, WEST OF MACHIAS IN THE COUNTY OF WASHINGTON INTO A TOWN BY THE NAME OF COLUMBIA.

Be it Enacted by the Senate & House of Representatives in General Court Assembled, and by the Authority of the same, that the Plantations number Twelve & Thirteen, west of Machias in the County of Washington bounded as follows to wit; Beginning at the South East Corner of Plantation number Thirteen, on the head line of Plantation number Six; thence running West ten miles and a quarter on said head line of number Six and number Five to a Corner, bounded on the Easterly side of number Eleven; thence running North five miles & three quarters to a Corner which terminates in a Pond; thence East on the Southerly bounds of Townships number Eighteen & Nineteen, Ten miles and a quarter to a Corner; thence South, five miles and two hundred and nine rods on the Westerly line of Township number Twenty-two to the first mentioned bounds together with all the inhabitants thereon be and they hereby are incorporated into a Town by the name of Columbia. And said Town is hereby vested with all the powers, privileges and immunities which other Towns in this Commonwealth do or may by law enjoy.

Boundaries.

Columbia incorporated.

And be it further Enacted, that Alexander Campbell Esqr. be and he hereby is empowered to issue his Warrant directed to some suitable Inhabitant of said Town, requiring him to warn a meeting of the Inhabitants of said Town, at such time and place as shall be expressed in such Warrant, for the purpose of choosing such Town Officers as other Towns are empowered to cho[o]se in the month of March or April annually. *Approved February 8, 1796.*

Alex. Campbell, Esq. to issue warrant.

1795. — Chapter 39.

[January Session, ch. 17.]

AN ACT TO DIVIDE THE TOWN OF PENOBSCOT INTO TWO DISTINCT TOWNS; AND TO INCORPORATE THE SOUTHERLY PART THEREOF INTO A TOWN BY THE NAME OF CASTINE.

Boundaries.

Be it Enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same, that the town of Penobscot in the County of Hancock, be, and hereby is divided into two separate and distinct Towns, and that the southerly part thereof bounded as follows, Viz. beginning at the north west corner of Andrew Steele's lot of land on Penobscot Bay, or River so called, thence running on said Steele's northerly line, till it strikes the center line, so called, dividing the lots on each side of the neck of land, thence down said center line a southwesterly course, till it comes to the dividing line between Oliver Parker esqr. and Peter Mograge; thence by said dividing line, a southerly course to Moore's Cove so called, from thence over the Waters of Majabigau-duce river so called, including the whole of the peninsula, to the northerly line of land belonging to John Condon, in the Cove opposite the peninsula; thence running south seventy eight & three quarters of a degree east, to the line dividing Penobscott from Sedgwick; thence southwesterly adjoining the town of Sedgwick, to Bucks harbour so called; thence following the course of the Bay round Cape Rosia, to the south-western extremity of the peninsula of Penobscot; thence round the Bay called Penobscot Bay or River, to the northwesterly corner of Andrew Steele's lot aforesaid, together with all Islands included within said lines, and the inhabitants within the same be, and they hereby are incorporated into a town by the name of Castine, with all the powers, priviledges and authority of other towns in this Commonwealth.

And whereas the Court of Common pleas, and Court of General Sessions of the peace for the County of Hancock, have been heretofore holden in that part of the town of Penobscot now hereby incorporated:

Shire town.

Be it further Enacted by the authority aforesaid, that the said Courts shall continue to be holden in said town of Castine, and the said town of Castine shall be, & hereby is constituted the shire town of said County of Hancock;

& all Writs, Precepts & Judicial proceedings whatever, which are or may be returnable to either of the Courts aforesaid, shall be accepted, adjudged, and considered by the said Courts in the said town of Castine, any Law to the contrary notwithstanding.

And be it further Enacted by the authority aforesaid, that the County roads now laid out within the said towns of Penobscot and Castine, shall be divided into two equal parts; and each of said towns shall at their own expence open, clear out, bridge, causeway, and put in good passable repair for Teams and Carriages, one half of the said roads, within three years from the passing of this Act; & in case of any disagreement between the said towns, with respect to the division of the said roads, the Court of General Sessions of the peace for the County of Hancock may, on application from either party, make or order such division: *Provided however,* that when the said roads shall be put in repair as aforesaid, each town shall maintain & keep in repair the roads lying within the same.

Roads and expences equally divided between Penobscot and Castine.

And be it further Enacted by the authority aforesaid, that untill a new general Valuation is taken, the State taxes which may be called for from the aforesaid towns, shall be levied in the following proportion, Viz. Three fifths of the whole sum on the town of Castine, and two fifths thereof on the town of Penobscot, and each of the aforesaid towns shall be holden to pay such proportion accordingly.

Proportion of taxes levied.

And be it further Enacted by the authority aforesaid, that Oliver Parker Esqr. be, and hereby is authorized and directed to issue his Warrant to some principal inhabitant of the said town of Castine, requiring him to notify the inhabitants of said town, qualified as the law directs, to assemble at the time & place by him appointed, to elect such Officers as towns are by law empowered to elect in the months of March or April annually: *Provided however,* that nothing in this Act contained, shall be construed as a relinquishment of any property, which either of the towns aforesaid may claim as belonging to Township number three, before its incorporation.

Oliver Parker, Esq. to issue warrant.

Approved February 10, 1796.

1795. — Chapter 40.

[January Session, ch. 18.]

AN ACT TO INCORPORATE THE NORTHERLY PART OF THE PLANTATION CALLED DUCK TRAP IN THE COUNTY OF HANCOCK INTO A TOWN BY THE NAME OF NORTHPORT.

Boundaries.

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, that the Northerly part of the Plantation called Duck trap in the County of Hancock contained within the following description to wit, beginning at Little River, so called, on the line of the town of Belfast, thence running a Southwesterly course round the shore of the Bay called Penobscot Bay & round Duck Trap point, so called, to the line dividing Joshua Adams's land from land belonging to John Wade, thence upon said line North West by North or 'till it strikes the head of a pond about a mile from the shore, from thence across said Pond the same course 'till it strikes the line dividing Henry Pendleton's land from land of George Pitcher, thence North West by North so far as to make six miles from the shore, thence North east by East three miles & one sixteenth, thence South twenty two degrees East ninety rods to the Southwesterly line of Belfast, thence North sixty eight degrees East upon Belfast line three miles & eighty nine rods to the first mentioned boundary, together with the inhabitants within said District be & they hereby are incorporated into a town by the name of Northport with all the powers, privileges & immunities of other towns in this Commonwealth.

Oliver Parker,
Esq. to issue
warrant.

And be it further enacted by the authority aforesaid that Oliver Parker esqr. be & he hereby is authorized & directed to issue his warrant to some principal inhabitant of the said Town of Northport requiring him to warn the inhabitants of said town to meet at such time & place as shall be appointed in said warrant to elect such officers as Towns are by Law impowered to elect in the month of March or April, annually. *Provided nevertheless,* that the inhabitants hereby incorporated shall be holden to pay their proportion of all Taxes heretofore assessed upon the Plantation of Duck Trap, & all other demands thereon.

Approved February 13, 1796.

1795. — Chapter 41.

[January Session, ch. 1.]

AN ACT ESTABLISHING & REGULATING THE FEES OF THE SEVERAL OFFICERS & OTHER PERSONS HEREAFTER MENTIONED, & FOR REPEALING THE LAWS HERETOFORE MADE FOR THAT PURPOSE.

Be it Enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, That from and after the first day of April next, the fees of the several persons hereafter mentioned, for the services respectfully annexed to their names shall be as follows, vizt.

Justices Fees.

For every blank writ of attachment & summons thereon, Justices' Fees. or original summons, seventeen cents.

For the declaration in each writ of attachment & summons thereon, or original summons triable before a Justice, forty cents.

Every subpoena, for one or more witnesses, Ten Cents.

For the entry of an action, or filing a complaint in civil causes, including filing of papers, examining, allowing & taxing the bill of costs, & entering up the Judgements and recording the same, Sixty one cents. The trial of an issue, fifty cents.

Copy of every Evidence, original paper or record, if under a page, ten cents; if upwards of a page, at the rate of twelve cents per page. Writ of Execution, twenty five cents.

A Recognizance to prosecute an appeal, including principal & surety, twenty cents.

Taking Affidavits out of Court to be used in the trial of any cause actually depending, twenty cents; for the Justices travel therefor, both going out & returning home, at the rate of Fifty cents for every ten miles; for writing the deposition, caption & notification at the rate of twelve cents per page: And the Justice who shall take any Deposition, shall certify his own and the deponents fees.

Taking Affidavits in perpetual remembrance of the thing, to each Justice, twenty cents; and for his travel and the writing, the same as in the case last mentioned.

Administering an oath to persons appointed to appraise

estates, or to appraise & divide real estates, together with Certificates of the same, twenty cents.

Administering an oath to one or more witnesses at the same time, before Referees or Arbitrators, twenty cents; and for travel for that purpose the same as in the case of taking affidavits.

Taking the acknowledgement of a deed with one or more seals, provided it be at one and the same time and certifying the same, seventeen cents.

Granting a Warrant, swearing appraisers relating to strays, and entering the same, Thirty two Cents.

Administering oaths in all other cases, with certificates, except oaths to town, district or parish Officers, twenty cents.

Receiving a complaint & issuing a warrant in criminal cases, fifty cents.

Entering a complaint in criminal prosecutions, rendering Judgement and recording the same, examining, allowing & taxing the costs & filing the papers, seventy-five cents.

Recognizing persons charged with crimes, for their appearance at the Court of General Sessions of the Peace, or at the Supreme Judicial Court, and for certifying and returning the same with or without Sureties, twenty-five cents, to be paid by the person so recognizing.

For a mittimus for the commitment of any person on a criminal accusation, twenty five cents.

Coroners Fees.

Coroners' Fees.

For serving a writ, summons or execution, & for collecting the monies due thereon, and for travel in returning precepts & inquisitions, the same allowance as is by this Act allowed to Sheriffs for similar services. For a Bail-bond, twenty-five cents.

Every trial where the Sheriff is concerned, twenty five cents; and the same for attending the Jury therein.

Granting a Warrant & taking an inquisition on a Dead body, One dollar, if more than one at the same time, and who came to their death by the same means, twenty cents for each one after the first.

Travel and expence for taking an inquisition, one dollar a day. To each of the Jurymen for their travel, if above four miles out, three cents a mile each way, & for their

services seventy five cents per day, including time & expences.

The Constable for his attendance & expences in summoning a Jury, ninety cents a day.

And all the aforesaid charges of the inquisition, shall be paid out of the County Treasury, except such as are taken upon bodies of Strangers, not belonging to this Commonwealth; and in such cases, the expences shall be paid out of the Treasury of this Commonwealth, an account of such expences being first examined & allowed by the Court of General Sessions of the peace, in the County in which such inquisition shall be taken.

Fees of Judges of Probate.

For granting administration where there is no litigation, Probate Fees. fifty cents; and in other cases, One dollar.

Appointing or allowing Guardians to minors, forty cents in each case, except in cases where one Guardian is appointed for more than one minor; when the Judge shall be intitled to five Cents each for all more than one minor.

A decree respecting the probate of a Will or Codicil, where the same is not contested, fifty cents; and in all other cases, One dollar.

Examining & allowing an Inventory, swearing the executor or executors, administrator or administrators, twenty cents.

Swearing appraisers of an estate, fifteen cents.

Examining & allowing accounts not exceeding two pages, forty cents, and for all above two pages, at the rate of fifteen cents, each page. A decree for settling an intestate estate, forty cents.

A Citation, fifteen cents.

A summons for one or more witnesses, ten cents.

A quietus, twenty cents.

A warrant to appraise or divide estates, thirty cents.

Issuing a commission to receive & examine the claims of Creditors, when an estate is represented insolvent, twenty cents.

An order of distribution, twenty cents.

Granting an appeal to the Supreme Court, twenty cents.

Register of Probate's Fees.

Probate Fees.

For writing a bond & letter of administration, forty cents.

Writing a bond & letter of Guardianship & making record thereof, for one Minor sixty cents, & if for more than one Minor for whom the same Guardian is appointed at the same time, ten cents for each minor more than one.

Drawing a decree respecting the probate of a will or codicil, forty cents. Writing a bond for the Executor, twenty cents.

Writing a warrant to appraise the estate of a person deceased, twenty cents.

A warrant to divide an intestate estate among the heirs; writing a warrant to set off a Widow's dower, or a warrant to receive & examine the claims on an insolvent estate, twenty cents.

Entering the account of an executor, administrator or guardian, and an allowance thereof, or for entering on an inventory the oath of an executor or administrator, fifteen cents.

Drawing up a decree on the settlement or partition of an estate, twenty cents. For drawing an order of distribution, twenty cents.

A quietus, twenty cents. A Citation fifteen cents.

A summons for a witness or witnesses, ten cents.

Proportioning an insolvent estate among the creditors thereto, at the rate of fifty cents for every twelve creditors, every creditor's proportion being distinguished.

Recording any matter at the rate of twelve cents each page, and the same for a copy of any paper.

A bond of appeal, twenty cents.

And no Fee shall be demanded by the Register of Probate, for taking from the files in his office, or transporting to the place of the sitting of the Probate Court, such papers as are necessary in the settlement of any estate or account in the said Court.

IN THE COURT OF COMMON PLEAS:

*Justices Fees.*Justices' Fees
in the Court of
Common Pleas.

For the entry of an action including the taxing of the bill of costs, eighty cents.

And in every action where an issue in Law or Fact is joined, One dollar, in addition to the Fee for entry.

Granting an appeal and taking a recognizance of the Principal and Surety or Sureties, twenty cents. Proving a deed, twenty cents.

Surrender of a principal into Court, by his bail, twenty cents.

Granting a writ of protection, twenty five cents.

Entering a petition & making an order thereon for the sale or partition of a real estate, seventy cents.

Accepting partition of Real estate, forty cents.

Accepting a Report of Referees, where the acceptance thereof is contested, sixty cents, otherwise thirty cents.

Fees of the Clerk of the Court of Common Pleas.

For the entry of an Action including the taxing of the bill of costs & filing the papers, fifty cents.

Entering & recording a Verdict or report of Referees, twelve cents. Every action withdrawn or nonsuit, eight cents.

Fees of the Clerk of the Court of Common Pleas.

Confessing judgement, or default, or joinder in demurrer, ten cents.

Entering up judgement & recording the same at large when no issue is joined, twenty cents; and where an issue in Law or Fact is joined, forty cents.

Acknowledging satisfaction of a Judgement on the record, eight cents.

Entering an appeal & recognizing principal & sureties, fifteen cents.

Continuing each cause to the next term, twelve cents.

Entering the surrender of a principal into Court, and making a record thereof, fifteen cents.

For entering a petition and order thereon for the partition or sale of real estate, twenty cents; & for recording such petition & order, at the rate of twelve cents a page.

Entry of a rule of Court, upon the parties submitting a cause to Referees, fifteen cents.

Proving a deed in Court & certifying the same, twenty cents.

Every blank writ of attachment, with summons thereon, fifteen cents.

Every blank writ of *scire facias*, or original summons, fifteen cents.

An original or alias writ of execution in personal matters, & filing the same, when returned, twenty five cents.

A writ of possession in real actions, forty cents.

A writ of protection or *habeas corpus* twenty-five cents.

A subpœna for one or more witnesses, ten cents.

A *duces tecum*, twenty five cents.

Each *venire facias* for jurymen to be paid out of the County Treasury, five cents. Opening & filing a deposition, eight cents.

In the Court of General Sessions of the Peace.

Fees of Justices
of the Sessions.

To each Justice for each day's constant attendance in Court, one dollar.

And no Justice shall be allowed pay for more than two days attendance at any one term.

To each Justice who shall travel more than ten miles to the Court-house or place where the Court sits, at the rate of One dollar for every twenty miles travel, computing out & home: the travel & attendance to be paid out of the County Treasury; except such Justices as are sworn Attornies at law, or Clerks of the several Courts of Sessions, who shall not be allowed for travel or attendance; the Clerk of said Court shall keep an account of their attendance as aforesaid: And all fines that shall be assessed by said Court & are not otherwise appropriated by law, shall be paid into the County Treasury, for the use of the County.

Fees of the Clerk of the Court of General Sessions of the Peace.

Fees of Clerk
of General Ses-
sions of the
Peace.

Entering an indictment, presentment, complaint or information, including the recording of the Judgement of the Court therein, examining and casting the bill of costs, and filing the papers, sixty five cents. Discharging a recognizance, ten cents.

Each warrant for a criminal, twenty cents.

Each Subpœna for witness or witnesses, ten cents.

Each recognizance for an innholder or retailer, including principal & sureties & for transmitting the name of the licensed person to the Selectmen, & recording the license, fifteen cents.

A warrant for County Tax, twenty cents.

Warrant to lay out or alter a road, twenty cents.

Examining and casting the grand Juror's account yearly, & the order thereon, thirty cents.

Examining any other account, eight cents.

Recording the reports of highways and other matters by order of Court, twelve cents a page.

Copies of all papers or records, twelve cents a page.

Entering an appeal, and recognizing principal and sureties, twenty cents.

Keeping an account of the attendance of the Justices of the Court of General Sessions each term, to be paid out of the County Treasury, seventy-five cents.

IN THE SUPREME JUDICIAL COURT.

Justices Fees.

Entering an action or complaint, including the taxing of a bill of costs, one dollar & twenty cents. Judges' Fees.

Taking special bail, forty cents.

Allowing a writ of error, granting *certiorari*, *habeas corpus* or other writ, on motion, forty cents.

Granting a writ of protection, thirty cents.

Proving a deed, twenty cents.

Entering a petition & making order thereon, for the sale or partition of real estate, one dollar.

Accepting a partition of real Estate, forty-cents :

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 may be deducted from the said Justices' Salary ; and the Governor & Council are hereby empowered to deduct the same accordingly.

Fees of the Clerk in the Supreme Judicial Court.

Entering each action for Trial, seventy cents.

Entering each complaint, thirty five cents.

Receiving & recording a Verdict, forty cents.

A writ of review, seventy cents.

A writ of *scire facias*, forty cents.

An original writ of execution, including the taxing of the Costs and filing of the papers, sixty five cents.

An original writ of *habere facias possessionem*, including the taxing of the costs & filing of the papers, eighty cents.

Fees of the
Clerk of the Su-
preme Judicial
Court.

An alias writ of execution, thirty five cents.

An alias writ of *facias habere possessionem*, fifty cents.

A writ of *habeas corpus*, forty cents.

Copies of all papers containing less than one page, ten cents each; of all papers containing more than a page, at the rate of twelve cents a page. Entering a rule of Court, fifteen cents.

Confessing judgement or default, twenty cents.

Every action withdrawn or nonsuit, twenty cents.

Entering an appearance, ten cents.

Acknowledging satisfaction of a judgement on Record, twelve cents.

Continuing each cause & entering the same next term, twenty cents.

Proving a deed in Court, & certifying the same, twenty cents.

Entering up a Judgement & recording the same at large in cases where judgement is rendered, on verdict, demurrer or state of facts, sixty cents, and in all other causes, thirty cents.

For each *venire facias* for jurymen, to be paid out of the County Treasuries respectively on the Justice's Certificate, six cents.

Every writ & seal, other than before mentioned, forty cents.

Every Subpœna, for one or[e] more witnesses[s], ten cents.

Each recognizance, including principal & sureties, twenty cents.

Recording Judgement in every criminal cause, forty-cents.

A writ of protection, twenty cents,

Entering a discharge of a recognizance by proclamation, fifteen cents. For opening & filing a deposition, ten cents.

Allowance to Parties & Witnesses.

Fees to Parties
&c.

To parties recovering costs for an Attorney in all causes where an issue in law, or fact is joined in the Supreme Judicial Court, Two Dollars fifty Cents, & in all other causes in said Court, One Dollar twenty five Cents.

And in 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, One Dollar & fifty Cents, and in all other causes in said Court One Dollar, for the declaration in each Writ fifty Cents.

For parties recovering costs, whether in the Supreme Judicial Court, Court of Common pleas, General Sessions of the peace, or before a Justice of the peace thirty three Cents for each days attendance and travel, ten miles to be accounted as one day; no allowance shall be made for travel to or from the Clerks Office to take out a Writ or Summons, or carry the same to an Officer; & no plaintiff shall be allowed for 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 which case if the Defendant is defaulted after the expiration of three days, no attendance shall be taxed for the plaintiff after the day when the default shall happen:

Provided nevertheless, that when the party recovering costs in any Court shall live more than forty miles from the place of holding such Court, and such party shall not actually travel to attend the same Court in such cause, there shall not be allowed for travel in taxing the bill of costs, more than forty miles distance, unless such party shall employ some Agent or Attorney, who shall in fact travel more than forty miles for the special purpose of attending such Court in such cause.

In a criminal cause, where one or more Defendants are tried by the Jury at the same time in the Supreme Judicial Court, or where the cause is determined by an issue in law, for the Attorney General, or person attending for the Commonwealth, Two Dollars & fifty Cents: And if there be no trial by the Jury, and the cause be not determined by an issue in law, One Dollar twenty five Cents; & in all causes in the Court of General Sessions of the peace, One Dollar & twenty five Cents.

Drawing an Indictment in the Supreme Judicial Court, One Dollar & twenty five Cents; & in the Court of General Sessions of the peace sixty five cents.

Witnesses in civil or criminal causes whether in the Supreme Judicial Court, Court of Common pleas or General Sessions of the peace Seventy five Cents for each day's attendance, & four Cents for each mile's travel going out & returning home: And before a Justice of the peace, Referees or Arbitrators, thirty three Cents per day, & for their travel the same as at other Courts; provided such Witnesses do personally attend said Courts respectively, and certify in writing their time & travel.

Sheriff's & Constables Fees.

Fees of Sheriffs,
&c.

For the service of an original summons or *scire facias*,^d either by reading the same, or by copy, on one Defendant, thirty Cents; if on more than one Defendant, then for each other Defendant so served; thirty Cents.

For the service of a *capias* or attachment on one Defendant with summons, thirty Cents; if served on more than one Defendant, then thirty Cents for each Defendant so served: And if the Officer by the written direction of the plaintiff or plaintiffs his or their Agent or Attorney shall make a special service of any such Writ, either by attaching property or taking the body therefor, such special service on each Defendant on whom such Writ shall be so served, the Sheriff shall be allowed fifty Cents.

And where the Officer is by law directed to leave a copy in order to compleat the service, or shall give a copy of any precept upon demand thereof, he may charge at the rate of twelve Cents a page.

For a bail bond and writing the same including principal and sureties to be paid by the person admitted to bail, and taxed for him if he shall prevail, twenty Cents.

Serving a Writ of possession exclusive of fees for collecting on the costs One Dollar & ten Cents; if on more than one peice of land, seventy five Cents for each peice of land after the first.

The fees for collecting the costs on a Writ of possession, the same as on executions in personal actions.

Serving a Warrant, thirty Cents.

Sheriff's aid in criminal cases, to each person for every twelve hours attendance, including expences, One Dollar, & so in proportion for a greater or less time & four Cents for each mile's travel going out & returning home.

Summoning Witnesses in criminal cases, ten Cents for each Witness, and travel as in civil causes, unless in special cases when the Court may increase the fee to what they may judge reasonable.

For the Sheriffs or Constables attending the Court, and keeping the prisoner in criminal cases, seventy five Cents for every twelve hours; and so in proportion for a greater or less time.

Levying Executions in personal actions, for the first One hundred Dollars four Cents; for every Dollar above that, and not exceeding two hundred Dollars, two Cents

for every Dollar, and for all above two hundred Dollars, one Cent for every Dollar; travel for the service of such executions, and also of mean processes or Warrants to him directed, four Cents a mile, the travel to be computed from the place of service to the Court or place of return by the usual way, only one travel shall be allowed for one Writ, Execution or Warrant; and if the same be served on more than one person, then the travel shall be computed from that place of service which may be most remote from the place of return, with all further necessary travel in serving such Execution, Writ or Warrant: But if the travel from the place of service to the place of return be more than fifty miles then only one Cent a mile shall be allowed for all travel exceeding that distance.

The travelling fees & fees of service shall be endorsed by the Officer serving the same, otherwise they shall not be allowed.

Serving an Execution upon a Judgment of Court for partition of real estate, or assigning of Dower, One Dollar a day, & four Cents a mile out from the place of his abode.

And no Sheriff shall demand or receive from any of his Deputies, more than at the rate of twenty five per cent on the amount of fees for travel and service. Every trial in a Court of record, fifteen Cents. Every default eight Cents.

For returning the Certificates of Votes of the several towns for a Governor, Lieutenant Governor, Counsellors and Senators to the Secretary's Office, eight Cents a mile, computing from the place of his abode to the Secretary's Office, to be paid out of the Treasury of the Commonwealth, and but one travel shall be allowed for the whole.

To the Officer attending the Grand-jury, for each day's attendance seventy five Cents.

The Officer attending the petit jury, for every cause, to be paid with the Jury fees, twenty five Cents.

For dispersing *venires* for Jurymen, Treasurer's Warrants, & Proclamations of all kinds, eight Cents each.

To each appraiser of real estate, for extending Execution or assigning Dower, one Dollar a day, and travel at the rate of four Cents a mile going out & returning home.

For every Deputy Sheriff or Constable who shall attend the Supreme Judicial Court, or Court of General Sessions of the peace or Common pleas by their order, seventy five Cents a day, to be paid out of the County Treasury.

And for the encouragement of the Sheriff in each County to take & use all possible care and diligence for the safe keeping of prisoners committed to his custody, he shall have such salary allowed him, as the Justices of the Court of General Sessions of the peace within the same County shall order, not exceeding forty Dollars a year for the County of Suffolk, and not exceeding twenty five Dollars a year for any of the other Counties within the Commonwealth, to be paid out of the Treasury of such County.

To Constables for the service of *venires*, twenty five Cents, and four Cents a mile for travel to the Clerk's Office to be paid out of the County Treasury.

Criers Fees.

Crier's Fees.

Calling a Jury eight Cents, to be paid with the Jury fees.

A default or nonsuit, a judgment affirmed on complaint, a verdict or demurrer, fifteen Cents each.

Discharging a recognizance by proclamation eight Cents ;
Said fees to be paid to the Clerk for the use of the Crier.

Goalers Fees.

Goalers's Fees.

Turning the Key for each prisoner committed or discharged, twenty Cents.

Dieting each prisoner, such sum weekly as the Court of Sessions shall from time to time judge reasonable.

For Marriages.

Fees for Marriages.

To the town Clerk for publishing the banns of matrimony, recording the same, giving a certificate of the publishment, and recording the marriage upon receiving the Justice's or Ministers certificate thereof, fifty Cents to be paid by the man published on receiving a certificate of the publishment.

And the town Clerk shall not in future be holden to return certificates of marriages to the Clerks of the Courts of General Sessions of the peace, nor Clerks last mentioned to record the same.

To every Minister or Justice of the Peace who shall lawfully solemnize a marriage & certify the same, One Dollar & twenty five Cents.

To the Town Clerk for recording births & deaths, eight Cents each. For a certificate of a birth or death, ten Cents.

For a subpoena for one or more witnesses, ten Cents.

Fees in the Secretary's Office.

For a Certificate under the Seal of the Commonwealth for the benefit of particular persons, One Dollar.

Fees in the Secretary's office.

For every order of notice from the General Court upon petition forty Cents. Every other order forty Cents.

For all copies for the benefit of particular persons, at the rate of twelve Cents a page.

The Secretary shall keep an account of all fees by him received 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.

And it is to be understood that a page as mentioned in this Act should contain two hundred & twenty four words.

Messenger of the General Court.

Serving every Warrant which the General Court or either House may issue for imprisoning or taking into custody any person forty Cents. For travel therefor each mile out and in, six Cents.

Fees for the Messenger of the General Court.

Keeping & providing food for such person forty Cents a day.

For the discharge or dismissal of such person, forty Cents.

County Register's Fees.

For entering & recording a Deed or other paper of the length of one page or under, twelve Cents; and for certifying on the original the time when, and the book & page where the same may be recorded, five Cents.

County Register's Fees.

If the Instrument recorded exceed the length of a page, at the rate of fourteen Cents a page, the fees to be paid at the offering of the instrument.

For all copies at the rate of fourteen Cents a page.

For entering in the margin a discharge of a Mortgage, to be signed by the person discharging the same, twelve Cents.

Allowance to Jurors.

Jurors' Fees.

And be it further Enacted by the authority aforesaid, that the Grand-jurors attending at the Supreme Judicial Court, and Court of General Sessions of the peace, & the Jurors for trials attending either of said Courts or the Court of Common pleas shall each be allowed ninety Cents a day for their attendance, and four Cents a mile for their travel out and home, to be paid out of the County Treasury: And there shall be paid to the Clerk of the Supreme Judicial Court, and to the Clerk of the Court of Common pleas, & the Clerk of the Court of General Sessions of the peace respectively, by the plaintiff or Appellant, the sum of six Dollars for the trial of each civil action, for the use of the County; and the said Clerks respectively shall forthwith pay over the same to the County Treasurer.

Constables authorized.

And be it further Enacted by the authority aforesaid, that any Constable in any town or district within this Commonwealth, be, & he hereby is authorized & empowered to serve upon any person or persons in the town or district to which he may belong, any Writ, Summons or Execution in any personal action, where the damage sued for or recovered shall not exceed seventy Dollars, & return thereof to make to the Court to which the same may be returnable.

List of Fees to hang up in several offices.

And be it further Enacted by the authority aforesaid that the Clerks of the several Courts, & other persons keeping public Offices shall constantly have a list of the fees by this Act prescribed, so far as it relates to them respectively, printed or wrote out in legible characters, and hung in some convenient & conspicuous place in their respective Offices. And the Register of Probate shall put & keep up in some conspicuous part of the room a list of fees for Judge & Register, in every other place besides his Office as aforesaid, where a Probate Court may be holden, during the holding of the said Court in such place.

Fees to be specified, if required.

And be it further Enacted that every Officer or other person upon receiving any such fees as are stated in this Act, shall, if required by the person paying the same, make out a particular account of such fees in writing, specifying for what they accrued, upon pain of forfeiting to the party paying such fees, treble the sum by him or them so paid, to be recovered with costs by an action of debt in any Court proper to try the same.

And be it further Enacted by the authority aforesaid, that if any person shall willfully & corruptly demand and receive any greater fee or fees for any of the services aforesaid, than are by this Act allowed & provided, he shall forfeit & pay the sum of thirty Dollars for every offence, to be recovered with costs, either by presentment in the Supreme Judicial Court, or Court of General Sessions of the peace, in which case the forfeiture shall accrue to the Commonwealth; or by action of debt, in the Court of Common pleas, in which case the forfeiture shall be for the use of any person who may sue for the same: But no such presentment or action shall be sustained, unless made or commenced within one year next after the time when the offence may be committed.

Forfeiture for receiving excessive fees.

And be it further Enacted that all Laws heretofore made for regulating and establishing fees for the services herein mentioned, shall from & after the first day of April next be, & they hereby are repealed, except so far as respects any prosecution for an offence that is or may be committed against said Act before the said first day of April.

Former laws repealed.

And be it further Enacted, that this Act shall continue & be in force for the term of two years from & after the first day of April next, & untill the end of the then next session of the General Court.

Continuance of this Act.

Approved February 13, 1796.

1795. — Chapter 42.

[January Session, ch. 13.]

AN ACT TO ANNEX ALLEN DRYER AND OTHERS IN THE TOWN OF WEST STOCKBRIDGE IN THE COUNTY OF BERKSHIRE, TO THE FIRST BAPTIST RELIGIOUS SOCIETY IN SAID TOWN.

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, that Allen Dryer, Nathaniel Willson junr., Russell Gilbert, Sylvanus Parmele, Edmund Hull, Simeon Hooker, Hubbell Stevens, Lewis Wilson, Christopher French, John Cherrytree, Asa Corban, Thomas Benedict, Calvin Hooper, Elisha Hooper, John Lane, Hanniel Warner, Lombard Hart, Chester Goodale, Sarah Jacobs, John Newell junr., James Murray, Luther Hooper, John Fisher, & Jonas Allen, all of the town of West Stockbridge in the County of Berkshire, with their Estates real and personal, be & they hereby are annexed to the said religious Society.

Names.

Approved February 13, 1796.

1795. — Chapter 43.

[January Session, ch. 19.]

AN ACT FOR INCORPORATING THE INHABITANTS OF THE EAST-ERLY PART OF TISBURY IN THE COUNTY OF DUKES COUNTY, INTO A SEPERATE PRECINCT.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that the inhabitants within the lines herein described, beginning at the Vineyard sound at Savage's line so called, running southerly by said line untill it meets Holmes-hole road, thence running south east untill it meets Edgartown line, thence by said line untill it strikes the Lagoon pond, from thence to the head of Holmes hole harbour, thence running by said harbour to the Sound, thence by the Sound to the first mentioned bound which is called Savage's line, with their families, together with their lands and estates be, & they are hereby incorporated into a seperate Precinct by the name of the Easterly Precinct in the town of Tisbury, with all the powers, priviledges and immunities which other Precin[c]ts or Parishes in this Commonwealth are intituled to by law.

Boundaries.

Samuel Look,
Esq. to issue
warrant.

Be it Enacted that Samuel Look be, and he is hereby authorized to issue his Warrant directed to some principal Inhabitant within the said easterly Precinct, requiring him to warn the inhabitants thereof qualified by law to vote in Precinct or Parish meetings to assemble at some suitable time and place in said precinct to choose such Officers as Precincts or Parishes are impowered to choose in the month of March or April annually, and to transact all matters & things necessary and lawful to be done in the said Precinct.

Approved February 13, 1796.

1795. — Chapter 44.

[January Session, ch. 8.]

AN ACT IN ADDITION TO AN ACT INCORPORATING CERTAIN PERSONS FOR ERECTING A BRIDGE OVER DAMARISCOTTA RIVER IN THE COUNTY OF LINCOLN, PASSED FEBRUARY THE ELEVENTH, ONE THOUSAND SEVEN HUNDRED & NINETY FIVE.

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, that there be & hereby is granted to the existing Proprietors of said Bridge a toll for each foot passenger

Additional toll
granted.

crossing said Bridge of three cents instead of the toll granted said Proprietors for foot passengers in & by said act to which this is in addition ; *provided nevertheless*, that from & after the expiration of Ten years from the passing this Act it shall be in the power of the Court of General Sessions of the Peace within & for the County of Lincoln to determine the rates of Toll or fare for all modes of passing said Bridge any thing herein, or in the act to which this is in addition to the contrary notwithstanding.

And be it further enacted that said Proprietors shall erect said Bridge of sufficient & convenient height above the Water for a Draw & shall provide a suitable Draw, or opening through the same for vessels with masts to pass, & shall make such draw or opening in said Bridge when they shall erect the same, any thing in said Act to which this is in addition to the contrary notwithstanding.

Proprietors to provide a draw.

Approved February 13, 1796.

1795. — Chapter 45.

[January Session, ch. 14.]

AN ACT RELATING TO THE PLACE OF TRIAL, STANDING MUTE & CHALLENGES IN CERTAIN CAPITAL CASES.

SECT. 1. — *Be it Enacted by the Senate and House of Representatives in General Court Assembled and by the authority of the same*, that where any Person hereafter shall be feloniously stricken, poisoned or injured in one County in this Commonwealth, and die of the same stroke, poisoning or injury in another County thereof, that then an Indictment thereof found by the Grand Jurors of the County where the death shall happen, before the Justices of the Supreme Judicial Court, there held, shall be as good and effectual in law, as if the stroke had been given, or poisoning or injury done in the same County where the party shall die, or where the said Indictment shall be found.

Indictment may be found where death happens, though the cause be in another county —

SECT. 2. — *Be it further Enacted*, That where any Person hereafter, shall be feloniously stricken poisoned or injured on the high seas and without the limits of this Commonwealth, and die of the same stroke, poisoning or injury in any County thereof, that then an Indictment thereof, found by the Grand Jurors of the County where the death shall happen before the Justices of the Supreme Judicial Court there held, shall be as good and effectual

— or on the high seas.

in law as if the stroke had been given, or poisoning or injury done in the same County where the party shall die.

To proceed to trial in case of stauding mute.

SECT. 3. — *Be it further Enacted*, That if any Person shall be indicted of any Offence except Treason against this Commonwealth, for which the punishment is or shall be declared to be death, and shall stand mute or refuse to plead; the Court shall proceed to the trial of the Person so standing mute, in the same manner as if he or she had pleaded not guilty, and render Judgement accordingly. And no person who shall be indicted of any such offence shall be allowed to challenge peremptorily above the number of twenty persons of the Jury.

Peremptory challenges limited.

Approved February 15, 1796.

1795. — Chapter 46.

[January Session, ch. 15.]

AN ACT ALTERING THE CHRISTIAN NAME OF SAMUEL GARDNER.

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, Samuel Gardner formerly of Salem, now of Boston in the County of Suffolk, Merchant, shall be and he hereby is authorized and empowered to take, bear and use the name of Samuel Pickering Gardner; and shall be called and known by that name at all times hereafter.

Name changed.

Approved February 15, 1796.

1795. — Chapter 47.

[January Session, ch. 16.]

AN ACT TO CHANGE THE NAME OF MOSES PORTER PHELPS TO THE NAME OF CHARLES PORTER PHELPS.

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 this Act, Moses Porter Phelps resident in Boston in the County of Suffolk, son of Charles Phelps of Hadley in the County of Hampshire, be, and he hereby is authorized and allowed to take, use and bear the name of Charles Porter Phelps, instead of the name of Moses Porter Phelps, and by that name to be forever hereafter known and called in all processes & records whatsoever.

Name changed.

Approved February 15, 1796.

1795. — Chapter 48.

[January Session, ch. 23.]

AN ACT MORE EFFECTUALLY TO PRESERVE THE GROWTH OF WOOD IN THE PLANTATION CALLED MARSHPEE IN THE COUNTY OF BARNSTABLE.

SECT. 1. — *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same,* That if any person after the first day of May next, not an Inhabitant of the said plantation or concerned in the Government thereof shall without a written permit, cut down, fall or destroy, any tree standing or growing in the said plantation, or shall consent or direct that the same be cut down, fell or destroyed, or shall carry away, or cause to be carried away any wood or timber from the said plantation or any part thereof, the Person so offending, shall forfeit and pay for every tree so cut fell or destroyed, and for every parcel of wood or timber so carried away, three times the value thereof; one third part thereof to the use of said plantation, and the other two thirds to the use of him or them who shall inform and produce proof of the same offence.

Penalty for persons, not inhabitants, destroying trees, etc.

How applied.

SECT. 2. — *And be it further Enacted,* that if any Inhabitant of the said plantation after the said first day of May next, without a written permit, shall cut down fall or destroy any tree standing or growing on the common and undivided lands of the said plantation, or shall consent or direct that the same be cut down fell or destroyed, or shall carry away or cause to be carried away any wood or timber from the said common lands, or any part thereof for any purpose whatever except for his or her fire-wood, or for erecting, making or repairing his or her buildings, fences or tools of his or her occupation; the person so offending shall forfeit and pay for every tree so cut, fell or destroyed and for every parcel of wood or timber so carried away, twice the value thereof, one half thereof to the use of the said Plantation, and the other half to the use of him or them who shall inform and produce proof of the same offence.

Penalty for inhabitants destroying trees on the common lands.

How applied.

SECT. 3. — *And be it further Enacted,* that the said forfeitures in either case, with full legal costs, shall be recovered in an Action of Trespass to be brought by the Treasurer for the time being of the said plantation, and

How recovered.

if need be, pursued by his Successor in that office in the Court of Common pleas of the same County; and no Inhabitant of the said plantation, officer or person concerned in the Government thereof, shall be disqualified to be a Witness in such actions on account of his or her interest, share, estate or office in the said plantation or forfeitures aforesaid.

Permits to be in writing, &c.

SECT. 4. — *And be it further Enacted*, that all permits which, after the said first day of May next shall be given to Any person not an Inhabitant of the said plantation, to cut & take any wood and timber on the same, or to any inhabitant of the said plantation to cut and take any wood and timber on said common lands, shall be in writing; signed by the Guardians, and approved by two at least of the overseers of the said plantation, and express the quantities of wood or timber to be cut and taken, at what times and for what purposes; and be shewn to the said Treasurer & recorded by him, before any wood or timber shall be cut, or taken by virtue thereof, otherwise the said permit shall be void.

Approved February 22, 1796.

1795. — Chapter 49.

[January Session, ch. 24.]

AN ACT IN FURTHER ADDITION TO AN ACT, INTITLED “AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER MERRIMACK-RIVER IN THE COUNTY OF ESSEX, & FOR SUPPORTING THE SAME,” PASSED FEBRUARY ONE THOUSAND SEVEN HUNDRED & NINETY TWO.

Preamble.

Whereas the proprietors of Essex Merrimack Bridge have represented to this Court the great cost of building said Bridge & the inadequate compensation they derive from the present toll, & praying for further provision to be made for them.

Former clause repealed.

Rates of toll.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the clause in the Act to which this is in addition, establishing the rates of toll, be and hereby is repealed; and that the following rates of toll be, & hereby are established for the benefit of the said proprietors Viz. For each foot passenger one Cent, — for each horse and rider four Cents and five Mills, and for each additional rider one Cent, for each horse & chaise, chair or sulkey twelve Cents & five Milles — for each cart, sled or other carriage

of burthen, or riding sleigh drawn by one beast, ten Cents — for each waggon, cart, sled or other carriage of burthen drawn by two beasts, & not exceeding four, twelve Cents and five Milles, & for each additional beast above four three Cents, — for each riding sleigh drawn by two beasts fifteen Cents, & three Cents more for each additional beast, for each coach, chariot, phaeton or other four wheel carriage for passengers, twenty five Cents, — for each curri- cle seventeen Cents, — for each horse or neat cattle, exclusive of those rode or in carriages three Cents, — for sheep or swine one Cent each, and to each team one person and no more shall be allowed as a driver to pass free of toll, — for each wheelbarrow or hand cart with one person three Cents, and at all times when the toll gatherer shall not attend his duty, the gate or gates shall be left open.

Provided nevertheless that after fifty years from the pass- Proviso.
ing the act to which this is in addition, the rates of toll shall be subject to the regulation of the Legislature of this Commonwealth; any thing in any former act to the contrary notwithstanding. *Approved February 23, 1796.*

1795. — Chapter 50.

[January Session, ch. 25.]

AN ACT FOR REPEALING PART OF AN ACT, PASSED THE TWENTY EIGHTH DAY OF FEBRUARY, ANNO DOMINI ONE THOUSAND SEVEN HUNDRED AND NINETY FIVE, ENTITLED, "AN ACT TO SET OFF A PART OF THE TOWN OF WINDSOR IN THE COUNTY OF BERKSHIRE AND TO ANNEX THE SAME TO THE TOWN OF DALTON."

Whereas in the last enacting paragraph of the said Act Preamble.
the following words are inserted, vizt. "And that the said Inhabitants shall be entitled to receive their proportion of all monies, lands and other estates real and personal, now the property of the said Town of Windsor, agreeable and in proportion to the last valuation;" And whereas it appears to this Court, that the above recited words were inserted thro' mistake or misapprehension;

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 said last Enacting paragraph of the said Act as is comprized in the above-recited words of the same, be and hereby is repealed.

Approved February 23, 1796.

1795. — Chapter 51.

[January Session, ch. 26.]

AN ACT FOR REGULATING HACKNEY CARRIAGES IN THE TOWN OF BOSTON. .

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that after the last day of April next, no person shall be permitted to set up or employ any Hackney Carriage in the town of Boston for the purpose of conveying persons for hire, untill the owner thereof shall obtain a licence in writing from the major part of the Selectmen of the said town, which licence shall continue in force for the term of one year: And the said Selectmen are hereby authorized to grant licences for such a number of Hackney Carriages as they may think proper, and so to regulate the standing of such Carriages as to prevent obstructions in passing or repassing the streets in the said town.

Licences to be granted.

Coaches to be numbered and registered.

And be it further Enacted that the said Selectmen be, and they hereby are authorized and directed to cause all such Hackney Carriages to be numbered, and registered in a Book to be kept by the Clerk of said town for that purpose, at the proper expence of the owners of such Carriages. And the number of each Hackney Carriage shall be fixed upon the same, in such conspicuous place or places as the Selectmen of the said town shall direct.

Penalty.

And be it further Enacted, that any person who shall set up or use any Hackney Carriage for the purpose aforesaid, without having first obtained a licence from the said Selectmen, shall forfeit & pay for every time such Carriage shall be used, a sum not exceeding two Dollars; & every such Hackney Carriage that shall be found plying in any street or highway in the said town without its number painted on it as aforesaid, shall be considered as an unlicenced Carriage, and the owner of the same shall be subjected to the like forfeiture as in the case of an unlicenced Carriage; & all the forfeitures aforesaid shall be recovered in an action of the case before any Justice of the peace of the County of Suffolk, to the use of the Complainant.

Owners liable.

And be it further Enacted, that the owner of every Hackney Carriage shall be liable to make good to the per-

son or persons injured, all damages occasioned by the unskilfulness, carelessness or default of the driver who shall be employed by such owner.

Approved February 23, 1796.

1795. — Chapter 52.

[January Session, ch. 27.]

AN ACT DIVIDING THE TOWN OF MOUNT DESERT IN THE COUNTY OF HANCOCK INTO TWO DISTINCT TOWNS, AND FOR INCORPORATING THE NORTHERLY PART OF SAID TOWN INTO A SEPERATE TOWN BY THE NAME OF EDEN.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that the Town of Mount Desert in the County of Hancock, be divided into two Towns, and the northerly part of said Town, bounded Southerly by a line beginning at the point north of Goose-marsh Falls, so called; thence running an easterly course to the top of the tide, at the head of the sound; and thence easterly a straight course to the top of the Tide at Otter Creek, so called, being the easterly bounds of said Town, and containing all that part of the Town of Mount Desert, north of the line aforesaid, together with the Inhabitants thereon be and hereby are incorporated into a seperate Town by the name of Eden. And the said Town of Eden is hereby invested with all the powers, privileges & immunities which other Towns in this Commonwealth do or may enjoy by law.

Boundaries.

And be it further Enacted by the authority aforesaid, that the Inhabitants of the said Town of Eden, shall pay all the arrears of taxes which have been assessed upon them by the town of Mount Desert: And the Inhabitants of the said town of Eden shall pay their proportion of all debts now due from the Town of Mount Desert, and shall be entitled to receive their proportion of all debts & monies now due to the said Town of Mount Desert, and also their proportionable part of all other property of the said Town of Mount Desert of what kind or description soever.

Subject to pay
arrears of taxes.

And be it further Enacted by the Authority aforesaid, that Paul Dudley Sargeant Esqr. be and he hereby is authorized to issue his warrant directed to some principal Inhabitant of the said Town of Eden, requiring him to

Paul Dudley
Sargeant, Esq. to
issue warrant.

warn and give notice to the Inhabitants of the said Town, to meet at some suitable time & place in the said Town of Eden, to choose all such Officers as Towns are required by Law to choose at their annual town meetings in the Month of March or April annually.

Approved February 23, 1796.

1795. — Chapter 53.

[January Session, ch. 31.]

AN ACT DIRECTING THAT PEWS AND RIGHTS IN HOUSES OF PUBLIC WORSHIP, SHALL BE CONSIDERED AS REAL ESTATE AND FOR REGISTERING THE SAME.

Whereas doubts have arisen whether pews and rights in houses of public worship, are real or personal estate: Therefore

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that all pews & rights in houses of public worship, shall be hereafter considered and deemed in Law to be real estate; but nothing in this Act, shall be construed to affect in any manner the Titles to any such pews and rights heretofore considered or acquired as of personal Estate.

Pews, &c. real estate.

And Be it further Enacted, that all Deeds and Conveyances of, and Executions extended on such pews and rights, may be recorded by the Clerk of the Town, District or Plantation wherein the same are situated; and being so recorded, shall have the same effect in law, as if the same had been recorded in the Registry of deeds; and such Clerk shall be entitled to the same fees as are or may be allowed to Registers of Deeds for similar services.

Deeds thereof may be recorded by town clerk.

Approved February 23, 1796.

1795. — Chapter 54.

[January Session, ch. 28.]

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR REGULATING & GOVERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS, & FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE; EXCEPTING AN ACT INTITLED 'AN ACT FOR ESTABLISHING RULES & ARTICLES FOR GOVERNING THE TROOPS STATIONED IN FORTS AND GARRISONS WITHIN THIS COMMONWEALTH; AND ALSO THE MILITIA WHEN CALLED INTO ACTUAL SERVICE.'"

Be it Enacted by the Senate & House of Representatives in General Court assembled & by the authority of

the same, that from & after the passing of this Act, no noncommissioned officer or private soldier, belonging to any Company of Militia in this Commonwealth, shall be exempted from military duty on account of bodily infirmity unless he shall obtain a Certificate from the Surgeon, or Surgeon's mate of the Regiment to which he belongs, if either of those officers are authorized in said Regiment, if not, from a reputable Surgeon or physician living within the limits of the same, that he is unable to do military duty by reason of bodily infirmity, the cause of which is to be described in said Certificate; & the Officer commanding said Company may upon the back of said Certificate, discharge the person named therein from doing military duty in said Company for such term of time as he shall judge reasonable; which Certificate if approved & countersigned by the Officer commanding the Regiment, Battalion or Squadron to which said disabled person belongs, shall intitle him to a full exemption from military duty for the term therein specified.

Exemption from military duty to; be allowed upon a surgeon's certificate of bodily infirmity.

And be it further Enacted by the Authority aforesaid, that from & after the passing of this Act no appeal shall be allowed to either party from the Judgment of a Justice of the Peace, upon any prosecution or complaint brought by any Clerk of a Company of Infantry, Artillery or Cavalry within this Commonwealth which the Militia Law of this Commonwealth requires to be made and prosecuted by said Clerks.

No appeal allowed from judgments in cases brought under Militia Law.

And be it further Enacted by the authority aforesaid that in each Squadron of Cavalry within this Commonwealth there shall be one Adjutant & one Quarter Master, to be appointed and commissioned in manner as such Officers are appointed & commissioned in Battallions of Cavalry.

Officers to be appointed.

Approved February 24, 1796.

1795. — Chapter 55.

[January Session, ch. 29.]

AN ACT FOR REGULATING ELECTIONS.

SECT 1. *Be it Enacted by the Senate & House of Representatives in General Court Assembled and by the Authority of the same*, That the Inhabitants of every corporate Town having a right to choose a Representative or Representatives in the Legislature of this Commonwealth, shall be convened for that purpose annually, in the Month of May, ten days at least before the last Wednesday of the

Time of meeting for choice of representatives.

Duty of selectmen.

same month, by the Selectmen of such Town, or the major part of them; and it shall be the duty of such Selectmen, to summon and notify such meeting, in the manner there legally established for calling other townmeetings; and the Selectmen present shall preside in such meeting, and shall regulate the same, and shall openly receive, sort & count the written votes which shall there be given by the Inhabitants present, qualified to vote for Representatives; and shall forthwith publicly declare who is or are the person or persons elected, and shall cause the election to be recorded in the Town records, together with the whole number of votes given in, and for whom they were given; and shall cause the person or persons so elected, to be notified thereof, by a Constable of the Town, or any other person specially authorized for that purpose by the Selectmen within three days next afterwards; and the Selectmen present, or the major part of them, shall make and sign a certificate and return of such election, and shall cause the same to be delivered into the Office of the Secretary of the Commonwealth on or before the last Wednesday of the same Month; or such election shall be certified to the House of Representatives to their acceptance; and such Certificate may be in the form following, viz.

COMMONWEALTH OF MASSACHUSETTS.

Certificate of return.

County of _____ : Pursuant to a Law of this Commonwealth, the freeholders and other inhabitants of the Town of _____, qualified according to the Constitution, having been duly convened in Town meeting, on the _____ day of May current, for the choice of Representatives in the Legislature of this Commonwealth, did then and there elect A. B. being an Inhabitant of said Town, to represent them in the General Court, to be convened & holden on the last Wednesday of the same month: Dated at _____, the _____ day of _____, in the year of our Lord, 179 _____, and in the _____ year of the Independence of the United States.

} Selectmen of _____.

The person chosen as aforesaid, was notified thereof and summoned to attend by me _____, Constable of _____.

Penalty.

And where the Selectmen of any Town entitled to choose a Representative as aforesaid, shall neglect to notify a

meeting, or to preside or proceed therein as by this Act is required; and where any Town-Clerk shall refuse or neglect his duty therein to the prejudice of the Rights of the Electors, each and every Selectman & the Town Clerk so offending therein, shall respectively forfeit a sum not exceeding Eighty dollars, nor less than Forty dollars, according to the aggravation of the Offence, upon conviction thereof.

SECT. 2. — *And be it further Enacted*, That the Selectmen of any corporate Town or District, and the Assessors of any unincorporated Plantation in the several Counties of this Commonwealth, who shall neglect to [to] call meetings of the inhabitants and others privileged there to vote for the election of Governor, Lieutenant Governor, Counsellors and Senators; and to give due warning of the time & place of such meetings as required by the Constitution of this Commonwealth, or who shall refuse or neglect to preside in any such meetings, or to receive the votes of the qualified Electors present, or who shall neglect to ascertain, declare & certify the number of votes, or who shall wilfully make any false declaration or certificate thereof, to the prejudice of the rights of the Electors, shall forfeit a sum not exceeding Eighty dollars, nor less than Forty dollars, to be recovered from each Selectman or Assessor who shall offend in the premises, according to the aggravation of each offence. And every Town Clerk, & the Clerk or Assessors of any unincorporated plantation, present at any such meeting, who shall neglect or refuse to make a fair record of the votes, or a fair copy of such record, or to attest the same, or who shall refuse or neglect to make due & seasonable return thereof to the Sheriff of the County, or into the Secretary's Office as required by the Constitution of this Commonwealth, shall forfeit a sum not exceeding eighty dollars, nor less than forty dollars for each Offence.

Penalty for selectmen's neglect to call or preside at meetings, &c.

Penalty for Clerk's neglect to record and return votes.

SECT. 3. — *And be it further Enacted*, That the Selectmen & Assessors, authorized & required to preside in any meeting of a Town or Plantation which shall be convened for the Election of Governor, Lieutenant Governor, Counsellors and Senators, Electors of the President of the United States, Representatives in Congress, or Representatives in the Legislature of this Commonwealth, shall have all the powers which are legally vested in the Moderator of Town-Meetings for the regulation thereof. And

Powers of selectmen and assessors presiding.

in such meetings, the Selectmen or Assessors presiding shall have power, and it shall be their duty to prevent & refuse the vote of any person not qualified to be an Elector; whose qualifications shall be determined according to the Constitution of this Commonwealth or the Constitution of the United States as the case may be.

Penalty for voting more than once, and for being disorderly.

SECT. 4. — *And be it further Enacted*, That any Elector who shall give in more than one vote in any one Election, and any person who shall be disorderly in any such meeting shall forfeit a sum not exceeding Twenty Dollars, nor less than Ten Dollars, according to the difference and aggravation of each offence.

Sheriff's forfeiture for not returning votes.

SECT. 5. — *And be it further Enacted*, That if any Sheriff, when required by law to make return to the Secretary's office, of the votes of the Towns & Plantations, or Districts, in their several precincts for any Election as aforesaid, shall neglect to make such return within the time prescribed, he shall forfeit and pay a sum not exceeding Five Hundred Dollars nor less than Fifty Dollars for each offence.

Forfeitures, how to be recovered.

SECT. 6. — *And be it further Enacted*, That all forfeitures incurred by any breach of this Act, may be recovered by indictment or by action of debt, in the name and to the use of the Commonwealth, to be found or brought in any Court proper to try the same.

Acts repealed.

SECT. 7. — *And be it further Enacted*, That an Act passed in April in the year of our Lord, one thousand, seven hundred & eighty-one, entitled, "An Act empowering the Selectmen to call Town Meetings for the choice of Representatives;" and an Act, passed March eighteenth, one thousand, seven hundred & eighty eight, entitled, "An Act to prevent neglect in Sheriffs, Selectmen & Town Clerks respectively, in not calling & presiding at Town Meetings, receiving and returning the Votes for Governor, Lieutenant Governor, Senators & Counsellors as is pointed out by the Constitution of this Commonwealth," be and the same are hereby repealed: *Provided however* that the said Acts shall continue and be in force for the recovery of any penalties or forfeitures already incurred by any person for the breach thereof.

Proviso.

Approved February 24, 1796.

1795. — Chapter 56.

[January Session, ch. 30.]

AN ACT FOR EXTENDING THE TIME FOR RECEIVING ON LOAN
THE DEBT OF THIS COMMONWEALTH.

Be it enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, that the term for receiving on loan the Debt of this Commonwealth which hath not been subscribed in pursuance of and conformable to an Act intituled “An Act to provide for the Debt of this Commonwealth,” & one other Act intituled “An Act for appropriating Twelve thousand pounds, part of Tax Number Eleven to the payment of interest on the funded and consolidated Debt of this Commonwealth & for other purposes” be & hereby is extended to the first day of February next. And the Treasurer of this Commonwealth is hereby authorized and directed to receive and admit subscriptions to the said loan of all such species of the said Debt as are in the said two Acts described, untill the said first day of February in the same manner and on the same terms as are in the said two Acts provided & established.

Term extended.

Treasurer directed.

Approved February 24, 1796.

1795. — Chapter 57.

[January Session, ch. 32.]

AN ACT TO SET OFF THOMAS GARDNER OF CAMBRIDGE IN
THE COUNTY OF MIDDLESEX, FROM THE SOUTH PARISH OF
CAMBRIDGE, AND ANNEX HIM AND HIS ESTATE TO THE
FIRST PARISH IN SAID TOWN.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That Thomas Gardner of Cambridge in the County of Middlesex, with his polls, and the estate now in his possession, of which his late Father was seized at the time of the incorporation of the South Parish of the town of Cambridge, lying and being in the said South Parish, be, and hereby is set off from the said South Parish and annexed to the *first* Parish in said Town: *Provided* that the said Gardner shall pay the taxes which are now assessed upon him by the South Parish aforesaid.

Thomas Gardner set off.

Approved February 25, 1796.

1795. — Chapter 58.

[January Session, ch. 33.]

AN ACT TO INCORPORATE HENRY PRENTISS AND OTHERS
HEREIN AFTER NAMED, WITH THEIR ASSOCIATES BY THE
NAME OF THE PROPRIETORS OF THE CALICO PRINTING MAN-
UFACTURE.

Proprietors in-
corporated.

Be it Enacted by the Senate & House of Representatives in General Court assembled & by the Authority of the same, that Henry Prentiss, William Shattuck, James Lloyd, Thomas Clark and Lewis Hayt, with their Associates, who are or who shall become proprietors in the Calico Printing Manufacture, shall be and they hereby are incorporated by the name of *the proprietors of the Calico Printing Manufacture*, and by that name may have, purchase, & hold real & personal estate, not exceeding in the whole amount Ten thousand Dollars, exclusive of their manufacturing Stock. And all votes in any meeting of the Proprietors, shall be taken according to the majority of shares or interest in the estate of said Corporation, present or represented thereat.

To meet and
establish bye
laws, etc.

And be it further Enacted, that the said Proprietors shall hold their first meeting on the first monday of March next; and thereat or at some adjournment thereof, as shall be agreed by a majority of the votes present, shall agree upon & establish such bye Laws, & Regulations not repugnant to the Laws of this Commonwealth, and such Officers & proceedings as shall be thought necessary for the management of the Estate, & prosecution of the affairs of the said Corporation; and which bye laws & regulations they may repeal or alter at any future meeting of the said Proprietors, to be called, notified & held as shall be then agreed.

Property liable
in Law.

And be it further Enacted, that the property of any Proprietor vested in said corporate funds, shall be liable to attachment for the payment of his just debts to any of his *bona fide* Creditors, in manner following, viz. In addition to the summons by law prescribed to be left with the Debtor, a like summons shall be left with the Treasurer or Agent for said Corporation, and the Debtor's shares in the said corporate funds together with the interests, rents and profits due and growing thereon, shall thereby be held to respond said suit, according to law; and all transfers of the Debtor's shares, not noted in the books of the

said Corporation, previous to the delivery of such summons, shall be thereby barred; and execution may be levied upon the property of such Proprietor, and his shares therein shall be exposed to sale in the same manner as is by law provided, where personal estate is taken in execution; and it shall be the duty of the Officer who extends such execution, to leave an attested Copy thereof, with his doings thereon, with the Treasurer or Agent of said Corporation; and the purchaser shall thereupon be entitled to the shares sold, and to receive all dividends due or growing due thereon, and to all other privileges as a member of said Corporation. And upon any attachment's being made, or execution levied as aforesaid, it shall be the duty of the Treasurer or Agent of the said Corporation, to expose the Books of the Corporation to the Officer, and to furnish him with a Certificate under his hand, in his official capacity, ascertaining the number of shares the Debtor holds in said Corporate funds & the amount of the dividends thereon due, if any.

Approved February 25, 1796.

1795. — Chapter 59.

[January Session, ch. 34.]

AN ACT TO INCORPORATE A NUMBER OF INHABITANTS OF THE TOWNS OF BERWICK & YORK, IN THE COUNTY OF YORK INTO A DISTINCT RELIGIOUS SOCIETY.

Be it Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, that Jonathan Colcord, William Joy, John Hearl, Jonathan Walker, Darling Huntress, Ichabod Dixson, John Brown, George Brown, Samuel Joy, Jacob Thewrell, James Thewrell, James Gray junr., James Gray, Joseph Ellwell, John Stevens, Jonathan Stevens, Jedediah Blaisdell, John Stevens Junr., Jethro Bragdon, Edmond Webber, Samuel Webber, Elijah Blaisdel, Daniel Blaisdell, Jonathan Gray, Ebenezer Dennett, Edward Walker, James Harty, Jesse Thompson, Joshua Emery junr., George Huntress, John Thewrill, Moses Warren, Shem Emery, John Emery, Stephen Tobey junr. John Dennett, Nathaniel Walker, John Clarke, Peletiah Stevens, Reuben Bicker, Samuel Stanley, William Mars, Jedediah Goodwin, Joseph Spencer, Moses Bennett, Elisha Bennett, Jotham Warren, Elisha Hearl junr., William Hearl, Gilbert Warren, Wil-

Persons incorporated.

liam Hearl junr. John Wadlia, Silas Goodwin, Daniel Cooper, Amos Goodwin, James Emery, James Jilason, James Stanley, Timothy Burdeen, John Knight, Solomon Hamilton & Benjamin Knight, members of the said religious Society, together with their polls and estates be, and they are hereby incorporated by the name of the Baptist Society in Berwick, with all the priviledges, powers & immunities, which any parish in this Commonwealth is by law intitled to.

Method of
admitting Mem-
bers.

And be it further Enacted by the authority aforesaid, that any & every person in the aforesaid towns of Berwick & York, in the County of York, being of the Baptist denomination, who may at any time hereafter actually become a member of, & unite in religious worship with said Society in said Berwick, & give in his or her name to the Clerk of the parish to which he or she belonged with a certificate signed by the Minister or Clerk of said Society, that he or she has actually become a member of and united with said Baptist religious Society in Berwick fourteen days previous to the parish meeting therein to be held in the month of March or April annually, shall from & after giving such certificate with his or her polls and estates be considered as a member of said Society. *Provided how-ever* that such person shall be held to pay his or her proportion of all monies assessed or voted in the parish to which he or she belonged previous to that time.

Method of
leaving the
Society.

And be it further Enacted by the authority aforesaid, that when any member of said Society having renounced the Baptist principles, shall see cause to leave the same, and unite in religious worship with any other religious Society in the town or parish in which he or she may live, & shall give in his or her name to the Clerk of said Baptist religious Society, with a certificate signed by the Minister or Clerk of the parish or other incorporate religious Society, with which he or she may unite, that he or she hath actually become a member of, and united in religious worship with such other parish, or other incorporate religious Society, fourteen days previous to their meeting in March or April, & shall pay his or her proportion of all monies voted in said Society, to be raised previous thereto shall from and after giving such certificate, with his or her polls and estates be considered as members of the Society to which he or she has so united.

John Hill, Esq.
to issue war-
rant.

Be it further Enacted by the authority aforesaid that John Hill Esqr. be, & he hereby is authorized to issue

his Warrant, directed to some principal member of the said Society, requiring him to warn the members of the said Society qualified to vote in parish affairs, to assemble at some suitable time & place in said town of Berwick, to chuse such parish officers as are by law required to be chosen in the month of March or April annually, & to transact all matters & things necessary to be done in said Society.

Approved February 25, 1796.

1795. — Chapter 60.

[January Session, ch. 37.]

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER MERRIMACK RIVER AT PATUCKET FALLS, BETWEEN THE TOWNS OF CHELMSFORD & DRACUT IN THE COUNTY OF MIDDLESEX, & FOR SUPPORTING THE SAME."

Whereas the Proprietors of Middlesex Merrimack-River-Bridge have represented to the General Court the inadequate compensation they derive from the present Toll, and praying for an enlargement of the Toll over the said Bridge.

Be it Enacted by the Senate and House of Representatives in General Court Assembled and by the authority of the same, That the clause in the Act to which this is in addition, establishing the rates of Toll, be, and hereby is repealed; and that the following Rates of Toll be & hereby are established for the benefit of the said Proprietors; that is to say, for each foot passenger one cent & five mills; for each horse with one rider four cents & five mills, and for each additional rider, one cent; for each horse and chaise, chair or sulkey twelve cents & five mills; for each cart, sled or other carriage of burthen, or riding sleigh, drawn by one beast ten cents; for each waggon, cart, sled or other carriage of burthen, drawn by two beasts and not more than four, twelve cents and five mills; and for each additional beast, above four, three cents; for each riding sleigh drawn by two beasts, fifteen cents, and three cents more for each additional beast. For each Coach, chariot, Phaeton or other four wheel carriage for passengers, twenty five cents; for each Curricule, seventeen cents; for neat cattle & horses, exclusive of those rode, or in carriages, three cents each; for sheep and swine, one cent each; and to each Team, one person and no more shall be allowed as a Driver to pass free of Toll: For each Wheel-Barrow, or Hand-Cart, with one person, three cents. And at all

Clause repealed.

Toll established.

times when the Toll-Gatherer shall not attend his duty, the Gate or Gates shall be left open.

Approved February 25, 1796.

1795. — Chapter 61.

[January Session, ch. 35.]

AN ACT DIRECTING THE PROCEEDINGS IN ACTIONS OF DEBT ON JUDGMENTS.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that upon the Judgment, for debt, damages, or costs, which has been, or which shall be, rendered and recorded, by any court of Record, or any justice of the peace, of this Commonwealth, and remaining in force, and unsatisfied, an action of debt may be brought in the same court, or before the same justice, where such record remains, or in any Court of Record, or before any justice of the Peace, holding pleas for the County in which either of the Parties to such judgment, their Executors, or Administrators, shall dwell and reside at the time of bringing such action, and proper to try the same. — And such judgment may be certified by a true copy of the Record thereof, attested by the Clerk for the time being of the court, or by the justice of the peace as the case may be, where, or with whom such Record remains.

Action of debt upon domestic judgment may be brought in the same or any other court of record.

And be it further Enacted, that upon the Judgment, for debt, damages or costs, which has been, or which shall be rendered and recorded by a Court of Record in any other of the United States, or by a Court of Record of the United States, and remaining in force, and unsatisfied, an Action of debt may be brought in any Court of Record of this Commonwealth holden for the County, in which either of the parties to such Judgment, their Executors or Administrators, shall dwell and reside, or in which any valuable goods, credits, or estate of any debtor in such Judgment shall be found, at the time of bringing such Action: *Provided* that such Judgment shall be certified in the form, and to the effect, which is, or shall be, prescribed, by any general Law of the Congress of the United States.

Debt on foreign judgments, &c. may be brought in any court in a county where either of the parties lives.

Interest to be allowed on costs as well as debt.

And be it further Enacted, that in the action of debt which shall be duly maintained upon any Judgment as aforesaid, lawfull Interest shall be allowed as well upon

the costs as upon the debt or damages, or the Balance thereof, due and recoverable, and Judgment in such action shall be rendered accordingly. — Any Law or Custom to the contrary hereof notwithstanding.

And be it further Enacted, that this act shall take effect and be in force on and after the first day of July next, and that all acts passed before the first day of November one thousand seven hundred and eighty the subject matter whereof is included in this Act, as also a clause of an Act authorizing an Action of Debt on the Judgment of a Justice of the Peace in another state, be and the same shall be repealed on and after the said first day of July next as to all actions to be brought after that Day.

When the Act takes effect.

Acts repealed.

Approved February 26, 1796.

1795. — Chapter 62.

[January Session, ch. 38.]

AN ACT FOR APPOINTING COMMISSIONERS OF SEWERS AND MAKING PROVISION FOR THE BETTER IMPROVEMENT OF LOW LANDS IN CERTAIN CASES.

Whereas many tracts of meadow, low, or swamp lands belonging to several proprietors in several Towns in this Commonwealth, are often damaged or spoiled by being flowed, & stagnant waters remaining thereon; to remove which, and the better to improve such lands, it is found necessary to remove obstructions in rivers, brooks & streams leading therefrom, as also at certain seasons of the year, to erect dams to flow the same:

Preamble.

SECT. 1. *Be it Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same*, That when the major part, in interest, of the proprietors of any such lands shall find it necessary to flow or drain the same, they may apply to the Court of Common pleas of the County wherein such lands, dams & obstructions may be; and when such lands, rivers, brooks & streams shall be situated in different Counties, then to the Supreme Judicial Court to be holden in either; and on such application, the said Court shall notify the proprietors concerned in the said Lands, to appear at the same Court at the same or the next term thereof, in such manner & form as the said Court shall judge proper: and if on hearing the said proprietors, it shall be deemed for their general benefit, by the said

To what courts proprietors shall apply, and the course to be pursued.

Court, to have such dams erected, or such obstructions removed; the said Court shall appoint & Commission not less than three, nor more than seven discreet Freeholders, Commissioners to view the premises, to notify & hear all concerned therein; which Commissioners shall be sworn to a faithful discharge of their duties, & shall have power from time to time to meet & determine when, where & in what manner such dams shall be erected, or such obstructions shall be removed; and to employ workmen to effect the same, for such reasonable wages as the said Commissioners shall agree to give; Unless the said proprietors themselves shall do the same in such time and manner as the said Commissioners shall direct.

Commissioners' powers.

— to assess proprietors, &c.

SECT. 2. *And be it further Enacted*, that the said Commissioners, from time to time, shall have power to Assess the several proprietors of such lands, their respective proportions of the charges of erecting & continuing such dams, and of removing such obstructions, having regard to the quality, situation & quantity of each proprietor's part of such lands, & the benefit he or she will receive; & also to appoint & swear a Collector or Collectors, for collecting the said Taxes of the said proprietors, and to pay the same to such person as the said Commissioners shall appoint to receive them. And the said Collector or Collectors shall receive from the said Commissioners a list or lists of the said assessments, with their warrant or warrants for collecting the same; and thereon such Collector or Collectors shall have the same powers to collect the said Taxes, & to destrain therefor, as Collectors have by law, in the collection of Town taxes.

— to appoint and swear collectors, and commit lists to them.

Collectors' powers.

Commissioners to call collectors to an account.

And the said Commissioners shall have power to call before them the said Collector or Collectors, to render an account of the monies he or they shall collect as aforesaid; and on his or their neglect to render such account for the space of twenty days, he or they shall be liable to pay the whole amount of his or their list, to be recovered by the said Commissioners in an action of debt, in any Court proper to try the same.

Compensation for services.

SECT. 3. *And be it further Enacted*, that the said Commissioners shall be allowed out of the said assessments, for their services, so much as the Court appointing them, shall think reasonable; to which Court the said Commissioners shall be liable to render an account of all monies so assessed, & collected, whenever thereto re-

quired; and the said Collector or Collectors shall have such a commission on the monies he or they shall so collect and pay over, as the said Commissioners shall allow.

SECT. 4. *And be it further Enacted*, that every Tenant for years, in dower, by the curtesy, for life, Mortgagor or Mortgagee, in possession, shall be deemed a Proprietor to all the purposes of this act.

What constitutes a proprietor.

SECT. 5. *And be it further Enacted*, that when the said Commissioners in order to form a just view of such lands, shall think it expedient to open the flood-gates of any mill, or to make other needful passages thro' or round the dam thereof, or to erect any dam on the land of any person, the more expeditiously to remove such obstructions, they shall have power to do the same, and for such time as they shall find necessary to reduce or raise the said waters for the purpose of forming such view or for removing such obstructions: And if the owner or occupant of any such Mill, Mill-dam or land shall thereby sustain damages, he shall be reimbursed therefor by the said proprietors; and seasonably to make such reimbursement, the said Commissioners shall assess the said Proprietors their respective proportions thereof, in manner aforesaid to be collected, paid & accounted for, as aforesaid.

Commissioners may open passages, &c.

Proprietors to pay damages.

SECT. 6. *And be it further Enacted*, that if any such Proprietor or other person, shall find him or herself aggrieved by the doings of the said Commissioners, or any other persons in pursuance of this Act, he or she shall have a right to appeal to the Court which appointed the said Commissioners; and where any issue of fact shall be joined in either of the said Courts, it shall be tried by a Jury; and if any party shall be dissatisfied with the decision made by any such Court of Common Pleas, of any question of Law, the said party shall so state the facts on the record thereof, by a special plea, or otherwise, as to bring the same question of law into view; and shall thereon be entitled to a Writ of error out of the Supreme Judicial Court.

Persons aggrieved, may appeal.

SECT. 7. *And be it further Enacted*, that this Act shall take effect & be in force from and after the first day of July next; and an Act passed in the first year of the reign of Queen Ann, entitled "An Act for the appointing Commissioners of Sewers," and also an Act pass'd A. D. one thousand seven hundred & forty-four in addition thereto, shall on & after that day, be repealed; except so

Acts repealed.

far as they shall respect any Commission of Sewers issued or which shall be issued, before that time.

Approved February 26, 1796.

1795. — Chapter 63.

[January Session, ch. 36.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR BUILDING A BRIDGE OVER ANDROSCOGGIN RIVER BETWEEN BRUNSWICK AND TOPSHAM, & FOR SUPPORTING THE SAME.

Whereas the erecting a Bridge over the river between Brunswick and Topsham will be of public utility, & William King & others have petitioned this Court for an incorporation for that purpose.

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same that William King, Benjamin J. Porter, John Dunlap, William Stanwood tert. Cutting Noyes, Amos Lunt, James Stone, John Merrill junr., James Wilson, Daniel Clark, Joseph Langdon, Ebenezer Emerson, Isaac Johnson, John Blanchard, John Merrill, Peletiah Haly, Acter Patten, Benjamin Hasey, William Owen & Theodore Symmes be, and they are hereby constituted a Corporation and Body Politick for the purpose of building and supporting a Bridge over Androscoggin river between Brunswick & Topsham, so long as they shall continue to be proprietors in the fund to be raised for that purpose, together with all those who are or shall hereafter become proprietors of the said fund under the name of The proprietors of Androscoggin Bridge, subject nevertheless to be accountable to the proprietors of the Mills called Thompson's Mills situated on the Island Rock for any injury that may be by them sustained in consequence of building said Bridge, and by that name may sue & prosecute, & be sued or prosecuted to final Judgment & execution & do and suffer all other matters and things which bodies politic may and ought to do & suffer; and that said Corporation shall & may have full power & authority to make have and use a common Seal, and the same to break and alter at pleasure.

Persons incorporated.

Subject to process in law.

Authorized to call meetings.

And be it further Enacted that William King, Benjamin J. Porter, John Dunlap or any two of them may, by posting up advertisements in the towns of Brunswick and Topsham in some public places, call a meeting of the said

proprietors to be holden at any proper place after fifteen days from the posting up of said advertisements, and the proprietors by a vote of the majority of those present or represented at the said meeting, shall have power to transact any business for the benefit of said Corporation, *provided* it be not repugnant to the Constitution or Laws of this Commonwealth.

And this Act and all rules, regulations & votes of said Corporation shall be fairly and truly recorded by the Clerk in a Book or Books for that purpose.

To keep records.

And be it further Enacted that for the purpose of reimbursing said proprietors the monies by them expended or that may hereafter be expended in building and supporting said Bridge, a toll be, and is hereby granted and established for the sole benefit of said proprietors according to the rates following, that is to say, For each foot passenger two Cents — for each person and horse six Cents, for each Chaise or Sulkey drawn by one horse ten Cents; for each Sley drawn by one horse six Cents; for each Sley drawn by two horses seven Cents; for each Coach, Phaeton or Curricie twenty Cents; for each Cart or Waggon, Sled or other carriage of burthen drawn by one or two beasts, seven Cents; & for each additional beast in the same team, one Cent; and for each wheelbarrow, hand Cart or other vehicle capable of carrying a like weight, with one person three Cents; for neat Cattle or Horses other than those rode on or in carriages or teams, one Cent each; for Sheep and Swine at the rate of six Cents the dozen; and to each team one person & no more shall be allowed as a driver for the toll as established for teams.

Toll established.

And at all times when the toll gatherer shall not attend his duty the gate or gates shall be left open, and the said toll shall commence on the day of the opening said Bridge for passengers, and shall continue for the benefit of the said Corporation forever; *provided* that after the term of thirty years, the rate of toll shall be subject to the regulations of Government.

For benefit of the corporation.

And be it further Enacted, that said Bridge shall be well built, at least twenty eight feet wide, of good & suitable materials and be well covered with plank or timber suitable for such a Bridge, with sufficient rails on each side for the safety of passengers, and the same shall be kept in good, safe, and passable repair — And the proprietors at the place or places where the toll shall be received,

Bridge to be built of suitable materials.

Sign board.

shall erect and keep constantly exposed to view, a sign or board with rates of toll of all the tollable articles fairly and legibly written thereon in large or capital letters.

Place where.

And be it further Enacted that the place where the Bridge shall be built shall be from the Mill called Nye's Mill in said Brunswick to the middle rock so called, & from said rock to the rocks below the great mill, so called in Topsham.

Time limited.

And be it further Enacted that if the said proprietors shall neglect for the space of six years from the passing this Act to build and erect said Bridge, then this Act shall be void & of no effect. *Approved February 26, 1796.*

1795. — Chapter 64.

[January Session, ch. 39.]

AN ACT, IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS, FOR THE PURPOSE OF BUILDING A BRIDGE OVER MERRIMACK RIVER BETWEEN THE TOWNS OF HAVERHILL & NEWBURY IN THE COUNTY OF ESSEX, AND FOR SUPPORTING THE SAME."

Be it Enacted by the senate & House of Representatives in General Court Assembled & by the authority of the

Clause repealed.

same, That the Clause in the Act to which this is in addition, establishing the rates of Toll, be and hereby is repealed: And that the following rates of Toll be and hereby are established for the benefit of the said Proprietors, their Heirs and Assigns, viz. — For each foot-Passenger, one Cent; for each Horse & Rider four Cents and five milles; for each additional Rider, one Cent; for each Horse & Chaise, Chair or Sulkey, twelve Cents, five Milles; for each Cart, Sled or other Carriage of Burthen, or riding Sleigh, drawn by one Beast, ten Cents; for each Waggon, Cart, Sled or Sleigh, or other Carriage of burthen drawn by two Beasts, and not exceeding four, twelve Cents & five milles; and for each additional Beast above four, three Cents; for each riding Sleigh, drawn by two Bea[s]ts fifteen Cents, and three Cents for each additional Beast; for each Coach, Chariot, Phaeton or other four wheel Carriage for Passengers twenty five Cents; for each Curricule, seventeen Cents; for each Horse or neat Cattle exclusive of those rode or in Carriages, three Cents; for Sheep or Swine, one Cent each; and to each Team one person and no more, shall be allowed as a Driver to pass free of Toll; for each Wheel-Barrow or Hand-Cart, with one person,

Toll established.

three Cents; and at all times when the Toll-Gatherer shall not attend his duty, the gate or gates shall be left open: *Provided nevertheless*, that after fifty years from the passing the Act to which this is in addition the rates of Toll shall be subject to the regulation of the Legislature of this Commonwealth for the benefit of said proprietors, their heirs & assigns forever. Proviso.

Approved February 26, 1796.

1795. — Chapter 65.

[January Session, ch. 41.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF OPENING A CANAL FROM THE HARBOR OF BOSTON TO ROXBURY.

Whereas the opening a communication by water upon the Easterly side of the Town of Boston, to extend into Roxbury will be of great public Utility; and John Lowell Esqr. and others have petitioned this Court for an Act of incorporation to enable them to carry the same into effect and many persons under the expectation of such an Act have subscribed to a fund for that purpose, and have purchased a considerable real Estate thro' which they have already opened a Canal. Preamble.

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Lowell Esqr. Increase Sumner Esqr. Thomas Williams Physician, John Read Esqr. and Mr. Thomas Williams junr. so long as they shall continue to be Proprietors in the said fund and propriety, together with all those who are or shall hereafter become Proprietors to the said fund and propriety, shall be a Body Politic, by the name of the Proprietors of the Roxbury Canal, and by that name may sue and prosecute, and be sued and prosecuted to final Judgment and Execution; and do and suffer all matters and things which bodies Politic may, or ought, to do, and to suffer; and that the said Corporation shall and may have full power and authority to have, make and use a Common Seal, and the same to break and alter at pleasure. Proprietors incorporated.

And be it further Enacted, That the said John Lowell Esqr. Increase Sumner Esqr. Thomas Williams Physician, John Reed Esq. and Mr. Thomas Williams junior or any three of them, may by advertizement in any public News Persons authorized to call meetings.

Proprietors to
choose officers,
&c.

paper, printed in Boston, warn or call a meeting of the said Proprietors, to be holden at any suitable time and place, after six days from such notice: And the said Proprietors, by a majority of those present at the said meeting (allowing and accounting one Vote to every single share, of which there shall be two hundred and no more in the whole, not exceeding ten Votes to any one person, excepting to Jonathan Davies, who shall be allowed twenty five Votes, so long as he shall retain, in his own right, fifty shares in said fund or Propriety) shall choose a Clerk, and such other officers as they shall deem necessary and convenient, and the same mode of voting shall be observed at every future meeting of said Proprietors, who are authorized from time to time to choose all necessary officers for managing the affairs of said Propriety. And the Clerk shall be duly sworn to the faithfull discharge of his office, and shall also agree upon a method for calling future meetings, and at the same or any subsequent meeting, may make and establish any Rules and Regulations that shall be necessary and convenient for regulating the said Corporation for effecting, compleating and executing the purposes aforesaid; and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order fines and penalties, not exceeding thirteen dollars — *Provided* the Rules and Regulations are not repugnant to the Laws of this Commonwealth.

Real estate to
be vested in the
corporation.

And be it further Enacted, That the real Estate commonly called Lambs Dam farm, and a piece of Marsh adjoining thereto, granted and conveyed by the deeds of Doctr. Jonathan Davies, and of Mr. Aaron White, to Trustees, to have and to hold the same to and for the use of the Proprietors of the Roxbury Canal, shall be construed to vest the fee simple thereof in the said Corporation, and shall be at their disposal by a major Vote of the Proprietors present at any legal meeting, *provided* that no such disposal or sale shall be made, unless such intention shall be inserted in the Notification of such meeting. And the said Proprietors shall have power to determine and appoint an Agent or agents for executing deeds in behalf of said Proprietors.

Power to sell
delinquent
shares.

And be it further Enacted, That the said Corporation shall have full Power and Authority to sell and dispose of the share or shares of any Proprietor, who shall, according to the Rules and Regulations to be made by said Cor-

poration, be delinquent in the payment of any assessment that may be made on said share or shares, according to such Rules as shall be established by said Corporation for the sale of Shares of delinquents.

And be it further Enacted, That the said Corporation may have full power to purchase and hold any other real Estate necessary to carry their design into Effect, *provided* that such additional purchase shall not exceed fifty Acres of Land, nor any Land to a greater amount than twenty thousand dollars including the buildings which may be thereon at the time of the purchase. — to purchase & hold real estate.

And be it further Enacted by the Authority aforesaid, that no Toll shall ever be demanded for passing and re-passing said Canal in any flote, vessel, or otherwise; or for transportation of any Articles through the same Canal. And the said Proprietors shall, at all times, be held to keep the said Canal in good order and proper repair. Vessels to pass free.

Approved February 26, 1796.

1795. — Chapter 66.

[January Session, ch. 42.]

AN ACT TO INCORPORATE JOHN THORLO AND OTHERS INTO A SOCIETY BY THE NAME OF THE PORTLAND MARINE SOCIETY.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that John Thorlo, Samuel Robinson, Lemuel Moody, William Lowell, Collin Campbell, Stephen Ham, John McLellan, Joshua Wait, George Wait, and David Alden, together with all others who shall become members thereof, be and they are hereby erected into and made a body politic and corporate forever by the name of the Portland Marine Society. Persons incorporated.

Be it Enacted by the authority aforesaid, that said Corporation are hereby declared, and made capable in Law of having, purchasing and holding in fee simple, or any less estate by gift, grant, devise, or otherwise any Lands, tenements or other estate real or personal, *provided* that the annual income of the same shall not exceed the Sum of Six thousand dollars — And also to sell alien or dispose of the same. May purchase and hold estate.

And be it further Enacted by the Authority aforesaid, that the said Corporation shall have full power and authority to make, have, & use a common seal, and the same Their legal powers.

to break, alter and renew at pleasure; That it 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 and places whatsoever, in all actions real, personal, and mixed and to do and execute all and singular other matters and things, that to them shall and may appertain to do.

Corporation
may make regu-
lations and elect
officers.

And be it further Enacted by the Authority aforesaid, that said corporation may make establish and put in Execution such laws and regulations as may be necessary for the Government of said Corporation; *provided* that in no case the same shall be repugnant to the Laws and constitution of the Commonwealth — And for the well governing of said corporation, they shall have power to elect such officers as they shall hereafter think proper.

Purpose of the
Society.

And be it further Enacted by the authority aforesaid, that the end and design of the institution of said Society is the promotion of the knowledge of navigation and seaman-ship, the relief of decayed and disabled seamen and the poor widows and orphans of deceased seamen.

John Thorlo
authorized to
call a meeting.

And be it further enacted by the authority aforesaid, that John Thorlo, be and he is hereby authorized to fix the time and place at which the first meeting of said society shall be held and to notify the same to the members of said Society, by publishing the same in either of the Portland News papers fourteen days before the time fixed upon for holding the said meeting. *Approved February 26, 1796.*

1795. — Chapter 67.

[January Session, ch. 44.]

AN ACT TO MAKE FURTHER ALLOWANCE TO THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK FOR HIS SERVICES.

Whereas the fees of the Judge of Probate for the County of Suffolk as by law established, may not be an adequate compensation for his services in that office.

Courts of Gen-
eral Sessions of
the Peace for
Suffolk Co.
authorized.

Be it Enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same, that the Court of General Sessions of the Peace in said County be, and hereby are authorized & empowered annually to grant out of the Treasury of the said County, unto the said Judge for the time being, such sum of money, in addition to the legal fees he may receive for his services, as to the said Court shall appear just and reasonable;

Provided the sum so to be granted, together with the said fees, shall not exceed the sum of five hundred Dollars per annum. And the said Judge of Probate shall keep an account of all the fees by him taken in his said Office, and shall lay such account attested by the Register of Probate before the said Court of Sessions annually, for their information, previous to their making him any grant by virtue of this Act.

Judge of Probate of Suffolk Co. to keep and render account of fees.

Approved February 26, 1796.

1795. — Chapter 68.

[January Session, ch. 40.]

AN ACT TO ENABLE SHERIFFS, DEPUTY SHERIFFS, & CONSTABLES, TO REQUIRE AID IN THE EXECUTION OF THEIR RESPECTIVE OFFICES IN CRIMINAL CASES.

SECT. 1. *Be it Enacted by the Senate & House of Representatives in General Court assembled, and by the authority of the same,* that any Sheriff, Deputy Sheriff, or Constable, being in the execution of his office, for the preservation of the peace, or for the apprehending or securing any person or persons for breach of the same, or for any other criminal cause, shall have lawful authority to require suitable aid & assistance therein. And if any person, being required by any Sheriff, Deputy Sheriff, or Constable in the name of the Commonwealth of Massachusetts, to aid & assist him in the execution of his office, as aforesaid, shall neglect or refuse so to do & be thereof convicted before any Court proper to try the same, such offender shall be fined to the use of the County where the offence shall be committed, not less than three Dollars, nor more than fifty dollars according to the circumstances of the case; & if any such offender shall be unable or shall not forthwith pay the said fine, such Court may punish him by imprisonment not exceeding thirty days.

Civil officers may require aid in discharge of their duty in criminal cases.

Penalty for refusing to aid.

SECT. 2. *Be it further Enacted,* that if any person, not being really & *bona fide* a Sheriff, Deputy Sheriff, or Constable, shall pretend himself to be either of the said Officers, and take upon himself to act as such, or to require any person or persons to aid or assist him in any matter appertaining to the duty of Sheriff, Deputy Sheriff or Constable, he shall be fined not exceeding four hundred dollars, according to the circumstances of his offence; one moiety thereof to the use of the Commonwealth, and the other moiety to him or them who shall prosecute therefor.

Persons pretending to be officers and acting as such subject to penalty.

Justices authorized upon view of breach of peace, &c to require the arrest of offenders.

Penalty for disobeying Justice's order.

Constables authorized to convey prisoners beyond the limits of their own town or district.

Acts repealed.

SECT. 3. *Be it further Enacted*, that any Justice of the Peace, for the preservation thereof, or upon view of the breach thereof, or upon view of any other transgression of Law, proper to his Cognizance, done or committed by any person or persons whatever, shall have authority, (in the absence of the Sheriff, Deputy Sheriff, or Constable) to require any person or persons to apprehend & bring before him such offender or offenders: And every person so required who shall refuse or neglect to obey the said Justice, shall be punished in the same manner as for refusing or neglecting to assist any Sheriff, Deputy Sheriff, or Constable in the execution of his office as aforesaid. And no person who shall refuse or neglect to obey such Justice, to whom he shall be known, or declare himself to be a Justice of the peace shall be admitted to plead excuse on any pretence of ignorance of his office.

SECT. 4. Whereas doubts have arisen whether a Constable, unless empowered by Statute, can lawfully convey any person by him apprehended, or things taken by writ or warrant to him directed any farther than thro' his Town or District; *Be it further Enacted*, that any Constable of any Town or District within this Commonwealth, shall have authority in the execution of the warrant or writ to him directed by lawful authority, to convey as well any Prisoner or Prisoners, as things that they may have taken into their Custody, either to the Justice issuing such warrant or writ or to the Common Goal or house of Correction of the County where such Constable is an Inhabitant, according as in the writ or warrant may be directed.

SECT. 5. *Be it further Enacted*, that all laws enacted in this Commonwealth, before the first of November, A. D. seventeen hundred & eighty, the subject matter whereof is included in this Act, be and the same are hereby repealed.

Approved February 26, 1796.

1795. — Chapter 69.

[January Session, ch. 43.]

AN ACT FOR RECORDING BIRTHS AND DEATHS BY THE CLERKS OF TOWNS & DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that it shall be the duty of every Town Clerk, and every District Clerk, within this Commonwealth, to

Clerks of Towns and Districts to record all births and deaths.

record all Births & Deaths which shall happen within his Town or District and come to his knowledge, together with the time of such birth or death, and the names of his or her parents, if known, for the fees allowed by law, to be paid by his Town or District.

And be it further Enacted, that it shall be the duty of Parents to give notice to the Clerk of the Town or District in which they dwell of all the births & deaths of their Children; and it shall be the duty of every Householder, to give notice of every birth & death which may happen in his house; and of the eldest person next of kin to give such notice of the death of his kindred; and it shall be the duty of the Master or keeper of any Alms-house Work-house or Prison, and of the Master or Commander of any Ship or Vessel, to give notice of every Birth and Death which may happen in the house or vessel under his care or charge to the Clerk of the Town or District in which such event shall happen: And in case any person, whose duty it shall be by virtue of this act, to give notice as aforesaid, shall neglect to perform the same, for the space of six months after the birth or death shall happen, the person so neglecting shall pay a fine of one dollar, to be recovered with costs of suit, on complaint, before any Justice of the peace for the same County, to the use of any Inhabitant of the same Town, who shall prosecute for the same; from which Judgement, there shall be no appeal.

And be it further Enacted, that this act shall be in force, on and after the first day of September next; and that an Act passed Anno Domini one thousand six hundred & ninety two, for registering births & deaths, shall be, and hereby is repealed on and after that day.

Approved February 26, 1796.

1795.—Chapter 70.

[January Session, ch. 51.]

AN ACT TO INCORPORATE LEMUEL STEWART & OTHERS FOR THE PURPOSE OF CONVEYING WATER BY PIPES INTO THE TOWN STREET NEAR THE COLLEGE IN WILLIAMSTOWN, BY THE NAME OF THE PROPRIETORS OF THE WATER WORKS IN THE TOWN STREET IN WILLIAMSTOWN.

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the authority of the same, that Lemuel Stewart, Oliver D. Cook, William Starkweather, Tompson J. Skinner, Benjamin Skinner,

Parent's duty,
&c.

Fine, in case of
neglect.

Act repealed.

Persons incor-
porated.

Lewis Stebbins, Elias Mather, Lemuel S. Stewart, John Foot, Joseph Balch, Timothy Balch, Ezra Baker, Lemuel Higgens, Thomas Malady, David Hayden & the President & Trustees of Williams College for the time being, with such other persons as may become Proprietors in the said Water works be & they hereby are constituted a corporation & body politic for the purpose of conveying water by pipes into the Town Street in Williamstown by the name of the Proprietors of the water works in the town street in Williamstown, & by that name may sue, & be sued, to final judgment & execution, & do & suffer all matters, acts & things which bodies Politic may or ought to do or suffer, & the said Corporation shall & may have & use a common seal & the same may alter & break.

Meeting authorized.

And be it further enacted that the said Lemuel Stewart may by advertizement posted up at the houses of William Starkweather & Benjamin Skinner in said Williamstown warn or call a meeting of the said Proprietors to be held at said Williamstown at any suitable time after seven days from the posting up such advertizement — And the said proprietors by a vote of a majority of those present at said meeting accounting & allowing a vote to each share in all cases shall choose a Clerk who shall be sworn to a faithful discharge of his office, & also agree on a method for calling future meetings, & at the same time, or any subsequent meeting may make & establish any rules & regulations that shall be convenient or necessary for regulating the said Corporation, effecting, compleating & executing the purpose aforesaid & the same rules & regulations may cause to be kept & executed, & for the breach of any of them may order & enjoin fines & penalties, not exceeding four pounds; *provided* that said rules & regulations be not repugnant to the Constitution or Laws of the Commonwealth. And the said Proprietors may also choose & appoint any officer or officers of the Corporation — & this act & all rules, regulations & votes of said Corporation shall be fairly & truly recorded by their said Clerk in a book or books for that purpose, — provided & kept — which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the Legislature.

To establish rules, &c.

And appoint officers.

Shares transferable.

And be it further enacted that any Proprietors share or shares in such water works may be transferred by deed acknowledged & recorded by the Clerk of said Corpora-

tion in a book to be kept for that purpose — & when any share or shares in said water works shall be attached on *mesne* process an attested copy of such process shall be left with said Proprietors Clerk at the time of such attachment otherwise the same shall be void.

And be it further enacted that if any person shall injure & destroy any of the said Pipes or Works, he shall be subjected to the same pains & penalties as are provided in the second Section of the Act, entitled, “An Act for the more effectually preventing of trespasses in divers cases,” passed the twenty third day of November, one thousand seven hundred & eighty five & shall also be liable to make good all damages so done to the said Proprietors.

Penalties.

Approved February 26, 1796.

1795. — Chapter 71.

[January Session, ch. 52.]

AN ACT TO PREVENT THE DESTRUCTION OF OYSTERS & OTHER SHELL FISH IN THIS COMMONWEALTH.

Whereas Oysters & other Shell Fish have long been considered the property of the towns wherein their beds are situated respectively; & whereas for the due regulation thereof and preservation of the same, & especially to prevent the destruction thereof by strangers, and by those who encroach too far on such common property some special provision is found necessary —

Preamble.

Therefore

SECTN. 1st. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by authority of the same,* that from and after the first day of May next, it shall not be lawful for any person to take any Oysters from their beds, destroy them or willfully obstruct their growth therein in any part of this Commonwealth, except as is hereinafter excepted; and every person who shall so take, destroy or obstruct the same, shall forfeit & pay for every bushell of Oysters, including the Shells, so taken or destroyed the sum of Two Dollars; *provided however,* and it shall at all times be lawfull for the major part of the Selectmen for the time being of any town, wherein Oyster beds shall be, to give permits in writing to any person to take Oysters from their beds, at such times, in such quantities, and for such uses as they shall think reasonable, and express in their permit; *pro-*

Forfeiture for destroying oysters.

Provisos.

vided further and it shall also be lawful for every inhabitant of any such town without such permit to take Oysters from their beds therein for the use of his or her family from the first day of September to the first day of June annually.

Towns in which
this Act oper-
ates.

SECT. 2d. *Be it further Enacted* that if any person from and after the first day of May next, shall take any other shell fish from their beds, destroy them, or wilfully obstruct their growth therein in any of the towns of Malden, Medford or Charlestown in the County of Middlesex, Rochester or Wareham in the County of Plymouth; Sandwich, Barnstable, Yarmouth, Eastham or Dennis in the County of Barnstable; Nantucket in the County of Nantucket; Edgartown or Tisbury in the County of Dukes County; Dartmouth, Westport, Freetown, Swanzev, New Bedford or Sommerset in the County of Bristol; or Wells or Arundell in the County of York; or Portland, Falmouth, North Yarmouth, Harpswell, Freeport, Scarborough [ro]ugh or Cape Elizabeth in the County of Cumberland; or Hingham in the County of Suffolk; or Brookline or Weymouth in the County of Norfolk; except as is hereinafter excepted; the person so offending shall forfeit & pay for every bushel of such other shell fish, including the shells, so taken or destroyed, the sum of One Dollar: *Provided nevertheless*, that the major part of the Selectmen for the time being of each of the said towns, shall at all times have power to give permits in writing to any person, to take such other shell fish from their beds in their said towns, at such times, in such quantities and for such uses, as they shall deem reasonable, & express in their permit. *Provided also*, that every inhabitant of each of the said towns without such permit shall have a right to take such other shell fish from their beds therein for the use of his or her family.

Forfeitures.

Provisos.

Persons author-
ized to seize
vessels trespass-
ing.

SECT. 3d. *And be it further Enacted*, that if any Vessel, Boat or Craft shall be found within the limits of any town, and not owned therein, with any Oysters on board taken in such town, without such permit, or within the limits of any one of the said specified towns, & not owned therein, with other shell fish on board, taken in such town without such permit, it shall be lawful for any inhabitant or inhabitants of any town wherein such Vessel boat or craft shall so be found trespassing, to seize & detain the same, not exceeding forty eight hours, in order that the same, if need be, may be attached or arrested by due

process of law in that time to answer the said fines & forfeitures with costs of suit. *Provided however*, that as soon as the owner or master of any such vessel, boat, or craft shall pay said fines and forfeitures and before sued, to the Treasurer of the town to the use thereof, wherein the same shall be incurred, such vessel, boat or craft shall be discharged with the effects therein. Proviso.

SECT. 4th. *And be it further Enacted*, that all fines & forfeitures which shall be incurred by virtue of this act & shall be sued for shall be one half thereof to the use of the town wherein the offence shall be committed, and the other half to him or them who shall sue for the same; and the same shall be recovered with legal costs of suit, in an action of debt before any Justice of the peace (not interested) in the County wherein the offence shall be committed, in case the forfeitures so recovered in such action shall not exceed four pounds, and if above that sum, then in the Court of Common pleas of the same County. Appropriation of fines, &c.

SECT. 5th. *And be it further Enacted*, that this act shall take effect & be in force on and after the first day of May next; and that an Act passed A. D. 1765 intituled “An Act to prevent the destruction of Oysters in the several bays and rivers hereinafter mentioned, within this province;” and also the several acts heretofore made relative to Oysters and other shell fish in the several specified towns aforesaid shall on and after that day be repealed, so far as they shall respect all offences which shall be committed, actions commenced therefor, and permits given after that day: *Provided* that nothing in this act shall extend to deprive any native Indians of the privilege of digging shell fish for their own consumption, or to prevent any fisherman from taking any quantity of Shell Fish which he may want for bait, so that it do not exceed seven bushels including their shells at any one time. Acts repealed.

Approved February 26, 1796.

1795. — Chapter 72.

[January Session, ch. 55.]

AN ACT IN ADDITION TO AN ACT INTITLED “AN ACT TO ESTABLISH A COLLEGE IN THE COUNTY OF BERKSHIRE WITHIN THIS COMMONWEALTH BY THE NAME OF WILLIAMS COLLEGE.”

Whereas doubts have arisen whether the rights and credits which previous to passing the Act aforesaid, were vested in and belonging to The Trustees of the donation Preamble.

of Ephraim Williams Esqr. for maintaining a Free School in Williamstown, are by virtue of the same Act transferred to & vested in the Corporation of the President and Trustees of Williams College.

Be it therefore Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, that the said rights and credits be, and hereby are transferred to, and vested in the said Corporation of the President & Trustees of Williams College, who are hereby authorized to commence and prosecute to final judgment and execution any suit or action in law or equity which the said Trustees of the donation of Ephraim Williams Esqr. for maintaining a Free School in Williamstown might heretofore have commenced or prosecuted.

Approved February 26, 1796.

Rights and
credits trans-
ferred.

1795. — Chapter 73.

[January Session, ch. 49.]

AN ACT FOR SETTING OFF NOAH WISWALL AND HIS ESTATE FROM THE TOWN OF FITCHBURG TO THE TOWN OF WESTMINSTER.

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, That Noah Wiswall of Fitchburg in the County of Worcester, with his Estates, be, and hereby are set off from the said Town of Fitchburg and annexed to the Town of Westminster in said County; there to enjoy Town privileges, and to pay town charges that may arise therein.

Noah Wiswall,
set off.

Proviso.

Provided nevertheless, and be it further Enacted, that the said Noah shall be holden to pay his just proportion of all Taxes now due from said Town of Fitchburg, and shall also continue to pay such proportion of the State & County taxes to the said Town of Fitchburg as heretofore, until a new valuation shall be taken of the rateable property of this Commonwealth, & no longer; and until such valuation be taken, shall be assessed for State & County Taxes in said Town of Fitchburg, and not in said Town of Westminster.

Approved February 27, 1796.

1795. — Chapter 74.

[January Session, ch. 50.]

AN ACT FOR THE SUPPORT AND REGULATION OF MILLS.

Whereas the erection and support of Mills to accommodate the Inhabitants of the several parts of the State ought not to be discouraged by many doubts and disputes; and some special Provisions are found necessary relative to flowing adjacent lands and mills held by several proprietors — Therefore —

SEC. 1st. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same,* that where any person hath already erected, or shall erect any water Mill on his own land, or on the land of any other person by his consent legally obtained, and to the working of such mill, it shall be found necessary to raise a suitable head of water, and in so doing any lands shall be flowed not belonging to the owner of such mill, it shall be lawfull for the owner or occupant of such mill to continue the same head of water to his best advantage in the manner and on the terms herein after mentioned.

Preamble.

Owners of mills may raise and continue sufficient water.

SEC. 2d. *And be it further enacted,* that if any person shall sustain damages in his lands by their being flowed as aforesaid, he may complain to the Court of common pleas of the County wherein the lands so flowed shall be situated and the said Court shall issue a warrant to the Sherrif of the same County; and if the Sherrif shall be interested, then to some Coroner of the same County not interested, such Sherrif, or Coroner to be named by the Court, directing him to summon and impanel a jury of twelve good and lawfull men; which jury shall be sworn to make a true and faithfull appraisement of the yearly damages done to the complainant by so flowing his lands, and how far the same may be necessary. And said jury shall try the cause, and their verdict being returned by the officer to the same Court and there allowed and recorded shall be a sufficient bar to any action to be brought for any such damages— And it shall be in the power of said Court to assess such sum to the officer for his services as they may judge reasonable.

Damages to be ascertained by verdict of jury.

SEC. 3d. *And be it further enacted,* that such verdict and judgment thereon so recorded shall be the measure of the yearly damages, untill the owner or occupant of

Such verdict to be the full yearly damages, 'till increased or decreased on a new complaint.

such mill or the owner or occupant of such lands so flowed shall, on a new complaint to the said Court of the County, and by the form of process before prescribed obtain an increase or decrease of the said damages — And the party intitled to any such yearly damages, whether the party to the record his heirs, executors, administrators or assigns may have an action of debt grounded on such record to recover the same — And the party prevailing in any complaint or action aforesaid shall be allowed his full legal costs, though the damages so assessed or debt recovered, shall not amount to the sum of four pounds.

Mill-owners to give security for payment of damages, if desired, or to have no benefit of this Act.

SEC. 4th. *And be it further enacted*, that if any person whose lands shall be flowed as aforesaid, shall, on his filing his complaint for ascertaining or increasing his damages, or on bringing his action of debt as aforesaid, move the said court to direct the owner or occupant of such mill to give security for the payment of the said damages from time to time, as they shall become due, and in that case the said owner or occupant of such mill shall neglect or refuse to give such reasonable security as the said court shall order, he shall have no benefit of this act, but shall be liable to be sued for so flowing the lands of the complainant or plaintiff in the same manner as though this act had not been passed. And when the said jury shall so inquire of the said yearly damages they shall also inquire and make return in their said verdict what portion of the year, the said lands ought not to be so flowed and during such portion of the year as the said jury shall certify in their verdict that the public convenience and the circumstances of the case do not justify such flowing and the said verdict being accepted by the Court this act shall, in no manner, authorize the said owner or occupant of such mill so to flow the said lands of others.

Jury to state what portion of the year lands ought not to be flowed.

Proprietors of mills authorized to call a meeting, to consult about repairing, &c.

SEC. 5th. *And be it further enacted*, that when any mill worked by wind or water, the under works or appurtenances thereof shall want repairs or to be rebuilt in whole or in part, in the opinion of the major part in interest of the proprietors, it shall be lawfull for any one or more of the proprietors thereof, to call a meeting of the whole at said mill to consult and agree about repairing or rebuilding the same in whole or in part — which notice to the said proprietors may be in substance as follows to wit —

To A. B. of _____ in the County of _____ addition _____
 greeting _____ Form of notice.

You are hereby notified that our mill in _____ wants repairs, or to be rebuilt in order that the same may be of use to the concerned, and a meeting of the proprietors thereof will be held at the same mill on the _____ day of _____ at _____ O'Clock in the _____ noon when and where your attendance is requested — dated at _____ on _____

which notification signed by one or more of the proprietors or a true copy thereof, given to any other proprietor or left at his place of last or usual abode, not more than thirty, nor less than ten days before the day of the said meeting shall be deemed sufficient notice & may be proved by the testimony of any disinterested witness who gave or left the same or saw it done.

Service of notice.

SEC. 6. *And be it further enacted* that if any proprietor so notified shall neglect to attend the said meeting, or being met shall neglect or refuse to agree with the major part in Interest of the proprietors of such mill for repairing or rebuilding the same, in whole or part, so as to make the same serviceable, to pay his part of the charges of doing the same, the rest of the proprietors, being the major part in interest, may cause the same to be done, and shall be reimbursed and paid such sum or sums as they, or any of them, shall advance thereon beyond their respective proportions, with Interest for the same in the mean time, out of the said Mill or the profits thereof, and to recover the same, it shall be lawful for those who shall so advance beyond their respective proportions jointly or severally, to have their actions against each one who shall be deficient; *provided* that nothing in this Act contained shall be construed to make void any particular contract made or to be made for the repairing or rebuilding any Mill or Mills —

Proprietors neglecting or refusing to meet or agree, subject to be sued for their proportions.

Proviso.

SEC. 7th. *And be it further enacted*, that where any part or parts of such mill shall at the time of such notice and meeting be held and possessed by any minors, *feme covert*, tenant for years, in dower, by curtesy, for Life, in tail, mortgagor or mortgagee, then the guardians of such minors legally appointed, husband of such *feme covert* in her right, such tenant, mortgagor or mortgagee in possession shall be deemed, for all the purposes of this act in so repairing or rebuilding such mill, the proprietor or pro-

Proprietors of different interests, to be notified, &c.

prietors thereof and such guardians, husbands and persons having in possession such limited estates therein, shall be notified, vote and contribute accordingly; and all advances so made by them respectively, for and on Account of such minors, heirs of such married Woman; those in remainder or reversion, or the other party in the mortgage if not adjusted and paid by agreement, shall be recoverable in a special action on the case with Interest.

Millers to have scales and weights, and to weigh grain, if required.

SEC. 8. *And be it further enacted*, that every miller shall be provided with seals and weights to weigh corn, grain and meal to and from the mill, if required, and if he shall neglect to keep such scales & weights or refuse so to weigh corn, grain, and meal, when required, he shall be fined for each neglect or refusal, not exceeding five dollars; to be recovered with costs by action of debt by the party suing, to his use, before any justice of the peace of the County wherein the offence shall be committed.

Toll.

SEC. 9. *And be it further enacted*, that the Toll for grinding all sorts of grain shall not exceed one sixteenth part thereof.

Act to take effect.

SEC. 10. *And be it further enacted*, that this act shall take effect and be in force, on and after the first day of July next, and that an Act passed A D 1706 for the upholding and regulating mills, and an Act made in addition thereto A D 1713 (and a third act made in further addition thereto A D 1728) shall on, and after that day, be repealed, except so far as they shall respect any complaints, actions or meetings then pending by force thereof.

Acts repealed.

Approved February 27, 1796.

1795. — Chapter 75.

[January Session, ch. 45.]

AN ACT RELATING TO ACTIONS OF EJECTMENT AND DISCLAIMER & FOR PREVENTING STRIP & WASTE, PENDING SUCH ACTIONS.

Bond required in case of arrest.

SECT. 1st. *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same*, that when any person shall be arrested in trespass and ejectment or other real action, the defendant's own bond, & no other shall be required for his appearance to answer the same.

Persons sued in real actions, answerable for so much as they then hold.

SECT. 2d. *Be it Enacted by the authority aforesaid*, that when any person or persons, shall be sued in ejectment or other real action for any lands, tenements or hereditaments, they shall be holden to answer for so

much or such part of the premises demanded as they then hold, or are in possession of, which they shall distinguish & set forth by their plea, and disclaim in the rest; & if any of them disclaims in the whole, & the plaintiff cannot prove his the defendant's possession of the premises or any part thereof, he shall recover his costs.

SECT. 3d. *Be it Enacted by the authority aforesaid,* that if any person or persons shall commence & prosecute any action of ejectment or other real action for recovering possession of any lands and real estate, unjustly withheld from him or them by any person, and such person in possession, or any other persons pending such action, and after the service of the Writ therein shall make strip or waste by cutting, felling or destroying the wood, timber, trees or poles standing or growing on such land sued for, he or they making such strip or waste shall for every such offence forfeit and pay to the party aggrieved, treble damages to be recovered by action in any Court proper to try the same, after the plaintiff or defendant has recovered his title and possession of such estate sued for.

Penalty for committing waste during pendency of suit to recover possession.

SECT. 4th. *Be it Enacted by the authority aforesaid,* that two Acts, one passed A. D. 1727 for the more safe & easy prosecuting Writs of trespass and ejectment, & the other passed A. D. 1740 to prevent strip and waste on lands while suits are depending in the law for the same, be, and the same are hereby repealed so far as they respect actions hereafter to be commenced.

Acts repealed.

Approved February 27, 1796.

1795. — Chapter 76.

[January Session, ch. 46.]

AN ACT TO ALTER THE APPROPRIATION OF THE SUM OF TWO HUNDRED POUNDS, PAYABLE ANNUALLY BY THE PROPRIETORS OF WEST BOSTON BRIDGE TO THE UNIVERSITY OF HARVARD COLLEGE.

Be it Enacted by the Senate & House of Representatives in General Court Assembled and by the Authority of the same, That from and after the first day of April next, the said sum of two hundred pounds, to be paid annually by the said Proprietors of West Boston Bridge to the Treasurer of Harvard College or University, shall be appropriated & disposed of by the President & Fellows of Harvard College, to establish in the said University, two Tutors for life, or during good behaviour; in such form & with such duties & stipends, as the said President & Fel-

Appropriations altered.

laws, with the approbation of the Overseers of the said College, shall order & appoint; any thing in the act for incorporating said proprietors, or in the Act additional thereto, to the contrary, notwithstanding.

Approved February 27, 1796.

1795. — Chapter 77.

[January Session, ch. 47.]

AN ACT IN FURTHER ADDITION TO AN ACT, ENTITLED, “AN ACT FOR THE REGULATING THE MANUFACTURE OF NAILS WITHIN THIS COMMONWEALTH” MADE & PASSED THE TENTH DAY OF MARCH ANNO DOMINI, ONE THOUSAND SEVEN HUNDRED & NINETY ONE.

Assize & weight
of Nails.

SEC. 1st. *Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same*, that every thousand of twelve penny Nails shall weigh sixteen pounds & measure not less than two inches & three quarters in length & shall be examined & marked by the Inspector of Nails in the same manner & under the same restrictions as is by said Act & by one other act in addition thereto, made & passed the twenty seventh day of February, one thousand seven hundred & ninety five, provided for Nails in the aforementioned acts particularly specified.

Clauses of acts
repealed.

SEC. 2d. *Be it further enacted* that those clauses in the Acts aforementioned which prohibit the exportation of Nails excepting the Assizes therein particularly specified & such Nails as are marked the first sort, be so far repealed that twelve penny Nails & other Nails marked by the Inspector, the second sort, may be lawfully exported; *provided* all Nails marked the second sort do not fall short more than ten per centum in Assize workmanship or quality of Nails marked the first sort.

Approved February 27, 1796.

1795. — Chapter 78.

[January Session, ch. 48.]

AN ACT IN ADDITION TO AN ACT ENTITLED, “AN ACT FOR RENDERING PROCESSES IN LAW LESS EXPENSIVE.”

Preamble.

Whereas in the said Act it is provided, that on the removal or death of any Justice of the Peace, the records of the said Justice, which by that act he is obliged to keep, shall be lodged in the Office of the Clerk of the Court of

Common pleas for the same County, together with all the papers on his files relating to any Action brought before him under that Act.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that from & after the passing of this act, it shall be the duty of the Clerks of the several Courts of Common pleas in their respective Counties on the death of any Justice of the peace, where there shall be any Executor or Administrator appointed on his Estate, to call on such Executor or Administrator, and receive from him all the records of such Justice, with all the papers relating to any action brought before him under that act; and where there shall have been no Executor or Administrator appointed on the Estate of such Justice, within three months after his decease, and also in case of the removal of any Justice of the Peace from this Commonwealth, or ceasing to execute his said office, the said Clerks of said Courts, in their respective Counties, shall call on any person or persons, who may have said Records & papers in his or their possession, and receive them into their custody; and the said Clerks shall be the proper persons to keep, and under the direction of the Court, to certify the same.

Duty of Clerks
of Courts of
Common Pleas.

Approved February 27, 1796.

1795. — Chapter 79.

[January Session, ch. 54]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER MERRIMACK RIVER IN THE COUNTY OF ESSEX, AT BODWELL'S FALLS, BETWEEN ANDOVER AND METHUEN, AND FOR SUPPORTING THE SAME," PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND NINETY THREE.

Whereas the Proprietors of Andover Bridge, have represented to this Court, the inadequate compensation they derive from the present Toll, and pray for an enlargement of the rates of Toll for passing said Bridge; also to hold the right of said Bridge and the Toll thereof forever.

Preamble.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the clause in the Act to which this is in addition, establishing the rates of Toll, be and hereby is repealed: And that the following rates of Toll be, and

Clause repealed.

Rates established.

hereby are established for the benefit of the said Proprietors, viz. For each Foot passenger, one Cent; for each Horse & one rider, four cents, and for each additional rider, one cent; for each Horse & Chaise, Chair or Sulkey, twelve cents & five milles; for each Cart, Sled, or other Carriage of burthen, or riding Sleigh drawn by one beast, ten cents; for each Waggon, Cart, Sled or other Carriage of burthen, drawn by two beasts and not exceeding four beasts, twelve cents & five milles; and for each additional beast, above four, three cents; for each riding Sleigh, drawn by two beasts, fifteen cents, and three cents more for each additional beast; for each Coach, Chariot, Phaeton or other four wheel Carriage for passengers, twenty five cents; for each Curricule, seventeen cents; for each Horse or neat Cattle, exclusive of those rode or in Carriages, three cents; for sheep or swine, one cent each. And to each Team, one person and no more, shall be allowed as a Driver, to pass free of Toll. For each Wheel-barrow or Hand-Cart, with one person, three cents; and at all times, when the Toll Gatherer shall not attend his duty, the Gate or Gates, shall be left open: *Provided nevertheless*, that after the expiration of Fifty years from the passing the act to which this is in addition, the rates of Toll shall be subject to the regulations of the Legislature of this Commonwealth; any thing in any former Act to the contrary, notwithstanding.

Proviso.

Toll vested in the proprietors.

And be it further Enacted, that the said Bridge & the lawful Toll thereof, be and hereby are vested in said Proprietors for the term of seventy Years from the building said Bridge, any Law to the contrary notwithstanding.

Approved February 27, 1796.

1795. — Chapter 80.

[January Session, ch. 53.]

AN ACT TO REPEAL ALL THE EXISTING EXCISE ACTS, & TO PROVIDE FOR THE EXPENCES OF JUSTICE IN THE SEVERAL COUNTIES.

Preamble.

Whereas several acts heretofore made still require the following excise duties to be collected & paid into the Treasury of the Commonwealth, or to the Secretary thereof to wit. For every licence granted to an Innholder, four Dollars; for every deed recorded one shilling; for the Commission of a Sheriff forty dollars in certain cases, & twenty dollars

in others; on the appointment of a Clerk of the Supreme Judicial Court, forty dollars; on the appointment of a Clerk of the Court of Common pleas forty dollars in certain Counties and twenty dollars in others; on the appointment of every Register of deeds twenty shillings; on the Commission of each Judge of the Court of Common pleas, Judge & Register of Probate twenty shillings each, and of a Justice of the peace nine shillings; and for the admission of every Attorney to practice in the Court of Common pleas, twenty dollars, and in the Supreme Judicial Court thirty dollars; and for the admission of every person in the degree of Barrister at law, forty dollars; and it being no longer necessary to continue the same for the purposes aforesaid;

SECT. 1st. *Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that the said several acts be, and the same, so far as they respect the aforesaid duties are hereby repealed, except however, that the same shall remain in force, so far as shall be necessary to enforce & complete the collection of all the said duties which have already become due & payable by virtue of the said acts.*

Acts repealed.

SEC. 2. *And be it further Enacted, that every person who shall hereafter be licenced to be an Innholder, shall on such licence being granted, pay to the Clerk of the Court of General Sessions of the peace, the sum of four dollars; and each Clerk aforesaid shall before the first day of May next give bond with sufficient sureties in the penal sum of one thousand dollars to the Treasurer of the County and his Successor in that office to account for on oath, and pay to him from time to time the sum of four dollars for each Innholder in the County who shall be so licenced, within one month after he the said Clerk shall receive the same; and if any Clerk shall neglect to give such bond he shall forfeit & pay a sum not exceeding five hundred dollars, to be recovered by the County Treasurer to the use of the County in an action of debt, in any Court proper to try the same. And such Clerk shall be allowed for so receiving & paying over to the County Treasurer, a commission of one per cent. thereon: & all such licences shall be granted on condition that the Innholder so pay said four dollars before he or she shall recognize as by law required.*

Duty on licenses.

Clerks of Sessions to give bond.

Clerk's commissions.

SEC. 3d. *And be it further Enacted that from and after the passing of this act every Register of deeds in*

Register of deeds to demand 17 cents duty on deeds.

this Commonwealth, for each deed or Instrument made for the conveyance of land or any title therein brought to his office to be recorded shall before he record the same demand and receive of the person bringing the same, seventeen cents; and on or before the first day of April annually shall account for and pay to the Treasurer of the same County, all the duties that shall be so received. And each Register of deeds shall on or before the first day of June next give bond with sufficient sureties to the Treasurer of the County in the penal sum of five hundred Dollars to account on oath for the monies or duties he shall so receive, and to pay the same as aforesaid; & each Register of deeds shall be allowed for so receiving & paying over the said monies or duties, at the rate of two per cent. thereon, *provided however* where the said Register of any County shall also be Treasurer thereof, the said bond shall be made to such person & in such form as the Court of General Sessions of the peace of the same County shall direct.

— to give bond to account for duties received by him.

Proviso.

Persons receiving commissions, to pay certain sums annexed to the office.

SEC. 4th. *And be it further Enacted*, that no person, who from & after the passing of this Act shall receive a Commission appointing him to any of the Offices following, in any County, shall receive any of the fees or profits thereof, untill he shall pay to the Treasurer of the County, the sum herein after annexed to his office, and produce to, and lodge with the Secretary of the Commonwealth the County Treasurer's certificate therefor, to wit; each person who shall receive a Commission appointing him Sheriff of the Counties of Suffolk, Essex, Middlesex, Hampshire or Worcester, forty dollars, & of every other County twenty dollars, or appointing him a Clerk of the Court of Common pleas in the Counties of Suffolk, Essex, Middlesex, Hampshire or Worcester forty dollars, & in any other County, twenty dollars or appointing him Judge of Probate, Register of Probate or Judge of the said Court of Common pleas four dollars, or appointing him a Justice of the peace, two dollars; and each person who shall be elected and appointed Register of deeds in any County four dollars; nor shall any person, who after the passing of this Act shall be proposed to be admitted as an attorney in the Court of Common pleas in any County have the oaths administered to him, untill he shall produce the certificate of the Treasurer of the County, that he hath paid to him twenty dollars — nor in the Supreme Judicial Court,

untill he shall produce a like Certifi[c]ate of the payment of thirty dollars, nor be admitted to the degree of Barrister of law, untill he shall produce a like certificate of the payment of forty dollars.

And all the monies which shall be received by the respective County Treasurers by virtue of this act, shall be appropriated to pay the travel and services of Grand and petit Jurors.

Appropriations.

Approved February 27, 1796.

1795. — Chapter 81.

[January Session, ch. 56.]

AN ACT FOR GIVING TO THE SUPREME JUDICIAL COURT, HOLDEN AT BOSTON WITHIN AND FOR THE COUNTY OF SUFFOLK, ORIGINAL JURISDICTION OF CERTAIN CRIMES COMMITTED WITHIN THE COUNTY OF NANTUCKET.

Be it Enacted by the Senate & House of Representatives, in General Court assembled and by the authority of the same, that the Supreme Judicial Court, which shall at any time within the month of August, be holden at Boston within & for the County of Suffolk, shall have original Jurisdiction & cognizance of all crimes which have been committed, or which shall be hereafter committed within the body of the County of Nantucket, and which shall not be cognizable by the Court of General Sessions of the peace there, in the same, and in as full and ample a manner, as if the same Supreme Judicial C[*o*]urt should be holden within & for the same County of Nantucket: and shall have power to try the same & to give Sentence and Judgement therein, as fully to all intents & purposes, as if the same Court should be holden within and for the same County by legal establishment. *Provided always,* that when any person who is an inhabitant or resident of the County of Nantucket shall be arraigned upon any charge, whereof, if he shall be convicted, he may suffer the pain of death, and such person shall, as soon as he shall have pleaded to such Indictment, request the Court to issue a *venire facias* for Jurors from the County of Nantucket, that then the Court shall issue a *venire* for at least six persons from said County, who shall with others be impannelled to try the same cause, subject however to challenge in the same manner as other Jurors; but the Court shall not be obliged to issue more than one such *venire* in the same cause; but shall proceed to Trial with such as shall not be challenged, & others of the County of Suffolk

Crimes committed in Nantucket cognizable in Supreme Judicial Court in Boston.

Proviso.

according to law: or if the whole shall be challenged by the Defendant, shall proceed with a Jury from the County of Suffolk.

Prisoners may
be committed in
the county of
Suffolk.

And be it further Enacted, that all recognizances of any persons charged with any offence, hereby made cognizable in the Supreme Judicial Court to be holden for the County of Suffolk as aforesaid, shall be ordered & taken for appearance at that Court, & any order of imprisonment upon such charge may be, to the Goal of the County of Suffolk; and the Sheriff of the said County of Nantucket & his Deputy; and any Constable of the town of Nantucket in that County, shall have full power & authority by virtue of the Warrant of any Justice of the peace of that County, to bring any person charged & to be committed for trial as aforesaid, to the said Goal in the County of Suffolk.

Clause of an
Act repealed.

And be it further Enacted by the authority aforesaid, that the third Section of an Act passed in the year of our Lord One thousand six hundred & ninety nine, entitled “An Act for establishing a Superior Court of Judicature, Court of assize & General Goal Delivery within this Province,” by which clause provision is made for holding such Court occasionally within & for the County of Nantucket, shall be, & hereby is repealed.

Approved February 27, 1796.

RESOLVES
OF
MASSACHUSETTS.

1795.

RESOLVES
OF THE
GENERAL COURT
OF THE
COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY, THE TWENTY-SEVENTH DAY OF
MAY, ANNO DOMINI, 1795.

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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-SEVENTH DAY OF MAY, ANNO DOMINI, 1795.

His Excellency, SAMUEL ADAMS, Esq.
Governor.

His Honor, MOSES GILL, Esq.
Lieutenant-Governor.

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Honourable Samuel Holten,	Honourable Stephen Metcalf,
Azor Orne,	Eleazer Brooks,
Thomas Durfee,	Jonathan Warner,
Oliver Wendell,	and John Read, Esqrs.
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Chapter 1.

RESOLVE FOR ADJOURNING THE COURTS OF COMMON PLEAS AND GENERAL SESSIONS OF THE PEACE APPOINTED BY LAW TO BE HOLDEN AT WORCESTER, WITHIN AND FOR THE COUNTY OF WORCESTER, ON THE SECOND TUESDAY OF JUNE NEXT.

Whereas several vacancies in the offices of the Justices of the Court of Common Pleas, within and for the County of Worcester, have lately happened, which with some other causes that have also taken place, render the meeting of the Court on the second Tuesday of June next, very uncertain, and also the holding of the Court of General Sessions in and for the said County at that time may be attended with inconvenience: Therefore

Resolved, that the Courts of Common Pleas, and General Sessions of the Peace, appointed by law to be holden at Worcester within and for the County of Worcester on the second Tuesday of June next, be and they are hereby adjourned without day, and all writs, precepts, processes, and every other matter or thing returnable to the said Courts to be holden on the said second Tuesday of June, shall be returnable to the Courts of Common Pleas, and General Sessions of the Peace, by Law to be holden in and for the said County, on the last Tuesday of August next, and shall have day to the same Courts, and be prosecuted

or determined, as they might have been, had the said Courts adjourned as aforesaid, been holden on the said second Tuesday of June, and all suits, actions, processes, matters and things now pending or continued to the said Courts adjourned as aforesaid are hereby continued to and may be carried on, prosecuted or determined in the said Courts to be holden on the said last Tuesday of August next in manner aforesaid, and the Secretary is directed to transmit a Copy of this Resolve to the Sheriff of the County of Worcester, as soon as may be, and also to cause the same to be published in the Independent Chronicle, and the Sheriff of the County of Worcester is directed to cause the same to be published in Thomas's Massachusetts Spy, and to give notice to the Inhabitants of the County in such other way as he may think necessary.

June 1, 1795.

Chapter 2.

RESOLVE ON THE PETITION OF JAMES MELLEN, IN BEHALF OF THE TOWN OF HOLLISTON, REMITTING A FINE LAID ON SAID TOWN, FOR NOT SENDING A REPRESENTATIVE.

On the petition of James Mellen in behalf of the Inhabitants of the town of Holliston.

Resolved for reasons set forth in said petition that a fine of twenty five pounds laid upon said town for their neglecting to send a representative to represent them in the Great & General Court for the year 1793 be & hereby is remitted to said Inhabitants and the treasurer of the Common wealth is hereby directed to conduct himself accordingly.

June 2, 1795.

Chapter 3.

RESOLVE ON THE PETITION OF RICHARD PERKINS, THE FATHER AND GUARDIAN OF FOSTER PERKINS AND OTHER CHILDREN, EMPOWERING HIM TO EXECUTE A GOOD DEED TO THE INHABITANTS OF THE TOWN OF BOSTON, OF A CERTAIN PIECE OF LAND.

On the Petition of Richard Perkins, the Father and Guardian of Foster Perkins, Lucy Perkins & George Washington Perkins praying that he may be authorised to make & execute a Deed in fee of all the Right & Estate of said Minors in & to a certain Parcel of Land

situate in the Town of Boston, to the Inhabitants of said Town.

Resolved for the Reasons set forth in said Petition that the said guardian be & he hereby is authorised & impowered to make & execute to the Inhabitants of the said Town of Boston a good & sufficient Deed & Conveyance of all the Right, Share & Estate of said Minors & of each of them, in fee simple, in & to a certain Peice of Land lying in Boston aforesaid commonly called the Governor's Pasture, the same being part of the Estate descending to said Minors as three of the Heirs at Law of his late Excellency John Hancock Esq. deceased, at & after the same Rate, which the same Land was sold to the said Inhabitants by the other Heirs: *Provided* the said Guardian shall previously give Bond, with sufficient Sureties to the Judge of Probate for the County of Plymouth conditioned, that the Proceeds arising from the sale of the said Land, shall be put on Interest on good Security, for the Benefit of his said Children.

June 2, 1795.

Chapter 3A.*

ORDER ON THE PETITION OF THE TOWN OF DUNSTABLE.

On the petition of the Inhabitants of the town of Dunstable by their Agents, praying that a certain and determinate line may be fixed and made between the said town of Dunstable and the District of Tyngsborough, to prevent disputes in future.

Ordered that the inhabitants of Dunstable, notify the inhabitants of Tyngsborough thirty days at least before the first Tuesday of the next session of the General Court, then to appear, and shew cause, if any they have, wherefore the prayer of said petition should not be granted, by serving the Clerk of said District of Tyngsborough with an attested copy of said petition and of this order thereon.

June 2, 1795.

Chapter 4.

RESOLVE ON THE PETITION OF THOMAS LOTHROP, REMITTING A FINE LAID ON THE TOWN OF COHASSET, FOR NOT SENDING A REPRESENTATIVE.

On the Petition of Thomas Lothrop Representative for the Town of Cohasset Praying that a fine of Twenty

* Not printed in previous editions. Taken from court record.

Pounds that was lade on Said Town for not Sending a Representative to the General Court in the year 1793 [*be remitted.*]

Resolved that Said fine of Twenty Pounds be Remitted and the Said Town are hereby Discharged from Paying the Same and the Treasurer of the Commonwealth is hereby Directed to Govern him self accordingly.

June 3, 1795.

Chapter 5.

RESOLVE ON THE PETITION OF ZERVIAH UMPANY, AN INDIAN WOMAN, OF TISBURY, AUTHORIZING REV. ZECHARIAH MAYHEW, TO PAY THE DEBTS OF HER LATE HUSBAND, WITH A PROVISIO.

On the Petition of Zerviah Umpany Indian Woman of Tisbury in the County of Dukes County, Praying that the Revd. Zechariah Mayhew may be impowered to Pay her late Husbands Samuel Umpany Just Debts out of the money he has in his hands Belonging to the Estate of the Said Samuel, and the Remainder to Pay from time to time for the Support of the Petitioner.

Resolved, for Reasons Set forth in Said Petition, that the Said Revd. Zechariah Mayhew be and he is hereby authorized and impowered to Pay the lawfull Debts of the Said Samuel out of the money he has in his hands as aforesaid; *Prov[is]o* all Such Debts be first Examined and allowed by the Court of Sessions of Said County and the overplus (if any) to Pay from time to time unto the Said Zerviah for her Support, the Said Mayhew to be accountable to the Judge of Probait of said County for the Expendituers of Said monies.

June 3, 1795.

Chapter 6.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF WESTERN, REMITTING A FINE LAID ON SAID TOWN, FOR NOT SENDING A REPRESENTATIVE.

On the Petition of the Inhabitants of the town of Western, Praying that a fine imposed upon them for neglecting to send a Representative in the Year 1793 may be remitted.

Resolved for reasons set forth in sd. Petition that the fine afore said being the sum of twenty two pounds be remitted to the sd. Inhabitants of the town of Western, & the Treasurer is directed to govern himself accordingly.

June 3, 1795.

Chapter 7.

RESOLVE ON THE PETITION OF DANIEL WHITNEY, IN BEHALF OF THE TOWN OF SHERBURNE, REMITTING A FINE LAID ON SAID TOWN.

On the Petition of Daniel Whitney in behalf of the Town of Sherburn, praying for the remittance of a fine for not sending a Representative to the General Court in the year of our Lord seventeen hundred and Ninety three — for reasons set forth in said petition.

Resolved that the Sum of Twenty pounds set on said Town as a fine as aforesaid, be and the same is hereby remitted to the said Town of Sherburn, and the Treasurer of this Commonwealth is directed to govern himself accordingly.

June 5, 1795.

Chapter 8.

RESOLVE ON THE PETITION OF SOLOMON DODGE, IN BEHALF OF THE TOWN OF TOPSFIELD.

On the Petition of Solomon Dodge praying that thirteen pounds may be paid to the town of Topsfield, for the like sum which the Treasurer was by a Resolve past March 28th 1793, directed to credit said Town as an abatement of a Fine for not sending a Representative in 1790, but which by the arrangements of the treasury was not credited to said Town.

Resolved that there be allowed and paid out of the Public treasury the sum of thirteen pounds to the said Town of Topsfield, in full for the benefit intended by the aforesaid resolve.

June 5, 1795.

Chapter 9.

RESOLVE ON THE PETITION OF EDWARD LYDE, GIVING CONSENT FOR HIS NATURALIZATION IN NEW YORK.

On the petition of Edward Lyde shewing that by reason of departing this once province in the begining of the year 1775 he was afterwards proscribed as an absentee, but has nevertheless resided in the State of New York ever since the year 1777 & is now about to procure his naturalization there, for which purpose the consent of this Legislature is made necessary by an Act of Congress of 29th Jany. last. Therefore

Resolved for reasons set forth in said petition that the prayer thereof be granted; and the said Edward Lyde hath hereby the consent of the Legislature of this Commonwealth to procure his naturalization and right of Citizenship in the manner prescribed by law.

June 5, 1795.

Chapter 10.

RESOLVE ADJOURNING COURTS IN THE COUNTY OF ESSEX,
AND FOR OTHER PURPOSES.

Resolved, that the Courts of Common Pleas & General Sessions of the peace to be holden at Salem, within & for the County of Essex, on the second Tuesday of July next, be & they are hereby adjourned to the third tuesday of July next, then to be holden at sd. Salem, within & for the County aforesaid — And all Writs precepts, processes & every other matter returnable to the said Courts, to be holden on the said second Tuesday of July shall be returnable to the aforesaid Courts on the said third tuesday of July, & may have day in the same Courts & may be prosecuted or determined as they might have been, had the said Courts been holden on the said second Tuesday of July — and all actions processes, matters & things now pending in the said Courts, may be carried on, prosecuted & determined in the said Courts to be holden on the said third Tuesday of July in manner as aforesaid.

And whereas in March last several towns in the said County of Essex by mistake elected their grand jurors by ballot to serve in the Court of general sessions of the peace to be holden within & for the said County the year then following; by reason whereof the grand jurors returned to serve as aforesaid in said Court & who by law should have been sworn at the last April term thereof were discharged; therefore

Resolved that the Clerk of the said Court of general sessions of the peace be & he is hereby authorised & directed thirty days at least before the said third Tuesday of July next to make out his warrant to the Constables of such towns in said County as were directed to return grand jurors at said April term, requiring them severally to assemble ten days before the same third Tuesday, the freeholders & inhabitants of their respective towns qualified

to vote for a representative, to appoint, in the manner prescribed in an act passed in February A D 1794 entitled, “An Act in addition to & amendment of an act entitled an act regulating the appointment & services of grand jurors,” so many good & lawful men, as they were respectively required to appoint in March last, to appear on the third tuesday of July next, at ten of the clock in the forenoon, at the said Court of general sessions of the peace to be holden at Salem aforesaid within & for the said County, on the said third tuesday of July next, & then to serve on the grand jury at every Court of general sessions of the peace untill the April term thereof included, which will be in the year of our Lord one thousand seven hundred and ninety six & untill another grand jury shall be appointed impannelled & sworn in their room. And the Constables shall notify the persons that shall be chosen as before directed, four days before the said third tuesday of July next. And if any Constable, town or grand juror in this case, shall neglect to perform the duty therein required, such Constable, town or grand juror shall incur the penalty in such case by law provided in an act passed in June 1784 entitled “An Act regulating the appointment and services of grand jurors.”

And the Secretary is directed to cause the first of the foregoing Resolves to be seasonably publis[h]ed in the Salem Gazette, & impartial Herald printed in Newbury Port three weeks successively. *June 5, 1795.*

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT THE
OPENING OF THE SESSION.

Ordered — That John Bacon, Nathaniel Wells, Daniel Cony, Nathan Dane, and John Davis, Esqrs. be a Committee to wait on his Excellency the Governor, with the following Answer to his Excellency's Speech, at the opening of the present session of the General Court.

SAMUEL PHILLIPS, *President.*

May it please your Excellency —

The Senate cannot but express their sincere satisfaction at the renewed testimony of public confidence, which excites the just and grateful sentiments, expressed in your Excellency's communications.

The harmony and good humour so essential to the beneficial operation of the well organized Government, with which this Commonwealth is favored, it shall be our study to cultivate and improve: and by free communications and an explicit avowal of principles and intentions to conform to the Genius of our Constitution and to the character of the people by whom it is enjoyed.

A recurrence to the principles and events, which distinguished the early settlement of our Country, to which your excellency has drawn our attention, will ever be peculiarly gratifying to thoughtful and patriotic minds. To Eulogys upon our illustrious Ancesters, every American heart is in constant unison. Poverty and distress, persecution and contempt were plentifully poured into their Cup. But the Sun of Glory will ever shine upon their Tombs. The affectionate reverence of their descendants will embalm their memory, and a respectful regard to those principles and institutions which have been attended with unexampled prosperity, will form the glorious reward, which they contemplated and in the anticipation of which all their sufferings were softened.

The diffusion of equal liberty and the voluntary adoption of those principles of rational freedom, which form the basis of the American Constitutions, by any of the nations of Europe, are circumstances which afford us sensible satisfaction. On the Supreme disposer of Events we rely to give the contending nations peace, when the great purposes of the present commotions shall be accomplished. At the same time we cannot but express our gratitude that he has blessed us with a government which has preserved us in prosperous tranquility amidst the sanguinary conflicts which have afflicted the European world.

Your Excellency's attention to the establishment and operation of literary institutions is justified by the importance of the Subject. Academies have been considered as useful institutions to afford the means of instruction in several branches of science of general and obvious utility, for which Grammar Schools are not well calculated. Considering the various literary institutions in the Commonwealth as highly necessary and useful for extending the several branches of learning and science for the promotion of which they were respectively established, it shall be our

special Care, at all times, to patronise them in such a manner as to encourage and effectually protect the whole — and as time and experience shall evince that any of these institutions shall stand in need of the special assistance and patronage of the Government we flatter ourselves that the Senate of Massachusetts will never withhold such assistance or patronage.

We sensibly feel with your Excellency real satisfaction when we contemplate the cool, deliberate and enlightened manner in which the Citizens of this State have lately examined their Constitution in order to revise it or preserve it in its present form. This deliberate character and this dignified manner of examining the principles and forms of their Government must be attributed in no small degree to the excellent literary institutions established by them and their venerable Ancestors.

As perfect and permanent a System of Jurisprudence, as is attainable by men, will unquestionably be the object of the enlightened Citizens of this Commonwealth. If in examining the Machinery of the Government in this important branch of it, any improvement should come under consideration, it will surely be contemplated with all proper deference and respect for those modes and systems which time has rendered venerable and long habit has familiarized or endeared.

The honorable and permanent provision which the Constitution requires to be made for certain important officers is founded on such solid and approved principles, that any existing inadequacy will engage our careful attention; and the obvious policy and justice of making equitable and adequate rewards to all the Officers of Government, will lead us carefully to consider any circumstances which may have diminished the compensation to which their services are entitled.

The adequate provision which has been made for the payment of the Interest on the debt of the Commonwealth and the favorable operation of the System, adopted for its gradual reduction, afford us much satisfaction; and we are happy in the reflection, that the accomplishment of those interesting objects will be materially aided by resources independent of a Tax upon the Citizens.

We are convinced of your Excellencys readiness to cooperate with us in the dispatch of public business: and

shall endeavour to give your Excellency suitable opportunity for the revision of those bills and resolves which may be passed in the present session. *June 6, 1795.*

ANSWER OF THE HOUSE TO THE GOVERNOR'S SPEECH AT THE
OPENING OF THE SESSION.

[Presented by Dr. Jarvis, Dr. Eustis, Mess'rs Mason, (Boston) Strong, and Waldo.]

SIR, It is with real satisfaction that the House of Representatives embrace the present opportunity of renewing their congratulations on your re-election to the first office of this Government. The unanimity with which this agreeable event has been distinguished, is a new proof of the confidence reposed by your fellow citizens in your real patriotism & integrity.

It is with pleasure we recognize with your Excellency the truth of a principle no less beautiful in theory than it is just and incontestible in practice. In this, as in every State where the sovereignty is retained by the whole people as their unalienable right, the exercise of every power which must emanate from their authority, will naturally be directed to promote their real interest. It is to this source we may trace the uninterrupted harmony in the respective departments of our present Government, which has so happily prevailed from the first moment of its existence to the present period.

We cannot fail to view it with your Excellency as a circumstance extremely honorable to the profound policy of our ancestors, that at the same time they laid the foundations of their civil institutions in the rights of human nature, they considered the diffusion of knowledge, and the freedom and establishment of public worship, as instruments indispensably requisite to confirm and extend them.

We sympathize with the deepest solicitude for the calamities of those Nations who are now struggling in defence of their liberty, and we shall hail the approach of peace to them as the greatest of blessings, when its final re-establishment shall secure to them the unmolested enjoyment of those essential rights for which their blood hath been so profusely shed.

We have observed with peculiar pleasure the perfect tranquility which accompanied the late deliberations of

the people on the very interesting question of revising their Constitution.

We shall pay all possible attention to every subject referred to by your Excellency in your late communications, & assure you of the prompt and cheerful concurrence of this House in every measure to accomplish the salutary objects of our free and happy Government.

June 6, 1795.

Chapter 10A.*

ORDER ON THE PETITION OF JOSEPH LYNDS AND OTHERS.

On the complaint & petition of Joseph Lynds and others inhabitants of the northerly end of the town of Malden, praying that they may be impowered to chuse a Committee to regulate the fishery in said town.

Ordered that the petitioners notify the inhabitants of the town of Malden, by leaving an attested copy of the above mentioned complaint and petition, with this order thereon, with the Clerk of said town, thirty days at least before the second Wednesday of the next sessions of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 8, 1795.

Chapter 10B.*

ORDER ON THE PETITION OF THE SELECTMEN OF SOUTH BRIMFIELD.

On the petition of the Selectmen of South Brimfield praying that a just proportion of the road leading from Brimfield to Union may be annexed to the District of Holland.

Ordered that the petitioners notify the District of Holland, by leaving an attested copy of their petition with this order of Court thereon, with the Selectmen thereof, thirty days before the second Wednesday of the next session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 8, 1795.

* Not printed in previous editions. Taken from court record.

Chapter 11.

RESOLVE ON THE PETITION OF EBENEZER JONES, AGENT FOR THE INHABITANTS OF THE TOWN OF WESTMINSTER, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH THE SUM OF £.27 10.

On the Petition of Ebenezer Jones, Agent for the Inhabitants of the Town of Westminster, praying that a fine imposed on that Town, for neglecting to send a Representative for the year 1793, may be remitted to them.

Resolved, that for reasons stated in said Petition, the Treasurer of this Commonwealth be and he is hereby empowered and directed, to credit the said Town of Westminster, the sum of Twenty seven pounds ten shillings, which sum was set on them as a fine for not sending a Representative for the year 1793. *June 9, 1795.*

Chapter 12.

RESOLVE ON THE MEMORIAL OF NATHANIEL BISHOP, ESQ. ALLOWING HIM £.15 FOR HIS SERVICES IN THE SALE OF A FARM, BY A RESOLVE OF FEBRUARY 26, 1794.

On the Memorial of Nathaniel Bishop Esq. representing that in pursuance to a Resolve of the General Court of the 26th February 1794 authorizing him to lease out and sell a certain Farm of land lying in Lenox in the County of Berkshire the property of this Commonwealth he has executed the Business assigned him by said Resolve and has deposited with the Treasurer of this Commonwealth the avails of the Rent and Sale of the said Farm excepting the Sum of Eighteen pounds and nineteen shillings due for the Rent which he has not received and praying for a Settlement of his Accounts & compensation for his services.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth to the said Nathaniel Bishop the sum of Fifteen pounds in full compensation for his Services and expences in said Business he the said Bishop at the same time accounting to the Treasurer for the aforesaid sum of eighteen pounds and nineteen shillings. *June 9, 1795.*

Chapter 13.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF PLYMOUTH AND GRANTING A TAX.

Whereas the Treasurer of the County of Plymouth has laid his accounts before the General Court, in manner prescribed by Law — which accounts are hereby allowed — And whereas the Clerk of the Court of General Sessions of the Peace for the said County — has exhibited an estimate made by the Justices of said Court, of the necessary charges likely to arise within said County the current year, amounting to the sum of three hundred & seventy five pounds :

Resolved, that the sum of three hundred & seventy five pounds, be and hereby is granted as a tax for the said County of Plymouth, to be apportioned, assessed, collected and applied in manner as the law directs.

June 9, 1795.

Chapter 14.

RESOLVE ON THE PETITION OF JOHN STORER.

On the petition of John Storer for himself and others, praying for liberty to enter and prosecute an Appeal from a Decree of the Judge of Probate in the County of York in favour of the Administrators of Joseph Storer Esqr. deceased, against the heirs of the Estate of John Storer Esqr. decd.

Resolved, for reasons set forth in said Petition, that the said John Storer & others, the petitioners be & they hereby are authorized to enter and prosecute at the next Supreme Court of Probate to be holden within and for the County of York on the Fourth Tuesday of June 1795 an appeal from a certain Decree of the said Judge of Probate made on the Sixteenth day of March 1795 in favour of the Administrators of Joseph Storer Esqr. deceased against the heirs of John Storer Esqr. deceased — And the Supreme Court of Probate is hereby empowered to hear and determine upon the appeal in the same way & manner as tho' the said appeal had been made within the time limited by Law — *Provided* the said John Storer Serve Joseph Storer one of the Administrators on the Estate of the said Joseph Storer deceased with an Attested Copy of his petition &

this Resolve of Court Seven Days at least before the day of the sitting of the said Supreme Court above mentioned.

June 10, 1795.

Chapter 14A.*

ORDER ON THE PETITION OF JOHN ANDERSON.

On the petition of John Anderson, praying to be set off from the first parish in Falmouth in the County of Cumberland, and annexed to the north west parish in North Yarmouth.

Ordered that the petitioner notify the first parish in Falmouth and the northwest in North Yarmouth, by serving the Clerk of each of said parishes with an attested copy of his petition and this order thereon, thirty days at least before the second Wednesday of the next sitting of the General Court, that they may then appear and shew cause, if any they have, why, the prayer of said petition should not be granted.

June 10, 1795.

Chapter 15.

RESOLVE ON THE PETITION OF ELI BULLARD, IN BEHALF OF HENRY DEATH, AUTHORIZING HIM TO RE-ENTER THE ACTION MENTIONED.

On the Petition of Eli Bullard in behalf of Henry Death praying for liberty to re-enter and prosecute a certain appeal in said Petition mentioned.

Resolved for reasons set forth in said Petition that the said Henry Death be and he hereby is authorized to re-enter and prosecute at the next Supreme Court of Probate to be holden within and for the County of Middlesex on the last Tuesday of October next, an appeal heretofore made by the said Henry from a certain decree of the Judge of Probate for the said County of Middlesex; which decree was made by the said Judge upon a Petition of one Thomas Breck — and the said Supreme Court of Probate is here by impowered to hear and determine upon the appeal aforesd. in the same manner as tho' the same had never been withdrawn from its former entry in said Court — he the said Henry Death notifying the said Thomas Breck by serving him with an attested Copy of this Re-

* Not printed in previous editions. Taken from court record.

solve fourteen days at least before the day of the Sitting of the said Supreme Court above-mentioned.

June 10, 1795.

Chapter 16.

RESOLVE GRANTING £.30. TO ZEPHANIAH LEONARD, ESQ.

On the petition of Zephaniah Leonard Esq. Sheriff of the County of Bristol.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth to the said Zephaniah Leonard the Sum of Thirty pounds in full compensation for sundry fines, forfeitures and bills of Cost by him collected and accounted for and for which he has not been compensated.

June 11, 1795.

Chapter 16A.*

ORDER ON THE PETITION OF THE TOWN OF NEWBURY.

On the petition of the town of Newbury.

Ordered that the petitioners notify each of the Parishes in the town of Newbury, by serving the Clerk of each of the said parishes with an attested copy of their petition, with this order thereon, at least thirty days before the second Wednesday of the next sitting of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 11, 1795.

Chapter 17.

RESOLVE ON THE PETITION OF TIMOTHY PARSONS, IN BEHALF OF THE TOWN OF POWNALBOROUGH.

On the petition of Timothy Parsons in behalf of the Town of Pownalborough.

Resolved that the Assessors of the several towns of Pownalboro' Dresden and New Milford be and they hereby are Authorized and directed to Assess on the Polls and Estates of the Inhabitants of said Towns of Pownalborough and Dresden, & that part of New Milford that was heretofore part of the said Town of Pownalborough their due proportions According to the Last Valuation taken in the Town of Pownalborough before its division the State and

* Not printed in previous editions. Taken from court record.

County Taxes laid on said Town of Pownalborough in June 1794 and the sums so Assessed shall be committed to the Several Collectors of the Towns of Pownalboro' Dresden & New Milford and the Assessors of said Towns are hereby directed to make return of the sums so committed to the Treasurer of this Commonwealth and the Treasurer of the County of Lincoln who are hereby directed to Charge the said Towns of Dresden & New Milford with so much of said Taxes as shall be so returned and the said Treasurers are Likewise directed to credit the Town of Pownalboro' with such sums as shall be returned as the proportions of the said Towns of Dresden & New Milford.

And it is further *resolved* that the Assessors of the Town of Pownalborough be and they are hereby directed to Appoint a time and place for the meeting of the Assessors of the Several Towns herein Mentioned to Carry the purpose of this resolve into effect and to give Notice to the Assessors of the said Towns of Dresden and New Milford in writing with an attested Copy of this resolve annex by Leaving it with the several Clerks of Each of said Towns Ten days previous to the day of their Meeting and if the said Assessors of said Towns of Dresden & New Milford shall neglect or refuse to attend at the time & place so appointed, and do the duty required of them to carry this Resolve into effect then the Assessors of the Town of Pownalboro' are hereby Authorized & directed to Assess the said Taxes on the polls and Estates of the several Inhabitants of the said Towns of Pownalboro', Dresden & [and] part of New Milford and committ the same to the several Collectors Aforesaid and Make return of their doings to the Treasurers aforesaid and the said Treasurers are hereby impowered and directed to proceed Against the several Collectors of Each of said Towns in Case of delinquency in the same Manner as if the said Taxes had been Assessed by the several Assessors of each of said Towns.

June 11, 1795.

Chapter 18.

RESOLVE ESTABLISHING THE PAY OF THE GENERAL COURT.

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth, to each member of the Council, Senate & House of Representatives Two Dollars

for each day's attendance the present session, & a like sum for every ten miles distance from their respective places of abode, to the place of the sitting of the General Court.

And be it further *Resolved* that there be paid to the President of the Senate, & the Speaker of the House of Representatives each one dollar & fifty cents for each day's attendance, over and above their pay as members.

June 11, 1795.

Chapter 18A.*

ORDER ON THE PETITION OF JOSHUA BEALS.

On the petition of Joshua Beals in behalf of the inhabitants of Windsor in the County of Berkshire praying the Legislature to take into consideration an act passed at the last session of the General Court, intituled "An Act to set off a part of the town of Windsor in the County of Berkshire, and to annex the same to the town of Dalton," and to pass such order or resolution thereon as may be proper.

Ordered that the inhabitants of the said town of Windsor notify those persons, who by the said Act were taken off from the town of Windsor and annexed to the town of Dalton, to appear at the second Wednesday of the next session of the General Court, by serving one or more of those persons with a copy of the said petition and of this order thereon, thirty days at least before said second Wednesday, then to shew cause, if any they have, why that part of said Act which enacts that they shall be intitled to receive their proportion of all monies lands and other estates real and personal, then the property of the said town of Windsor, agreeable and in proportion to the last Valuation should not be repealed. *June 11, 1795.*

Chapter 19.

RESOLVE ON THE PETITION OF JAMES WILLSON, AUTHORIZING TWO JUSTICES OF THE PEACE TO LICENCE HIM.

On the Petition of James Willson of Worcester in the County of Worcester, praying to be licensed to Retail Spiritous Liquors in said Town of Worcester, till the next licensing term in said County.

* Not printed in previous editions. Taken from court record.

Resolved, for reasons set forth in sd. Petition That any two Justices of the peace, within said County, *quorum unus*, be, and they are hereby authorized and empowered to license ye sd. James Willson to Retail Spiritous Liquors in said Town of Worcester untill the next licensing Term in said County. *Provided*, That the said James, Shall fully comply with the laws in that behalf made and provided.

June 11, 1795.

Chapter 20.

RESOLVE APPOINTING A COMMITTEE OF BOTH HOUSES, TO REPAIR TO THE DISTRICT OF MARSHPEE, TO EXAMINE AND TO ENQUIRE INTO THE SITUATION AND CIRCUMSTANCES OF THE INHABITANTS OF COLOUR, TO ASCERTAIN THE CAUSES OF THEIR UNEASINESS, AND REPORT AT THE NEXT SESSION.

Upon the petition of sundry Inhabitants of Colour of the district of Marshpee expressing their uneasiness under the existing Laws of the Commonwealth for their regulation.

Resolved that Nathan Dane, Jonathan Mason and William Eustis Esqrs. be a Committee to repair to said district to examine and enquire into the situation and circumstances of said Inhabitants, to ascertain the causes of their uneasiness; and to consider whether any amendment or alteration can be made in the Law regulating sd. plantation or the Government thereof, consistent with the preservation of the property of said Inhabitants, and by which their condition may be meliorated or improved. The said Committee to report at the next Session of the General Court and to give previous notice to the Overseers and Guardians of said district when they shall proceed on the business herein assigned to them.

June 11, 1795.

Chapter 21.

RESOLVE ON THE PETITION OF DENNY McCobb, EXECUTOR TO SAMUEL McCobb, OF GEORGETOWN, DIRECTING THE TREASURER TO BALANCE THE ACCOUNT, WITH A PROVISIO.

On the Petition of Denny McCobb — Executor to the last Will and testament of Saml. McCobb, late of Georgetown.

Resolved, That *provided* the said Denny McCobb, pay into the public Treasury the sum of Thirty seven pounds

fourteen shillings & eight pence. The Treasurer in that case be and he hereby is directed, to balance the account in the Treasury Books with the Town of Georgetown for a deficiency on the Beef Tax so called. *June 11, 1795.*

Chapter 21A.*

ORDER ON THE PETITION OF MARK HATCH AND OTHERS.

On the petition of Mark Hatch and others.

Ordered that the petitioners notify the town of Penobscot by leaving an attested copy of their petition and this order thereon, with the Clerk of the said town of Penobscott, ninety days at least before the third Wednesday of the next session of the General Court, that they may appear on said day and shew cause, if any they have, why the prayer of said petition should not be granted.

June 11, 1795.

Chapter 22.

RESOLVE ON THE PETITION OF THE TOWN OF WEYMOUTH, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN £.32 10, FOR NOT SENDING A REPRESENTATIVE TO THE GENERAL COURT.

On the petition of the town of Weymouth.

Resolved that, for reasons set forth in said petition, the Treasurer of this Commonwealth be & he hereby is directed to credit the said town of Weymouth the sum of thirty two pounds ten shillings set on said town as a fine for not sending a representative to the General Court for the year 1793.

June 13, 1795.

Chapter 23.

RESOLVE ON THE PETITION OF PATIENCE TISDALE, GRANTING HER AND HER CHILDREN, A CERTAIN CONFISCATED ESTATE.

On the Petition of Patience Tisdale, praying for a Grant of Certain estate in Freetown in the County of Bristol heretofore ye Property of her late husband Henry Tisdale, and confiscated to the Commonwealth.

Resolved, That the Commonwealth doth grant the estate Confiscated as aforesaid, and the same is hereby granted to the children and heirs of the said Henry, to have and

* Not printed in previous editions. Taken from court record.

to hold the same as Tenents in common to them their heirs and Assigns forever to their use and be hoof forever, *provided however*, that the said Estate, be, and it hereby is subjected to the Dower of the said Patience in the same manner as it would have been, if the said Henry had died seised & possessed of the same in fee simple, and the Judge of Probate for the said county, in the Assig[n]ment of dower, shall, in Respect to the above granted premises, proceed as he should have [have] done if the said Henry had died seized and possessed thereof in manner aforesaid.

June 13, 1795.

Chapter 23A.*

ORDER ON THE PETITION OF JOHN GOODWIN AND OTHERS.

On the petition of John Goodwin, George Ham and others.

Ordered that the said petitioners notify the inhabitants of the said towns of Sanford and Shapleigh, by leaving an attested copy of their petition with this order thereon with the Clerk of each of the said towns sixty days at least before the second Wednesday of the next session of the General Court, that they may appear on said day, and shew cause, if any they have, why the prayer of said petition should not be granted.

June 13, 1795.

Chapter 24.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF LONGMEADOW, EMPOWERING JONATHAN HALE, TO MAKE AND EXECUTE A GOOD DEED OF THE REAL ESTATE MENTIONED, UNTO JABEZ COLTON, FOR THE PURPOSE OF THE MAINTENANCE OF OTHNIEL COLTON.

On the Petition of the Selectmen of the Town of Longmeadow praying that Jonathan Hale Guardian of Othniel Colton a Person *non compos mentis* may be empowered to convey over the Estate of said Othniel for the purpose of his Maintenance.

Resolved that the said Jonathan Hale be and hereby is empowered to make and execute a good and sufficient deed of the Real Estate of the Said Othniel unto Jabez Colton of said Longmeadow and his Heirs and Assigns and the deed so made and executed shall transfer and

* Not printed in previous editions. Taken from court record.

convey the same Estate to the Said Jabez his Heirs and Assigns forever in the same manner as a like deed made and executed by the said Othniel would have conveyed the same when of sound Mind and Understanding and the said Guardian is further empowered to pay over unto the said Jabez the Personal Estate of said Othniel if any Personal Estate remain after paying just debts. *Provided* that upon making and executing the Deed aforesaid and paying over the said Personal Estate the said Jabez give sufficient security to the Selectmen of the Town of Longmeadow to indemnify the said Town from any Expence respecting the Support or Maintenance of the said Othniel.

resolved that the aforesaid Jonathan Hale upon conveying and paying over the aforesaid Estate unto the said Jabez Colton and receiving his receipt in full for the same shall be discharged from any further Settlement with the Court of Probate for Said Estate. *June 15, 1795.*

Chapter 25.

RESOLVE DIRECTING THE TREASURER TO SUBSCRIBE IN BEHALF OF THE COMMONWEALTH 200,000 DOLLARS IN ADDITION TO THE STOCK OF THE UNION BANK AND MAKING PROVISION FOR PAYMENT.

Whereas, by an Act passed the ninth day of march 1793 intituled, “An Act in addition to an Act, intituled an Act to incorporate sundry persons, by the name of the president and Directors of the Union Bank,” it is provided, that the Commonwealth may if the Legislature shall think fit, at any time hereafter during the Existence of said bank subscribe, the sum of two hundred thousand dollars, in addition to the sum by said Act directed to be subscribed :

Resolved that the Treasurer of the Commonwealth, be and hereby is directed to subscribe in behalf of the Commonwealth two hundred thousand dollars, in addition to the stock of said Bank, and his Excellency the Governor with advice of Council is hereby requested to draw a Warrant on the Treasury for that sum.

And in order to enable the Treasurer to make payment of the sum directed to be subscribed as aforesaid,—

it is further *resolved* that the Treasurer be and hereby is authorized to make sale of the funded debt of the United States standing in the name of the Commonwealth on the books of Nathaniel Appleton Esq. the United

States Commissioner of Loans in this State — and to transfer the same or any part thereof when sold, *provided* however that the funded debt bearing present interest at six $\frac{1}{2}$ cent. be not sold at a less rate than the nominal value thereof — including the interest that may be due thereon at the time of sale.

And it is further *resolved* that provided the funded debt aforesaid produce a sum exceeding two hundred thousand dollars — the surpluss be and hereby is appropriated for purchasing the debt of this State, & shall be paid into the hands of the Commissioners by law appointed for purchasing the same. And it is further *resolved* that the dividend that may from time to time be due to the Commonwealth on the sum herein directed to be subscribed to the stock of the Union Bank be and hereby is appropriated to the same use and in the same manner as the dividends due or that may be due on that part of the Stock of said Bank now the property of the Commonwealth, is by Law appropriated. *June 17, 1795.*

Chapter 25A.*

ORDER ON THE PETITION OF HENRY JACKSON AND OTHERS.

Upon the petition of Henry Jackson and others, praying to be incorporated for the purpose of erecting a Dike or Causeway from the southwesterly part of the town of Boston so as to unite the same with the northwesterly point of land on Dorchester neck.

Ordered that the petitioners notify the inhabitants of the respective towns of Boston, Roxbury and Dorchester, by leaving an attested copy of their petition with this order thereon with the respective town Clerks of each of said towns sixty days at least before the second Wednesday of the next Session of the General Court, then and there to appear and shew cause, if any they have, why the prayer of the same should not be granted.

June 17, 1795.

Chapter 26.

RESOLVE ON THE PETITION OF JONATHAN WHITCOMB AND OTHERS, SELECTMEN OF BOLTON.

On the petition of Jonathan Whitcomb & others Selectmen of the town of Bolton praying that such part of

* Not printed in previous editions. Taken from court record.

State tax No. four, for representatives pay, as ought by law to have been set to the district of Berlin (being twelve pounds & five shillings) but was set in the tax act to the town of Bolton, should be now set to said district of Berlin.

Resolved, for reasons set forth in said petition that the said sum of twelve pounds five shillings, being the proportion of the tax No. four for Representatives Pay which ought by said tax act to have been set to the district of Berlin be now set to said district of Berlin, and shall be added to tax No. twelve, set & apportioned on the Inhabitants of the district of Berlin and shall therewith be assessed by the assessors of said Berlin and collected by the constable or collectors thereof and paid into the treasury of this Commonwealth with the same.

And be it further *resolved* that the Treasurer of this Commonwealth be & he is hereby empowered & directed to include the sum of twelve pounds five shillings in his warrant directed to the select men or assessors of said Berlin requiring them to assess the sum set upon them by tax act No. twelve, therein requiring such Select men or assessors to assess the said sum of twelve pounds five shillings with their said No. twelve tax. And the Treasurer is hereby also directed to credit the said town of Bolton the said sum of twelve pounds five shillings in the books of the treasury, and any execution issued by the Treasurer against the town of Bolton aforesaid for the sum aforesaid shall be stayed.

June 18, 1795.

Chapter 26A.*

ORDER ON THE PETITION OF THE AGENTS OF THE TOWNS OF STOUGHTON AND SHARON.

On the petition of the Agents of the towns of Stoughton and Sharon, praying that additions and alterations may be made in a law passed March 11th 1791, intituled, an Act for regulating the taking of Shad, Alewives and other fish in their passage through Neponset river, and the several streams to the pond called Ponkapaog or Massapaog.

Ordered that the petitioners notify the owners or occupiers of the several Dams on the streams leading from the sea to the Pond called Ponkapaog or Massapaog by

* Not printed in previous editions. Taken from court record.

posting up an attested copy of their petition and this order thereon in two or more public places in the several towns of Dorchester, Milton, Stoughton and Sharon thirty days at least before the second Wednesday of the next sitting of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted. *June 18, 1795.*

Chapter 27.

RESOLVE ON THE PETITION OF JOSHUA BEALS IN BEHALF OF THE TOWN OF WINDSOR.

On the Petition of Joshua Beals in behalf of the Town of Windsor in the County of Berkshire, praying to be Discharged from a Tax remaining against that Town on the new Emission Tax, Setting forth the Same to have been paid to the late Sherriff of that County, on an Ex-cution Issued by the Treasurer of this Commonwealth.

Resolved that the Prayer of Said Petition be Granted and that the Treasurer of this Commonwealth be, and he hereby is Directed to Credit the Said Town of Windsor the Sum of thirty nine pounds fifteen Shillings on the new Emission Tax it appearing to this Court that the Same Sum has been paid to the late Sherriff of the County of Berkshire. *June 19, 1795.*

Chapter 28.

RESOLVE ON THE PETITION OF JEFFRY RICHARDSON AND OTHERS, DIRECTING THE TREASURER TO MAKE SALE OF THE LAND MENTIONED, BY PUBLIC VENDUE.

On the petition of Jeffry Richardson & others praying leave to purchase certain lands belonging to the Commonwealth lying between & connected with the lands where the late rope walks stood.

Resolved that the Treasurer be directed to make sale of the said lands at public vendue to the highest bidder & he is hereby authorized & empowered to make & execute a good & sufficient deed of the same to the purchaser thereof.

June 19, 1795.

Chapter 29.

RESOLVE DIRECTING THE SECRETARY TO PRINT THE REPORT OF THE COMMITTEE ON THE SALE OF EASTERN LANDS, BY THE FIRST DAY OF SEPTEMBER NEXT.

Ordered, That the Secretary be, & he is hereby, directed to cause three hundred copies of the report of the Committee for the sale of Eastern lands, made to the Legislature at their present Session, to be printed & lodged in his Office, by the first day of September next; one copy of which report to be there delivered to the Governor, & one to each member of the Council, Senate, & House of Representatives, or to their order respectively.

June 19, 1795.

Chapter 30.

RESOLVE ON THE PETITION OF MOSES BLISS, ESQ. IN BEHALF OF THE TOWN OF SPRINGFIELD.

On the Petition of Moses Bliss Esqr. in Behalf of the Town of Springfield praying that said Town may be credited in the Treasury Books the Sum of twenty nine pounds two shillings & six pence one farthing part of a Tax committed to one David Miller late Constable of said Town in the year 1774, and which said Miller hath collected & paid into the Treasury of the Town of West Springfield after the Division of sd. Springfield.

Resolved the Prayer of said Petition be granted and that the said Sum of Twenty Nine Pounds Two shillings & six Pence one farthing part of a Tax committed to one David Miller late Constable of sd. Springfield in the year 1774 for which said Springfield is charged in the Treasury-Books and which said Miller hath collected & paid into the Treasury of the Town of West Springfield before his removal out of the Commonwealth; and which sd. West Springfield ought to have paid over to the Treasurer of the Commonwealth, be added to said West Springfield's Proportion of the Tax granted by the present General Court and that the Treasurer of the Commonwealth be directed to issue his Warrant accordingly requiring the Assessors of said West Springfield to assess the same, to be collected & paid into the Treasury of ye Commonwealth with their other Proportion of ye Tax granted this

year and that said Springfield have the same sum credited them in the Treasury-Books and be fully discharged therefrom.
June 19, 1795.

Chapter 31.

REPORT OF THE COMMITTEE ON THE REPORT OF THE COMMISSIONERS FOR THE PURCHASE OF THE PUBLIC DEBT, RENDERED JUNE 15, 1795.

The Committee of both houses to whom was referred the report of the Commissioners for the purchase of the public debt, rendered the 15th June instant, pursuant to the order of the two Houses of the Legislature,

Report, That the said Commissioners from the 26th Day of March 1794, when they commenced the business assigned to them to the 25th day of March last, have purchased and delivered over to the Treasurer of the Commonwealth, certificates of said debt amounting to One hundred and forty seven thousand and Eleven dollars and sixty one cents, exclusive of the Interest due thereon at the time of the purchases, for which they have paid with Money advanced to them from time to time by the Treasurer for that purpose One hundred and eleven thousand, eight hundred and ninety two dollars and seventy five cents & $\frac{3}{4}$ — That the said Committee have now in their hands fifteen thousand nine hundred and forty six dollars and twenty two cents arising from the balance of their last semi annual account settled with the Treasurer and from the sum of fourteen thousand, one hundred and three dollars and sixty six cents received of the Treasurer for the purposes of their commission since the settlement aforesaid and which is to be accounted for in their next semi annual settlement with the Treasurer. The Committee find the Accounts of the application of the monies received by the Commissioners duly rendered for settlement & accompanied with the returns required by the Act by which they were commissioned, and that the purchases have been made “in such manner and under such regulations as appear to be best calculated to promote the Interest of the Commonwealth.” — Which is submitted —

P. COFFIN junr. *pro* Order.

In Senate, — Read & Accepted, — Sent down for concurrence. In the House of Representatives, — Read & Concurred.

June 19, 1795.

Chapter 32.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF HAMPDEN, IN THE COUNTY OF HANCOCK.

On the petition of the Selectmen in behalf of the Inhabitants of the town of Hampden in the County of Hancock praying for a confirmation of the Lands on which they have settled.

Resolved that there be and there hereby is released to each of the inhabitants of the town of Hampden who settled and made separate improvement upon any lot of Land, now within said Town, and actually resided thereon, before the first day of January 1784, and to the heirs and assigns of such inhabitant, all the right & title of this Commonwealth to one Hundred Acres of Land, to be held in Severalty and to be laid out so as best to include their respective improvements and be least injurious to the adjoining land — On Condition that the said inhabitants cause the several lots taken up and settled upon by them to be surveyed & laid out with metes and bounds, by such surveyor as shall be appointed for that purpose by the Committee for the sale of Eastern Land, (which surveyor the said Committee is hereby empowered to appoint) and shall each of them pay to the Treasurer of the Commonwealth six dollars & fifty cents within one year from the time of passing this resolve — And the Surveyor who shall be so appointed, shall make out and deliver to the several inhabitants who settled as aforesaid certificates by him signed, of the metes, bounds & courses of their several lots, and shall also take and return to the Committee aforesaid a plan of the said Town describing each Lot particularly, with the name of the person settled thereon, whether settled prior to or since the first day of January 1784 — the expence of which survey & plan shall be defrayed by the inhabitants of the said Town of Hampden — who shall also cause the same to be recorded in the registers office in the County of Hancock.

And it is further *resolved* that there be released to each of the inhabitants of the said Town of Hampden who has settled and made separate improvements upon any lot of Land within said Town since the first day of January 1784, all the right & title of this Commonwealth to one Hundred Acres of Land, so as best to include his improve-

ments, & be least injurious to the adjoining land — on Condition that he pay therefor within two years, at the rate of fifty Cents per Acre — And the Committee for the Sale of Eastern Lands are hereby impowered and directed, on application from any of the last mentioned inhabitants — to receive payment for his lot according to the rate aforesaid, and on the receipt of the same to release to the person so applying all the right & title of the Commonwealth to the land on which such person is so settled;

And it is further *resolved* that if any dispute shall arise between any of the Settlers aforesaid respecting the lines & boundaries of their several lots, the same shall be decided by three persons one of whom shall be the Surveyor aforesaid, and the other two shall be mutually chosen by the parties disagreeing, and in case either party shall refuse to appoint or to agree upon two persons as aforesaid the surveyor shall appoint a person in his room.

June 19, 1795.

Chapter 33.

RESOLVE ON THE PETITION OF JACOB ABBOT, ALLOWING HIM ONE YEAR MORE FOR COMPLETING THE ROAD MENTIONED.

Resolved that there be allowed to Jacob Abbot One year from the expiration of the resolve Passed the Genl. Court on the twentieth of June last to complet the Clearing and making the road agreed by him from Kenebeck river to the line of the State of Newhamshire as expressed in said resolve any thing therein contained to the contrary not withstanding.

June 19, 1795.

Chapter 34.

RESOLVE ON THE PETITION OF JOSEPH PRATT.

Upon the Petition of Joseph Pratt praying for compensation, for loss sustained, in issuing the Provisions, to the garrison of Castle Island.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth to the said Joseph Pratt, the sum of seventy two pounds two shillings & four pence, being two p Centum, on the amount of Provisions received from the Contractors & issued to the said Garrison, of Castle Island, by the said Joseph Pratt, from the first day of April 1791, to the first day of April 1795, in full compensation for the loss sustain'd in dividing & issuing the said Provisions.

June 19, 1795.

Chapter 35.RESOLVE ON TREASURER DAVIS' LETTER RESPECTING REPAIRS
ON PROVINCE HOUSE, ETC.

Whereas by a resolve passed the 27, Feby. 1794 Thomas Davis Esqr. Treasurer of the Commonwealth was authorised and empowered, to make sundry repairs on the Province House so called in Marlborough Street, and on the House in Court Street late the property of an absentee :

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Thomas Davis Esq. the Sum of Two hundred fifty three pounds three shillings & six pence half penny to enable him to discharge sundry accounts exhibited by him for repairing the Province House so called, and also the further sum of Forty one pounds five shillings and one penny for the purpose of discharging sundry accounts for repairing the abovesaid House in Court Street, The said sums being in full for said repairs.

June 19, 1795.

Chapter 36.RESOLVE ON THE PETITIONS OF THE INHABITANTS OF PELHAM
AND GREENWICH.

On the Petitions of the Inhabitants of the towns of Pelham & Greenwich praying for some assistance in making Bridges & laying out and amending roads within the sd. towns.

Resolved that for reasons set forth in the sd. Petitions the sum of Fifty one pounds ten shillings be remitted to the town of Greenwich, & the sum of forty five pounds ten shillings be remitted to the sd. town of Pelham out of the Tax No. 11, being one half of the State taxes set against the sd. towns respectively, which sums are to be expended on the publick road leading by the most direct rout from Northampton to Boston. And to prevent any disputes which may arise in Apportioning the sd. expenditure,

Resolved that Ebenr. Mattoon and Martin Kinsley Esqrs. be agents to view the sd. roads at the expence of the Petitioners & to determine in what places & proportions the sd. Money shall be laid out, and that the Select Men of the sd. towns respectively shall at the next sitting of the Genl. Court Certify under Oath, that the sd. Money has been laid out on the sd. Roads & Bridges in manner as

shall have been directed by the sd. Agents; And Also that the monies which have been levied or Assessed in the sd. towns for the high ways have been duly worked out on the Roads & Bridges within the sd. towns respectively.

June 20, 1795.

Chapter 36A.*

ORDER ON THE PETITION OF ELIJAH DUNBAR AND OTHERS.

On the petition of Elijah Dunbar and others, inhabitants of the first parish in Stoughton.

Ordered that the petitioners notify the inhabitants of the town of Stoughton by leaving an attested copy of their petition and this order thereon with the Clerk of the said town of Stoughton sixty days at least before the second Wednesday of the next session of the General Court, then to shew [*cause*], if any they have, why the prayer of said petition should not be granted.

June 20, 1795.

Chapter 37.

RESOLVE ON THE PETITION OF WILLIAM DODGE.

On the petition of William Dodge, Executor of the last will and testament of William Dodge late of [of] Ipswich in the County of Essex, deceased.

Resolved, that the Judge of Probate for the County of Essex be and hereby is authorized and empowered to renew and extend the commission for exam[in]ing claims on the Estate of Abraham Dodge late of said Ipswich deceased for a term not exceeding three months from the date of this resolution, for the purpose of examining the claim of the said Executor against said Estate and also any other claim or claims which could not be evidenced or ascertained at the time when the Commissioners doings were closed; and the claims, which may be allowed by said Commissioners by virtue of the examination which may be made pursuant to this resolution shall have and be entitled to proportionate dividends from that part of said Abraham's Estate, which remains to be distributed with the balances remaining due on the claims heretofore allowed against said Estate. *Provided* that the expence of the examination, herein directed, shall be sustained by the said William Dodge and such other claimants as may derive benefit from the same.

June 20, 1795.

* Not printed in previous editions. Taken from court record.

Chapter 38.

RESOLVE ON THE PETITION OF WILLARD GROSVENOR.

On the petition of Willard Grosvenor.

Ordered that the petitioner aforesaid, Notify Lemuel Burrell of Roxbury in the County of Norfolk Victualler, by serving him with an Attested Copy of his said Petition, with this Order thereon, at least Thirty days before the second Wednesday of the next Session of the General Court that the said Burrell may appear on the said Wednesday & Shew cause if any he hath why the prayer of said Petition should not be granted, And that Execution be stay'd in the mean time.

*June 20, 1795.***Chapter 39.**

RESOLVE ALLOWING ACCOUNTS OF THE TREASURER FOR THE COUNTY OF LINCOLN AND GRANTING A TAX.

Whereas the Treasurer of the County of Lincoln has laid his Accounts before the Genl. Court in manner prescribed by Law; which Accts. are hereby allowed And whereas the Clerk of the Court of Gen. Sessions of the Peace has laid before the Genl. Court an Estimate made by said Court of the necessary expences which have & will arise in said County the current year; amounting to the Sum of eight hundred & six Pounds eight Shillings & eight Pence:

Resolved, that the Sum of Eight hundred & six pounds 8/8 — be, & hereby is granted, as a Tax for said County to be apportioned, assessed, collected & applied in manner provided by Law.

*June 20, 1795.***Chapter 40.**

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF NORFOLK AND GRANTING A TAX.

Whereas the Treasurer of the County of Norfolk has laid his Accounts before the Genl. Court in manner prescribed by Law; which Accts. are hereby allowed; And whereas the Clerk of the Court of General Sessions of the Peace for sd. County, has laid before the Genl. Court, an Estimate made by the sd. Court of General Sessions of the Peace, of the necessary charges which have arisen or

are likely to arise within said County the current year, amounting to the Sum of eight hundred & forty three pounds :

Resolved : That the Sum of eight hundred & forty three Pounds, be, & hereby is granted, as a Tax for said County, to be apportioned, assessed collected & applied, in manner agreeable to Law.

June 22, 1795.

Chapter 41.

RESOLVE ON THE MEMORIAL OF ALEXANDER HODGDON, ESQ. GRANTING £.789 4 5 $\frac{1}{4}$ IN FULL OF THE BALANCE UPON THE SETTLEMENT OF HIS ACCOUNT.

On the Memorial of Alexander Hodgdon, praying the balance due to him, on settlement of his accounts, as late Treasurer of the Common-wealth, may be paid.

Resolved, that there be allowed and paid out of the Treasury of this Common wealth, to Alexander Hodgdon Esqr., the sum of seven hundred & eighty nine pounds four shillings & five pence one farthing, equal to two thousand six hundred & thirty dollars, and seventy four Cents — in full of the balance found due to him, on the final settlement of all his Accounts, as late Treasurer of this Common-wealth, including his Salary, Clerk hire he paid to Andrew Cunningham, and all Expences while in Office, as adjusted by a Committee, appointed for that purpose, by a Resolve of the General Court of 26 February last.

June 23, 1795.

Chapter 41A.*

ORDER ON THE PETITION OF LEVI PEASE AND EPHRAIM MOWER.

On the petition of Levi Pease and Ephraim Mower in behalf of themselves and associates, praying for an incorporation and establishment of a turnpike road between the town of Brookfield and Wilbraham, on the great road leading from Springfield to Boston.

Ordered that the petitioners notify the inhabitants of the towns of Western and Palmer, and all persons concerned to appear on the third Wednesday of the next session of the General Court to shew cause if any they have, why the prayer of said petition should not be granted,

* Not printed in previous editions. Taken from court record.

by publishing said petition and this order three several times in the several News papers printed in the Counties of Worcester & Hampshire, the last of which publications shall be sixty days before said third Wednesday, and Ebenr. Mattoon, jr., Justin Ely and Thomas Hale jun. esqrs., be a Committee at the expence of the petitioners to view and consider the expediency of the measure, and ascertain with precision the place or places where it would best accommodate the public, and report their opinion at the next session of the General Court. *June 23, 1795.*

Chapter 42.

RESOLVE GRANTING JACOB KUHN 100 DOLLARS.

On the Petition of Jacob Kuhn.

Resolved that there be allowed and paid to Jacob Kuhn out of the Treasury of this Commonwealth, the sum of One hundred Dollars in Addition to the sum Already allowed him for his services as Messenger to the General Court for the present Year, commencing the 30th day of May last. *June 23, 1795.*

Chapter 42A.*

ORDER ON THE PETITION OF JACOB FOSTER AND OTHERS.

On the Petition of Jacob Foster & others praying that the Attorney General be directed to commence a process against Samuel Freeman & others on the behalf of the Commonwealth in order to gain a reseisin of Lands mentioned in said Petition by reason of the breach of the Conditions on which the same were granted.

Ordered that the Petitioners notify said Samuel Freeman & all persons interested by publishing an attested copy of their Petition & this Order thereon in the Gazette of Maine printed at Portland three weeks successively, the last publication to be at least Sixty Days before the second Wednesday of the next sitting of the General Court that they may then appear & shew Cause if any they have why the prayer of their petition should not be granted.

June 23, 1795.

* Not printed in previous editions.

Chapter 43.

RESOLVE ALLOWING ACCOUNTS OF THE TREASURER FOR THE COUNTY OF HANCOCK AND GRANTING A TAX.

Whereas the Treasurer of the County of Hancock has laid his Accounts before the Genl. Court in manner by Law prescribed, which Accts. are hereby allowed — And whereas the Clerk of the Court of Genl. Sessions of the Peace for said County, has laid before the Genl. Court an Estimate made by said Court of Genl. Sessions of the Peace, of the sums necessary to defray the Expences of said County the current year :

Resolved, That the Sum of seven hundred & fifty Pounds be, & hereby is granted, as a Tax for said County, and is to be apportioned, assessed, collected & applied in manner by Law provided.

June 24, 1795.

Chapter 44.

RESOLVE UPON THE REPRESENTATION OF THE GOVERNOR, AUTHORIZING HIM WITH THE ADVICE OF COUNCIL, TO OFFER A REWARD FOR THE DISCOVERY OF THE PERSONS WHO MADE AN OUTRAGEOUS ATTACK UPON A VESSEL IN THE HARBOR OF BOSTON, THE LAST SATURDAY EVENING.

Upon the representation of his Excellency the Governor that an unlawful assembly of men, in the evening of Saturday last, attacked a vessel lying within the harbour of Boston, dismasted her & threw her cargo into the sea, which vessel was afterwards wholly destroyed ; & that he was not authorized to offer a suitable reward for discovering & bringing to justice the persons concerned “ in so dangerous a proceeding.”

Resolved that his Excellency the Governor be & hereby is authorized & empowered, to offer such pecuniary reward, to be paid from the public treasury as he with the advice of council shall judge necessary for the discovery & bringing to justice any person or persons who may have committed the aforesaid offence, or have in any way aided or abetted in this daring & outrageous violation of Law.

And his Excellency is further requested to take such measures as he shall deem expedient in order to ascertain the amount of the losses sustained by the sufferers in the premises.

June 24, 1795.

Chapter 45.

RESOLVE RESPECTING TOWNS OF WHICH PLANS HAVE NOT BEEN RETURNED AND DIRECTING THE SECRETARY.

Whereas plans of several towns, districts & plantations have not been lodged in the Secretary's Office agreeable to the Resolution of the Genl. Court of the 26th June 1794 :

Resolved, that the inhabitants of such delinquent towns districts & plantations be and hereby are required to lodge in the Secretary's Office on or before the third Wednesday of January next, plans of their respective towns districts or plantations, taken in manner prescribed by the resolution of the 26th June 1794 & in case of refusal or neglect they shall forfeit & pay to the use of the Commonwealth the sum of one hundred & forty dollars which shall be added to such delinquent town, district or plantation's proportion of the State tax which may be granted next after the first day of Jany. 1796 —

Resolved further that the Committee for the sale of Eastern lands be & hereby are instructed to procure & furnish plans of all the townships not incorporated & such other documents as may be necessary to complet a map of the five Eastern Counties called the district of Main ; & lodge them in the Secretary's Office as soon as may be & the said Committee are authorised & directed to require of the several grantees & claimants of any tracts of [of] land in said district of Maine, to exhibit to them plans of their respective grants & claims ; & if the said grantees & claimants or any of them shall neglect or refuse to exhibit to the said Committee or to lodge in the Secretary's Office said plans on or before the third Wednesday of Jany. next executed in manner prescribed in the aforesd. resolve of the 26th of June 1794 in such case the delinquent grantees or claimants shall forfeit & pay to the use of the Commonwealth the sum of one hundred & forty dollars —

Resolved further that the Secretary forward as soon as may be copies of the first of the foregoing Resolves to the Selectmen of such towns & districts & the assessors of such plantations as shall not previous to his issuing the same, have returned plans in the manner prescribed by the resolution aforesaid & also cause a copy of the same to be published in the several News papers in this Commonwealth.

June 24, 1795.

Chapter 46.

RESOLVE GRANTING £50 ADDITIONAL SALARY TO EACH JUDGE OF THE SUPREME JUDICIAL COURT.

On the memorial of the Judges of the Supreme Judic[i]al Court.

Resolved That there be paid out of the Treasury of this Commonwealth the Sum of fifty pounds to each of the said Judges in full for their salaries for one year ending the first of January 1796, being in addition to their permanent salary & to a grant of Fifty pounds which passed the Legislature the 28th day of February last.

June 24, 1795.

Chapter 46A.*

ORDER ON THE PETITION OF BENJAMIN WILLIS AND OTHERS.

On the petition of Benjamin Willis and others.

Ordered that the petitioners notify the inhabitants of the town of Bridgwater by leaving an attested copy of their petition with this order thereon, with the Clerk of said town, forty days at least before the second Wednesday of the next session of the General Court, that they may then appear and shew cause if any they have, why the prayer of said petition should not be granted.

June 24, 1795.

Chapter 47.

RESOLVE RESPECTING THE REPAIRING BERKSHIRE ROADS.

Whereas by a resolve passed at the last Session of the General Court a grant was made of four hundred & fifty pounds lawful money for the purpose of making & repairing certain roads, leading into the county of Berkshire, to be paid out of the monies arising from the sales of certain lands in that county & in the hands of the committee appointed to sell those lands; & whereas the said Committee have taken certain securities for the payment of monies due for said lands, & have in their hands certain public securities which they received from the purchasers of said lands, & whereas the said committee have doubts whether

* Not printed in previous editions. Taken from court record.

they can legally discharge themselves thereof unless a further resolve is passed on the subject :

Be it therefore Resolved that the said Committee be & they hereby are authorised & impowed to deliver over to the persons who by said resolve & the appointment made by the committee raised in that resolve, to apportion said grant, were impowered to receive the said monies & cause the same to be laid out as is therein specified, such securities as they may have received or taken or may take for the purchase of said lands, *provided* that the amount of the same shall not exceed the sum of the grant aforesaid — computing such public securities at the current value thereof in specie.

June 24, 1795.

Chapter 48.

RESOLVE GRANTING MARSH ISLAND TO JOHN MARSH.

On the petition of John Marsh of Marsh Island in the County of Hancock praying for a Confirmation of said Island.

Resolved — That all the Right title Interest Claim and Estate — which this Commonwealth now have, in and to the Island aforesaid — encompassed by Penobscot River and its Branches — near Indian Old Town — being the same Island on which the said John Marsh now dwells which Contains about Two Thousand acres be the same more or less — be and hereby is Remised released and forever Quitclaimed to the said John Marsh and to his Heirs & Assigns for ever.

June 24, 1795.

Chapter 49.

RESOLVE ON APPLICATION OF WATTS TURNER AND WILLIAM GOWEN, FOR STAYING EXECUTION UNTIL THE NEXT MEETING OF THE GENERAL COURT.

On the Application of Watts Turner & William Gowin praying that Execution against them from the State Treasurer may not Issue.

Resolved that the Treasurer of the Commonwealth be & he hereby is directed to Stay Execution against said Watts Turner & William Gowen untill the next Setting of the General Court.

June 24, 1795.

Chapter 49a.*

ORDER ON THE PETITION OF JOSIAH BURNHAM AND OTHERS.

On the petition of Josiah Burnham and others.

Ordered that the petitioners notify the proprietors of the Locks and Canals in Connecticut river, by serving their Clerk with an attested copy of the petition of the said Burnham and others, and of this order thereon sixty days at least before the second Wednesday of the next sitting of the General Court, that the said proprietors may shew cause if any they shall have on the said day, why the prayer of the said petition should not be granted. *June 24, 1795.*

Chapter 50.

RESOLVE ON THE PETITION OF PAUL ROBBINS, PRAYING ALLOWANCE FOR WAGES DRAWN BY FORGED ORDER. TREASURER DIRECTED.

Resolved for reasons set forth in said Petition that the prayer thereof be Granted, and that the Treasurer of this Commonwealth be and he hereby is directed to Issue his Certificate payable to the said Paul Robbins for the sum of Fifty six pounds and six pence with Interest from the date of the Note said to have been drawn by a forged Order, Agreeably to an act making provision for relieving the Debt of this Commonwealth. *June 24, 1795.*

Chapter 51.

RESOLVE GRANTING 400 DOLLARS TO THE ATTORNEY GENERAL FOR MONEY EXPENDED.

On the representation of the Attorney General stating that he has advanced fifty six pounds & thirteen shillings in prosecuting suits instituted in behalf of the Commonwealth by Order of the General Court; & it being necessary that further sums be advanced for the same purpose,

Resolved that the sum of four hundred dollars be paid out of the publick Treasury to the said Attorney General in full for the aforesaid sum by him expended; & to enable him to defray the expences of witnesses, & jurors, & obtaining plans, &c. necessary in several civil suits in law in behalf of the Commonwealth, now under his care; he to be accountable therefor. *June 24, 1795.*

* Not printed in previous editions. Taken from court record.

Chapter 52.*

ROLL, NO. 32.

The Committee on Accounts having examined the accounts we now present *Report* that there is due to the towns & persons hereafter mentioned the sums set to their names respectively, which if allowed and paid will be in full discharge of their said accounts to the dates therein mentioned.

ISAAC THOMSON *per order.**Expences of maintaining the Poor of the Commonwealth.*

	Dolls.	Cts.
To the town of Ashfield for supporting Jerusha Wilka to the 28th May 1795, & John Miller's family and Jeremiah Vergina to the same time including Docts. Bills .	107	53
To the town of Brimfield for supporting Jno. Wakely to April 1st 1795	50	66
To the town of Boxboro' for supporting & cloathing John Canady to June 5th 1795	30	17
To John Brewer and Simeon Fowler Agents to the Widow Peal by order of Court to April 13th 1795	26	0
To the town of Billerica for supporting Jane Wood to June 1795	55	83
To the town of Boston for supporting sundry paupers from 1st Decemr. 1794 to 1st June 1795	1988	16
To the town of Concord for supporting Willm. Turnicliif and William Shaw including Doctrs. bills to June 1795	52	61
To the town of Colerain for Doer. John Long's bill for visits and medicine to Henry Rogers to June 1795	30	0
To the town of Dudley for supportg. Susanna Smith from the 12th February 1794 to 11th Mareh 1795 & Naomi Cady to Feby 12th 1795	10	72
To the town of Danvers for supporting Jesse B. Ward to June 3d 1795	53	17
To the town of Dover for supporting Patriek Cowing to 9 June 1795	16	33
To the town of Dorchester for supportg. a Mrs. Thornton to June 1795	110	75
To the town of Easton for supportg. Abigail Hunnewell to 5th June 95	54	54
To the town of Framingham for supportg. Bennett Foster's two children to June 1795	45	0
To the town of Freetown for supporting Presbery Eldridge to May 18th 1795	9	50
To the town of Franklin for supportg. Alexr. Read to May 27th 1795	90	25
To the town of Gloucester for supporting sundry paupers to the 3d June 1795 including Doctrs. bills	334	0

* Taken from court record.

	Dolls.	Cts.
To the town of Groton for supporting sundry paupers to 1st June 95	74	42
To the town of Granby for supportg. Ebenr. Dervin to June 4th 1795	13	3
To the town of Hancock for supportg. Mary Keeny to June 1st 1795	12	93
To the town of Hardwick for supportg. John Bail & wife & Thomas Oakes to June 1795	116	11
To the town of Ipswich for supporting the widow of Dennis Guilehall to April 1795	52	0
To the town of Lenox for supporting Martha St John & Christina Crow to the 21st May 1795	96	17
To the town of Lyden for supportg. Jedediah Fuller & family to Decemr. 7th 1794	14	20
To the town of Mendon for supporting Jane Browning & John Hunt including Doctr's bills to May 15th 1795	68	14
To the town of Marlboro' for supporting Joseph Waters to June 1795	14	59
To the town of Middleboro' for supporting Thomas Simons to 1st April 1795 & funeral charges	13	33
To the town of Marshfield for supporting two children to May 5th 1795	25	50
To the town of New Bedford for supportg. sundry paupers to 24 March 1795	57	14
To the town of Northampton for supportg. Samuel Green from Oer. 1st 1794 to March 2d 1795	23	72
To the town of Pittsfield for supportg. Mary Welch & her child from March 1792 to Decemr 1794	160	65
To the town of Portland for supportg. sundry paupers to June 1795	185	13
To the town of Plympton for supportg. Simon Brow and Hannah Mitchell to March 1795	59	44
To the town of Richmond for supporting William Davidson to June 1795	14	6
To the town of Spencer for supporting Robert Giffin and David Chamberlain to May 20th 1795	143	17
To the town of Swanzey for supporting sundry paupers to June 12th 1795	111	17
To the town of Sharon for supporting Cato Johnson to the day of his death, and funeral charges	59	25
To the town of Scituate for supporting sundry paupers to 15th June 1795 Doer's bill included	39	92
To the town of So Brimfield for supporting Anthony Haywood to Jany. 1795	23	33
To the town of Uxbridge for supporting Betty Trifle to June 8th 1795	36	66
To the town of Westborough for supporting John Studmore to June 10 1795	25	71
To the town of Waldoborough for supportg. Sally Braizer to June 95	26	0
To the town of Western for supporting John Keen to May 25th 1795	20	0
To the town of Windsor for supporting Benja. Still & wife, including Doctr's. bills up to May 1795	148	14
To the town of West Springfield for supportg. Lucy Kent, her child and a child of Joseph Felt to the 20th May 1795	37	91

	Dolls.	Cts.
To the town of Worcester for supporting Glascow & wife, John Engrations Peter Willard and Charles Henry to June 1795	160	60
To the town of Warwick for supporting Phillip Royal wife & children to 25th May 1795	15	0
To the town of Weymouth for supporting Thomas Wal- lace from June 1794 to June 1795	61	0
To Nathaniel Wade for supporting sundry paupers in the house of correction in the County of Essex including Justices fees for Warrants of commitment &c to June 1795	102	66
To Samuel Whitwell keeper of the Alms house in Bos- ton to June 1st 1795	135	61
To the town of York for supportg. William Hereswell & Elizabeth Perkins to May 22d 1795	164	34
To Isaac Rand for his attendance & medecine on & for the State's poor to May 15th 1795	400	0
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	5776	25

Expences of the Militia.

	Dolls.	Cts.
To Amos Ames for his services as Adj. to June 1795	23	75
To Benja. Blanchard for his services as Adj. to February 1795	21	83
To Joseph Billings for his services as Adj. to June 1st 1795	16	66
To David Boutell for his services as Adj. to Jan'y. 25th 1795	39	18
To William Bridge for his services as Adj. to June 16th 1795	39	21
To Medad Dickerson for his services as Adj. to Feby. 1795	25	38
To Timothy Hopkins for his services as Adj. to Feby. 1795	30	0
To Hezekiah Hutchins for his services as Adj. to March 1795	19	0
To Jacob Haskell for his services as Adj. to 23d March 1795	20	92
To Seth Hinckley for his services as Adj. to April 1st 1795	11	25
To John Spooner for his services as Adj. to May 1795	32	82
To John Thomas for his service as Adj. to Octr. 1793	7	13
To Abiel Washbourn for his service as Adj. to March 25th 1795	22	63
To Abel Wilder for his service as Adj. to May 22d 1795	24	54
To Jona. Wheeler junr. for his services as Adj. to June 1795	21	66
To Paul Whiting for his services as Adj. to June 1795	17	30
To John Wesson for his services as Adj. to March 24th 1795	28	9
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	401	35

Sheriff's Accounts.

	Dolls.	Cts.
To Edmund Bridge for his services as Sheriff for the County of Lincoln to June 15th 1795	29	66
To John Cooper for his services as Sheriff for the County of Washington to June 1795	33	33

RESOLVES, 1795. — MAY SESSION.

	Dolls.	Cts.
To John Gardner for his services as Sheriff for the County of Nantucket to June 1795	33	75
To Joseph Hosmer for his services as Sheriff for the County of Middlesex to June 10th 1795	12	11
To Richard Hunnewell for his services as Sheriff for the County of Hancock to June 1795	25	0
To Zephaniah Leonard for his services as sheriff for the County of Bristol to May 1795	42	83
To John Wait for his services as Sheriff for the County of Cumberland to June 1795	20	25
To Elisha Porter for his services as Sheriff for the County of Hampshire to June 10th 1795	16	83
To Benjamin Smith for his services as Sheriff for the County of Dukes County to June 1795	11	71
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	225	47

Miscellaneous Accounts.

	Dolls.	Cts.
To Abraham Bigelow for his travel & attendance as a witness on the trial of William Hunt	6	59
To Norton Brailsford for sundry repairs on State House to June 17th 1795	154	8
To Thomas Davis Treasurer of this Commonwealth for money paid Nathaniel Appleton & sundry repairs & necessary expenditures in his office to June 1795	162	26
To Thomas Popkins for sundry repairs on the State House to June 1795	14	99
To Jacob Kuhn, being a balance due him on a settlement of accounts to June 17th 1795	22	43
To Israel Hatch for his service in going on an express to New Bedford by order of Government	16	25
To Thomas Walcut in full for making Schedules for the pay roll and tax act	6	0
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	382	60

Printers Accounts.

	Dolls.	Cts.
To Adams and Larkin for printing & paper from July 3d 1794 to the 29th May 1795 — and for paper & printing 500 copies of the laws of the United States	1563	89
To Benjamin Edes for printing to June 1795	4	40
To Edward Gray for printing sundry Acts & Resolves to June 1795	25	50
To Benjamin Titcomb junr. for printing sundry acts & Resolves to June 1795	16	66
To John Spooner for printing to June 1795	16	66
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	1627	11

Amount of Roll No. 32 passed June 1795.

	Dolls.	Cts.
For supporting the poor of the Commonwealth	5776	25
Expences of the Militia	401	35
Expences of Sheriffs	225	47
Miscellaneous expences	382	60
Printers Accounts	1627	11
	<hr/>	

Dollars 8412 78

Read and accepted and thereupon *Resolved*, that His Excellency the Governor be, and hereby is requested to issue his Warrant upon the Treasury for the payment of the several Corporations & persons borne on this Roll, the sums set against such Corporations & persons respectively, in full discharge of their accounts, amounting to eight thousand four hundred and twelve dollars and seventy eight Cents.

June 25, 1795.

Chapter 53.

RESOLVE ON THE PETITION OF AARON BROWN, IN BEHALF OF MARTHA TODD.

On the Petition of Aaron Brown in behalf of Martha Todd praying that the Treasurer be directed to Issue a new Note in lieu of one lost in the year 1781, whereas it appears that a Note signed by H. Gardner Esqr. No. 5555, dated December 1st 1777, for the sum of Thirty four pounds five shillings has been lost by Fire — Therefore

Resolved that the Treasurer of this Commonwealth be and he is hereby impowered and directed to Issue a new Note to Joshua Todd in behalf and for the Use of the said Martha Todd for the sum of seventeen pounds one shilling and ten pence bearing date January the first One Thousand seven hundred and Eighty six on Interest — *Provided* the said Joshua Todd shall give a bond with Sufficent surety or sureties to the said Treasurer to Indemnify this Commonwealth from the first mentioned note.

June 24, 1795.

Chapter 54.

RESOLVE FOR PAYMENT OF CLERKS OF THE SENATE AND HOUSE.

Resolved that there be allowed & paid out of the public Treasury to Samuel Cooper Esq. Clerk of the Senate Forty Pounds And to Henry Warren Esq. Clerk of the House of Representatives Forty Pounds on Account of their services as Clerks aforesaid for the present year — they to be accountable for the same respectively.

June 24, 1795.

Chapter 55.

RESOLVE GRANTING PAY TO THE COMMITTEE OF ACCOUNTS.

Resolved That there be allowed and paid out of the publick Treasury of this Commonwealth to the Committee appointed to examine and pass on accounts for their attendance on that service during the present Session in addition to their pay as members of the Legislature viz. to the Hon. Isaac Thomson Esq. for seventeen days attendance five dollars and ninety five cents; to the Hon. Josiah Stearns Esq. for seventeen days attendance five dollars and ninety five cents; to Thomas Hale junr. Esq. for seventeen days attendance five dollars & ninety five cents; to the Hon. William Jernigan Esq. for three days attendance one dollar and five cents, and to Seth Smith junr. Esq. for twelve days attendance four dollars and twenty cents; which sums shall be in full for their service aforesaid.

June 24, 1795.

Chapter 56.

RESOLVE ON THE PETITION OF JAMES MOSHER, JOHN HASKELL AND JOHN AKERS.

On the Petition of James Mosher, John Haskell, and John Akers, praying to be compensated for three Hundred Acres of Land taken from them by runing of the Head Line of Gorham in the County of Cumberland.

Resolved That there be laid out to the sd. James Mosher, John Haskell, and John Akers (under the direction of the Comte. for the Sale of Eastern Lands,) one Thousand Acres of the unappropriated Lands of this Comonwealth in the County of Cumberland, and that a plan thereof be return'd into the Secretarys Office as soon as may be, the expence of the Survey to be paid by the Grantees.

June 24, 1795.

Chapter 57.

RESOLVE ON THE PETITION OF ENOCH SPERRY, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE DUE TO ELISHA SPERRY, DECEASED.

On the Petition of Enoch Sperry administrator on ye Estate of Elisha Sperry.

Resolved that John Avery Esqr. Secretary of this Commonwealth Certify to the Governor and Council the Pay or arrears of Pay due to the said Elisha Sperry Late a Soldier in Colo. Shepard's Regiment — and the Treasurer on receiving a Warrant therefor is Directed to Issue his note or Notes to the said Enoch Sperry Administrator to the said Elisha Sperry in the same way and manner as other Soldiers have been paid for Simelar Services.

June 24, 1795.

Chapter 58.

RESOLVE MAKING AN ALLOWANCE TO JOSEPH LAUGHTON AND JAMES FOSTER, CLERKS IN THE TREASURER'S OFFICE.

On the petition of Joseph Laughton and James Foster Junr. Clerks in the Treasurers office praying for a further Allowance for their services.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth unto the said Joseph Laughton and James Foster Junr. twenty five cents each, pr. day in addition unto what has been heretofore allowed to them for service done in sd. Office, commencing the first day of June 1795.

June 25, 1795.

Chapter 59.

GRANT TO JACOB KUHN, MESSENGER OF THE GENERAL COURT.

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth, to Jacob Kuhn, Messenger of the Genl. Court, the sum of one hundred & fifty dollars to enable him to purchase fuel, &c. for the use of said Court; he to be accountable for the expenditure of the same.

June 25, 1795.

Chapter 60.

RESOLVE ESTABLISHING THE PAY OF THE LIEUT. GOVERNOR, SECRETARY AND TREASURER.

Resolved that for one year from the last day of May last, the sum of five hundred and thirty three dollars and thirty three Cents shall be the pay of the Lieut. Governor and a proportionable sum for a less time, in full for his service as Lieut. Governor, to be paid out of the Treasury of this Commonwealth — in quarterly payments as the same shall become due.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth To John Avery Jun. Esqr. Secretary of this Commonwealth seven hundred and eighty three dollars and eighteen Cents which with five hundred and fifty dollars & fifteen Cents which he received in fees before the thirty first day of May last shall be in full for his service as Secretary aforesaid from the 1st day of June 1795 to the 1st day of June 1796 — (& is at the rate of one thousand three hundred and thirty three dollars & thirty three Cents per annum) to be paid in quarterly payments as the same shall become due.

Resolved — that from the first day of June current there be allowed and [&] paid out of the public Treasury the sum of one thousand five hundred Dollars — To Thomas Davis Esqr. Treasurer of this Commonwealth for his pay as Treasurer the present year — to be paid in quarterly payments as the same shall become due. *June 25, 1795.*

Chapter 61.

ORDER DIRECTING OVERSEERS OF THE DISTRICT OF MARSHPEE TO CAUSE A PLAN TO BE TAKEN OF SAID DISTRICT AT THE EXPENCE OF THE COMMONWEALTH.

Ordered, That the Overseers of the District of Marshpee be and hereby are authorized and empowered to cause an accurate plan of said district to be taken at the Expence of the Commonwealth, comprehending the particulars required in the resolve for taking plans of the several Towns and Districts in the Commonwealth passed June 26th 1794, and to exhibit their account of the Expences incurred in taking the same to the Committee on Accounts at the next Session of the General Court.

June 25, 1795.

Chapter 61A.*

ORDER ON THE PETITION OF WILLIAM KING AND OTHERS.

On the petition of William King and others, praying for liberty to erect a Bridge over Androscoggin river at Brunswick falls, so called.

Ordered that the petitioners notify the inhabitants of the towns of Brunswick and Topsham, to shew cause if any they have, on the second Wednesday of the next Ses-

* Not printed in previous editions. Taken from court record.

sion of the General Court, why the prayer of the petition should not be granted, by publishing a copy of their petition with this order thereon in the Gazette of Maine, three weeks successively, the last publication to be sixty days previous to the second Wednesday of the next session of the General Court.

June 25, 1795.

Chapter 62.

RESOLVE GRANTING 45 DOLLARS AND 50 CENTS TO OBADIAH DICKINSON.

Resolved that there be allowed and paid out of the Treasury of the Commonwealth to said Obadiah Dickinson the Sum of Twenty Eight Dollars for his attendnc. sixteen Days & for his Travel 100 Miles Seventeen Dollars Fifty Cents & that the same Sum allowd. for his attendance be added to ye Town of Northfield's Proportion of next State Tax.

June 25, 1795.

Chapter 63.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO INSTITUTE AN INQUEST OF OFFICE AGAINST PROPRIETORS OF KENNEBECK PURCHASE, &c.

Whereas by a deed of release and confirmation made and executed on the eighteenth day of February 1789 by and between this Commonwealth, by their Committee duly authorized for that purpose, on the one part, and the *Proprietors of the Kennebec Purchase or Plymouth Claim* on the other part, it was among other things provided and agreed that the said Proprietors should "release and confirm to the settlers their heirs or assigns on the east side of Pownalborough all the lots settled or claimed" — "from the lot marked with the letter F. to the South west point of Mount-sweig-Neck, and extending to the westward, between said letter F. and said point, one mile and one quarter from Sheepscutt-River, including the quarter acre lots on Wiscasset point — reference being had to a plan thereof made by Jonas Jones, dated December the twentieth, seventeen hundred and fifty nine, and lodged in the Clerks office of the said Kennebec proprietors." — And whereas it is represented by the petition and memorial of Wyman Bradbury Sevey and others who claim the benefit of said proviso, that deeds of release and confirmation

have not been given by said Proprietors of the Kennebec purchase pursuant to the proviso and agreement aforesaid, whereby great mischiefs and inconveniences may ensue :

Resolved, That the Attorney General be and hereby is directed to institute an[d] Inquest of Office against the said Proprietors of the Kennebec purchase or Plymouth claim, to revest in the Commonwealth their title and possession of the tract of land released and confirmed in and by the deed aforesaid to said proprietors as therein particularly bounded and described, for the breach of the condition contained and expressed in said deed as aforesaid, *Unless* the said proprietors shall within sixty days make and execute good and lawful deeds of release and confirmation pursuant to the true intent and meaning of the proviso and agreement above recited, to the persons intituled to the benefit of the same ; Or shall within the same term of sixty days make and execute to the Commonwealth and lodge in the Secretarys office a good and lawful deed of release & confirmation of the same Title and Interest, which in and by said proviso they were required to release and confirm to the settlers & claimants therein mentioned ; which said deed of release and confirmation, being made to the Commonwealth as aforesaid, shall forthwith operate in favour of those persons, who were intended to be benefited by the release and confirmation provided and agreed on in and by said Proviso, according to the true intent and meaning thereof, as fully and effectually as if the same had been made in direct pursuance of said proviso and agreement and not to the Commonwealth, as aforesaid — *Provided*, that the Attorney General shall not institute the process aforesaid unless the petitioners aforesaid shall give reasonable security to said Attorney to indemnify the Commonwealth from the payment of all Costs, in the suit aforesaid.

June 25, 1795.

Chapter 64.

RESOLVE GRANTING 52 DOLLARS TO THOMAS GREENE, ASSISTANT CLERK TO THE SENATE.

Resolved, that there be allowed & paid out of the public Treasury of this Commonwealth to Thomas Greene the sum of fifty two dollars, in full for his services as Assistant Clerk to the Senate, the present session of the Genl. Court.

June 25, 1795.

Chapter 65.

RESOLVE GRANTING A TAX OF TWO HUNDRED POUNDS FOR
THE COUNTY OF MIDDLESEX.

On the representation of a Court of General Sessions of the Peace in & for the County of Middlesex there holden on the 3d Tuesday of March 1795 it appearing that the further Sum of two hundred pounds will be necessary to compleat the building of the New Court House in the Town of Concord ;

Resolved that the said Sum of two hundred Pounds, be, & hereby is granted, as a Tax for said County, to be apportioned, assessed & collected in manner agreeable to Law and applied for the purpose aforesaid.

June 25, 1795.

Chapter 66.

RESOLVE ON THE PETITION OF THE CLERKS IN THE SECRETARY'S OFFICE.

On the petition of Willm. Harris Edwd. McLane and John Devotion Clerks in the Secretarys Office.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth to the said Willm. Harris Edwd. McLane and John Devotion twenty five cents each per Day in addition to their present pay from the first day of this present Month of June untill the next session of the Genl. Court.

June 25, 1795.

Chapter 67.

RESOLVE ON THE PETITION OF ISAAC PEIRCE, MESSENGER
TO THE GOVERNOR AND COUNCIL.

On the petition of Isaac Peirce Messenger to the Governor & Counsel praying for an additional allowance for his Service.

Resolved that there be allowed & paid out of the Treasury of this Common-wealth to Isaac Peirce messenger to the Governor and Council one dollar & seventy five cents for each day he may attend that buisnes from the first day of June Instant untill the next Session of the General court.

June 25, 1795.

Chapter 68.

RESOLVE ON THE PETITION OF JOSEPH BARRELL.

On the Petition of Joseph Barrell setting forth that he has been divested of certain lands in the Town of Boston sold & conveyed to him by the Committee for the sale of Absentees Estates, in the County of Suffolk, for and on behalf of this Commonwealth & by them warranted to the said Joseph.

Resolved That the Treasurer of this Commonwealth be & he hereby is authorized & empowered to agree with the said Joseph upon three judicious & disinterested Persons to whom shall be referred the Consideration of the Claim of the said Joseph which Referees are hereby directed to report to this General Court on the second Wednesday of the next session thereof their determination in the Premises for the approbation of the said Court.

June 25, 1795.

Chapter 69.

RESOLVE AUTHORIZING THE GOVERNOR TO DRAW MONEY FROM THE TREASURY FOR THE USES OF GOVERNMENT.

Resolved that there be allowed and paid out of the public Treasury to his Excellency the Governor such sums of money as from time to time shall appear to him with the advice of Counsel, to be necessary for the service of Government, the amount thereof not to exceed two thousand dollars he to account to the Legislature for the same.

June 25, 1795.

Chapter 70.

RESOLVE ON PETITION OF SELECTMEN OF BRIDGTON.

On the Petition of the Selectmen of Bridgton.

Resolved for reasons set forth in said petition that the Treasurer be and he is hereby directed to stay issuing Execution untill the first day of June next against the Inhabitants of Bridgeton for sixty six pounds thirteen shillings and four pence being the remainder of the sum of one hundred pounds which they were required to pay by a Resolve of February 1st 1794.

June 25, 1795.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE TWENTY-SEVENTH DAY OF *MAY*, A. D. 1795; AND FROM THENCE CONTINUED BY ADJOURNMENT, TO WEDNESDAY, THE 13TH DAY OF *JANUARY*, 1796.

1795. — JANUARY SESSION.

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT
THE OPENING OF THE SESSION.

IN SENATE, January 21, 1796.

Ordered, That Ebenezer Bridge, Nathaniel Wells and John C. Jones, Esquires, be a Committee to wait upon His Excellency the Governor, with the following answer, to His Excellency's Speech, which was agreed to.

SAMUEL PHILLIPS, *President*.

May it please your Excellency,

Whilst we accord with you, in gratefully ascribing, to the bountifull dispensations of divine Providence, the great & manifold blessings, abundantly experienced by the Citizens of this Commonwealth, and of the United States; and in imploring their continuance; our fervent addresses will not cease to be offered that the same benign influence may still direct the publick Councils, which has rendered them so conspicuously instrumental, in the extension of our National and individual prosperity & happiness.

A revision of the Laws, to accommodate them to the security & happiness of the people; to promote civil commutative justice; to provide adequate compensation to those who administer well; to encourage Literature, & cherish publick Institutions for diffusing & facilitating the means of acquiring it, among the body of the people; we consider, with your Excellency, primary & indispensable duties of the Legislature. And we trust that we shall exhibit our acquiescence, in the just sentiments you express, relative to the importance of Agriculture, Manufactures & Commerce, by availing ourselves of the best means of advancing them; and also of stimulating the industry, talents & enterprize of our Fellow-Citizens, by directing to those objects & pursuits which, by promoting their interest, may enhance the reputation of our Government.

That the wisdom of frequent recurrence to those principles, which form a common Basis to the Constitutions of our State, & of the General Government, instituted by an enlightened people, for the sole purpose of asserting & securing their Rights, is duly appreciated by them, is not only evinced, as “the Citizens of this Commonwealth have lately discovered their acquiescence, under their Constitution, as it now stands” after so long experience of its effects; but from a disposition, also manifested, to make a fair & full experiment of the operation of the Constitution of the United States, with a liberal confidence in the Administration of the Government, it has ordained.

Impressed with these sentiments, and adopting the opinion of your Excellency, that “the Government of the United States is entrusted, solely, with such powers as regard our safety, as a Nation,” we consider it an interference with the powers entrusted to that Government, for the Legislature of this Commonwealth to decide on “the Treaty lately made with Great Britain,” to which you refer, — as the Constitution of the United States, expressly declares, that “the President shall have power, by & with the advice & consent of the Senate, to make Treaties, provided two thirds of the Senators present concur.” And having firm confidence in the Supreme Executive, & other constituted Authorities of the Union, we hope the apprehensions of danger, expressed by your Excellency, on this subject, will never be realized.

We shall esteem it our peculiar happiness to concur with you in affording our best endeavors for the dispatch of the business of the present Session.

ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE GOVERNOR'S SPEECH AT THE OPENING OF THE SESSION.

IN THE HOUSE OF REPRESENTATIVES,
January 22, 1796.

Ordered, That Dr. Jarvis, Mr. Sewall, Mr. Ely, Dr. Enstis, and Mr. Williams, (P.) be a Committee to wait on His Excellency the Governor, with the following address, in answer to His Excellency's Speech.

EDWARD H. ROBBINS, *Speaker*.

May it please your Excellency,

The House of Representatives receive with pleasure your congratulations on the general prosperity which prevails throughout the Commonwealth. And while we acknowledge the blessings of an indulgent Providence on the labors of our fellow Citizens, we also observe in the political institutions of our Country, in the freedom and security of our several forms of Government, the encouragement and reward to industry and exertion.

The extension of our Agriculture and commerce resulting from the sober habits and enterprize of the Citizens, require only from Government a salutary regulation, and that protection to property which is so happily secured by the laws & Constitution. Improvements in science and the useful arts are moderately progressive in a young Country; in ours they are at least proportionable to our population, and the cultivation of the earth. The inventive genius of our fellow Citizens has carried some particular manufactures to a most desirable degree of extent and perfection, & leads us to anticipate the happy period, when from their own labors the people of America will derive all the necessaries & conveniencies of life. A perfect independence on other nations for their produce and manufactures cannot be expected so long as vast tracts of a fertile soil yield a higher reward to the hand of the Cultivator than can be derived from the most profitable manufactures; we are fully sensible, however, that such

manufactures as supply the necessary comforts of life have a high claim to the protection and encouragement of Government.

The people of this Commonwealth on the late subject of the revision of their Constitution have expressed its highest eulogium by a general acquiescence in its principles and forms.

More than six years have elapsed since the adoption of the federal Constitution by the people of the United States ; & the prosperity they have so eminently enjoyed under its influence, may be justly considered a strong evidence of its merits, as well as of the propriety & wisdom of its administration.

In every free Republic it is of the highest importance that the Legislative, Executive, and Judicial powers should be preserved as separate and independent of each other, as the nature of Government will admit. Should it be found that these powers in the Constitution of the United States interfere with each other, farther than is necessary to secure and maintain the honor and interests of the nation, our attention will necessarily be arrested by so serious an evil ; and our endeavours directed to a speedy and effectual remedy.

The business of making Treaties being expressly delegated to the federal Government, by the Constitution of the United States, we consider a respectful submission on the part of the People to the legal decisions of the constituted authorities, to be the surest means of enjoying and perpetuating the invaluable blessings of our free & representative Government.

The other communications made by your Excellency will receive our due attention, and we shall endeavour to give such dispatch to the business of the session, as may comport with your convenience, and the best interests of our Constituents.

Chapter 1.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF ESSEX AND GRANTING A TAX OF 2736 DOLLARS, TO BE ASSESSED ON SAID COUNTY.

Whereas the Treasurer of the County of Essex, has laid his Accounts before the General Court in manner prescribed by Law — which are hereby allowed — and

whereas the Clerk of the Court of General Sessions of the Peace of said County, has laid before the General Court an estimate made by the Court of General Sessions of the peace of said County, of the necessary charges likely to arise within said County, the present year amounting to twenty seven hundred and thirty six Dollars :

Resolved that the sum of twenty seven hundred and thirty six Dollars be and hereby is granted as a tax for the county of Essex, to be apportioned assessed, collected and applied for the purposes aforesaid in manner agreeably to law.

January 21, 1796.

Chapter 2.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE PLANTATION OF RUSTFIELD, ABATING A TAX LAID ON SAID TOWN FOR 1795.

On the petition of the Inhabitants of the Plantation of Rustfield in the County of Cumberland praying for the abatement of the Tax for 1795.

Resolved for the reasons set forth in said petition that the Tax for the year 1795 be and hereby is abated and the Treasurer of the Commonwealth is hereby directed to govern himself accordingly.

January 21, 1796.

Chapter 3.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF YORK AND GRANTING A TAX.

Whereas the Treasurer of the County of York has laid his accounts before the General Court in manner prescribed by law, which are hereby allowed ; And the Clerk of the Court of General Sessions of the Peace of said County, has laid before the General Court an estimate made by the Court of General Sessions of the Peace of said County of the necessary charges likely to arise within the same, the present year, amounting to the sum of Sixteen hundred dollars :

Resolved That the Sum of Sixteen hundred dollars be, and hereby is granted as a tax for said County of York, to be apportioned, assessed, collected and applied for the purposes aforesaid agreeably to Law.

January 22, 1796.

Chapter 4.

RESOLVE ON THE PETITION OF JOSEPH TUCKER, AUTHORIZING THE TREASURER TO AUDIT HIS ACCOUNT AS AGENT FOR THE SALE OF CERTAIN LANDS IN THE COUNTY OF YORK.

On the Petition of Joseph Tucker Esq. praying that his Account as agent for the Sale of certain Lands &c. in the County of York formerly the Property of Sir William Pepperel deceased may be settled & the Petitioner be discharged from his Bond in the Treasury.

Resolved that the Treasurer of this Commonwealth be & he hereby is authorised & directed to Audit the Account of the said Tucker on his Agency aforesaid; & after settling with said agent & rece[iv]ing from him the Monies in full arising from the Sale & Business aforesaid; to deliver up to said Tucker, the Bond he gave for the faithful Discharge of his Agency aforesaid.

January 22, 1796.

Chapter 5.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF CUMBERLAND AND GRANTING A TAX.

Whereas the Treasurer of the County of Cumberland, has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed—And the Clerk of the Court of General Sessions of the peace of said County, has laid before the General Court, an estimate made by the Court of General Sessions of the peace for said County, of the necessary charges likely to arise within the same, the present year, amounting to two thousand Dollars—also a further sum of two thousand Dollars, towards building a new Goal:

Resolved, that the sum of four thousand Dollars be, and hereby is granted, as a tax for said County of Cumberland, to be apportioned, assessed, collected and applied for the purposes aforesaid, in manner agreeable to Law.

January 22, 1796.

Chapter 6.

RESOLVE ON THE PETITION OF WILLIAM VAUGHAN, REMITTING £.36 15 s., BEING A MOIETY OF THE JUDGMENT AGAINST HIM ON A BOND TO THE COLLECTOR OF EXCISE.

On the petition of Willm. Vaughan praying for a remission of the penalty of his Bond to the late collector of Excise for the County of Cumberland.

Resolved that the prayer of the petition be so far granted that One hundred & twenty two dollars & fifty Cents being one moiety of the amount of the Judgment of the Supreme Judicial Court rendered against said Vaughan upon said Bond be and the same is hereby remitted he the said Vaughan [He] paying all the expences & charges of the suit.

January 22, 1796.

Chapter 7.

RESOLVE ON THE PETITION OF SARAH FURBUSH.

On the petition of Sarah Furbush Administratrix on the estate of Charles Furbush setting forth that the debts due from the estate of said Charles amount to One hundred and sixty one pounds one shilling and four pence more than all his personal estate and praying that she may be empowered to sell real estate to that amount.

Resolved that said Sarah Furbush be and she is hereby authorised to sell so much of the real estate of said Charles as shall amount to the abovesaid sum and to make and execute under her hand and seal sufficient deed or deeds of such real estate *Provided* the said Sarah, first give bond with sufficient sureties to the Judge of probate for the County of Essex to observe the rules and directions of the law in the sale of real estates by Executors and Administrators, and to account for and make payment of the proceeds of the said sale agreeable to the Rules of law.

January 22, 1796.

Chapter 8.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF MIDDLESEX AND GRANTING A TAX.

Whereas the Treasurer of the County of Middlesex has laid his accounts before the General Court in manner prescribed by law which are hereby allowed; And the

Clerk of the Court of General Sessions of the Peace of said County has laid before the General Court an estimate made by the Court of General Sessions of the Peace of said County of the necessary charges likely to arise within the same the present year, amounting to Three thousand, three hundred & thirty four dollars :

Resolved, That the sum of Three thousand three hundred & thirty four dollars, be, and hereby is granted as a tax for said County of Middlesex to be apportioned, assessed, collected and applied for the purposes aforesaid, in manner agreeable to Law. *January 22, 1796.*

Chapter 9.

RESOLVE ON A LETTER FROM THE TREASURER, AUTHORIZING HIM TO RECEIVE FOR ONE YEAR FROM THE FIRST OF DECEMBER LAST, ON THE SUM ADDED BY HIM TO THE STOCK OF THE UNION BANK, A DIVIDEND EQUAL TO THE INTEREST ON THE NOTES RECEIVED.

Resolved that the Treasurer of the Commonwealth be and he hereby is authorized to receive for one year from the first of December last on the sum added by him, on the said first of December, to the Stock of the Union bank, in behalf of the Commonwealth; a dividend equal to the Interest that may be paid into the Bank on the Note or Notes that were received, by the President and Directors, of the Treasurer in payment for said additional stock. *January 23, 1796.*

Chapter 10.

RESOLVE ON THE REPRESENTATION OF SAMUEL PHILLIPS, ESQ. DIRECTING THE ATTORNEY GENERAL TO INSTITUTE AN INQUEST OF OFFICE AGAINST THE ASSIGNEE OR ASSIGNEES OF ALEXANDER SHEPARD, TO REVEST IN THE COMMONWEALTH THEIR TITLE AND POSSESSION OF A CERTAIN TRACT OF LAND.

Whereas it is represented by the petition of Samuel Phillips Esqr. that a tract of land lying between the westerly line of the tract confirmed to Alexr. Shepard Junr. by a resolve passed the Genl. Court on the twenty fourth day of June 1779, & the township of Otisfield, has been purchased by him from the Commonwealth & is claimed by the assignee or assignees of said Shepard & which said Westerly line runs south 25 degs. east seven

miles & an half & 20 poles to the stake & stones supposed to be standing in or near Thompson pond seven miles & one quarter northwest from a beach tree standing in the head line of New Gloucester & four miles northeast from the northwest corner of said New Gloucester as described in the aforesaid Resolve of the 24th June 1779 :

Resolved That the Attorney General be & hereby is directed to institute an inquest of Office against the assignee or assignees of Alexr. Shepard Junr. to revest in the Commonwealth their title & possession of the aforesaid tract of land lying between the Westerly line first mentioned & the township of Otisfield — *Provided*, that the Atty. Genl. shall not institute the process aforesd., unless the petitioner aforesaid shall give reasonable security to sd. Atty. Genl. to indemnify the Commonwealth from the payment of all costs in the suit aforesaid.

January 23, 1796.

Chapter 11.

RESOLVE ON THE PETITION OF SAMUEL WILEY, AUTHORIZING THE STATE'S ATTORNEY TO STAY FURTHER PROCEEDINGS, FOR REASONS MENTIONED.

On the Petition of Samuel Wiley of Dalton in the county of Berkshire shewing that his recognizances & those of his sureties at a Court of General Sessions of the Peace held at Lenox in & for said county in September last had been Defaulted & that writs of *scire facias* thereon have been sued out against him & Eliphelet Chamberlin & Isaiah Farnum his sureties returnable at the present January Term of the Court of Common Pleas there and that the same stand continued until the next Term of holding said court & praying that the States Attorney for said County may be empowered to stay any further proceedings against him the said Wiley & his said sureties on conditions therein set forth.

Resolved that the Prayer of the said Petition be granted & that the States Attorney for the said County be and he hereby is authorised & required to stay any further proceedings against the said Wiley & his sureties on his appearing at the next Court of Common Pleas to be holden in said County & paying the fines intended to have been laid upon him by the Court of General Sessions of the peace for said County in Septr. last on two indits. then &

there pending against him & all costs which have or may arise on the said prosecutions & writs of *Scire facias*: & that thereupon the said Samuel & his sureties shall be released from any further penalty on that account.

January 26, 1796.

Chapter 11A.*

ORDER ON THE PETITION OF THE TOWN OF METHUEN.

On the petition of a number of the inhabitants of the town of Methuen praying that said town may be incorporated into two separate Parishes.

Ordered that the petitioners notify the town of Methuen by leaving an attested copy of their petition and this order thereon with the town Clerk of said town thirty days at least before the second Wednesday of the first session of the next General Court, that they may appear on said day and shew cause why the prayer of said petition should not be granted.

January 26, 1796.

Chapter 12.

RESOLVE ON THE PETITION OF LEMUEL COX, GRANTING HIM ONE THOUSAND ACRES OF UNAPPROPRIATED LANDS AT THE EASTWARD, FOR HIS INVENTION.

On the memorial of Lemuel Cox.

Resolved that in consideration of said Cox's being the first inventor of a Machine for cutting card wire: His projecting the first powder mill in this State: His suggesting that useful employment for the Criminals on Castle William of making Nails; And in consideration of other valuable discoveries in various mechanical branches: There be & hereby is granted to the said Lemuel Cox One Thousand Acres of unappropriated Land in the Eastern part of this Commonwealth and the committee for the sale of Eastern Lands are hereby directed to cause the same to be surveyed & laid out accordingly at the expence of the said Cox.

January 26, 1796.

Chapter 13.

RESOLVE ON THE PETITION OF EDMUND DEAN, DIRECTING THE TREASURER TO ISSUE A CERTIFICATE IN HIS FAVOR.

On the Petition of Edmund Dean praying for wages due to him from this Common Wealth drawn by a forged order.

* Not printed in previous editions. Taken from court record.

Resolved that the Treasurer of this Common Wealth be and he is hereby directed to Issue a Certificate payable to the said Edmund Dean or Bearer for the sum of thirty one pounds and three pence Equal to one hundred and three Dollars and thirty seven Cents with Interest from the date of the note said to be drawn by a forged order agreeably to the Act making provision for reloading the Debt of this Common Wealth.

January 28, 1796.

Chapter 14.

RESOLVE ON THE PETITION OF ELIJAH DEAN, GRANTING HIM TWELVE DOLLARS.

On the Petition of Elijah Dean — For the reasons set forth in said Petition —

Resolved That there be paid out of the Treasury of this Commonwealth to the Said Dean the Sum of Twelve dollars.

January 28, 1796.

Chapter 15.

RESOLVE GRANTING A TAX FOR THE COUNTY OF HAMPSHIRE.

Whereas the Treasurer of the County of Hampshire, has laid his Accounts before the General Court, in manner prescribed by law, which are hereby allowed — and the Clerk of the Court of General Sessions of the Peace of said County, has laid before the General Court, an estimate made by the said Court of General Sessions of the Peace, of the necessary charges likely to arise within the same County, the present year; amounting to seventeen hundred and sixty six Dollars:

Resolved, that the sum of seventeen hundred and sixty six Dollars, be, and hereby is granted as a tax for said County of Hampshire, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeably to law.

January 28, 1796.

Chapter 15A.*

ORDER ON THE PETITION OF THE INHABITANTS OF WATERFORD.

On the petition of the inhabitants of the plantation of Waterford in the County of York praying to be incorporated into a town.

* Not printed in previous editions. Taken from court record.

Ordered that the petitioners notify the inhabitants of said plantation, by leaving an attested copy of their petition with this order thereon with the Clerk of said plantation, thirty days at least before the second Wednesday of the first session of the next General Court, that they may appear on said day, and shew cause if any they have, why the prayer of said petition may not be granted.

January 28, 1796.

Chapter 16.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF ASHBY, DIRECTING THE TREASURER TO CREDIT SAID TOWN THE SUM MENTIONED.

On the Petition of the Inhabitants of the Town of Ashby praying that a fine of seventy four pounds one shilling & eight pence with which said Town stands charged on the Books of the Treasurer of this Commonwealth for a supposed delinquency in procuring one man to serve in the late Continental Army for the term of three years agreeably to a Resolution of the Genl. Court passed March 8th 1782.

Resolved, that the Treasurer be and he hereby is directed to credit the said Town on his Books the sum aforesaid in full satisfaction of the same — it appearing to this Court that the said man was furnished by said Town as required in & by the Resolution aforesd.

January 28, 1796.

Chapter 17.

RESOLVE ALLOWING COUNTY TREASURER'S ACCOUNT AND GRANTING A TAX FOR THE COUNTY OF BRISTOL.

Whereas the Treasurer of the County of Bristol has laid his accounts before the General Court in manner prescribed by law, which are hereby allowed: And the Clerk of the Court of General Sessions of the Peace of said County, has laid before the General Court an estimate made by the sd. Court of General Sessions of the Peace of the necessary charges likely to arise within the Same County the present year amounting to the sum of Two thousand Dollars:

Resolved, That the sum of Two thousand dollars be, and is hereby granted, as a tax for said County of Bristol; to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeably to Law.

January 28, 1796.

Chapter 17A.*ORDER ON THE PETITION OF RUSTFIELD, CUMMINGS AND
LEE'S GRANT.

On the petition of the inhabitants of Rustfield, Cummings and Lee's grant, and three teer of lots on the easterly end of Waterford Plantation.

Ordered that the petitioners notify the inhabitants of the said grants of land, and on the three teer of lots on the easterly end of the plantation of Waterford in said County of York, by leaving an attested copy of their petition with this order thereon with the plantation Clerk, or some principal inhabitant within said Grants, thirty days at least before the second Wednesday of the first session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition may not be granted.

January 28, 1796.

Chapter 18.RESOLVE ON THE PETITION OF DAVID DONNISON, DIRECTING
THE TREASURER TO ISSUE A NEW NOTE.

On the Petition of David Donnison Junr. praying for the Amount of Wages due to him for services as a Soldier in Colonel Vose's Regt. which were drawn by a forged Order.

Resolved that the Prayer thereof be granted — & the Treasurer is hereby directed to issue his Note or notes to the said David Donnison Junr. in the same way & manner as has been practised in paying other Soldiers for similar services; his wages amounting to five pounds Nine Shillings & three pence.

January 28, 1796.

Chapter 19.RESOLVE ON THE PETITION OF HENRY HODGE AND SPENCER
TINKHAM, EMPOWERING THEM TO SELL CERTAIN MINOR'S
SHARES OF LAND; GIVING SECURITY TO THE JUDGE OF PRO-
BATE FOR THE COUNTY OF LINCOLN, PREVIOUS THERETO.

On the Petition of Henry Hodge Guardian of Henry Hodge a Minor, and Spencer Tinkham Guardian to Sally Hodge a minor praying to be impowerd to make sale of the real estate discribed in the Petition.

* Not printed in previous editions. Taken from court record.

Resolved, That the said Henry Hodge and Spencer Tinkham Guardians as aforesaid be and they hereby are impowerd, jointly or severally, to make sale and conveyance of the Tract of Land with the buildings thereon situate in New-Castle in the County of Lincoln (set of [f] to the said minors in the division of their fathers Estate,) according to an agreement mentiond in their said Petition, and the deed or deeds conveyance or conveyances of ye Premises Made by the said Guardians shall have the same force and effect in law, as they would have if made by the said Minors when of the age of twenty one years & of sane Mind *provided* the said Guardians first give sufficient security to the Judge of probate for the said County of Lincoln to account for the proceeds of the sales of the said Estate agreeably to law.

January 28, 1796.

Chapter 20.

RESOLVE ON THE PETITION OF STEPHEN BULLOCK, DIRECTING THE TREASURER TO DELIVER TO THE SELECTMEN OF REHOBOTH THE NOTES MENTIONED.

On the petition of Stephen Bullock in behalf of the Selectmen of the town of Rehoboth.

Resolved that the Treasurer be & hereby is directed to deliver to the Selectmen of the Town of Rehoboth, notes, conformable to the Act making provision for the Public debt, for the amount of the wages due to Noah Threshere a soldier in the late Continental army, on condition that the said selectmen shall give bonds (to the acceptance of the Treasurer) to indemnify the Commonwealth against any demand on account of said wages from the said Noah Threshere or his legal representatives.

January 29, 1796.

Chapter 21.

RESOLVE ON THE PETITION OF HOLDER SLOCUM, IN BEHALF OF THE TOWN OF DARTMOUTH, SUSPENDING EXECUTION AGAINST SAID TOWN UNTIL FEBRUARY 23, 1797.

On the petition of Holder Slocum in behalf of the Town of Dartmouth.

Resolved that the Treasurer of the Commonwealth be and hereby is directed to suspend Execution against the Town of Dartmouth for the Tax Number seven until Feby. the 23d 1797 any order or resolve to the contrary notwithstanding.

January 29, 1796.

Chapter 22.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNT FOR THE COUNTY OF WASHINGTON AND GRANTING A TAX.

Whereas the Treasurer of the County of Washington has laid his Account before the General Court, which is hereby allowed — And the Clerk of the Court of General Sessions of the peace of said County, has laid before the General Court an estimate made by the said Court of General Sessions of the peace, of the necessary charges likely to arise within the same County the present year amounting to nine hundred ninety five dollars, ninety seven Cents & one Mille :

Resolved that the sum of nine hundred and ninety six Dollars, be and hereby is granted as a tax for said County of Washington, to be apportioned, Assessed, Collected and applied for the purposes aforesaid agreeably to Law.

January 29, 1796.

Chapter 23.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO EXAMINE THE NATURE AND EXTENT OF THE RIGHT AND ESTATES OF THE GRAFTON INDIANS IN THE LANDS MENTIONED.

Whereas in the memorial of the Trustees of the Hasanamisco or Grafton Indians preferd to this General Court in their present Session, it is (among other things) set forth, — That David Abraham one of the aforesaid Indians, hath by his last will and Testament devised certain Indian lands (so called) in said Grafton, to Joseph Printice an English or White citizen of this Commonwealth ; and also that Fortunatus Burnee a Negro Man claiming certain other like lands in Grafton as father of Fortunatus Burnee jun. his son by an indian woman of the Hasanamisco Tribe (who has been long Absent) hath devised the same to Shelometh Stow, a citizen as aforesaid ; And that it hath not been usual for those Indians to alienate the said Indian lands with out the special interposition of the Legislature. And whereas it appears to this Court that the said Printice and Stow have enterd into & taken possession of the lands to them severally devised as aforesd. and now hold the same by colour of the said devises — and also that the said David Abraham died without any legal heirs :

Resolved, That the Attorney General be & he is hereby directed to examine the nature & extent of the said Indian's rights, and estates in the aforesaid lands, and the rights of the Commonwea[l]th in and to the same, & if any intrusions or deforcements are made into or upon the rights or estates aforesaid, to cause the same to be remedied in such way and manner as he shall find most for the benefit of the said Indians & to the Interest of the Commonwealth.

January 29, 1796.

Chapter 24.

RESOLVE ON THE PETITION OF WILLIAM PORTER AND OTHERS.

Whereas Mary the late wife of Thomas Smith of Boston in the County of Suffolk Gardner was lately seized of certain parcels of Land herein described in fee simple and whilst she was the wife of the said Thomas was under such circumstances as rendered it necessary that the same Lands should be sold for her support by means of which her said husband at a time when she was unable to join in the sale or to execute a deed conveyed the same by several Deeds to several Persons for a good and valuable consideration as follows to wit, by his deed of Bargain and sale dated the fifteenth day of November 1791 to William Porter of said Boston Distiller a certain peice bounded as follows to wit. northerly on other Land there of the said Smith their measuring eighty feet from pleasant street to high water mark and so running to Low water mark, westerly on the sea or salt water there measuring one hundred feet southerly on Land and flatts of Mr. John Lucas from Low water mark to pleasant street and southeasterly on pleasant street, there measuring one hundred feet, And by another deed dated on the first day of September 1786 conveyed to John Tuckerman of said Boston Baker another peice of Land in said Boston bounded and described as follows viz. southerly on Eliot Street there measuring thirty six feet Westerly on pleasant there measuring sixty one feet northerly on the Common Ground there measuring thirty nine feet and easterly on Land of Nehemiah Whitmarsh there measuring seventy four feet. And by his deed dated the fourth of December in the year 1786 conveyed to Nehemiah Whitmarsh of said Boston yeoman another peice of Land described as follows viz. southerly on Eliot Street there measuring thirty feet Westerly on

Land of the said Smith there measuring seventy six feet ; Northerly, on the Common Ground there measuring thirty feet ; and easterly on Land of John Innis there measuring eighty feet. And by his other deed on the tenth of February 1795 conveyed to Edward Compston Howe of said Boston Rope maker one other peice described as follows viz. easterly on pleasant Street there measuring fifty feet ; then westerly by the Lands of James Burdekin to low water mark ; then Northerly on the flats there measuring fifty feet ; then easterly by Land of Jarathmeel Bowers to the beginning. And by another Deed dated the sixteenth day of october 1793 conveyed to James Burdekin of said Boston Housewright another peice of Land described as follows to wit fifty feet south east on pleasant street ; south on Land of James Blake eighty feet, on the salt Water west fifty feet, northerly on the Land of Thomas Whitmarsh eighty feet. And by his other deed dated the twenty ninth day of June 1786 conveyed to John Innis of said Boston one other peice of Land bounded southerly on Eliot street there measuring thirty feet ; westerly upon Land of the said Smith there measuring eighty six feet ; Northerly on the Common Ground there measuring thirty feet and easterly on Land of the heirs of John Eliot there measuring ninety feet, and whereas it appears on the petition and evidence offered by the said Grantees that the said Mary Smith died without ever having had any issue of her body and leaving no heir or legal Representative by means whereof and by reason of her never having signed the same deeds or in any manner having conveyed her Estate in the same peices of Land that the same by Law revert to the Commonwealth, but as the same deeds aforesaid were made by the said Thomas for considerations expended for her necessary support : Therefore

Resolved That James Sullivan Esqr. be and he hereby is appointed and authorized on behalf of the Commonwealth to make and execute to the aforesaid Grantees in the same deeds mentioned and to the heirs of such of them as are dead a good and valid deed and Deeds of release thereby relinquishing to them severally all the right and Interest which the Commonwealth hath in the said peices of Land so that they and their heirs and assigns may hold the same in the same manner as they would have done if the Deeds aforesaid had been legally and duly executed by the said Mary with the said Thomas her Husband.

January 30, 1796.

Chapter 25.

RESOLVE GRANTING ADDITIONAL PAY TO THE OFFICERS AND SOLDIERS OF THE GARRISON ON CASTLE ISLAND.

On the petition of the non commissioned officers & soldiers of the Garrison on Castle Island praying an augmentation of their wages.

Resolved that in addition to the present pay there be allowed and paid out of the Treasury of this Commonwealth to each non commissioned officer & soldier belonging to the garrison on Castle Island one dollar & one third pr. month from the 21st of January one thousand seven hundred & ninety six, to the 21st March, one thousand seven hundred & ninety seven in the same way & manner as the monthly wages are now paid.

January 30, 1796.

Chapter 25A.*

ORDER ON THE PETITION OF CERTAIN INHABITANTS OF THE TOWN OF KITTERY.

On the petition of a number of the inhabitants of the upper or northerly Parish in the town of Kittery praying to be set off from said parish, and annexed to the middle parish in said town.

Ordered that the petitioners notify the said northerly parish by leaving an attested copy of their petition with this order thereon with the Clerk of said parish, thirty days at least before the second Wednesday of the first setting of the next General Court, that they may appear on said day and shew cause, if any they have, why the prayer of said petition should not be granted.

January 30, 1796.

Chapter 26.

RESOLVE ON THE PETITION OF SARAH MATTHEWS AND JONAS WHITNEY, ADMINISTRATORS ON THE ESTATE OF PAUL MATTHEWS.

On the petition of Sarah Matthews & Jonas Whitney, administrators on the estate of Paul Matthews, late of Hubbardston in the County of Worcester deceased, pray-

* Not printed in previous editions. Taken from court record.

ing that they may be empowered to execute a Deed of a certain peice of land to David Meriam of said Hubbardston, & to receive of the said Meriam a deed of a certain other peice of land for the benefit of said estate, which peices of land the said Paul in his life time, & the said Meriam had exchanged, & agreed to execute Deeds thereof to each other respectively.

Resolved that the said Sarah Matthews and Jonas Whitney be and they are hereby authorised & empowered to execute a good & sufficient deed to the said Merriam, conveying to him his heirs & assigns forever the land which the said Paul in his life time agreed to convey to him as aforesaid. *Provided* the said Meriam shall at the same time make & execute to the heirs of said Paul a good & sufficient deed conveying to them the land which he had agreed to convey to the said Paul as aforesaid, to hold to them, their heirs & assigns forever in the same manner & proportion as they would have held, if the said Paul had died legally seized thereof, and the same had lawfully descended to them. *provided* that nothing herein contained shall be construed to affect the said Sarahs claim of Dower in the premises.

February 1, 1796.

Chapter 27.

RESOLVE ON THE PETITION OF DAVID BALDWIN.

On the Petition of David Baldwin of Ashfield in the County of Hampshire Yeoman Praying for the Relinquishment of the whole or Part of this Commonwealth's right in a certain tract of land lying in Spencer.

Resolved that James Sullivan Esqr. the Attorney General be and he hereby is authorised, by proper Deed, to release and quit-claim to the said David Baldwin his heirs and Assigns forever all the right & tittle which this Commonwealth has in & to a certain tract of land lying in Spencer in the County of Worcester containing Seventy one Acres, more or less & is the same which the said David Baldwin conveyed in Mortgage to Robert Auchmuty of Boston in the County of Suffolk Esqr. by Deed bearing date the third day of July *Anno Domini* 1767 and Recorded with the Record of Deeds in said County of Worcester Libo. 56 Page 379 and which, in consequence of the said Auchmuty's becoming an Absentee is now vested in this Commonwealth — *Provided* that he [*the*] said David Bald-

win shall within Ninty days from the passing this Resolve pay to the Treasurer of this Commonwealth the sum of five hundred Dollars, or shall within that time give good & sufficient Security for the payment of said Sum to said Treasurer within one year from the date of such Security with Interest.

February 1, 1796.

Chapter 28.

RESOLVE ON THE PETITION OF SAMUEL HASCALL, OF PART-RIDGEFIELD.

On the Petition of Samuel Hascall of Patridgefield in the County of Berkshire praying that the administrator on the Estate of Elisha Jones Esquire may be impowered to convey to him the said Samuel by deed the easterly half of the settling Lot number six lying in said Patridgefield.

Resolved that the prayer of the said Petition be granted and that Israel Jones Esquire administrator on said Estate be, and he hereby is, authorized & impowered to make execute & deliver to the said Samuel a deed conveying to him & his heirs & assigns for ever, the said east half of said lot Number six on his the said Samuel's paying to the said Israel such sum of money as may be justly & equitably due according to the terms of the original contract.

February 1, 1796.

Chapter 28A.*

ORDER ON THE PETITION OF JOHN CLEAVES AND OTHERS.

On the petition of John Cleaves and others praying to be incorporated for the purpose of building a sluice way at Pepperellboro, in the County of York.

Ordered that the petitioners notify all parties concerned, by posting up in two public places in said town of Pepperellborough an attested copy of said petition with this order thereon, thirty days at least before the second Wednesday of the first session of the next General Court, that they may then appear & shew cause, if any they have, why the prayer of the petition should not be granted.

February 1, 1796.

* Not printed in previous editions. Taken from court record.

Chapter 29.

RESOLVE ON THE PETITION OF WILLIAM GREEN.

On the Petition of William Green praying for Wages due to him from this Comonwealth which have been drawn by a forged Order.

Resolved for Reasons set forth in sd. Petition that the prayer thereof be granted and that the Treasurer of this Comonwealth be & he hereby is directed to Issue a Note payable to the sd. William Green or Bearer, for the Sum of twenty Nine Pounds Six Shillings & three pence (equal to Ninety Seven Dollars and Seventy one Cents) with Interest from the Date of sd. Notes, said to be drawn by a forged Order, agreeably to the Act making provision for reloading the Debt of this Comonwealth.

February 1, 1796.

Chapter 30.

RESOLVE ON THE PETITION OF EDMUND LONGLEY.

On the Petition of Edmund Longley in behalf of the Inhabitants of the Town of Hawley praying that the Treasurer of the Commonwealth be directed to credit the said Inhabitants the sum of sixty pounds two shillings conformable to a Resolve of the Legislature passed June twentieth One Thousand seven hundred & ninty four.

Resolved for reasons set forth in said Petition that the prayer thereof be granted and the Treasurer of the Commonwealth is hereby directed to credit the Town of Hawley with the Sum of sixty Pounds 2/ accordingly.

February 1, 1796.

Chapter 31.

RESOLVE ON THE PETITION OF SOLOMON SNOW.

On the petition of Solomon Snow of Becket in the county of Berkshire, praying for an indemnification of his expences incurred in consequence of the Death of Orrin Moores.

Whereas it appears to the General Court, that the said Solomon, in that unfortunate transaction, was in the actual and proper discharge of his duty; therefore,

Resolved that the sum of fifty seven Dollars and eighty three Cents, being the amount of his account, be paid to the said Solomon,

February 1, 1796.

Chapter 32.

RESOLVE ON THE PETITION OF WILLIAM JEFFERDS.

On the petition of William Jefferds praying to be discharged from a demand of the Treasurer for the sum of seventy four pounds one shilling & eight pence and for which an execution issued and whereon five pounds eight shillings was paid.

Resolved that the said William Jefferds be and he hereby is discharged from the said demand and that the said sum of five pounds eight shillings be repaid out of the Treasury of the Commonwealth to the said Jefferds.

February 1, 1796.

Chapter 33.

RESOLVE ON THE PETITION OF WILLIAM HARRIS.

On the Petition of William Harris praying that a compensation for his services of two dollars & twenty five cents pr. day which has been allowed him by a resolve which passed the General Court in June last should be continued to him.

Resolved that the prayer of said petition be so far granted as that there shall be paid out of the treasury the aforesd. sum of two dollars & twenty five Cents pr. day till the first day of June next.

February 2, 1796.

Chapter 33A.*

ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWN OF SOUTH HADLEY.

On the petition of the inhabitants of the town of South Hadley, setting forth that they are called upon to pay more than their just proportion of the public taxes, arising, as it is alledged, from certain persons with their estates being set to them in the valuation, which persons and estates belong to the town of Granby.

Ordered that the petitioners notify the inhabitants of the town of Granby, by leaving an attested copy of their petition, and this order thereon with the town Clerk thereof thirty days before the second Wednesday of the

* Not printed in previous editions. Taken from court record.

first session of the next General Court, that they may then appear and shew cause if any they have why the prayer of the said petitioners should not be so far granted, that a part of the taxes of the said town of South Hadley should be abated to them, & the same be set on the town of Granby.

February 2, 1796.

Chapter 34.

RESOLVE GRANTING A TAX FOR BERKSHIRE COUNTY.

Whereas the Treasurer of the County of Berkshire, has laid his Accounts before the General Court, in manner prescribed by law, which are hereby allowed — and the Clerk of the Court of General Sessions of the Peace of said County, has laid before the General Court, an estimate made by said Court of General Sessions of the Peace, of the Debts due from said County, and of the necessary charges, likely to arise within the same, the present year, amounting to four thousand Dollars :

Resolved, that the sum of four thousand Dollars, be, and hereby is granted, as a tax for said County of Berkshire, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeably to law.

February 3, 1796.

Chapter 35.

RESOLVE GRANTING A TAX FOR THE COUNTY OF WORCESTER AND ALLOWING THE ACCOUNT OF THE COUNTY TREASURER.

Whereas the Treasurer of the County of Worcester, has laid his Accounts before the General Court in manner prescribed by law, which are hereby allowed, — And the Clerk of the Court of General Sessions of the Peace of said County, has laid before the General Court, an estimate made by the Court of General Sessions of the Peace of said County, of the necessary charges likely to arise within said County the present year, amounting to two thousand five hundred Dollars :

Resolved that the sum of two thousand five hundred Dollars be, and hereby is granted, as a tax for said County of Worcester, to be apportioned, assessed, collected and applied for the purposes aforesaid, in manner agreeable to Law.

February 3, 1796.

Chapter 37.*

RESOLVE ON THE PETITION OF BENJAMIN SAUNDERS.

On the Petition of Benjamin Saunders Guardain to Job Saunders & Anne Saunders, minors Praying that he may be impowered to make and Execute a Deed of Release to Richard Cole of about Eight Acres of Land — Also that the Said Petitioner may be empowered to make Sale of the whole of Said minors right in the Real Estate Left them by their Father Joseph Saunders Late of Attelborough Deceast.

Resolved that the Said Benjamin Saunders Guardain as aforesaid be & he is hereby impowered to make & Execute a Deed of Release to Richard Cole of Said minors right in about Eight Acres of Land in Swanzey in the County of Bristol in Said Commonwealth that was in the Division of Job Luthers Estate Set of [*f*] to Hopestil the Late wife of Joseph Saunders & mother to said minors for her right in Said Estate — & thereby Discharge the Morguage Deed mentioned in Said Petition Also that the Said Benjamin Saunders Guardain as aforesaid be & he is hereby impowered to Join with the other Heirs who are of age — and make Sale of about one hundred & thirteen acres of Land with the Buildings thereon Lying in Attleborough in Said county of Bristol being the whole of the Homestead Farm where Joseph Saunders (Father to Said minors) Late deceast Last Dwelt & the Deed or Deeds Conveyance or Conveyances by them or Either of them so made Shall have the same force & Effect in Law as they would have if made by Said minors when of the age of Twenty one years & of Sane mind — *Provided* that the said Benjamin Saunders first give Bond to the Judge of Probate for the Said county of Bristol to account for the Proceeds of the Sale of Said minors Right agreable to the Rule of Law.

February 3, 1796.

Chapter 38.

RESOLVE DIRECTING THE SECRETARY TO CERTIFY THE BALANCE DUE TO ANSEL BRAINARD.

Resolved that John Avery Esqr. Secretary of this Commonwealth Certify to the Governor and Council the pay

* No Chapter 36.

or arrears of pay due to Ansel Brainard Late a Soldier in Capt. Millers Company in Colo. Voses Regiment and the Treasr. on receiving a warrant therefor is directed to Issue his Note or Notes to the said Samuel Annable Late Guardian and Legal Heir & Representative to the said Ansel Brainard in the same way and manner as has been Practiced in paying other Soldiers for Similar Services.

February 4, 1796.

Chapter 39.

RESOLVE DISCHARGING THE COMMITTEE FOR THE SALE OF EASTERN LANDS OF CERTAIN SUMS OF MONEY AND ALLOWING THEM A BALANCE.

Resolved that the Committee for the sale of Eastern lands be and they are hereby discharged from the sum of seventy six thousand one hundred and nine pounds, fourteen shillings half penny of which they have paid and delivered into the Treasury of this Commonwealth the sum of seventy two thousand eight hundred and nineteen pounds eleven shillings and six pence half penny and three thousand two hundred and eighty four pounds $\frac{2}{6}$ expences paid for surveys & other expences and allowing six pounds wrong charged to the said Committee in a former account — and that a balance due to the said Committee of two hundred seventeen pounds two shillings & 3d. be paid to them out of the public treasury.

February 4, 1796.

Chapter 40.

RESOLVE ON THE REPRESENTATION OF THE COMMITTEE FOR THE SALE OF EASTERN LANDS.

Whereas doubts have arisen whether the Committee for the sale of Eastern lands are not by the resolve of the 2d of March last respecting the sales of said lands restrained from further executing a former resolve of the legislature passed June 25, 1789, among other things, for quieting certain settlers described in the said last mentioned resolve to remove the same doubts — therefore

Resolved that the said Committee may and shall proceed to settle with the said settlers and quiet them in their possessions on their complying with the conditions expressed in the said resolve of June 25, 1789 in the same manner as if the said resolve of the second March 1795 had not been passed.

February 4, 1796.

Chapter 41.

RESOLVE GRANTING TWO TOWNSHIPS OF LAND TO WILLIAMS COLLEGE.

On the petition of the Trustees of Williams-College.

Resolved, That there be, and hereby is granted two Townships of Land, of the contents of six miles square each, to be laid out and assigned from any of the unappropriated Lands belonging to this Commonwealth, in the District of Maine, the same to be vested in the Trustees of Williams-College, & their Successors forever, for the use, benefit & purpose of supporting the said College, to be by them holden in their corporate capacity, with full power & authority to settle, divide & manage the same Townships, or any part thereof, or to sell, convey and dispose of the same, in such way & manner as shall best promote the welfare of said College; the same to be laid out under the direction of the Committee for the Sale of Eastern Lands, & a plan, or plans thereof lodged in the Secretary's Office: *Provided*, The Trustees aforesaid, or their Assigns, shall cause to be settled fifteen families in each of said Townships, within twelve years from the passing this Resolve; and also that there be reserved in each Township three Lots of three hundred & twenty acres each, for the following uses, vizt. one Lot for the first settled Minister; one Lot for the use of the Ministry and one Lot for the use of Schools in each of said Townships.

February 4, 1796.

Chapter 41A.*

ORDER ON THE PETITION OF JACOB WILDS IN BEHALF OF THE TOWN OF ARUNDEL.

On the petition and memorial of Jacob Wilds in behalf of the town of Arundel praying that a resolve passed the General Court March 28th 1793, appointing a Committee to run a line between the towns of Biddeford & Arundel, for reasons mentioned in said petition, may be repealed.

Ordered that the petitioner be, and he hereby is directed to notify the inhabitants of the town of Biddeford by leaving an attested copy of said petition with this order thereon with the town Clerk of Biddeford sixty days at least be-

* Not printed in previous editions. Taken from court record.

fore the second Wednesday of the first session of the next General Court that they may then appear and shew cause if any they have, why the prayer of said petition, so far as respects the town of Biddeford and Arundel should not be granted.

February 4, 1796.

Chapter 42.

RESOLVE ON THE PETITION OF THOMAS WOODLE.

On the petition of Thomas Woodle praying for the confirmation of a deed of land bearing date the twenty first day of April in the year one thousand seven hundred & seventy nine made by Priscilla Ward an Indian woman granting to Elijah Borden a certain tract of land lying in Freetown in the County of Bristol on the east side of Wattupper pond (so called) and on the south side of the Indian lands bounded as follows beginning at a marked black oak tree standing in a pond hole in the southerly line of the aforesaid Indian land thence running easterly in the aforesaid line forty rods to a stake and stones; thence southerly on a square line eight rods to a stake & stones thence westerly on a parralel line forty rods to a stake & stones thence northerly eight rods on a square line to the bound first mentioned.

Resolved that the prayer of the petition be granted and that the said deed be and hereby is confirmed to him the said Elijah Burden his heirs and assigns as a good and valid conveyance of all the right and title that the said Priscilla Ward had in the said land. *February 5, 1796.*

Chapter 43.

RESOLVE ON THE PETITION OF DOROTHY WISER.

On the Petition of Dorothy Wiser, one of the Indian Natives of the Town of Grafton in the County of Worcester widow Relict of Benjamin Wiser late of said Grafton Deceased, praying for Liberty to sell about Twenty two acres of land in the said Town of Grafton.

Resolved, for reasons set forth in said Petition, That the prayer thereof be so far granted, That the Trustees of the said Grafton Indians be, and they hereby are authorized & empowered to sell the said Twenty two acres of Land, at publick or private Sale for the most the same will Fetch, and to make and execute a good deed or deeds to the pur-

chaser or purchasers to pass the same, and the monies arising from said Sale or Sales, to put out at Interest the same to be applied for the Support of the said Dorothy and her Children at the discretion of the said Trustees.

February 5, 1796.

Chapter 44.

RESOLVE ON THE PETITION OF THE SOCIETY FOR PROPAGATING THE GOSPEL AMONG THE INDIANS AND OTHERS.

On the Petition of the Society for Propagating the Gospel among the Indians & others Praying for some Aid from the Legislature to enable them the better to carry on the benevolent Purposes of their Institution.

Resolved that there be granted to the Society aforesaid and paid out of the Treasury of this Commonwealth the Sum of Five Hundred Dollars for the present Year to be expended by them in furnishing & providing such of the Inhabitants of this Commonwealth as are destitute by their Situation & Circumstances of Instruction in Religion morality & common School Learning, with the necessary means of obtaining those very important Ends.

February 5, 1796.

Chapter 44a.*

ORDER ON THE PETITION OF GEORGE JORDAN AND OTHERS.

On the petition of Geo. Jordan and others proprietors of meadow soil on Neponsett river praying to be incorporated for purposes set forth in said petition.

Ordered that the petitioners notify all concerned by publishing an attested copy of said petition with this order thereon three weeks successively in the Boston Chronicle and Columbian Centinel, the last publication to be at least thirty days before the first Tuesday of the first session of the next General Court, and also leave one of said publications with the Clerks of the several towns of Dedham Milton and Stoughton thirty days at least before said first Tuesday, that they may then appear & shew cause if any they have, why the prayer thereof should not be granted.

February 5, 1796.

* Not printed in previous editions. Taken from court record.

Chapter 45.

RESOLVE ON THE PETITION OF ALLETHEA JOHNS.

On the Petition of Allethea Johns one of the Indian Natives of the Town of Grafton in the County of Worcester, widow Relict of Isaac Johns late of sd. Grafton Deceased praying for liberty to sell Fifteen Acres and one hundred and Forty Rods of land Situate in said Grafton, for the purpose of paying debts and the Residue to be put out at Interest for the Support of ye said Allethea.

Resolved, For reasons set forth in said Petition that the prayer thereof be granted, and that the Trustees of ye said Grafton Indians be, and they hereby are authorized and empowered to Sell the Said Fifteen Acres and one hundred and Forty Rods of Land, at publick or private Sale, for the most the Same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers to pass the same, and after paying the Just debts of the said Allethea out of the mony arising from said Sale, to put the remainder out at Interest on good Security for her Support.

February 5, 1796.

Chapter 46.

RESOLVE ON THE PETITION OF THE HON. DAVID SEWELL, ESQ.

On the Petition of the Honble. David Sewell Esq.

Resolved that there be Allow'd and paid out of the Treasury of this Commonwealth the Sum of five hundred Dollars to the Honorable David Sewell Esq. in full compensation for his Service the three last years in which he held the office of Justice of the Supreme Judicial Court.

February 5, 1796.

Chapter 47.

RESOLVE ON THE PETITION OF THE PROPRIETORS OF THE PLANTATION OF BUTTERFIELD.

On the Petition of the Proprietors of the Plantation of Butterfield.

Resolved that the sum of Thirty three Dolls. & sixty one Cents Assessed on the Plantation of Butterfield in Tax number twelve be, and hereby is abated, said Plantation being exempt by Law from State & Continental Taxes

untill November 1797 — And the Treasurer is hereby directed to govern himself Accordingly.

February 6, 1796.

Chapter 48.

RESOLVE ON THE PETITION OF SAMUEL DODGE AND REBECCA DODGE.

On the petition of Samuel Dodge and Rebecca Dodge, praying that the said Rebecca Dodge, who is Administratrix on the Estate of her late Husband Ezekiel Dodge late of Shelburne in the County of Hampshire deceased, may be empowered to give a Deed of a Lot of Land, for reasons set forth in said Petition.

Resolved that the said Rebecca Dodge in her said Capacity as administratrix as aforesaid be, and she hereby is authorized & empowered to make and execute a good & valid deed to the said Samuel Dodge of one Moiety of seven ninths of one hundred & thirteen acres, being Lot Number one, in the second Division of Lots in said Shelburne; being the real Estate of which the said Ezekiel Dodge died seized; *provided* the said Samuel Dodge shall make and execute to the surviving Children of the said Ezekiel Dodge decd. a good & valid Deed of one moiety of his the said Samuel's Lot lying parallel, with and adjoining the aforesaid Lot, Number one, —

and be it further *resolved* that the Land thus conveyed to the aforesaid Children by the deed of the said Samuel shall be vested in them as an Estate of Inheritance from their Father — and shall be liable to the right of dower & payment of such demands as the same would have been if the said Ezekiel Dodge had died seized of the same.

February 6, 1796.

Chapter 49.

RESOLVE ON THE PETITION OF MARTHA YOUNG.

On the Petition of Martha Young.

Resolved for Reasons set forth in said Petition, that the prayer thereof be granted — and that Rachel Bolton the Executrix of the last Will & Testament of William Bolton deceased — be and She is hereby authorized & impow[er]ed to make and execute a good and sufficient Deed to the said Martha Young, and to her Children which

she had by her late Husband John Young deceased, their Heirs and Assigns, of the northeasterly third Part of the Hundred Acre Lot No. Twenty seven, in the first Division of Hundred Acre Lots in said Windham — *Provided* the said Petitioner pay to said Rachel Bolton, the Balance due to said Bolton's Estate for the said Land, according to the agreement made in the life Time of said John Young and said William Bolton deceased.

February 6, 1796.

Chapter 50.

RESOLVE ON THE PETITION OF JOSEPH MORRILL.

On the Petition of Joseph Morrill praying that the Treasurer of said Commonwealth may be directed to discharge him from an Execution for the sum of sixty-four-pounds a ballance due from him, one of the Commissioners appointed by the General Court to expedite the Collection of the Continental Specie Tax.

Resolved, For reasons stated in said petition the Treasurer of this Commonwealth be and hereby is impowered and directed to suspend any further proceedings on the said Execution till the further order of the Genl. Court.

February 6, 1796.

Chapter 51.

RESOLVE ON THE PETITION OF JONATHAN WARE.

On the petition of Jonathan Ware, praying that he may be discharged from the payment of a Bond, which he gave to John Murray Esqr., an Absentee; the amount of which is now due to this Commonwealth.

Resolved, That, if the said Jonathan Ware shall give his obligation to the Treasurer, of this Commonwealth, with sufficient surety or sureties, conditioned for the payment of the sum of four hundred dollars, payable in one year from the date of this Resolve, with interest for the same, and shall pay all costs, which have arisen, in consequence of a suit instituted against him, on his Bond aforesaid, by the Attorney-General, in behalf of this Commonwealth, he shall be, and hereby is, discharged from the said Suit, & all other demands on the said Bond.

February 6, 1796.

Chapter 52.

RESOLVE ACCEPTING THE REPORT OF THE COMMITTEE ON
MR. TREASURER DAVIS'S ACCOUNTS.

Resolved that the Report made December 1795 by Thomas Dawes & Jonathan Mason Esqrs. a Committee appointed by a Resolve passed the 24th of June 1795 to examine and adjust the Accounts of Thomas Davis Esq. Treasurer of this Commonwealth from July 1, 1794 to July 1, 1795 be and the same is hereby Accepted, and the said Treasurer shall stand charg'd and Credited in his new Account Accordingly. *February 8, 1796.*

Chapter 53.

RESOLVE ON THE PETITION OF ELKANAH CLAP.

On the Petition of Elkanah Clap setting forth that he was possessed of two state notes described in sd. Petition amounting to twenty four pounds two shillings including the interest to the first of May A D 1787, which notes were accident[al]ly lost.

Resolved for reasons set forth in said Petition that the prayer thereof be granted and that the Treasurer of this Commonwealth be and is hereby directed to issue a Note for the sum of Twenty four pounds two shillg. payable to the said Elkanah Clap or Order with interest from and after the first day of May 1787, and the Treasurer is further directed to require good and suffic[i]ent bond or bonds previous to his Issuing said notes as aforesaid to indemnify the Commonwealth against any demand or demands that may arise from any person or persons by virtue of the notes lost as aforesaid. *February 8, 1796.*

Chapter 53A.*

ORDER ON THE PETITION OF CORNELIUS KELLOCK.

On the petition of Cornelius Kellock praying that the proprietors of part of the township of Orrington in the County of Hancock may be exempted from paying town & other tax for 10 years.

Ordered that the petitioner notify the inhabitants of the said town of Orrington by leaving with the Clerk of said

* Not printed in previous editions. Taken from court record.

town an attested copy of his petition and this order thereon thirty days before the second Wednesday of the next session of the General Court that they may then appear & shew cause if any they have, why the prayer of his petition should not be granted.

February 8, 1796.

Chapter 54.

RESOLVE ON THE PETITION OF JONATHAN NASH.

On the petition of Jonathan Nash.

Resolved, That David Mitchell Esq. Mr. Martin & Mr. Jewitt, be a Committee, at the expence of the petitioner, to collect the facts, and the evidence respecting them, which are stated in, & required by, a Resolve of the General Court, passed the 3d day of Febry. current, on the petitions of Amos Hearsy & others of the Town of Poland, & of John Bridgham & others, and report the same at the first Session of the next General Court.

February 8, 1796.

Chapter 55.

RESOLVE ON THE PETITION OF JOHN LANE AND THOMAS FRASER.

On the Petition of John Lane & Thomas Fraser praying that the Judge of Probate for the County of Suffolk may be Authorised to extend the Time for receiving the claims against the Estate of Alexander Moore late of Boston in said county of Suffolk.

Resolved that the Judge of Probate of the said county of Suffolk, be and he hereby is Authorised and impowered to allow the commissioners heretofore Appointed any further time (he may see fit) to Receive and examin claims on the said Estate not exceeding six months. And the doings of the said Commissioners by virtue of this Resolve (they observing the law Respecting insolvent Estates) shall have the same force and effect in law, as the same would have had, if done on their Appointment aforesaid.

February 9, 1796.

Chapter 56.

RESOLVE ON THE PETITION OF NATHAN DAVIS.

On the Petition of Nathan Davis praying for the depreciation of his Wages while a soldier in Col. Sprouts

Regiment, he having through a mistake been returned a deserter.

Resolved, that for reasons set forth in his Petition, the Secretary of this Commonwealth certify to the Governour & Council the sum found (on the Army Books) due to the said Nathan Davis a private Soldier in Colo. Sprouts Regiment. — And the Treasurer on receiving a Warrant therefor, is hereby directed to issue his Note to the said Davis in the same way & manner as has been practiced in paying other soldiers for Similar Services.

February 9, 1796.

Chapter 57.

RESOLVE ON THE PETITION OF JOHN BACON, IN BEHALF OF HANNA HAMMELTON.

On the Petition of John Bacon in behalf of Hanna Hammelton, Relict of Joseph Hammelton, praying that the Secretary may be authorized to certify the wages that appear, on the Army Books, to be due to the said Joseph.

Resolved the [the] prayer of the said petition be granted; and that the Secretary be, and he is hereby authorized to certify to the Governor and Council the wages that appear on the Army Books, to be due to the said Joseph Hammelton.

February 9, 1796.

Chapter 58.

RESOLVE GRANTING TO THE TOWN OF BELCHERTOWN, 40 DOLLARS.

On the Petition of Park Holland in behalf of the Town of Belchertown praying Said Town might be Repaid a fine which was laid on them for not Sending a Representative to the General Court in the year 1790 — which was abated to them by a Resolve of the General Court passed in February 1792.

Resolved that his Excellency the Governor with advice of Council be Requested to Issue his warrant in favour of the inhabitants of Belchertown to the Treasurer of this Commonwealth directing him to pay to said inhabitants the Sum of forty dollars being the Sum paid by them for a fine as aforesaid.

February 10, 1796.

Chapter 58A.*

ORDER ON THE PETITION OF DANIEL DUNBAR, MOSES COPELAND AND OTHERS.

On the Petition of Daniel Dunbar, Moses Copeland & others praying for an alteration in the Law intituled “An act to prevent the Destruction & regulate the Catching of the fish called Salmon Shad & Alewives in the rivers & streams in the counties of Cumberland & Lincoln and to repeal all Laws, heretofore made for that purpose.”

Ordered that the Petitioners give notice to all persons interested to appear & shew cause if any they have why the Prayer of said Petition should not be granted, by publishing said petition & this order, four Weeks successively in the Gazette of Maine and also in the *Tocsin*, the last publication in each of the said News papers, to be made forty days before the second Wednesday of the first session of the next Genl. Court. *February 11, 1796.*

Chapter 58B.†

ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWN OF BIDDEFORD.

On the petition of a number of the inhabitants of the town of Biddeford praying to be incorporated into a society by the name of the Catholick Christian Society.

Ordered that the petitioners notify the town of Biddeford by leaving an attested copy of their petition and this order thereon with the town Clerk of said town thirty days at least before the second Wednesday of the first setting of the next General Court, that they may appear on said day, and shew cause, if any they have, why the prayer of said petition should not be granted.

February 11, 1796.

Chapter 59.

RESOLVE ON THE PETITION OF JOSEPH AARON.

On the Petition of Joseph Aaron one of the Indian Natives of the Town of Grafton in the County of Worcester, praying for liberty to Sell eight Acres of Land Sit-

* Not printed in previous editions.

† Not printed in previous editions. Taken from court record.

uate in sd. Grafton for the purpose of paying the said Joseph Aarons debts, and the remainder to be applied for the Support of him and his Family.

Resolved, For reasons set forth in sd. Petition, that the prayer thereof be granted, and that the Trustees of the said Grafton Indians be, and they hereby are authorized and empowered, to sell the said eight acres of Land, at publick or private Sale, for the most ye same will Fetch, and to make and execute a good deed or deeds to ye purchaser or purchasers to pass the same, and after paying the Just debts of the said Joseph, out of the monies arrising from said Sale, to apply the Residue towards the Support of the said Joseph and Family, and to settle their accounts with the government, any Law or Resolve to ye Contrary Notwithstanding. *February 12, 1796.*

Chapter 60.

RESOLVE ON THE PETITION OF DAVID YOUNG OF SOUTH BRIMFIELD.

On the petition of David Young of South Brimfield in the County of Hampshire — shewing that he was wounded and maimed by the fire of a party of insurgents in the year 1787 being then a volunteer in a detachment of Militia commanded by Col. Anmidown and being then in the actual service and defence of the Commonwealth against said Insurgents — that he hath pursued some of the persons who did him the injury, by a suit in law, recovered and received some but not adequate damages for said injury — Therefore

Resolved that there be and hereby is granted to said David the sum of three hundred and fifty dollars to be paid him out of any unappropriated monies in the Treasury, by warrant from the Governor by and with the advice of Council, which together with what he has received upon the judgments he has recovered against said persons is to be in full of all claims on the Commonwealth on account of the injury aforesaid. *February 12, 1796.*

Chapter 61.

RESOLVE ON THE PETITION OF WILLIAM GORHAM ESQ.

Whereas William Gorham Esqr. Clerk of the Proprietors of the Comon & undivided Lands in Gorham in the County of Cumberland has represented to this Court that

the Original Plan of sd. Gorham was lodg'd in the Secretarys Office (after confirmation by the general Court) and remained there for many years; but since the Revolution is not to be found, and praying that the Secretary may be authorized and directed to recieve a Copy of sd. Original Plan attested by the late Secretary Cotton which Plan has been preserv'd in the Office of the Clerk of the Proprietors aforesd. & put the same on File in his Office & deliver to sd. Gorham an attested Copy thereof:

Resolved that the Secretary of this Comonwealth be & he hereby is directed to recieve into his Office and there keep on File the Plan of the Town of Gorham aforesd. attested by the late Secretary Cotton, which Plan (appearing to this Court to be an authenticated Copy of the Original Plan of said Town) shall have the same force and Effect the Original Plan could have had if the same had been preserved, and that he be further directed to make out and deliver to the sd. William Gorham an attested Copy thereof for the use of the Town, he paying him therefor.

February 12, 1796.

Chapter 62.

RESOLVE ON THE PETITION OF HOPKINTON TRUSTEES.

On the petition of the Trustees for perpetuating the Charity of Edward Hopkins, setting forth that in consequence of a petition of the Tenants of Lands in Hopkinton & Upton belonging to said Trust the General Court on Novr. 14th 1787 *resolved* that they should be thence forward taxed in the same manner with other Inhabitants of the Commonwealth and that the Treasurer should pay the quit rents on said Lands amounting to Sixty six pounds thirteen shillings and four pence to the Treasurer of said Trustees on the 25th day of March annually. That the present Treasurer of the Commonwealth does not think himself authorized by the Constitution to pay any monies except for interest without a Warrant from the Governor & Council; in consequence of which three years quitrents, were due on the 25th day of March last — Therefore

resolved that the Governor be and he hereby is authorized and requested to draw his warrant on the Treasurer of the Commonwealth for the payment of said three years rent due as aforesaid to the said Trustees. And that in future the Governor for the time being be and he is

hereby authorized & requested to draw his warrant on the Treasurer of the Commonwealth annually on the 25th day of March for the payment to the said Trustees of said annual Sum of Two hundred & twenty two dollars & twenty three cents untill the further order of the General Court.

February 12, 1796.

Chapter 63.

RESOLVE ON THE PETITION OF SAMUEL LAHA.

On the petition of Samuel Laha Keeper of the Hospital on Rainsford Island

Resolved that the Committee on Accounts be Authorised and directed to allow to the Said Samuel Laha the Sum of thirty dollars in addition to the present allowance of forty four dollars and forty five Cents from the 25th of Janr. 1795 until the 25th of Jana. 1796 for his care & attendance at the Hospital & Island aforesaid.

February 12, 1796.

Chapter 64.

RESOLVE RESPECTING THE KENNEBECK PURCHASE.

Whereas on the 25 day of June last, a resolve was passed directing the Attorney General to institute an inquest of office against the Proprietors of the Kennebeck purchase, for the purposes and conditions therein expressed, unless they, within sixty days from that time should make and execute certain deeds of release and confirmation to the settlers agreeable to a proviso in an agreement made Feby. 18, 1789, between the Commonwealth and the said Proprietors, or to the said Commonwealth; and the said Proprietors within the said sixty days appointed a Committee to make and execute the same release, but the other party not being present, it was not then executed. And it is stated that all the parties concerned are now desirous to have the same executed—Therefore

Resolved, that the said term for executing the said release be, and the same is hereby extended to the first day of March next; and the said deed or deeds of release which shall be made and executed before that day, for and in behalf of the said Proprietors shall be as good and valid as though the same had been made and executed within the said sixty days.

February 12, 1796.

Chapter 65.

RESOLVE GRANTING A TAX FOR THE COUNTY OF BARNSTABLE.

Whereas the Treasurer of the County of Barnstable has laid his account before the General Court in manner prescribed by law, which is hereby allowed. And the Clerk of the Court of General Sessions of the Peace of said County has laid before the General Court an estimate made by the said Court of General Sessions of the Peace of the necessary charges likely to arise within the same County the present year, amounting to six hundred dollars :

Resolved That the sum of Six hundred dollars, be, and is hereby, granted as a tax for said County of Barnstable to be apportioned, assessed, collected and applied for the purposes aforesaid agreeably to law.

February 12, 1796.

Chapter 66.

RESOLVE ON THE PETITION OF JOHN BREWER AND JOSEPH ROOKS.

On the petition of John Brewer & Joseph Rooks, Agents for Sundry inhabitants in the Town of Orrington.

Resolved that the Attorney General be and he hereby is authorized & Directed to consent to a continuance of the Action commenced by him in the name of the Treasurer of this Commonwealth against John Brewer and Simeon Fowler Esqrs., & now pending in the Court of Common Pleas in the County of Suffolk — till the next October term of said Court — And it is further *resolved* that upon the said Brewer and Fowler's producing a Certificate from the Committee for the Sale of Eastern Lands, of the sum which by a resolve passed 24 Feby. 1791, was abated to the Settlers in the said Town of Orrington, for the Lands confirmed to them by said resolve — that the said Attorney General may receive the balance which may be due upon said Brewer & Fowlers note after making deduction of said sum, and he is hereby directed upon receipt of the same to discharge the action commenced upon said note they paying the costs that may have arisen on said action. And the said Committee for the Sale of Eastern Lands are hereby authorized & directed to Settle

and Adjust the said Demand arising upon said note on the same equitable principles and in the same way & manner Similar obligations have by them been Settled & adjusted.

February 12, 1796.

Chapter 67.

RESOLVE ON THE PETITION OF WILLIAM FARNSWORTH.

On the Petition of William Farnsworth of Hawley in the county of Hampshire formerly a Soldier in Colo. Gravons Regt. late continental army Praying for a part of his Wages which has been Taken from him at the Treasury of this commonwealth by forgery.

Resolved that the prayer of his Petition be so far Granted as that the Treasurer of this commonwealth be and he is hereby directed to Issue his note to the Said William Farnsworth for the sum of fifty one pounds six shillings & 5d. payable in the same way & manner as the consolidated Debt of the commonwealth is paid, and agreeable to the Law for reloading the Debt of the commonwealth aforesaid.

February 13, 1796.

Chapter 68.

RESOLVE ON THE PETITION OF THE TOWN OF CLINTON.

On the Petition of the Inhabitants of the Town of Clinton praying for the Abatement of a Tax levied on that Town in the year 1786 for the Sum of £.159 7 6.

Resolved for Reasons set forth in Said Petition that the Prayer ther[e]of be so far granted that the Treasurer of this Commonwealth be and he is her[e]by directed to Credit the Town of Clinton the Sum of one Hundred and Twenty Eight pounds Eighteen shillings and four pence in part of the Tax beforementioned.

February 15, 1796.

Chapter 69.

RESOLVE ALLOWING FIVE HUNDRED AND FIFTY DOLLARS, TO JAMES SULLIVAN, ESQ.

On the petition of James Sullivan Esq. Attorney General of the Commonwealth praying for an allowance for his Services as Attorney Genl.

Resolved for reasons set forth in said Petition that the prayer thereof be granted, & that there be, allowed &

paid to the said James Sullivan Esq. out of the Treasury of the Commonwealth the Sum of five hundred & fifty Dollars, in addition to his salary established by Law, as Attorney General of the Commonwealth which when paid shall be in full for his services to this day — And that his Excellency the Govr. be, & he is hereby requested to Issue his warrant upon the treasurer for said Sum.

February 15, 1796.

Chapter 70.

RESOLVE ON THE PETITION OF ZEBEDEE CUSHMAN.

Whereas Zebedee Cushman of Taunton in the County of Bristol has petitioned this Court stating that he is in possession of a tract of land, with buildings thereon situate in said Taunton, which he holds by a deed with warranty from this Commonwealth — And that at the last April term of the Court of Common Pleas for the sd. County of Bristol — an action hath been bro't against him for a right of dower in sd. premises :

Resolved — That the Atto. Genl. of this Commonwealth be, & he is hereby directed to appear & take upon himself the defence of sd. Action in behalf of this Commonwealth or agree & settle with the said Zebedee Cushman as to him shall appear Just & reasonable.

February 16, 1796.

Chapter 70A.*

ORDER ON THE PETITION OF JACOB BRADBURY AND OTHERS.

On the petition of Jacob Bradbury and Others praying for liberty to Open a Canell on Saco River at Salmon Falls a crost a point of land called Jordans point.

Ordered that the petitioners notify the Inhabitants of the Town of Buxtown and Plantation of Little Falls to shew cause if any they have on the Second Wednesday of the next Session of the General Court why the prayer of the petition should not be Granted, by publishing an attested copy of their petition with this order thereon in the Gazette of Maine three Weeks successively the last publication to be Sixty days previous to the second Wednesday of the first session of the next General Court.

February 16, 1796.

* Not printed in previous editions.

Chapter 71.

RESOLVE GRANTING TWO HUNDRED DOLLARS TO THE QUARTER MASTER GENERAL.

Whereas it is necessary that more suitable Provision should be made for the Preservation of the Public military Stores belonging to this Commonwealth now lying at Cambridge :

Resolved That the Quarter Master General be & he hereby is authorised & directed to purchase a Peice of Ground in the neighbourhood of the present public Arsenal at Cambridge, not exceeding the Price of one hundred & fifty Dollars therefor, & to take of the same in fee, in the Name of the Commonwealth : And to remove the Building & appurtenances now belonging to said Arsenal, together with all the Military & other Stores therein, and to deposit the same in some convenient Building to be placed on the Ground to be purchased as aforesaid.

And it is further *Resolved*, that, there be, paid out of the Treasury of this Commonwealth, to the said Quarter Master General, (in manner as the law directs) a Sum not exceeding two hundred Dollars to enable him to carry these Resolves into effectual execution ; he the said Quarter Master General to lay his accounts before the Genl. Court, for examination & allowance.

February 16, 1796.

Chapter 72.

RESOLVE ON THE PETITION OF SAMUEL TRASK.

Resolved that John Avery Junr. Esqr. Secratary of this Commonwealth Certify to the Govoner and Council the pay or arrears of pay due to Seth Peabody late a Soldier in Colo. Aldens or Brooks Regiment and the Treasr. on receiving a Warrant therefor is directed to Issue his Note or notes to the said Samuel Trask Administrator on the Estate of Seth Peabody in the same way and manner as has been Practiced in paying other Soldiers for Simelar Services.

February 15, 1796.

Chapter 72A.*

ORDER ON THE PETITION OF THE TOWN OF EASTHAM FOR A PERMANENT LINE BETWEEN EASTHAM AND CHATHAM.

On the Petition of the Town of Eastham by their Agents, praying that the Legislature would interpose and

* Not printed in previous editions.

take proper measures to settle a permanent Line between the said Town of Eastham and the Town of Chatham, for reasons set forth in said Petition.

Ordered that the Petitioners notify the Town of Chatham, by leaving an attested Copy of their Petition with this Order thereon with the Clerk of said Town of Chatham, forty days before the Second Wednesday of the first Session of the next general Court, then to shew cause if any they have, why the Prayer of said Petition should not be granted.

February 16, 1796.

Chapter 73.

RESOLVE SETTLING ACCOUNTS OF THE QUARTER MASTER GENERAL.

On the Petition & Representation of Amasa Davis Esquire Quarter Master General.

Resolved that he the Said Amasa Davis be and hereby is Discharged from two warrants which he Stands charged with in the Treasurer's Office to the amount of the Sum of Seven Thousand five hundred & thirty three Dollars & thirty three Cents, and that there be Allowed & paid out of the Treasury of this Commonwealth to the Said Amasa Davis the Sum of three hundred and Sixty two Dollars Six Cents & nine mills which being the Sum due to him to Ballance his Accounts and that the further Sum of Six hundred Dollars be allowed and paid to the Said Amasa Davis for his Services as Quarter Master General from the 17th Day of January 1795, to the 17th day of January 1796, Inclusive.

February 17, 1796.

Chapter 74.

RESOLVE ON THE PETITION OF WILLARD GROVENOR.

On the Petition of Willard Grovenor, of Suffield in the State of Connecticut praying that the Court of Common Pleas for the County of Suffolk may be authorised to hear & try an Action brought against him by Lemuel Burrell of Roxbury, wher[e]in Judgment has been rendered on default.

Resolved that the prayer of said Petition be so far Granted, that the Justices of the Supreme Judicial Court be and hereby are empowered, on the application of the said Willard Grovenor to grant a Review in an Action on the Case entered at the Court of Common Pleas holden at Boston in & for the County of Suffolk on the first Tuesday

of January in the [the] year of our Lord one thousand Seven hundred & Ninty, wher[e]in the said Lemuel Burrell was Plaintiff & the said Willard Grovenor Defendant & wher[e]in Judgment was rendered on default, in such way & manner and on such terms & Conditions as to said Justices may seem Just & reasonable, three years having elapsed since the rendition of said Judgment notwithstanding.

Provided such application be made to said Justices within six months, after the passing this Resolve.

February 18, 1796.

Chapter 75.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT AND GRANTING ADDITIONAL PAY TO THE PRESIDENT AND SPEAKER.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth to each member of the Council, Senate, and House of Representatives Two dollars for each days attendance the present Session, and a like sum to each member for every ten miles distance from his place of abode to the place of sitting of the General Court.

And be it further *resolved* that there be paid to the President of the Senate and the Speaker of the House of Representatives, each One dollar & fifty Cents — for each days attendance in addition to their pay as members.

February 18, 1796.

Chapter 76.

RESOLVE DIRECTING THE TREASURER TO TAKE POSSESSION OF A CERTAIN DWELLING HOUSE IN PRINCE STREET.

Whereas, by a Judgment recovered at the Supreme Judicial court held at Boston within the County of Suffolk A D 1795 upon inquest of Office filed against a certain Dwelling House in the Town of Boston Situate in prince Street and the fee thereof now vests in the Commonwealth: Therefore

Resolved that the Treasurer of this Commonwealth be and he hereby is Authorised and Directed in Behalf of the Commonwealth to take possession of the Said premises, and permit Joshua Bently of Boston Gentleman and Elizabeth his wife to occupy the Same one year — free from rent.

February 20, 1796.

Chapter 77.

RESOLVE DIRECTING THE SECRETARY TO CERTIFY THE BALANCE DUE TO EBENEZER DAVERSON.

On the Petition of Ebenezer Daverson in behalf of Nathan Daverson.

Resolved that John Avery Junr. Esqr. Secretary of this Commonwealth Certify to the Governor and Council the pay or arrears of pay due to Nathan Daverson late a Soldier in Colo. Shepards Regiment, in the Continental Army and the Treasurer on receiving a Warrant therefor is directed to Issue his note or Notes to the said Nathan Daverson in the Same way and manner as has been Practiced in paying other Soldiers for Simelar services.

February 22, 1796.

Chapter 77A.*

RESOLVE MAKING A GRANT TO EDWARD MCLANE AND JOHN DEVOTION, CLERKS IN THE SECRETARY'S OFFICE.

On the Petition of Edward McLane and John Devotion Clerks in the Secretary's office.

Resolved That there be allowed and paid out of the Treasury of this Commonwealth, to the said Edward McLane One Dollar and ninty two cents, and to the said John Devotion one Dollar and seventy five cents per day, from and after the thirteenth day of January last untill the first wednesday of June next, — *provided* that they are employed in that office untill that time. *February 22, 1796.*

Chapter 78.

RESOLVE ON THE PETITION OF THE TOWN OF POLAND.

On the petition of the town of Poland praying that they may have the priveledge of expending their taxes upon the county roads in that town.

Resolved that the Assesers of sd. Town be & they are hereby directed without delay to assess upon the inhabitants thereof agreably to Law if not already assess'd The sum of one hundred & sixty pounds twelve shillings it being the sum sett to the plantation before it was incorporated, in tax No. 5 & make return of sd. assessment to the treasury of this Commonwealth —

* No chapter number in pamphlet editions.

& be it further resolved that the sd. town may discharge themselves of the aforesaid sum in the following manner, by working the whole or any part of the same on the county roads in sd. town allowing fifty Cents \wp day for each man & the same price for a yoke of oxen the whole work to be done between this & the first day of October next; & a certificate thereof certified by the Selectmen of sd. town shall be returned to the treasury of this Commonwealth on or before the 20th day of January next which certificate shall be received to discharge sd. town from sd. tax No. 5 or such part thereof as shall be so certified; & if the whole shou'd not be paid in sd. certificates then the remainder shall be pd. in money into the treasury & the treasurer is to govern himself accordingly.

February 22, 1796.

Chapter 79.

RESOLVE ON THE PETITION OF JOSEPH DRISKELL.

On the petition of Joseph Driskell praying for the wages due to him as a Lieutt. in Colo. Crane's Regiment.

Resolved that The Treasurer be & he hereby is directed to deliver to Joseph Driskell a Lieutt. in Colo. Crane's Regiment three state notes for the sum of forty two pounds one shilling each dated Jan. 1st, 1782 being the amount of his wages in said Regiment which have been fraudulently drawn out of the Treasury.

February 22, 1796.

Chapter 79A.*

ORDER ON THE PETITION OF ENOCH PERLEY AND OTHERS.

On the Petition of Enoch Perley & others praying to be incorporated for the purpose of making a Canal through Bridgetown & Flintstown.

Order'd that the Petitioners notify all Persons concern'd to shew cause if any they have on the Second Wednesday of the first Session of the next General Court, why the Prayer of sd. Petition should not be granted, by publishing in the Eastern Herald printed at Portland, an attested copy of their said Petition and this Order thereon, three Weeks successively, the last publication to be at least thirty Days previous to the Second Wednesday aforesaid.

February 22, 1796.

* Not printed in previous editions.

Chapter 80.

RESOLVE DISCHARGING THE TOWN OF BIDDEFORD, OF THE
SUM OF £.231 10 2.

On the Petition of the Select Men of Biddeford praying that said Town may be discharged from Tax No. 5 conformably to a Resolve of February 7, 1794 which directs the Treasurer of this Commonwealth to discharge the said Town on paying the sum of Two hundred and Thirty one pounds Ten Shillings and Two pence on a given day which sum has been paid since the expiration of said time therefore *Resolved* that the said Sum be and hereby is accepted in full Discharge of said Tax and the Treasurer is Directed to govern himself accordingly.

February 22, 1796.

Chapter 81.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO LEASE THE
MESSUAGE MENTIONED, AND MILLS IF RECOVERED, AND TO
HAVE ACCOUNT OF THOMAS ADAMS EXAMINED.

Whereas it appears that this Commonwealth at the Supreme Judicial Court held at Boston on the last Tuesday of August last recovered Judgment against Thomas Adams and others for seisin and possession of a certain messuage or tenement situate in prince Street in said town of Boston near Charles River Bridge; and that an inquest of office hath been instituted by the said Commonwealth against the said Adams & others in the said Court in the County of Middlesex, and is now pending, for the recovery of seisin and possession of one moiety of certain mills and appurtenances situated in Charlestown in said County of Middlesex of which estates one Benja. Stokes died seised A D 1756 and which since, it is alledged, have escheated to the said Commonwealth for want of heirs — therefore

Resolved that the Treasurer of this Commonwealth be and he hereby is authorised and directed to lease the said messuage, or parts thereof so recovered, from year to year, for the most the same will let, for the benefit of the said Commonwealth, until the further order of the legislature — And in case the said Commonwealth shall recover Seisin and possession of the aforesaid moiety of the said mills then to lease the same in the same manner —

And whereas it further appears that the said Stokes by his last will and testament made William Paine, since deceased, executor thereof, who, by his last will and testament made the said Adams executor thereof — and that the said Adams, so being executor of the said Paine's will, and also being administrator, with the will annexed, of the estate of the aforesaid Stokes, in the year 1787, exhibited, in the Probate office in the said County of Middlesex, his account, as also, an account said to be the said Paine's account, against the estate of the aforesaid Stokes and had a balance thereon of £.583. 11. 6½ allowed in the said office against the said estate — and there is reason to believe that no such balance was Justly due from the said Stoke's estate to the estate of the said Paine and to the said Adams — therefore

Resolved that the attorney General of this Commonwealth be and he is hereby authorised to enter a caution in the said probate office against any further proceedings on the aforesaid accounts until the same shall be reexamined — And in behalf of this Commonwealth, and on the part of the said Stoke's estate alledged to be escheated thereto as aforesaid, to appear, claim, and prosecute an appeal, if he shall find the same expedient, from the decree rendered in the said probate office, allowing the said account and balance, at any time within one year from the passing of these resolves, in the same manner as the administrator of the said Stoke's estate might have done within the time limited by law; and the said attorney General is further authorised to examine and adjust the said accounts with the said Adams in such way and manner as, he the said attorney General, shall think Just and reasonable, and for the Interest of the said Commonwealth.

February 22, 1796.

Chapter 82.

RESOLVE ON THE PETITION OF AARON EVERETT.

On the Petition of Aaron Everett Administrator on the Estate of John Fairbanks junr. late of Wrentham de-
ceas'd, praying that he may be impowered to give up a Deed to Nathan Haws of about Eight Acres of Land lying in said Wrentham, which Deed was made to the said John Fairbanks jun., but ought to have been made to his Father John Fairbanks, who at the Time of the

Bargain and Sale was & has ever since been *non Compos* — which Land was paid for out of the Money of the said John Fairbanks and not out of the Money of the said John Fairbanks junr. Therefore

Resolved that the Prayer of said Petition be so far granted as that the said Aaron Everett Administrator as aforesaid, be and he is hereby Authorised and impowered in his said Capacity to make & execute a Deed to the said John Fairbanks and his Heirs of all the Lands described in the said Deed of Nathan Haws to John Fairbanks jun. bearing date the twenty seventh Day of October in the year of our Lord seventeen Hundred and eighty Nine containing about Eight Acres be the same more or less — and the same Deed being duely executed acknowledged and registered shall be as good and effectual to convey the Estate of the deceas'd, in the same Land to all intents and Purposes as if the said John Fairbanks deceas'd, had by Deed in his Life Time granted & conveyed the same.

February 22, 1796.

Chapter 83.

RESOLVE CONFIRMING THE SETTLERS ON DEER ISLAND AND SHEEP ISLAND.

Whereas by a resolve of the General Court passed the 22 March 1786 there was granted and confirmed to Joseph Tyler and the other Settlers on Deer Island & Sheep Island who had settled thereon and made a separate improvement before the first day of January 1784, one hundred acres of Land each, to hold in Severalty, to be laid out so as best to include their respective improvements on Condition that the aforesaid Settlers should pay into the Treasury, one Hundred & twenty pounds in specie — with Interest — And it was further provided in said resolve — that the remainder of said Islands not taken up by Settlers should be granted & confirmed to certain persons mentioned therein, on condition that they should pay into the Treasury within one year from the passing of said resolve One thousand two hundred & forty one pounds, eight shillings in Consolidated securities of this Commonwealth with Interest — And whereas on the petition of the said last mentioned grantees representing the bad quality of the said residue Land, and praying for an abatement of the last mentioned sum, the General Court

in the year 1788 by a resolve then passed, made a considerable abatement of the last mentioned sum but instead of making the abatement to the inhabitants aforesaid — granted the whole of said Islands to George Tyler and Joseph Tyler on certain conditions mentioned in said resolve which was contrary to the wishes and intentions of the first Grantees — And which Grant to said George & Joseph was for a non performance of the said Conditions declared void by a Resolve of March 7th 1791: Therefore

resolved that the said settlers who settled on said Islands before the first day of Jan'y. 1784, their heirs and assigns be and they hereby are confirmed in their several Lots according to the tenor and effect of the first resolve aforesaid, on condition of their paying the sum mentioned in the said resolve into the treasury of this Commonwealth within one year or producing evidence of payment of said sum to any person authorised by the Commonwealth to receive the same or any part thereof —

And it is further *resolved* that the residue of said Islands not taken up by Settlers of the description aforesaid be and it is hereby granted and confirmed to those settlers who settled on said Islands before the first day of January 1786 and to their heirs & assigns on condition of their paying into the Treasury of this Commonwealth within one year from the date hereof, such sum as the Committee for the sale of Eastern Lands, shall judge to be the value thereof, & on fa[i]lure of such payment, the said Committee are directed to sell the said Residue to any person or persons, who will give the value thereof provided however that the said Committee reserve, three hundred Acres for the use of the Ministry, & three hundred Acres for the use of a Grammer School. *February 22, 1796.*

Chapter 84.

RESOLVE ON THE PETITION OF JABEZ CARTER.

On the petition of Jabez Carter, late a soldier in Col. Nixon's Regiment and Capt. Danforth's company, praying for the payment of wages due to him, which have been drawn *without his order*.

Whereas it appears to this court that the wages aforesaid, amounting to the sum of thirty five pounds seven shillings and nine pence, have been paid to a John

Bayley *without an order from the Petitioner*; it is therefore,

Resolved, that the Treasurer be, and he is hereby directed to issue his certificate, payable to the said Jabez Carter or bearer for the sum of one hundred and seventeen dollars and ninety six cents, with interest from the date of the note issued for his wages as aforesaid; agreeably to an act making provision for relieving the debt of this Commonwealth.

February 22, 1796.

Chapter 84A.*

ORDER ON THE PETITION OF THE INHABITANTS OF FARMINGTON.

On the petition of a number of the Inhabitants of Farmington, praying to be incorporated into a Religious Society.

Ordered, that the petitioners notify the town of Farmington by leaving an attested Copy of their petition and this Order thereon with the Town Clerk of said Town, thirty days at least before the second Wednesday of the first Setting of the next General Court, that they may appear on said day, and shew cause (if any they have) why the prayer of said petition should not be granted.

February 22, 1796.

Chapter 85.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO ENQUIRE INTO THE CIRCUMSTANCES OF THREE STATE NOTES DUE TO JOSEPH DRISKELL.

Resolved that the Attorney General be & hereby is authorised & directed to enquire into the circumstance of three state notes amounting to Forty Two pounds one shilling each being the wages due to Joseph Driskell a Lieutt. in Colo. Crane's Regiment, which have been fraudulently drawn from the Treasury by virtue of an order from Asa Spaulding Junr. & received by Major John Minott, and to take the necessary measures in order that the value of the said notes may be recovered & repaid into the public treasury.

February 23, 1796.

* Not printed in previous editions. Taken from court record.

Chapter 86.

RESOLVE ON THE PETITION OF MOSES BARNARD AND ISAAC THOM.

Whereas it appears that Moses Barnard and another on the sixteenth day of January A D. 1795 applied to the Committee for the sale of Eastern lands for the purchase of four townships to wit No. 3 on the East side of Kennebec river in the first range above the Plymouth Claim, No. 5 in the 3d range above the Waldo patent and Nos. 4 and 5 in the fourth range above the said patent ; that the said Committee then named the price mode of payment and conditions of settlement and allowed the applicants to the 20th of June 1795 to accept the same — and that they did appear to accept the same and to complete the same purchase before that day : therefore

Resolved that the said Committee be and they are hereby authorised to proceed to complete the sale of the said four townships to the said Barnard and others in the same manner they would have done had the resolve of March 2, 1795 prohibiting the further sale of said Eastern lands not been passed.

February 23, 1796.

Chapter 87.

RESOLVE ESTABLISHING THE PAY OF ISAAC PEIRCE, MESSENGER.

On the petition of Isaac Peirce Messenger to his Excellency the Governor & Council,

Resolved that there be allowed and Paid out of the Treasury of this Commonwealth, to Isaac Peirce, messenger to the Governor and Council, one Doller and Seventy five Cents, for Each Day he may attend that Business, from the first Day of January 1796 to the first Day of July 1796.

February 23, 1796.

Chapter 88.

RESOLVE APPOINTING NICHOLAS TILLINGHAST, JUN. TO ESTABLISH THE CLAIM OF CERTAIN REAL ESTATE IN FREETOWN.

Whereas it appears that a certain real Estate situate in Freetown in the County of Bristol heretofore belonging to Thomas Gilbert Junr. late of said Freetown an absentee

— has become the property of this Commonwealth by confiscation; and that said real Estate has not been sold by reason of the incumbrance of a right of Dower in the premises, which incumbrance is now removed:

Resolved That Mr. Nicholas Tillinghast Junr. be, & he is hereby appointed an agent to ascertain & establish the claim of this Commonwealth to the said real Estate, & to dispose of the same by Sale in such manner as will enure to the best interest of this Commonwealth; and to pay the proceeds of the same Estate into the Treasury of this Commonwealth as soon as may be.

Resolved, that the said Agent be, & he is empowered & directed to receive and examine the claims against the said Estate, and for that purpose to give public notice of his appointment, by advertising the same in one of the news papers printed in Boston three weeks Successively — And the said Agent is hereby directed to allow the creditors to said Estate for the purpose of bringing in their claims, the term of Six months & no longer from the date of the first advertisement. And the said Agent is further directed to make a statement to the General Court in their next Session after the expiration of the said term of Six months of all such claims as appear to him to be justly due out of the said Estate, in order that the said claims may be equitably discharged.

February 24, 1796.

Chapter 89.

RESOLVE ON THE PETITION OF JAMES LUNT.

On the Petition of James Lunt praying that he may be allowed to pay the Ballance due from him to this Commonwealth in Consolidated Notes of this Commonwealth for Reasons set forth in Said Petition.

Resolved that the Said James Lunt be and hereby is allowed to pay into the Treasury of this Commonwealth the Ballance due from him to the Commonwealth in Consolidated Notes, *Provided* the Same is paid within Six months from the Date of this Resolve, and *provided also* that Said Lunt pay all cost which has accrued upon the Suit against him by the Commonwealth upon his bond.

February 24, 1796.

Chapter 90.

RESOLVE ON THE PETITION OF TIMOTHY AND BENJAMIN MONROE.

On the Petition of Timo. & Benja. Monroe.

Resolved that for reason set forth in said petition, that the said Timo. & Benja. Monrow, heirs to Nathl. Monrow, be discharged for that part of the Bond & Mortgage which was due from Bennet Monrow — and that by paying into the hands of Wm. Tudor Esqr. agent of the Commonwealth, the sum of Four hundred & thirty nine dollars, ninety three cents & five mills with Interest as is customary in debts of absentees; on or before the first day of May next, then & in that case the said Agent is hereby authorized & directed to give a full discharge for the bond & Mortgage aforesaid — anything in the Resolve of the 18th February 1791, to the Contrary notwithstanding.

February 24, 1796.

Chapter 91.

RESOLVE ON THE MEMORIAL OF THE JUSTICES OF THE SUPREME JUDICIAL COURT.

On the memorial of the Justices of the Supreme Judicial Court, and in consideration of the present diminished value of their Salaries as by law established.

Resolved, that for the current year commencing from the first day of January last, there shall be allowed to each of the Justices of the Supreme Judicial Court, at the rate of three hundred and thirty three and one third dollars, in addition to his present Salary, as by law established and payable therewith; amounting in the whole to fifteen hundred & sixty six dollars & two thirds of a Dollar to the Chief Justice, & to each of the other Justices Fifteen hundred Dollars.

February 24, 1796.

Chapter 92.

RESOLVE ON THE PETITION OF JOHN MADDEN.

On the petition of John Madden,

Resolved that there be allowed & paid out of the public Treasury of this Commonwealth Eight dollars thirty five Cents in full for the balance due to him for Clothing from

the thirtieth day of August 1786 to the twenty first day of March 1789 as a private soldier for that term on Castle Island.

February 24, 1796.

Chapter 93.

RESOLVE DISCHARGING THE AGENTS FOR BUILDING THE NEW STATE HOUSE.

Whereas the Agents for building the New State House have laid their Accounts of Expenditures before the General Court, amounting to Eight thousand pounds, which upon examination, appear to be right cast, & well vouched, therefore

Resolved, that said Accounts be, and hereby are accepted and allowed, and said Agents are hereby discharged of the sum of Eight thousand pounds by them received of the Treasurer of this Commonwealth on a Warrant, drawn pursuant to a Resolve of the 16th February last.

And be it further *Resolved*, that there be and hereby is granted, the further sum of Thirty thousand Dollars to be paid out of the Treasury of this Commonwealth to the Honbl. Thomas Dawes and Edward H. Robbins Esquires two of the Agents aforesaid, to enable them to proceed in building & Completing the new State House, for the expenditure of which, said Agents to be Accountable to the Commonwealth upon settlement of their Accounts, or whenever called upon by the General Court — And the Treasurer aforesaid is hereby Authorised and empowered to borrow of the Union Bank, the aforesaid sum of Thirty thousand Dollars, or such part thereof as may appear to him Necessary to make payment to the Agents aforesaid And the Money so borrowed, to be reimbursed out of the next State Tax, or any other unappropriated money which may come into the Treasury.

February 24, 1796.

Chapter 94.

RESOLVE ON THE PETITION OF ISAAC THOMPSON.

On the petition of Isaac Thompson Esqr. dated June 3, 1795 Stating that he early in the then last Sessions of the General Court applied to the Committee for the sale of Eastern lands for the purchase of a part of a township of lands lying on Androscoggin river in the County of Cumberland and was allowed by the said Committee

liberty to purchase the same any time before the twentieth day of June last, for a certain price, and on certain conditions of payment & settlement proposed by the said Committee—and that he, before that day, applied and was ready to perform the said contract on his part—therefore—

Resolved that the said Committee be and they are hereby authorised and empowered, on the part of this Commonwealth, to fulfil the said contract, and to convey the same lands to the said Thompson and his associates—in the same manner they might or would have done, if the resolve of the second of March last relative to the sale of Eastern lands had not been passed. *February 25, 1796.*

Chapter 94A.*

ORDER ON THE PETITION OF CERTAIN INHABITANTS OF THE TOWN OF ADAMS.

On the petition of a number of Inhabitants, living on the Gore (so called) in the County of Berkshire.

Ordered that the Petitioners notify the Inhabitants of the Town of Adams, by leaving an attested Copy of their petition, with this Order thereon, with the Town Clerk of sd. Town of Adams, thirty days at least before the second Friday of the first Session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

February 25, 1796.

Chapter 95.

RESOLVE ON THE PETITION OF THOMAS BEVERAGE AND OTHERS.

On the petition of Thomas Beverage Cornelius Bramhall Benja. Robbins Charles Stewart & John Newbury, praying that the penalties of their several Recognizances entered into by them for their appearance at the Supreme Judicial Court held at Hallowell at their July Term 1794, [*may be remitted*].

Resolved That the Penalties which have accrued to the Commonwealth by the forfeiture of the several Recognizances aforesaid, be & the same are hereby remitted to the petitioners, they paying all costs which have arisen

* Not printed in previous editions. Taken from court record.

upon said recognizances & writs of *scire facias* which have been Issued upon the said Recognizances — And the Atty. Genl. is hereby directed to Govern himself accordingly.

February 25, 1796.

Chapter 96.

RESOLVE GRANTING TO JOSEPH TUCKER ESQ. SEVENTEEN DOLLARS TWENTY-TWO CENTS.

Resolved, that there be allowed, and paid out of the Treasury of this Common wealth, to Joseph Tucker Esqr., the sum of seventeen Dollars and twenty two Cents, in full of a balance due to him, on settling his Account with the Treasurer, as Agent for selling certain Houses and Lands in the County of York, belonging to the Commonwealth — agreeably to a Resolve of Court of the twenty second of January last.

February 25, 1796.

Chapter 96A.*

ORDER ON THE PETITION OF SYLVANUS SNOW AND OTHERS.

On the petition of Sylvanus Snow and others, praying to be annexed to, and incorporated with the Town of Becket.

Ordered, that the Petitioners notify the Inhabitants of the Town of Becket and all others concerned, by publishing an attested Copy of their petition, with this order thereon, three weeks successively in the public Newspaper called the Western Star; the last publication to be made thirty days at least before the second Monday of the first Session of the next General Court; that they may appear on said day, and shew cause (if any they have) why the prayer of said petition should not be granted.

February 25, 1796.

Chapter 97.

RESOLVE APPOINTING WILLIAM SHEPARD, NATHAN DANE AND DANIEL DAVIS, ESQ'RS. A COMMITTEE TO TREAT WITH THE PENOBSCOT INDIANS.

Whereas the Interest of the Commonwealth requires that the Claims of the Penobscot Tribes of Indians to certain Lands lying on each Side of the Penobscot River in

* Not printed in previous editions. Taken from court record.

the District of Maine, from the Head of the Tide to the Source thereof should be ascertained & extinguished, *Provided* the same shall be done by & with the free & voluntary consent of the said Indians — And the Principles of Justice, Humanity & Policy dictate that Compensation should be made for their releasing such Rights, & that some permanent annual Provision for their Support should be established by this Commonwealth :

Therefore *Resolved* that Nathan Dane, William Shepard & Daniel Davis Esquires Be & they hereby are constituted Commissioners on the Behalf of this Commonwealth with full Powers & Authority to treat with the said Indians on the Subject & Claims before mentioned, and in behalf of this Commonwealth, fully & finally to stipulate & determine with said Indians on the Claims aforesaid : To fix the Boundaries of such Lots & Parcels of Land as may be necessary to assign for the Support of said Indians, and after making the reservations before mentioned extinguish all the Right & Claim of said Indians to the residue of the lands aforesaid, or any parts & parcels thereof. And to execute such Releases & Covenants in behalf of this Commonwealth as may be necessary in the Premises. And all such Releases & agreements shall be recorded at Length & deposited in the Office of the Secretary of this Commonwealth.

And it is further *resolved* that the said Treaty shall be holden at such Place on said River as the said Commissioners shall appoint, they taking Care to have it as early as may best suit the Convenience of said Indians.

And be it farther *Resolved* that the Quarter Master General be, & he hereby is directed to make suitable Provision, agreeable to such Orders as he may receive from said Commissioners, for the better enabling the said Commissioners to hold the Treaty and execute their Commission aforesaid.

February 26, 1796.

Chapter 98.

RESOLVE ON THE MEMORIAL OF THE MASSACHUSETTS HISTORICAL SOCIETY.

On the Memorial of the Massachusetts Historical Society and in order speedily to procure a Map of this Commonwealth.

Resolved, That the Plans and Matereals for a Map of

this Commonwealth, returned, or which shall be returned to the Secretary's office, or which shall be otherwise procured, pursuant to a Resolve of the 26th June 1794, shall be at that Office or such convenient place as the Secretary shall appoint — submitted to the perusal and examination of the Members of the Massachusetts Historical Society, and of any person or persons who shall be employed by them — And the said Society shall have liberty to make or procure from said Plans and Materials a Map of this Commonwealth entire *Provided* that the map which shall be taken by means of such access to the said Plans and Materials shall be deposited in the Secretary's Office and as soon as may be, submitted to the Legeslature of the Commonwealth for their approbation.

Resolved, that if the Map which shall be copied and constructed under the care of the Historical Society as aforesaid, shall be approved by the said Legeslature, the said Plans and Materials shall be delivered over to the said Society, and the whole right of the publication thereof and any Map or Maps which shall be made therefrom shall be, and hereby is granted and vested to and in the said Historical Society, for & during the term of fourteen years — the profits of such publication if any shall accrue, to be applied to promote the purposes of their institution.

Provided that the said Society will undertake such publication at their own risk and expence, — and *provided* that the said original Plans and Materials shall be preserved in the public room of the said Society, and shall be subject to the examination of the Supreme Executive and of the Legeslature, when it shall be required: And *provided* that said Society shall cause the Map which shall be approved as aforesaid, to be accurately and elegantly engraven, at their own expence; and shall deliver five hundred Impressions thereof, into the Secretary's Office, for the Use and Order of the Legeslature.

February 26, 1796.

Chapter 99.

RESOLVE GRANTING 466 DOLLARS TO GILBERT DENCH ESQ.

On the various petitions of Gilbert Dench praying for compensation for beef delivered for the late continental army of the United States, and also for the transporta-

tion of cloathing and military stores for the use of the said army.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to the said Gilbert Dench, the sum of four hundred and sixty six dollars, in full of all his demands against this Commonwealth, for the beef and services aforesaid, and for every other matter and thing.

February 26, 1796.

Chapter 100.

RESOLVE ON THE PETITION OF RODGER STINCHFIELD.

On the petition of Rodger Stinchfield.

Resolved. for reasons sett fourth in said petition that he be considered as a settler before the year 1784 and be entitled to one hundred acres of land to be laid out so as best to include his improvements on a Tract of Land sold by the committee for the sale of eastern lands to David Cobb Esqr. on the same conditions & provisions sett fourth in their Deed to said David for other settlers before that time, his house being on other lands notwithstanding, and that there be allowed to the said David, out of the Treasury of this Commonwealth thirty four Dollars, being the differance between the sum the said David was to receive of a person settleing on said land before 1784 and one settleing after that time.

February 26, 1796.

Chapter 101.

RESOLVE ON THE PETITION OF THOMAS THOMSON.

On the petition of Thomas Thomson agent for the town of Deer Isle praying that the taxes Nos. 6, 7, 8 & 9 may be postponed & that tax No. 5 may be abated to said town.

Resolved that for reasons set forth in said petition the Treasurer be & he is hereby directed to stay execution against sd. town of Deer Isle four months from & after the first day of March next.

February 26, 1796.

Chapter 102.

RESOLVE DIRECTING THE TREASURER TO CONTRACT FOR THE SUPPLIES OF THE GARRISON AND CONVICTS AT CASTLE ISLAND.

Resolved that the Treasurer of this Commonwealth be & hereby is authorized & directed to contract for supply-

ing the Garrison & Convicts on Castle Island with provisions and cloathing for the term of one year, commencing the first day of April 1796, on terms most advantageous to government; and that he cause public notice to be given in the Independent Chronicle, three weeks successively, before his entering into such contract, that he shall receive proposals from any person or persons disposed to make the same, under seal, & shall require bond with good & sufficient surety, in the sum of One Thousand Dollars, from the contractor or contractors, for the faithful discharge of their duty; and the said contract shall allow the same articles of provision & cloathing to the garrison & convicts as are specified in the contracts made in the year 1792 also two per centum on the provisions issued to make good the wastage necessarily arising in the dividing & weighing them out.

February 26, 1796.

Chapter 103.

RESOLVE ON THE PETITION OF JEREMIAH RHOADS.

On the Petition of Jeremiah Rhoads as Administrator of the Estate of Asa Harlow late of Sharon in the County of Norfolk deceased, and of Benjamin Harlow father of the said deceased.

Resolved, that said Jeremiah Rhoads with the consent of the widow and legal Guardian of the children of the said deceased, be and he is hereby impowered and authorized, by a suitable Deed or Indenture to convey, the certain five Acres of Land lying in Sharon aforesaid, bargained by said Asa in his lifetime to his father the said Benjamin, receiving by another Deed or by the same Indenture, a good title to eighteen Acres of Land there lying, and bargained by the said Benjamin to his Son the said deceased — and such exchange shall avail respectively for the said five Acres to the said Benjamin Harlow his heirs and assigns forever, and for the said eighteen Acres to the said widow and children or to the Creditors of the said deceased, in like manner and to the same effect as if the same had been conveyed to the said Asa in his lifetime and he had been the lawful owner of the same at his decease.

*February 27, 1796.**

* Not signed by the governor.

Chapter 104.

RESOLVE ON THE GOVERNOR'S MESSAGE RESPECTING DISTURBANCES IN THE COUNTY OF LINCOLN AND ONE SAMUEL ELY.

Whereas it appears by evidence laid before the Legislature the present Session that a number of disorderly and evil disposed persons regardless of the laws and the rights of others in the County of Lincoln, have lately with force, and in a violent manner opposed the public authority of the Commonwealth — and there is now good grounds to believe that a number of other persons of a like description are forming combinations in certain places in that County and in the County of Hancock with force and arms to resist the executions of the laws and to destroy the property of several individuals — and to prevent the further progress of such disorders, so Injurious and disgraceful to a free government, and to bring the offenders to Justice, vigorous measures ought immediately to be pursued — as also proper measures to undeceive those persons in the said places who are misinformed and misled by wicked and designing men: therefore

Resolved that his Excellency the Governor by and with the advice and consent of Council be and he is hereby requested to take effectual measures for discovering the principal offenders aforesaid & for speedily apprehending them and bringing them to Justice in a due course of law — and if it shall appear to his Excellency & the Honble. Council that the civil authority may not be effectual to that purpose that he then adopt the more coercive measures prescribed in the laws of the Commonwealth and specially in an act passed A. D. 1787 for the more Speedy and effectual suppression of tumults and insurrections in the Commonwealth. And all such expences as shall arise in executing the laws as aforesaid shall be paid out of the public Treasury as mentioned in the said act.

And be it further *resolved* that in case His Excellency with the advice & consent of Council shall think it expedient to issue his proclamation or proclamations offering rewards for discovering and bringing to legal punishment any notorious offender or offenders concerned in such riotous and unlawful proceedings and calling on all such magistrates officers and persons as he may find necessary to restrain and suppress the same and to preserve the public

peace then such rewards shall be paid out of the public Treasury of the Commonwealth *provided* the same shall not in the whole exceed one thousand dollars.

And be it further *resolved* that the Treasurer of this Commonwealth deliver to the attorney General thereof the bond of Samuel Ely and others dated the third day of February A D. 1783 and in the penal sum of one thousand pounds, conditioned (among other things) that the said Ely should depart from and not return to this Commonwealth—and the said attorney General is hereby authorised and directed to put the said bond in suit against the said Ely or the said Ely and his sureties as may be found most expedient and to prosecute the same to final Judgment and execution in be half of this Commonwealth.

Be it further *Resolved*, that His Excellency the Governor, by and with the advice and consent of Council, be requested, by issuing his proclamation or otherwise, to take measures to undeceive and truly inform said offenders, who are or may be deceived and misled as aforesaid.

February 27, 1796.

Chapter 105.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF SANFORD.

On the petition of the Select-Men of the Town of Sanford, in the County of York.

Resolved, that the prayer of the Petition be so far granted, as that the Treasurer of said Town of Sanford, and his Successor in that office, be, and hereby are empowered, to enforce the payment of all taxes against delinquent Constables and Collectors, in the district of Alfred, assessed prior to the incorporation of said district; in the same way and manner, as might have been done, if the said district had not been incorporated—and Execution may issue against the said Constables and Collectors in the form prescribed by law—*mutatis mutandis*.

February 27, 1796.

Chapter 106.

RESOLVE GRANTING EXTRA PAY TO THE COMMITTEE ON ACCOUNTS.

Resolved, That there be allowed and paid out of the public Treasury, of this Commonwealth, to the Commit-

tee appointed to examine and pass on accounts, for their attendance on that service dureing the present Session, the sums annexed to their names in addition to their pay as members of the Legislature, vizt. To the Honble. Isaac Thomson Esq. for Thirty eight Days attendance nineteen Dollars, to the Honble. Josiah Stearns Esq. for Thirty eight days attendance, Nineteen Dollars; to Thomas Hale Junr. Esq. for Thirty seven days attendance, Eighteen Dollars and Fifty Cents, to Seth Smith Esq. for Thirty Days Attendance, Fifteen Dollars, And to John Chamberlain Esq. for Twenty five Days Attendance, Twelve Dollars and Fifty Cents, which sums shall be in full for their services aforesaid.

February 27, 1796.

Chapter 107.

RESOLVE GRANTING TO MESSRS. YOUNG AND MINNS, 100 DOLLARS.

Resolved, that there be allowed and payed out of the Treasury of this Commonwealth One hundred dollars to Messrs. Young & Minns in full for their printing One thousand of Doctor Fobes' Election Sermon as pr. contract with the Committee appointed for that purpose.

February 27, 1796.

Chapter 108.

RESOLVE GRANTING TO DANIEL COWING, 63 DOLLARS.

Resolved that there be allowed and paid out of the publick Treasury of this Commonwealth the sum of sixty three dollars to Daniel Cowing in full for forty two days service in assisting the Messenger of the General Court from the Eleventh of January to the twenty seventh of Febey. A D 1796 — both days inclusively.

February 27, 1796.

Chapter 109.

RESOLVE ON THE PETITION OF LUCY SHATTUCK AND JOSIAH HOWE.

On the petition of Lucy Shattuck and Josiah How, administrators on the estate of Benjamin Shattuck late of Templeton in the County of Worcester Esq. deceased, Which said Lucy is also guardian of George C. Shattuck a minor — Timothy Parker guardian of Jonathan Shattuck,

a minor Edward Selfrid[g]e guardian for Benjamin Shattuck a minor, and Lucy Barron Shattuck for herself, the said George C. Shattuck Jonathan Shattuck Benjamin Shattuck and Lucy Barron Shattuck are children and only heirs of said Benjamin Shattuck deceased.

Resolved That all the real estate of which the said Benjamin deceased died seized and possessed, appraised at two thousand dollars, be and hereby is vested in the said Lucy Shattuck widow of the said Benjamin deceased for and during the term of her natural life, to be held in the same manner as she would have held one third thereof as her dower on a legal assignment thereof. *Provided* the said Lucy shall within three months from the passing this resolve make and execute a good and sufficient release to the satisfaction of the judge of Probate in the County of Worcester, of her right in and to the personal estate of said Benjamin deceased as his widow to the amount of thirteen hundred and thirty three dollars and thirty three cents of such personal estate as shall be good & valuable to said heirs. And the said Judge of Probate is hereby authorized and directed to order the said sum to be distributed to and among said children and heirs in equal portions according to law.

February 27, 1796.

Chapter 110.

RESOLVE REQUIRING THE QUARTER MASTER GENERAL TO MOUNT SIX PIECES OF CANNON ON CASTLE ISLAND; TO SELL THE SCHOONER HANCOCK AND TO PURCHASE OR HIRE ANOTHER VESSEL TO BE STATIONED ON RAINSFORD ISLAND. GRANT TO.

Resolved that the Quarter Master General of this Commonwealth be and he hereby is Required under the Direction of the Commanding Officer of the Garrison at Castle Island To mount Six pieces of heavy Ordnance in the most Eligible Situation for the Defence of Said Garrison — on high Carriages upon the new and most Approved Construction, with platforms and Parapet Suitable for the Same. And that the Convicts on Said Island be employed So far as they can be usefull in the Accomplishment of Said Business.

Resolved that Said Quarter Master General Be Directed to Sell the schooner Hancock for the most he can obtain for the Same, and Empowered to purchase or hire a suitable vessel — as he shall Judge most Conducive To the Interest

of this Commonwealth To be Stationed at Rainsford Island for the use of Government.

And it is further *Resolved* that there Be Allowed and paid out of the Treasury of this Commonwealth To Amasa Davis Quarter Master General, Six Hundred Dollars to enable him to Carry the foregoing Resolves into Execution — And the Sum of eight thousand Seven hundred and forty five Dollars To enable him to Comply with the orders of Government heretofore passed, he to be accountable for the expenditure of the Same.

February 27, 1796.

Chapter 111.

RESOLVE ON THE PETITION OF JAMES WITHERILL.

On the Petition of James Witherill praying the sum of eighteen Pounds that stands charged to him on the Books of the Treasurer of this Common Wealth may be abated to him for reasons set forth in his Petition.

Resolved that the sum of Eighteen Pounds be & hereby is abated to the said James Witherill and the Treasurer of this Common Wealth is directed to govern himself accordingly.

February 27, 1796.

Chapter 112.

RESOLVE ON THE PETITION OF DAVID THATCHER.

On the petition of David Thacher Esqr., one of the overseers of the herren pond tribe of Indians so Called.

Resolved that the overseers of said tribe be and they are hereby authorized and Impowered to make sale of two peices of cleared land lying partly in Plimouth & Partly in Sandwich belonging to said Indians — each of said peices of land containing about six acres, for the most the same will fetch and the said overseers are hereby authorized and Impowered to make & Exeecute a good & Sufficient deed, or deeds, of the same to the Purchaser, or purchasers of all the said Indians right and title in the said two Peices of land — and the monies arising by such sales, to be applied by said overseers For the relief of the sick aged & Infirm Indians, belonging to said tribe of Indians and for no other purpose — the said overseers to account for the Expenditure of the same as they do for other monies they shall receive belonging to said tribe.

February 27, 1796.

Chapter 113.

RESOLVE GRANTING 56 DOLLARS, 79 CENTS, TO JOHN HAZELTINE.

On the Petition of John Hazeltine.

Resolved That there be paid out of the Treasury of this Commonwealth, fifty six Dollars and seventy nine cents, which shall be in full of all his claims against this Commonwealth for any demands he has against the estate of Adam Walker late of Worcester an Absentee.

February 27, 1796.

Chapter 114.

RESOLVE GRANTING EDWARD P. HAYMAN, 78 DOLLARS.

Resolved that their be allowed & paid out of the public Treasury unto Edward P. Hayman, assistant Clerk to the Senate, Seventy eight dollars in full for his services the present Session.

February 27, 1796.

Chapter 115.

RESOLVE ON THE APPLICATION OF THOMAS RUSSELL, ESQ. AND OTHERS.

On the application of Thomas Russell & others a Comee. of the Chamber of Commerce and Thos. Dennie & others a Comee. of the Marine Society for granting a District or Spot of Land on Cape Cod, to the Congress of the United States for the purpose of erecting a Light House.

Resolved that the Legislature approve of their design in applying to the Govt. of the United States to erect a Light House on Cape Cod as a measure highly useful to the navigation & commerce of the State & that it will be expedient to grant a district or spot of land for this purpose whenever the particular district or situation shall be ascertained by an act of the Congress of the United States.

February 27, 1796.

Chapter 116.

RESOLVE ON THE PETITION OF ANNE KEEN.

On the petition of Anne Keen of Providence in the State of Rhode Island, Widow, Admx. on the estate of Charles Keen late of said Providence Esq. decd., praying

for licence to make sale of a small piece of land of which the said Charles Keen died seized, situate in Rehoboth in the County of Bristol, and adjoining to a mill seat on Patucket River, being part of the estate of the said Charles Keen.

Resolved, for reasons set forth in said Petition, that the prayer thereof be granted, and that the Petitioner, in her said capacity, be, and she hereby is, fully empowered to make sale of, and to give and execute a good and lawful deed of the above described piece of land in the said town of Rehoboth; she observing the rules and directions of the law for the sale of real estates by executors and administrators; and first giving bonds to the Judge of Probate for the County of Bristol that the proceeds of the said sale shall be applied for the benefit of the Heirs of the said Charles Keen, according to law.

February 27, 1796.

Chapter 117.

RESOLVE ABATING VALUATION OF TOWN OF MARBLEHEAD.

Whereas in the Valuation established in March 1793, the Town of Marblehead in the County of Essex, is set at the sum of seven pounds nineteen shillings and seven pence, and it appears that the aggregate for the valuation of that Town erroneously includes and is estimated upon, One thousand pounds of three per Cents, and the like amount of Six per Cents, Stocks of the United-States, and the sum of two thousand pounds Bank Stock, returned and being the property of the revd. Isaac Story a settled minister in said Town, and not liable to taxation:

Resolved, that there be, and there hereby is, abated upon the said Valuation of the Town of Marblehead, the sum of three shillings and three pence three farthings amount of the Error aforesaid, and that said Town shall be considered, and shall be set, at the sum of seven pounds, sixteen shillings and three pence & one farthing upon the thousand pounds of any Tax hereafter to be raised.

Resolved, that the sum of fifty five dollars and fifty one Cents shall be and hereby is abated to the said Town of Marblehead, and shall be allowed from any State Tax now due, being the amount of Errors in the Taxes assessed

upon said Town pursuant to the said Valuation. And the Treasurer is authorised and directed to credit such Allowance accordingly.

February 27, 1796.

Chapter 118.

RESOLVE GRANTING 80 DOLLARS TO ISAAC PEIRCE.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth to Isaac Peirce, Messenger of the Governor and Council the sum of eighty dollars, to enable him to purchase fuel and *other necessary articles* for the Council Chamber, and Secretary's Office, he to be accountable for the same.

February 27, 1796.

Chapter 119.

RESOLVE GRANTING PAY TO THE CHAPLAINS OF THE TWO HOUSES AND TO THE CLERKS.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth to the Revd. Peter Thacher, Chaplain of the Senate Forty Dollars—& to the Revd. Samuel Stillman, Chaplain to the House of Representatives Forty Dollars to Samuel Cooper Esq., Clerk of the Senate Two hundred & fifty Dollars; & to Henry Warren Esq. Clerk of the House of Representatives Two hundred & fifty Dollars, in full for their services respectively, for the present year; & that the Treasurer be & he is hereby directed, on receiving a warrant therefor, to pay the same out of the same funds & in the same manner as the Members of the General Court are paid for their services the present session.

February 27, 1796.

Chapter 120.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF WINDSOR.

On the Petition of the Inhabitants of the Town of Windsor in the County of Berkshire.

Whereas the Legislature of this Commonwealth in the Month of February 1795 passed an Act setting off a Part of the Town of Windsor and annexing the same to the Town of Dalton, By which Act, among other Things, it was enacted that the Polls & Estates of the Inhabitants

of the said Part of the Town of Windsor which by the said Act was annexed to the Town of Dalton should be deducted from the Town of Windsor & be placed to the said Town of Dalton; And Whereas the Town of Windsor stands chargeable in the last general Valuation for two hundred & Eighteen Polls & twenty two shilings & nine pence half Penny on a thousand Pounds, and it appears to this Court that, that Part of Dalton set off from the Town of Windsor as aforesaid contains fourteen Polls, & that the Estates so set off forms an aggregate Sum of Two shillings & four Pence on a thousand Pounds according to the Principles of the last Valuation: Therefore

Resolved that the Secretary of this Commonwealth be & he hereby is directed to deduct from the said Town of Windsor the sum of Two shillings & four Pence as aforesaid, together with fourteen Polls, & place the same to the Town of Dalton, so that the said Town of Windsor may stand in the Valuation taxable only for Two hundred & four Polls, and one Pound & five Pence half Penny in the thousand pounds and so that the Town of Dalton may stand chargeable for one hundred & forty six Polls and One Pound one Shilling & eleven Pence one furthing in the thousand Pounds, any Act to the Contrary notwithstanding.

February 29, 1796.

Chapter 121.

RESOLVE ON THE PETITION OF JAMES HUNTER.

On the Petition of James Hunter praying to be refunded the sum of fifty Dollars, which he paid for a whale boat purchased for the Governme[n]ts Service.

Resolved that the prayer of said Petition be granted and that there be allowed and paid out of the treasury of the Commonwealth to the said James Hunter the Sum of fifty Dollars, he having paid that sum to Samuel Berry for a Whale boat he purchased of said Berry for the use of Government.

February 29, 1796.

Chapter 122.

RESOLVE ESTABLISHING THE EVIDENCE TO ACCOMPANY ACCOUNTS EXHIBITED FOR THE SUPPORT OF STATE'S POOR.

Resolved that the overseers of the poor or the selectmen of the several Towns within this Commonwealth

when they make application for the payment of any Expences they have been at for supporting any poor person, shall make a certificate setting forth the country or place from whence such person came, and the time of his or her coming into this common-wealth, also where such person has Resided from time to time since he or she came in as aforesaid ; likewise that they have no kindred by law obliged to support them of sufficient ability and in case such person came into the Commonwealth before the tenth day of April in the year of our Lord one thousand seven hundred & sixty six, whether they have been warned according to law to depart from the town or towns where they have lived — and if such application be for the support of a woman who married a foreigner, or for the child or children of such women, then the overseers shall certify that such woman, or children, have no legal settlement in any town or place within this common wealth agreeable to the present law for determining the question of habitancy, which certificate shall be made by the Overseers of the poor or the selectmen upon the best evidence they can obtain and the Secretary is hereby directed to cause this Resolve to be published in the several news papers printed within this Common-wealth.

February 29, 1796.

Chapter 123.

RESOLVE ON THE PETITION OF MESSRS. ADAMS AND LARKIN.

On the Petition of Adams and Larkin printers to the General court.

Resolved that there be paid to the Said Adams and Larkin out of the Treasury of this Commonwealth five hundred Dollars they to be Accountable for the Same in the Settlement of their Accounts with the Commonwealth.

February 29, 1796.

Chapter 124.

RESOLVE GRANTING 300 DOLLARS TO THOMAS ALEXANDER.

On the petition of Thomas Alexander of Northfield in the County of Hampshire who met with a fall which dislocated his hip-bone in January A D 1777 while in the service of the United States, as appears by authentic documents — and the said Thomas was placed on the pension list by a resolve passed the 24th day of September, 1779

and was allowed the half pay of a captain from January 1, 1778 and afterwards on the eleventh day of February 1783, a resolution was passed, on a misrepresentation of his case, discontinuing the said pension. therefore,

resolved that there be paid out of the treasury of this Commonwealth to the said Thomas Alexander the sum of three hundred dollars for his relief and to enable him to apply to the United States for assistance and the said Thomas is hereby recommended to the Congress thereof as a fit subject for a pension. *February 29, 1796.*

Chapter 125.

RESOLVE DIRECTING THE ATTORNEY-GENERAL TO INSTITUTE AN INQUEST OF OFFICE AGAINST SAMUEL FREEMAN AND OTHERS.

On the Petition of Jacob Foster and others praying that the Attorney General be directed to Commence a process against Samuel Freeman and others on the behalf of the Commonwealth in order to gain Reseisen of Township Number one east Side of Union River Granted to the Said Freeman and others by reason of the Breach of the Conditions on which the Same were Granted.

Resolved that the Attorney General of this Commonwealth be and he hereby is Authorised and Directed to institute an Inquest of office against Samuel Freeman and others Claiming to be proprietors of Township number one East Side of Union River in the County of Hancock — To revest in the Commonwealth their Title and possession of the Said Township, which has heretofore been granted to the proprietors aforesaid, for a Breach of the Conditions Contained and expressed in Said Grant as aforesaid.

Provided that the Attorney General shall not institute the process aforesaid — unless the Petitioners shall give reasonable security To Said Attorney to Indemnify the Commonwealth from the payment of all costs in the Suit aforesaid. *February 29, 1796.*

Chapter 126.

RESOLVE ON THE PETITION OF JACOB WELSH.

On the Petition of Jacob Welsh praying, that the security given by Joseph Henderson late Sheriff of the County of Suffolk to Alexander Hodgdon late Treasurer of the

Commonwealth conditiond — that the said Henderson should faithfully perform & execute the duties of his office as Sheriff of the said County, — and answer the malefeasance of his deputies should be put in suit for the purposes mentioned in said Petition, and on the Information communicated by the Treasurer of the Commonwealth.

Resolved, That the Attorney General be and he is hereby directed to put the said bond in suit, as well for the use of the commonwealth as for the end mentiond in the petition of the said Jacob Welsh and all other purposes provided for by the conditions of the said Bond.

February 29, 1796.

Chapter 127.

RESOLVE ON THE PETITION OF BEZALEEL LEARNED.

On the Petition of Bezaleel Learned, to be allowed for two notes deposited by him at the Treasury, and amounting as consolidated to the sum of twenty four pounds and one shilling, and it appearing that no consolidated note has been issued therefor.

Resolved, that the Treasurer upon the receipt of the said Bezaleel Learned discharging the Treasury of said deposit, make to him a proper Certificate for the said sum with interest thereon, as borrowed and received of him upon the loans proposed by an Act entitled “an Act to provide for the Debt of this Commonwealth —” and in like form and to the same effect as a consolidated note for said deposit might be now received on said Loan.

February 29, 1796.

Chapter 128.

RESOLVE ON THE PETITION OF JOSEPH BEALS.

On the Petition of Joseph Beals praying for compensation for the loss of his Household furniture, wearing apparell farming utensills, Stock, Hay &c. which were taken off or destroyed by fire on Long-Island in the Harbour of Boston, by order of Genl. Thomas — July 1775.

Resolved that the Governor by & with advice of Council, be and he hereby is authorized to issue his warrant to the Treasurer of this Common Wealth, to pay the said Joseph Beals Three hundred & fifty Dollars, out of any unappro-

priated Money in his hands, in full Compensation for that part of his Stock & effects which were taken and converted to the Use of the American Army, in consequence of Genl. Thomas's orders of July 1775.

February 29, 1796.*

Chapter 129.

ROLL, NO. 33.

The Committee on Accounts, having examined the Accounts we now present — *Report*, that their is due to the Towns, & Persons, hereafter mentioned the sums set to their names respectively (which if allowed and paid) will be in full discharge of the said accounts to the dates hereafter mentioned. Which is Submitted.

ISAAC THOMSON *pr. order.*

Expences of maintaining the Poor of the Commonwealth.

	Dolls. Cts.
To the Town of Abington for supporting John Henry Binner & wife to the 14th of Jany. 1796 Including Doer. Briggs bill,	82 23
To the Town of Alford for supporting Wm Maxfield to the 1st day of Jany. 1796,	103 66
To the Town of Attleboro for supporting John Jane & wife and Phebe Rogers Including doer. bill to 12th of Jay. 1796,	173 86
To the Town of Andover for supporting John Dulop John Morrisson & Patrick Callaham up to Feby. 15th 1796. Including Doctors bills,	116 10
To the Town of Boston for supporting Sundry Paupers Including Clothing up to the 1st of Decr. 1795,	2269 16
To the Town of Bridgewater for supporting John Jeff to Jany. 9th 1796,	38 22
To the Town of Boylston for supporting Topsfind a Negro, to Feby. 4th 1796,	80 50
To the Town of Bolton for supporting John Diggins to Feby. 1, 1796, Including Clothing,	137 82
To the Town of Blandford for supporting James Carter & a Child of David Crosby to Jan 19th 1796,	86 85
To the Town of Boxboro for supporting John Canady to the 1st of Jany. 1796,	37 18
To the Town of Barre for supporting Joel Occam including Doer. Walkers bill to Jan. 1, 1796,	38 17
To the Town of Belcherton for supporting Rachel Smith to the 26th of May, 1795,	29 17
To the Town of Beverly for supporting Morish Nash & Jane McComb, to the 7 Jany. 1796,	148 89

* Not signed by the governor.

	Dolls.	Cts.
To the Town of Colrain for supporting John Allen, Daniel Medougle & Wm. Wilson Including Doers. bills to Jany. 9, 1796,	179	99
To the Dest. of Carlisle for supporting Robt. Barber — to the 15. Jany. 1796,	34	17
To the Town of Concord for Supporting Wm. Shaw to the 19th of Janny. 1796, Including Doer. bills,	41	16
To the Town of Dracut for supporting John Hancock to Jany. 7th 1796,	76	64
To the Town of Dorchester for supporting John Harrison to Feby. 6th 1796 Including Doer. bill,	64	40
To the Town of Dover for supporting Partriek Cowin Including Clothing to Jany 5, 1796,	74	
To the Town of Dedham for supporting John Clond John Sheffence David Barnes & Michael Anthony Including Clothing & Drs bills to Feby. 5th 1796,	132	56
To the Town of Danvers for supporting James Mehonney to the 15th of Jany. 1796, Including Drs bill,	166	38
To the Town of Dalton for Supporting John Memurphey Including Doers. bills to Sept. 14th 1795,	30	33
To the Town of Duxbury for supporting Peggy Mitchel up to the 31st of Deer. 1795,	31	32
To the Town of Easton for supporting John Wilson to April 1795,	33	
To the Town of Easthampton for supporting Rebecca Gardner up the 1st of Jany. 1796,	47	84
To the Town of Egremont for supporting the Widow of Edward Dayly & Three Idiot Children up to Jany. 11th 1796,	190	32
To the Town of Groton for supporting John C wright wife & four Children. & John Wm Benterote his Wife & Two Children Including Doer. Prescots bill up to Jany. 16, 1796,	207	64
To the Town of Gloucester for supporting sundry State Paupers Including Doctors bills up to Jany. 8th 1796,	610	44
To the Town of Granby for supporting Ebr. Darvin up to the 5th of Jany. 1796,	33	55
To the Town of Great Barrington for supporting Tom a Negro, Abbis O'Conno a Child & John Vinning — Including Clothing up to the 15th of Jany. 1796,	121	72
To the Town of Greenfield for Supporting John McHard to the 1st of Novr 1795, & Eunice Convers to March 1st 1795, James Moor & John Battis & family to the 1st day of Jany. 1796 Including Clothing & Doctoring,	273	79
To the Town of Hadley for supporting Mary Battis Frances Trainer up to the 1st day of Jany. 1796,	52	
To the Town of Hardwick for Supporting David Chamberlain to the 31st of Deer. 1795,	30	75
To the Town of Halifax for Supporting Thomas Kitterige up to Deer. 4th 1795,	31	
To the Town of Haverhill for Supporting Two Children of John Ross up to Jany. 27, 1796, also for Supporting a Child of a Stranger Called Anna Gaffae to the same Date,	89	16
To the Town of Hollowell for supporting Rachel Cummins & Wm. Miles Including Doctors bill, Funeral Charges of sd. Miles — up to Deer. 30th, 1795,	129	83

	Dolls.	Cts.
To the Town of Hopkinton for supporting Wm. Mabury up to Feby. 2nd. 1796,	75	11
To the Town of Ipswich for Supporting Wm. Kelly, a Girl name unknown Anna Skidder Adelaid a Negro & John Swanskin, Including Doers. bills, and allowance to Nathl. Wade Esq. keeper of the house of Correction allowed by the Court of Session in said County — allowanc to Said Wade up to Octr. 4th 1795, the other account to Feby 1, 1796,	273	49
To the Town of Kingston for Supporting Thos. Kitteridge up to Janny. 27th 1796,	13	42
To the town of Leicester for supporting a Negro Woman & her Child Including Doers. bills & for Supporting Ceaser & Wife up to January 4th 1796,	39	83
To the Town of Lee for supporting Alexr. Richa Including Doers. bills — up to Octr. 15th 1795,	13	55
To the Town of Leyden for supporting Jedediah Fuller up to the 12th of Decr. 1795,	20	
To the Town of Lincoln for Supporting Thomas Porock up to Jany. 19th 1796,	60	82
To the Town of Lexington for Supporting Richard Cranch up to January 6, 1796,	14	35
To the Town of Lancaster for Supporting Richard Pattin Including Doers. bills up to the 4th of Jany. 1796,	65	84
To the Town of Midway for Supporting Elisha Ellis up to the 5th of Jany. 1796,	59	45
To the Town of Methuen for Supporting Thoms. Pau to the 5th of Jany. 1796,	20	21
To the Town of Marshfield for supporting Phillip Mitetre up to May 5, 1795,	15	5
To the Town of Mendon for Supporting Jane Kawen up to Novr. 13, 1795,	35	75
To the Town of Medfield for Doer. John Miller & Abijah Richardson attendance on Warrick Green wife in full to Jany. 6th 1796,	31	
To Jonathan Maynerd Esqr. Guardian to the Natick Indians for supporting Bette Ephraims from the 8th of Sept. 1793 — to the 29th of Decr. 1795, by a Special Resolve of the Genl. Court — Dated Novr. 21st 1787,	137	83
To the Town of Northampton for supporting Michael Meeds & Samll. Green up to Jany. 12th 1796,	102	74
To the Town of Newbery for supporting Sundry Paupers from Jany. 1795, to Jany. 1796 Including Clothing & Doctrs bills &c.,	395	35
To the Town of Newfield for supporting Paul McDaniels to the 31st of May, 1795,	68	2
To the Town of Newbury-Port for supporting sundry Paupers Including Doctrs. bills &c. up to Jany. 1, 1796,	1098	26
To the Town of Norton for Supporting Joseph Pratt to the 14th of octr. 1795 & Pero, a Negro, Including Doers. bills to Feb. 1, 1796,	214	98
To the Town of New bedford for supporting Patience Sidnel & three Children to Decr. 25th 1795,	28	69
To the Town of Oxford for supporting Jack Whittemore up to Jany. 30th 1796, Including Doers. bill,	9	50

	Dolls.	Cts.
To the Town of Pittsfield for supporting John Easterwood his wife & Child & Molley Welch & Joseph Fethergill & Wife Including Doctor bills up to Jany. 1, 1796,	392	97
To the Town of Portland for supporting John Oniel his funeral Charges, & Ebenr. Thomas his wife & Two Children & Susannah Thomas & pegga Barker & two Children Including Doers. bills to Jany. 23rd 1796,	255	14
To the Town of Palmer for Supporting Wm. Mendon to Decr. 15th 1795, Including Doers. bills,	63	60
To the Town of Pownelboro, for Supporting John Shearman to the 12th of Jany. 1796,	14	
To the Town of Pepperell for Supporting David Smith up to the 1 of Feby. 1795,	52	96
To the Town of Plymouth, for Supporting Nathll. Thomas & Wife & Partrick Morriss & Wife &c. up to Feby. 5th 1796,	191	54
To the Town of Pittston for supporting Anna Clark up to May 20, 1794,	20	
To the Town of Rehobath for supporting Richard Bolton & family up to the 1st of [of] Jany. 1796 Including Doers bill,	43	99
To the Town of Reading for Supporting John Hoar up to Feby. 13th 1796, & Samll. Bancroft to Jany. 25th 1796 & Thomas Grant to Octr. 7th 1795, Includeing Doers. bills,	199	19
To the Town of Roxbury for supporting Sundry Paupers up to Jany. 1796, Including Doer. Bartletts bill & Davis bills,	313	16
To the Town of Swanzey for supporting Finner Pierce and pannelope Warsonks up to the 10th of Jany. 1796,	36	7
To the Town of Shrewsbury for supporting Samll. Wilson & Sundry Doers. bills & funeral Charges in full,	48	50
To the Town of Shirley for supporting John Kalley to Jany. 10th 1796,	67	90
To the Town of Somerset for supporting Esther Church to Jany. 1, 1796,	57	20
To the Town of Springfield for supporting John Berry John King George Smith & Wife Including Doers. bill up to Jany. 17th 1796,	94	
To the Town of Salem for Supporting Sundry Paupers Including doers. bills &c. &c. to the 1st of Jany. 1796,	1881	51
To the Town of Sheffield for Supporting John Wait in full up to Jany. 18, 1796,	192	54
To the Town of Southwick for supporting George Read up to Feby. 1st, 1796,	66	84
To the Town of Stockbridge for supporting Henry Cole, Polley Watson, & Samll. Hany to Feby. 1st 1796,	112	96
To the Town of Scituate for supporting Samll. P. Jones, Mary Carloo, Michael Nichols, & Elisabeth Brinton, Up to Feby. 10th 1796, Including Doctrs. bills,	105	77
To the Town of Uxbridge for supporting Bette Trifle up to January 18, 1796,	48	
To the Town of Winsor for supporting Benja. Still & Wife Including Doers. bill &c. to the 26th of Jany. 1796,	99	7

	Dolls.	Cts.
To William Wells for supporting Ira St. Johns in full to Feby. 15th 1796,	45	
To the Town of Westport for Supporting Dinah White to the 5th of May 1795,	51	67
To the Town of Westboro, for Supporting John Scudmore to Feby. 11th 1796,	55	8
To the Town of Weymouth for Supporting Thomas Wallace to the 7th of Decr. 1795,	29	70
To the Town of Western for supporting John Keen & John Wakely up to the 26th of Jany. 1796,	72	6
To the Town of Westfield for supporting Wm. Davis Up to Jany. 1st 1796 including Doers bill,	70	86
To the Town of West springfield for Supporting Lucy Kent and a Child of Joseph fell to Jany. 3rd 1796,	64	
To the Town of Walpole for supporting Partrick Hancock & Sally Davis to Jany. 1st 1796,	140	36
To the Town of Williams Town for Supporting Rachel Galusha — up to Jany. 16, 1796,	78	16
To the Town of Westhampton for supporting Nancy MeMillen & Betsey Smith up to Jany. 1st 1796,	82	17
To the Town of Warwick for supporting the wife of Phillip Royal & Two Children to the 19th of Jany. 1796,	23	33
To the Town of Worcester for supporting Simon Glasgow & Wife, John Enquatin, Peter Willard, John Conner & James Roach Including Doers. bills &c. to Jany. 1st 1796,	199	66
To the Town of Wrentham for supporting Dick Green in full up to the 30th of May 1795,	10	50
To the Town of Yarmouth for supporting James Chace to June 1795,	13	50
Sum Total,	\$14110.	

Expences of the Militia.

	Dolls.	Cts.
To James Avery Brigade Majr. for the expences of a Court martial on the trial of Ensn. Daniel Campbell,	56	37
To James Ayer Adjt. in full to Jany. 2nd 1796,	5	79
To James Avery Brigade Major to Decr. 31st 1795,	19	25
To David Boutell Adjt. up to Feby. 1796,	23	57
To Joseph Brigham Adjt. up to Feby. 13th 1796,	20	44
To Bethuel Boyd Adjt. up to Feby. 10th 1796,	24	33
To Francis Blake Adjt. up to Jany. 4th 1796,	30	75
To Wm. Bridge Adjt. up to Feby. 11th 1796,	7	65
To Benja. Blanchard Adjt. up to Feby. 4th 1796,	14	88
To Zacheus Bartlet Adjt. up to Feby. 2nd 1796,	44	44
To Wm. Bull Adjt. in full to Jany. 6th 1796,	14	56
To Seth Catlin Brigade Major up to Feby. 1st 1796,	59	66
To Jonathan Church Adjt. up to Jany. 4th 1796,	12	17
To William Donnisson Adjutant General for his Services up to January 1st 1796,	633	
To Medad Dickeman Adjt. in full to Feby. 8th 1796,	28	15
To Russel Dewey Adjt. up to Feby 2nd 1796,	23	86
To Stephen Dewey Brige. Majr. to Jany. 1st 1796,	44	75
To Simeon Demings Adjt. in full to Jany. 1st 1796,	13	59
To Samll. Field Adjt. in full to Feby. 1st 1796,	25	98

	Dolls.	Cts.
To Wm. Fisk Brigade Majr. to Feby 6th 1796,	18	88
To Nathel. Freeman Brig. Majr to Jany. 1, 1796,	22	12
To Josiah Gould Adj. up to Feby. 15th 1796,	10	50
To Thomas W. Goodwin Adj. to Feby. 1st 1796,	22	80
To John Gleason Jr. Adj. up to June 1st 1795,	22	75
To Epaphras Hoyt, Adj. in full to Feby. 13th 1796,	13	82
To Timothy Hopkins Adj. to Jany. 25th 1796,	16	64
To Wm. Jeffords Brigade Majr. in full to the 1st of Jany. 1796,	142	1
To Timothy Jackson Bride. Majr. to Feby. 11th 1796,	29	50
To Cyrus Keith Adj. up to Jany. 23rd 1796,	29	15
To Seth Lincoln Adj. to Sept. 21, 1795,	15	20
To Stephen Low, Adj. to Octr. 1795,	13	20
To Darius Mungar Adj. to Jany. 29th 1796,	15	50
To Volintine Martin Adj. to Jany. 6, 1796,	9	62
To John Meacham Adj. to Feby. 3rd 1796,	23	50
To Joseph Parker Jr. Adj. & Brig. Mr. <i>Pro. Tem</i> Jany. 25th 1796,	28	64
To John Punchard Adj. to the 11th of Feby. 1796,	12	11
To Daniel Pepon and Silas Whitney for Powder expended from 1789 to June 11th 1795, by order of Both Houses,	65	93
To Eliakim Phelps, Caleb Keith, & Jona. Town for their attenden[ce] at a Court of enquiry Sept. 10th 1795,	10	25
To Azariah Root Adj. to the 13 of Feby. 1796,	22	
To Phillip Russel Adj. to Jany. 8th 1796,	19	31
To Mirrick Rice Brigd. Majr to Feby. 19th 1796,	43	42
To Henry Sweet Adj. 12th of Feby. 1796,	19	91
To Samel. Smith Adj. 1st Decr. 1795,	29	44
To John Smith Brigd. Majr. to the 6th of Jany. 1796,	51	95
To Wm. Sever Brigd. Majr. to Jany. 2d 1796,	87	93
To John Spooner Adj. to Jany. 1st 1796,	12	97
To Lothrop Turner Adj. to Feby. 1st 1796,	5	60
To Abel Wilder Adj. up to Feby. 7th 1796,	21	85
To Seth White Adj. up to Feby. 3rd 1796,	24	67
To Benja. Warren Brigade Majr. in full omitted in Ro[o]l[Z] No. 31,	9	83
Also for his Services up to Jany. 1796,	55	50
To John Waterman Adj. to Jany. 1st 1796,	35	46
To Daniel Ware Adj. to Feby. 13th 1796,	19	12
To Benja. Warren Brigade Majr. for expences of a Court Martial ordered by Genl. Goodwin,	70	89
	2155	14

Miscellaneous Accts.

	Dolls.	Cts.
To Job Averill in full for his services — Taken up & allowed by order of both houses,	17	3
To John Boyles for Stationary in full to Jany. 1796,	350	71
To Ralph Bowles in full to Jany. 4th 1796 for cash payd on postage of Letters,	4	70
To Alexander Campbell for cash payed Thos. Archibald for postage on Letters,	5	81
To Hon. Thomas Dawes & Jonathan Mason Esqrs. Thirty Dollars each for settling the Accts. with the Treasurer,	60	

	Dolls.	Cts.
To Gilbert Dench for se[r]vices performed in the Trial of Wm. Hunt,	6	47
And to Isaac Clark a Witness in Said trial,	4	67
To Nathan Dane Jona. Mason & Wm. Eustis for their time & Expenc[e]s in going to Marshpee by Order of the General Court,	108	3
To Nathan Dane for settleing Treasurer Hodgsons Accts. in full,	33	8
To Thomas Edwards for settleing Treasr. Hodgdon accts. in full,	8	
To Nathan Fuller for calling an Inquisition on the body of a Woman unknown other Expenc[e]s &c.	14	58
To Samel Gore for Painting the Town house &c.	29	33
To Wm. Holiston Dept. Sheriff for services by order of the Genl. Court,	4	44
To Jonathan Hastings for postage on letters to Deer. 31st 1795,	91	60
To Samel. Laha keeper of the Hospittle on Ransforth Island,	74	55
To Ebnr. Larkin for binding 500 of the Laws of the United states — done by agreement of the Secretary,	333	33
To Joseph Nye for takeing a plan of the district of Marshpee by order of the General Court,	49	45
To Isaac Pierce Messenger to the Govr. & Council for fire Wood & other expences from Jany. 29th 1795, to Feby. 4th 1796, \$82.46, after deducting of \$60. paid said pierce by a Resolve of the Gen. Court leavs	22	46
To Elias Richardson for takeing care of the Magazine at Cambridge,	30	
To Isaac Thompson, for Expences paid for the Committee appointed to repair to the Town of Salem &c.,	10	63
To Enoch Titcomb for his Services in Settleing Treasurer Hodgsons accts. in full,	35	51
To James White for Stationary supplied the Gel. Court to the 17 Feby. 1796,	90	91
To Henry Warren for procuring a Set of Journals of the Senate of the U. States &c.,	11	
To David West for stationary to Jany. 1st 1796,	82	20
To Tho. Wallcut for Duplicate payrolls the present Session,	5	
To Doer. David Young for Doctoring sundry State Pau- pers in Brimfield,	13	17
	<hr/>	
	1496	66

Printers Accts.

	Dolls.	Cts.
To Hooker & Stebbins for publishing the Laws of the Commonwealth to Deer. 3rd 1795,	16	66

Sheriffs Accts.

	Dolls.	Cts.
To Wm. Caldwell destributeing acts returning Votes &c. up to Feby. 12th 1796,	26	6

Roll No. 33 February-1796.

	Dolls.	Cts.
Expences of state Paupers,	14110	
Expences of the Militia,	2155	14
Expence Miscellaneous,	1496	66
Sheriff's expences,	26	6
Printers expences,	16	66
	<hr/>	
Total amount,	17804	52

Read and accepted & thereupon *Resolved*, that his Excellency the Governour, with the advice of Council, be & he hereby is requested to issue his Warrant upon the Treasury, for the payment of the several persons & corporations borne on this Roll the sums set against their names respectively, amounting in the whole to the sum of Seventeen thousand eight hundred & four Dollars & fifty two Cents.

February 26, 1796.

SPEECHES AND MESSAGES,

1794-1795.

SPEECHES

OF

HIS EXCELLENCY THE GOVERNOR

AND

MESSAGES TRANSMITTED BY HIS EXCELLENCY TO THE
GENERAL COURT DURING THE LEGISLATIVE YEARS

1794-1795.

SATURDAY, May 31.

At Twelve o'clock, this day, both Branches of the Legislature being convened in the Representatives' Chamber, when the Governor came in, attended by the Secretary and Sheriff of the county, and delivered the following speech :

Fellow-Citizens of both Branches of the Legislature,

While I attempt a short but very respectful address to the two branches of this new General Court, I cannot help expressing a great satisfaction in the continuance of the right which the Citizens of the Commonwealth at large enjoy, of exercising their own sovereignty. In pursuance of the direction of our Constitution which is expressive of their will, they have again in their anniversary meetings made their free elections of such persons as they have judged meet to administer their public affairs. In this great transaction they must surely have felt their own dignity ; and however different their sentiments may have been with regard to the men of their choice, each Elector

having given his suffrage according to the dictates of his own Conscience, must enjoy the consoling reflection of having honestly done his duty. Those in whom the people have placed their confidence, it is presumed will faithfully watch over, and guard their general interests, and take care that the liberties and the sovereignty of right belonging to this Commonwealth shall suffer no diminution.

Fellow Citizens,

We are met at a very critical period. The baneful influence of war in Europe has already too far extended itself into this remote region. A war of Kings and Nobles against the equal rights of men. Their first object was to controul the common right of all civil societies, by frustrating the attempt of a magnanimous nation to establish a Constitution of Government for themselves according to their own mind: More lately the nefarious design has been to crush the new formed Republic in its infancy. But the GOD of Armies, who favors the brave in a righteous cause, has hitherto appeared for its protection, & crowned the astonishing efforts of its defenders with astonishing victories.

Great Britain takes an active part with the mighty combination of Kings. — Indeed it does not appear that she has yet made a demand on our confederate Republic to join the league. — A demand which we are well informed she has made upon some of the neutral Republicks of Europe. But, whilst we have preserved the most strict neutrality towards the belligerent powers of Europe in observance of treaties made under the authority of the United States, which are the supreme Law of the land, she, for the sake of aiding the cause in which she is so deeply engaged, has employed her naval force in committing depredations on our lawful and unprotected commerce. Thus in fact she has commenced hostilities. The Federal Government although very solicitous if possible, to prevent the calamities of war have meditated measures preparatory for the event. The papers and communications which I have received on this subject, shall be laid before you.

It was a declared intention of the people of the United States, when they adopted our present Constitution, “to form a more perfect union” — An important object indeed.

The deliberate voice of the people is commonly the voice of reason—The voice of the people ought therefore to be attended to. Union formed upon the genuine Republican principles and views of our political institutions, by combining our strength, will have a powerful tendency in a time of war to reduce an unreasonable enemy to terms of Justice, and to the re-establishment of tranquility; and in peace to secure the blessings of equal liberty to the present and future generations.

Fellow Citizens,

It is my sincere and ardent wish, and I have a strong persuasion in my own mind, that wisdom and public spirit will guide you in all your deliberations & decisions. I will endeavour seasonably to dispatch such business as you shall lay before me during this session; and at all times, to support the true dignity of this Commonwealth in the station in which I have the honor of being placed, by a vigilant attention to its essential duties.

SAMUEL ADAMS.

COMMONWEALTH OF MASSACHUSETTS, BOSTON, May 31st, 1794.

[May Session, 1794.*]

Gentlemen of the Senate & House of Representatives,

The Treasurer & Receiver General has transmitted to me a copy of an Agreement made by him with certain persons for furnishing supplies to the Garrison & Convicts on Castle island; & also his proceedings in consequence of a resolution passed the 27th of February last, directing him to receive of the Administratrix of the estate of the late Governor Hancock a note of hand signed by Michael Hillegas formerly Treasurer of the United States.

Agreeable to his request I lay before you Gentlemen his Letter with the said Copy that you may take such measures thereon as you shall judge proper.

SAML. ADAMS.

COUNCIL CHAMBER JUNE 4th, 1794.

* Not printed in previous editions.

[May Session, 1794.]

Gentlemen of the Senate and House of Representatives,

By an Act of Legislature passed on the fourteenth of March 1785 intituled “ An Act providing a place of confinement for theives and other convicts to hard labor ” it is provided “ that the island within the harbor of Boston, commonly called Castle Island, shall be a place for the reception, and secure confinement of all such persons as shall be sentenced for confinement and hard labor for the term of their natural lives, or for any shorter space pursuant to the laws of the Commonwealth.”

According to this and subsequent laws, a great number of persons have been sentenced to confinement and hard labor — there are a number of them at this time under sentences, some for the term of their lives, and others for a shorter space of time. There are particular regulations provided by the Legislature of the Commonwealth, and particular modes of discipline instituted for the Government of such convicts.

This mode of punishment has been found by experience to be of great utility, in the preservation of good order and in the producing of safety in the Commonwealth, and has a manifest tendency to render unnecessary those sanguinary punishments which are too frequently inflicted in other Governments.

The situation of our Country now calls for fortifications on our sea coasts ; and the President of the United States has communicated the Act of Congress for erecting forts in the harbor of Boston, which now lies before you. The fortification on Castle Island is very ancient, and has always been supported by this Government : It is a prison for certain purposes by Act of the Legislature of the Commonwealth which puts it out of my power, if I was disposed to do it, to deliver the controul over to any other hands. Should that place, by Act of the General Court be given over to the controul of the military department of the General Government, the Convicts under sentence must be discharged, or another place of confinement be provided for them.

No Government can assign the execution of sentences passed by it, to the officers of another Government, because such officers would be under no obligation to execute the laws of a Government of which they are totally

independent, nor can they be held amenable to it for any excesses or oppressions in their conduct.

That fortification being thus appropriated by the Legislature, and yet being convenient as a place of defence, I submit it to you, Gentlemen, to determine whether it will not be for the interest of the Commonwealth in particular, & the United States in General, to have it repaired at the expence of this Government—the expence will not be great, and the utility, if not the indispensable necessity of holding it under the controul of this State, in the same manner & for the same purposes for which it has been held for several years last past, is very obvious.

SAML ADAMS.

COUNCIL CHAMBER, June 4th, 1794.

[May Session, 1794.*]

Gentlemen of the Senate & House of Representatives,

I think it my duty to communicate to you a Letter I yesterday received from Major General Jackson, who commands the first Division of the Militia of this Commonwealth.

This Officer addressed our late Governor Hancock upon the same subject the 11th of February 1793, which he laid before the Council—They, after due consideration, informed the Governor, that they did not find themselves authorized by any Law of this Commonwealth to advise to the arrangement requested by Major General Jackson—And I do not see that the Act of Congress relative to the Militia of the United States makes any provision of that kind. I therefore submit it to you, Gentlemen, to take the matter into your consideration, & to determine thereon as you shall judge proper.

SAMUEL ADAMS.

COUNCIL CHAMBER, June 7th, 1794.

[May Session, 1794.*]

Gentlemen of the House of Representatives,

I have carefully considered a Resolve of the General Court originated in the House of Representatives on the

* Not printed in previous editions.

23d Instant, and which I received the last Evening respecting the fortifying of Castle Island, and employing the Convicts there as Labourers &c.

I expressed my Mind on this subject in a Message to the General Court without reserve at an early day of the present session. — The Resolve provides for my employing the convicts on that Island as labourers in fortifying the Garrison; but no provision is made for procuring such materials as may be necessary to render their Labours usefull.

It is intended by the Resolve, that I shall be authorized to give orders “for enabling the Engineer appointed by the President of the United States to *erect* and *repair* the works on the Island *conformably* to an Act of Congress referred to therein.” — That Act particularly makes provision “That it shall be lawfull for the President of the united States to employ, as Garrisons in the fortifications, or any of them, such of the Troops in the military establishment of the United States as he shall judge necessary.” Your Resolve before me has a proviso in the following Words — “That nothing in this Resolve shall be construed to affect, change or alienate the right of this Commonwealth to the property, or jurisdiction of the said Island.”

It appears to me, that the proviso militates with the Resolve which preceeds it; for the President is not authorized by the act of Congress to erect fortifications, unless it be done where he can place Garrisons; and where he shall place a Garrison the civil Jurisdiction of the particular State must of course be excluded.

The third Section of the Act of Congress very strongly implies that fortifications are not to be erected but on Lands ceded or granted to the United States conformably to the Constitution of the federal Government.

I am fully of opinion that every act which may involve a question of the jurisdiction of the Government of the United States, and of the Commonwealth, ought to be clear, explicit and definite; because the Harmony of the two Governments, consistent with their respective constitutions, is an object of great magnitude, and demands the carefull attention of every friend to the Union.

I am apprehensive that the President may not see cause to order the fortifying of Castle Island at the expense of the United States on any other Idea than that of his having a right to garrison it; in this I may however be mis-

taken. I now return to you the Resolve with my reasons for withholding my approbation. You will act thereon as in your own Judgment you shall see meet.

SAMUEL ADAMS.

COUNCIL CHAMBER, BOSTON, June 26, 1794.

[January Session, 1794.*]

FRIDAY, January 16.

Agreeably to assignment the Governor met the two Houses in the Representatives Chamber, and made the following Speech.

I am happy, Fellow Citizens, to meet you in General Court Assembled on the day to which, according to your request you have stood adjourned. By the Constitution the Governor with the advice of Council, during the Session of the General Court, hath full authority to adjourn them to such times as the two Branches may judge most convenient.

The People of this Commonwealth, in their declaration of rights have recorded their own opinion that the Legislature ought frequently to assemble for the redress of grievances; correcting, strengthening & confirming the Laws, & making new Laws as the common good may require — The Laws of the Commonwealth are intended to secure to each & all the Citizens their own rights & liberties, & the property which they honestly possess.

If there are any instances wherein the Laws in being are inadequate to these great & capital ends, your eye will discern the Evil, & your wisdom will provide a suitable remedy. — It shall be my endeavor as indeed it is my duty, carefully to revise & readily approve your Bills & Resolves which may be calculated for the public good —

By the late returns of the Votes for Representatives to serve the Commonwealth in Congress, there were several Districts in which no choice had been effected. I immediately issued precepts according to Law, requiring the several towns within those Districts to meet on a day now past, to compleat their Elections — I cannot but recommend to your consideration, whether it may not be necessary more effectually to guard the Elections of public Agents & officers against illegal practices. — All Elections

* Not printed in previous editions.

ought to be free; & every qualified Elector who feels his own independence as he ought, will act his part according to his best & most enlightened Judgment. Elections are the immediate acts of the people's Sovereignty, in which no foreigners should be allowed to intermeddle. — Upon free & unbiased Elections the purity of the Government & consequently the safety & welfare of the Citizens, may I not say, altogether depends.

If we continue to be a happy people, that happiness must be assured by the enacting & executing of reasonable & wise Laws expressed in the plainest Language; & by establishing such modes of Education as tend to inculcate in the minds of youth the feelings & habits of "piety, religion & morality," & to lead them to the knowledge & love of those truly Republican principles upon which our Civil institutions are founded. We have solemnly engaged ourselves, fellow Citizens, to support the Constitution of the United States, & the Constitution of this Commonwealth. This must be reconcileable in the mind of any man, who judiciously considers the sovereign rights of the one as limited to federal purposes, & the sovereign rights of the other, as acting upon & directing the internal concerns of our own Republic.

We have been under apprehension of being made a party in the desolating contest in Europe. Permit me just to observe, that the first & main principle which urged the combined powers to enter into the contest, is in my opinion unsupportable by reason & nature, & in violation of the most essential right of Nations & of Men. — The repeated Acts of violence which have been committed on the property of American Citizens, might in the opinion of some have justified Reprisals; but the policy of the Federal Government has directed to other measures. The Wisdom of our own Councils with the unexampled successes of our magnanimous Ally, the Republick of France, afford the strongest ground of hope, that under the continued smiles of Divine Providence, Peace & Tranquillity so interesting to a rising Republick will, in the end, be firmly established.

The business of Fortifying certain harbors within this Commonwealth according to an act of Congress was left unfinished in your last Session.

It is indeed probable, that the danger which produced that measure has nearly subsided; but the law still exists;

& in my opinion it cannot be carried into constitutional effect in this Commonwealth without the aid of the Legislature of the same. — I am led to this Opinion by contemplating the first article in the Constitution of the United States which establishes the powers of Congress; & which particularly authorizes them to exercise exclusive Legislation in all cases whatever, over all places *purchased by the consent of the Legislature* of the State in which the same shall be for the erection of Forts, Magazines & other publick buildings.

Those who wish to persuade the World to believe, that a free Representative Republic, cannot be supported, will no doubt make use of every art to injure & by degrees to alter & finally to eradicate the principles of our free Constitutions; but the virtuous & enlightened Citizens of this Commonwealth, & of all United America, have understanding & firmness sufficient to support those Constitutions of Civil government which they have themselves formed, & which have done them so much honor in the estimation of the World.

It is with pain that I mention the insurrection which has lately taken place in a Sister State. — It was pointed more immediately at an act of the Federal Government. An Act of that government as well as of the other Governments in the Union is constitutionally the act of the people; & our Constitutions provide a safe & easy method to redress any real grievances. No People can be more free under a Constitution established by their own voluntary compact, & exercised by men appointed by their own frequent suffrages. — What excuse then can there be for forcible opposition to the laws? If any Law shall prove oppressive in its operation, the future deliberations of a freely elective representative will afford a constitutional remedy. But, the measures adopted by the President of the United States, supported by the virtue of Citizens of every description in that & the adjacent States have prevailed & there is an end of the insurrection. Let the glory be given to him who alone governs all Events, while we express the just feelings of respect & gratitude due to all those, whom He honors as instruments to carry into effect his gracious designs.

I congratulate you on the success which the forces of the United States have lately had against the hostile Indians. It is my hearty wish, that by the blessing of

Heaven, an end may be put to this expensive War, by an agreement between the parties upon the permanent principles of Justice, Honor good Neighborhood & true Friendship.

The Constitution of this Commonwealth having provided that the General Court which shall be in the year of our Lord one thousand seven hundred & ninety five shall issue precepts for collecting the sentiments of the People in regard to its revision: And as this Court is within the year mentioned, you will be pleased to decide, whether it was intended by the people that this business should be done by the General Court which shall be Elected within that year, or whether it is your duty to attend to it.

I will lay before you several Papers transmitted to me by the Treasurer, & other matters which may occur during the Session by subsequent Messages.

SAMUEL ADAMS.

BOSTON, January 16th, 1795.

[January Session, 1794.*]

Gentlemen of the House of Representatives,

It is my duty to give you notice, lest in the midst of your important business it might escape your observation, that the establishment for the garrison at Castle island will expire the eighth of March next—Should a new establishment be omitted during this Session, you are sensible, that I shall have no power to continue the present establishment nor retain the non-commissioned officers & matrosses after the said eighth of March, & the making a draught from the Militia for the supply of their places may possibly be attended with inconvenience & delay.

SAMUEL ADAMS.

COUNCIL CHAMBER, January 28th, 1795.

[January Session, 1794.*]

Gentlemen of the House of Representatives,

I have before me a resolution of the General Court upon the petition of Joseph Denys Poyen de Roch which

* Not printed in previous editions.

originated in your House & authorizes & directs the Judge of Probate for the County of Essex to accept of several persons therein named, as good & sufficient sureties upon a grant of administration, any law to the contrary notwithstanding — The Petition alledges that he is a stranger in this Country & of course unable to procure two such freeholders as are required in cases of Administration.

It appears to me that such a resolution interferes with the Judicial Authority. If the sureties offered are sufficient, there can be no necessity of Legislative aid. If they are not sufficient, it is unreasonable they should be accepted, because the bonds are to the use & for the security of the heirs and Creditors; & the Judge of Probate is the legal & constitutional Judge of their competency — A resolve *directing* him to accept certain persons as sureties must be either on an idea that the Judge does wrong in refusing them, or that the Law must be dispensed with in this particular case. The first is an act of Judicial Authority; — the other, I conceive, to be departing from the principle of governing by general Laws. For these reasons I do not give my assent to the Resolution & therefore return it to you to act thereon as shall appear upon your further consideration just & Constitutional.

SAMUEL ADAMS.

COUNCIL CHAMBER, February 18, 1795.

SPEECHES AND MESSAGES.

1795.

WEDNESDAY, June 3.

Agreeably to appointment, the Senators and Representatives assembled together, when his Excellency the Governor came in and delivered the following speech :

Fellow Citizens,

The honor which the people have again conferred on me by a majority of their votes for a Governor of this respectable Commonwealth, while it excites the warm feeling of Gratitude in my heart, it reminds me of the arduous task I am called to undertake, and the many attentions which are requisite for a performance of the great duties of the station — Having already been qualified agreeable to the Constitution and Laws, next to a dependence upon Him who is the fountain of all wisdom, I must rely upon your candour, & that of my fellow Citizens at large.

The sovereignty of a Nation, always of right resides in the body of the People ; and while they have delegated to their freely elected Legislative the power of ex[c]ercising that sovereignty in their behalf, the Executive department, as well as the Magistrates who are appointed to render the Constitution efficient, by carrying the Laws into effect, are no less important to the people. For what avails the making of good and wholesome Laws unless they are duly executed. — As the happiness of Civil Society may in a great measure depend upon a wise and a consistent harmony between the various branches of the Government, a free communication may have a tendency to cultivate and extend the blessings of friendship and good humour. Indeed our Constituents, under whose authority and for whose benefit we are to exercise the functions of our different departments, have a right to expect

from us as their public Agents, to avow our principles and intentions, and make them acquainted with the true situation of their public affairs.

In the addresses from the Chair, while it was filled by Royal appointments, uniform attempts were made to strengthen the prerogatives of the Crown, and to bring the people obsequiously at the foot of the Throne for priviledges holden by sufferance: Surely it becomes us, in our happy state of independence, to turn our attentive minds to the great objects of securing the equal rights of the Citizens, and rendering those Constitutions which they have voluntarily established, respectable and efficacious.

Our ancestors, when under the greatest hardships and perils they opened to us the Wilderness; they took possession of, and left for us as an inheritance, one of the best Countries under the Sun. Amidst their toils and fatigue they extended their views, and early laid the foundation of Civil Liberty. Although they had in prospect, the instruction of future Youth in all literary Science, they considered morality and real goodness of heart, as the great basis upon which the best interest of a Nation could be safely laid. Under this idea, they also provided for the institutions of public worship, and the support of teachers in piety religion and morality. The great increase of our numbers & happiness is a standing witness to the world of the wisdom of their measures.— Oppressed as they were by the supercilious haughtiness of Royal prerogative, and considered as a contemptable people at a distance from the favors of the Crown, & the flattering smiles of Courtiers, their perseverance has in effect raised us, by the blessing of Providence to an exalted degree of prosperity & glory.

Fellow Citizens,

We have a regular exercise of our federal & State Governments; and we owe our unceasing gratitude to the Supreme Ruler of the Universe who safely carried us through our arduous struggle for freedom, for which other Nations are now contending at the expence of their blood and treasure. We cannot but rejoice that the principles for which we contended, and which are constitutionally established in united America, are irresistibly spreading themselves through two mighty Nations in Europe. We are now able to embrace those powerful sister Republics;

and what adds much to our joy on this occasion is, that those Nations became allied to us in an hour, when we were engaged in our hard conflict with an oppressive Tyranny.

We ardently wish that the Nations of the Earth may sheath the Sword of War, and we as ardently pray that, the equal rights of Men may go hand in hand with peace. — If our Federal Government shall with magnanimity and firmness, support the principles of a free elective Representative Government, and our honor and faith with our Allies, and yet maintain peace with all Nations, upon the principles of sound policy, and terms honorable and safe to our Country, it will be an acknowledged approximation to that perfection in practical politicks, which all people should most earnestly covet.

It is with satisfaction that I have observed the patriotic exertions of worthy citizens, to establish Academies in various parts of the Commonwealth. — It discovers a zeal highly to be commended. But while it is acknowledged, that great advantages have been derived from these Institutions, perhaps it may be justly apprehended, that multiplying them may have a tendency to injure the ancient and beneficial mode of education in town Grammar Schools. — The peculiar advantage of such Schools is, that the poor and the rich may derive equal benefit from them; but none excepting the more wealthy, generally speaking, can avail themselves of the benefits of the Academies. Should these institutions detach the attention and influence of the wealthy, from the generous support of town Schools, is it not to be feared that usefull learning, instruction and social feelings in the early part of life, may cease to be so equally, and universally disseminated as it has heretofore been. I have thrown out these hints with a degree of diffidence in my own mind. You will take them into your consideration if you shall think them worthy of it. — In support of the public Schools from whence have flowed so many and great benefits, our University has from its infancy furnished them with well educated and fit persons to fill the places of Instructors; and they in return have yearly brought forward fit pupils for the further instruction of the University. — The University therefore, claims a place among the first attentions of the Public.

The Citizens of the Commonwealth have lately had be-

fore them a question of the expediency of revising at this period the form of our present Constitution. — The conduct of the Citizens on this occasion, has given full proof, that an enlightened, free, and virtuous people can as a Body, be the keepers of their own liberties, and the Guardians of their own rights. On which side soever the question may have been decided, I have the pleasure of being informed that it has been discussed with propriety, calmness and deliberation. If the event should be in favor of a Convention, a future revision may be made at such period as may be most fit and convenient, and there may be opportunity in the mean time for the Citizens, at their leisure, to make their own remarks upon the Constitution in its operation, and thus prepare themselves for cool deliberation at another revision. — Should the determination be otherwise, I think it will clearly follow, that the Citizens are happy under the present Constitution, and that they feel themselves well assured, that if there should be a future necessity for it, they can in a peaceable and orderly manner revise, alter and amend it at their pleasure.

A complete, perfect and permanent system of Jurisprudence, is one of the greatest blessings which our Country can possess. To have justice administred promptly & without delay, is to gather the best fruits of a free and regular Government. Uncorrupted Juries are an effectual guard against the violations of our rights and property. Having an Executive annually elected, and the Legislative elected as often; the one branch of which is the grand inquest of the Commonwealth, and the other branch to be constituted a Court, as there may be occasion, to try and determine upon impeachments, we may be secured against partiality in the fountain and corruption in the streams of justice. The Legislative will examine all the machinery, by which the Government acts: Too frequent speculative experiments may tend to render the motions unsteady, and to annex insecurity to property. Where there are no radical defects, a long exercise of Judicial authority in any particular mode, brings the feelings of the people in unison with it, and fixes habits to which they have been accustomed.

While we expect from our Judges and Magistrates and other civil Officers that Justice be administred with alacrity and impartiality, should we not be careful that ample Justice be done to them. The Administration of

justice should indeed be without oppressive or unnecessary expences on the People ; but the Ministers of Justice should have an equitable reward for their services. If therefore from accident or peculiar or temporary circumstances, the established Rewards are inadequate, I doubt not but you will determine, that what is fit and proper will be done. The Executive should be enabled to find Men of superior knowledge and integrity who may be inclined to fill the important places in the Civil Departments, as they shall become vacant. On such appointments the dignity and just authority of the Government very materially depends.

The Legislative will no doubt continue to guard the public credit by adequate provisions for discharging the interest and finally sinking the principal of our public debt. The sale of our vacant lands, and the debts due to the Treasury will contribute to ease the people from too great a burthen of direct taxes. The Treasurer's statements will ascertain the demands necessary for the ensuing year.

I must entreat you to give me opportunity to revise such Bills and Resolves as you may think proper to lay before me, to which I shall cheerfully attend, and to do all within my power to dispatch the public business, and render the session agreeable to you, and beneficial to the Commonwealth.

Let us, Fellow Citizens, cultivate a due observance of the Laws which are Constitutionally made by the Authority of this Government ; as well as those of the Federal Government, agreeable to the Constitution of the United States. — Let us transmit our Liberties, our equal rights, our Laws, & our free republican Constitutions, with their various concomitant blessings to those who are coming upon the stage of action, and hope in GOD, that they will be handed down in purity and energy, to the latest posterity.

SAML. ADAMS.

[May Session, 1795.*]

Gentlemen of the Senate & House of Representatives,

I think it my duty to acquaint you that an uncommon and growing increase of the price of the necessaries of

* Not printed in previous editions.

Life, and particularly of the article of Bread, as I have been informed, has given general uneasiness, and it falls heaviest upon the poor. If you think it proper to take this matter into your Consideration, I am persuaded you will devise such measures if practicable to be done by this Government, to remedy the Evil.

SAMUEL ADAMS.

COUNCIL CHAMBER, BOSTON, June 5th, 1795.

[May Session, 1795.*]

Gentlemen of the Senate and House of Representatives,

Yesterday I directed the Secretary to lay before you the resignation of Major General Lithgow of the Eighth Division of the Militia of the Commonwealth. As the Law requires that every officer shall be held to do his duty until discharged by the Commander in chief, I am therefore now to acquaint you that I have accepted his resignation and he is discharged accordingly.

SAMUEL ADAMS.

COUNCIL CHAMBER, June 12th, 1795.

[May Session, 1795.*]

Gentlemen of the Senate & House of Representatives,

Having received a representation from Brigadier General Campbell that a new Division may be formed out of the Eighth Division of the Militia of this Commonwealth; I laid the same before the Council for their advice: The Council advised that a Division be formed accordingly, to comprehend the Counties of Hancock and Washington, as the lines of the same now are.

I have thereupon ordered that the said Division be formed; you will be pleased therefore to elect a Major General according to the Constitution of this Commonwealth.

SAMUEL ADAMS.

COUNCIL CHAMBER, BOSTON, June 17th, 1795.

* Not printed in previous editions.

[May Session, 1795.*]

Gentlemen of the Senate and House of Representatives,

Having received late on Saturday afternoon last, official Information from the Consul of the French Republick, that a Vessel had anchored within this Harbour, last from New Providence, and that there was reason to suspect, that she was a concealed foreign Privateer, I immediately gave orders to a proper officer to make diligent enquiry into the cause of suspicion and report the same to me, that I might consider what measures, I ought to take thereon: Very late in the Evening, I was informed, that an outrageous assembly of Men had dismasted the Vessel, and thrown the Cargo, then on board into the Sea, and soon after between ten and Eleven OClock, and not till then, a Man came to my House, and said that he was Commander of the Vessel and that his whole property was destroyed by the said Persons assembled as aforesaid. On the next day I summoned the Council, and asked their Advice. They advised me to issue a Proclamation immediately; altho' it was not in the power of the Governour and Council to offer a suitable Reward to such persons that might discover and bring to Justice any person or persons concerned in so dangerous a proceeding.

You alone have the disposal of the public Monies, and I refer it to you to judge whether a suitable Reward is necessary to give strength to the Proclamation. You will determine thereon as your wisdom shall direct.

SAMUEL ADAMS.

COUNCIL CHAMBER, BOSTON, June 22d, 1795.

[January Session, 1795.]

TUESDAY, January 19.

Agreeably to assignment, the Two Branches convened in the Representatives' Chamber, and at 12 o'clock, His Excellency the Governor came in and delivered the following Address.

Fellow Citizens,

I cannot but congratulate you upon the many Blessings which the bountiful hand of Providence has bestowed upon us since your adjournment.

* Not printed in previous editions.

We with our Fellow Citizens at large have observed a day solemnly to recognize these blessings; and if sincere obedience to our gracious Benefactor, shall accompany the gratitude which we then professed, we may humbly rely upon him that he will continue his divine favors to the Citizens at large, & direct the public Councils of our Nation & Commonwealth to such measures as shall be productive of the safety and welfare of all.

In my former address to this General Court I mentioned the duty required by the Constitution, frequently to revise the laws, & amend such of them as may still be necessary to secure the lives, liberties & property of the Citizens—the importance of civil commutative Justice, and the good policy of making adequate compensations to those who administer well—and the great advantages of cherishing the interests of Literature & the Sciences, and all Seminaries of them among the body of the People. Upon these I shall not now enlarge.

Agriculture and Commerce mutually depend upon each other. As foreign Markets are supplied from our Feilds, it is an object of importance, that the transportation of heavy articles, and means of communication from one part of the State to another, may be rendered as easy and cheap as the nature of the Country will admit. By the spirit of enterprize, which so remarkably animates the Citizens, countenanced by the Legislature, much has been done and is still doing in various parts of the Commonwealth.

The improvement of arts and manufactures is of interesting moment. The encouragement of such Manufactures *in particular*, as will deminish the consumption of foreign articles, and exhibit a real balance of trade in our favor, is the common concern of the whole Union.—Such encouragement as will spread the spirit of Industry individually through the body of the people, will tend to encrease their happy feelings of Independence, & give them an exalted idea of *the truly noble* character of Free Citizens. Industry naturally leads to sobriety of sentiment, rectitude of manners, a due observance of wise and constitutional laws, and of course to public and private Virtue.

Fellow Citizens,

It is wisdom often to recur to first principles—The people of this Commonwealth, as well as those of the

United States have voluntarily formed such Constitutions of Government, as they have judged well adapted to secure their own political safety. These Constitutions are founded upon the same principles; and they avow the great and fundamental political truth, that all power is derived from the people. As these & all new forms of Government, which recognize principles never reduced to practice until the period of our illustrious Revolution must be in their nature *experiments*, the provision of a peaceable & constitutional remedy for such defects as experience may point out is with great propriety established in our State & National Governments. The Citizens of this Commonwealth have lately discovered their acquiescence under their Constitution as it now stands. But it still remains recorded in our Declaration of rights, that the people alone have an incontestable, unalienable & indefeasible right to institute Government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness requires it. And the Federal Constitution according to the mode prescribed therein, has already undergone such amendments in several parts of it, as from *experience* has been judged necessary.

The Government of the United States is entrusted solely with such powers as regard our safety as a Nation; & all powers not given to Congress by the Constitution, remain in the individual States and the people. — In all good Governments, the Legislative, Executive and Judiciary powers are confined within the limits of their respective Departments. If therefore it should be found that the Constitutional rights of our Federal and Local Govern[*n*]ments should on either side be infringed, or that either of the Departments aforesaid should interfere with another, it will, if continued, essentially alter the Constitution, and may in time, I hope far distant, be productive of such convulsions as may shake the political ground, upon which we now happily stand.

Under these impressions, I cannot forbear to mention to you a subject which has lately arrested the public attention, and employed the pens of ingenious men of different sentiments concerning it. In discussing a subject so exceedingly momentous as a National Treaty, no personal attachment or prejudice, no private or selfish feelings, no arts of deception should be suffered to intermingle: Truth should be the object, and reason the guide.

By the Constitution of the United States, it is provided that all Legislative powers therein granted, shall be vested in a Congress to consist of a Senate and House of Representatives; these several branches have, and exercise a positive negative upon each other: No Legislative act therefore can pass without their joint concurrence. But in another part of the Constitution, under the head of Executive, the President has the power with the advice and consent of the Senate, *provided* two thirds of the Senate present concurs, to make Treaties; and all Treaties which are made, or shall be made under the authority of the United States, shall be among the supreme laws of the land; the Senate therefore partakes with the Executive so far as to advise and consent; but the most popular branch of Congress has no concern therein. I do earnestly recommend to you, to turn your attention to those parts of the Constitution, at least, which relate to the Legislative and Executive powers, and judge for yourselves, whether they may not be construed to militate with each other, and lead to an absurd conclusion, that there actually exists in the Government of the United States, two distinct and decisive Legislatures.

I am far from being desirous that unnecessary alterations of our Constitutions should be proposed; but it is of great consequence to the liberties of a Nation to review its civil Constitution, and compare the practice of its Administrators with the essential principles upon which it is founded. We, Fellow Citizens, are under the strongest obligations from the solemnity of our mutual Compacts, and even our sacred oaths, with a watchful eye at every point to defend and support our Constitutions; and to strengthen the essential principles upon which they are founded, when it shall become needful, falls in my opinion within those solemn obligations.

I hope that what I am now about to say will not be deemed improper.

I have been accustomed to speak my mind upon matters of great moment to our common Country with freedom; and every citizen of the United States has the same right that I have. I may never hereafter have an opportunity of publicly expressing my opinion on the Treaty lately made with the Court of London; I am therefore constrained with all due respect to our constituted Authorities to declare, that the Treaty appears to me to be pregnant

with Evil. It controuls some of the powers specially vested in Congress for the security of the people; and I fear it may restore to Great Britain such an influence over the Government and People of this Country, as may not be consistent with the general welfare. This subject however it is expected will come before the Congress whose immediate province it is to discuss it, and to determine, so far as it may be in their power, as they shall think for the safety and welfare of the people.

I shall use my best endeavour, to dispatch the business which you shall lay before me. And it is my cordial wish that all your decisions may tend to the prosperity of the Commonwealth, and afford to you the most agreeable reflections.

SAMUEL ADAMS.

Boston, January 19th, 1796.

[January Session, 1795.*]

Gentlemen of the Senate and House of Representatives,

I think it my duty to remind you that there is in the Custody of the Treasurer, by order of the General Court in the year 1783, a Bond signed by one Samuel Ely as principal together with two sureties, one Condition whereof is, that the said Ely depart this Commonwealth not to return without leave first had and obtained of the General Court; notwithstanding which he hath returned without such leave and resides at a place called Duck Trap, as I am informed, within the County of Hancock where, as it appears, by information now before the Supreme Executive that he is at least strongly suspected to be advising and aiding in promoting the disturbances in said County.

I address you at this time that you may take these matters into your Consideration and determine as you may think proper whether it is now expedient to give your orders that the Bond aforesaid may be put in suit by the Attorney General which I conceive cannot be done but by the Authority of the General Court.

SAMUEL ADAMS.

COUNCIL CHAMBER, BOSTON, Feby. 24, 1796.

* Not printed in previous editions.

[January Session, 1795.*]

Gentlemen of the Senate & House of Representatives,

By virtue of an act passed in the year 1790 authorizing the Governor & Council to fill up vacancies that may happen among the officers of Excise during the recess of the General Court. In pursuance of the said act I have with the advice of Council filled up a number of such vacancies, a list of which I subjoin — You will be pleased to act thereon as you shall judge proper.

SAMUEL ADAMS.

COUNCIL CHAMBER, Feb. 27, 1796.

WILLIAM PARKMAN — Middlesex.

SAMUEL ALLEN — Worcester.

JONATHAN JUDD — Hampshire.

WILLIAM GARDNER — Plymouth.

* Not printed in previous editions.

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